

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1187 Session of 2023

INTRODUCED BY RABB, MAYES, WAXMAN AND VENKAT, MAY 18, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MAY 18, 2023

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 23 (Domestic
2 Relations), 42 (Judiciary and Judicial Procedure), 54 (Names)
3 and 61 (Prisons and Parole) of the Pennsylvania Consolidated
4 Statutes, in authorized disposition of offenders, further
5 providing for Accelerated Rehabilitative Disposition
6 prohibited; in criminal homicide, further providing for the
7 offense of murder; in assault, further providing for the
8 offense of stalking and for the offense of unauthorized
9 administration of intoxicant; in sexual offenses, further
10 providing for definitions and for the offense of rape,
11 repealing provisions relating to the offense of involuntary
12 deviate sexual intercourse and further providing for the
13 offense of sexual assault, for the offense of institutional
14 sexual assault, for the offense of sexual assault by sports
15 official, volunteer or employee of nonprofit association, for
16 the offense of aggravated indecent assault and for general
17 rule relating to loss of property rights; in wiretapping and
18 electronic surveillance, further providing for definitions
19 and for order authorizing interception of wire, electronic or
20 oral communications; in public indecency, further providing
21 for the offense of prostitution and related offenses; in
22 firearms and other dangerous articles, further providing for
23 persons not to possess, use, manufacture, control, sell or
24 transfer firearms; in minors, further providing for
25 transmission of sexually explicit images by minor; in
26 criminal history record information, further providing for
27 expungement and for juvenile records; in child custody,
28 further providing for consideration of criminal conviction;
29 in protection from abuse, further providing for definitions;
30 in child protective services, further providing for
31 definitions, for exclusions from child abuse and for
32 employees having contact with children and adoptive and
33 foster parents; in domestic and sexual violence victim
34 address confidentiality, further providing for penalties; in
35 limitation of time, further providing for infancy, insanity

1 or imprisonment, for no limitation applicable and for other
2 offenses; in depositions and witnesses, further providing for
3 spouses as witnesses against each other and for hearsay; in
4 juvenile matters, further providing for definitions, for
5 inspection of court files and records, for law enforcement
6 records, for conduct of hearings, for transfer to criminal
7 proceedings and for assessment of delinquent children by the
8 State Sexual Offenders Assessment Board; in court-ordered
9 involuntary treatment of certain sexually violent persons,
10 further providing for definitions and for court-ordered
11 involuntary treatment; in sentencing, further providing for
12 sentences for second or subsequent offenses, for sentences
13 for offenses against elderly persons, for sentences for
14 offenses against infant persons, for sentences for offenses
15 committed while impersonating a law enforcement officer, for
16 sentencing for trafficking of persons, for definitions, for
17 sexual offenses and tier system, for termination of period of
18 registration for juvenile offenders, for assessments, for
19 registration and for assessments; in judicial change of name,
20 further providing for change by order of court; in
21 Pennsylvania Board of Probation and Parole, further providing
22 for parole procedure; and, in interstate compacts, further
23 providing for supervision of persons paroled by other states.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 Section 1. Section 1111 of Title 18 of the Pennsylvania
27 Consolidated Statutes is amended to read:

28 § 1111. Accelerated Rehabilitative Disposition prohibited.

29 The attorney for the Commonwealth may not recommend and the
30 court may not authorize placement on Accelerated Rehabilitative
31 Disposition for a violation of any offense set forth in any of
32 the following if the victim was, at the time of the commission
33 of the offense, under 18 years of age:

- 34 (1) Section 3121 (relating to rape).
- 35 [(2) Section 3123 (relating to involuntary deviate
36 sexual intercourse).]

- 37 (3) Section 3125 (relating to aggravated indecent
38 assault).

39 Section 2. The definition of "perpetration of a felony" in
40 section 2502(d) of Title 18 is amended to read:

41 § 2502. Murder.

1 * * *

2 (d) Definitions.--As used in this section the following
3 words and phrases shall have the meanings given to them in this
4 subsection:

5 * * *

6 "Perpetration of a felony." The act of the defendant in
7 engaging in or being an accomplice in the commission of, or an
8 attempt to commit, or flight after committing, or attempting to
9 commit robbery[, rape, or deviate sexual intercourse] or rape by
10 force or threat of force, arson, burglary or kidnapping.

11 * * *

12 Section 3. Sections 2709.1(c) (2) and 2714 of Title 18 are
13 amended to read:

14 § 2709.1. Stalking.

15 * * *

16 (c) Grading.--

17 * * *

18 (2) A second or subsequent offense under this section or
19 a first offense under subsection (a) if the person has been
20 previously convicted of a crime of violence involving the
21 same victim, family or household member, including, but not
22 limited to, a violation of section 2701 (relating to simple
23 assault), 2702 (relating to aggravated assault), 2705
24 (relating to recklessly endangering another person), 2718
25 (relating to strangulation), 2901 (relating to kidnapping)[,]
26 or 3121 (relating to rape) [or 3123 (relating to involuntary
27 deviate sexual intercourse)], an order issued under section
28 4954 (relating to protective orders) or an order issued under
29 23 Pa.C.S. § 6108 (relating to relief) shall constitute a
30 felony of the third degree.

1 * * *

2 § 2714. Unauthorized administration of intoxicant.

3 A person commits a felony of the third degree when, with the
4 intent to commit an offense under section 3121(a)(4) (relating
5 to rape), [3123(a)(4) (relating to involuntary deviate sexual
6 intercourse),] 3125(5) (relating to aggravated indecent assault)
7 or 3126(a)(5) (relating to indecent assault), he or she
8 substantially impairs the complainant's power to appraise or
9 control his or her conduct by administering, without the
10 knowledge of the complainant, drugs or other intoxicants.

11 Section 4. The definitions of "deviate sexual intercourse"
12 and "sexual intercourse" in section 3101 of Title 18 are amended
13 to read:

14 § 3101. Definitions.

15 Subject to additional definitions contained in subsequent
16 provisions of this chapter which are applicable to specific
17 provisions of this chapter, the following words and phrases when
18 used in this chapter shall have, unless the context clearly
19 indicates otherwise, the meanings given to them in this section:

20 * * *

21 ["Deviate sexual intercourse." Sexual intercourse per os or
22 per anus between human beings and any form of sexual intercourse
23 with an animal. The term also includes penetration, however
24 slight, of the genitals or anus of another person with a foreign
25 object for any purpose other than good faith medical, hygienic
26 or law enforcement procedures.]

27 * * *

28 "Sexual intercourse." In addition to its ordinary meaning,
29 includes intercourse per os or per anus, with some penetration
30 however slight; emission is not required. The term also includes

1 penetration, however slight, of the genitals or anus of another
2 person with a foreign object for a purpose other than good faith
3 medical, hygienic or law enforcement procedures.

4 Section 5. Section 3121(a) of Title 18 is amended by adding
5 a paragraph to read:

6 § 3121. Rape.

7 (a) Offense defined.--A person commits a felony of the first
8 degree when the person engages in sexual intercourse with a
9 complainant:

10 * * *

11 (7) Who is less than 16 years of age and the person is
12 four or more years older than the complainant and the
13 complainant and person are not married to each other.

14 * * *

15 Section 6. Section 3123 of Title 18 is repealed:

16 [§ 3123. Involuntary deviate sexual intercourse.

17 (a) Offense defined.--A person commits a felony of the first
18 degree when the person engages in deviate sexual intercourse
19 with a complainant:

20 (1) by forcible compulsion;

21 (2) by threat of forcible compulsion that would prevent
22 resistance by a person of reasonable resolution;

23 (3) who is unconscious or where the person knows that
24 the complainant is unaware that the sexual intercourse is
25 occurring;

26 (4) where the person has substantially impaired the
27 complainant's power to appraise or control his or her conduct
28 by administering or employing, without the knowledge of the
29 complainant, drugs, intoxicants or other means for the
30 purpose of preventing resistance;

1 (5) who suffers from a mental disability which renders
2 him or her incapable of consent; or

3 (6) (Deleted by amendment).

4 (7) who is less than 16 years of age and the person is
5 four or more years older than the complainant and the
6 complainant and person are not married to each other.

7 (b) Involuntary deviate sexual intercourse with a child.--A
8 person commits involuntary deviate sexual intercourse with a
9 child, a felony of the first degree, when the person engages in
10 deviate sexual intercourse with a complainant who is less than
11 13 years of age.

12 (c) Involuntary deviate sexual intercourse with a child with
13 serious bodily injury.--A person commits an offense under this
14 section with a child resulting in serious bodily injury, a
15 felony of the first degree, when the person violates this
16 section and the complainant is less than 13 years of age and the
17 complainant suffers serious bodily injury in the course of the
18 offense.

19 (d) Sentences.--Notwithstanding the provisions of section
20 1103 (relating to sentence of imprisonment for felony), a person
21 convicted of an offense under:

22 (1) Subsection (b) shall be sentenced to a term of
23 imprisonment which shall be fixed by the court at not more
24 than 40 years.

25 (2) Subsection (c) shall be sentenced up to a maximum
26 term of life imprisonment.

27 (e) Definition.--As used in this section, the term "forcible
28 compulsion" includes, but is not limited to, compulsion
29 resulting in another person's death, whether the death occurred
30 before, during or after the sexual intercourse.]

1 Section 7. Section 3124.1 of Title 18 is amended to read:

2 § 3124.1. Sexual assault.

3 Except as provided in section 3121 (relating to rape) [or
4 3123 (relating to involuntary deviate sexual intercourse)], a
5 person commits a felony of the second degree when that person
6 engages in sexual intercourse [or deviate sexual intercourse]
7 with a complainant without the complainant's consent.

8 Section 8. Section 3124.2 of Title 18, amended July 11, 2022
9 (P.L.722, No.61), is amended to read:

10 § 3124.2. Institutional sexual assault.

11 (a) General rule.--Except as provided under subsection (a.1)
12 and in sections 3121 (relating to rape), 3122.1 (relating to
13 statutory sexual assault), [3123 (relating to involuntary
14 deviate sexual intercourse),] 3124.1 (relating to sexual
15 assault) and 3125 (relating to aggravated indecent assault), a
16 person who is an employee or agent of the Department of
17 Corrections or a county correctional authority, youth
18 development center, youth forestry camp, State or county
19 juvenile detention facility, other licensed residential facility
20 serving children and youth, or mental health or mental
21 retardation facility or institution commits a felony of the
22 third degree when that person engages in sexual intercourse[,
23 deviate sexual intercourse] or indecent contact with an inmate,
24 detainee, another person being supervised by that person under
25 probation or parole supervision, patient or resident.

