

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1999 Session of 2011

INTRODUCED BY DEASY, MURPHY, TAYLOR, BISHOP, K. BOYLE, BRENNAN, BROOKS, V. BROWN, CARROLL, COHEN, DeLUCA, FABRIZIO, GEORGE, HARKINS, HORNAMAN, KAVULICH, KNOWLES, MAHONEY, MANN, M. O'BRIEN, O'NEILL, PETRARCA, PRESTON, RAVENSTAHL, READSHAW, SANTARSIERO, K. SMITH, M. SMITH, SWANGER, THOMAS, WHITE, YOUNGBLOOD, GINGRICH, GERBER, CONKLIN AND GIBBONS, NOVEMBER 28, 2011

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 28, 2011

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, providing for persons required to
3 report suspected child sexual abuse.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 23 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 6311.1. Persons required to report suspected child sexual
9 abuse.

10 (a) General rule.--An individual who has firsthand or
11 secondhand knowledge of or reasonable cause to believe a child
12 is being sexually abused shall report the suspected child sexual
13 abuse to law enforcement officials as soon as is practicable.

14 (b) Confidential communications.--Except with respect to
15 confidential communications made to a member of the clergy which
16 are protected under 42 Pa.C.S. § 5943 (relating to confidential

communications to clergymen), and except with respect to
confidential communications made to an attorney which are
protected by 42 Pa.C.S. § 5916 (relating to confidential
communications to attorney) or 5928 (relating to confidential
communications to attorney), the privileged communication
between any professional person and the patient or client of
that person shall not apply to situations involving child sexual
abuse and shall not constitute grounds for failure to report as
required by this chapter.

(c) Civil action for discrimination against person filing
report.--A person who reports suspected child sexual abuse in
good faith and, as a result of the report, is discharged from
his or her employment or in any other manner is discriminated
against with respect to compensation, hire, tenure, terms,
conditions or privileges of employment, may commence an action
in the court of common pleas of the county in which the alleged
unlawful discharge or discrimination occurred for appropriate
relief. If the court finds that the person is an individual who
reported suspected child sexual abuse under this section in good
faith and, as a result of the report, was discharged or
discriminated against with respect to compensation, hire,
tenure, terms, conditions or privileges of employment, the court
may issue an order granting appropriate relief, including, but
not limited to, reinstatement with back pay. The department may
intervene in any action commenced under this subsection.

(d) Definitions.--The following words and phrases when used
in this chapter shall have the meanings given to them in this
section unless the context clearly indicates otherwise:

"Law enforcement official." The term shall have the same
meaning as the term "peace officer" is given under 18 Pa.C.S. §

1 501 (relating to definitions).

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