

# 18 Pa.C.S. § 3124.1 SEXUAL ASSAULT

**Offense Defined.**—Except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant’s consent. [“Sexual intercourse.” In addition to its ordinary meaning, includes intercourse per os or per anus, with some penetration however slight; emission is not required.] [“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 § 3124.1 Sexual Assault .....	F-2	60	120	11

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>11</b>	36-54	42-60	48-66	54-72	60-78	72-90	84-102	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	
Sexual Assault <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				

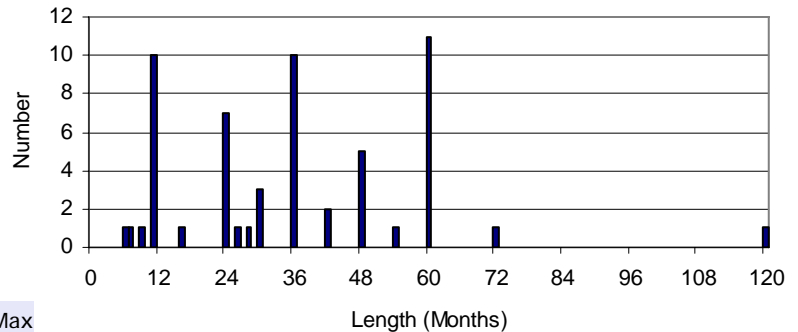
## Sentencing Patterns in Pennsylvania: 2004 Sentences

All Sexual Assault	Most Serious Sexual Offense in the Judicial Proceeding was Sexual Asslt.	No. of Offenders
86	64	77

Prior Record Score	Cases by PRS	
	No.	Percent
0	35	54.7%
1	10	15.6%
2	8	12.5%
3	2	3.1%
4	1	1.6%
5	3	4.7%
RFEL	4	6.3%
REVOC	1	1.6%
<b>TOTAL</b>	64	100.0%

	Min	Max
Mean	36.1	74.2
Median	36	72
Mode	60	120

Sexual Assault: Distribution of Min Sentences



Sexual Assault: Distribution of Max Sentences

