

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1235 Session of  
2008

INTRODUCED BY REGOLA, WASHINGTON, SCARNATI, EARLL, PICCOLA,  
KITCHEN, D. WHITE, ROBBINS, EICHELBERGER, RHOADES AND  
WOZNIAK, JANUARY 14, 2008

REFERRED TO JUDICIARY, JANUARY 14, 2008

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for the  
3 chemical treatment of certain sex offenders.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 42 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 9718.4. Chemical treatment of certain sex offenders.

9 (a) Determination.--A person convicted of any of the  
10 following offenses under 18 Pa.C.S. (relating to crimes and  
11 offenses) in which the victim is a child 16 years of age and  
12 under shall, prior to sentencing, be committed to the custody of  
13 the Department of Corrections to undergo an evaluation by a  
14 qualified, licensed psychiatrist who shall notify the court  
15 whether that person is an appropriate candidate to undergo  
16 medically safe medroxyprogesterone acetate treatment or its  
17 chemical equivalent or other appropriate, medically safe drug  
18 treatment that reduces sexual fantasies, sex drive or both:

1           (1) Section 3121 (relating to rape).

2           (2) Section 3123 (relating to involuntary deviate sexual  
3 intercourse).

4           (3) Section 3124.1 (relating to sexual assault).

5           (4) Section 3124.2 (relating to institutional sexual  
6 assault).

7           (5) Section 3125 (relating to aggravated indecent  
8 assault).

9           (6) Section 3126 (relating to indecent assault).

10          (7) Section 4302 (relating to incest).

11          (b) Order.--If a person is determined to be an appropriate  
12 candidate under subsection (a), the court:

13           (1) For a first or subsequent offense, shall order  
14 treatment if the person was convicted of one of the offenses  
15 under subsection (a)(1), (2) or (5).

16           (2) For a first offense, may order treatment if the  
17 person was convicted of one of the offenses under subsection  
18 (a)(3), (4), (6) or (7).

19           (3) For a second or subsequent offense, shall order  
20 treatment if the person was convicted of one of the offenses  
21 under subsection (a)(3), (4), (6) or (7).

22          (c) Administration.--Treatment under this section shall  
23 occur under the supervision of the entity charged with  
24 supervision of the person. Treatment shall be administered by  
25 the Department of Corrections or one of its agents and shall be  
26 paid for, to the extent possible, by the person receiving the  
27 treatment. The Department of Corrections, at the expense of the  
28 Commonwealth, may provide for the reduction, deferral or waiver  
29 of payment if the person is financially unable to pay for the  
30 treatment.

1     (d) Initiation.--Treatment under this section must begin at  
2     least two months prior to the person being released or released  
3     on parole from a State or county correctional institution or  
4     immediately upon the commencement of a sentence of intermediate  
5     punishment or probation.

6     (e) Notice.--Prior to beginning treatment under this  
7     section, a person must be fully, medically informed of the  
8     effects, including known side effects, of the treatment. The  
9     person subject to treatment shall acknowledge receipt of this  
10    information in writing.

11    (f) Testing.--A person subject to treatment under this  
12    section shall undergo random testing at least three times during  
13    each 12-month period as directed by the supervising entity under  
14    subsection (c), in order to assist in determining the  
15    effectiveness of the treatment and to enforce the conditions of  
16    the sentence. Failure to report for testing as directed shall be  
17    considered a violation of the terms and conditions of the  
18    person's sentence, and the person shall be sentenced to a term  
19    of imprisonment of not less than ten years.

20    (g) Duration.--Treatment under this section shall continue  
21    until the court determines, by clear and convincing evidence,  
22    that treatment is no longer necessary or appropriate for the  
23    affected person.

24    (h) Continuation.--Failure to continue treatment as ordered  
25    by the court shall constitute a violation of the terms and  
26    conditions of the sentence and the person shall be sentenced to  
27    a term of imprisonment of not less than ten years.

28    (i) Alternative treatment.--A person determined to be an  
29    appropriate candidate under subsection (a) may voluntarily  
30    choose to undergo surgical castration as an alternative to

1 chemical treatment. The costs for the surgery shall be borne, to  
2 the extent possible, by the person choosing to undergo the  
3 surgery. The Department of Corrections, at the expense of the  
4 Commonwealth, may provide for the reduction, deferral or waiver  
5 of payment if the person choosing the surgery is financially  
6 unable to pay the costs.

7 (j) State employee.--A State employee who is a professional  
8 medical person may not be compelled against the State employee's  
9 wishes to administer treatment under this section.

10 Section 2. The addition of 42 Pa.C.S. § 9718.4 shall apply  
11 to persons convicted, on or after the effective date of this  
12 section, of any of the offenses enumerated in 42 Pa.C.S. §  
13 9718.4(a) in which the victim is a child 16 years of age and  
14 under.

15 Section 3. This act shall take effect in 60 days.