

18 Pa.C.S. § 3121 RAPE

Offense Defined.—A person commits a felony of the first degree when the person engages in 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 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.

Grading and Sentences	Grade	Longest Possible		OGS
		Minimum	Maximum	
18 § 3121 (a) Rape	F-1	120	240	12
18 § 3121 (b) Rape (uses substance to impair victim)	F-1	180	360	13
18 § 3121 (c) Rape (child <13 years old)	F-1	240	480	14
18 § 3121 (d) Rape (child <13 years old, with SBI)	F-1	LIFE	LIFE	14

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
14	72-SL	84-SL	96-SL	120-SL	168-SL	192-SL	204-SL	SL
13	60-78	66-84	72-90	78-96	84-102	96-114	108-126	240
12	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)

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
Rape ^{1,2}	120 mo	300 mo	LIFE	60 mo	36 mo	60 mo	60 mo		60 mo	60 mo	60 mo

¹Crime of violence ²Megan's Law offense Notice Required No Notice Required

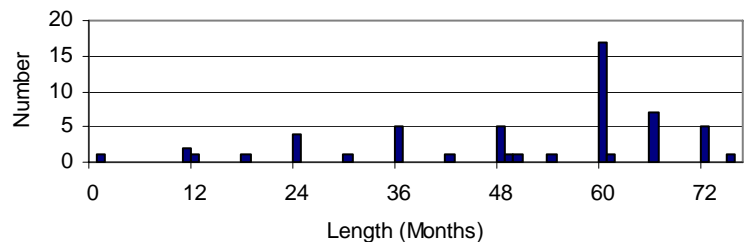
Sentencing Patterns in Pennsylvania: 2004 Sentences

All Rape	Most Serious Sexual Offense in the Judicial Proceeding was Rape	No. of Offenders
222	83	130

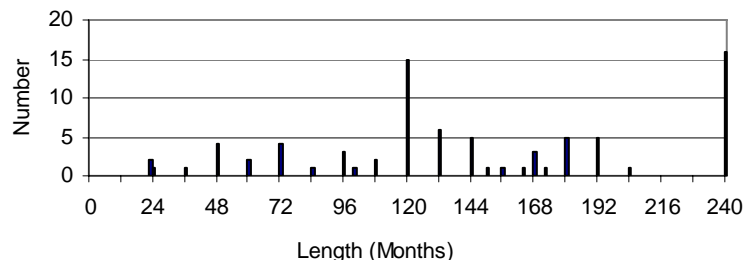
Prior Record Score	Cases by PRS	
	No.	Percent
0	42	50.6%
1	7	8.4%
2	5	6.0%
3	8	9.6%
4	6	7.2%
5	10	12.0%
RFEL	2	2.4%
REVOC	3	3.6%
Total	83	100.0%

	Min	Max
Mean	70.6	154.7
Median	60.5	132.0
Mode	60	240

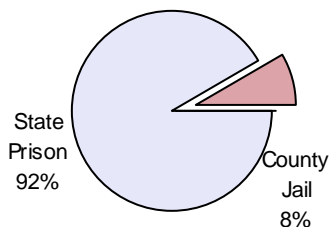
Rape: Distribution of Min Sentences



Rape: Distribution of Max Sentences



Type of Sentence



Trial vs. Plea: Percent & Ave. Min Sentence

