

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.--

11 (1) Notwithstanding the provisions of subsection (a), no
12 court may award custody, partial custody or supervised
13 physical custody to a parent of a child conceived as the
14 result of any of the following offenses for which the parent
15 has been convicted:

16 18 Pa.C.S. § 3121;

17 18 Pa.C.S. § 3124.1, where the offense involved

18 sexual intercourse;

1 18 Pa.C.S. § 3124.2 (relating to institutional sexual
2 assault), where the offense involved sexual intercourse;
3 or

4 18 Pa.C.S. § 4302
5 unless the child is of suitable age and consents to the
6 order.

7 (2) The court may not award custody, partial custody or
8 supervised physical custody under paragraph (1) if the victim
9 of any of the offenses enumerated in paragraph (1) objects.

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

13 * * *

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