INTRODUCED BY TOPPER, WARREN, TOOHIL, BERNSTINE, BIZZARRO, BRIGGS, CALTAGIRONE, CIERSI, T. DAVIS, DRISCOLL, ECKER, EMRICK, GOODMAN, HERSHEY, HILL-EVANS, HOWARD, IRVIN, ISAACSON, KAUFFMAN, KINSEY, KLUNK, McCLINTON, McNEILL, D. MILLER, Mizgorski, Neilson, Petrarca, RABB, SANKEY, SCHEMEL, SCHLOSSBERG, SCHWEYER, SHUSTERMAN, STAATS, ULLMAN, DONATUCCI, HELM, GILLEN, NESBIT, RAVENSTAHL, DAWKINS, HENNESSEY, SAPPEY, MALAGARI, MACKENZIE, MIHALEK, CONKLIN, FRANKEL, HICKERNELL, BARRAR, DASY, STURLA, INNAMORATO, BROWN, READSHAW, PASHINSKI, MADDEN, HOHENSTEIN, MERSKI, METCALFE, COOK, MILLARD, SCHLEGEL CULVER, SANCHEZ, SIMS, BRADFORD, COMITTA, SOLOMON, FLYNN, HARRIS, KIM, FITZGERALD, JAMES, DiGIROLAMO, RYAN, MASSER, MARKOSEK, MALONEY, DAVIDSON, BROOKS, JOHNSON-HARRELL, ROZZI, THOMAS, HANBIDGE, WEBSTER AND DUSH, FEBRUARY 4, 2019

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, APRIL 29, 2020

AN ACT

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in marriage license, further providing for restrictions on issuance of license and for oral examination; and, in child protective services, providing for pandemic of 2020.

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

Section 1. Sections 1304(b) and 1306(b) of Title 23 of the Pennsylvania Consolidated Statutes are amended to read:

§ 1304. Restrictions on issuance of license.

(b) Minors.--

(1) No marriage license may be issued if either of the
applicants for a license is under [16 years of age unless the
court decides that it is to the best interest of the
applicant and authorizes the issuance of the license.

(2) No marriage license may be issued if either of the
applicants is under 18 years of age unless the consent of the
custodial parent or guardian of the applicant is personally
given before the person issuing the license or is certified
under the hand of the custodial parent or guardian attested
by two adult witnesses and, in the latter case, the signature
of the custodial parent or guardian is acknowledged before an
officer authorized by law to take acknowledgments. When the
minor has no guardian and a judge of the court is absent or
not accessible for any reason, the office issuing the license
may appoint a guardian pro hac vice for the minor.] 18 years
of age.

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§ 1306. Oral examination.

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(b) Exception.--If an applicant is unable to appear in
person because of his active military service or because the_
office of the register of wills is closed due to a state of_
disaster emergency declared by the Governor under 35 Pa.C.S. §_
7301(c) (relating to general authority of Governor) or a_
declaration of judicial emergency under Article V of the_
Constitution of Pennsylvania, a law of this Commonwealth, a rule_
of court or other judicial order by the Supreme Court or any_
agency or unit of the unified judicial system exercising a power_
or performing a duty under 42 Pa.C.S. § 1721 (relating to_
delegation of powers), the applicant shall be permitted to_
forward an affidavit, which verifies all of the information
required under subsection (a), to the issuing authority.

* * *

Section 2. Title 23 is amended by adding a section to read:


(a) General rule.--Notwithstanding any provision of law to
the contrary, the following shall apply to any individual
required to obtain recertification under section 6344.4
(relating to recertification) during the disaster emergency
relating to COVID-19. The following shall apply:

(1) An individual shall have until December 31, 2020, to
obtain the recertification under section 6344(b)(3) (relating
to employees having contact with children; adoptive and
foster parents) OR UNDER SECTION 111(C.1) OF THE
ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF
1949.

(2) An individual shall be required to obtain the
certifications under section 6344(b)(1) and (2) as required
under section 6344.4.

(3) An individual who delays recertification under
section 6344(b)(3) OR UNDER SECTION 111(C.1) OF THE PUBLIC
SCHOOL CODE OF 1949 shall be required to obtain the
individual's subsequent recertifications required under
section 6344.4 within 60 months from the date of the
individual's most recent certification.

(b) Initial applicants.--The following shall apply:

(1) Notwithstanding any provision of law to the
contrary, an individual identified under section 6344(a) may
commence employment prior to obtaining the certification
required under section 6344(b)(3) if all of the following
apply:
(i) The individual has been a resident of this Commonwealth during the entirety of the previous 10-year period or, if the individual has not been a resident of this Commonwealth during the entirety of the previous 10-year period, the individual has submitted an equivalent certification under section 6344(b)(1) from the last state in which the individual was a resident.

(ii) The individual has submitted the certifications under section 6344(b)(1) and (2) to the employer, administrator, supervisor or other person responsible for employment decisions prior to the commencement of employment.

(iii) An employer, administrator, supervisor or other person responsible for employment decisions shall document the reason, which relates to the COVID-19 disaster emergency, that the individual is unable to obtain and submit the certifications required under section 6344(b)(3).

(iv) The individual affirms, subject to the penalty of 18 Pa.C.S. § 4903 (relating to false swearing), in writing, that the individual is not disqualified from employment pursuant to section 6344(c) or has not been convicted of an offense similar in nature to those crimes listed in section 6344(c) under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.

(2) An individual who commences employment under paragraph (1) shall be required to submit the information
required under section 6344(b)(3) no later than December 31, 2020, or 60 days after the expiration of the declaration of
disaster emergency issued by the Governor on March 6, 2020,
published at 50 Pa.B 1644 (March 21, 2020), whichever is
sooner.

(3) If the information obtained pursuant to section
6344(b)(3) reveals that an individual is disqualified from
employment pursuant to section 6344(c), the individual shall
be immediately dismissed by the employer, administrator,
supervisor or other person responsible for employment
decisions.

(4) An individual who commences employment in a child
day-care center, group day-care home or family child-care
home under paragraph (1) shall comply with section 6344(m)
(5).

(5) This subsection shall expire December 31, 2020.

(c) Required record.--An employer, administrator, supervisor
or other person responsible for employment decisions shall
maintain a copy of the required information under subsections
(a) and (b).

(d) Definition.--As used in this section, the term "COVID-
19" means the novel coronavirus as identified in the
proclamation of disaster emergency issued by the Governor on

Section 3. This act shall be retroactive as follows:

(1) The amendment of 23 Pa.C.S. § 1306(b) shall be

(2) The addition of 23 Pa.C.S. § 6387(a) and (c) shall
be retroactive to March 6, 2020.

Section 4. This act shall take effect as follows:
1 (1) The amendment of 23 Pa.C.S. § 1304(b) shall take effect in 60 days.

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3 (2) The remainder of this act shall take effect immediately.

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