
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1625 Session of
2009

INTRODUCED BY SIPTROTH, BAKER, BARRAR, BEAR, BEYER, BRENNAN,
CARROLL, CUTLER, DALLY, EVERETT, FLECK, GEIST, GEORGE,
GINGRICH, GOODMAN, GRUCELA, HARRIS, HENNESSEY, HESS,
HICKERNELL, HORNAMAN, KOTIK, MANN, MILNE, MURT, PETRARCA,
PYLE, QUINN, READSHAW, REICHLEY, ROCK, SANTONI, SCAVELLO,
SWANGER, TRUE, VULAKOVICH, WATERS, WATSON AND YOUNGBLOOD,
JUNE 5, 2009

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 5, 2009

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, further providing for indecent assault; and further
4 defining "aggravated circumstances."

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

7 Section 1. Section 3126(b) of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 3126. Indecent assault.

10 * * *

11 (b) Grading.--Indecent assault [shall be graded as follows:

12 (1) An offense under subsection (a)(1) or (8) is a
13 misdemeanor of the second degree.

14 (2) An offense under subsection (a)(2), (3), (4), (5) or
15 (6) is a misdemeanor of the first degree.

16 (3) An offense under subsection (a)(7) is a misdemeanor

1 of the first degree unless any of the following apply, in
2 which case it is a felony of the third degree:

3 (i) It is a second or subsequent offense.

4 (ii) There has been a course of conduct of indecent
5 assault by the person.

6 (iii) The indecent assault was committed by touching
7 the complainant's sexual or intimate parts with sexual or
8 intimate parts of the person.

9 (iv) The indecent assault is committed by touching
10 the person's sexual or intimate parts with the
11 complainant's sexual or intimate parts.] under subsection
12 (a) (7) or (a) (8) is a felony of the third degree.

13 Otherwise, indecent assault is a misdemeanor of the first
14 degree.

15 Section 2. The definition of "aggravated circumstances" in
16 section 6302 of Title 42 is amended to read:

17 § 6302. Definitions.

18 The following words and phrases when used in this chapter
19 shall have, unless the context clearly indicates otherwise, the
20 meanings given to them in this section:

21 "Aggravated circumstances." Any of the following
22 circumstances:

23 (1) The child is in the custody of a county agency and
24 either:

25 (i) the identity or whereabouts of the parents is
26 unknown and cannot be ascertained and the parent does not
27 claim the child within three months of the date the child
28 was taken into custody; or

29 (ii) the identity or whereabouts of the parents is
30 known and the parents have failed to maintain substantial

1 and continuing contact with the child for a period of six
2 months.

3 (2) The child or another child of the parent has been
4 the victim of physical abuse resulting in serious bodily
5 injury, sexual violence or aggravated physical neglect by the
6 parent.

7 (3) The parent of the child has been convicted of any of
8 the following offenses where the victim was a child:

9 (i) criminal homicide under 18 Pa.C.S. Ch. 25
10 (relating to criminal homicide);

11 (ii) a felony under 18 Pa.C.S. § 2702 (relating to
12 aggravated assault), 3121 (relating to rape), 3122.1
13 (relating to statutory sexual assault), 3123 (relating to
14 involuntary deviate sexual intercourse), 3124.1 (relating
15 to sexual assault) or 3125 (relating to aggravated
16 indecent assault).

17 (iii) [A misdemeanor] An offense under 18 Pa.C.S. §
18 3126 (relating to indecent assault).

19 (iv) An equivalent crime in another jurisdiction.

20 (4) The attempt, solicitation or conspiracy to commit
21 any of the offenses set forth in paragraph (3).

22 (5) The parental rights of the parent have been
23 involuntarily terminated with respect to a child of the
24 parent.

25 * * *

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