26 (a.1) Institutional sexual assault of a minor.--A person who
27 is an employee or agent of the Department of Corrections or a
28 county correctional authority, youth development center, youth
29 forestry camp, State or county juvenile detention facility,
30 other licensed residential facility serving children and youth

1 or mental health or mental retardation facility or institution
2 commits a felony of the third degree when that person engages in
3 sexual intercourse[, deviate sexual intercourse] or indecent
4 contact with an inmate, another person being supervised by that
5 person under probation or parole supervision, detainee, patient
6 or resident who is under 18 years of age.

7 (a.2) Schools.--

8 (1) Except as provided in sections 3121, 3122.1, [3123,]
9 3124.1 and 3125, a person who is a volunteer or an employee
10 of a school or any other person who has direct contact with a
11 student at a school commits a felony of the third degree when
12 he engages in sexual intercourse, deviate sexual intercourse
13 or indecent contact with a student of the school.

14 (2) As used in this subsection, the following terms
15 shall have the meanings given to them in this paragraph:

16 (i) "Direct contact." Care, supervision, guidance
17 or control.

18 (ii) "Employee."

19 (A) Includes:

20 (I) A teacher, a supervisor, a supervising
21 principal, a principal, an assistant principal, a
22 vice principal, a director of vocational
23 education, a dental hygienist, a visiting
24 teacher, a home and school visitor, a school
25 counselor, a child nutrition program specialist,
26 a school librarian, a school secretary the
27 selection of whom is on the basis of merit as
28 determined by eligibility lists, a school nurse,
29 a substitute teacher, a janitor, a cafeteria
30 worker, a bus driver, a teacher aide and any

1 other employee who has direct contact with school
2 students.

3 (II) An independent contractor who has a
4 contract with a school for the purpose of
5 performing a service for the school, a coach, an
6 athletic trainer, a coach hired as an independent
7 contractor by the Pennsylvania Interscholastic
8 Athletic Association or an athletic trainer hired
9 as an independent contractor by the Pennsylvania
10 Interscholastic Athletic Association.

11 (B) The term does not include:

12 (I) A student employed at the school.

13 (II) An independent contractor or any
14 employee of an independent contractor who has no
15 direct contact with school students.

16 (iii) "School." A public or private school,
17 intermediate unit or area vocational-technical school.

18 (iv) "Volunteer." The term does not include a
19 school student.

20 (a.3) Child care.--Except as provided in sections 3121,
21 3122.1, [3123,] 3124.1 and 3125, a person who is a volunteer or
22 an employee of a center for children commits a felony of the
23 third degree when he engages in sexual intercourse[, deviate
24 sexual intercourse] or indecent contact with a child who is
25 receiving services at the center.

26 (a.4) Peace officers.--

27 (1) Except as provided under sections 3121, 3122.1,
28 [3123,] 3124.1 and 3125, a person who is a peace officer or
29 employee of an agency employing a peace officer in his
30 official capacity commits a felony of the third degree when

1 the person engages in sexual intercourse[, deviate sexual
2 intercourse] or indecent contact with another person who is
3 under official detention or in the custody of the person or
4 is a confidential informant of the person.

5 (2) A person who is a peace officer commits a felony of
6 the third degree when the person engages in sexual
7 intercourse[, deviate sexual intercourse] or indecent contact
8 with a child who is under official detention or in the
9 custody of the person or is a confidential informant of the
10 person.

11 (a.5) Consent not a defense.--Consent is not a defense to a
12 violation of subsection (a), (a.1), (a.2), (a.3), (a.4) or
13 (a.6).

14 (a.6) Caretakers.--

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

21 (2) Paragraph (1) does not apply if the victim and
22 defendant are spouses, persons living as spouses or current
23 sexual or intimate partners whose relationship preexisted the
24 caretaker relationship.

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

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

1 (ii) "Caretaker." A person who is any of the
2 following:

3 (A) An owner, operator, manager or employee of a
4 facility.

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

7 (C) An individual who has an obligation to
8 provide care to a care-dependent person for monetary
9 consideration in a facility.

10 (D) An individual who does not reside with a
11 care-dependent person but who, with respect to the
12 care-dependent person, has:

13 (I) a legal duty to provide care;

14 (II) affirmatively assumed a responsibility
15 to provide care; or

16 (III) responsibility by contract or court
17 order to provide care.

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

19 (A) A nursing home, personal care home, assisted
20 living facility, private care residence or the care-
21 dependent person's residence.

22 (B) A community residential facility or
23 intermediate care facility for an individual with a
24 mental disability.

25 (C) An adult daily living center.

26 (D) A home health care agency.

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

30 (iv) "Private care residence." A private residence,

1 including a domiciliary care home:

2 (A) In which the owner of the residence or the
3 legal entity responsible for the operation of the
4 residence, for monetary consideration, provides or
5 assists with or arranges for the provision of food,
6 room, shelter, clothing, personal care or health care
7 in the residence, for a period exceeding 24 hours, to
8 fewer than four care-dependent persons who are not
9 relatives of the owner.

10 (B) That is not:

11 (I) required to be licensed as a long-term
12 care nursing facility, as defined in section
13 802.1 of the Health Care Facilities Act; and

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

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

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

25 "Center for children." Includes a child day-care center,
26 group and family day-care home, boarding home for children, a
27 center providing early intervention and drug and alcohol
28 services for children or other facility which provides child-
29 care services which are subject to approval, licensure,
30 registration or certification by the Department of Public

1 Welfare or a county social services agency or which are provided
2 pursuant to a contract with the department or a county social
3 services agency. The term does not include a youth development
4 center, youth forestry camp, State or county juvenile detention
5 facility and other licensed residential facility serving
6 children and youth.

7 "Child." An individual who is less than 18 years of age.

8 "Confidential informant." An individual who engages in the
9 activity of associating with persons engaged in criminal
10 activity for the purpose of furnishing information to or acting
11 as an agent for a law enforcement agency.

12 "Custody." The term includes a traffic stop, a custodial
13 interrogation or an interview conducted in connection with an
14 investigation.

15 "Official detention." As that term is defined in section
16 5121 (relating to escape).

17 Section 9. Sections 3124.3(a) and (b), 3125(a) introductory
18 paragraph and 3141 of Title 18 are amended to read:

19 § 3124.3. Sexual assault by sports official, volunteer or
20 employee of nonprofit association.

21 (a) Sports official.--Except as provided in sections 3121
22 (relating to rape), 3122.1 (relating to statutory sexual
23 assault), [3123 (relating to involuntary deviate sexual
24 intercourse),] 3124.1 (relating to sexual assault) and 3125
25 (relating to aggravated indecent assault), a person who serves
26 as a sports official in a sports program of a nonprofit
27 association or a for-profit association commits a felony of the
28 third degree when that person engages in sexual intercourse[,
29 deviate sexual intercourse] or indecent contact with a child
30 under 18 years of age who is participating in a sports program

1 of the nonprofit association or for-profit association.

2 (b) Volunteer or employee of nonprofit association.--Except
3 as provided in sections 3121, 3122.1, [3123,] 3124.1 and 3125, a
4 volunteer or an employee of a nonprofit association having
5 direct contact with a child under 18 years of age who
6 participates in a program or activity of the nonprofit
7 association commits a felony of the third degree if the
8 volunteer or employee engages in sexual intercourse[, deviate
9 sexual intercourse] or indecent contact with that child.

10 * * *

11 § 3125. Aggravated indecent assault.

12 (a) Offenses defined.--Except as provided in sections 3121
13 (relating to rape), 3122.1 (relating to statutory sexual
14 assault) [, 3123 (relating to involuntary deviate sexual
15 intercourse)] and 3124.1 (relating to sexual assault), a person
16 who engages in penetration, however slight, of the genitals or
17 anus of a complainant with a part of the person's body for any
18 purpose other than good faith medical, hygienic or law
19 enforcement procedures commits aggravated indecent assault if:

20 * * *

21 § 3141. General rule.

22 A person:

23 (1) convicted under section 3121 (relating to rape),
24 3122.1 (relating to statutory sexual assault), [3123
25 (relating to involuntary deviate sexual intercourse),] 3124.1
26 (relating to sexual assault), 3125 (relating to aggravated
27 indecent assault) or 3126 (relating to indecent assault); or
28 (2) required to register with the Pennsylvania State
29 Police under 42 Pa.C.S. Ch. 97 Subch. H (relating to
30 registration of sexual offenders) or I (relating to continued

1 registration of sexual offenders);
2 may be required to forfeit property rights in any property or
3 assets used to implement or facilitate commission of the crime
4 or crimes of which the person has been convicted. The forfeiture
5 shall be conducted in accordance with 42 Pa.C.S. §§ 5803
6 (relating to asset forfeiture), 5805 (relating to forfeiture
7 procedure), 5806 (relating to motion for return of property),
8 5807 (relating to restrictions on use), 5807.1 (relating to
9 prohibition on adoptive seizures) and 5808 (relating to
10 exceptions).

11 Section 10. The definition of "crime of violence" in section
12 5702 of Title 18 is amended to read:

13 § 5702. Definitions.

14 As used in this chapter, the following words and phrases
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 * * *

18 "Crime of violence." Any of the following:

19 (1) Any of the following crimes:

20 (i) Murder in any degree as defined in section
21 2502(a), (b) or (c) (relating to murder).

22 (ii) Voluntary manslaughter as defined in section
23 2503 (relating to voluntary manslaughter), drug delivery
24 resulting in death as defined in section 2506(a) relating
25 to drug delivery resulting in death), aggravated assault
26 as defined in section 2702(a)(1) or (2) (relating to
27 aggravated assault), 2718 (relating to strangulation),
28 kidnapping as defined in section 2901(a) or (a.1)
29 (relating to kidnapping), rape as defined in section
30 3121(a), (c) or (d) (relating to rape), [involuntary

1 deviate sexual intercourse as defined in section 3123(a),
2 (b) or (c) (relating to involuntary deviate sexual
3 intercourse),] sexual assault as defined in section
4 3124.1 (relating to sexual assault), aggravated indecent
5 assault as defined in section 3125(a) or (b) (relating to
6 aggravated indecent assault), incest as defined in
7 section 4302(a) or (b) (relating to incest), arson as
8 defined in section 3301(a) (relating to arson and related
9 offenses), burglary as defined in section 3502(a) (1)
10 (relating to burglary), robbery as defined in section
11 3701(a) (1) (i), (ii) or (iii) (relating to robbery) or
12 robbery of a motor vehicle as defined in section 3702(a)
13 (relating to robbery of motor vehicle).

