

No. 1998-157

AN ACT

HB 689

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for institutional sexual assault and for obstructing emergency services; further prohibiting live animals as prizes; and prohibiting the criminal use of communication facilities.

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

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding sections to read:

§ 3124.2. Institutional sexual assault.

(a) General rule.—A person who is an employee or agent of the Department of Corrections or county correctional authority commits a misdemeanor of the first degree if the person engages in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate.

(b) Definition.—As used in this section, the term “agent” means a person who is assigned to work in a State or county correctional facility who is employed by any State agency or any person employed by an entity providing contract services to the Department of Corrections or county correctional authority.

§ 5112. Obstructing emergency services.

(a) Offense defined.—A person commits a misdemeanor of the third degree if he knowingly impedes, obstructs or interferes with emergency services personnel providing emergency medical services to an injured victim or performing rescue or firefighting activities.

(b) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Emergency medical services.” The services utilized in responding to the needs of an individual for immediate medical care in order to prevent loss of life or the aggravation of physiological or psychological illness or injury.

“Emergency services personnel.” A person, including a trained volunteer or a member of the armed forces of the United States or the National Guard, whose official or assigned responsibilities include performing or directly supporting the performance of emergency medical or rescue services or firefighting.

“Rescue.” The act of extricating persons from entrapment or dangerous situations which pose the imminent threat of death or serious bodily injury.

Section 2. Section 5511.1(a) and (b) of Title 18 are amended to read:

§ 5511.1. Live animals as prizes prohibited.

(a) General rule.—No person shall give or offer to give away any live animal, except fish, as a prize in any drawing, lottery, contest, sweepstakes or other game. *No person operating any drawing, lottery, contest, sweepstake or other game shall sell or offer to sell any live animal, except fish, in conjunction with the operation of a drawing, lottery, contest, sweepstakes or other game.*

(b) Exception.—

(1) This section shall not apply to any domestic animal given away *or sold* in connection with any agricultural, educational or vocational program sponsored or sanctioned by the Department of Agriculture.

(2) The Department of Agriculture shall promulgate the rules and regulations necessary to provide the conditions and requirements of live animal offerings under this subsection.

* * *

Section 3. Title 18 is amended by adding a section to read:

§ 7512. *Criminal use of communication facility.*

(a) *Offense defined.*—*A person commits a felony of the third degree if that person uses a communication facility to commit, cause or facilitate the commission or the attempt thereof of any crime which constitutes a felony under this title or under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act. Every instance where the communication facility is utilized constitutes a separate offense under this section.*

(b) *Penalty.*—*A person who violates this section shall, upon conviction, be sentenced to pay a fine of not more than \$15,000 or to imprisonment for not more than seven years, or both.*

(c) *Definition.*—*As used in this section, the term “communication facility” means a public or private instrumentality used or useful in the transmission of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part, including, but not limited to, telephone, wire, radio, electromagnetic, photoelectronic or photo-optical systems or the mail.*

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

APPROVED—The 21st day of December, A.D. 1998.

THOMAS J. RIDGE