

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1092 Session of 2018

INTRODUCED BY MENSCH, ARGALL, COSTA, SCHWANK, RAFFERTY, KILLION, YUDICHAK, BREWSTER, BARTOLOTTA AND REGAN, MARCH 23, 2018

AS AMENDED ON SECOND CONSIDERATION, APRIL 24, 2018

AN ACT

1 ~~Amending Title 18 (Crimes and Offenses) of the Pennsylvania~~ <--  
2 ~~Consolidated Statutes, in offenses against the family,~~  
3 ~~further providing for the offense of endangering welfare of~~  
4 ~~children.~~

5 AMENDING TITLE 42 (JUDICIARY AND JUDICIAL PROCEDURE) OF THE <--  
6 PENNSYLVANIA CONSOLIDATED STATUTES, IN SENTENCING, PROVIDING  
7 FOR SENTENCING FOR OFFENSES INVOLVING DOMESTIC VIOLENCE IN  
8 THE PRESENCE OF A MINOR.

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

11 ~~Section 1. Section 4304(a) of Title 18 of the Pennsylvania~~ <--  
12 ~~Consolidated Statutes is amended and the section is amended by~~  
13 ~~adding a subsection to read:~~

14 ~~§ 4304. Endangering welfare of children.~~

15 ~~(a) Offense defined.~~

16 ~~(1) A parent, guardian or other person supervising the~~  
17 ~~welfare of a child under 18 years of age, or a person that~~  
18 ~~employs or supervises such a person, commits an offense if he~~  
19 ~~knowingly endangers the welfare of the child by violating a~~  
20 ~~duty of care, protection or support.~~

21 ~~(2) A person commits an offense if the person, in an~~

1 ~~official capacity, prevents or interferes with the making of~~  
2 ~~a report of suspected child abuse under 23 Pa.C.S. Ch. 63~~  
3 ~~(relating to child protective services).~~

4 ~~[(3) As used in this subsection, the term "person~~  
5 ~~supervising the welfare of a child" means a person other than~~  
6 ~~a parent or guardian that provides care, education, training~~  
7 ~~or control of a child.]~~

8 ~~(4) A person commits an offense if he commits a personal~~  
9 ~~injury crime knowing that the personal injury crime was~~  
10 ~~witnessed, either through sight or sound, by another person~~  
11 ~~who is less than 18 years of age and a member of his or the~~  
12 ~~other person's family.~~

13 \* \* \*

14 ~~(d) Definitions. As used in this section, the following~~  
15 ~~words and phrases shall have the meanings given to them in this~~  
16 ~~subsection unless the context clearly indicates otherwise:~~

17 ~~"Family." The term shall have the same meaning given to it~~  
18 ~~under 204 Pa. Code § 401.1 (relating to definition of terms).~~

19 ~~"Person supervising the welfare of a child." A person other~~  
20 ~~than a parent or guardian that provides care, education,~~  
21 ~~training or control of a child.~~

22 ~~"Personal injury crime." The term shall have the same~~  
23 ~~meaning given to it under section 103 of the act of November 24,~~  
24 ~~1998 (P.L.882, No.111), known as the Crime Victims Act.~~

25 SECTION 1. TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED  
26 STATUTES IS AMENDED BY ADDING A SECTION TO READ:

27 § 9720.8. SENTENCING FOR OFFENSES INVOLVING DOMESTIC VIOLENCE  
28 IN THE PRESENCE OF A MINOR.

29 (A) SENTENCING ENHANCEMENT.--THE PENNSYLVANIA COMMISSION ON  
30 SENTENCING, IN ACCORDANCE WITH SECTION 2154 (RELATING TO

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1 ADOPTION OF GUIDELINES FOR SENTENCING), SHALL PROVIDE FOR A  
2 SENTENCE ENHANCEMENT WITHIN ITS GUIDELINES FOR AN OFFENSE UNDER  
3 18 PA.C.S. § 2701 (RELATING TO SIMPLE ASSAULT) OR 2702 (RELATING  
4 TO AGGRAVATED ASSAULT), SPECIFYING VARIATIONS FROM THE RANGE OF  
5 SENTENCES APPLICABLE BASED ON SUCH AGGRAVATING CIRCUMSTANCES AS  
6 THE ASSAULT WAS COMMITTED AGAINST A FAMILY OR HOUSEHOLD MEMBER  
7 AND THE DEFENDANT KNEW THE CRIME WAS WITNESSED, EITHER THROUGH  
8 SIGHT OR SOUND, BY A MINOR WHO IS ALSO A FAMILY OR HOUSEHOLD  
9 MEMBER OF THE DEFENDANT OR THE VICTIM.

10 (B) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
11 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
12 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

13 "FAMILY OR HOUSEHOLD MEMBER." THE TERM SHALL HAVE THE SAME  
14 MEANING AS "FAMILY OR HOUSEHOLD MEMBERS" UNDER 23 PA.C.S. § 6102  
15 (RELATING TO DEFINITIONS).

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