14 (iii) Intimidation of witness or victim as defined
15 in section 4952(a) and (b) (relating to intimidation of
16 witnesses or victims).

17 (iv) Retaliation against witness, victim or party as
18 defined in section 4953(a) and (b) (relating to
19 retaliation against witness, victim or party).

20 (v) Criminal attempt as defined in section 901(a)
21 (relating to criminal attempt), criminal solicitation as
22 defined in section 902(a) (relating to criminal
23 solicitation) or criminal conspiracy as defined in
24 section 903(a) (relating to criminal conspiracy) to
25 commit any of the offenses specified in this definition.

26 (2) Any offense equivalent to an offense under paragraph
27 (1) under the laws of this Commonwealth in effect at the time
28 of the commission of that offense or under the laws of
29 another jurisdiction.

30 * * *

1 Section 11. Section 5708(1) of Title 18 is amended to read:
2 § 5708. Order authorizing interception of wire, electronic or
3 oral communications.

4 The Attorney General, or, during the absence or incapacity of
5 the Attorney General, a deputy attorney general designated in
6 writing by the Attorney General, or the district attorney or,
7 during the absence or incapacity of the district attorney, an
8 assistant district attorney designated in writing by the
9 district attorney of the county wherein the suspected criminal
10 activity has been, is or is about to occur, may make written
11 application to any Superior Court judge for an order authorizing
12 the interception of a wire, electronic or oral communication by
13 the investigative or law enforcement officers or agency having
14 responsibility for an investigation involving suspected criminal
15 activities when such interception may provide evidence of the
16 commission of any of the following offenses, or may provide
17 evidence aiding in the apprehension of the perpetrator or
18 perpetrators of any of the following offenses:

19 (1) Under this title:

20 Section 911 (relating to corrupt organizations)

21 Section 2501 (relating to criminal homicide)

22 Section 2502 (relating to murder)

23 Section 2503 (relating to voluntary manslaughter)

24 Section 2702 (relating to aggravated assault)

25 Section 2706 (relating to terroristic threats)

26 Section 2709.1 (relating to stalking)

27 Section 2716 (relating to weapons of mass
28 destruction)

29 Section 2901 (relating to kidnapping)

30 Section 3011 (relating to trafficking in individuals)

1 Section 3012 (relating to involuntary servitude)
2 Section 3121 (relating to rape)
3 [Section 3123 (relating to involuntary deviate sexual
4 intercourse)]
5 Section 3124.1 (relating to sexual assault)
6 Section 3125 (relating to aggravated indecent
7 assault)
8 Section 3301 (relating to arson and related offenses)
9 Section 3302 (relating to causing or risking
10 catastrophe)
11 Section 3502 (relating to burglary)
12 Section 3701 (relating to robbery)
13 Section 3921 (relating to theft by unlawful taking or
14 disposition)
15 Section 3922 (relating to theft by deception)
16 Section 3923 (relating to theft by extortion)
17 Section 4701 (relating to bribery in official and
18 political matters)
19 Section 4702 (relating to threats and other improper
20 influence in official and political matters)
21 Section 5512 (relating to lotteries, etc.)
22 Section 5513 (relating to gambling devices, gambling,
23 etc.)
24 Section 5514 (relating to pool selling and
25 bookmaking)
26 Section 5516 (relating to facsimile weapons of mass
27 destruction)
28 Section 6318 (relating to unlawful contact with
29 minor)
30 * * *

1 Section 12. The definition of "sexual activity" in section
2 5902(f) of Title 18, amended July 11, 2022 (P.L.761, No.73), is
3 amended to read:

4 § 5902. Prostitution and related offenses.

5 * * *

6 (f) Definitions.--As used in this section the following
7 words and phrases shall have the meanings given to them in this
8 subsection:

9 * * *

10 "Sexual activity." Includes sexual intercourse [and deviate
11 sexual intercourse, as those terms are] as the term is defined
12 in section 3101 (relating to definitions), and any touching on
13 the sexual or other intimate parts of an individual for the
14 purpose of gratifying sexual desire of either person.

15 Section 13. Sections 6105(b), 6321(d)(1), 9122(b.1) and
16 9123(a.1) of Title 18 are amended to read:

17 § 6105. Persons not to possess, use, manufacture, control, sell
18 or transfer firearms.

19 * * *

20 (b) Enumerated offenses.--The following offenses shall apply
21 to subsection (a):

22 Section 908 (relating to prohibited offensive weapons).

23 Section 911 (relating to corrupt organizations).

24 Section 912 (relating to possession of weapon on school
25 property).

26 Section 2502 (relating to murder).

27 Section 2503 (relating to voluntary manslaughter).

28 Section 2504 (relating to involuntary manslaughter) if
29 the offense is based on the reckless use of a firearm.

30 Section 2702 (relating to aggravated assault).

1 Section 2703 (relating to assault by prisoner).
2 Section 2704 (relating to assault by life prisoner).
3 Section 2709.1 (relating to stalking).
4 Section 2716 (relating to weapons of mass destruction).
5 Section 2901 (relating to kidnapping).
6 Section 2902 (relating to unlawful restraint).
7 Section 2910 (relating to luring a child into a motor
8 vehicle or structure).
9 Section 3121 (relating to rape).
10 [Section 3123 (relating to involuntary deviate sexual
11 intercourse).]
12 Section 3125 (relating to aggravated indecent assault).
13 Section 3301 (relating to arson and related offenses).
14 Section 3302 (relating to causing or risking
15 catastrophe).
16 Section 3502 (relating to burglary).
17 Section 3503 (relating to criminal trespass) if the
18 offense is graded a felony of the second degree or higher.
19 Section 3701 (relating to robbery).
20 Section 3702 (relating to robbery of motor vehicle).
21 Section 3921 (relating to theft by unlawful taking or
22 disposition) upon conviction of the second felony offense.
23 Section 3923 (relating to theft by extortion) when the
24 offense is accompanied by threats of violence.
25 Section 3925 (relating to receiving stolen property) upon
26 conviction of the second felony offense.
27 Section 4906 (relating to false reports to law
28 enforcement authorities) if the fictitious report involved
29 the theft of a firearm as provided in section 4906(c)(2).
30 Section 4912 (relating to impersonating a public servant)

1 if the person is impersonating a law enforcement officer.

2 Section 4952 (relating to intimidation of witnesses or
3 victims).

4 Section 4953 (relating to retaliation against witness,
5 victim or party).

6 Section 5121 (relating to escape).

7 Section 5122 (relating to weapons or implements for
8 escape).

9 Section 5501(3) (relating to riot).

10 Section 5515 (relating to prohibiting of paramilitary
11 training).

12 Section 5516 (relating to facsimile weapons of mass
13 destruction).

14 Section 6110.1 (relating to possession of firearm by
15 minor).

16 Section 6301 (relating to corruption of minors).

17 Section 6302 (relating to sale or lease of weapons and
18 explosives).

19 Any offense equivalent to any of the above-enumerated
20 offenses under the prior laws of this Commonwealth or any
21 offense equivalent to any of the above-enumerated offenses
22 under the statutes of any other state or of the United
23 States.

24 * * *

25 § 6321. Transmission of sexually explicit images by minor.

26 * * *

27 (d) Application of section.--This section shall not apply to
28 the following:

29 (1) Conduct that involves images that depict sexual
30 intercourse[, deviate sexual intercourse] or penetration,

1 however slight, of the genitals or anus of a minor,
2 masturbation, sadism, masochism or bestiality.

3 * * *

4 § 9122. Expungement.

5 * * *

6 (b.1) Prohibition.--A court shall not have the authority to
7 order expungement of the defendant's arrest record where the
8 defendant was placed on Accelerated Rehabilitative Disposition
9 for a violation of any offense set forth in any of the following
10 where the victim is under 18 years of age:

11 Section 3121 (relating to rape).

12 Section 3122.1 (relating to statutory sexual assault).

13 [Section 3123 (relating to involuntary deviate sexual
14 intercourse).]

15 Section 3124.1 (relating to sexual assault).

16 Section 3125 (relating to aggravated indecent assault).

17 Section 3126 (relating to indecent assault).

18 Section 3127 (relating to indecent exposure).

19 Section 5902(b) (relating to prostitution and related
20 offenses).

21 Section 5903 (relating to obscene and other sexual
22 materials and performances).

23 * * *

24 § 9123. Juvenile records.

25 * * *

26 (a.1) Exceptions.--Subsection (a) shall not apply if any of
27 the following apply:

28 (1) The individual meets all of the following:

29 (i) Was 14 years of age or older at the time the

30 individual committed an offense which, if committed by an

1 adult, would be classified as:

2 (A) An offense under section 3121 (relating to
3 rape) [, 3123 (relating to involuntary deviate sexual
4 intercourse)] or 3125 (relating to aggravated
5 indecent assault).

6 (B) An attempt, solicitation or conspiracy to
7 commit an offense under section 3121[, 3123] or 3125.

8 (ii) Was adjudicated delinquent for the offense
9 under subparagraph (i).

10 (2) Upon cause shown.

11 * * *

12 Section 14. Section 5329(a) of Title 23 is amended to read:

13 § 5329. Consideration of criminal conviction.

14 (a) Offenses.--Where a party seeks any form of custody, the
15 court shall consider whether that party or member of that
16 party's household has been convicted of or has pleaded guilty or
17 no contest to any of the offenses in this section or an offense
18 in another jurisdiction substantially equivalent to any of the
19 offenses in this section. The court shall consider such conduct
20 and determine that the party does not pose a threat of harm to
21 the child before making any order of custody to that party when
22 considering the following offenses:

23 18 Pa.C.S. Ch. 25 (relating to criminal homicide).

24 18 Pa.C.S. § 2702 (relating to aggravated assault).

25 18 Pa.C.S. § 2706 (relating to terroristic threats).

26 18 Pa.C.S. § 2709.1 (relating to stalking).

27 18 Pa.C.S. § 2718 (relating to strangulation).

28 18 Pa.C.S. § 2901 (relating to kidnapping).

29 18 Pa.C.S. § 2902 (relating to unlawful restraint).

