

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1194 Session of 2011

INTRODUCED BY BRADFORD, BRIGGS, BUXTON, DeLUCA, DePASQUALE, FRANKEL, GEIST, GOODMAN, JOSEPHS, LONGIETTI, MANN, MILLARD, MURPHY, MURT, PAYTON, READSHAW, SANTARSIERO, K. SMITH, SWANGER, VULAKOVICH AND WAGNER, MARCH 28, 2011

REFERRED TO COMMITTEE ON HUMAN SERVICES, MARCH 28, 2011

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," further providing for
21 domestic violence and rape victims services.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. Section 2333 of the act of April 9, 1929
25 (P.L.177, No.175), known as The Administrative Code of 1929,
26 added March 30, 1988 (P.L.329, No.44), is amended to read:

1 Section 2333. Domestic Violence and Rape Victims Services.--

2 (a) The General Assembly finds that the public health and
3 safety is threatened by increasing incidences of domestic
4 violence and rape. Domestic violence programs and rape crisis
5 programs provide needed support services for victims and assist
6 in prevention through community education. Therefore, the
7 General Assembly finds that it is in the public interest for the
8 Commonwealth to establish a mechanism to provide financial
9 assistance to domestic violence centers and rape crisis centers
10 for the operation of domestic violence and rape crisis programs.

11 (b) Where any person after the effective date of this
12 section pleads guilty or nolo contendere to or is convicted of
13 any crime as herein defined, there shall be imposed, in addition
14 to all other costs, an additional cost in the sum of [ten
15 dollars (\$10)] fifteen dollars (\$15) for the purpose of funding
16 the services as described in this section. Such sum shall be
17 paid over to the State Treasurer to be deposited in the General
18 Fund. Under no condition shall a political subdivision be liable
19 for the payment of the [ten dollars (\$10)] fifteen dollars (\$15)
20 in additional costs.

21 (c) The Department of Public Welfare shall make grants to
22 domestic violence centers and rape crisis centers for the
23 operation of domestic violence programs and rape crisis programs
24 consistent with this section. In awarding grants, the Department
25 of Public Welfare shall consider the population to be served,
26 the geographical area to be serviced, the scope of the services,
27 the need for services and the amount of funds provided from
28 other sources.

29 (d) The Department of Public Welfare shall make available at
30 cost to the public copies of applications that have been

submitted or approved for funding and reports on any fiscal or programmatic reviews of funded programs.

(d.1) All health care practitioners employed by or having admitting privileges at a health care facility shall report to the facility incidents of domestic violence determined through treatment of a victim for injuries which the victim states resulted from domestic violence or any injury which a practitioner has reasonable cause to believe resulted from domestic violence. All health care facilities shall track incidents of domestic violence obtained from reports by health care practitioners or documented in the facilities' medical records and complete confidential medical data collection reports, as promulgated by the Department of Health, for any victim being treated for injuries which the victim states resulted from domestic violence or which the health care facility has reasonable cause to believe resulted from domestic violence. The report may not identify a victim by name or by information which would reveal the victim's identity. The report shall be submitted to the Department of Health on an annual basis, and the department shall submit a compilation of these reports to the Department of Public Welfare annually.

(d.2) All law enforcement officers shall report to their assigned police departments incidents of domestic violence as reported by the victim or any incident which the officer has reasonable cause to believe resulted from domestic violence. The Pennsylvania State Police and all police departments shall track incidents of domestic violence and complete confidential medical data collection reports, as promulgated by the Department of Health, for any victim of domestic violence or which the Pennsylvania State Police or police department has reasonable

cause to believe resulted from domestic violence. The report may not identify a victim by name or by information which would reveal the victim's identity. The report shall be submitted to the Department of Health on an annual basis, and the department shall submit a compilation of these reports to the Department of Public Welfare annually.

(e) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Crime" means an act committed in Pennsylvania which, if committed by a mentally competent, criminally responsible adult, who had no legal exemption or defense, would constitute a crime as defined in and proscribed by Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) or enumerated in the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act." However, no act involving the operation of a motor vehicle which results in injury shall constitute a crime for the purpose of this section unless such injury was intentionally inflicted through the use of a motor vehicle.

"Domestic violence" means the occurrence of one or more of the following acts between family or household members:

(1) Intentionally, knowingly or recklessly causing or attempting to cause bodily injury.

(2) Placing, by physical menace, another in fear of imminent serious bodily injury.

"Domestic violence center" means an organization, or the coordinating body of an organization, which has as its primary purpose the operation of domestic violence programs.

"Domestic violence program" means a program which has as its primary purpose the provision of direct services to victims of

1 domestic violence and their children, including, but not limited
2 to, victim advocacy, counseling, shelter, information and
3 referral, victim-witness, accompaniment, community education and
4 prevention.

5 "Health care facility" means a facility that is authorized to
6 provide clinically related health service as defined in the act
7 of July 19, 1979 (P.L.130, No.48), known as the "Health Care
8 Facilities Act."

9 "Health care practitioner" means an individual who is
10 authorized to practice some component of the healing arts as
11 defined in the act of July 19, 1979 (P.L.130, No.48), known as
12 the "Health Care Facilities Act."

13 "Law enforcement officer" means a Pennsylvania State Police
14 officer or a police officer certified pursuant to 53 Pa.C.S. Ch.
15 21 Subch. D (relating to municipal police education and
16 training).

17 "Police department" means a public agency of a political
18 subdivision having general police powers and charged with making
19 arrests in connection with the enforcement of the criminal or
20 traffic laws.

21 "Rape crisis center" means an organization, or the
22 coordinating body of an organization, which has as its primary
23 purpose the operation of rape crisis programs.

24 "Rape crisis program" means a program which has as its
25 primary purpose the provision of direct services to victims of
26 sexual assault, including, but not limited to, crisis
27 intervention, counseling, victim advocacy, information and
28 referral, victim-witness and assistance, accompaniment through
29 the medical, police and judicial systems as well as providing
30 education and prevention programs on rape and sexual assaults.

1 "Sexual assault" means any conduct which is a crime under 18
2 Pa.C.S. Ch. 31 (relating to sexual offenses).
3 Section 2. This act shall take effect in 60 days.