

No. 2014-56

AN ACT

HB 112

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sexual offenses, further providing for drug delivery resulting in death; providing for the offense of sexual assault by sports official, volunteer or employee of nonprofit association; and, in sentencing, further providing for sentences for offenses against infant persons.

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

Section 1. Section 2506(b) of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 2506. Drug delivery resulting in death.

* * *

(b) Penalty.—

(1) A person convicted under subsection (a) shall be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years.

(2) *Paragraph (1) shall not apply to a person convicted under section 2502(c) (relating to murder) when the victim is less than 13 years of age and the conduct arises out of the same criminal act.*

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Section 2. Title 18 is amended by adding a section to read:

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

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

(b) *Volunteer or employee of nonprofit association.—Except as provided in sections 3121, 3122.1, 3123, 3124.1 and 3125, a volunteer or an employee of a nonprofit association having direct contact with a child under 18 years of age who participates in a program or activity of the nonprofit association commits a felony of the third degree if the volunteer or employee engages in sexual intercourse, deviate sexual intercourse or indecent contact with that child.*

(c) *Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:*

"Direct contact." Care, supervision, guidance or control.

"Nonprofit association." As defined in 42 Pa.C.S. § 8332.1 (relating to manager, coach, umpire or referee and nonprofit association negligence standard).

"Sports official." A person who supervises children participating in a sports program of a nonprofit association or a for-profit association, including, but not limited to, a coach, assistant coach, athletic trainer, team attendant, game manager, instructor or a person at a sports program who enforces the rules of a sporting event sponsored by a sports program of a nonprofit association or a for-profit association, including, but not limited to, an umpire or referee, whether receiving remuneration or holding the position as a volunteer.

"Sports program." As defined in 42 Pa.C.S. § 8332.1.

Section 3. Section 9718(a) of Title 42 is amended to read:

§ 9718. Sentences for offenses against infant persons.

(a) Mandatory sentence.—

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

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

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

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

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

(2) A person convicted of the following offenses when the victim is less than 13 years of age shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 2502(c) (relating to murder) - not less than 15 years.

18 Pa.C.S. § 2702(a)(1) - not less than five years.

(3) A person convicted of the following offenses shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 3121(c) and (d) - not less than ten years.

18 Pa.C.S. § 3125(a)(7) - not less than five years.

18 Pa.C.S. § 3125(b) - not less than ten years.

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

APPROVED—The 18th day of June, A.D. 2014

TOM CORBETT