

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.

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

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

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

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

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

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

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

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

28 ~~§ 4952. Intimidation of witnesses or victims.~~

29 ~~(a) Offense defined. A person commits an offense if, with~~  
30 ~~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.