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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2709 Session of  
2020

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INTRODUCED BY McCLINTON, RABB, BURGOS, GALLOWAY, HOHENSTEIN,  
HANBIDGE, CEPHAS, ULLMAN, DELLOSO, KINSEY, HILL-EVANS, LEE,  
KIRKLAND, HOWARD, DALEY, SANCHEZ, SCHWEYER, GREEN, YOUNGBLOOD  
AND MADDEN, JULY 30, 2020

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REFERRED TO COMMITTEE ON JUDICIARY, JULY 30, 2020

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AN ACT

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

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

6 Section 1. Title 18 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 3124.4. Sexual assault by police officer.

9 (a) Peace officer.--Except as provided in sections 3121  
10 (relating to rape), 3122.1 (relating to statutory sexual  
11 assault), 3123 (relating to involuntary deviate sexual  
12 intercourse), 3124.1 (relating to sexual assault) and 3125  
13 (relating to aggravated indecent assault), a person who is a  
14 peace officer commits a felony of the third degree when that  
15 person engages in sexual intercourse with a person who is:

16 (1) being investigated by the peace officer;

17 (2) under arrest; or

1           (3) otherwise in official detention.

2           (b) Employment.--A person convicted for a violation of this  
3 section shall have the person's employment terminated and shall  
4 not be eligible to be rehired or employed as a peace officer  
5 with any jurisdiction in this Commonwealth or by the Department  
6 of Corrections or any county correctional authority, youth  
7 development center, youth forestry camp, State or county  
8 juvenile detention facility, other residential facility serving  
9 children, mental health facility or a facility serving persons  
10 with intellectual disabilities.

11           (c) Consent.--Consent of the victim shall not be a defense  
12 to a prosecution for a violation under this section.

13           (d) Definitions.--As used in this section, the following  
14 words and phrases shall have the meanings given to them in this  
15 subsection:

16           "Official detention." As defined in 18 Pa.C.S. § 5121(e)  
17 (relating to escape).

18           "Peace officer." As defined in 18 Pa.C.S. § 501 (relating to  
19 definitions).

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