
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2691 Session of
2018

INTRODUCED BY RABB, SOLOMON, SCHLOSSBERG, STURLA, BERNSTINE,
ROZZI, CALTAGIRONE, ROEBUCK, MACKENZIE, FRANKEL, DALEY,
McCLINTON, SIMS, DONATUCCI, FITZGERALD, TOOHL, DeLISSIO,
DAVIS, McCARTER, TAI, MADDEN, THOMAS, SCHWEYER AND DEAN,
OCTOBER 3, 2018

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 3, 2018

AN ACT

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

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

6 Section 1. Section 3124.2(a), (a.1) and (b) of Title 18 of
7 the Pennsylvania Consolidated Statutes are amended to read:

8 § 3124.2. Institutional sexual assault.

9 (a) General rule.--Except as provided under subsection (a.1)
10 and in sections 3121 (relating to rape), 3122.1 (relating to
11 statutory sexual assault), 3123 (relating to involuntary deviate
12 sexual intercourse), 3124.1 (relating to sexual assault) and
13 3125 (relating to aggravated indecent assault), a person who is
14 an employee or agent of the Department of Corrections or a
15 county correctional authority, youth development center, youth
16 forestry camp, State or county juvenile detention facility,
17 other licensed residential facility serving children and youth,

1 or mental health or [mental retardation] intellectual disability
2 facility or institution or a peace officer commits a felony of
3 the third degree when that person engages in sexual intercourse,
4 deviate sexual intercourse or indecent contact with [an inmate,
5 detainee, patient or resident.] any of the following:

6 (1) An inmate, detainee, patient or resident.

7 (2) Another person who is in the custody of a peace
8 officer or presumed to be in the custody of a peace officer.

9 (a.1) Institutional sexual assault of a minor.--A person who
10 is an employee or agent of the Department of Corrections or a
11 county correctional authority, youth development center, youth
12 forestry camp, State or county juvenile detention facility,
13 other licensed residential facility serving children and youth
14 or mental health or [mental retardation] intellectual disability
15 facility or institution or a peace officer commits a felony of
16 the third degree when that person engages in sexual intercourse,
17 deviate sexual intercourse or indecent contact with [an inmate,
18 detainee, patient or resident who is under 18 years of age.] any
19 of the following who is under 18 years of age:

20 (1) An inmate, detainee, patient or resident.

21 (2) Another person who is in the custody of a peace
22 officer or presumed to be in the custody of a peace officer.

23 * * *

24 (b) Definitions.--As used in this section, the following
25 words and phrases shall have the meanings given to them in this
26 subsection unless the context clearly indicates otherwise:

27 "Agent." A person who is assigned to work in a State or
28 county correctional or juvenile detention facility, a youth
29 development center, youth forestry camp, other licensed
30 residential facility serving children and youth or mental health

1 or [mental retardation] intellectual disability facility or
2 institution, who is employed by any State or county agency or
3 any person employed by an entity providing contract services to
4 the agency.

5 "Center for children." Includes a child day-care center,
6 group and family day-care home, boarding home for children, a
7 center providing early intervention and drug and alcohol
8 services for children or other facility which provides child-
9 care services which are subject to approval, licensure,
10 registration or certification by the Department of [Public
11 Welfare] Human Services or a county social services agency or
12 which are provided pursuant to a contract with the department or
13 a county social services agency. The term does not include a
14 youth development center, youth forestry camp, State or county
15 juvenile detention facility and other licensed residential
16 facility serving children and youth.

17 "Custody." The state of being detained by a peace officer,
18 including being questioned, handcuffed or arrested by a peace
19 officer or inside a vehicle designed for law enforcement
20 purposes.

21 "Peace officer." As defined in section 501 (relating to
22 definitions).

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