

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2576 Session of  
2010

INTRODUCED BY SHAPIRO, VEREB, BAKER, BELFANTI, BOYD, BRADFORD,  
BRENNAN, CARROLL, CHRISTIANA, CLYMER, CUTLER, DePASQUALE,  
FLECK, GERBER, GOODMAN, GROVE, HARHART, HARPER, HARRIS,  
HICKERNELL, HOUGHTON, KORTZ, KULA, MANN, MICOZZIE, MILLARD,  
M. O'BRIEN, O'NEILL, PASHINSKI, PYLE, READSHAW, ROCK,  
SIPTROTH, K. SMITH, M. SMITH, SWANGER, TRUE, VULAKOVICH,  
WAGNER, WATSON, EVERETT, OBERLANDER, BRIGGS, BEYER, KILLION,  
GILLESPIE, MOUL, RAPP, DALEY, MILNE, FARRY, PETRARCA, MURT,  
MUNDY, BROWN, GINGRICH AND DEASY, JUNE 14, 2010

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 24, 2010

## AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for institutional  
3 sexual assault.

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

6 ~~Section 1. Section 3124.2(b) of Title 18 of the Pennsylvania~~ ←  
7 ~~Consolidated Statutes is amended and the section is amended by~~  
8 ~~adding subsections to read:~~

9 SECTION 1. SECTION 3124.2 OF TITLE 18 OF THE PENNSYLVANIA ←  
10 CONSOLIDATED STATUTES IS AMENDED TO READ:

11 § 3124.2. Institutional sexual assault.

12 \* \* \* ←

13 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SECTIONS 3121 ←  
14 (RELATING TO RAPE), 3122.1 (RELATING TO STATUTORY SEXUAL

1 ASSAULT), 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL  
2 INTERCOURSE), 3124.1 (RELATING TO SEXUAL ASSAULT) AND 3125  
3 (RELATING TO AGGRAVATED INDECENT ASSAULT), A PERSON WHO IS AN  
4 EMPLOYEE OR AGENT OF THE DEPARTMENT OF CORRECTIONS OR A COUNTY  
5 CORRECTIONAL AUTHORITY, YOUTH DEVELOPMENT CENTER, YOUTH FORESTRY  
6 CAMP, STATE OR COUNTY JUVENILE DETENTION FACILITY, OTHER  
7 LICENSED RESIDENTIAL FACILITY SERVING CHILDREN AND YOUTH, OR  
8 MENTAL HEALTH OR MENTAL RETARDATION FACILITY OR INSTITUTION  
9 COMMITS A FELONY OF THE THIRD DEGREE WHEN THAT PERSON ENGAGES IN  
10 SEXUAL INTERCOURSE, DEVIATE SEXUAL INTERCOURSE OR INDECENT  
11 CONTACT WITH AN INMATE, DETAINEE, PATIENT OR RESIDENT.

12 ~~(a.1) Schools. Except as provided in sections 3121, 3122.1,~~ ←

13 ~~(A.1) SCHOOLS.--~~ ←

14 ~~(1) EXCEPT AS PROVIDED IN SECTIONS 3121, 3122.1, 3123,~~

15 ~~3124.1 and 3125, a person who is A VOLUNTEER OR an employee~~ ←

16 ~~of a public or private school, intermediate unit or area~~

17 ~~vocational-technical school, including, but not limited to, a~~ ←

18 ~~teacher, substitute teacher, janitor, cafeteria worker,~~

19 ~~counselor, volunteer, coach, trainer or independent~~

20 ~~contractor, commits a felony of the third degree when he~~

21 ~~engages in sexual intercourse, deviate sexual intercourse or~~

22 ~~indecent contact with a student of the school who is younger~~

23 ~~than 18 years of age at the time of the sexual intercourse,~~ ←

24 ~~deviate sexual intercourse or indecent contact. A conviction~~

25 ~~under this subsection shall also constitute a bar to~~

26 ~~employment under section 111 of the act of March 10, 1949~~

27 ~~(P.L.30, No.14), known as the Public School Code of 1949.~~

28 ~~(2) AS USED IN THIS SUBSECTION, THE TERM "EMPLOYEE"~~ ←

29 ~~SHALL INCLUDE, BUT NOT BE LIMITED TO, A TEACHER, SUBSTITUTE~~

30 ~~TEACHER, JANITOR, CAFETERIA WORKER, COUNSELOR, COACH,~~

ATHLETIC TRAINER OR INDEPENDENT CONTRACTOR.

(a.2) Child-care.--Except as provided for in sections 3121,  
3122.1, 3123, 3124.1 and 3125, a person who is a volunteer or an  
employee of child care services, as defined in 23 Pa.C.S. § 6303  
(relating to definitions), A CENTER FOR CHILDREN commits a  
felony of the third degree when he engages in sexual  
intercourse, deviate sexual intercourse or indecent contact with  
a child receiving child care services under his supervision who  
is younger than 18 years of age at the time of the sexual  
intercourse, deviate sexual intercourse or indecent contact WHO  
IS RECEIVING SERVICES AT THE CENTER.

(b) [Definition.--As used in this section, the term "agent"  
means a person who is assigned to work in a State or county  
correctional or juvenile detention facility, a youth development  
center, youth forestry camp, other licensed residential facility  
serving children and youth, or mental health or mental  
retardation facility or institution who is employed by any State  
or county agency or any person employed by an entity providing  
contract services to the agency.] Definitions.--As used in this  
section, the following words and phrases shall have the meanings  
given to them in this subsection unless the context clearly  
indicates otherwise:

"Agent." A person who is assigned to work in a State or  
county correctional or juvenile detention facility, a youth  
development center, youth forestry camp, other licensed  
residential facility serving children and youth or mental health  
or mental retardation facility or institution, who is employed  
by any State or county agency or any person employed by an  
entity providing contract services to the agency.

"CENTER FOR CHILDREN." INCLUDES A CHILD DAY-CARE CENTER,

1 GROUP AND FAMILY DAY-CARE HOME, BOARDING HOME FOR CHILDREN, A  
2 CENTER PROVIDING EARLY INTERVENTION AND DRUG AND ALCOHOL  
3 SERVICES FOR CHILDREN OR OTHER FACILITY WHICH PROVIDES CHILD-  
4 CARE SERVICES WHICH ARE SUBJECT TO APPROVAL, LICENSURE,  
5 REGISTRATION OR CERTIFICATION BY THE DEPARTMENT OF PUBLIC  
6 WELFARE OR A COUNTY SOCIAL SERVICES AGENCY OR WHICH ARE PROVIDED  
7 PURSUANT TO A CONTRACT WITH THE DEPARTMENT OR A COUNTY SOCIAL  
8 SERVICES AGENCY. THE TERM DOES NOT INCLUDE A YOUTH DEVELOPMENT  
9 CENTER, YOUTH FORESTRY CAMP, STATE OR COUNTY JUVENILE DETENTION  
10 FACILITY AND OTHER LICENSED RESIDENTIAL FACILITY SERVING  
11 CHILDREN AND YOUTH.

12 "Independent contractor." A person who has a contract with a  
13 public or private school, intermediate unit or area vocational-  
14 technical school for the purpose of performing a service for the  
15 public or private school, intermediate unit or area vocational-  
16 technical school.

17 Section 2. This act shall take effect in 60 days.