

No. 122

AN ACT

HB 1650

Amending the act of June 24, 1939 (P.L.872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," reducing certain age requirements.

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

Section 1. Section 510, act of June 24, 1939 (P.L.872), known as "The Penal Code," is amended to read:

Section 510. Seduction of Female under [Twenty-one] *Eighteen*.—Whoever seduces any female of good repute, under [twenty-one] *eighteen* years of age, with illicit connection under promise of marriage, is guilty of a seduction, a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), or to undergo imprisonment, either at labor by separate or solitary confinement or imprisonment without labor, not exceeding three (3) years, or both.

The promise of marriage shall not be deemed established unless the testimony of the female seduced is corroborated by other evidence, either circumstantial or positive.

Section 2. Section 650 of the act, amended December 30, 1959 (P.L.2087), is amended to read:

Section 650. Pawnbrokers Dealing with Minors.—Whoever, being a pawnbroker or the employe of a pawnbroker, makes any loan or advances, or permits to be made any loan or advance, to any minor under the age of [twenty-one (21)] *eighteen (18)* years, or in any manner receives, directly or indirectly, any goods, chattels, wares, or merchandise from any minor under the age of [twenty-one (21)] *eighteen (18)* years, in pledge for loans made or to be made to such minor, or whoever acts as an intermediary between any pawnbroker or the employe of a pawnbroker to effect any loan, the benefit of which shall accrue to any minor under the age of [twenty-one (21)] *eighteen (18)* years, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000) or undergo imprisonment not exceeding one (1) year, or both.

Section 3. Section 729 of the act is amended to read:

Section 729. Tattooing Minors.—Whoever tattoos any person under the age of [twenty-one (21)] *eighteen (18)* years without the consent of the living parents, or of the legal guardian thereof, if such minor is under the care of a guardian, is guilty of a misdemeanor, and shall, upon conviction thereof, be sentenced to pay a fine of not more than one hundred dollars (\$100), or to undergo imprisonment of not more than three (3) months, or both.

Section 4. Section 731 of the act, amended July 5, 1957 (P.L.481), is amended to read:

Section 731. Wilful Separation or Nonsupport.—Whoever, being a husband or father, separates himself from his wife or from his children or from wife and children, without reasonable cause, or wilfully neglects to maintain his wife or children, such wife or children being destitute, or being dependent wholly or in part on their earnings for adequate support, is guilty of a misdemeanor, and on conviction thereof, shall be sentenced to imprisonment not exceeding one (1) year, or to pay a fine not exceeding five hundred dollars (\$500), or both. Such fine, if any, may be paid or applied, in whole or in part, to the wife or children, as the court may direct.

No such conviction, payment, or fine, or undergoing imprisonment shall in any manner affect the obligation of any order for support theretofore made against the defendant in any competent court.

In any such case, the court may suspend sentence upon and during compliance by the defendant with any order for support as already made or as thereafter modified. If no such order shall have been made, then the court trying the defendant may make such order for the support by the defendant of his wife and children or either of them, which order shall be subject to modification by the court on cause shown, and may suspend sentence upon and during the compliance by defendant with such order upon entry of bond by defendant with surety approved by the court, conditioned on compliance with such order. The court after hearing the parties may also determine and make orders with respect to the right of parents to visit their children.

In any proceedings under this section, the wife or any person having the care, custody, or control of minor children shall be a competent witness.

As used in this section, the word “children” shall be limited to mean children under sixteen (16) years of age, and also such children over sixteen (16) and under **[twenty-one (21)]** *eighteen (18)* years of age, as by reason of infirmity are incapable of supporting themselves. “Separation” or “nonsupport” shall include every case where a husband has caused his wife to leave him by conduct on his part which would be ground for divorce, or a father has neglected to provide for maintenance, support, and care of his wife or children or wife and children.

Section 5. Section 1110 of the act, added June 3, 1953 (P.L.276), is amended to read:

Section 1110. Crime With Minor Under Eighteen as Accomplices, Principal or Accessory.—Whoever, being of the age of **[twenty-one]** *eighteen (18)* years and upwards, after having been convicted of the crime or attempt to commit the crime of treason, murder, voluntary manslaughter, sodomy, burglary, entering with intent to steal, larceny, rape, robbery, arson, mayhem, kidnapping, sale of narcotics, perjury,

abortion, pandering, incest, or any offense committed or attempted to be committed through the instrumentality of or with the aid of a deadly weapon or gunpowder or other explosive substances or corrosive fluid, wherein a minor child under the age of eighteen (18) years is involved as a principal or as an accomplice or as accessory before or after the fact or as an associate, may, upon conviction of any of the aforementioned crimes, be sentenced to imprisonment for a term, the maximum of which shall not be more than twice the longest term otherwise prescribed by law upon a conviction of the crime in question.

In all proceedings under the provisions of this section, knowledge of the minor's age shall be presumed in the absence of proof of the contrary.

APPROVED—The 16th day of June, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 122.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T".

Secretary of the Commonwealth.