

AMENDMENTS TO SENATE BILL NO. 30

Sponsor: REPRESENTATIVE WATSON

Printer's No. 1587

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

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

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

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

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

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

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

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

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

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

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