

## 1966 SPECIAL SESSION NO. 3

## No. 1

## AN ACT

## SB 3

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," changing the penalty for the crime of rape and assault with intent to ravish.

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

Section 1. Sections 721 and 722, act of June 24, 1939 (P. L. 872), known as "The Penal Code," are amended to read:

Section 721. Rape; (a).—Whoever has unlawful carnal knowledge of a woman, forcibly and against her will, [or whoever, being of the age of sixteen (16) years and upwards, unlawfully and carnally knows and abuses any woman child under the age of sixteen (16) years with or without her consent,] is guilty of rape, a felony, and on conviction, shall be sentenced to pay a fine not exceeding [seven thousand dollars (\$7,000), or] ten thousand dollars (\$10,000), and undergo imprisonment, by separate or solitary confinement at labor [or by simple imprisonment, not exceeding fifteen (15) years, or both.] for a term the length of which shall be determined by the court but shall not be less than fifteen (15) years or more than life if in the course of the commission of the act, he inflicts serious bodily injury upon anyone. In all other cases he shall be sentenced to pay a fine not exceeding ten thousand dollars (\$10,000), or undergo imprisonment by separate or solitary confinement at labor or by simple imprisonment for a term which shall be determined by the court, the maximum of which shall not exceed twenty (20) years, or both.

As used in this section the term "serious bodily injury" means bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of any member or organ of the body.

(b) Whoever, being of the age of sixteen (16) years and upwards, unlawfully and carnally knows and abuses any woman child under the age of sixteen (16) years with her consent, is guilty of statutory rape, a felony, and on conviction, shall be sentenced to pay a fine not ex-

ceeding seven thousand dollars (\$7,000), or undergo imprisonment, by separate or solitary confinement at labor, or by simple imprisonment, not exceeding fifteen (15) years or both.

Upon the trial of any defendant charged with the unlawful carnal knowledge and abuse of a woman child under the age of sixteen (16) years, if the jury shall find that such woman child was not of good repute, and that the carnal knowledge was with her consent, the defendant shall be acquitted of rape, and be convicted of fornication.

Section 722. Assault with Intent to Ravish.—Whoever commits an assault and battery upon a female, with intent, forcibly and against her will, to have unlawful carnal knowledge of her, is guilty of a felony, and on conviction, for the first offense, shall be sentenced to pay a fine not exceeding [two thousand dollars (\$2,000) or] seven thousand dollars (\$7,000) and undergo imprisonment, by separate or solitary confinement at labor, not exceeding [five (5)] fifteen (15) years [or both] if in the course of the commission of the act, he inflicts serious bodily injury upon anyone. In all other cases he shall be sentenced to pay a fine not exceeding twenty-five hundred dollars (\$2,500), or undergo imprisonment by separate or solitary confinement at labor or by simple imprisonment for not more than seven (7) years or both. For the second offense, or any subsequent offense, he shall be sentenced to pay a fine not exceeding seven thousand dollars (\$7,000) and undergo imprisonment by separate or solitary confinement at labor for a term up to a maximum of his natural life.

As used in this section the term “serious bodily injury” means bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of any member or organ of the body.

Section 2. This act shall take effect immediately.

APPROVED—The 12th day of May, A. D. 1966.

WILLIAM W. SCRANTON