

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1017 Session of
2015

INTRODUCED BY SABATINA, SCAVELLO, FONTANA, RAFFERTY, TEPLITZ,
SCHWANK, VULAKOVICH, TARTAGLIONE, YUDICHAK, COSTA,
BARTOLOTTA, FARNESE AND BROWNE, OCTOBER 22, 2015

REFERRED TO JUDICIARY, OCTOBER 22, 2015

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in support matters generally, further
3 providing for definitions and for duties of Title IV-D
4 attorney and providing for gaming winnings intercept; and
5 making editorial changes.

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

8 Section 1. The definitions of "department" and "State
9 disbursement unit" in section 4302 of Title 23 of the
10 Pennsylvania Consolidated Statutes are amended to read:

11 § 4302. Definitions.

12 The following words and phrases when used in this chapter
13 shall have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 * * *

16 "Department." The Department of [Public Welfare] Human
17 Services of the Commonwealth.

18 * * *

19 "State disbursement unit." The organizational unit

1 established within the Department of [Public Welfare] Human
2 Services responsible for collecting and disbursing support as
3 provided in section 4374 (relating to State disbursement unit).

4 * * *

5 Section 2. Section 4306(c) of Title 23 is amended to read:
6 § 4306. Duties of Title IV-D attorney.

7 * * *

8 (c) Joinder of [Department of Public Welfare] department.--
9 Whenever the record in any support action or proceeding
10 indicates that the persons for whom support is sought have
11 received public assistance from the [Department of Public
12 Welfare] department at any time since the initiation of the
13 matter, the department may become a party to the action or
14 proceeding by filing an entry of appearance. This entry of
15 appearance may be entered without leave of court at any time and
16 at any stage of the action or proceeding.

17 Section 3. Title 23 is amended by adding a section to read:
18 § 4307.1. Gaming winnings intercept.

19 (a) Duty of slot machine licensee.--

20 (1) In the case of any person who plays a slot machine
21 or table game authorized under 4 Pa.C.S. Pt. 2 (relating to
22 gaming) and is entitled to be paid gaming winnings of more
23 than \$1,200 in cash or cash equivalents by a slot machine
24 licensee, the slot machine licensee shall notify the
25 Pennsylvania State Police and make all reasonable efforts to
26 determine if the person has a subpoena outstanding due to
27 unpaid child support prior to the slot machine licensee
28 making any gaming winnings payment.

29 (2) If the licensee determines that such subpoena
30 exists, the amount of any arrearages shall be deducted from

1 the amount of gaming winnings and paid to the obligee in the
2 manner provided in this title for the administration of
3 support payments.

4 (b) Duties of Department of Revenue.--The Department of
5 Revenue, in consultation with the Pennsylvania State Police:

6 (1) Shall conduct a search periodically of the
7 following:

8 (i) The records of the Department of Human Services
9 relative to the Title IV-D Program to determine the
10 department identifier, the obligor's full name and Social
11 Security number and the amount of the arrearage and the
12 identifier of the court order which underlies it.

13 (ii) Any information received from county domestic
14 relations offices relative to arrearages of court-ordered
15 child support.

16 (iii) Any information received from states with
17 reciprocal enforcement of child support relative to
18 arrearages of court-ordered child support.

19 (2) Shall request the slot machine licensee to withhold
20 from a gaming winner the amount of any arrearage discovered
21 pursuant to the provisions of paragraph (1).

22 (3) Shall request the slot machine licensee to pay over,
23 whether in a lump sum or by installment, to the Department of
24 Human Services that part of the gaming winnings which
25 satisfies this arrearage and:

26 (i) Deduct from the amount received from the slot
27 machine licensee any amount assigned to the Department of
28 Human Services.

29 (ii) Pay over to the domestic relations section for
30 distribution to the obligee of the child support court

1 order the amount of gaming winnings which satisfies the
2 arrearage owed to the obligee. This payment shall be made
3 within 30 days of the date when the gaming winnings are
4 withheld.

5 (4) May, if gaming winnings are insufficient to satisfy
6 the arrearages owed under the child support order, proceed as
7 follows:

8 (i) The Department of Revenue may collect as
9 provided by law.

10 (ii) The Department of Revenue may reinstitute the
11 procedures set forth in this section if the obligor wins
12 subsequent gaming winnings of \$1,200 or more in cash or
13 cash equivalents.

14 (5) Shall determine and set a fee which reflects the
15 actual costs the Department of Revenue and the Department of
16 Human Services incur to administer this section, shall deduct
17 the calculated amount from the amount to be paid to the
18 gaming winner after the gaming winner's child support
19 obligation has been fully satisfied and divide the deducted
20 amount between both departments based on the administrative
21 expenses incurred by each.

22 (6) Shall, within 30 days of the date the gaming
23 winnings were won:

24 (i) Award the gaming winner the winnings in whole or
25 in part.

26 (ii) If applicable, notify the gaming winner that
27 the gaming winnings, or a portion thereof, were used to
28 satisfy arrearages owed for court-ordered child support.

29 (c) Notice.--The domestic relations section shall send a
30 one-time notice to all obligors of existing orders informing

1 them that arrearages may be intercepted as provided by this
2 section.

3 (d) Right to review.--A gaming winner whose gaming winnings
4 are used to satisfy an obligation under this section may appeal
5 to the Department of Revenue in accordance with 2 Pa.C.S.
6 (relating to administrative law and procedure). The appeal shall
7 be filed within 30 days after the gaming winner is notified by
8 the Department of Revenue that the gaming winnings have been
9 reduced or totally withheld to satisfy the gaming winner's
10 outstanding arrearages for child support and related
11 obligations.

12 (e) Immunity.--

13 (1) A person, government agency or slot machine licensee
14 providing information, encumbering or surrendering property
15 pursuant to this section shall not be subject to civil or
16 criminal liability to any person or entity. The department, a
17 court, a domestic relations section or an authorized employee
18 of such an entity requesting information under this section
19 or ordering the seizure, encumbrance or surrender of gaming
20 winnings payable by a slot machine licensee shall not be
21 subject to any civil or criminal liability.

22 (2) A slot machine licensee shall not be subject to any
23 civil or criminal liability for encumbering or surrendering
24 assets of an obligor as required by this section.

25 (3) The immunity provided by this subsection shall not
26 apply to any person or agent of a government agency or slot
27 machine licensee who knowingly supplies false information
28 under this section.

29 (f) Rules and regulations.--The Department of Revenue shall,
30 in consultation with the department, promulgate the rules and

1 regulations necessary to carry out this section.

2 Section 4. This act shall take effect in 60 days.