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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
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MEMORANDUM

TO: All House Members

FROM: Rep. Richard Grucela *RJG*  
Rep. Samuel E. Rohrer *SR*

SUBJECT: Co-Sponsorship Child Rapist and Predator Detection Act  
(Previous HB 2350)

DATE: February 12, 2009

*Previously Co-Sponsored*

Despite the mandatory reporting requirement under existing law, a significant number of child rapists and other sexual predators avoid detection and punishment when the reporting requirement is circumvented by failures to make reasonable efforts to confirm the age of child victims. Children age 12 or younger who are pregnant or are afflicted with a sexually transmitted disease embody evidence that a felonious sex crime has occurred.

In response to this, we will be re-introducing legislation which will add a new section to the Child Protective Services Law specifically addressing child rapists and sexual predators and strengthening the reporting requirements for entities that are currently required to report any evidence of sexual abuse in girls age 12 or younger under Section 6311 or the Child Protective Services Law to county agencies.

Our legislation will create several sections that address these issues. The first section addresses the crime of child abuse and specifically states that the presence of a sexually transmitted disease in or the pregnancy of a child age 12 or younger shall constitute clear and convincing evidence of child abuse for purposes of triggering the mandatory reporting requirements under Section 6311.

Also contained in our legislation is a provision which would require the health care practitioner treating the child for pregnancy or a sexually transmitted disease to determine whether a child is age 12 or younger. The treating health care practitioner would be required to file the 6311 report

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to the Child Predator Unit and the county agency or obtain credible written evidence that the child is 13 years of age or older. The legislation specifically prohibits uncorroborated statements as evidence that the child is 13 years of age or older. Upon receiving the credible evidence of a child's age, the required reporter would have to preserve the evidentiary material for a period of five years.

The chief administrative officer of the county agency would be required to verify transmission of the report to the Child Predator Unit in the Office of the Attorney General, and transmit the report to the county District Attorney within 2 business days. The report would have to state the name of the child age 12 or younger, the name of her parents and guardian, the basis for the report and any other relevant information. The Child Predator Unit shall coordinate with county agencies, district attorneys, and police departments to facilitate appropriate investigation and prosecution.

Our legislation also contains a provision to require any physician conducting an abortion on or delivering a baby from a child age 12 or younger to collect a DNA sample from the child on whom the delivery or abortion was performed and the baby being delivered or the remains of the unborn child. Samples collected shall be forwarded by the physician to the Pennsylvania State Police, following established protocols, for testing in an effort to identify or confirm the identity of the father of the child.

Any individual who willfully fails to comply with a requirement in this legislation would face a third degree misdemeanor for a first violation, a second degree misdemeanor for second violation, and a felony for the third offense. Any individual convicted of failure to report, and any entity affiliated with that individual, may be held liable for damages suffered by the child from the continued rape or sexual assault caused by their failure to report.

If you would like to co-sponsor this legislation, please contact Dina Vernet via email at [Dvernet@pahouse.net](mailto:Dvernet@pahouse.net).

**Previous Co-Sponsors:** YEWIC, ROHRER, BELFANTI, BEYER, BIANCUCCI, BRENNAN, CAPPELLI, CLYMER, DENLINGER, GEIST, GIBBONS, N. P. GOODMAN, HENNESSEY, HESS, HORNAMAN, KAUFFMAN, KULA, MAHONEY, MENSCH, MILLARD, MILNE, MURT, MUSTIO, PHILLIPS, PYLE, READSHAW, SCAVELLO, SIPTROTH, K. SMITH, SOLOBAY, SWANGER, J. TAYLOR, THOMAS, TRUE, CAUSER, HALUSKA, MARKOSEK, METCALFE, PETRARCA, SAINATO, TANGRETTI, GINGRICH, ROAE, YOUNGBLOOD, ADOLPH, ARGALL, BARRAR, BASTIAN, BEAR, BENNINGHOFF, BOYD, CIVERA, CREIGHTON, COX, CUTLER, ELLIS, GABIG, GRELL, HELM, HICKERNELL, HUTCHINSON, M. KELLER, MAHER, MAJOR, McILHATTAN, MOUL, PAYNE, PERRY, QUIGLEY, REICHLEY, ROCK, SAYLOR, SCHRODER, S. H. SMITH, SONNEY, STERN, VULAKOVICH, SEIP, TURZAI, BOBACK, VEREB, BAKER, FLECK, PICKETT, RAPP, REED, WOJNAROSKI, HARKINS, GRUCELA, CONKLIN and MELIO