

COMMITTEE BILL ANALYSIS

Bill: House Bill 112

Printer's No.: 103

Sponsor: Rep. Vereb

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Synopsis: This bill amends the Crimes Code, Title 18 of the Pennsylvania Consolidated Statutes, relating to the criminal offense of sexual assault by a sports official, or volunteer or employee of a nonprofit association.

Summary:

Sports official

Under new section 3124.3(a) of the Crimes Code, a person who serves as a sports official in a sports program of a nonprofit association or a for-profit association commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with a child under 18 years of age who is participating in a sports program of the nonprofit association or the for-profit association.

Volunteer or employee of nonprofit association

Under new section 3124.3(b) a volunteer or an employee of a nonprofit association having direct contact with a child under 18 years of age who participates in a program or activity of the nonprofit association commits a felony of the third degree if the volunteer or employee engages in sexual intercourse, deviate sexual intercourse or indecent contact with the child.

Application to other offenses

The grading of the offenses under section 3124.3(a) and (b) shall not affect the grading of the offenses in section 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault) and section 3125 (relating to aggravated indecent assault).

Definitions

The bill includes definitions for "direct contact," "nonprofit association," "sports official," and "sports program." The definition of "direct contact" is care, supervision, guidance or control. "Nonprofit association" and "sports program" are defined through references to 42 Pa.C.S. §8332.1 (relating to manager, coach, umpire or referee and nonprofit association negligence standard).

“Sports official” is defined as a person who supervises children participating in a sports program of a nonprofit association or a for-profit association, including, but not limited to, a coach, assistant coach, athletic trainer, team attendant, game manager, instructor or a person at a sports program who enforces the rules of a sporting event sponsored by a sports program of a nonprofit association or a for-profit association, including, but not limited to, an umpire or referee, whether receiving remuneration or holding the position as a volunteer.

Effective date

This act takes effect in 60 days.

Background: The House of Representatives passed House Bill 112 on November 13, 2013 by a vote of 197 to 0.

According to the sponsor, “Parents entrust their children to the care of coaches and other athletic personnel serving sports teams which are part of recreational leagues and other organizations outside of the school environment. These organizations operate a variety of sports programs for children and include activities such as youth soccer, Little League baseball and volleyball. My legislation targets sports officials, such as coaches, athletic trainers, team attendants and managers by providing that it is unlawful for these individuals to engage in sexual intercourse, involuntary deviate sexual intercourse or indecent contact with a child under 18 years of age who is participating in the sports program.”

Other offenses

Section 3121, rape, is graded as a felony of the first degree. Section 3122.1, statutory sexual assault, is graded as a felony of the first or second degree depending on the age of the victim. Section 3123, involuntary deviate sexual intercourse, is graded as a felony of the first degree. Section 3124.1, sexual assault, is graded as a felony of the second degree. Section 3125, aggravated indecent assault, is graded as a felony of the first or second degree depending on the age of the victim.

Definitions

42 Pa.C.S. §8332.1 defines “nonprofit association” and “sports program” as follows:

“Nonprofit association.” An entity which is organized as a nonprofit corporation or nonprofit unincorporated association under the laws of this Commonwealth or the United States or any entity which is authorized to do business in this Commonwealth as a nonprofit corporation or unincorporated association under the laws of this Commonwealth, including, but not limited to, youth or athletic associations, volunteer fire, ambulance, religious, charitable, fraternal, veterans, civic, county fair or agricultural associations, or any separately chartered auxiliary of the foregoing, if organized and operated on a nonprofit basis.

“Sports program.” Baseball (including softball), football, basketball, soccer and any other competitive sport formally recognized as a sport by the United States Olympic Committee as specified by and under the jurisdiction of the Amateur Sports Act of 1978 (Public Law 95-606, 36 U.S.C. § 371 et seq.), the Amateur Athletic Union or the National Collegiate Athletic Association. The term shall be limited to a program or that portion of a program that is organized for recreational purposes and whose activities are substantially for such purposes and which is primarily for participants who are 18 years of age or younger or whose 19th birthday occurs during the year of participation or the competitive season, whichever is longer. There shall, however, be no age limitation for programs operated for the physically handicapped or mentally retarded.