

18 Pa.C.S. § 3125 AGGRAVATED INDECENT ASSAULT

Offenses Defined.—Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault) a person who engages in penetration, however slight, of the genitals or anus of a complainant with a part of the person's body for any purpose other than good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault if: (1) the person does so without the complainant's consent; (2) the person does so by forcible compulsion; (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (4) the complainant is unconscious or the person knows that the complainant is unaware that the penetration is occurring; (5) 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; (6) the complainant suffers from a mental disability which renders him or her incapable of consent; (7) the complainant is less than 13 years of age; or (8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

| Grading and Sentences | Grade | Longest Possible | | OGS |
|--|-------|------------------|---------|-----|
| | | Minimum | Maximum | |
| 18 § 3125 (a) Aggravated Indecent Assault | F-2 | 60 | 120 | 10 |
| 18 § 3125 (b) Agg. Indecent Assault (child <13 years old)..... | F-1 | 120 | 240 | 12 |

| Offense Gravity Score | Prior Record Score | | | | | | | |
|-----------------------|--------------------|-------|-------|-------|-------|--------|--------|-------|
| | 0 | 1 | 2 | 3 | 4 | 5 | RFEL | REVOC |
| 12 | 48-66 | 54-72 | 60-78 | 66-84 | 72-90 | 84-102 | 96-114 | 120 |
| 10 | 22-36 | 30-42 | 36-48 | 42-54 | 48-60 | 60-72 | 72-84 | 120 |

RFEL=Repeat Felony Offender REVOC=Repeat Violent Offender Category

| | 2nd-Crime of Violence | 3rd-Crime of Violence | 3rd-Crime of Violence | Public Transportation | Impersonate Law Officer | Victim over 60 years old | Victim under 13 years old | Victim under 13 years old | Victim under 16 years old | Visibly Possessed Firearm | Prohibited Bullets |
|-------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-------------------------|--------------------------|---------------------------|---------------------------|---------------------------|---------------------------|--------------------|
| Agg Indecent Assault ^{1,2} | 120 mo | 300 mo | LIFE | 60 mo | | | 60 mo | 30 mo | | 60 mo | 60 mo |

¹Crime of violence

²Megan's Law offense

Notice Required

No Notice Required

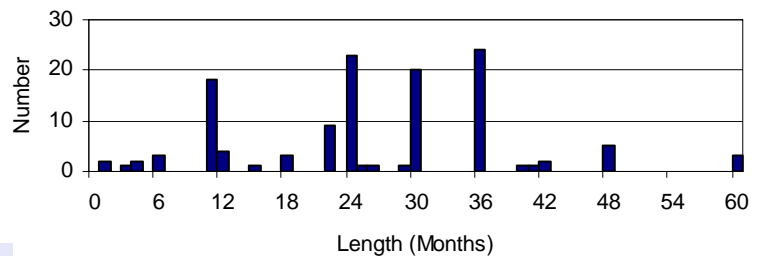
Sentencing Patterns in Pennsylvania: 2004

| All Agg. Ind. Asslt. | Most Serious Sexual Offense in the Judicial Proceeding was Agg. Ind. Asslt. | No. of Offenders |
|----------------------|---|------------------|
| 278 | 129 | 199 |

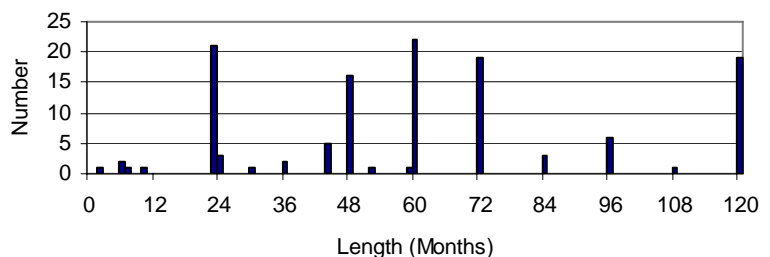
| Prior Record Score | Cases by PRS | |
|--------------------|--------------|---------|
| | No. | Percent |
| 0 | 98 | 76.0% |
| 1 | 9 | 7.0% |
| 2 | 8 | 6.2% |
| 3 | 3 | 2.3% |
| 4 | 5 | 3.9% |
| 5 | 4 | 3.1% |
| RFEL | 2 | 1.6% |
| REVOC | 0 | 0.0% |
| TOTAL | 129 | 100.0% |

| | Min | Max |
|--------|------|------|
| Mean | 25.9 | 61.6 |
| Median | 24 | 60 |
| Mode | 36 | 60 |

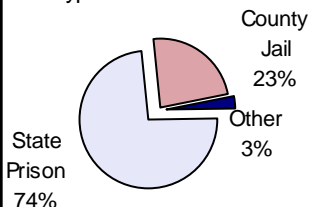
Aggravated Indecent Assault: Distribution of Min Sentences



Aggravated Indecent Assault: Distribution of Max Sentences



Type of Sentence



Trial vs. Plea: Percent & Ave. Min Sentence

