

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 316 Session of 2013

INTRODUCED BY HARHART, MARSICO, GINGRICH, STEPHENS, O'NEILL, KORTZ, MACKENZIE, KAVULICH, MILLARD, R. BROWN, PICKETT, CARROLL, MILLER, TOEPEL, WATSON, THOMAS, YOUNGBLOOD, QUINN, READSHAW, V. BROWN, SAYLOR, COHEN, HARKINS, GRELL, STEVENSON AND GROVE, JANUARY 24, 2013

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, JANUARY 24, 2013

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; and providing
 22 for children's advocacy centers.

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

25 Section 1. Section 2333(b) of the act of April 9, 1929
 26 (P.L.177, No.175), known as The Administrative Code of 1929,

1 added March 30, 1988 (P.L.329, No.44), is amended to read:

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

3 * * *

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

14 * * *

15 Section 2. The act is amended by adding an article to read:

16 ARTICLE XXIII-B

17 CHILDREN'S ADVOCACY CENTERS

18 Section 2301-B. Declaration of policy.

19 The General Assembly finds and declares as follows:

20 (1) State-of-the-art treatment for victims of child sexual
21 abuse and child abuse is provided by children's advocacy
22 centers. These centers bring together doctors, nurses,
23 prosecutors, social workers and police in order to provide a
24 unique and essential program of treatment and healing for child
25 victims.

26 (2) Children's advocacy centers not only treat child
27 victims, but assist in preventing and detecting child abuse and
28 provide, through forensic interviewing and other techniques, the
29 most effective way to bring perpetrators of child sexual abuse
30 to justice.

1 (3) The Task Force on Child Protection stated in its
2 November 2012 report that the Commonwealth's children are
3 underserved when it comes to access to children's advocacy
4 centers. The Task Force on Child Protection recommended that
5 children's advocacy centers be established on a regional basis
6 in order to allow the maximum number of abused children to be
7 treated. Further, the Task Force on Child Protection recommended
8 that the General Assembly provide a dedicated funding stream to
9 support existing children's advocacy centers and to enable the
10 establishment of additional children's advocacy centers within
11 this Commonwealth.

12 (4) It is in the public interest for this Commonwealth to
13 provide financial assistance to children's advocacy centers,
14 both for their enhancement and establishment.

15 Section 2302-B. Definitions.

16 The following words and phrases when used in this article
17 shall have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 "Children's advocacy center." As defined in 23 Pa.C.S. 6303
20 (relating to definitions).

21 "Commission." The Pennsylvania Commission on Crime and
22 Delinquency.

23 "Crime." An act committed in this Commonwealth which, if
24 committed by a mentally competent, criminally responsible adult,
25 who had no legal exemption or defense, would constitute a crime
26 as defined in and proscribed by 18 Pa.C.S. (relating to crimes
27 and offenses) or enumerated in the act of April 14, 1972
28 (P.L.233, No.64), known as The Controlled Substance, Drug,
29 Device and Cosmetic Act. However, no act involving the operation
30 of a motor vehicle which results in injury shall constitute a

1 crime for the purpose of this section unless the injury was
2 intentionally inflicted through the use of a motor vehicle.

3 "Multidisciplinary investigative team." A team established
4 to coordinate child abuse investigations between county agencies
5 and law enforcement as set forth in 23 Pa.C.S. Ch. 63 (relating
6 to child protective services).

7 Section 2303-B. Funding.

8 The following apply:

9 (1) Where any person after the effective date of this
10 article pleads guilty or nolo contendere to or is convicted
11 of any crime, there shall be imposed, in addition to all
12 other costs, an additional cost in the sum of \$15 for the
13 purpose of funding children's advocacy centers as described
14 in this article. Such sum shall be paid over to the State
15 Treasurer to be deposited in the General Fund. Under no
16 condition shall a political subdivision be liable for the
17 payment of the \$15 in additional costs.

18 (2) The commission shall make grants to qualified
19 applicants on a regional basis as provided in this article
20 for the operation of existing children's advocacy centers and
21 for the establishment of children's advocacy centers,
22 consistent with this article. In awarding grants, the
23 commission shall consider:

24 (i) The number of children to be served.

25 (ii) The geographical area to be serviced.

26 (iii) The scope of the services.

27 (iv) The need for services.

28 (v) The availability of expert pediatric medical and
29 mental health services.

30 (vi) The amount of funds provided from other

1 sources.

2 Section 2304-B. Permitted use of funds.

3 (a) Grants to qualified applicants.--Funding shall be used
4 to provide resources to qualified applicants as provided in this
5 article. Grants shall be provided to all qualified applicants
6 that apply to the extent that funds are available. However, no
7 more than 20% of the funds collected annually under this article
8 shall be provided to any single qualified applicant.

9 (b) Initial award of funds.--For the first three years after
10 the effective date of this article, the commission shall
11 endeavor to provide 30% of the funds collected under this
12 article to qualified applicants working to establish children's
13 advocacy centers in regions not yet served by such centers.

14 Section 2305-B. Procedure.

15 In order to be a qualified applicant and to be awarded a
16 grant under this article, the commission must find that either:

17 (1) The applicant is an accredited, associate/developing
18 or affiliate member of the National Children's Alliance.

19 (2) In the case of an applicant that is not a member of
20 the National Children's Alliance:

21 (i) The applicant identifies a region of this
22 Commonwealth it intends to serve.

23 (ii) The applicant has received a letter of
24 endorsement from at least two-thirds of the district
25 attorneys and multidisciplinary teams of the counties
26 which will be served within the region. A district
27 attorney and a multidisciplinary team may submit a letter
28 separately or jointly. In no case may the commission
29 distribute funds under this article to an applicant which
30 has not been endorsed by at least two-thirds of the

1 district attorneys and multidisciplinary investigative
2 teams of the counties to be served within the region.

3 (iii) The applicant intends to apply for membership
4 in the National Children's Alliance within a reasonable
5 period of time.

6 Section 3. This act shall take effect in 90 days.