30 18 Pa.C.S. § 2903 (relating to false imprisonment).

1 18 Pa.C.S. § 2910 (relating to luring a child into a motor
2 vehicle or structure).

3 18 Pa.C.S. Ch. 30 (relating to human trafficking).

4 18 Pa.C.S. § 3121 (relating to rape).

5 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).

6 [18 Pa.C.S. § 3123 (relating to involuntary deviate sexual
7 intercourse).]

8 18 Pa.C.S. § 3124.1 (relating to sexual assault).

9 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

10 18 Pa.C.S. § 3126 (relating to indecent assault).

11 18 Pa.C.S. § 3127 (relating to indecent exposure).

12 18 Pa.C.S. § 3129 (relating to sexual intercourse with
13 animal).

14 18 Pa.C.S. § 3130 (relating to conduct relating to sex
15 offenders).

16 18 Pa.C.S. § 3301 (relating to arson and related offenses).

17 18 Pa.C.S. § 4302 (relating to incest).

18 18 Pa.C.S. § 4303 (relating to concealing death of child).

19 18 Pa.C.S. § 4304 (relating to endangering welfare of
20 children).

21 18 Pa.C.S. § 4305 (relating to dealing in infant children).

22 18 Pa.C.S. § 5902(b) or (b.1) (relating to prostitution and
23 related offenses).

24 18 Pa.C.S. § 5903(c) or (d) (relating to obscene and other
25 sexual materials and performances).

26 18 Pa.C.S. § 6301 (relating to corruption of minors).

27 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

28 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

29 18 Pa.C.S. § 6320 (relating to sexual exploitation of
30 children).

1 Section 6114 (relating to contempt for violation of order or
2 agreement).

3 The former 75 Pa.C.S. § 3731 (relating to driving under
4 influence of alcohol or controlled substance).

5 75 Pa.C.S. Ch. 38 (relating to driving after imbibing alcohol
6 or utilizing drugs).

7 Section 13(a)(1) of the act of April 14, 1972 (P.L.233,
8 No.64), known as The Controlled Substance, Drug, Device and
9 Cosmetic Act, to the extent that it prohibits the manufacture,
10 sale or delivery, holding, offering for sale or possession of
11 any controlled substance or other drug or device.

12 * * *

13 Section 15. The definition of "abuse" in section 6102(a) of
14 Title 23 is amended to read:

15 § 6102. Definitions.

16 (a) General rule.--The following words and phrases when used
17 in this chapter shall have the meanings given to them in this
18 section unless the context clearly indicates otherwise:

19 "Abuse." The occurrence of one or more of the following acts
20 between family or household members, sexual or intimate partners
21 or persons who share biological parenthood:

22 (1) Attempting to cause or intentionally, knowingly or
23 recklessly causing bodily injury, serious bodily injury,
24 rape, [involuntary deviate sexual intercourse,] sexual
25 assault, statutory sexual assault, aggravated indecent
26 assault, indecent assault or incest with or without a deadly
27 weapon.

28 (2) Placing another in reasonable fear of imminent
29 serious bodily injury.

30 (3) The infliction of false imprisonment pursuant to 18

1 Pa.C.S. § 2903 (relating to false imprisonment).

2 (4) Physically or sexually abusing minor children,
3 including such terms as defined in Chapter 63 (relating to
4 child protective services).

5 (5) Knowingly engaging in a course of conduct or
6 repeatedly committing acts toward another person, including
7 following the person, without proper authority, under
8 circumstances which place the person in reasonable fear of
9 bodily injury. The definition of this paragraph applies only
10 to proceedings commenced under this title and is inapplicable
11 to any criminal prosecutions commenced under Title 18
12 (relating to crimes and offenses).

13 * * *

14 Section 16. The definition of "sexual abuse or exploitation"
15 in section 6303(a) of Title 23 is amended to read:

16 § 6303. Definitions.

17 (a) General rule.--The following words and phrases when used
18 in this chapter shall have the meanings given to them in this
19 section unless the context clearly indicates otherwise:

20 * * *

21 "Sexual abuse or exploitation." Any of the following:

22 (1) The employment, use, persuasion, inducement,
23 enticement or coercion of a child to engage in or assist
24 another individual to engage in sexually explicit conduct,
25 which includes, but is not limited to, the following:

26 (i) Looking at the sexual or other intimate parts of
27 a child or another individual for the purpose of arousing
28 or gratifying sexual desire in any individual.

29 (ii) Participating in sexually explicit conversation
30 either in person, by telephone, by computer or by a

1 computer-aided device for the purpose of sexual
2 stimulation or gratification of any individual.

3 (iii) Actual or simulated sexual activity or nudity
4 for the purpose of sexual stimulation or gratification of
5 any individual.

6 (iv) Actual or simulated sexual activity for the
7 purpose of producing visual depiction, including
8 photographing, videotaping, computer depicting or
9 filming.

10 This paragraph does not include consensual activities between
11 a child who is 14 years of age or older and another person
12 who is 14 years of age or older and whose age is within four
13 years of the child's age.

14 (2) Any of the following offenses committed against a
15 child:

16 (i) Rape as defined in 18 Pa.C.S. § 3121 (relating
17 to rape).

18 (ii) Statutory sexual assault as defined in
19 18 Pa.C.S. § 3122.1 (relating to statutory sexual
20 assault).

21 [(iii) Involuntary deviate sexual intercourse as
22 defined in 18 Pa.C.S. § 3123 (relating to involuntary
23 deviate sexual intercourse).]

24 (iv) Sexual assault as defined in
25 18 Pa.C.S. § 3124.1 (relating to sexual assault).

26 (v) Institutional sexual assault as defined in
27 18 Pa.C.S. § 3124.2 (relating to institutional sexual
28 assault).

29 (vi) Aggravated indecent assault as defined in
30 18 Pa.C.S. § 3125 (relating to aggravated indecent

1 assault).

2 (vii) Indecent assault as defined in
3 18 Pa.C.S. § 3126 (relating to indecent assault).

4 (viii) Indecent exposure as defined in
5 18 Pa.C.S. § 3127 (relating to indecent exposure).

6 (ix) Incest as defined in 18 Pa.C.S. § 4302
7 (relating to incest).

8 (x) Prostitution as defined in 18 Pa.C.S. § 5902
9 (relating to prostitution and related offenses).

10 (xi) Sexual abuse as defined in 18 Pa.C.S. § 6312
11 (relating to sexual abuse of children).

12 (xii) Unlawful contact with a minor as defined in
13 18 Pa.C.S. § 6318 (relating to unlawful contact with
14 minor).

15 (xiii) Sexual exploitation as defined in
16 18 Pa.C.S. § 6320 (relating to sexual exploitation of
17 children).

18 * * *

19 Section 17. Sections 6304(f)(2), 6344(c)(2) and 6711(b)(2)
20 of Title 23 are amended to read:

21 § 6304. Exclusions from child abuse.

22 * * *

23 (f) Child-on-child contact.--

24 * * *

25 (2) Notwithstanding paragraph (1), the following shall
26 apply:

27 (i) Acts constituting any of the following crimes
28 against a child shall be subject to the reporting
29 requirements of this chapter:

30 (A) rape as defined in 18 Pa.C.S. § 3121

1 (relating to rape);

2 [(B) involuntary deviate sexual intercourse as
3 defined in 18 Pa.C.S. § 3123 (relating to involuntary
4 deviate sexual intercourse);]

5 (C) sexual assault as defined in 18 Pa.C.S. §
6 3124.1 (relating to sexual assault);

7 (D) aggravated indecent assault as defined in 18
8 Pa.C.S. § 3125 (relating to aggravated indecent
9 assault);

10 (E) indecent assault as defined in 18 Pa.C.S. §
11 3126 (relating to indecent assault); and

12 (F) indecent exposure as defined in 18 Pa.C.S. §
13 3127 (relating to indecent exposure).

14 (ii) No child shall be deemed to be a perpetrator of
15 child abuse based solely on physical or mental injuries
16 caused to another child in the course of a dispute, fight
17 or scuffle entered into by mutual consent.

18 (iii) A law enforcement official who receives a
19 report of suspected child abuse is not required to make a
20 report to the department under section 6334(a) (relating
21 to disposition of complaints received), if the person
22 allegedly responsible for the child abuse is a
23 nonperpetrator child.

24 * * *

25 § 6344. Employees having contact with children; adoptive and
26 foster parents.

27 * * *

28 (c) Grounds for denying employment or participation in
29 program, activity or service.--

30 * * *

1 (2) In no case shall an employer, administrator,
2 supervisor or other person responsible for employment
3 decisions or involved in the selection of volunteers hire or
4 approve an applicant if the applicant's criminal history
5 record information indicates the applicant has been convicted
6 of one or more of the following offenses under Title 18
7 (relating to crimes and offenses) or an equivalent crime
8 under Federal law or the law of another state:

9 Chapter 25 (relating to criminal homicide).

10 Section 2702 (relating to aggravated assault).

11 Section 2709.1 (relating to stalking).

12 Section 2901 (relating to kidnapping).

13 Section 2902 (relating to unlawful restraint).

14 Section 3121 (relating to rape).

15 Section 3122.1 (relating to statutory sexual assault).

16 [Section 3123 (relating to involuntary deviate sexual
17 intercourse).]

18 Section 3124.1 (relating to sexual assault).

19 Section 3125 (relating to aggravated indecent assault).

20 Section 3126 (relating to indecent assault).

21 Section 3127 (relating to indecent exposure).

22 Section 4302 (relating to incest).

23 Section 4303 (relating to concealing death of child).

24 Section 4304 (relating to endangering welfare of
25 children).

26 Section 4305 (relating to dealing in infant children).

27 A felony offense under section 5902(b) (relating to
28 prostitution and related offenses).

29 Section 5903(c) or (d) (relating to obscene and other
30 sexual materials and performances).

1 Section 6301 (relating to corruption of minors).

2 Section 6312 (relating to sexual abuse of children).

3 The attempt, solicitation or conspiracy to commit any of the
4 offenses set forth in this paragraph.

5 * * *

6 § 6711. Penalties.

