

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 983

Session of  
1985

INTRODUCED BY FLICK, PRATT, HAYES, BLAUM, HERMAN, MANMILLER,  
DORR, GREENWOOD, VROON, NOYE, FARGO, PITTS, ARTY, COY,  
SCHEETZ, HERSHEY, DONATUCCI, PETRARCA, BELFANTI, COWELL,  
E. Z. TAYLOR, CLYMER, SIRIANNI, WOGAN, REINARD, BATTISTO,  
POTT, J. L. WRIGHT, CIVERA, JAROLIN, DISTLER, DeLUCA, NAHILL,  
G. M. SNYDER, RYBAK, MICHLOVIC, BELARDI, FISCHER, MILLER,  
BUSH, AFFLERBACH, PHILLIPS, GEIST, GODSHALL, BARLEY, DAWIDA,  
COLAFELLA, JOHNSON, MACKOWSKI, MRKONIC, DIETZ, STABACK,  
PRESTON, CARLSON, TELEK, OLASZ, BIRMELIN, BURD, LANGTRY,  
GRUPPO, PERZEL AND RICHARDSON, APRIL 17, 1985

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 17, 1985

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for  
3 notification to parents in certain cases.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 6309. Notification in case of certain summary offenses.

9 (a) General rule.--A law enforcement agency may notify a  
10 parent, guardian or custodian of a person under 18 years of age  
11 that the person has been charged by a law enforcement officer  
12 employed by the agency with a violation of 18 Pa.C.S. § 6308  
13 (relating to purchase, consumption, possession or transportation  
14 of intoxicating beverages) or 75 Pa.C.S. § 3715 (relating to

1 restriction on alcoholic beverages) or any other violation which  
2 is designated as a summary offense under Title 18 (relating to  
3 crimes and offenses).

4 (b) Determination of age.--Prior to providing the notice  
5 authorized by this section, the law enforcement agency shall  
6 make a reasonable effort to determine whether the person charged  
7 is under 18 years of age and shall inform the person of its  
8 intent to provide the notice authorized by this section. The  
9 notification shall not be provided if the person charged both  
10 objects to the providing of notice and establishes to the  
11 satisfaction of the law enforcement agency that he is 18 years  
12 of age or older.

13 (c) Authority and procedure.--A municipality may require  
14 that a law enforcement agency under its jurisdiction employ a  
15 notification procedure authorized by this section, may prohibit  
16 the law enforcement agency from employing the procedure and may  
17 prescribe any notification procedure to be employed by the law  
18 enforcement agency. Unless otherwise provided by the  
19 municipality, the adoption and scope of a notification procedure  
20 authorized by this section shall be optional with the municipal  
21 law enforcement agency. The Pennsylvania State Police shall have  
22 the option of utilizing the notification procedure authorized by  
23 this section. Any procedure adopted pursuant to this section  
24 may:

25 (1) Specify which of the summary offenses listed in  
26 subsection (a) shall be subject to the notification  
27 procedure.

28 (2) In the case of municipal law enforcement agencies,  
29 specify whether the notification procedure shall be limited  
30 to a parent, guardian or custodian residing within the

municipality or to what extent it shall be extended to a  
parent, guardian or custodian residing elsewhere.

(3) Specify the type or types of notification,  
including, but not limited to, notice in person, notice by  
telephone or notice by mail to be employed.

(4) Prescribe any additional provisions necessary to  
implement this section.

(d) Immunity.--Negligently providing an unauthorized notice,  
negligent failure to provide an authorized notice or negligence  
in the ascertainment of the age of the party charged shall not  
be the basis for any criminal or civil action against the  
Commonwealth, a municipality, a law enforcement agency or any  
employee thereof.

(e) Charge unaffected by failure to notify.--Failure to take  
reasonable steps to notify a parent, guardian or other custodian  
of the person charged shall not be a basis for the dismissal of  
the case against any person charged.

(f) Other notification procedures unaffected.--Nothing in  
this section shall be construed as limiting or abrogating any  
existing right or authority of law enforcement officers to  
notify the parents, guardians or custodians of any person who is  
the subject of any criminal, delinquency or dependency  
proceeding.

(g) Disciplinary action for noncompliance with notification  
procedure.--Nothing in this section shall prohibit the  
Commonwealth, in the case of the Pennsylvania State Police, a  
municipality or a law enforcement agency from taking appropriate  
disciplinary action against a law enforcement officer or head of  
a law enforcement agency who fails or refuses to comply with any  
notification procedure adopted pursuant to this section.

1     (h) Definitions.--As used in this section the following  
2     words and phrases shall have the meanings given to them in this  
3     subsection:

4     "Law enforcement agency." The police department of a city,  
5     borough, township or incorporated town or the Pennsylvania State  
6     Police.

7     "Law enforcement officer." A police officer of a city,  
8     borough, township or incorporated town or a Pennsylvania State  
9     Police officer.

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