

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1460 Session of  
2001

INTRODUCED BY CASORIO, BEBKO-JONES, BELARDI, BELFANTI, BROWNE,  
CALTAGIRONE, CAPPABIANCA, CAPPELLI, CAWLEY, L. I. COHEN, COY,  
CREIGHTON, CRUZ, DALLY, D. EVANS, FLICK, FRANKEL, FREEMAN,  
GEORGE, HARHAI, HENNESSEY, KIRKLAND, LEDERER, McILHATTAN,  
MELIO, PETRARCA, PISTELLA, PRESTON, READSHAW, ROONEY, SHANER,  
SOLOBAY, STABACK, E. Z. TAYLOR, THOMAS, WALKO, WOJNAROSKI,  
YOUNGBLOOD, YUDICHAK, WASHINGTON, SAINATO, J. WILLIAMS AND  
STEELMAN, APRIL 30, 2001

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
OCTOBER 23, 2001

## 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~~ OBSTRUCTION OF LAW OR GOVERNMENT. <—

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." As defined in section 103 of the act of November 6,~~  
14 ~~1987 (P.L.381, No.79), known as the Older Adults Protective~~  
15 ~~Services Act.~~

~~"Older adult." As defined in section 103 of the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act.~~

~~"Victim." Any person against whom any crime as defined under the laws of this State or of any other state or of the United States is being or has been perpetrated or attempted, or any older adult who has been subjected to abuse.~~

~~"Witness." Any person having knowledge of the existence or nonexistence of facts or information relating to any crime or abuse of an older adult, including, but not limited to [those who have], any such person who:~~

~~(1) has reported facts or information to any law enforcement officer, prosecuting official, attorney representing a criminal defendant or judge[, those who have];~~

~~(2) has been served with a subpoena issued under the authority of this State or any other state or of the United States[,];~~

~~(3) has reported facts or information regarding the abuse of an older adult to a protective services or licensing agency or to a State or county long term care ombudsman; and [those who have]~~

~~(4) has given written or oral testimony in any criminal matter [;] or civil matter arising from the alleged abuse of an older adult.~~

~~The term includes any person who would be believed by any reasonable person to be [an individual] one of the persons described in this definition.~~

~~§ 4952. Intimidation of witnesses or victims.~~

~~(a) Offense defined. A person commits an offense if, with the intent to or with the knowledge that his conduct will~~

1 ~~obstruct, impede, impair, prevent or interfere with the~~  
2 ~~administration of criminal justice or the administration of any~~  
3 ~~law intended to protect older adults from abuse, he intimidates~~  
4 ~~or attempts to intimidate any witness or victim to:~~

5       ~~(1) Refrain from informing or reporting to any law~~  
6 ~~enforcement officer, prosecuting official or judge or other~~  
7 ~~appropriate authority including a protective services or~~  
8 ~~licensing agency or a State or county long term care~~  
9 ~~ombudsman in the case of abuse of older adults concerning any~~  
10 ~~information, document or thing relating to the commission of~~  
11 ~~a crime or abuse of an older adult.~~

12       ~~(2) Give any false or misleading information or~~  
13 ~~testimony relating to the commission of any crime or abuse of~~  
14 ~~an older adult to any law enforcement officer, prosecuting~~  
15 ~~official or judge.~~

16       ~~(3) Withhold any testimony, information, document or~~  
17 ~~thing relating to the commission of a crime or abuse of an~~  
18 ~~older adult from any law enforcement officer, prosecuting~~  
19 ~~official or judge or other appropriate authority including a~~  
20 ~~protective services or licensing agency or a State or county~~  
21 ~~long term care ombudsman in the case of abuse of an older~~  
22 ~~adult.~~

23       ~~(4) Give any false or misleading information or~~  
24 ~~testimony or refrain from giving any testimony, information,~~  
25 ~~document or thing, relating to the commission of a crime or~~  
26 ~~abuse of an older adult, to an attorney representing a~~  
27 ~~criminal defendant or person alleged to have abused an older~~  
28 ~~adult.~~

29       ~~(5) Elude, evade or ignore any request to appear or~~  
30 ~~legal process summoning him to appear to testify or supply~~

1 evidence.

2 ~~(6) Absent himself from any proceeding or investigation~~  
3 ~~to which he has been legally summoned.~~

4 \* \* \*

5 ~~§ 4957. Protection of employment of crime victims and~~  
6 ~~witnesses.~~

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

15 \* \* \*

16 SECTION 1. SECTION 5101 OF TITLE 18 OF THE PENNSYLVANIA  
17 CONSOLIDATED STATUTES IS AMENDED TO READ:

18 § 5101. OBSTRUCTING ADMINISTRATION OF LAW OR OTHER GOVERNMENTAL  
19 FUNCTION.

20 [A](A) GENERAL RULE.--EXCEPT AS SET FORTH IN SUBSECTION (B),  
21 A PERSON COMMITS A MISDEMEANOR OF THE SECOND DEGREE IF HE  
22 INTENTIONALLY [OBSTRUCTS,] DOES ANY OF THE FOLLOWING:

23 (1) OBSTRUCTS, IMPAIRS OR PERVERTS THE ADMINISTRATION OF  
24 LAW OR OTHER GOVERNMENTAL FUNCTION BY FORCE, VIOLENCE,  
25 PHYSICAL INTERFERENCE OR OBSTACLE, BREACH OF OFFICIAL DUTY,  
26 OR ANY OTHER UNLAWFUL ACT[, EXCEPT THAT THIS].

27 (2) INTIMIDATES AN INDIVIDUAL TO REFRAIN FROM INFORMING,  
28 REPORTING TO OR COOPERATING WITH AN AGENCY OF THE  
29 COMMONWEALTH OR OF A POLITICAL SUBDIVISION.

30 (B) EXCEPTION.--THIS SECTION DOES NOT APPLY TO FLIGHT BY A

1 PERSON CHARGED WITH CRIME, REFUSAL TO SUBMIT TO ARREST, FAILURE  
2 TO PERFORM A LEGAL DUTY OTHER THAN AN OFFICIAL DUTY, OR ANY  
3 OTHER MEANS OF AVOIDING COMPLIANCE WITH LAW WITHOUT AFFIRMATIVE  
4 INTERFERENCE WITH GOVERNMENTAL FUNCTIONS.

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