

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 614 Session of 1999

INTRODUCED BY BROWNE, ADOLPH, ARGALL, CHADWICK, CLARK,
 L. I. COHEN, CORRIGAN, DALEY, DALLY, FAIRCHILD, FARGO,
 FICHTER, GEIST, HENNESSEY, HERMAN, KENNEY, LAUGHLIN, LEH,
 MARSICO, ORIE, RAYMOND, RUBLEY, RUFFING, SAINATO, SAYLOR,
 SCHULER, SEMMEL, SURRA, E. Z. TAYLOR, J. TAYLOR, WILLIAMS,
 WILT, ZUG, SERAFINI, SNYDER AND STEELMAN, FEBRUARY 22, 1999

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 22, 1999

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
 2 act relating to the public school system, including certain
 3 provisions applicable as well to private and parochial
 4 schools; amending, revising, consolidating and changing the
 5 laws relating thereto," further providing for defacing,
 6 injuring or destroying property used for school purposes, for
 7 authority of teachers and vice principals, for possession of
 8 weapons, for penalties for violation of compulsory attendance
 9 requirements, for safe schools and for reporting of certain
 10 incidents; and providing for notice of arrest, for violence
 11 prevention plans, for juvenile crime programs and for youth
 12 service centers.

13 The General Assembly of the Commonwealth of Pennsylvania
 14 hereby enacts as follows:

15 Section 1. Section 777 of the act of March 10, 1949 (P.L.30,
 16 No.14), known as the Public School Code of 1949, is amended by
 17 adding subsections to read:

18 Section 777. Defacing, Injuring or Destroying Property Used
 19 for School Purposes; Penalty.--* * *

20 (c) (1) Where the damage to school property exceed one
 21 thousand dollars (\$1,000) from an incident of vandalism and if

1 the offender has willfully or recklessly damaged school district
2 property or has willfully or recklessly committed acts against
3 school district property cognizable as an offense under
4 subsection (a), as it relates to a school or educational
5 facility, then unless a legally binding settlement agreement has
6 been entered into between the parties assuring that restitution
7 will be made, the board of school directors of the school
8 district owning the damaged property shall institute a civil
9 action to recover compensatory damages not exceeding fifty
10 thousand dollars (\$50,000) plus court costs and attorney fees
11 from the offender or from the parents or a legal guardian of the
12 offender if the offender is a minor. A finding of willful damage
13 shall not be dependent upon:

14 (i) a prior finding that the offender, if a minor, is
15 delinquent or is a dependent child; or

16 (ii) the offender's conviction of any prior criminal
17 offense.

18 (2) If a court renders a judgment under this subsection in
19 favor of a board of school directors of a school district, the
20 court shall order full restitution unless the board and the
21 offender or the parent or legal guardian of the minor agree that
22 the offender, or the minor and the parent or legal guardian,
23 will perform community service in lieu of full payment of the
24 judgment.

25 (3) If an agreement for community service is reached under
26 paragraph (2), the court shall order the offender, and in the
27 case of a minor offender may also order the parents or legal
28 guardian of the minor offender, to make payment of money and to
29 perform such community service as has been agreed to by the
30 parties as equating to full restitution. In the order, the

1 court:

2 (i) shall specify the amount to be paid by the offender, or
3 by the minor offender and the parents or legal guardian, and the
4 number of hours of community service to be performed;

5 (ii) may designate a specific type of community service or
6 delegate the service to an established community service
7 program; and

8 (iii) may specify any court conditions necessary to carry
9 out the order.

10 (4) Where the damages to school property are one thousand
11 dollars (\$1,000) or less, the board of school directors of the
12 school district owning the damaged property may institute a
13 civil action to recover compensatory damages and the liability
14 of a parent or legal guardian for the actions of a minor
15 offender shall be premised upon the provisions of 23 Pa.C.S. Ch.
16 55 (relating to liability for tortious acts of children).
17 Notwithstanding the provisions of 23 Pa.C.S. § 5505(b) (relating
18 to monetary limits of liability), for amounts in excess of one
19 thousand dollars (\$1,000), the liability of a parent or legal
20 guardian for the actions of a minor offender shall be premised
21 upon a finding that the parent or legal guardian failed to
22 exercise reasonable and diligent supervision of the minor, which
23 would likely have prevented the occurrence of the damage.

24 (d) If a child is convicted for a violation of this section,
25 the court, including a court not of record, shall send to the
26 Department of Transportation a certified record of the
27 conviction or other disposition on a form prescribed by the
28 department.

29 Section 2. Section 1317 of the act, amended July 25, 1963
30 (P.L.315, No.169), is amended to read:

1 Section 1317. Authority of Teachers[,] and Vice Principals
2 [and Principals over Pupils].--[Every teacher, vice principal
3 and principal in the public schools shall have the right to
4 exercise the same authority as to conduct and behavior over the
5 pupils attending his school, during the time they are in
6 attendance, including the time required in going to and from
7 their homes, as the parents, guardians or persons in parental
8 relation to such pupils may exercise over them.] (a) In all
9 matters relating to the discipline in and conduct of the public
10 schools, public school employes and school administrators shall
11 be in the same relation to pupils as parents and guardians. This
12 relationship shall extend to all activities connected with the
13 public schools, including, but not limited to, any activity
14 conducted during the school day or during the time a pupil is
15 traveling to or from school or traveling to or from a school-
16 sponsored activity or during any academic, athletic or
17 extracurricular activity sponsored by the school district at any
18 time.

