AMENDMENTS TO SENATE BILL NO. 1090

Sponsor: REPRESENTATIVE MARSICO

Printer's No. 1661

Amend Bill, page 1, line 4, by inserting after "penalties;"

in minors, further providing for purchase, consumption, possession or transportation of liquor or malt or brewed beverages and providing for safe harbor for violation of section 6308(a);

Amend Bill, page 1, lines 7 and 8, by striking out all of said lines

Amend Bill, page 2, by inserting between lines 7 and 8

2811. Civil remedies.

Amend Bill, page 2, by inserting between lines 23 and 24

"Drug." A controlled substance or drug as defined in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

Amend Bill, page 3, lines 2 through 5, by striking out "A DEGREE-GRANTING" in line 2 and all of lines 3 through 5 and inserting

An institution located within this Commonwealth authorized to grant an associate or higher academic degree.

Amend Bill, page 3, line 17, by inserting after "primarily"

minors,

Amend Bill, page 3, line 18, by inserting after "organization"

, an institution or secondary school

Amend Bill, page 4, line 6, by inserting after "causes"

, coerces or forces

Amend Bill, page 4, line 8, by inserting after "State"

criminal

Amend Bill, page 4, lines 20 and 21, by striking out all of said lines and inserting

(5) Endure brutality of a sexual nature.

(6) Endure any other activity that creates a reasonable likelihood of bodily injury to the minor or student.

Amend Bill, page 4, line 26, by striking out "may result in" and inserting

creates a reasonable likelihood of

Amend Bill, page 4, line 29, by inserting after "athletic"

, law enforcement

Amend Bill, page 5, line 5, by striking out the period after "student" and inserting

and:

(1) the person acts with reckless indifference to the health and safety of the minor or student; or

(2) the person causes, coerces or forces the consumption of an alcoholic liquid or drug by the minor or student.

Amend Bill, page 5, lines 9 and 10, by striking out "commits the offense of organizational hazing if the organization" and inserting

that

Amend Bill, page 5, lines 13 through 22, by striking out the period in line 13 and all of lines 14 through 22 and inserting

commits the offense of organizational hazing and shall be subject to any of the following penalties:

(1) A fine of not more than $5,000, for each violation of section 2802.

(2) A fine of not more than $15,000, for each violation of section 2803.

Amend Bill, page 5, line 23, by striking out "(c)" and inserting

(b)

Amend Bill, page 5, lines 26 and 27, by striking out ", including forfeiture of assets as provided under this chapter"

Amend Bill, page 6, line 1, by inserting after "hazing)"

commits the offense of institutional hazing and

Amend Bill, page 6, line 15, by inserting after "section "

2803 (relating to aggravated hazing) or

Amend Bill, page 7, line 4, by striking out "and secondary school"

Amend Bill, page 7, lines 5 and 6, by striking out "or secondary school's"

Amend Bill, page 7, lines 7 and 8, by striking out "or" in line 7 and all of line 8 and inserting

. Each secondary school shall ensure that students are informed of the secondary school's policy, including the secondary school's rules, penalties and program of enforcement.

Amend Bill, page 8, lines 11 and 12, by striking out "Beginning with the 2018-2019 academic year and each academic year thereafter, an" and inserting

An

Amend Bill, page 8, line 15, by striking out "campus authorities or local law enforcement" and inserting

the institution

Amend Bill, page 8, line 18, by striking out "organization" and inserting

subject of the report

Amend Bill, page 8, line 19, by striking out "organization" and inserting

subject

Amend Bill, page 8, line 20, by striking out "misconduct" and inserting

a violation of the institution's antihazing policy or Federal or State laws related to hazing

Amend Bill, page 8, lines 21 through 25, by striking out all of lines 21 through 24 and "(5)" in line 25 and inserting

(3)

Amend Bill, page 8, lines 25 and 26, by striking out "incident, the findings" in line 25 and all of line 26 and inserting

violation, any investigation and findings by the institution and, if applicable, penalties.

Amend Bill, page 8, line 27, by striking out "(6)" and inserting

(4)

Amend Bill, page 8, lines 28 and 29, by striking out all of said lines

Amend Bill, page 8, line 30, by inserting after "report.--"

This section shall apply beginning with the 2018-2019 academic year.

Amend Bill, page 9, line 2, by striking out "campus authorities or local law enforcement" and inserting

the institution

Amend Bill, page 9, line 17, by striking out "Individual" and inserting

Immunity for the individual

Amend Bill, page 9, lines 19 through 21, by striking out "or section 6308(a) (relating to purchase, consumption," in line 19, all of line 20 and "beverages)" in line 21

Amend Bill, page 9, line 23, by striking out "or section 6308(a)"

Amend Bill, page 9, line 25, by inserting after "on"

a

Amend Bill, page 9, line 26, by inserting after "belief"

that

Amend Bill, page 10, line 10, by striking out "Individual" and inserting

Derivative immunity for the individual

Amend Bill, page 10, line 11, by striking out "may not be prosecuted" and inserting

shall be immune under this section from prosecution

Amend Bill, page 10, line 12, by inserting after "6308(a)"

(relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) only

Amend Bill, page 10, line 14, by striking out "or section 6308(a)"

Amend Bill, page 10, by inserting between lines 18 and 19

(1) This section may not bar prosecuting a person for an offense under this chapter if a law enforcement officer learns of the offense prior to and independent of the action of seeking or obtaining emergency assistance as described in subsection (a).

