

# 18 Pa.C.S. § 3123 INVOLUNTARY DEVIATE SEXUAL INTERCOURSE [IDSi]

**Offense Defined.**—A person commits a felony of the first degree when the person engages in deviate 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; or (7) who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other. ["Deviate sexual intercourse." Sexual intercourse per os or per anus between human beings and any form of sexual intercourse with an animal. The term also includes penetration, however slight, of the genitals or anus of another person with a foreign object for any purpose other than good faith medical, hygienic or law enforcement procedures.]

Grading and Sentences	Grade	Longest Possible		OGS
		Minimum	Maximum	
18 § 3123 (a) IDSi.....	F-1	120	240	12
18 § 3123 (b) IDSi (child <13 years old) .....	F-1	240	480	14
18 § 3123 (c) IDSi (child <13 years old, with SBI) .....	F-1	LIFE	LIFE	14

Offense Gravity Score	Prior Record Score							
	0	1	2	3	4	5	RFEL	REVOC
<b>14</b>	72-SL	84-SL	96-SL	120-SL	168-SL	192-SL	204-SL	SL
<b>12</b>	48-66	54-72	60-78	66-84	72-90	84-102	96-114	120

RFEL=Repeat Felony Offender REVOC=Repeat Violent Offender Category SL=Statutory Limit (longest minimum sentence)

	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
IDSi <sup>1,2</sup>	120 mo	300 mo	LIFE	60 mo	36 mo	60 mo			60 mo	60 mo	60 mo

<sup>1</sup>Crime of violence      <sup>2</sup>Megan's Law offense      Notice Required      No Notice Required

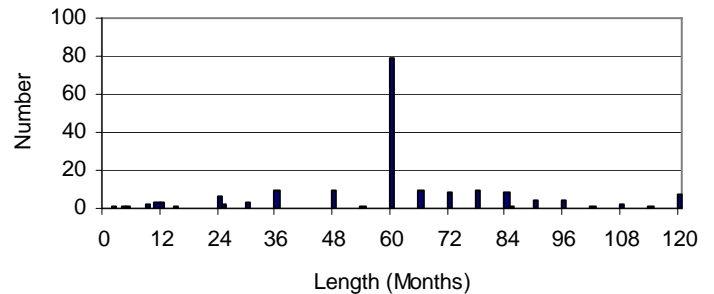
## Sentencing Patterns in Pennsylvania: 2004 Sentences

All IDSi	Most Serious Sexual Offense in the Judicial Proceeding was IDSi	No. of Offenders
310	181	189

Prior Record Score	Cases by PRS	
	No.	Percent
0	128	70.7%
1	10	5.5%
2	13	7.2%
3	6	3.3%
4	12	6.6%
5	8	4.4%
RFEL	3	1.7%
REVOC	1	0.6%
<b>TOTAL</b>	<b>181</b>	<b>100.0%</b>

	Min	Max
Mean	60.3	139.2
Median	60.0	120.0
Mode	60	120

IDSi: Distribution of Min Sentences



IDSi: Distribution of Max Sentences

