

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1414

Session of
1981

INTRODUCED BY HAGARTY, HEISER, McCLATCHY, CORNELL, WHITE,
COWELL, HORGOS, GEIST, KLINGAMAN, LASHINGER, MARMION, JR.,
MRKONIC AND ARTY, MAY 11, 1981

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 23, 1981

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," providing for domestic
4 violence and rape crisis programs, imposing additional costs
5 and making an appropriation.

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

8 Section 1. Article XII, act of June 13, 1967 (P.L.31,
9 No.21), known as the "Public Welfare Code," is amended by adding
10 sections to read:

ARTICLE XII

[RESERVED]

DOMESTIC VIOLENCE AND RAPE VICTIMS SERVICES

14 Section 1201. Legislative Findings and Intent.--The General
15 Assembly finds that the increased incidence of abuse and rape
16 have escalated to the point where safety in our homes and on our
17 streets is threatened. Protection for the victims of rape and
18 abuse is a concern to be shared at every level of government.

1 The General Assembly finds that domestic violence programs and
2 rape crisis centers provide a needed supportive service delivery
3 system to victims and assist in promoting prevention and
4 prosecution where warranted. The environment for curbing these
5 crimes can be significantly improved by the presence, activities
6 and services provided by these programs. Prevention or remedy to
7 those victimized can only begin when the victim is safe and when
8 the family, community and society focuses attention on the
9 maintenance and expansion of these vital services and the needs
10 of rape and abuse victims.

11 Section 1202. Definitions.--As used in this article:

12 "Crime" means an act committed in Pennsylvania which, if
13 committed by a mentally competent, criminally responsible adult,
14 who had no legal exemption or defense, would constitute a crime
15 as defined in and proscribed by Title 18 of the Pennsylvania
16 Consolidated Statutes (relating to crimes and offenses) OR <—
17 ENUMERATED IN THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN
18 AS "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT."
19 However, no act involving the operation of a motor vehicle which
20 results in injury shall constitute a crime for the purpose of
21 this article unless such injury was intentionally inflicted
22 through the use of a motor vehicle.

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

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

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

29 (3) Sexually abusing minor children as defined pursuant to
30 the act of November 26, 1975 (P.L.438, No.124), known as the

1 "Child Protective Services Law."

2 "Domestic violence programs" means an organization, or the
3 coordinating body of such organizations, which has as a primary
4 program the provision of direct services to ~~victims~~ OF DOMESTIC <—
5 VIOLENCE and their children, including, but not limited to
6 victim advocacy, counseling, shelter, information and referral,
7 victim-witness, accompaniment, community education and
8 prevention.

9 "Rape crisis program" means an organization, or any
10 coordinating body of such an organization, which has as its
11 primary purpose the provision of direct services to victims of
12 sexual assault, including, but not limited to, crisis
13 intervention, counseling, victim advocacy, information and
14 referral, victim witness and assistance, accompaniment through
15 the medical, police and judicial systems as well as providing
16 education and prevention programs on rape and sexual assaults.

17 Section 1203. Additional Costs.--Where any person after the
18 effective date of this article pleads guilty or nolo contendere
19 to or is convicted of any crime as herein defined, there shall
20 be imposed ~~an~~ IN addition to all other costs, an additional cost <—
21 in the sum of ten dollars (\$10) for the purpose of funding the
22 services as described in this article. Such sum shall be paid
23 over to the State Treasurer to be deposited in the General Fund.
24 Under no condition shall a political subdivision be liable for
25 the payment of the ten dollars (\$10) in additional costs.

26 Section 1204. Program Grants Authorized.--The department
27 shall make grants for the operation of domestic violence
28 programs and rape crisis programs consistent with this article.
29 IN AWARDING GRANTS, THE DEPARTMENT SHALL CONSIDER THE <—
30 GEOGRAPHICAL LOCATIONS OF THE AREA TO BE SERVICED, THE BREADTH

1 OF THE SERVICES TO BE PROVIDED, THE EXTENT OF COMMUNITY SUPPORT
2 AND THE AMOUNT OF FUNDS PROVIDED FROM OTHER SOURCES.

3 SECTION 1205. PUBLIC REVIEW AND ACCOUNTABILITY.--THE
4 DEPARTMENT SHALL MAKE AVAILABLE AT COST TO THE PUBLIC COPIES OF
5 APPLICATIONS THAT HAVE BEEN SUBMITTED OR APPROVED FOR FUNDING
6 AND REPORTS ON ANY FISCAL OR PROGRAMMATIC REVIEWS OF FUNDED
7 PROGRAMS.

8 Section ~~1205~~ 1206. Termination of Article.--The provisions <—
9 of this article shall expire five years from the effective date
10 of this article unless reenacted by the General Assembly.

11 Section 2. The sum of \$1,500,000 is hereby appropriated to
12 the Department of Public Welfare for the fiscal year 1981-1982
13 for the purpose of funding the programs authorized in section
14 1204. THE DEPARTMENT SHALL NOT EXCEED 7% OF THE APPROPRIATED <—
15 FUNDS FOR THE ADMINISTRATION OF THIS ACT.

16 Section 3. This act shall take effect immediately.