

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 434 Session of 2015

INTRODUCED BY BREWSTER, WOZNIAK, TEPLITZ, FONTANA, HUGHES,  
BLAKE, SMITH, COSTA, TARTAGLIONE AND BROWNE,  
FEBRUARY 12, 2015

REFERRED TO AGING AND YOUTH, FEBRUARY 12, 2015

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," providing for background checks for  
8 applicants and recipients.

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

11 Section 1. The act of November 6, 1987 (P.L.381, No.79),  
12 known as the Older Adults Protective Services Act, is amended by  
13 adding a chapter to read:

14 CHAPTER 6

15 BACKGROUND CHECKS

16 FOR APPLICANTS AND RECIPIENTS

17 Section 601. Background checks for applicants and recipients.

18 (a) Applicants.--

19 (1) Prior to the admission of an applicant to a facility  
20 as a resident, the facility shall perform a search for the

1 applicant's name on the Pennsylvania State Police registry of  
2 offenders and sexually violent predators established under 42  
3 Pa.C.S. § 9799.28 (relating to public Internet website).

4 (2) Prior to the admission of an applicant who  
5 previously resided outside this Commonwealth to a facility as  
6 a resident, the facility shall perform a search for the  
7 applicant's name on the Dru Sjodin National Sex Offender  
8 Public Website established under section 120 of the Adam  
9 Walsh Child Protection and Safety Act of 2006 (Public Law  
10 109-248, 120 Stat. 587).

11 (b) Recipients.--Within 30 days of the effective date of  
12 this section, the facility shall search:

13 (1) The Pennsylvania State Police registry of offenders  
14 and sexually violent predators established under 42 Pa.C.S. §  
15 9799.28 using the names of recipients who are residents of  
16 the facility as search criteria.

17 (2) The Dru Sjodin National Sex Offender Public Website  
18 established under section 120 of the Adam Walsh Child  
19 Protection and Safety Act of 2006 using the names of  
20 recipients who are residents of the facility who previously  
21 resided outside this Commonwealth as search criteria.

22 Section 602. Information relating to applicants and recipients.

23 In no case may a facility admit an applicant as a resident or  
24 retain a recipient as a resident if it finds the applicant or  
25 recipient listed on either:

26 (1) the Pennsylvania State Police registry of offenders  
27 and sexually violent predators established under 42 Pa.C.S. §  
28 9799.28 (relating to public Internet website); or

29 (2) the Dru Sjodin National Sex Offender Public Website  
30 established under section 120 of the Adam Walsh Child

1     Protection and Safety Act of 2006 (Public Law 109-248, 120  
2     Stat. 587).

3     Section 603. Immunity.

4     An administrator or a facility shall not be held civilly  
5     liable for any action directly related to good faith compliance  
6     with this chapter.

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