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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 2619** Session of  
2008

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INTRODUCED BY KING, CONKLIN, BRENNAN, DePASQUALE, FRANKEL,  
BENNINGTON, JAMES, LONGIETTI, McGEEHAN, SOLOBAY, McILHATTAN,  
GINGRICH, GOODMAN, MANN, MURT, SIPTROTH, SHIMKUS AND MAHONEY,  
JUNE 10, 2008

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REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,  
JUNE 10, 2008

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AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employes of certain departments, boards and  
20 commissions shall be determined," further providing for  
21 domestic violence and rape victims services.

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

24 Section 1. Section 2333 of the act of April 9, 1929  
25 (P.L.177, No.175), known as The Administrative Code of 1929,  
26 added March 30, 1988 (P.L.329, No.44), is amended to read:

1 Section 2333. Domestic Violence and Rape Victims Services.--

2 (a) The General Assembly finds that the public health and  
3 safety is threatened by increasing incidences of domestic  
4 violence and rape. Domestic violence programs and rape crisis  
5 programs provide needed support services for victims and assist  
6 in prevention through community education. Therefore, the  
7 General Assembly finds that it is in the public interest for the  
8 Commonwealth to establish a mechanism to provide financial  
9 assistance to domestic violence centers and rape crisis centers  
10 for the operation of domestic violence and rape crisis programs.

11 (b) Where any person after the effective date of this  
12 section pleads guilty or nolo contendere to or is convicted of  
13 any crime as herein defined, there shall be imposed, in addition  
14 to all other costs, an additional cost in the sum of [ten  
15 dollars (\$10)] fifteen dollars (\$15) for the purpose of funding  
16 the services as described in this section. Such sum shall be  
17 paid over to the State Treasurer to be deposited in the General  
18 Fund. Under no condition shall a political subdivision be liable  
19 for the payment of the [ten dollars (\$10)] fifteen dollars (\$15)  
20 in additional costs.

21 (c) The Department of Public Welfare shall make grants to  
22 domestic violence centers and rape crisis centers for the  
23 operation of domestic violence programs and rape crisis programs  
24 consistent with this section. In awarding grants, the Department  
25 of Public Welfare shall consider the population to be served,  
26 the geographical area to be serviced, the scope of the services,  
27 the need for services and the amount of funds provided from  
28 other sources.

29 (d) The Department of Public Welfare shall make available at  
30 cost to the public copies of applications that have been

1 submitted or approved for funding and reports on any fiscal or  
2 programmatic reviews of funded programs.

3 (d.1) All health care practitioners employed by or having  
4 admitting privileges at a health care facility shall report to  
5 the facility incidents of domestic violence determined through  
6 treatment of a victim for injuries which the victim states  
7 resulted from domestic violence or any injury which a  
8 practitioner has reasonable cause to believe resulted from  
9 domestic violence. All health care facilities shall track  
10 incidents of domestic violence obtained from reports by health  
11 care practitioners or documented in the facilities' medical  
12 records and complete confidential medical data collection  
13 reports, as promulgated by the Department of Health, for any  
14 victim being treated for injuries which the victim states  
15 resulted from domestic violence or which the health care  
16 facility has reasonable cause to believe resulted from domestic  
17 violence. The report may not identify a victim by name or by  
18 information which would reveal the victim's identity. The report  
19 shall be submitted to the Department of Health on an annual  
20 basis, and the department shall submit a compilation of these  
21 reports to the Department of Public Welfare annually.

22 (d.2) All law enforcement officers shall report to their  
23 assigned police departments incidents of domestic violence as  
24 reported by the victim or any incident which the officer has  
25 reasonable cause to believe resulted from domestic violence. The  
26 Pennsylvania State Police and all police departments shall track  
27 incidents of domestic violence and complete confidential medical  
28 data collection reports, as promulgated by the Department of  
29 Health, for any victim of domestic violence or which the  
30 Pennsylvania State Police or police department has reasonable

1 cause to believe resulted from domestic violence. The report may  
2 not identify a victim by name or by information which would  
3 reveal the victim's identity. The report shall be submitted to  
4 the Department of Health on an annual basis, and the department  
5 shall submit a compilation of these reports to the Department of  
6 Public Welfare annually.

7 (e) As used in this section, the following words and phrases  
8 shall have the meanings given to them in this subsection:

9 "Crime" means an act committed in Pennsylvania which, if  
10 committed by a mentally competent, criminally responsible adult,  
11 who had no legal exemption or defense, would constitute a crime  
12 as defined in and proscribed by Title 18 of the Pennsylvania  
13 Consolidated Statutes (relating to crimes and offenses) or  
14 enumerated in the act of April 14, 1972 (P.L.233, No.64), known  
15 as "The Controlled Substance, Drug, Device and Cosmetic Act."  
16 However, no act involving the operation of a motor vehicle which  
17 results in injury shall constitute a crime for the purpose of  
18 this section unless such injury was intentionally inflicted  
19 through the use of a motor vehicle.

20 "Domestic violence" means the occurrence of one or more of  
21 the following acts between family or household members:

22 (1) Intentionally, knowingly or recklessly causing or  
23 attempting to cause bodily injury.

24 (2) Placing, by physical menace, another in fear of imminent  
25 serious bodily injury.

26 "Domestic violence center" means an organization, or the  
27 coordinating body of an organization, which has as its primary  
28 purpose the operation of domestic violence programs.

29 "Domestic violence program" means a program which has as its  
30 primary purpose the provision of direct services to victims of

1 domestic violence and their children, including, but not limited  
2 to, victim advocacy, counseling, shelter, information and  
3 referral, victim-witness, accompaniment, community education and  
4 prevention.

5 "Health care facility" means a facility that is authorized to  
6 provide clinically related health service as defined in the act  
7 of July 19, 1979 (P.L.130, No.48), known as the "Health Care  
8 Facilities Act."

9 "Health care practitioner" means an individual who is  
10 authorized to practice some component of the healing arts as  
11 defined in the act of July 19, 1979 (P.L.130, No.48), known as  
12 the "Health Care Facilities Act."

13 "Law enforcement officer" means a Pennsylvania State Police  
14 officer or a police officer certified pursuant to 53 Pa.C.S. Ch.  
15 21 Subch. D (relating to municipal police education and  
16 training).

17 "Police department" means a public agency of a political  
18 subdivision having general police powers and charged with making  
19 arrests in connection with the enforcement of the criminal or  
20 traffic laws.

21 "Rape crisis center" means an organization, or the  
22 coordinating body of an organization, which has as its primary  
23 purpose the operation of rape crisis programs.

24 "Rape crisis program" means a program which has as its  
25 primary purpose the provision of direct services to victims of  
26 sexual assault, including, but not limited to, crisis  
27 intervention, counseling, victim advocacy, information and  
28 referral, victim-witness and assistance, accompaniment through  
29 the medical, police and judicial systems as well as providing  
30 education and prevention programs on rape and sexual assaults.

1 "Sexual assault" means any conduct which is a crime under 18  
2 Pa.C.S. Ch. 31 (relating to sexual offenses).  
3 Section 2. This act shall take effect in 60 days.