7 * * *

8 (b) Access by fraud or misrepresentation.--

9 * * *

10 (2) A first offense under paragraph (1) shall be graded
11 as a felony of the third degree if it is committed by any
12 person who has previously been convicted of a crime of
13 violence involving the program participant under paragraph
14 (1) or the program participant's family or household member
15 as defined in section 6102 (relating to definitions),
16 including:

17 18 Pa.C.S. § 2701 (relating to simple assault);

18 18 Pa.C.S. § 2702 (relating to aggravated assault);

19 18 Pa.C.S. § 2705 (relating to recklessly endangering
20 another person);

21 18 Pa.C.S. § 2709 (relating to harassment);

22 18 Pa.C.S. § 2709.1 (relating to stalking);

23 18 Pa.C.S. § 2718 (relating to strangulation);

24 18 Pa.C.S. § 2901 (relating to kidnapping);

25 18 Pa.C.S. § 3121 (relating to rape);

26 [18 Pa.C.S. § 3123 (relating to involuntary deviate
27 sexual intercourse);]

28 18 Pa.C.S. § 4954 (relating to protective orders); or

29 23 Pa.C.S. § 6108 (relating to relief).

30 * * *

1 Section 18. Sections 5533(b)(2)(ii), 5551(7), 5552(b.1),
2 5913(4) and 5986(a) of Title 42 are amended to read:

3 § 5533. Infancy, insanity or imprisonment.

4 * * *

5 (b) Infancy.--

6 * * *

7 (2) * * *

8 (ii) For the purposes of this paragraph, the term
9 "sexual abuse" shall include, but not be limited to, the
10 following sexual activities between an individual who is
11 23 years of age or younger and an adult, provided that
12 the individual bringing the civil action engaged in such
13 activities as a result of forcible compulsion or by
14 threat of forcible compulsion which would prevent
15 resistance by a person of reasonable resolution:

16 (A) sexual intercourse, which includes
17 penetration, however slight, of any body part or
18 object into the sex organ or anus of another; and

19 [(B) deviate sexual intercourse, which includes
20 sexual intercourse per os or per anus; and]

21 (C) indecent contact, which includes any
22 touching of the sexual or other intimate parts of the
23 person for the purpose of arousing or gratifying
24 sexual desire in either person.

25 * * *

26 § 5551. No limitation applicable.

27 A prosecution for the following offenses may be commenced at
28 any time:

29 * * *

30 (7) An offense under any of the following provisions of

1 18 Pa.C.S. (relating to crimes and offenses), or a conspiracy
2 or solicitation to commit an offense under any of the
3 following provisions of 18 Pa.C.S. if the offense results
4 from the conspiracy or solicitation, if the victim was under
5 18 years of age at the time of the offense:

6 Section 3011(b) (relating to trafficking in
7 individuals).

8 Section 3012 (relating to involuntary servitude) as
9 it relates to sexual servitude.

10 Section 3121 (relating to rape).

11 Section 3122.1 (relating to statutory sexual
12 assault).

13 [Section 3123 (relating to involuntary deviate sexual
14 intercourse).]

15 Section 3124.1 (relating to sexual assault).

16 Section 3124.2 (relating to institutional sexual
17 assault).

18 Section 3125 (relating to aggravated indecent
19 assault).

20 Section 4302 (relating to incest).

21 § 5552. Other offenses.

22 * * *

23 (b.1) Major sexual offenses.--Except as provided in section
24 5551(7) (relating to no limitation applicable), a prosecution
25 for any of the following offenses under Title 18 must be
26 commenced within 12 years after it is committed:

27 Section 3121 (relating to rape).

28 Section 3122.1 (relating to statutory sexual assault).

29 [Section 3123 (relating to involuntary deviate sexual
30 intercourse).]

1 Section 3124.1 (relating to sexual assault).

2 Section 3124.2 (relating to institutional sexual
3 assault).

4 Section 3125 (relating to aggravated indecent assault).

5 Section 4302 (relating to incest).

6 Section 6312 (relating to sexual abuse of children).

7 * * *

8 § 5913. Spouses as witnesses against each other.

9 Except as otherwise provided in this subchapter, in a
10 criminal proceeding a person shall have the privilege, which he
11 or she may waive, not to testify against his or her then lawful
12 spouse except that there shall be no such privilege:

13 * * *

14 (4) in any criminal proceeding in which one of the
15 charges pending against the defendant includes murder[,
16 involuntary deviate sexual intercourse] or rape.

17 § 5986. Hearsay.

18 (a) General rule.--A statement made by a child describing
19 acts and attempted acts of indecent contact[,] or sexual
20 intercourse [or deviate sexual intercourse] performed with or on
21 the child by another, not otherwise admissible by statute or
22 court ruling, is admissible in evidence in a dependency
23 proceeding initiated under Chapter 63 (relating to juvenile
24 matters), involving that child or other members of that child's
25 family, if:

26 (1) the court finds, in an in camera hearing, that the
27 evidence is relevant and that the time, content and
28 circumstances of the statement provide sufficient indicia of
29 reliability; and

30 (2) the child either:

- 1 (i) testifies at the proceeding; or
2 (ii) is found by the court to be unavailable as a
3 witness.

4 * * *

5 Section 19. The definitions of "aggravated circumstances"
6 and "delinquent act" in section 6302 of Title 42 are amended to
7 read:

8 § 6302. Definitions.

9 The following words and phrases when used in this chapter
10 shall have, unless the context clearly indicates otherwise, the
11 meanings given to them in this section:

12 * * *

13 "Aggravated circumstances." Any of the following
14 circumstances:

15 (1) The child is in the custody of a county agency and
16 either:

17 (i) the identity or whereabouts of the parents is
18 unknown and cannot be ascertained and the parent does not
19 claim the child within three months of the date the child
20 was taken into custody; or

21 (ii) the identity or whereabouts of the parents is
22 known and the parents have failed to maintain substantial
23 and continuing contact with the child for a period of six
24 months.

25 (2) The child or another child of the parent has been
26 the victim of physical abuse resulting in serious bodily
27 injury, sexual violence or aggravated physical neglect by the
28 parent.

29 (3) The parent of the child has been convicted of any of
30 the following offenses where the victim was a child:

1 (i) criminal homicide under 18 Pa.C.S. Ch. 25
2 (relating to criminal homicide);
3 (ii) a felony under 18 Pa.C.S. § 2702 (relating to
4 aggravated assault), 3121 (relating to rape), 3122.1
5 (relating to statutory sexual assault), [3123 (relating
6 to involuntary deviate sexual intercourse),] 3124.1
7 (relating to sexual assault) or 3125 (relating to
8 aggravated indecent assault).

9 (iii) A misdemeanor under 18 Pa.C.S. § 3126
10 (relating to indecent assault).

11 (iv) An equivalent crime in another jurisdiction.

12 (4) The attempt, solicitation or conspiracy to commit
13 any of the offenses set forth in paragraph (3).

14 (5) The parental rights of the parent have been
15 involuntarily terminated with respect to a child of the
16 parent.

17 (6) The parent of the child is required to register as a
18 sexual offender under Subchapter H of Chapter 97 (relating to
19 registration of sexual offenders) or to register with a
20 sexual offender registry in another jurisdiction or foreign
21 country.

22 * * *

23 "Delinquent act."

24 (1) The term means an act designated a crime under the
25 law of this Commonwealth, or of another state if the act
26 occurred in that state, or under Federal law, or an act which
27 constitutes indirect criminal contempt under Chapter 62A
28 (relating to protection of victims of sexual violence or
29 intimidation) with respect to sexual violence or 23 Pa.C.S.
30 Ch. 61 (relating to protection from abuse) or the failure of

1 a child to comply with a lawful sentence imposed for a
2 summary offense, in which event notice of the fact shall be
3 certified to the court.

4 (2) The term shall not include:

5 (i) The crime of murder.

6 (ii) Any of the following prohibited conduct where
7 the child was 15 years of age or older at the time of the
8 alleged conduct and a deadly weapon as defined in 18
9 Pa.C.S. § 2301 (relating to definitions) was used during
10 the commission of the offense which, if committed by an
11 adult, would be classified as:

12 (A) Rape as defined in 18 Pa.C.S. § 3121

13 (relating to rape).

14 [(B) Involuntary deviate sexual intercourse as
15 defined in 18 Pa.C.S. § 3123 (relating to involuntary
16 deviate sexual intercourse).]

17 (C) Aggravated assault as defined in 18 Pa.C.S.
18 § 2702(a)(1) or (2) (relating to aggravated assault).

19 (D) Robbery as defined in 18 Pa.C.S. § 3701(a)
20 (1)(i), (ii) or (iii) (relating to robbery).

21 (E) Robbery of motor vehicle as defined in 18
22 Pa.C.S. § 3702 (relating to robbery of motor
23 vehicle).

24 (F) Aggravated indecent assault as defined in 18
25 Pa.C.S. § 3125 (relating to aggravated indecent
26 assault).

27 (G) Kidnapping as defined in 18 Pa.C.S. § 2901
28 (relating to kidnapping).

29 (H) Voluntary manslaughter.

30 (I) An attempt, conspiracy or solicitation to

1 commit murder or any of these crimes as provided in
2 18 Pa.C.S. §§ 901 (relating to criminal attempt), 902
3 (relating to criminal solicitation) and 903 (relating
4 to criminal conspiracy).

5 (iii) Any of the following prohibited conduct where
6 the child was 15 years of age or older at the time of the
7 alleged conduct and has been previously adjudicated
8 delinquent of any of the following prohibited conduct
9 which, if committed by an adult, would be classified as:

10 (A) Rape as defined in 18 Pa.C.S. § 3121.

11 (B) Involuntary deviate sexual intercourse as
12 defined in 18 Pa.C.S. § 3123.

13 (C) Robbery as defined in 18 Pa.C.S. § 3701(a)
14 (1)(i), (ii) or (iii).

15 (D) Robbery of motor vehicle as defined in 18
16 Pa.C.S. § 3702.

17 (E) Aggravated indecent assault as defined in 18
18 Pa.C.S. § 3125.

19 (F) Kidnapping as defined in 18 Pa.C.S. § 2901.

20 (G) Voluntary manslaughter.

21 (H) An attempt, conspiracy or solicitation to
22 commit murder or any of these crimes as provided in
23 18 Pa.C.S. §§ 901, 902 and 903.

24 (iv) Summary offenses.

25 (v) A crime committed by a child who has been found
26 guilty in a criminal proceeding for other than a summary
27 offense.

28 * * *

29 Section 20. Section 6307(b)(1.1), 6308(b)(1.1), 6336(e)(2),
30 6355(g) and 6358(a) of Title 42 are amended to read:

1 § 6307. Inspection of court files and records.

