

AMENDMENTS TO SENATE BILL NO. 1090

Sponsor: REPRESENTATIVE MARSICO

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1 Amend Bill, page 1, line 4, by inserting after "penalties;"
2 in minors, further providing for purchase, consumption,
3 possession or transportation of liquor or malt or brewed
4 beverages and providing for safe harbor for violation of
5 section 6308(a);

6 Amend Bill, page 1, lines 7 and 8, by striking out all of
7 said lines

8 Amend Bill, page 2, by inserting between lines 7 and 8
9 2811. Civil remedies.

10 Amend Bill, page 2, by inserting between lines 23 and 24
11 "Drug." A controlled substance or drug as defined in the act
12 of April 14, 1972 (P.L.233, No.64), known as The Controlled
13 Substance, Drug, Device and Cosmetic Act.

14 Amend Bill, page 3, lines 2 through 5, by striking out "A
15 DEGREE-GRANTING" in line 2 and all of lines 3 through 5 and
16 inserting

17 An institution located within this Commonwealth authorized
18 to grant an associate or higher academic degree.

19 Amend Bill, page 3, line 17, by inserting after "primarily"
20 minors,

21 Amend Bill, page 3, line 18, by inserting after
22 "organization"

23 , an institution or secondary school

24 Amend Bill, page 4, line 6, by inserting after "causes"
25 , coerces or forces

26 Amend Bill, page 4, line 8, by inserting after "State"

1 criminal

2 Amend Bill, page 4, lines 20 and 21, by striking out all of
3 said lines and inserting

4 (5) Endure brutality of a sexual nature.

5 (6) Endure any other activity that creates a reasonable
6 likelihood of bodily injury to the minor or student.

7 Amend Bill, page 4, line 26, by striking out "may result in"
8 and inserting

9 creates a reasonable likelihood of

10 Amend Bill, page 4, line 29, by inserting after "athletic"
11 , law enforcement

12 Amend Bill, page 5, line 5, by striking out the period after
13 "student" and inserting

14 and:

15 (1) the person acts with reckless indifference to the
16 health and safety of the minor or student; or

17 (2) the person causes, coerces or forces the consumption
18 of an alcoholic liquid or drug by the minor or student.

19 Amend Bill, page 5, lines 9 and 10, by striking out "commits
20 the offense of organizational hazing if the organization" and
21 inserting

22 that

23 Amend Bill, page 5, lines 13 through 22, by striking out the
24 period in line 13 and all of lines 14 through 22 and inserting

25 commits the offense of organizational hazing and shall
26 be subject to any of the following penalties:

27 (1) A fine of not more than \$5,000, for each violation
28 of section 2802.

29 (2) A fine of not more than \$15,000, for each violation
30 of section 2803.

31 Amend Bill, page 5, line 23, by striking out "(c)" and
32 inserting

33 (b)

34 Amend Bill, page 5, lines 26 and 27, by striking out ",
35 including forfeiture of assets as provided under this chapter"

1 Amend Bill, page 6, line 1, by inserting after "hazing)"

2 commits the offense of institutional hazing and

3 Amend Bill, page 6, line 15, by inserting after "section "

4 2803 (relating to aggravated hazing) or

5 Amend Bill, page 7, line 4, by striking out "and secondary

6 school"

7 Amend Bill, page 7, lines 5 and 6, by striking out "or

8 secondary school's"

9 Amend Bill, page 7, lines 7 and 8, by striking out "or" in

10 line 7 and all of line 8 and inserting

11 . Each secondary school shall ensure that students are
12 informed of the secondary school's policy, including the
13 secondary school's rules, penalties and program of
14 enforcement.

15 Amend Bill, page 8, lines 11 and 12, by striking out

16 "Beginning with the 2018-2019 academic year and each academic
17 year thereafter, an" and inserting

18 An

19 Amend Bill, page 8, line 15, by striking out "campus

20 authorities or local law enforcement" and inserting

21 the institution

22 Amend Bill, page 8, line 18, by striking out "organization"

23 and inserting

24 subject of the report

25 Amend Bill, page 8, line 19, by striking out "organization"

26 and inserting

27 subject

28 Amend Bill, page 8, line 20, by striking out "misconduct" and

29 inserting

30 a violation of the institution's antihazing policy or
31 Federal or State laws related to hazing

1 Amend Bill, page 8, lines 21 through 25, by striking out all
2 of lines 21 through 24 and "(5)" in line 25 and inserting

3 (3)

4 Amend Bill, page 8, lines 25 and 26, by striking out
5 "incident, the findings" in line 25 and all of line 26 and
6 inserting

7 violation, any investigation and findings by the
8 institution and, if applicable, penalties.

