

No. 1997-65

AN ACT

HB 1125

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting unauthorized administration of an intoxicant; and providing for additional penalties for certain drug-induced rape.

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 a section to read:

§ 2714. Unauthorized administration of intoxicant.

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

Section 2. Section 3121 of Title 18 is amended to read:

§ 3121. Rape.

(a) Offense defined.—A person commits a felony of the first degree when he or she engages in sexual intercourse with a complainant:

- (1) By forcible compulsion.
- (2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.
- (3) Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring.
- (4) Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance.
- (5) Who suffers from a mental disability which renders the complainant incapable of consent.
- (6) Who is less than 13 years of age.

(b) Additional penalties.—*In addition to the penalty provided for by subsection (a), a person may be sentenced to an additional term not to exceed ten years' confinement and an additional amount not to exceed \$100,000 where the person engages in sexual intercourse with a complainant and has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing,*

without the knowledge of the complainant, any substance for the purpose of preventing resistance through the inducement of euphoria, memory loss and any other effect of this substance.

Section 3. This act shall take effect in 60 days.

APPROVED—The 19th day of December, A.D. 1997.

THOMAS J. RIDGE