

AMENDMENTS TO HOUSE BILL NO. 235

Sponsor: SENATOR GORDNER

Printer's No. 877

1 Amend Bill, page 1, line 3, by striking out the period after
2 "adoption" and inserting

3 ; in support matters generally, further providing for costs and
4 fees and for State disbursement unit; and, in child
5 protective services, further providing for employees having
6 contact with children, adoptive and foster parents and for
7 volunteers having contact with children.

8 Amend Bill, page 2, line 7, by striking out all of said line
9 and inserting

10 Section 2. Sections 4351(a.1) and 4374(c)(3) and (d)(2) of
11 Title 23 are amended to read:

12 § 4351. Costs and fees.

13 * * *

14 (a.1) Annual fee.--The Commonwealth shall impose a fee of
15 [\$25] \$35 in each case in which an individual has never received
16 assistance under Title IV-A of the Social Security Act (49 Stat.
17 620, 42 U.S.C. § 301 et seq.) and for whom the Commonwealth has
18 collected at least [\$500] \$550 of support in a Federal fiscal
19 year. The Commonwealth shall pay the [\$25] \$35 fee for those
20 cases in which the annual collection is between [\$500] \$550 and
21 \$1,999.99. The [\$25] \$35 fee shall be collected from the
22 custodial parent in cases where annual collections equal \$2,000
23 or more. This subsection shall expire July 15, 2023.

24 * * *

25 § 4374. State disbursement unit.

26 * * *

27 (c) Allocation of collections.--Subject to subsections (d),
28 (e), (f) and (f.1), support collected on behalf of a family
29 shall be distributed as follows:

30 * * *

31 (3) In the case of a family that never received cash
32 assistance from the Commonwealth, all support collections
33 shall be paid to the family with the exception of the
34 federally mandated [\$25] \$35 annual fee collected from the
35 custodial parent as required under section 4351(a.1)
36 (relating to costs and fees). This paragraph shall expire

1 July 15, 2023.

2 (d) Retention by Commonwealth.--

3 * * *

4 (2) Notwithstanding any other provision of law, the
5 federally mandated [\$25] \$35 annual fee collected from the
6 custodial parent as required under section 4351(a.1) shall be
7 retained by the department. This paragraph shall expire July
8 15, 2023.

9 * * *

10 Section 2.1. Section 6344(a.2) introductory paragraph, (a.3)
11 introductory paragraph, (b) introductory paragraph, (c)(1) and
12 (2) and (m) introductory paragraph of Title 23, amended June 28,
13 2018 (P.L.375, No.54), are amended, subsections (c) and (m) are
14 amended by adding paragraphs and the section is amended by
15 adding a subsection to read:

16 § 6344. Employees having contact with children; adoptive and
17 foster parents.

18 * * *

19 (a.2) Minors.--[An] Unless applying for or holding a
20 position in a child day-care center, group day-care home or
21 family child-care home, an individual between 14 and 17 years of
22 age who applies for or holds a paid position as an employee who
23 is a person responsible for the child's welfare or a person with
24 direct contact with children through a program, activity or
25 service prior to the commencement of employment or under section
26 6344.4 (relating to recertification) shall be required to submit
27 only the information under subsection (b)(1) and (2) to an
28 employer, administrator, supervisor or other person responsible
29 for employment decisions, if the following apply:

30 * * *

31 (a.3) Exchange visitor.--[An] Unless applying for or holding
32 a position in a child day-care center, group day-care home or
33 family child-care home, an individual in possession of a
34 nonimmigrant visa issued pursuant to 8 U.S.C. § 1101(a)(15)(J)
35 (relating to definitions) to an exchange visitor, commonly
36 referred to as a "J-1" Visa, shall not be required to submit
37 information under subsection (b) if all of the following apply:

38 * * *

39 (b) Information to be submitted.--An individual identified
40 in subsection (a)(7) or (8) at the time the individual meets the
41 description set forth in subsection (a)(7) or (8) and an
42 individual identified in subsection (a)(1), (2), (3), (4), (5)
43 (i) or (6), (a.1) [or], (a.2) or (a.3) prior to the commencement
44 of employment or service or in accordance with section 6344.4
45 shall be required to submit the following information to an
46 employer, administrator, supervisor or other person responsible
47 for employment decisions or involved in the selection of
48 volunteers:

49 * * *

50 (c) Grounds for denying employment or participation in
51 program, activity or service.--

1 (1) In no case shall an employer, administrator,
2 supervisor or other person responsible for employment
3 decisions or involved in the selection of volunteers hire or
4 approve an applicant where the department has verified that
5 the applicant is named in the Statewide database as the
6 perpetrator of a founded report committed within the five-
7 year period immediately preceding verification pursuant to
8 this section.

