

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1433 Session of 2010

INTRODUCED BY WASHINGTON, COSTA, FARNESE, FERLO, FONTANA,
GREENLEAF, HUGHES, LOGAN, O'PAKE, RAFFERTY, STOUT,
TARTAGLIONE, WARD AND BOSCOLA, JULY 3, 2010

REFERRED TO PUBLIC HEALTH AND WELFARE, JULY 3, 2010

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," further providing for
21 domestic violence and rape victims services.

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

24 Section 1. Section 2333 of the act of April 9, 1929
25 (P.L.177, No.175), known as The Administrative Code of 1929,
26 added March 30, 1988 (P.L.329, No.44), is amended to read:

27 Section 2333. Domestic Violence and Rape Victims Services.--

(a) The General Assembly finds that the public health and safety is threatened by increasing incidences of domestic violence and rape. Domestic violence programs and rape crisis programs provide needed support services for victims and assist in prevention through community education. Therefore, the General Assembly finds that it is in the public interest for the Commonwealth to establish a mechanism to provide financial assistance to domestic violence centers and rape crisis centers for the operation of domestic violence and rape crisis programs.

(b) Where any person after the effective date of this section pleads guilty or nolo contendere to or is convicted of any crime as herein defined, there shall be imposed, in addition to all other costs, an additional cost in the sum of [ten dollars (\$10)] fifteen dollars (\$15) for the purpose of funding the services as described in this section. Such sum shall be paid over to the State Treasurer to be deposited in the General Fund. Under no condition shall a political subdivision be liable for the payment of the [ten dollars (\$10)] fifteen dollars (\$15) in additional costs.

(c) The Department of Public Welfare shall make grants to domestic violence centers and rape crisis centers for the operation of domestic violence programs and rape crisis programs consistent with this section. In awarding grants, the Department of Public Welfare shall consider the population to be served, the geographical area to be serviced, the scope of the services, the need for services and the amount of funds provided from other sources.

(d) The Department of Public Welfare shall make available at cost to the public copies of applications that have been submitted or approved for funding and reports on any fiscal or

1 programmatic reviews of funded programs.

2 (d.1) All health care practitioners employed by or having
3 admitting privileges at a health care facility shall report to
4 the facility incidents of domestic violence determined through
5 treatment of a victim for injuries which the victim states
6 resulted from domestic violence or any injury which a
7 practitioner has reasonable cause to believe resulted from
8 domestic violence. All health care facilities shall track
9 incidents of domestic violence obtained from reports by health
10 care practitioners or documented in the facilities' medical
11 records and complete confidential medical data collection
12 reports, as promulgated by the Department of Health, for any
13 victim being treated for injuries which the victim states
14 resulted from domestic violence or which the health care
15 facility has reasonable cause to believe resulted from domestic
16 violence. The report may not identify a victim by name or by
17 information which would reveal the victim's identity. The report
18 shall be submitted to the Department of Health on an annual
19 basis, and the department shall submit a compilation of these
20 reports to the Department of Public Welfare annually.

21 (d.2) All law enforcement officers shall report to their
22 assigned police departments incidents of domestic violence as
23 reported by the victim or any incident which the officer has
24 reasonable cause to believe resulted from domestic violence. The
25 Pennsylvania State Police and all police departments shall track
26 incidents of domestic violence and complete confidential medical
27 data collection reports, as promulgated by the Department of
28 Health, for any victim of domestic violence or which the
29 Pennsylvania State Police or police department has reasonable
30 cause to believe resulted from domestic violence. The report may

not identify a victim by name or by information which would reveal the victim's identity. The report shall be submitted to the Department of Health on an annual basis, and the department shall submit a compilation of these reports to the Department of Public Welfare annually.

(e) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Crime" means an act committed in Pennsylvania which, if committed by a mentally competent, criminally responsible adult, who had no legal exemption or defense, would constitute a crime as defined in and proscribed by Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) or enumerated in the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act." However, no act involving the operation of a motor vehicle which results in injury shall constitute a crime for the purpose of this section unless such injury was intentionally inflicted through the use of a motor vehicle.

"Domestic violence" means the occurrence of one or more of the following acts between family or household members:

(1) Intentionally, knowingly or recklessly causing or attempting to cause bodily injury.

(2) Placing, by physical menace, another in fear of imminent serious bodily injury.

"Domestic violence center" means an organization, or the coordinating body of an organization, which has as its primary purpose the operation of domestic violence programs.

"Domestic violence program" means a program which has as its primary purpose the provision of direct services to victims of domestic violence and their children, including, but not limited

1 to, victim advocacy, counseling, shelter, information and
2 referral, victim-witness, accompaniment, community education and
3 prevention.

4 "Health care facility" means a facility that is authorized to
5 provide clinically related health service as defined in the act
6 of July 19, 1979 (P.L.130, No.48), known as the "Health Care
7 Facilities Act."

8 "Health care practitioner" means an individual who is
9 authorized to practice some component of the healing arts as
10 defined in the act of July 19, 1979 (P.L.130, No.48), known as
11 the "Health Care Facilities Act."

12 "Law enforcement officer" means a Pennsylvania State Police
13 officer or a police officer certified pursuant to 53 Pa.C.S. Ch.
14 21 Subch. D (relating to municipal police education and
15 training).

16 "Police department" means a public agency of a political
17 subdivision having general police powers and charged with making
18 arrests in connection with the enforcement of the criminal or
19 traffic laws.

20 "Rape crisis center" means an organization, or the
21 coordinating body of an organization, which has as its primary
22 purpose the operation of rape crisis programs.

23 "Rape crisis program" means a program which has as its
24 primary purpose the provision of direct services to victims of
25 sexual assault, including, but not limited to, crisis
26 intervention, counseling, victim advocacy, information and
27 referral, victim-witness and assistance, accompaniment through
28 the medical, police and judicial systems as well as providing
29 education and prevention programs on rape and sexual assaults.

30 "Sexual assault" means any conduct which is a crime under 18

1 Pa.C.S. Ch. 31 (relating to sexual offenses).

2 Section 2. This act shall take effect in 60 days.