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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1075 Session of  
2020

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INTRODUCED BY ARNOLD, MUTH, MARTIN, BARTOLOTTA, SANTARSIERO,  
YAW, MENSCH, SCAVELLO, STEFANO AND AUMENT, APRIL 13, 2020

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REFERRED TO JUDICIARY, APRIL 13, 2020

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AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, in minors, further providing for the offense of  
4 sexual abuse of children; and, in sentencing, further  
5 providing for sentencing for offenses involving sexual abuse  
6 of children.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 6312(d.1) of Title 18 of the Pennsylvania  
10 Consolidated Statutes is amended to read:

11 § 6312. Sexual abuse of children.

12 \* \* \*

13 (d.1) Grading.--The offenses shall be graded as follows:

14 (1) Except as provided in paragraph (3), an offense  
15 under subsection (b) is a felony of the second degree.

16 (2) (i) Except as provided in paragraph (3), a first  
17 offense under subsection (c) or (d) is a felony of the  
18 third degree.

19 (ii) A second or subsequent offense under subsection  
20 (c) or (d) is a felony of the second degree.

1 (3) When a person commits an offense graded under  
2 paragraph (1) or (2)(i) [and indecent contact with the child  
3 as defined in section 3101 (relating to definitions) is  
4 depicted], the grading of the offense shall be one grade  
5 higher than the grade specified in paragraph (1) or (2)(i) [.]  
6 if:

7 (i) indecent contact with the child as defined in  
8 section 3101 (relating to definitions) is depicted; or

9 (ii) the child depicted is under six years of age or  
10 prepubescent.

11 \* \* \*

12 Section 2. Section 9720.5 of Title 42 is amended to read:

13 § 9720.5. Sentencing for offenses involving sexual abuse of  
14 children.

15 (a) General rule.--The Pennsylvania Commission on  
16 Sentencing, in accordance with section 2154 (relating to  
17 adoption of guidelines for sentencing), shall provide for a  
18 sentence enhancement within its guidelines for an offense under  
19 18 Pa.C.S. § 6312 (relating to sexual abuse of children),  
20 specifying variations from the range of sentences applicable  
21 based on such aggravating circumstances as the age of the child  
22 or a determination of prepubescence, the number of images  
23 possessed by the defendant, if the child depicted is known to  
24 the defendant and the nature and character of the abuse depicted  
25 in the images.

26 (b) Other circumstances.--When a person commits an offense  
27 to which the grading provisions under 18 Pa.C.S. § 6312(d.1)(3)  
28 apply, the Pennsylvania Commission on Sentencing shall, in  
29 accordance with section 2154, provide for a sentence enhancement  
30 within its guidelines if indecent contact with the child as

1 defined in 18 Pa.C.S. § 3101 (relating to definitions) is  
2 depicted and the child depicted is under six years of age or  
3 prepubescent.

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