

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 38

Session of
2001

INTRODUCED BY THOMAS, CAPPABIANCA, DeWEESE, GEORGE, ROONEY,
WASHINGTON, SOLOBAY AND HARHAI, JANUARY 23, 2001

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
JANUARY 23, 2001

AN ACT

1 Amending the act of November 6, 1987 (P.L.381, No.79), entitled
2 "An act relating to the protection of the abused, neglected,
3 exploited or abandoned elderly; establishing a uniform
4 Statewide reporting and investigative system for suspected
5 abuse, neglect, exploitation or abandonment of the elderly;
6 providing protective services; providing for funding; and
7 making repeals," further providing for grounds for denying
8 employment.

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

11 Section 1. Section 503 of the act of November 6, 1987
12 (P.L.381, No.79), known as the Older Adults Protective Services
13 Act, amended June 9, 1997 (P.L.160, No.13), is amended to read:
14 Section 503. Grounds for denying employment.

15 (a) General rule.--In no case shall a facility hire an
16 applicant or retain an employee required to submit information
17 pursuant to section 502(a) if the applicant's or employee's
18 criminal history record information indicates the applicant or
19 employee has been convicted of any of the following offenses:

20 (1) An offense designated as a felony under the act of

1 April 14, 1972 (P.L.233, No.64), known as The Controlled
2 Substance, Drug, Device and Cosmetic Act.

3 (2) An offense under one or more of the following
4 provisions of 18 Pa.C.S. (relating to crimes and offenses):

5 Chapter 25 (relating to criminal homicide).

6 Section 2702 (relating to aggravated assault).

7 Section 2901 (relating to kidnapping).

8 Section 2902 (relating to unlawful restraint).

9 Section 3121 (relating to rape).

10 Section 3122.1 (relating to statutory sexual
11 assault).

12 Section 3123 (relating to involuntary deviate sexual
13 intercourse).

14 Section 3124.1 (relating to sexual assault).

15 Section 3125 (relating to aggravated indecent
16 assault).

17 Section 3126 (relating to indecent assault).

18 Section 3127 (relating to indecent exposure).

19 Section 3301 (relating to arson and related
20 offenses).

21 Section 3502 (relating to burglary).

22 Section 3701 (relating to robbery).

23 A felony offense under Chapter 39 (relating to theft
24 and related offenses) or two or more misdemeanors under
25 Chapter 39.

26 Section 4101 (relating to forgery).

27 Section 4114 (relating to securing execution of
28 documents by deception).

29 Section 4302 (relating to incest).

30 Section 4303 (relating to concealing death of child).

1 Section 4304 (relating to endangering welfare of
2 children).

3 Section 4305 (relating to dealing in infant
4 children).

5 Section 4952 (relating to intimidation of witnesses
6 or victims).

7 Section 4953 (relating to retaliation against witness
8 or victim).

9 A felony offense under section 5902(b) (relating to
10 prostitution and related offenses).

11 Section 5903(c) or (d) (relating to obscene and other
12 sexual materials and performances).

13 Section 6301 (relating to corruption of minors).

14 Section 6312 (relating to sexual abuse of children).

15 (3) A Federal or out-of-State offense similar in nature
16 to those crimes listed in paragraphs (1) and (2).

17 (b.1) Exception.--Notwithstanding the provisions of
18 subsection (a), except in the case of a "crime of violence" as
19 defined in 42 Pa.C.S. § 9714 (relating to sentences for second
20 and subsequent offenses), where ten years have elapsed from the
21 date of conviction of an offense enumerated in subsection (a),
22 an applicant shall be eligible for employment under this act. As
23 used in this section, the term "conviction" shall include a
24 judgment, an admission of guilt or a plea of nolo contendere.

25 (c) Immunity.--An administrator or a facility shall not be
26 held civilly liable for any action directly related to good
27 faith compliance with this section.

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