2 * * *

3 (b) Public availability.--

4 (1.1) The contents of court records and files concerning
5 a child shall not be disclosed to the public unless any of
6 the following apply:

7 (i) The child has been adjudicated delinquent by a
8 court as a result of an act or acts committed when the
9 child was 14 years of age or older and the conduct would
10 have constituted one or more of the following offenses if
11 committed by an adult:

12 (A) Murder.

13 (B) Voluntary manslaughter.

14 (C) Aggravated assault as defined in 18 Pa.C.S.
15 § 2702(a)(1) or (2) (relating to aggravated assault).

16 (D) Sexual Assault as defined in 18 Pa.C.S. §
17 3124.1 (relating to sexual assault).

18 (E) Aggravated indecent assault as defined in 18
19 Pa.C.S. § 3125 (relating to aggravated indecent
20 assault).

21 (F) Arson as defined in 18 Pa.C.S. § 3301(a)(1)
22 (relating to arson and related offenses).

23 (G) Burglary as a felony in the first degree as
24 defined in 18 Pa.C.S. § 3502(c)(1) (relating to
25 burglary).

26 [(H) Involuntary deviate sexual intercourse.]

27 (I) Kidnapping.

28 (J) Rape.

29 (K) Robbery as defined in 18 Pa.C.S. § 3701(a)
30 (1)(i), (ii) or (iii) (relating to robbery).

1 (L) Robbery of motor vehicle.

2 (M) Violation of 18 Pa.C.S. Ch. 61 (relating to
3 firearms and other dangerous articles).

4 (N) Attempt or conspiracy to commit any of the
5 offenses in this subparagraph.

6 (ii) A petition alleging delinquency has been filed
7 alleging that the child has committed an act or acts
8 subject to a hearing pursuant to section 6336(e)
9 (relating to conduct of hearings) and the child
10 previously has been adjudicated delinquent by a court as
11 a result of an act or acts committed when the child was
12 14 years of age or older and the conduct would have
13 constituted one or more of the following offenses if
14 committed by an adult:

15 (A) Murder.

16 (B) Voluntary manslaughter.

17 (C) Aggravated assault as defined in 18 Pa.C.S.
18 § 2702(a)(1) or (2).

19 (D) Sexual Assault as defined in 18 Pa.C.S. §
20 3124.1.

21 (E) Aggravated indecent assault as defined in 18
22 Pa.C.S. § 3125.

23 (F) Arson as defined in 18 Pa.C.S. § 3301(a)(1).

24 (G) Burglary as a felony in the first degree as
25 defined in 18 Pa.C.S. § 3502(c)(1).

26 [(H) Involuntary deviate sexual intercourse.]

27 (I) Kidnapping.

28 (J) Rape.

29 (K) Robbery as defined in 18 Pa.C.S. § 3701(a)
30 (1)(i), (ii) or (iii).

- 1 (L) Robbery of motor vehicle.
- 2 (M) Violation of 18 Pa.C.S. Ch. 61.
- 3 (N) Attempt or conspiracy to commit any of the
- 4 offenses in this subparagraph.

5 * * *

6 § 6308. Law enforcement records.

7 * * *

8 (b) Public availability.--

9 (1.1) The contents of law enforcement records and files
10 concerning a child shall not be disclosed to the public
11 unless any of the following apply:

12 (i) The child has been adjudicated delinquent by a
13 court as a result of an act or acts committed when the
14 child was 14 years of age or older and the conduct would
15 have constituted one or more of the following offenses if
16 committed by an adult:

17 (A) Murder.

18 (B) Voluntary manslaughter.

19 (C) Aggravated assault as defined in 18 Pa.C.S.
20 § 2702(a)(1) or (2) (relating to aggravated assault).

21 (D) Sexual Assault as defined in 18 Pa.C.S. §
22 3124.1 (relating to sexual assault).

23 (E) Aggravated indecent assault as defined in 18
24 Pa.C.S. § 3125 (relating to aggravated indecent
25 assault).

26 (F) Arson as defined in 18 Pa.C.S. § 3301(a)(1)
27 (relating to arson and related offenses).

28 (G) Burglary as a felony in the first degree as
29 defined in 18 Pa.C.S. § 3502(c)(1) (relating to
30 burglary).

- 1 [(H) Involuntary deviate sexual intercourse.]
2 (I) Kidnapping.
3 (J) Rape.
4 (K) Robbery as defined in 18 Pa.C.S. § 3701(a)
5 (1)(i), (ii) or (iii) (relating to robbery).
6 (L) Robbery of motor vehicle.
7 (M) Violation of 18 Pa.C.S. Ch. 61 (relating to
8 firearms and other dangerous articles).
9 (N) Attempt or conspiracy to commit any of the
10 offenses in this subparagraph.
11 (ii) A petition alleging delinquency has been filed
12 alleging that the child has committed an act or acts
13 subject to a hearing pursuant to section 6336(e)
14 (relating to conduct of hearings) and the child
15 previously has been adjudicated delinquent by a court as
16 a result of an act or acts committed when the child was
17 14 years of age or older and the conduct would have
18 constituted one or more of the following offenses if
19 committed by an adult:
20 (A) Murder.
21 (B) Voluntary manslaughter.
22 (C) Aggravated assault as defined in 18 Pa.C.S.
23 § 2702(a)(1) or (2).
24 (D) Sexual Assault as defined in 18 Pa.C.S. §
25 3124.1.
26 (E) Aggravated indecent assault as defined in 18
27 Pa.C.S. § 3125.
28 (F) Arson as defined in 18 Pa.C.S. § 3301(a)(1).
29 (G) Burglary as a felony in the first degree as
30 defined in 18 Pa.C.S. § 3502(c)(1).

- 1 [(H) Involuntary deviate sexual intercourse.]
- 2 (I) Kidnapping.
- 3 (J) Rape.
- 4 (K) Robbery as defined in 18 Pa.C.S. § 3701(a)
- 5 (1) (i), (ii) or (iii).
- 6 (L) Robbery of motor vehicle.
- 7 (M) Violation of 18 Pa.C.S. Ch. 61.
- 8 (N) Attempt or conspiracy to commit any of the
- 9 offenses in this subparagraph.

10 * * *

11 § 6336. Conduct of hearings.

12 * * *

13 (e) Open proceedings.--The general public shall not be
14 excluded from any hearings under this chapter:

15 * * *

16 (2) Pursuant to a petition alleging delinquency where
17 the child was 12 years of age or older at the time of the
18 alleged conduct and where the alleged conduct would have
19 constituted one or more of the following offenses if
20 committed by an adult:

- 21 (i) Murder.
- 22 (ii) Voluntary manslaughter.
- 23 (iii) Aggravated assault as defined in 18 Pa.C.S. §
- 24 2702(a) (1) or (2) (relating to aggravated assault).
- 25 (iv) Arson as defined in 18 Pa.C.S. § 3301(a) (1)
- 26 (relating to arson and related offenses).

27 [(v) Involuntary deviate sexual intercourse.]

- 28 (vi) Kidnapping.
- 29 (vii) Rape.
- 30 (viii) Robbery as defined in 18 Pa.C.S. § 3701(a) (1)

1 (i), (ii) or (iii) (relating to robbery).

2 (ix) Robbery of motor vehicle.

3 (x) Attempt or conspiracy to commit any of the
4 offenses in this paragraph.

5 Notwithstanding anything in this subsection, the proceedings
6 shall be closed upon and to the extent of any agreement between
7 the child and the attorney for the Commonwealth.

8 * * *

9 § 6355. Transfer to criminal proceedings.

10 * * *

11 (g) Burden of proof.--The burden of establishing by a
12 preponderance of evidence that the public interest is served by
13 the transfer of the case to criminal court and that a child is
14 not amenable to treatment, supervision or rehabilitation as a
15 juvenile shall rest with the Commonwealth unless the following
16 apply:

17 (1) (i) a deadly weapon as defined in 18 Pa.C.S. § 2301
18 (relating to definitions) was used and the child was 14
19 years of age at the time of the offense; or

20 (ii) the child was 15 years of age or older at the
21 time of the offense and was previously adjudicated
22 delinquent of a crime that would be considered a felony
23 if committed by an adult; and

24 (2) there is a prima facie case that the child committed
25 a delinquent act which, if committed by an adult, would be
26 classified as rape, [involuntary deviate sexual intercourse,]
27 aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or
28 (2) (relating to aggravated assault), robbery as defined in
29 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to
30 robbery), robbery of motor vehicle, aggravated indecent

1 assault, kidnapping, voluntary manslaughter, an attempt,
2 conspiracy or solicitation to commit any of these crimes or
3 an attempt to commit murder as specified in paragraph (2)(ii)
4 of the definition of "delinquent act" in section 6302.

5 If either of the preceding criteria are met, the burden of
6 establishing by a preponderance of the evidence that retaining
7 the case under this chapter serves the public interest and that
8 the child is amenable to treatment, supervision or
9 rehabilitation as a juvenile shall rest with the child.

10 § 6358. Assessment of delinquent children by the State Sexual
11 Offenders Assessment Board.

12 (a) General rule.--A child who has been found to be
13 delinquent for an act of sexual violence which if committed by
14 an adult would be a violation of 18 Pa.C.S. § 3121 (relating to
15 rape), [3123 (relating to involuntary deviate sexual
16 intercourse),] 3124.1 (relating to sexual assault), 3125
17 (relating to aggravated indecent assault), 3126 (relating to
18 indecent assault) or 4302 (relating to incest) who is committed
19 to an institution or other facility pursuant to section 6352
20 (relating to disposition of delinquent child) and who remains in
21 any such institution or facility as a result of that
22 adjudication of delinquency upon attaining 20 years of age shall
23 be subject to an assessment by the board.

24 * * *

25 Section 21. The definitions of "act of sexual violence" and
26 "sexually violent delinquent child" in section 6402 of Title 42
27 are amended to read:

28 § 6402. Definitions.

29 The following words and phrases when used in this chapter
30 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Act of sexual violence." Any conduct prohibited under the
3 following provisions of law:

4 (1) 18 Pa.C.S. § 3121 (relating to rape).

5 [(2) 18 Pa.C.S. § 3123 (relating to involuntary deviate
6 sexual intercourse).]

7 (3) 18 Pa.C.S. § 3124.1 (relating to sexual assault).

8 (4) 18 Pa.C.S. § 3125 (relating to aggravated indecent
9 assault).

10 (5) 18 Pa.C.S. § 3126 (relating to indecent assault).

