
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 975 Session of
2021

INTRODUCED BY LEWIS DELROSSO, A. BROWN, MOUL, FREEMAN, SCHLEGEL
CULVER, THOMAS, PYLE, RYAN, MILLARD, WHEELAND AND B. MILLER,
MARCH 18, 2021

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 18, 2021

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 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subsection to read:
8 § 3124.2. Institutional sexual assault.

9 * * *

10 (a.6) Caretakers.--

11 (1) Except as provided in paragraph (2) and in sections
12 3121, 3122.1, 3123, 3124.1 and 3125, a caretaker commits a
13 felony of the third degree if the caretaker engages in sexual
14 intercourse, deviate sexual intercourse or indecent contact
15 with a care-dependent person who receives care, services or
16 treatment in or from a facility.

17 (2) Subsection (a) does not apply if the victim and
18 defendant are spouses, persons living as spouses, parents and

1 children, other individuals related by consanguinity or
2 affinity or current sexual or intimate partners.

3 (3) As used in this subsection, the following terms
4 shall have the meanings given to them in this paragraph:

5 (i) "Care-dependent person." An adult who, due to
6 physical or cognitive disability or impairment, requires
7 assistance to meet the needs for food, shelter, clothing,
8 personal care or health care.

9 (ii) "Caretaker." A person who is any of the
10 following:

11 (A) An owner, operator, manager or employee of a
12 facility.

13 (B) An individual who provides care to a care-
14 dependent person in a facility.

15 (C) An individual who has an obligation to
16 provide care to a care-dependent person for monetary
17 consideration in a facility.

18 (D) An individual who does not reside with a
19 care-dependent person but who, with respect to the
20 care-dependent person, has:

21 (I) a legal duty to provide care;

22 (II) affirmatively assumed a responsibility
23 to provide care; or

24 (III) responsibility by contract or court
25 order to provide care.

26 (iii) "Facility." Any of the following:

27 (A) A nursing home, personal care home, assisted
28 living facility, private care residence or
29 domiciliary care home.

30 (B) A community residential facility or

1 intermediate care facility for an individual with a
2 mental disability.

3 (C) An adult daily living center.

4 (D) A home health care agency.

5 (E) A health care facility, as defined in
6 section 802.1 of the act of July 19, 1979 (P.L.130,
7 No.48), known as the Health Care Facilities Act.

8 (iv) "Private care residence." A private residence:

9 (A) In which the owner of the residence or the
10 legal entity responsible for the operation of the
11 residence, for monetary consideration, provides or
12 assists with or arranges for the provision of food,
13 room, shelter, clothing, personal care or health care
14 in the residence, for a period exceeding 24 hours, to
15 fewer than four care-dependent persons who are not
16 relatives of the owner.

17 (B) That is not:

18 (I) required to be licensed as a long-term
19 care nursing facility, as defined in section
20 802.1 of the Health Care Facilities Act; and

21 (II) specified in subparagraph (iii)(A).

22 * * *

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