

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2301 Session of 2014

INTRODUCED BY HACKETT, PARKER, BAKER, BISHOP, BOBACK, R. BROWN, V. BROWN, BROWNLEE, CLAY, D. COSTA, DAVIS, DONATUCCI, FEE, GINGRICH, GODSHALL, C. HARRIS, KAUFFMAN, F. KELLER, KINSEY, MASSER, McCARTER, McGEEHAN, MILLARD, R. MILLER, MULLERY, MURT, NEILSON, O'BRIEN, O'NEILL, PICKETT, READSHAW, ROCK, ROZZI, STEPHENS, SWANGER, WATSON, YOUNGBLOOD, COHEN, TOOHL AND SCHLEGEL CULVER, JUNE 2, 2014

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 2, 2014

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, in child custody, further providing  
3 for consideration of criminal conviction.

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

6 Section 1. Section 5329 of Title 23 of the Pennsylvania  
7 Consolidated Statutes is amended by adding a subsection to read:  
8 § 5329. Consideration of criminal conviction.

9 \* \* \*

10 (b.1) Parent convicted of certain sexual offenses.--The  
11 following apply:

12 (1) Notwithstanding any provision of this chapter to the  
13 contrary and subject to paragraph (2), if a parent who is a  
14 victim of any of the offenses set forth in this paragraph  
15 objects, no court shall award custody, partial physical  
16 custody or supervised physical custody to the other parent of

a child conceived as a result of any of the following  
offenses for which the other parent has been convicted:

18 Pa.C.S. § 3121.

18 Pa.C.S. § 3122.1.

18 Pa.C.S. § 3124.1, where the offense involved sexual  
intercourse.

18 Pa.C.S. § 3124.2 (relating to institutional sexual  
assault), where the offense involved sexual intercourse.

18 Pa.C.S. § 4302.

(2) A court may award custody, partial physical custody  
or supervised physical custody, notwithstanding the objection  
of the parent who is a victim, if:

(i) the child is of suitable age and consents to the  
custody order; and

(ii) the court determines the award is in the best  
interest of the child.

(3) Paternity of the child shall be established by  
blood, genetic or other paternity testing acceptable to the  
court.

\* \* \*

Section 2. The addition of 23 Pa.C.S. § 5329(b.1) shall  
apply to any action regarding custody of a child under 23  
Pa.C.S. Ch. 53 that is filed on or after the effective date of  
this section.

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