11 (6) 18 Pa.C.S. § 4302 (relating to incest).

12 * * *

13 "Sexually violent delinquent child." A person who has been
14 found delinquent for an act of sexual violence which if
15 committed by an adult would be a violation of 18 Pa.C.S. § 3121
16 (relating to rape), [3123 (relating to involuntary deviate
17 sexual intercourse),] 3124.1 (relating to sexual assault), 3125
18 (relating to aggravated indecent assault), 3126 (relating to
19 indecent assault) or 4302 (relating to incest) and who has been
20 determined to be in need of commitment for involuntary treatment
21 under this chapter.

22 Section 22. Section 6403(a)(1) of Title 42 is amended to
23 read:

24 § 6403. Court-ordered involuntary treatment.

25 (a) Persons subject to involuntary treatment.--A person may
26 be subject to court-ordered commitment for involuntary treatment
27 under this chapter if the person:

28 (1) Has been adjudicated delinquent for an act of sexual
29 violence which if committed by an adult would be a violation
30 of 18 Pa.C.S. § 3121 (relating to rape), [3123 (relating to

1 [involuntary deviate sexual intercourse),] 3124.1 (relating to
2 sexual assault), 3125 (relating to aggravated indecent
3 assault), 3126 (relating to indecent assault) or 4302
4 (relating to incest).

5 * * *

6 Section 23. Section 9714(g) of Title 42, amended November 3,
7 2022 (P.L.1634, No.99), is amended to read:

8 § 9714. Sentences for second and subsequent offenses.

9 * * *

10 (g) Definition.--As used in this section, the term "crime of
11 violence" means murder of the third degree, voluntary
12 manslaughter, manslaughter of a law enforcement officer as
13 defined in 18 Pa.C.S. § 2507(c) or (d) (relating to criminal
14 homicide of law enforcement officer), murder of the third degree
15 involving an unborn child as defined in 18 Pa.C.S. § 2604(c)
16 (relating to murder of unborn child), aggravated assault of an
17 unborn child as defined in 18 Pa.C.S. § 2606 (relating to
18 aggravated assault of unborn child), aggravated assault as
19 defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to
20 aggravated assault), assault of law enforcement officer as
21 defined in 18 Pa.C.S. § 2702.1(a)(1) (relating to assault of law
22 enforcement officer), use of weapons of mass destruction as
23 defined in 18 Pa.C.S. § 2716(b) (relating to weapons of mass
24 destruction), terrorism as defined in 18 Pa.C.S. § 2717(b)(2)
25 (relating to terrorism), strangulation when the offense is
26 graded as a felony as defined in 18 Pa.C.S. § 2718 (relating to
27 strangulation), trafficking of persons when the offense is
28 graded as a felony of the first degree as provided in 18 Pa.C.S.
29 § 3011 (relating to trafficking in individuals), rape,
30 [involuntary deviate sexual intercourse,] aggravated indecent

1 assault, incest, sexual assault, arson endangering persons or
2 aggravated arson as defined in 18 Pa.C.S. § 3301(a) or (a.1)
3 (relating to arson and related offenses), ecoterrorism as
4 classified in 18 Pa.C.S. § 3311(b)(3) (relating to
5 ecoterrorism), kidnapping, burglary as defined in 18 Pa.C.S. §
6 3502(a)(1) (relating to burglary), robbery as defined in 18
7 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery), or
8 robbery of a motor vehicle, drug delivery resulting in death as
9 defined in 18 Pa.C.S. § 2506(a) (relating to drug delivery
10 resulting in death), or criminal attempt, criminal conspiracy or
11 criminal solicitation to commit murder or any of the offenses
12 listed above, or an equivalent crime under the laws of this
13 Commonwealth in effect at the time of the commission of that
14 offense or an equivalent crime in another jurisdiction.

15 Section 24. Sections 9717(a), 9718(a)(1), 9719(a) and 9720.2
16 of Title 42 are amended to read:

17 § 9717. Sentences for offenses against elderly persons.

18 (a) Mandatory sentence.--A person under 60 years of age
19 convicted of the following offenses when the victim is over 60
20 years of age and not a police officer shall be sentenced to a
21 mandatory term of imprisonment as follows:

22 18 Pa.C.S. § 2702(a)(1) and (4) (relating to aggravated
23 assault) - not less than two years.

24 18 Pa.C.S. § 3121 (relating to rape) - not less than five
25 years.

26 [18 Pa.C.S. § 3123 (relating to involuntary deviate
27 sexual intercourse) - not less than five years.]

28 18 Pa.C.S. § 3922 (relating to theft by deception) - not
29 less than 12 months, but the imposition of the minimum
30 sentence shall be discretionary with the court where the

1 court finds justifiable cause and that finding is written in
2 the opinion.

3 * * *

4 § 9718. Sentences for offenses against infant persons.

5 (a) Mandatory sentence.--

6 (1) A person convicted of the following offenses when
7 the victim is less than 16 years of age shall be sentenced to
8 a mandatory term of imprisonment as follows:

9 18 Pa.C.S. § 2702(a)(1) and (4) (relating to aggravated
10 assault) - not less than two years.

11 18 Pa.C.S. § 3121(a)(1), (2), (3), (4) and (5) (relating
12 to rape) - not less than ten years.

13 [18 Pa.C.S. § 3123 (relating to involuntary deviate
14 sexual intercourse) - not less than ten years.]

15 18 Pa.C.S. § 3125(a)(1) through (6) (relating to
16 aggravated indecent assault) - not less than five years.

17 * * *

18 § 9719. Sentences for offenses committed while impersonating a
19 law enforcement officer.

20 (a) Mandatory sentence.--A person convicted of murder of the
21 third degree, voluntary manslaughter, rape, [involuntary deviate
22 sexual intercourse,] aggravated assault as defined in 18 Pa.C.S.
23 § 2702(a)(1) (relating to aggravated assault), robbery as
24 defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating
25 to robbery) or kidnapping or who is convicted of attempt to
26 commit any of these crimes shall, if the person was
27 impersonating a law enforcement officer during the commission of
28 the offense, be sentenced to a minimum sentence of at least
29 three years of total confinement notwithstanding any other
30 provision of this title or other statute to the contrary.

1 * * *

2 § 9720.2. Sentencing for trafficking of persons.

3 Notwithstanding any other provision of law, a person who
4 commits a violation of 18 Pa.C.S. § 3011 (relating to
5 trafficking in individuals) or 3012 (relating to involuntary
6 servitude) while violating:

7 (1) 18 Pa.C.S. § 2901 (relating to kidnapping); or

8 (2) 18 Pa.C.S. § 3121 (relating to rape); [or

9 (3) 18 Pa.C.S. § 3123 (relating to involuntary deviate
10 sexual intercourse);]

11 shall be sentenced up to a maximum term of life imprisonment.

12 Section 25. The definitions of "juvenile offender" and
13 "sexually violent predator" in section 9799.12 of Title 42 are
14 amended to read:

15 § 9799.12. Definitions.

16 The following words and phrases when used in this subchapter
17 shall have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 * * *

20 "Juvenile offender." One of the following:

21 (1) An individual who was 14 years of age or older at
22 the time the individual committed an offense which, if
23 committed by an adult, would be classified as an offense
24 under 18 Pa.C.S. § 3121 (relating to rape)[, 3123 (relating
25 to involuntary deviate sexual intercourse)] or 3125 (relating
26 to aggravated indecent assault) or an attempt, solicitation
27 or conspiracy to commit an offense under 18 Pa.C.S. § 3121[,
28 3123] or 3125 and either:

29 (i) is adjudicated delinquent for such offense on or
30 after the effective date of this section; or

1 (ii) has been adjudicated delinquent for such
2 offense and on the effective date of this section is
3 subject to the jurisdiction of the court on the basis of
4 that adjudication of delinquency, including commitment to
5 an institution or facility set forth in section 6352(a)
6 (3) (relating to disposition of delinquent child).

7 (2) An individual who, on or after the effective date of
8 this paragraph, was 14 years of age or older at the time the
9 individual committed an offense similar to an offense under
10 18 Pa.C.S. § 3121, 3123 or 3125 or an attempt, solicitation
11 or conspiracy to commit an offense similar to an offense
12 under 18 Pa.C.S. § 3121, 3123 or 3125 under the laws of the
13 United States, another jurisdiction or a foreign country and
14 was adjudicated delinquent for such an offense; or who was
15 previously adjudicated delinquent for such an offense and, on
16 the effective date of this paragraph, is subject to the
17 jurisdiction of the court on the basis of that adjudication
18 of delinquency.

19 (3) An individual who, on or after the effective date of
20 this paragraph, was required to register in a sexual offender
21 registry in another jurisdiction or foreign country based
22 upon an adjudication of delinquency.

23 The term does not include a sexually violent delinquent
24 child.

25 * * *

26 "Sexually violent predator." An individual who committed a
27 sexually violent offense on or after December 20, 2012, for
28 which the individual was convicted, specified in:

29 (1) section 9799.14(b)(1), (2), (3), (4), (5), (6), (8),
30 (9) or (10) (relating to sexual offenses and tier system) or

1 an attempt, conspiracy or solicitation to commit any offense
2 under section 9799.14(b)(1), (2), (3), (4), (5), (6), (8),
3 (9) or (10);

4 (2) section 9799.14(c)(1), (1.1), (1.2), (1.3), (2),
5 (3), (4), (5) or (6) or an attempt, conspiracy or
6 solicitation to commit an offense under section 9799.14(c)
7 (1), (1.1), (1.2), (1.3), (2), (3), (4), (5) or (6); or

8 (3) section 9799.14(d)(1), (2), (3), [(4),] (5), (6),
9 (7), (8) or (9) or an attempt, conspiracy or solicitation to
10 commit an offense under section 9799.14(d)(1), (2), (3),
11 [(4),] (5), (6), (7), (8) or (9)

12 who is determined to be a sexually violent predator under
13 section 9799.24 (relating to assessments) due to a mental
14 abnormality or personality disorder that makes the individual
15 likely to engage in predatory sexually violent offenses. The
16 term includes an individual determined to be a sexually violent
17 predator or similar designation where the determination occurred
18 in another jurisdiction, a foreign country or by court martial
19 following a judicial or administrative determination pursuant to
20 a process similar to that under section 9799.24 where the
21 determination or designation is based on the commitment of a
22 sexually violent offense on or after December 20, 2012, for
23 which the individual was convicted.

