

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1003 Session of  
2001

INTRODUCED BY TILGHMAN, ORIE, THOMPSON, LEMMOND, EARLL AND  
M. WHITE, JUNE 18, 2001

REFERRED TO AGING AND YOUTH, JUNE 18, 2001

AN ACT

1 Amending the act of November 6, 1987 (P.L.381, No.79), entitled  
2 "An act relating to the protection of the abused, neglected,  
3 exploited or abandoned elderly; establishing a uniform  
4 Statewide reporting and investigative system for suspected  
5 abuse, neglect, exploitation or abandonment of the elderly;  
6 providing protective services; providing for funding; and  
7 making repeals," further providing for grounds for denying  
8 employment.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 503 of the act of November 6, 1987  
12 (P.L.381, No.79), known as the Older Adults Protective Services  
13 Act, amended June 9, 1997 (P.L.160, No.13), is amended to read:  
14 Section 503. Grounds for denying employment.

15 (a) General rule.--In no case shall a facility hire an  
16 applicant or retain an employee required to submit information  
17 pursuant to section 502(a) if the applicant's or employee's  
18 criminal history record information indicates the applicant or  
19 employee has been convicted of any of the following offenses:

20 (1) An offense designated as a felony under the act of

1 April 14, 1972 (P.L.233, No.64), known as The Controlled  
2 Substance, Drug, Device and Cosmetic Act.

3 (2) An offense under one or more of the following  
4 provisions of 18 Pa.C.S. (relating to crimes and offenses):

5 Chapter 25 (relating to criminal homicide).

6 Section 2702 (relating to aggravated assault).

7 Section 2901 (relating to kidnapping).

8 Section 2902 (relating to unlawful restraint).

9 Section 3121 (relating to rape).

10 Section 3122.1 (relating to statutory sexual  
11 assault).

12 Section 3123 (relating to involuntary deviate sexual  
13 intercourse).

14 Section 3124.1 (relating to sexual assault).

15 Section 3125 (relating to aggravated indecent  
16 assault).

17 Section 3126 (relating to indecent assault).

18 Section 3127 (relating to indecent exposure).

19 Section 3301 (relating to arson and related  
20 offenses).

21 Section 3502 (relating to burglary).

22 Section 3701 (relating to robbery).

23 A felony offense under Chapter 39 (relating to theft  
24 and related offenses) or two or more misdemeanors under  
25 Chapter 39.

26 Section 4101 (relating to forgery).

27 Section 4114 (relating to securing execution of  
28 documents by deception).

29 Section 4302 (relating to incest).

30 Section 4303 (relating to concealing death of child).

1           Section 4304 (relating to endangering welfare of  
2           children).

3           Section 4305 (relating to dealing in infant  
4           children).

5           Section 4952 (relating to intimidation of witnesses  
6           or victims).

7           Section 4953 (relating to retaliation against witness  
8           or victim).

9           A felony offense under section 5902(b) (relating to  
10          prostitution and related offenses).

11          Section 5903(c) or (d) (relating to obscene and other  
12          sexual materials and performances).

13          Section 6301 (relating to corruption of minors).

14          Section 6312 (relating to sexual abuse of children).

15          (3) A Federal or out-of-State offense similar in nature  
16          to those crimes listed in paragraphs (1) and (2).

17          (b.1) Exception.--Notwithstanding the provisions of  
18          subsection (a), except in the case of a "crime of violence" as  
19          defined in 42 Pa.C.S. § 9714 (relating to sentences for second  
20          and subsequent offenses), where ten years have elapsed from the  
21          date of conviction of an offense enumerated in subsection (a),  
22          an applicant shall be eligible for employment under this act. As  
23          used in this section, the term "conviction" shall include a  
24          judgment, an admission of guilt or a plea of nolo contendere.

25          (c) Immunity.--An administrator or a facility shall not be  
26          held civilly liable for any action directly related to good  
27          faith compliance with this section.

28          Section 2. This act shall take effect in 60 days.