

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 549 Session of 2017

INTRODUCED BY SCHWANK, TARTAGLIONE, SABATINA, YUDICHAK, HAYWOOD, BREWSTER, RAFFERTY, BROWNE AND BLAKE, MARCH 24, 2017

REFERRED TO HEALTH AND HUMAN SERVICES, MARCH 24, 2017

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; providing for the regulation of pari-mutuel  
 18 thoroughbred horse racing and harness horse racing  
 19 activities, imposing certain taxes and providing for the  
 20 disposition of funds from pari-mutuel tickets; and  
 21 prescribing the manner in which the number and compensation  
 22 of the deputies and all other assistants and employes of  
 23 certain departments, boards and commissions shall be  
 24 determined," in powers and duties of the Department of Public  
 25 Welfare and its departmental administrative and advisory  
 26 boards and commissions, further providing for domestic  
 27 violence and rape victims services; and making editorial  
 28 changes.

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

31 Section 1. The heading of Article XXIII of the act of April

1 9, 1929 (P.L.177, No.175), known as The Administrative Code of  
2 1929, is amended to read:

3 ARTICLE XXIII

4 POWERS AND DUTIES OF THE DEPARTMENT OF

5 [PUBLIC WELFARE] HUMAN SERVICES AND ITS DEPARTMENTAL

6 ADMINISTRATIVE AND ADVISORY BOARDS

7 AND COMMISSIONS

8 Section 2. Section 2333 of the act is amended to read:

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

10 (a) The General Assembly finds that the public health and  
11 safety is threatened by increasing incidences of domestic  
12 violence and rape. Domestic violence programs and rape crisis  
13 programs provide needed support services for victims and assist  
14 in prevention through community education. Therefore, the  
15 General Assembly finds that it is in the public interest for the  
16 Commonwealth to establish a mechanism to provide financial  
17 assistance to domestic violence centers and rape crisis centers  
18 for the operation of domestic violence and rape crisis programs.

19 (b) Where any person after the effective date of this  
20 section pleads guilty or nolo contendere to or is convicted of  
21 any crime as herein defined, there shall be imposed, in addition  
22 to all other costs, an additional cost in the sum of ten dollars  
23 (\$10) for the purpose of funding the services as described in  
24 this section. Such sum shall be paid over to the State Treasurer  
25 to be deposited in the General Fund. Under no condition shall a  
26 political subdivision be liable for the payment of the ten  
27 dollars (\$10) in additional costs.

28 (c) The Department of [Public Welfare] Human Services shall  
29 make grants to domestic violence centers and rape crisis centers  
30 for the operation of domestic violence programs and rape crisis

1 programs consistent with this section. [In awarding grants, the  
2 Department of Public Welfare shall consider the population to be  
3 served, the geographical area to be serviced, the scope of the  
4 services, the need for services and the amount of funds provided  
5 from other sources.] The following shall apply:

6 (1) Grants may be made to domestic violence centers and rape  
7 crisis centers in whatever combination or manner is considered  
8 to ensure the most effective delivery of victim services. The  
9 Department of Human Services shall adopt regulations that  
10 establish a formula and eligibility for grants that shall  
11 provide for access to services in every community and consider  
12 all of the following for each center receiving a grant:

13 (i) The number of residents in the municipalities to be  
14 served.

15 (ii) The type and extent of services to be provided.

16 (iii) The level of demand for services.

17 (iv) The level of unmet services.

18 (v) The degree to which grants under this section are used  
19 for direct services to victims and dependents.

20 (vi) The degree to which other funding sources are used to  
21 complement or support direct services to victims and dependents.

22 (vii) Cost efficiency and nonduplication of services.

23 (viii) Any other factor the Department of Human Services  
24 deems appropriate, to the extent it impacts the delivery of  
25 services to victims and dependents.

26 (2) The Department of Human Services shall require that each  
27 center receiving a grant complies with appropriate accounting  
28 standards and may promulgate regulations regarding forfeiture of  
29 grant money for failure to comply with appropriate accounting  
30 standards.

1 (d) The Department of [Public Welfare] Human Services shall  
2 make available at cost to the public copies of applications that  
3 have been submitted or approved for funding and reports on any  
4 fiscal or programmatic reviews of funded programs.

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

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

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

20 (1) Intentionally, knowingly or recklessly causing or  
21 attempting to cause bodily injury.

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

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

27 "Domestic violence program" means a program which has as its  
28 primary purpose the provision of direct services to victims of  
29 domestic violence and their children, including, but not limited  
30 to, victim advocacy, counseling, shelter, information and

1 referral, victim-witness, accompaniment, community education and  
2 prevention.

3 "Rape crisis center" means an organization, or the  
4 coordinating body of an organization, which has as its primary  
5 purpose the operation of rape crisis programs.

6 "Rape crisis program" means a program which has as its  
7 primary purpose the provision of direct services to victims of  
8 sexual assault, including, but not limited to, crisis  
9 intervention, counseling, victim advocacy, information and  
10 referral, victim-witness and assistance, accompaniment through  
11 the medical, police and judicial systems as well as providing  
12 community education and prevention programs on rape and sexual  
13 assaults.

14 "Sexual assault" means any conduct which is a crime under 18  
15 Pa.C.S. Ch. 31 (relating to sexual offenses).

16 Section 3. This act shall take effect immediately.