Amend Bill, page 10, line 19, by striking out "(1)" and inserting

(2)

Amend Bill, page 10, line 23, by striking out "(2)" and inserting

(3)

Amend Bill, page 10, line 27, by striking out "(3)" and inserting

(4)

Amend Bill, page 10, by inserting after line 30

(d) Civil immunity.--In addition to any other applicable immunity or limitation on civil liability, a law enforcement officer, campus security officer or prosecuting attorney who acting in good faith, charges a person who is thereafter determined to be entitled to immunity under this section shall not be subject to civil liability for the filing of the charges.

§ 2811. Civil remedies.

Nothing in this chapter precludes a civil remedy otherwise provided by law.

Section 2. Section 6308(f) of Title 18 is repealed:

§ 6308. Purchase, consumption, possession or transportation of liquor or malt or brewed beverages.

* * *

[(f) Exception for person seeking medical attention for another.--A person shall be immune from prosecution for consumption or possession under subsection (a) if he can establish the following:

(1) The only way law enforcement officers became aware of the person's violation of subsection (a) is because the person placed a 911 call, or a call to campus safety, police or emergency services, in good faith, based on a reasonable belief and reported that another person was in need of immediate medical attention to prevent death or serious injury.

(2) The person reasonably believed he was the first person to make a 911 call or a call to campus safety, police or emergency services, and report that a person needed immediate medical attention to prevent death or serious injury.

(3) The person provided his own name to the 911 operator or equivalent campus safety, police or emergency officer.

(4) The person remained with the person needing medical assistance until emergency health care providers arrived and the need for his presence had ended.]

Section 3. Title 18 is amended by adding a section to read:

§ 6308.1. Safe harbor for violation of section 6308(a).

(a) Immunity for the individual seeking medical attention for another.--An individual shall not be prosecuted for an offense under section 6308(a) (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) if the individual can establish all of the following:

(1) A law enforcement officer first became aware of the individual's violation of section 6308(a) because the individual placed a 911 call or contacted campus security, police or emergency services, based on a reasonable belief that another individual was in need of immediate medical attention to prevent death or serious bodily injury.

(2) The individual reasonably believed the individual was the first individual to make a 911 call or contact campus security, police or emergency services and report that the other individual needed immediate medical attention to prevent death or serious bodily injury.

(3) The individual provided the individual's own name to the 911 operator or equivalent campus security officer, police or emergency services personnel.

(4) The individual remained with the other individual needing medical assistance until a campus security officer,

police or emergency services personnel arrived and the need for the individual's presence ended.

(b) Immunity for the individual needing medical attention.--An individual needing medical attention shall be immune under this section from prosecution for an offense under section 6308(a) if another individual reported the incident and remained with the individual needing medical attention and is entitled to immunity under this section.

(c) Limitations.--The immunity described under this section shall be limited as follows:

(1) This section may not bar prosecuting a person for an offense under section 6308(a) if a law enforcement officer learns of the offense prior to and independent of the action of seeking or obtaining emergency assistance as described in subsection (a).

(2) This section shall not interfere with or prevent the investigation, arrest, charging or prosecution of an individual for a crime other than an offense under section 6308(a).

(3) This section shall not bar the admissibility of evidence in connection with the investigation and prosecution for a crime other than an offense under section 6308(a).

(4) This section shall not bar the admissibility of evidence in connection with the investigation and prosecution of a crime with regard to another defendant who does not independently qualify for immunity under this section.

(d) Good faith immunity.--In addition to any other applicable immunity or limitation on civil liability, a law enforcement officer, campus security officer or prosecuting attorney who, acting in good faith, charges a person who is thereafter determined to be entitled to immunity under this section shall not be subject to civil liability for the filing of the charges.

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

"911 system." A system, including enhanced 911 service and a wireless e-911 system, that permits a person dialing 911 by telephone to be connected to a public safety answering point, via normal telephone facilities, for the reporting of police, fire, medical or other emergency situations.

"Campus security officer." An employee of an institution of higher education charged with maintaining the safety and security of the property of the institution and persons on the property.

"Emergency services personnel." Individuals, including a trained volunteer or a member of the armed forces of the United States or the National Guard, whose official or assigned responsibilities include performing or directly supporting the performance of emergency medical and rescue services or firefighting.

"Law enforcement officer." A person who by virtue of the person's office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or a person on active State duty under 51 Pa.C.S. § 508 (relating to active duty for emergency).

Amend Bill, page 11, line 1, by striking out "2" and inserting

4

Amend Bill, page 11, lines 8 and 9, by striking out "~~2803~~ 2804 (relating to ~~aggravated~~ ORGANIZATIONAL hazing)" and inserting

2807 (relating to forfeiture)

Amend Bill, page 11, line 11, by striking out "3" and inserting

5

Amend Bill, page 11, line 17, by striking out "4" and inserting

6

Amend Bill, page 11, line 20, by inserting after "activities"

and duties

Amend Bill, page 11, line 29, by striking out "5" and inserting

7

Amend Bill, page 12, by inserting between lines 1 and 2

Section 8. This amendatory act shall be referred to as the "Timothy J. Piazza Antihazing Law."

Amend Bill, page 12, line 2, by striking out "6" and inserting

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