

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2342 Session of
2000

INTRODUCED BY E. Z. TAYLOR, DAILEY, HENNESSEY, CIVERA, BATTISTO,
CLARK, L. I. COHEN, CURRY, FARGO, GEORGE, HALUSKA, HERSHEY,
HORSEY, LAUGHLIN, LEDERER, RUBLEY, SATHER, SEYFERT, STABACK,
THOMAS AND YOUNGBLOOD, MARCH 15, 2000

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 15, 2000

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for reporting
3 criminal injuries.

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

6 Section 1. Section 5106(a) and (b) of Title 18 of the
7 Pennsylvania Consolidated Statutes are amended and the section
8 is amended by adding a subsection to read:

9 § 5106. Failure to report injuries by firearm or criminal act.

10 (a) Offense defined.--[A] Except as set forth in subsection
11 (a.1), a physician, intern or resident, or any person
12 conducting, managing or in charge of any hospital or pharmacy,
13 or in charge of any ward or part of a hospital, to whom shall
14 come or be brought any person:

15 (1) suffering from any wound or other injury inflicted
16 by his own act or by the act of another, which caused death
17 or serious bodily injury, or inflicted by means of a deadly

1 weapon as defined in section 2301 [of this title] (relating
2 to definitions); or

3 (2) upon whom injuries have been inflicted in violation
4 of any penal law of this Commonwealth;

5 commits a summary offense if he fails to report such injuries
6 immediately, both by telephone and in writing, to the chief of
7 police or other head of the police department of the local
8 government, or to the Pennsylvania State Police. The report
9 shall state the name of the injured person, if known, his
10 whereabouts and the character and extent of his injuries.

11 (a.1) Exception.--The duty to report under subsection (a)(2)
12 shall not apply if all of the following apply:

13 (1) The victim is a competent adult.

14 (2) The injury was inflicted by an individual who:

15 (i) is the current or former spouse of the victim;

16 (ii) is a current or former sexual or intimate
17 partner of the victim;

18 (iii) shares biological parenthood with the victim;

19 or

20 (iv) is or has been living as a spouse of the
21 victim.

22 (3) The victim has been informed:

23 (i) of the duty to report under subsection (a)(2);

24 and

25 (ii) that the report under subsection (a)(2) cannot
26 be made without the victim's consent.

27 (4) The victim does not consent to the report under
28 subsection (a)(2).

29 (b) Immunity granted.--No physician or other person shall be
30 subject to civil or criminal liability by reason of [making a

1 report required by] complying with this section.

2 * * *

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