24 * * *

25 Section 26. Sections 9799.14(d)(4), 9799.17(a)(1),
26 9799.24(h), 9799.55(b)(2)(i) and 9799.58(h) of Title 42 are
27 amended to read:

28 § 9799.14. Sexual offenses and tier system.

29 * * *

30 (d) Tier III sexual offenses.--The following offenses shall

1 be classified as Tier III sexual offenses:

2 * * *

3 [(4) 18 Pa.C.S. § 3123 (relating to involuntary deviate
4 sexual intercourse).]

5 * * *

6 § 9799.17. Termination of period of registration for juvenile
7 offenders.

8 (a) Juvenile offender.--An individual who is a juvenile
9 offender, with the exception of a juvenile offender whose period
10 of registration is determined by section 9799.15(a)(4.1)
11 (relating to period of registration), shall have the requirement
12 to register terminated if all of the following apply:

13 (1) At least 25 years have elapsed since the individual
14 was:

15 (i) adjudicated delinquent for an offense which, if
16 committed by an adult, would be classified as an offense
17 under 18 Pa.C.S. § 3121 (relating to rape) [, 3123
18 (relating to involuntary deviate sexual intercourse)] or
19 3125 (relating to aggravated indecent assault) or an
20 attempt, solicitation or conspiracy to commit an offense
21 under 18 Pa.C.S. § 3121 [, 3123] or 3125, excluding time
22 spent under the supervision of the court, including
23 commitment to an institution or facility set forth in
24 section 6352(a)(3) (relating to deposition of delinquent
25 child); or

26 (ii) adjudicated delinquent for an offense in
27 another jurisdiction or foreign country which is similar
28 to that which if committed by an adult in this
29 Commonwealth would be classified as an offense under 18
30 Pa.C.S. § 3121 [, 3123] or 3125 or an attempt,

1 solicitation or conspiracy to commit an offense under 18
2 Pa.C.S. § 3121[, 3123] or 3125.

3 * * *

4 § 9799.24. Assessments.

5 * * *

6 (h) Delinquent children.--The probation officer shall notify
7 the board 90 days prior to the 20th birthday of the child of the
8 status of the delinquent child who is committed to an
9 institution or other facility pursuant to section 6352 (relating
10 to disposition of delinquent child) after having been found
11 delinquent for an act of sexual violence that if committed by an
12 adult would be a violation of 18 Pa.C.S. § 3121 (relating to
13 rape), [3123 (relating to involuntary deviate sexual
14 intercourse),] 3124.1 (relating to sexual assault), 3125
15 (relating to aggravated indecent assault), 3126 (relating to
16 indecent assault) or 4302 (relating to incest), together with
17 the location of the facility where the child is committed. The
18 board shall conduct an assessment of the child, which shall
19 include the board's determination of whether or not the child is
20 in need of commitment due to a mental abnormality as defined in
21 section 6402 (relating to definitions) or a personality
22 disorder, either of which results in serious difficulty in
23 controlling sexually violent behavior, and provide a report to
24 the court within the time frames set forth in section 6358(c).
25 The probation officer shall assist the board in obtaining access
26 to the child and any records or information as requested by the
27 board in connection with the assessment. The assessment shall be
28 conducted under subsection (b).

29 § 9799.55. Registration.

30 * * *

1 (b) Lifetime registration.--The following individuals shall
2 be subject to lifetime registration:

3 * * *

4 (2) Individuals convicted:

5 (i) (A) in this Commonwealth of the following
6 offenses, if committed on or after April 22, 1996,
7 but before December 20, 2012:

8 18 Pa.C.S. § 3121 (relating to rape);

9 [18 Pa.C.S. § 3123 (relating to involuntary
10 deviate sexual intercourse);]

11 18 Pa.C.S. § 3124.1 (relating to sexual assault);

12 18 Pa.C.S. § 3125 (relating to aggravated
13 indecent assault); or

14 18 Pa.C.S. § 4302 when the victim is under 12
15 years of age; or

16 (B) in this Commonwealth of offenses set forth
17 in clause (A) who were required to register with the
18 Pennsylvania State Police under a former sexual
19 offender registration law of this Commonwealth on or
20 after April 22, 1996, but before December 20, 2012,
21 whose period of registration has not expired; or

22 * * *

23 § 9799.58. Assessments.

24 * * *

25 (h) Delinquent children.--Except where section 6358(b.1) is
26 applicable, the probation officer shall notify the board 90 days
27 prior to the 20th birthday of the child of the status of the
28 delinquent child who is committed to an institution or other
29 facility under section 6352 (relating to disposition of
30 delinquent child) after having been found delinquent for an act

1 of sexual violence which if committed by an adult would be a
2 violation of 18 Pa.C.S. § 3121 (relating to rape), [3123
3 (relating to involuntary deviate sexual intercourse),] 3124.1
4 (relating to sexual assault), 3125 (relating to aggravated
5 indecent assault), 3126 (relating to indecent assault) or 4302
6 (relating to incest), together with the location of the facility
7 where the child is committed. The board shall conduct an
8 assessment of the child, which shall include the board's
9 determination of whether or not the child is in need of
10 commitment due to a mental abnormality as defined in section
11 6402 (relating to definitions) or a personality disorder, either
12 of which results in serious difficulty in controlling sexually
13 violent behavior, and provide a report to the court within the
14 time frames under section 6358(c). The probation officer shall
15 assist the board in obtaining access to the child and records or
16 information as requested by the board in connection with the
17 assessment. The assessment shall be conducted under subsection
18 (b).

19 * * *

20 Section 27. Section 702(c)(2) of Title 54 is amended to
21 read:

22 § 702. Change by order of court.

23 * * *

24 (c) Convicted felons.--

25 * * *

26 (2) The court may not order a change of name for a
27 person convicted of murder, voluntary manslaughter, rape,
28 [involuntary deviate sexual intercourse,] statutory sexual
29 assault, sexual assault, aggravated indecent assault, robbery
30 as defined in 18 Pa.C.S. § 3701(a)(1)(i) (relating to

1 robbery), aggravated assault as defined in 18 Pa.C.S. §
2 2702(a)(1) or (2) (relating to aggravated assault), arson as
3 defined in 18 Pa.C.S. § 3301(a) (relating to arson and
4 related offenses), kidnapping or robbery of a motor vehicle
5 or criminal attempt, criminal conspiracy or criminal
6 solicitation to commit any of the offenses listed above or an
7 equivalent crime under the laws of this Commonwealth in
8 effect at the time of the commission of that offense or an
9 equivalent crime in another jurisdiction.

10 * * *

11 Section 28. Section 6139(a)(3.3)(i) of Title 61 is amended
12 to read:

13 § 6139. Parole procedure.

14 (a) Specific requirements.--

15 * * *

16 (3.3) The following apply:

17 (i) Notwithstanding the provisions of paragraphs (2)
18 and (3), if a parole decision has been issued by the
19 board within three years of the date of the current
20 application, the board shall not be required to consider
21 nor dispose of an application by an offender or an
22 offender's attorney in the case of an offender sentenced
23 under any of the following provisions of 18 Pa.C.S.

24 (relating to crimes and offenses):

25 Section 2502(c) (relating to murder).

26 Section 2503 (relating to voluntary
27 manslaughter).

28 Section 2901(a.1) (relating to kidnapping).

29 Section 3011(b) (relating to trafficking in
30 individuals).

1 Section 3012 (relating to involuntary servitude).

2 Section 3121 (relating to rape).

3 Section 3122.1(b) (relating to statutory sexual
4 assault).

5 [Section 3123 (relating to involuntary deviate
6 sexual intercourse).]

7 Section 3124.1 (relating to sexual assault).

8 Section 3124.2(a.1) (relating to institutional
9 sexual assault).

10 Section 3125 (relating to aggravated indecent
11 assault).

12 Section 3126(a)(7) (relating to indecent
13 assault).

14 Section 4302(b) (relating to incest).

15 * * *

16 Section 29. The definitions of "sexual offense" and "violent
17 offense" in section 7122(e) of Title 61 are amended to read:
18 § 7122. Supervision of persons paroled by other states.

19 * * *

20 (e) Definitions.--As used in this section, the following
21 words and phrases shall have the meaning given to them in this
22 subsection unless the context clearly indicates otherwise:

23 * * *

24 "Sexual offense."

25 (1) Any of the following offenses or an equivalent
26 offense that is classified as a felony and involves a victim
27 who is a minor:

28 18 Pa.C.S. § 2901 (relating to kidnapping).

29 18 Pa.C.S. § 5902(a) (relating to prostitution and
30 related offenses).

1 18 Pa.C.S. § 5903(a) (3), (4), (5) or (6) (relating to
2 obscene and other sexual materials and performances).

3 (2) Any of the following offenses or an equivalent
4 offense that is classified as a felony and involves a victim
5 who is younger than 13 years of age:

6 18 Pa.C.S. § 3126 (relating to indecent assault).

7 (3) Any of the following offenses or an equivalent
8 offense, regardless of the victim's age:

9 18 Pa.C.S. § 3121 (relating to rape).

10 [18 Pa.C.S. § 3123 (relating to involuntary deviate
11 sexual intercourse).]

12 18 Pa.C.S. § 3125 (relating to aggravated indecent
13 assault).

14 "Violent offense."

15 (1) Any of the following offenses or an equivalent
16 offense:

17 18 Pa.C.S. § 2502 (relating to murder).

18 18 Pa.C.S. § 2503 (relating to voluntary
19 manslaughter).

20 18 Pa.C.S. § 2702 (relating to aggravated assault).

21 18 Pa.C.S. § 2703 (relating to assault by prisoner).

22 18 Pa.C.S. § 2704 (relating to assault by life
23 prisoner).

24 18 Pa.C.S. § 2901 (relating to kidnapping) where the
25 victim is a minor.

26 18 Pa.C.S. § 3121 (relating to rape).

27 [18 Pa.C.S. § 3123 (relating to involuntary deviate
28 sexual intercourse).]

29 18 Pa.C.S. § 3301 (relating to arson and related
30 offenses).

1 18 Pa.C.S. § 3502 (relating to burglary).

2 18 Pa.C.S. § 3701 (relating to robbery).

3 18 Pa.C.S. § 3923 (relating to theft by extortion)

4 where a threat of violence is made.

5 (2) A criminal attempt, criminal solicitation or
6 criminal conspiracy to commit any offenses set forth in this
7 definition.

8 Section 30. This act shall take effect in 60 days.