9 Amend Bill, page 8, line 27, by striking out "(6)" and
10 inserting

11 (4)

12 Amend Bill, page 8, lines 28 and 29, by striking out all of
13 said lines

14 Amend Bill, page 8, line 30, by inserting after "report.--"
15 This section shall apply beginning with the 2018-2019
16 academic year.

17 Amend Bill, page 9, line 2, by striking out "campus
18 authorities or local law enforcement" and inserting
19 the institution

20 Amend Bill, page 9, line 17, by striking out "Individual" and
21 inserting

22 Immunity for the individual

23 Amend Bill, page 9, lines 19 through 21, by striking out "or
24 section 6308(a) (relating to purchase, consumption," in line 19,
25 all of line 20 and "beverages)" in line 21

26 Amend Bill, page 9, line 23, by striking out "or section
27 6308(a)"

28 Amend Bill, page 9, line 25, by inserting after "on"

29 a

30 Amend Bill, page 9, line 26, by inserting after "belief"

1 that

2 Amend Bill, page 10, line 10, by striking out "Individual"
3 and inserting

4 Derivative immunity for the individual

5 Amend Bill, page 10, line 11, by striking out "may not be
6 prosecuted" and inserting

7 shall be immune under this section from prosecution

8 Amend Bill, page 10, line 12, by inserting after "6308(a)"

9 (relating to purchase, consumption, possession or
10 transportation of liquor or malt or brewed beverages) only

11 Amend Bill, page 10, line 14, by striking out "or section
12 6308(a)"

13 Amend Bill, page 10, by inserting between lines 18 and 19

14 (1) This section may not bar prosecuting a person for an
15 offense under this chapter if a law enforcement officer
16 learns of the offense prior to and independent of the action
17 of seeking or obtaining emergency assistance as described in
18 subsection (a).

19 Amend Bill, page 10, line 19, by striking out "(1)" and
20 inserting

21 (2)

22 Amend Bill, page 10, line 23, by striking out "(2)" and
23 inserting

24 (3)

25 Amend Bill, page 10, line 27, by striking out "(3)" and
26 inserting

27 (4)

28 Amend Bill, page 10, by inserting after line 30

29 (d) Civil immunity.--In addition to any other applicable
30 immunity or limitation on civil liability, a law enforcement
31 officer, campus security officer or prosecuting attorney who
32 acting in good faith, charges a person who is thereafter
33 determined to be entitled to immunity under this section shall
34 not be subject to civil liability for the filing of the charges.
35 § 2811. Civil remedies.

1 Nothing in this chapter precludes a civil remedy otherwise
2 provided by law.

3 Section 2. Section 6308(f) of Title 18 is repealed:
4 § 6308. Purchase, consumption, possession or transportation of
5 liquor or malt or brewed beverages.

6 * * *

7 [(f) Exception for person seeking medical attention for
8 another.--A person shall be immune from prosecution for
9 consumption or possession under subsection (a) if he can
10 establish the following:

11 (1) The only way law enforcement officers became aware
12 of the person's violation of subsection (a) is because the
13 person placed a 911 call, or a call to campus safety, police
14 or emergency services, in good faith, based on a reasonable
15 belief and reported that another person was in need of
16 immediate medical attention to prevent death or serious
17 injury.

18 (2) The person reasonably believed he was the first
19 person to make a 911 call or a call to campus safety, police
20 or emergency services, and report that a person needed
21 immediate medical attention to prevent death or serious
22 injury.

23 (3) The person provided his own name to the 911 operator
24 or equivalent campus safety, police or emergency officer.

25 (4) The person remained with the person needing medical
26 assistance until emergency health care providers arrived and
27 the need for his presence had ended.]

28 Section 3. Title 18 is amended by adding a section to read:
29 § 6308.1. Safe harbor for violation of section 6308(a).