19 (b) Public school employes and administrators shall be
20 immune from civil liability for any action taken in good faith
21 with regard to any pupil at any time for the safety and
22 supervision of the pupil or for the safety and supervision of
23 others, including, but not limited to, pupils, public school
24 employes, visitors or the professional employe or administrator
25 taking such action.

26 (c) Each public school entity shall provide all public
27 school employes with guidelines and annual training on
28 techniques for safely restraining pupils who are engaged in
29 violent behavior.

30 Section 3. Sections 1333(b)(2) and (4) and 1338.1 of the

1 act, amended or added November 17, 1995 (1st Sp.Sess., P.L.1110,
2 No.29), are amended to read:

3 Section 1333. Penalties for Violation of Compulsory
4 Attendance Requirements.--* * *

5 (b) * * *

6 (2) For any child who has attained the age of thirteen (13)
7 years who fails to pay the fine under clause (1) or to comply
8 with the adjudication alternative program, the district justice
9 may allege the child to be dependent under 42 Pa.C.S. §
10 6303(a)(1) (relating to scope of chapter). Any such child who
11 has twice previously been convicted or assigned to adjudication
12 alternative programs under clause (1) and who is again
13 habitually truant shall be alleged to be a dependent child by
14 the school district pursuant to the filing of a petition under
15 42 Pa.C.S. § 6334 (relating to petition). The failure by the
16 child to pay a fine or comply with the adjudication alternative
17 program shall not constitute a delinquent act under 42 Pa.C.S.
18 Ch. 63 (relating to juvenile matters).

19 * * *

20 (4) Any child who has not attained the age of thirteen (13)
21 years who fails to comply with the compulsory attendance
22 provisions of this act and is habitually truant shall be
23 referred by the school district for services or possible
24 disposition as a dependent child as defined under 42 Pa.C.S. §
25 6302 (relating to definitions). Any such child who has twice
26 previously been referred for services and who is again
27 habitually truant shall be alleged to be a dependent child by
28 the school district pursuant to the filing of a petition under
29 42 Pa.C.S. § 6334. Any child who has attained the age of
30 thirteen (13) years who fails to comply with the compulsory

1 attendance provisions of this act and is habitually truant may,
2 in lieu of a prosecution under clause (1), be referred by the
3 school district for services or possible disposition as a
4 dependent child as defined under 42 Pa.C.S. § 6302.

5 * * *

6 Section 1338.1. Suspension of Operating Privilege.--(a) The
7 Department of Transportation shall suspend for 90 days the
8 operating privilege of any child upon receiving a certified
9 record that the child was convicted of violating section 777 or
10 1333. If the department receives a second or subsequent
11 conviction for a child's violation of section 777 or 1333, the
12 department shall suspend the child's operating privilege for six
13 months.

14 (b) Any child whose record is received by the department
15 under section 777 or 1333(c) and who does not have a driver's
16 license shall be ineligible to apply for a driver's license
17 under 75 Pa.C.S. §§ 1505 (relating to learners' permits) and
18 1507 (relating to application for driver's license or learner's
19 permit by minor) for the time periods specified in subsection
20 (a). If the child is under sixteen (16) years of age when
21 convicted, suspension of operating privileges shall commence in
22 accordance with 75 Pa.C.S. § 1541 (relating to period of
23 revocation or suspension of operating privilege) for the time
24 specified in subsection (a).

25 (c) An insurer may not increase premiums, impose any
26 surcharge or rate penalty or make any driver record point
27 assignment for automobile insurance, nor shall an insurer cancel
28 or refuse to renew an automobile insurance policy on account of
29 a suspension under this section.

30 Section 4. The act is amended by adding a section to read:

1 Section 1550. Juvenile Crime Program.--Beginning with the
2 1999-2000 school year and each subsequent year thereafter, the
3 Department of Education shall have the power and its duty shall
4 be to:

5 (1) Develop and provide resource information to educators
6 and public and private elementary and secondary schools and
7 organizations on juvenile crime.

8 (2) Provide for distribution to school entities and public
9 and private or nonpublic elementary and secondary schools in
10 this Commonwealth materials on juvenile crime. Such materials
11 shall include, but need not be limited to, the mechanics of the
12 juvenile justice system and the nature of delinquency
13 proceedings, the penalties for committing a crime that would be
14 graded higher than a misdemeanor if committed by an adult and
15 the consequences of committing a crime.

16 (3) The Secretary of Education shall prepare and submit an
17 annual report to the Governor and the General Assembly outlining
18 juvenile crime programs and achievements, highlighting new
19 initiatives and recommending future programs.

20 (4) The Secretary of Education shall consult at least
21 annually with the Commissioner of the Pennsylvania State Police,
22 and other law enforcement personnel which the Secretary of
23 Education deems necessary, in order to prepare the materials and
24 assess the trends of juvenile crime in this Commonwealth.

25 Section 5. This act shall take effect in 60 days.