

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 796 Session of
2001

INTRODUCED BY E. Z. TAYLOR, HENNESSEY, SATHER, WATSON, CLARK,
BASTIAN, BEBKO-JONES, CIVERA, CRUZ, CURRY, DALEY, GEORGE,
HALUSKA, HARHART, HERSHEY, HORSEY, LAUGHLIN, LEDERER,
MICOZZIE, MUNDY, MYERS, PETRARCA, PRESTON, READSHAW, RUBLEY,
SANTONI, STABACK, THOMAS, TRELLO, WANSACZ, WASHINGTON, WILT,
YOUNGBLOOD, COLAFELLA AND BROWNE, FEBRUARY 20, 2001

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 1, 2002

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for reporting
3 criminal injuries.

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

6 ~~Section 1. Section 5106(a) and (b) of Title 18 of the~~ <—
7 ~~Pennsylvania Consolidated Statutes are amended and the section~~
8 ~~is amended by adding a subsection to read:~~

9 SECTION 1. SECTION 5106 OF TITLE 18 OF THE PENNSYLVANIA <—
10 CONSOLIDATED STATUTES IS AMENDED TO READ:
11 § 5106. Failure to report injuries by firearm or criminal act.
12 (a) Offense defined.--[A] Except as set forth in subsection
13 (a.1), a physician, intern or resident, or any person
14 conducting, managing or in charge of any hospital or pharmacy,
15 or in charge of any ward or part of a hospital, to whom shall
16 come or be brought any person:

(1) suffering from any wound or other injury inflicted by his own act or by the act of another, which caused death or serious bodily injury, or inflicted by means of a deadly weapon as defined in section 2301 [of this title] (relating to definitions); or

(2) upon whom injuries have been inflicted in violation of any penal law of this Commonwealth;

commits a summary offense if [he] THE REPORTING PARTY fails to report such injuries immediately, both by telephone and in writing, to the chief of police or other head of the police department of the local government, or to the Pennsylvania State Police. The report shall state the name of the injured person, if known, [his] THE INJURED PERSON'S whereabouts and the character and extent of [his] THE PERSON'S injuries.

~~(a.1) Exception. The duty to report under subsection (a)(2) shall not apply if all of the following apply:~~

~~(1) The victim is a competent adult.~~

(A.1) EXCEPTION.--IN CASES OF BODILY INJURY AS DEFINED IN SECTION 2301 (RELATING TO DEFINITIONS), FAILURE TO REPORT UNDER SUBSECTION (A)(2) DOES NOT CONSTITUTE AN OFFENSE IF ALL OF THE FOLLOWING APPLY:

(1) THE VICTIM IS AN ADULT AND HAS SUFFERED BODILY INJURY.

(2) The injury was inflicted by an individual who:

(i) is the current or former spouse of the victim;

(ii) is a current or former sexual or intimate partner of the victim;

(iii) shares biological parenthood with the victim;

or

(iv) is or has been living as a spouse of the

victim.

(3) The victim has been informed:

(i) of the duty to report under subsection (a)(2);

and

(ii) that the report under subsection (a)(2) cannot
be made without the victim's consent.

(4) The victim does not consent to the report under
subsection (a)(2).

(5) THE VICTIM HAS BEEN PROVIDED WITH A REFERRAL TO THE
APPROPRIATE VICTIM SERVICE AGENCY SUCH AS A DOMESTIC VIOLENCE
OR SEXUAL ASSAULT PROGRAM.

(b) Immunity granted.--No physician or other person shall be
subject to civil or criminal liability by reason of [making a
report required by] complying with this section.

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(C) PHYSICIAN-PATIENT PRIVILEGE UNAVAILABLE.--IN ANY
JUDICIAL PROCEEDING RESULTING FROM A REPORT PURSUANT TO THIS
SECTION, THE PHYSICIAN-PATIENT PRIVILEGE SHALL NOT APPLY IN
RESPECT TO EVIDENCE REGARDING SUCH INJURIES OR THE CAUSE
THEREOF. THIS SUBSECTION SHALL NOT APPLY WHERE A REPORT IS NOT
MADE PURSUANT TO SUBSECTION (A.1).

(D) REPORTING OF CRIME ENCOURAGED.--NOTHING IN THIS CHAPTER
PRECLUDES A VICTIM FROM REPORTING THE CRIME THAT RESULTED IN
INJURY.

(E) AVAILABILITY OF INFORMATION.--A PHYSICIAN OR OTHER
INDIVIDUAL MAY MAKE AVAILABLE INFORMATION CONCERNING DOMESTIC
VIOLENCE OR SEXUAL ASSAULT TO ANY INDIVIDUAL SUBJECT TO THE
PROVISIONS OF THIS CHAPTER.

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