

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

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 6, 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 EXCEEDS <—

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

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

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

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

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

1 parties as equating to full restitution. In the order, the
2 court:

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

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

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

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

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

30 (E) FOR PURPOSES OF THIS SECTION, THE TERMS "PROPERTY,"

<—

1 "SCHOOL PROPERTY," "SCHOOL DISTRICT PROPERTY," AND "PROPERTY
2 USED FOR SCHOOL PURPOSES" SHALL INCLUDE ALL VEHICLES ORDINARILY
3 EMPLOYED BY A SCHOOL DISTRICT TO TRANSPORT STUDENTS, WHETHER OR
4 NOT THE VEHICLES ARE ACTUALLY OWNED BY THE SCHOOL DISTRICT.

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

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

25 (b) Public school employes and administrators shall be
26 immune from civil liability for any action taken in good faith
27 with regard to any pupil at any time for the safety and
28 supervision of the pupil or for the safety and supervision of
29 others, including, but not limited to, pupils, public school
30 employes, visitors or the professional employe or administrator

1 taking such action.

2 (c) Each public school entity shall provide all public
3 school employes with guidelines and annual training on
4 techniques for safely restraining pupils who are engaged in
5 violent behavior.

6 ~~Section 3. Sections 1333(b)(2) and (4) and 1338.1 of the~~ <—
7 ~~act, amended or added November 17, 1995 (1st Sp.Sess., P.L.1110,~~
8 ~~No.29), are amended to read:~~

9 SECTION 3. SECTION 1333(B)(2) AND (4) OF THE ACT, AMENDED <—
10 NOVEMBER 17, 1995 (1ST SP.SESS., P.L.1110, NO.29), ARE AMENDED
11 TO READ:

12 Section 1333. Penalties for Violation of Compulsory
13 Attendance Requirements.--* * *

14 (b) * * *

15 (2) For any child who has attained the age of thirteen (13)
16 years who fails to pay the fine under clause (1) or to comply
17 with the adjudication alternative program, the district justice
18 may allege the child to be dependent under 42 Pa.C.S. §
19 6303(a)(1) (relating to scope of chapter). Any such child who
20 has twice previously been convicted or assigned to adjudication
21 alternative programs under clause (1) and who is again
22 habitually truant shall be alleged to be a dependent child by
23 the school district pursuant to the filing of a petition under
24 42 Pa.C.S. § 6334 (relating to petition). The failure by the
25 child to pay a fine or comply with the adjudication alternative
26 program shall not constitute a delinquent act under 42 Pa.C.S.
27 Ch. 63 (relating to juvenile matters).

28 * * *

29 (4) Any child who has not attained the age of thirteen (13)
30 years who fails to comply with the compulsory attendance

1 provisions of this act and is habitually truant shall be
2 referred by the school district for services or possible
3 disposition as a dependent child as defined under 42 Pa.C.S. §
4 6302 (relating to definitions). Any such child who has twice
5 previously been referred for services and who is again
6 habitually truant shall be alleged to be a dependent child by
7 the school district pursuant to the filing of a petition under
8 42 Pa.C.S. § 6334. Any child who has attained the age of
9 thirteen (13) years who fails to comply with the compulsory
10 attendance provisions of this act and is habitually truant may,
11 in lieu of a prosecution under clause (1), be referred by the
12 school district for services or possible disposition as a
13 dependent child as defined under 42 Pa.C.S. § 6302.

14 * * *

15 ~~Section 1338.1. Suspension of Operating Privilege. (a) The~~ <—
16 ~~Department of Transportation shall suspend for 90 days the~~
17 ~~operating privilege of any child upon receiving a certified~~
18 ~~record that the child was convicted of violating section 777 or~~
19 ~~1333. If the department receives a second or subsequent~~
20 ~~conviction for a child's violation of section 777 or 1333, the~~
21 ~~department shall suspend the child's operating privilege for six~~
22 ~~months.~~

23 ~~(b) Any child whose record is received by the department~~
24 ~~under section 777 or 1333(c) and who does not have a driver's~~
25 ~~license shall be ineligible to apply for a driver's license~~
26 ~~under 75 Pa.C.S. §§ 1505 (relating to learners' permits) and~~
27 ~~1507 (relating to application for driver's license or learner's~~
28 ~~permit by minor) for the time periods specified in subsection~~
29 ~~(a). If the child is under sixteen (16) years of age when~~
30 ~~convicted, suspension of operating privileges shall commence in~~

~~accordance with 75 Pa.C.S. § 1541 (relating to period of
revocation or suspension of operating privilege) for the time
specified in subsection (a).~~

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

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

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

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

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

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

(4) The Secretary of Education shall consult at least
annually with the Commissioner of the Pennsylvania State Police,

1 and other law enforcement personnel which the Secretary of
2 Education deems necessary, in order to prepare the materials and
3 assess the trends of juvenile crime in this Commonwealth.

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