

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 789 Session of 2011

INTRODUCED BY WHEATLEY, BOBACK, B. BOYLE, CARROLL, DALEY,
DeLUCA, GOODMAN, KAVULICH, KORTZ, KULA, MIRABITO, PASHINSKI,
PAYTON, ROAE AND VULAKOVICH, FEBRUARY 23, 2011

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 23, 2011

AN ACT

1 Amending Titles 1 (General Provisions), 18 (Crimes and Offenses)
2 and 23 (Domestic Relations) of the Pennsylvania Consolidated
3 Statutes, redefining "mental retardation" as "intellectual
4 disability."

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

7 Section 1. The General Assembly finds and declares as
8 follows:

9 (1) The term "mental retardation":

10 (i) is inaccurate and offensive; and

11 (ii) should not be used in official language.

12 (2) A better term is "intellectual disability."

13 (3) The term "intellectual disability" should be used in
14 place of the term "mental retardation" in official language
15 of the Commonwealth.

16 Section 2. Section 1991 of Title 1 of the Pennsylvania
17 Consolidated Statutes is amended by adding definitions to read:
18 § 1991. Definitions.

1 The following words and phrases, when used in any statute
2 finally enacted on or after September 1, 1937, unless the
3 context clearly indicates otherwise, shall have the meanings
4 given to them in this section:

5 * * *

6 "Intellectual disability." Significantly subaverage general
7 intellectual functioning which:

8 (1) occurs before an individual reaches 22 years of age;
9 and

10 (2) is accompanied by significant limitations in
11 adaptive functioning in at least two of the following skill
12 areas:

13 (i) communication;

14 (ii) self-care;

15 (iii) home living;

16 (iv) social and interpersonal skills;

17 (v) use of community resources;

18 (vi) self-direction;

19 (vii) functional academic skills;

20 (viii) work;

21 (ix) leisure; and

22 (x) health and safety.

23 * * *

24 "Mental retardation." Intellectual disability.

25 * * *

26 Section 3. Section 3124.2 of Title 18 is amended to read:

27 § 3124.2. Institutional sexual assault.

28 (a) General rule.--Except as provided in sections 3121
29 (relating to rape), 3122.1 (relating to statutory sexual
30 assault), 3123 (relating to involuntary deviate sexual

1 intercourse), 3124.1 (relating to sexual assault) and 3125
2 (relating to aggravated indecent assault), a person who is an
3 employee or agent of the Department of Corrections or a county
4 correctional authority, youth development center, youth forestry
5 camp, State or county juvenile detention facility, other
6 licensed residential facility serving children and youth, or
7 mental health or [mental retardation] intellectual disability
8 facility or institution commits a felony of the third degree
9 when that person engages in sexual intercourse, deviate sexual
10 intercourse or indecent contact with an inmate, detainee,
11 patient or resident.

12 (b) Definition.--As used in this section, the term "agent"
13 means a person who is assigned to work in a State or county
14 correctional or juvenile detention facility, a youth development
15 center, youth forestry camp, other licensed residential facility
16 serving children and youth, or mental health or [mental
17 retardation] intellectual disability facility or institution who
18 is employed by any State or county agency or any person employed
19 by an entity providing contract services to the agency.

20 Section 4. The definition of "child-care services" in
21 section 6303(a) of Title 23 is amended to read:

22 § 6303. Definitions.

23 (a) General rule.--The following words and phrases when used
24 in this chapter shall have the meanings given to them in this
25 section unless the context clearly indicates otherwise:

26 * * *

27 "Child-care services." Child day-care centers, group and
28 family day-care homes, foster homes, adoptive parents, boarding
29 homes for children, juvenile detention center services or
30 programs for delinquent or dependent children; mental health,

1 [mental retardation] intellectual disability, early intervention
2 and drug and alcohol services for children; and other child-care
3 services which are provided by or subject to approval,
4 licensure, registration or certification by the Department of
5 Public Welfare or a county social services agency or which are
6 provided pursuant to a contract with these departments or a
7 county social services agency. The term does not include such
8 services or programs which may be offered by public and private
9 schools, intermediate units or area vocational-technical
10 schools.

11 * * *

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