

# 18 Pa.C.S. § 4302. INCEST

**Offense Defined.**—A person is guilty of incest, a felony of the second degree, if that person knowingly marries or cohabits or has sexual intercourse with an ancestor or descendant, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood. The relationships referred to in this section include blood relationships without regard to legitimacy, and relationship of parent and child by adoption.

Grading and Sentences		Grade	Longest Possible		OGS
18 § 4302	Incest	F-2	Minimum	Maximum	9
			60	120	

## 6th Edition Sentencing Guidelines (effective 6/3/2005): Minimum Sentence Recommendations (in Months)

Offense Gravity Score	Prior Record Score							
	0	1	2	3	4	5	RFEL	REVOC
<b>9</b>	12-24	18-30	24-36	30-42	36-48	48-60	60-72	120

RFEL=Repeat Felony Offender REVOC=Repeat Violent Offender Category

## Mandatory Minimum Statutes: Minimum Sentence Requirement if Applicable (in Months)

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

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

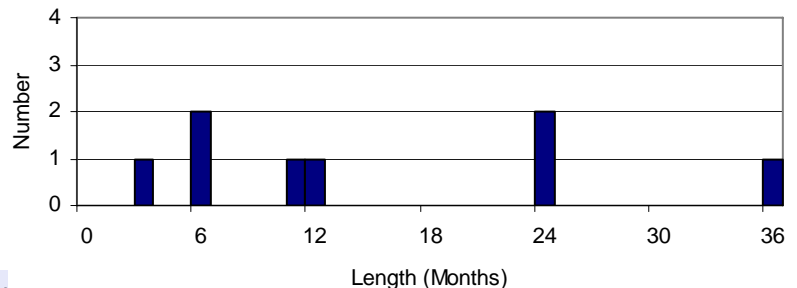
## Sentencing Patterns in Pennsylvania: 2004 Sentences

All Incest	Most Serious Sexual Offense in the Judicial Proceeding was Incest	No. of Offenders
36	8	29

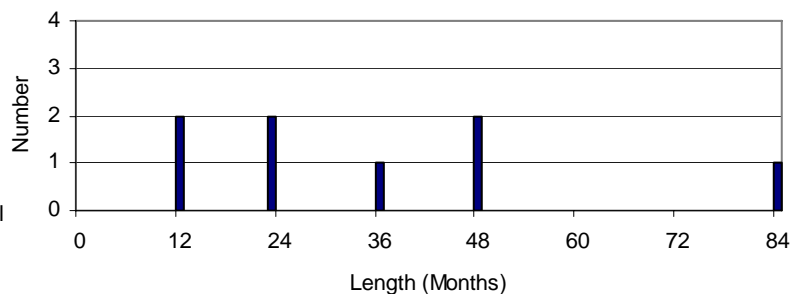
Prior Record Score	Cases by PRS	
	No.	Percent
0	6	75.0%
1	0	0.0%
2	0	0.0%
3	2	25.0%
4	0	0.0%
5	0	0.0%
RFEL	0	0.0%
REVOC	0	0.0%
<b>TOTAL</b>	<b>8</b>	<b>100.0%</b>

	Min	Max
Mean	15.3	35.8
Median	11.75	29.5
Mode	-	-

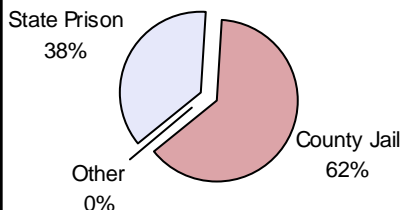
Incest: Distribution of Min Sentences



Incest: Distribution of Max Sentences



Type of Sentence



Trial vs. Plea: Percent & Ave. Min Sentence

