

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1051 Session of 2019

INTRODUCED BY STEPHENS, MURT, POLINCHOCK, MILLARD, BERNSTINE, SIMMONS, TOOHL AND T. DAVIS, APRIL 5, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 16, 2019

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further
3 providing for penalties.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 6319(b), (C) and (d) of Title 23 of the <--
7 Pennsylvania Consolidated Statutes are amended to read:

8 ~~§ 6319. Penalties.~~ <--

9 * * *

10 ~~(b) Continuing course of action. If a person's willful~~
11 ~~failure under subsection (a) continues while the person knows or~~
12 ~~has reasonable cause to believe the child is [actively] being~~
13 ~~subjected to child abuse[,] or if the person knows or has~~
14 ~~reasonable cause to believe the person who committed the child~~
15 ~~abuse is likely to commit additional acts of child abuse, the~~
16 ~~person commits a [misdemeanor of the first] felony of the third~~
17 ~~degree, except that if the child abuse constitutes a felony of~~
18 ~~the first degree or higher, the person commits a felony of the~~

1 ~~[third] second degree.~~

2 * * *

3 ~~(d) Statute of limitations. The statute of limitations for~~
4 ~~an offense under [subsection (a)] this section shall be either~~
5 ~~the statute of limitations for the crime committed against the~~
6 ~~minor child or five years, whichever is greater.~~

7 § 6319. PENALTIES.

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8 * * *

9 (B) CONTINUING COURSE OF ACTION.--IF A PERSON'S WILLFUL
10 FAILURE UNDER [SUBSECTION (A)] THIS SECTION TO REPORT AN
11 INDIVIDUAL SUSPECTED OF CHILD ABUSE CONTINUES WHILE THE PERSON
12 KNOWS OR HAS REASONABLE CAUSE TO [BELIEVE THE] SUSPECT A CHILD
13 IS [ACTIVELY] BEING SUBJECTED TO CHILD ABUSE BY THE SAME
14 INDIVIDUAL, OR WHILE THE PERSON KNOWS OR HAS REASONABLE CAUSE TO
15 SUSPECT THAT THE SAME INDIVIDUAL CONTINUES TO HAVE DIRECT
16 CONTACT WITH CHILDREN THROUGH THE INDIVIDUAL'S EMPLOYMENT,
17 PROGRAM, ACTIVITY OR SERVICE, THE PERSON COMMITS A [MISDEMEANOR
18 OF THE FIRST DEGREE] FELONY OF THE THIRD DEGREE, EXCEPT THAT IF
19 THE CHILD ABUSE CONSTITUTES A FELONY OF THE FIRST DEGREE OR
20 HIGHER, THE PERSON COMMITS A FELONY OF THE [THIRD] SECOND
21 DEGREE.

22 (C) MULTIPLE OFFENSES.--A PERSON WHO [COMMITTS A SECOND OR
23 SUBSEQUENT OFFENSE UNDER SUBSECTION (A)], AT THE TIME OF
24 SENTENCING FOR AN OFFENSE UNDER THIS SECTION, HAS BEEN CONVICTED
25 OF A PRIOR OFFENSE UNDER THIS SECTION COMMITS A FELONY OF THE
26 THIRD DEGREE, EXCEPT THAT IF THE CHILD ABUSE CONSTITUTES A
27 FELONY OF THE FIRST DEGREE OR HIGHER, THE PENALTY FOR THE SECOND
28 OR SUBSEQUENT OFFENSES IS A FELONY OF THE SECOND DEGREE.

29 (D) STATUTE OF LIMITATIONS.--THE STATUTE OF LIMITATIONS FOR
30 AN OFFENSE UNDER [SUBSECTION (A)] THIS SECTION SHALL BE EITHER

1 THE STATUTE OF LIMITATIONS FOR THE CRIME COMMITTED AGAINST THE
2 MINOR CHILD OR FIVE YEARS, WHICHEVER IS GREATER.

3 Section 2. This act shall take effect in 60 days.