

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

7 Section 1. Section 4304 of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 4304. Endangering welfare of children.

10 (a) Offense defined.--

11 (1) A parent, guardian or other person supervising the
12 welfare of a child under 18 years of age, or a person that
13 employs or supervises such a person, commits an offense if he
14 knowingly endangers the welfare of the child by violating a
15 duty of care, protection or support.

16 (2) A person commits an offense if the person, in an
17 official capacity, prevents or interferes with the making of
18 a report of suspected child abuse under 23 Pa.C.S. Ch. 63

1 (relating to child protective services).

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

6 (4) A person commits an offense under this section if
7 the person commits a personal injury crime knowing that the
8 crime was witnessed by sight or sound by a child under 18
9 years of age who is a family or household member of the
10 person or victim.

11 (b) Grading.--

12 (1) Except as provided under paragraph (2), the
13 following apply:

14 (i) An offense under [this section] subsection (a)
15 (1) or (2) constitutes a misdemeanor of the first degree.

16 (ii) If the actor engaged in a course of conduct [of
17 endangering the welfare of a child] under subsection (a)
18 (1) or (2), the offense constitutes a felony of the third
19 degree.

20 (iii) If, in the commission of the offense under
21 subsection (a)(1), the actor created a substantial risk
22 of death or serious bodily injury, the offense
23 constitutes a felony of the third degree.

24 (iv) If the actor's conduct under subsection (a)(1)
25 created a substantial risk of death or serious bodily
26 injury and was part of a course of conduct, the offense
27 constitutes a felony of the second degree.

28 (v) An offense under subsection (a)(4) constitutes a
29 misdemeanor of the second degree.

30 (2) The grading of an offense under this section shall

1 be increased one grade if, at the time of the commission of
2 the offense, the child was under six years of age.

3 (c) Counseling.--A court shall consider ordering an
4 individual convicted of an offense under this section to undergo
5 counseling.

6 (d) Definitions.--As used in this section, the following
7 words and phrases shall have the meanings given to them in this
8 subsection unless the context clearly indicates otherwise:

9 "Family or household member." As defined in 23 Pa.C.S. §
10 6102 (relating to definitions).

11 "Person supervising the welfare of a child." A person other
12 than a parent or guardian who provides care, education, training
13 or control of a child.

14 "Personal injury crime."

15 (1) An act that constitutes a misdemeanor or felony
16 under any of the following, or criminal attempt, solicitation
17 or conspiracy to commit any of the following:

18 (i) Chapter 25 (relating to criminal homicide).

19 (ii) Chapter 27 (relating to assault).

20 (iii) Chapter 29 (relating to kidnapping).

21 (iv) Chapter 30 (relating to human trafficking).

22 (v) Chapter 31 (relating to sexual offenses).

23 (vi) Section 3301 (relating to arson and related
24 offenses).

25 (vii) Chapter 37 (relating to robbery).

26 (viii) Subchapter B of Chapter 49 (relating to
27 victim and witness intimidation).

28 (ix) 75 Pa.C.S. § 3732 (relating to homicide by
29 vehicle).

30 (x) 75 Pa.C.S. § 3742 (relating to accidents

1 involving death or personal injury).

2 (xi) 75 Pa.C.S. Ch. 38 (relating to driving after
3 imbibing alcohol or utilizing drugs) in cases involving
4 bodily injury.

5 (2) The term includes violations of a protective order
6 issued as a result of an act related to domestic violence.

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