9 (2) In no case shall an employer, administrator,
10 supervisor or other person responsible for employment
11 decisions or involved in the selection of volunteers hire or
12 approve an applicant if the applicant's criminal history
13 record information indicates the applicant has been convicted
14 of one or more of the following offenses under Title 18
15 (relating to crimes and offenses) or an equivalent crime
16 under Federal law or the law of another state:

17 Chapter 25 (relating to criminal homicide).

18 Section 2702 (relating to aggravated assault).

19 Section 2709.1 (relating to stalking).

20 Section 2901 (relating to kidnapping).

21 Section 2902 (relating to unlawful restraint).

22 Section 3121 (relating to rape).

23 Section 3122.1 (relating to statutory sexual assault).

24 Section 3123 (relating to involuntary deviate sexual
25 intercourse).

26 Section 3124.1 (relating to sexual assault).

27 Section 3125 (relating to aggravated indecent assault).

28 Section 3126 (relating to indecent assault).

29 Section 3127 (relating to indecent exposure).

30 Section 4302 (relating to incest).

31 Section 4303 (relating to concealing death of child).

32 Section 4304 (relating to endangering welfare of
33 children).

34 Section 4305 (relating to dealing in infant children).

35 A felony offense under section 5902(b) (relating to
36 prostitution and related offenses).

37 Section 5903(c) or (d) (relating to obscene and other
38 sexual materials and performances).

39 Section 6301 (relating to corruption of minors).

40 Section 6312 (relating to sexual abuse of children).

41 The attempt, solicitation or conspiracy to commit any of the
42 offenses set forth in this paragraph.

43 * * *

44 (4) In addition to paragraphs (1), (2) and (3), in no
45 case shall an employer, administrator, supervisor or other
46 person responsible for employment decisions or involved in
47 the selection of volunteers at a child day-care center, group
48 day-care home or family child-care home hire or approve an
49 applicant under any of the following circumstances:

50 (i) The applicant's criminal history record
51 information indicates the applicant has been convicted of

1 any of the following:

2 (A) One or more of the following offenses under
3 Title 18 or an equivalent crime under Federal law or
4 the law of another state:

5 A felony offense under section 2718 (relating to
6 strangulation).

7 A felony offense under section 3301 (relating to
8 arson and related offenses).

9 (B) An offense under 18 U.S.C. § 2261 (relating
10 to interstate domestic violence) or 18 U.S.C. § 2262
11 (relating to interstate violation of protection
12 order).

13 (ii) The applicant's name appears on the National
14 Crime Information Center National Sex Offender Registry
15 or on a state's sex offender registry.

16 (iii) The applicant's name appears on a Statewide
17 database or its equivalent as a perpetrator of child
18 abuse.

19 * * *

20 (f.1) Additional information for child day-care centers,
21 group day-care homes and family child-care homes.--

22 (1) In addition to the required information under
23 subsection (b), employees and volunteers of a child day-care
24 center, group day-care home or family child-care home shall
25 submit the following in accordance with paragraph (2):

26 (i) The following certifications from an out-of-
27 state database or its equivalent in each state in which
28 the individual resided within the previous five-year
29 period as to whether the individual:

30 (A) Is named in the database as a perpetrator of
31 child abuse.

32 (B) Is named on the out-of-state criminal
33 history repository with a conviction of an offense
34 listed in subsection (c)(2) or (4).

35 (C) Is named on the State's sex offender
36 registry.

37 (ii) Notification from the department stating
38 whether the individual's name appears on the National
39 Crime Information Center National Sex Offender Registry.

40 (2) An applicant for employment or a prospective
41 volunteer at a child day-care center, group day-care home or
42 family child-care home shall submit the information required
43 under paragraph (1) prior to the commencement of employment
44 or service. An employee or a volunteer at a child day-care
45 center, group day-care home or family child-care home as of
46 the date of enactment of this subsection shall submit the
47 information required under paragraph (1) no later than the
48 effective date of this subsection.

49 * * *

50 (m) Provisional employees for limited periods.--

51 [Notwithstanding subsection (b), employers,] Employers,

1 administrators, supervisors or other persons responsible for
2 employment decisions may not employ applicants on a provisional
3 basis, except that the department is authorized to grant a
4 waiver of this provision upon request from a child day-care
5 center, group day-care home or family child-care home. If a
6 child day-care center, group day-care home or family child-care
7 home is granted a waiver, an applicant may be employed on a
8 provisional basis for a single period not to exceed [90] 45
9 days, if all of the following conditions are met:

10 * * *

11 (3.1) A child day-care center, group day-care home or
12 family child-care home received the result of the report of
13 the criminal history record information under subsection (b)
14 (1) or (3).

15 * * *

16 Section 3. Section 6344.2(b.1) of Title 23 is amended by
17 adding a paragraph to read:

18 § 6344.2. Volunteers having contact with children.

19 * * *

20 (b.1) Exception.--

21 * * *

22 (4) The exceptions under this subsection do not apply to
23 volunteers in a child day-care center, group day-care home or
24 family child-care home.

25 * * *

26 Section 4. This act shall take effect as follows:

27 (1) This section shall take effect immediately.

28 (2) The amendment of 23 Pa.C.S. §§ 4351(a.1) and 4374(c)

29 (3) and (d)(2) shall take effect immediately.

30 (3) The amendment or addition of 23 Pa.C.S. § 2711(d)(2)
31 and (3) shall take effect in 60 days.

32 (4) The amendment or addition of 23 Pa.C.S. § 6344(m)
33 introductory paragraph and (3.1) shall take effect December
34 31, 2019.

35 (5) The remainder of this act shall take effect
36 September 30, 2019.