30 (a) Immunity for the individual seeking medical attention
31 for another.--An individual shall not be prosecuted for an
32 offense under section 6308(a) (relating to purchase,
33 consumption, possession or transportation of liquor or malt or
34 brewed beverages) if the individual can establish all of the
35 following:

36 (1) A law enforcement officer first became aware of the
37 individual's violation of section 6308(a) because the
38 individual placed a 911 call or contacted campus security,
39 police or emergency services, based on a reasonable belief
40 that another individual was in need of immediate medical
41 attention to prevent death or serious bodily injury.

42 (2) The individual reasonably believed the individual
43 was the first individual to make a 911 call or contact campus
44 security, police or emergency services and report that the
45 other individual needed immediate medical attention to
46 prevent death or serious bodily injury.

47 (3) The individual provided the individual's own name to
48 the 911 operator or equivalent campus security officer,
49 police or emergency services personnel.

50 (4) The individual remained with the other individual
51 needing medical assistance until a campus security officer,

1 police or emergency services personnel arrived and the need
2 for the individual's presence ended.

3 (b) Immunity for the individual needing medical attention.--
4 An individual needing medical attention shall be immune under
5 this section from prosecution for an offense under section
6 6308(a) if another individual reported the incident and remained
7 with the individual needing medical attention and is entitled to
8 immunity under this section.

9 (c) Limitations.--The immunity described under this section
10 shall be limited as follows:

11 (1) This section may not bar prosecuting a person for an
12 offense under section 6308(a) if a law enforcement officer
13 learns of the offense prior to and independent of the action
14 of seeking or obtaining emergency assistance as described in
15 subsection (a).

16 (2) This section shall not interfere with or prevent the
17 investigation, arrest, charging or prosecution of an
18 individual for a crime other than an offense under section
19 6308(a).

20 (3) This section shall not bar the admissibility of
21 evidence in connection with the investigation and prosecution
22 for a crime other than an offense under section 6308(a).

23 (4) This section shall not bar the admissibility of
24 evidence in connection with the investigation and prosecution
25 of a crime with regard to another defendant who does not
26 independently qualify for immunity under this section.

27 (d) Good faith immunity.--In addition to any other
28 applicable immunity or limitation on civil liability, a law
29 enforcement officer, campus security officer or prosecuting
30 attorney who, acting in good faith, charges a person who is
31 thereafter determined to be entitled to immunity under this
32 section shall not be subject to civil liability for the filing
33 of the charges.

34 (e) Definitions.--As used in this section, the following
35 words and phrases shall have the meanings given to them in this
36 subsection unless the context clearly indicates otherwise:

37 "911 system." A system, including enhanced 911 service and a
38 wireless e-911 system, that permits a person dialing 911 by
39 telephone to be connected to a public safety answering point,
40 via normal telephone facilities, for the reporting of police,
41 fire, medical or other emergency situations.

42 "Campus security officer." An employee of an institution of
43 higher education charged with maintaining the safety and
44 security of the property of the institution and persons on the
45 property.

46 "Emergency services personnel." Individuals, including a
47 trained volunteer or a member of the armed forces of the United
48 States or the National Guard, whose official or assigned
49 responsibilities include performing or directly supporting the
50 performance of emergency medical and rescue services or
51 firefighting.

1 "Law enforcement officer." A person who by virtue of the
2 person's office or public employment is vested by law with a
3 duty to maintain public order or to make arrests for offenses,
4 whether that duty extends to all offenses or is limited to
5 specific offenses, or a person on active State duty under 51
6 Pa.C.S. § 508 (relating to active duty for emergency).

7 Amend Bill, page 11, line 1, by striking out "2" and
8 inserting

9 4

10 Amend Bill, page 11, lines 8 and 9, by striking out "~~2803-~~
11 ~~2804 (relating to aggravated ORGANIZATIONAL hazing)~~" and
12 inserting

13 2807 (relating to forfeiture)

14 Amend Bill, page 11, line 11, by striking out "3" and
15 inserting

16 5

17 Amend Bill, page 11, line 17, by striking out "4" and
18 inserting

19 6

20 Amend Bill, page 11, line 20, by inserting after "activities"
21 and duties

22 Amend Bill, page 11, line 29, by striking out "5" and
23 inserting

24 7

25 Amend Bill, page 12, by inserting between lines 1 and 2

26 Section 8. This amendatory act shall be referred to as the
27 "Timothy J. Piazza Antihazing Law."

28 Amend Bill, page 12, line 2, by striking out "6" and
29 inserting

30 9