

## AMENDMENTS TO SENATE BILL NO. 30

Sponsor: REPRESENTATIVE WATSON

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1 Amend Bill, page 1, line 3, by striking out the semicolon  
2 after "definitions"

3 Amend Bill, page 1, line 11, by striking out "AND FURTHER  
4 PROVIDING" and inserting

5 , for immunity from liability, for establishment of  
6 pending complaint file, for Statewide central register and  
7 file of unfounded reports and

8 Amend Bill, page 1, line 12, by inserting after "INFORMATION"  
9 ; and making editorial changes

10 Amend Bill, page 18, by inserting between lines 16 and 17

11 Section 2. Section 6318 of Title 23 is amended to read:  
12 § 6318. Immunity from liability.

13 [(a) General rule.--A person, hospital, institution, school,  
14 facility, agency or agency employee that participates in good  
15 faith in the making of a report, whether required or not,  
16 cooperating with an investigation, including providing  
17 information to a child fatality or near fatality review team,  
18 testifying in a proceeding arising out of an instance of  
19 suspected child abuse, the taking of photographs or the removal  
20 or keeping of a child pursuant to section 6315 (relating to  
21 taking child into protective custody), and any official or  
22 employee of a county agency who refers a report of suspected  
23 abuse to law enforcement authorities or provides services under  
24 this chapter, shall have immunity from civil and criminal  
25 liability that might otherwise result by reason of those  
26 actions.

27 (b) Presumption of good faith.--For the purpose of any civil  
28 or criminal proceeding, the good faith of a person required to  
29 report pursuant to section 6311 (relating to persons required to  
30 report suspected child abuse) and of any person required to make  
31 a referral to law enforcement officers under this chapter shall  
32 be presumed.]

33 (a) General rule.--A person, hospital, institution, school,

1 facility, agency or agency employee acting in good faith shall  
2 have immunity from civil and criminal liability that might  
3 otherwise result from any of the following:

4 (1) Making a report of suspected child abuse or making a  
5 referral for general protective services, regardless of  
6 whether the report is required to be made under this chapter.

7 (2) Cooperating or consulting with an investigation  
8 under this chapter, including providing information to a  
9 child fatality or near-fatality review team.

10 (3) Testifying in a proceeding arising out of an  
11 instance of suspected child abuse or general protective  
12 services.

13 (4) Engaging in any action authorized under section 6314  
14 (relating to photographs, medical tests and X-rays of child  
15 subject to report), 6315 (relating to taking child into  
16 protective custody), 6316 (relating to admission to private  
17 and public hospitals) or 6317 (relating to mandatory  
18 reporting and postmortem investigation of deaths).

19 (b) Departmental and county agency immunity.--An official or  
20 employee of the department or county agency who refers a report  
21 of suspected child abuse for general protective services to law  
22 enforcement authorities or provides services as authorized by  
23 this chapter shall have immunity from civil and criminal  
24 liability that might otherwise result from the action.

25 (c) Presumption of good faith.--For the purpose of any civil  
26 or criminal proceeding, the good faith of a person required to  
27 report pursuant to section 6311 (relating to persons required to  
28 report suspected child abuse) and of any person required to make  
29 a referral to law enforcement officers under this chapter shall  
30 be presumed.

31 Section 3. Section 6331 heading and introductory paragraph  
32 of Title 23 are amended and the section is amended by adding a  
33 paragraph to read:

34 § 6331. Establishment of [pending complaint file,] Statewide  
35 [central register and file of unfounded reports]  
36 database.

37 There shall be established in the department a Statewide  
38 database of protective services, which shall include the  
39 following, as provided by section 6336 (relating to information  
40 in Statewide central register):

41 \* \* \*

42 (4) False reports of child abuse pursuant to a  
43 conviction under 18 Pa.C.S. § 4906.1 (relating to false  
44 reports of child abuse) and invalid general protective  
45 services reports that a county agency or the department have  
46 determined to be false, for the purpose of identifying and  
47 tracking patterns of intentionally false reports.

48 Amend Bill, page 18, line 17, by striking out "2" and  
49 inserting

1 4

2 Amend Bill, page 18, lines 17 and 18, by striking out  
3 "6341(C) OF TITLE 23 IS AMENDED AND THE SECTION" and inserting  
4 6341

5 Amend Bill, page 18, by inserting between lines 18 and 19  
6 § 6341. Amendment or expunction of information.  
7 \* \* \*  
8 (c.1) (Reserved).

9 Amend Bill, page 18, line 19, by striking out "(B.2)" and  
10 inserting  
11 (c.2)

12 Amend Bill, page 18, line 20, by striking out "(A)(3)" and  
13 inserting  
14 (a)(2) or (c)

15 Amend Bill, page 18, lines 21 and 22, by striking out "ON THE  
16 APPEAL OF A PERSON NAMED AS A PERPETRATOR AUTHORIZED UNDER  
17 SUBSECTION (A)(3)"

18 Amend Bill, page 18, line 24, by striking out "10" and  
19 inserting  
20 ten

21 Amend Bill, page 19, line 13, by striking out "10" and  
22 inserting  
23 ten

24 Amend Bill, page 19, line 18, by striking out "(B.3)" and  
25 inserting  
26 (c.3)

27 Amend Bill, page 19, line 19, by striking out "(B.2)" and  
28 inserting  
29 (c.2)

30 Amend Bill, page 19, line 27, by striking out "(B.4)" and  
31 inserting

1           (c.4)

2           Amend Bill, page 19, by inserting after line 30

3           \* \* \*

4           Amend Bill, page 20, lines 1 through 16, by striking out all  
5 of said lines and inserting

6           (g) Reconsideration and

7           Amend Bill, page 20, line 18, by striking out "(B.2)" and  
8 inserting

9           (c.2)

10          Amend Bill, page 20, line 26, by striking out all of said  
11 line and inserting

12          Section 5. Sections 6353.2(a) introductory paragraph and  
13 6353.3 introductory paragraph of Title 23 are amended to read:  
14 § 6353.2. Responsibilities of county agency.

15          (a) Information for the pending complaint file.--Immediately  
16 after receiving a report under section 6353.1 (relating to  
17 investigation), the county agency shall notify the department of  
18 the receipt of the report, which is to be filed in the pending  
19 complaint file as provided in section 6331(1) (relating to  
20 establishment of [pending complaint file,] Statewide [central  
21 register and file of unfounded reports] database). The oral  
22 report shall include the following information:

23           \* \* \*

24 § 6353.3. Information in Statewide central register.

25          The Statewide central register established under section 6331  
26 (relating to establishment of [pending complaint file,]  
27 Statewide [central register and file of unfounded reports]  
28 database) shall retain only the following information relating  
29 to reports of abuse or injury of a student by a school employee  
30 which have been determined to be a founded report for school  
31 employee or an indicated report for school employee:

32           \* \* \*

33          Amend Bill, page 20, line 27, by striking out "3" and  
34 inserting

35           6

36          Amend Bill, page 20, line 27, by striking out "\$§ 6303(A)  
37 AND" and inserting

38           §

39          Amend Bill, page 20, line 30, by striking out "4" and

1 inserting

2           7

3       Amend Bill, page 20, line 30, by striking out "JULY 1, 2014."

4 and inserting

5       as follows:

6           (1) The amendment of 23 Pa.C.S. § 6303(a) shall take  
7 effect December 31, 2014.

8           (2) The remainder of this act shall take effect July 1,  
9 2014.