

No. 2000-12

## AN ACT

SB 1047

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for institutional sexual assault.

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

Section 1. Section 3124.2 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 3124.2. Institutional sexual assault.

(a) General rule.—[A] *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 is an employee or agent of the Department of Corrections or a county correctional authority, youth development center, youth forestry camp, State or county juvenile detention facility, other licensed residential facility serving children and youth, or mental health or mental retardation facility or institution* commits a [misdemeanor] *felony* of the [first] *third* degree [if the] *when that* person engages in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate, *detainee, patient or resident.*

(b) Definition.—As used in this section, the term “agent” means a person who is assigned to work in a State or county correctional *or juvenile detention facility, a youth development center, youth forestry camp, other licensed residential facility serving children and youth, or mental health or mental retardation facility or institution* who is employed by any State *or county* agency or any person employed by an entity providing contract services to the [Department of Corrections or county correctional authority] *agency.*

Section 2. This act shall take effect immediately.

APPROVED—The 10th day of May, A.D. 2000.

THOMAS J. RIDGE