
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2177 Session of
2020

INTRODUCED BY GAYDOS, SCHROEDER, MIHALEK, MUSTELLO, ROWE,
BERNSTINE, CIRESI, EVERETT, FEE, GROVE, HEFFLEY, JOZWIAK,
OWLETT, PICKETT, RYAN, STAATS AND TOPPER, JANUARY 6, 2020

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 6, 2020

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in sentencing, further
3 providing for sexual offender treatment.

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

6 Section 1. Section 9718.1(a) and (b) of Title 42 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 9718.1. Sexual offender treatment.

9 (a) General rule.--A person, including an offender
10 designated as a "sexually violent predator" as defined in
11 section 9799.12 (relating to definitions) or 9799.53 (relating
12 to definitions), shall attend and participate in a Department of
13 Corrections program of counseling or therapy designed for
14 incarcerated sex offenders if the person is incarcerated in a
15 State institution for any of the following provisions under 18
16 Pa.C.S. (relating to crimes and offenses):

17 (1) Any of the offenses enumerated in Chapter 31
18 (relating to sexual offenses) if the offense involved a minor

1 under 18 years of age.

2 (1.1) Any of the offenses enumerated under Chapter 30
3 (relating to human trafficking) if the victim is a minor
4 under 18 years of age and the offense involved sexual
5 servitude.

6 (2) Section [4304] 4304(a)(1) (relating to endangering
7 welfare of children) if the offense involved sexual contact
8 with the victim.

9 (3) Section [6301] 6301(a)(1)(i) (relating to corruption
10 of minors) if the offense involved sexual contact with the
11 victim.

12 (3.1) Section 6301(a)(1)(ii).

13 (4) Open lewdness, as defined in section 5901 (relating
14 to open lewdness), if the offense involved a minor under 18
15 years of age.

16 (5) Prostitution, as defined in section [5902] 5902(b.1)
17 (relating to prostitution and related offenses) [, if the
18 offense involved a minor under 18 years of age].

19 (6) Obscene and other sexual materials and performances,
20 as defined in section 5903 (relating to obscene and other
21 sexual materials and performances), if the offense involved a
22 minor under 18 years of age.

23 (7) Sexual abuse of children, as defined in section 6312
24 (relating to sexual abuse of children).

25 (8) Section 6318 (relating to unlawful contact with
26 minor).

27 (9) Section 6320 (relating to sexual exploitation of
28 children).

29 (10) [Section 4302 (relating to incest) if the offense
30 involved a minor under 18 years of age] Section 4302(b)

1 (relating to incest).

2 (11) An attempt [~~or~~], solicitation or conspiracy to
3 commit any of the offenses listed in this subsection.

4 (b) Eligibility for parole.--For an offender required to
5 participate in the program under subsection (a), all of the
6 following apply:

7 (1) The offender shall not be eligible for parole unless
8 the offender has:

9 (i) served the minimum term of imprisonment;

10 (ii) participated in the program under subsection
11 (a); and

12 (iii) agreed to comply with any special conditions
13 of parole imposed for therapy or counseling for sex
14 offenders, including sexually violent predators.

15 (2) Notwithstanding paragraph (1)(iii), an offender who
16 is a sexually violent predator is subject to section 9799.36
17 (relating to counseling of sexually violent predators) or
18 9799.70 (relating to counseling of sexually violent
19 predators).

20 * * *

21 Section 2. This act shall take effect in 60 days.