
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 854 Session of
2013

INTRODUCED BY DAVIS, CALTAGIRONE, BROWNLEE, O'NEILL, O'BRIEN,
KORTZ, D. COSTA, SCHLOSSBERG, DONATUCCI, RAVENSTAHL, HARKINS,
KINSEY, READSHAW, SAMUELSON, V. BROWN, SWANGER, MILLARD,
COHEN, FLECK, FRANKEL, GINGRICH, MURT AND FABRIZIO,
MARCH 11, 2013

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 11, 2013

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, providing for older student
3 protection; and imposing a penalty.

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

6 Section 1. Title 23 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 64

9 OLDER STUDENT PROTECTION

10 Sec.

11 6401. Definitions.

12 6402. Reporting process.

13 6403. Contents of report.

14 6404. Penalty for failure to report.

15 6405. Investigation.

16 § 6401. Definitions.

17 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Administrator." The person responsible for the
4 administration of a public or private school, intermediate unit
5 or area vocational-technical school.

6 "Department." The Department of Public Welfare of the
7 Commonwealth.

8 "Law enforcement official." The term shall include:

9 (1) A police officer of a municipality.

10 (2) A district attorney.

11 (3) The Pennsylvania State Police.

12 (4) A county sheriff.

13 (5) The Attorney General.

14 "School employee." An individual employed by a public or
15 private school, intermediate unit or area vocational-technical
16 school. The term includes an independent contractor and
17 employees. The term does not include an individual who has no
18 direct contact with students.

19 "Serious bodily injury." An injury that:

20 (1) creates a substantial risk of death; or

21 (2) causes serious permanent disfigurement or protracted
22 loss or impairment of the function of a body member or organ.

23 "Serious injury." An injury that:

24 (1) causes a person severe pain; or

25 (2) significantly impairs a person's physical or mental
26 functioning, either temporarily or permanently.

27 "Sexual abuse." Intentionally, knowingly or recklessly
28 causing or attempting to cause rape, involuntary deviate sexual
29 intercourse, sexual assault, statutory sexual assault,
30 aggravated indecent assault or incest, as defined by 18 Pa.C.S.

1 (relating to crimes and offenses).

2 "Student." An individual enrolled in a public or private
3 school, intermediate unit or area vocational-technical school
4 who meets all of the following:

5 (1) Is 18 years of age or older.

6 (2) Suffers from serious mental or learning
7 disabilities.

8 (3) Has been placed in an individualized education
9 program.

10 § 6402. Reporting process.

11 (a) Requirements.--

12 (1) Except as provided under paragraph (3), a school
13 employee who has reasonable cause to suspect, on the basis of
14 professional or other training and experience, that a student
15 is a victim of sexual abuse, serious injury or serious bodily
16 injury shall immediately notify the administrator of the
17 school.

18 (2) The administrator of a school shall immediately
19 report suspected sexual abuse, serious injury or serious
20 bodily injury to law enforcement officials as follows:

21 (i) Upon receiving notification by a school employee
22 of suspected sexual abuse, serious injury or serious
23 bodily injury under paragraph (1).

24 (ii) If the administrator has cause to suspect
25 sexual abuse, serious injury or serious bodily injury of
26 a student.

27 (3) If the individual suspected of abusing or injuring
28 the student is the administrator of the school, the school
29 employee shall immediately report the suspected sexual abuse,
30 serious injury or serious bodily injury to law enforcement

1 officials.

2 (4) A school employee may not reveal the existence or
3 content of a report under this subsection to any other
4 person.

5 (b) Immunity.--A school employee or administrator who makes
6 a report under subsection (a) shall be immune from civil and
7 criminal liability arising out of the report.

8 § 6403. Contents of report.

9 The report shall include, at a minimum, the following
10 information:

11 (1) Name, age and address of the student.

12 (2) Name and address of the student's guardian,
13 attorney-in-fact or next of kin.

14 (3) Name and address of the school.

15 (4) Nature of the alleged offense.

16 (5) Specific comments or observations that are directly
17 related to the alleged incident and those involved.

18 § 6404. Penalty for failure to report.

19 A school employee or administrator who willfully violates
20 section 6402 (relating to reporting process) commits a
21 misdemeanor of the third degree.

22 § 6405. Investigation.

23 (a) General rule.--Upon receipt of the report under section
24 6402 (relating to reporting process), an investigation shall be
25 conducted by law enforcement officials in cooperation with the
26 district attorney, and a determination must be made as to what
27 criminal charges, if any, will be filed in connection with the
28 report.

29 (b) Notification.--If law enforcement officials have
30 reasonable cause to suspect on the basis of initial review that

1 there is evidence of serious bodily injury, sexual abuse or
2 serious injury committed by an individual against a student,
3 local law enforcement officials shall notify a local contracted
4 provider of adult protective services under the act of October
5 7, 2010 (P.L.484, No.70), known as the Adult Protective Services
6 Act, and the department to determine if protective services are
7 needed for the student.

8 Section 2. The addition of 23 Pa.C.S. Ch. 64 shall apply to
9 reports made on or after the effective date of this section.

10 Section 3. This act shall take effect in 60 days.