

# 18 Pa.C.S. § 3126 INDECENT ASSAULT

**Offense Defined.**—A person is guilty of indecent assault if the person has indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and : (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 indecent contact 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 the complainant 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. ["Indecent contact." Any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire, in either person.]

Grading and Sentences	Grade	Longest Possible		OGS
		Minimum	Maximum	
18 § 3126 (a)(1) & (a)(8) Indecent Assault .....	M-2	12	24	4
18 § 3126 (a)(2) - (a)(7) Indecent Assault (child <13 years old).....	M-1	30	60	5
18 § 3126 (a)(7) Indecent Assault (certain conditions).....	F-3	42	84	5

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
5	RS-9	1-12	3-14	6-16	9-16	12-18	24-36	NA
4	RS-3	RS-9	RS-<12	3-14	6-16	9-16	21-30	NA

RFEL=Repeat Felony Offender REVOC=Repeat Violent Offender Category RS=Restorative Sanction NA=Not Applicable

**Mandatory Minimum Statutes: No Mandatory Statutes Apply**

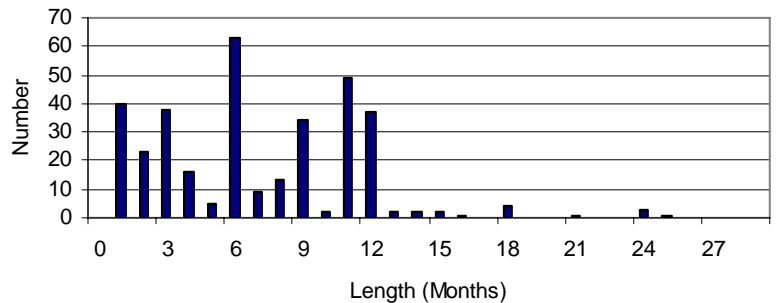
## Sentencing Patterns in Pennsylvania: 2004 Sentences

All Ind. Asslt.	Most Serious Sexual Offense in the Judicial Proceeding was Ind. Asslt.	No. of Offenders
1015	622	774

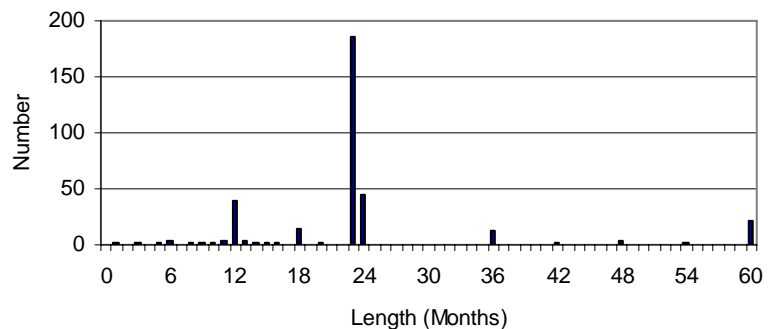
Prior Record Score	Cases by PRS	
	No.	Percent
0	403	64.8%
1	66	10.6%
2	52	8.4%
3	31	5.0%
4	24	3.9%
5	32	5.1%
RFEL	14	2.3%
REVOC	0	0.0%
<b>TOTAL</b>	<b>622</b>	<b>100.0%</b>

	Min	Max
Mean	7.8	25.4
Median	6	23
Mode	6	23

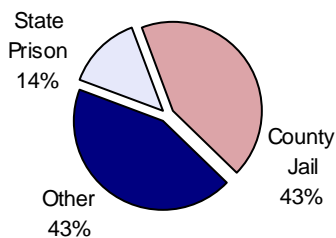
Indecent Assault: Distribution of Min Sentences



Indecent Assault: Distribution of Max Sentences



Type of Sentence



Trial vs. Plea: Percent & Ave. Min. Sentence

