

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1477 Session of
1999

INTRODUCED BY SNYDER, THOMAS, DeWEESE, GEORGE, TIGUE, B. SMITH,
SATHER, GEIST, NAILOR, FICHTER, SAYLOR, GIGLIOTTI, LAUGHLIN,
TRELLO, HERMAN, SAINATO, BARRAR, STABACK, CAWLEY, PRESTON,
BATTISTO, MELIO, COY, STURLA, CORRIGAN, READSHAW, PESCI,
CIVERA, DEMPSEY, HALUSKA, STEVENSON, M. COHEN, SANTONI,
ZIMMERMAN, L. I. COHEN, LEH, KENNEY, LYNCH, TRUE, ZUG,
WILLIAMS, J. TAYLOR, HESS, CLYMER, MAHER, MARSICO, STERN,
RUBLEY, WOGAN, McNAUGHTON, WALKO, CURRY, HENNESSEY, FREEMAN,
HERSHEY, SURRA, PHILLIPS, COLAFELLA, HARHAI, ROSS, DALEY,
PETRARCA, MICOZZIE, VAN HORNE, McCALL, SEMMEL, RAMOS,
GODSHALL, FARGO, SEYFERT, DALLY, STEELMAN, ROEBUCK,
YOUNGBLOOD, DeLUCA, BAKER, BARD, WASHINGTON, E. Z. TAYLOR,
DAILEY, WILT, ROONEY, ORIE AND BROWNE, MAY 11, 1999

REFERRED TO COMMITTEE ON JUDICIARY, MAY 11, 1999

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for provisions
3 relating to intimidation of victims and witnesses of elder
4 abuse.

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

7 Section 1. Sections 4951, 4952(a) and 4957(a) of Title 18 of
8 the Pennsylvania Consolidated Statutes are amended to read:

9 § 4951. Definitions.

10 The following words and phrases when used in this subchapter
11 shall have, unless the context clearly indicates otherwise, the
12 meanings given to them in this section:

13 "Abuse." The occurrence of one or more of the following

1 acts:

2 (1) The infliction of injury, unreasonable confinement,
3 intimidation or punishment with resulting physical harm, pain
4 or mental anguish.

5 (2) The willful deprivation by a caretaker of goods or
6 services which are necessary to maintain physical or mental
7 health.

8 (3) Sexual harassment, rape or abuse, as defined in 23
9 Pa.C.S. Ch. 61 (relating to protection from abuse).

10 No older adult shall be found to be abused solely on the grounds
11 of environmental factors which are beyond the control of the
12 older adult or the caretaker, such as inadequate housing,
13 furnishings, income, clothing or medical care.

14 "Older adult." A person within the jurisdiction of this
15 Commonwealth who is 60 years of age or older.

16 "Victim." Any person against whom any crime as defined under
17 the laws of this State or of any other state or of the United
18 States is being or has been perpetrated or attempted, or any
19 older adult who has been subjected to abuse by another
20 individual to an extent that such abuse gives rise to civil
21 penalties.

22 "Witness." Any person having knowledge of the existence or
23 nonexistence of facts or information relating to any crime or
24 abuse of an older adult, including, but not limited to, those
25 who have reported facts or information to any law enforcement
26 officer, prosecuting official, attorney representing a criminal
27 defendant or judge, those who have been served with a subpoena
28 issued under the authority of this State or any other state or
29 of the United States, those who have reported facts or
30 information regarding the abuse of an elderly individual to a

1 protective services or licensing agency or to a State or county
2 long-term care ombudsman, and those who have given written or
3 oral testimony in any criminal matter or civil matter arising
4 from the alleged abuse of an older adult; or who would be
5 believed by any reasonable person to be an individual described
6 in this definition.

7 § 4952. Intimidation of witnesses or victims.

8 (a) Offense defined.--A person commits an offense if, with
9 the intent to or with the knowledge that his conduct will
10 obstruct, impede, impair, prevent or interfere with the
11 administration of criminal justice or the administration of any
12 law intended to protect older adults from abuse, he intimidates
13 or attempts to intimidate any witness or victim to:

14 (1) Refrain from informing or reporting to any law
15 enforcement officer, prosecuting official or judge or other
16 appropriate authority in the case of abuse of older adults
17 concerning any information, document or thing relating to the
18 commission of a crime or abuse of an older adult.

19 (2) Give any false or misleading information or
20 testimony relating to the commission of any crime or abuse of
21 an older adult to any law enforcement officer, prosecuting
22 official or judge.

23 (3) Withhold any testimony, information, document or
24 thing relating to the commission of a crime or abuse of an
25 older adult from any law enforcement officer, prosecuting
26 official or judge or other appropriate authority in the case
27 of abuse of an older adult.

28 (4) Give any false or misleading information or
29 testimony or refrain from giving any testimony, information,
30 document or thing, relating to the commission of a crime or

1 abuse of an older adult, to an attorney representing a
2 criminal defendant or individual alleged to have abused an
3 older adult.

4 (5) Elude, evade or ignore any request to appear or
5 legal process summoning him to appear to testify or supply
6 evidence.

7 (6) Absent himself from any proceeding or investigation
8 to which he has been legally summoned.

9 * * *

10 § 4957. Protection of employment of crime victims and
11 witnesses.

12 (a) General rule.--An employer shall not deprive an employee
13 of his employment, seniority position or benefits, or threaten
14 or otherwise coerce him with respect thereto, because the
15 employee attends court by reason of being a victim of, or a
16 witness to, a crime or abuse of an older adult. Nothing in this
17 section shall be construed to require the employer to compensate
18 the employee for employment time lost because of such court
19 attendance.

20 * * *

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