

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2061 Session of
1987

INTRODUCED BY PIEVSKY, COY, MANDERINO AND O'DONNELL,
DECEMBER 8, 1987

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, MARCH 15, 1988

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," imposing additional powers
21 and duties on the Department of Transportation relating to
22 the inspection of certain bridges without regard to ownership
23 and directing the ~~State Treasurer~~ DEPARTMENT OF REVENUE to <—
24 make certain deductions from county liquid fuel tax
25 allocations; AND REENACTING, AMENDING AND ADDING PROVISIONS <—
26 RELATING TO DOMESTIC VIOLENCE AND RAPE CRISIS PROGRAMS.

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

29 Section 1. The act of April 9, 1929 (P.L.177, No.175), known

1 as The Administrative Code of 1929, is amended by adding a
2 section to read:

3 Section ~~1105~~ 2001.5. Mandatory Deduction of Bridge <—
4 Inspection Costs.--(a) Upon receipt from the Department of
5 Transportation of a list concerning the nonreimbursed costs
6 incurred in the inspection of county bridges under section
7 2002(a)(19) of this act, the ~~State Treasurer~~ DEPARTMENT OF <—
8 REVENUE shall deduct that appropriate amount of cost from the
9 individual county allocation under the act of May 21, 1931
10 (P.L.149, No.105), known as "The Liquid Fuels Tax Act," and
11 shall deposit that sum to the credit of the Department of
12 Transportation.

13 (b) ~~Upon receipt from the~~ THE Department of Transportation <—
14 ~~of a list concerning~~ SHALL DEDUCT the nonreimbursed costs <—
15 incurred in the inspection of municipal bridges under section
16 2002(a)(19) of this act, ~~the State Treasurer shall deduct that~~ <—
17 ~~appropriate amount of cost~~ from the individual municipal
18 allocation under the act of June 1, 1956 (1955 P.L.1944,
19 No.655), referred to as the Liquid Fuels Tax Municipal
20 Allocation Law, and shall deposit that sum to the credit of the
21 Department of Transportation.

22 Section 2. Section 2002(a) of the act is amended by adding a
23 clause to read:

24 Section 2002. Powers and Duties of the Department.--(a) The
25 Department of Transportation in accord with appropriations made
26 by the General Assembly, and grants of funds from Federal,
27 State, regional, local or private agencies, shall have the
28 power, and its duty shall be:

29 * * *

30 (19) To compile, maintain and forward to the Federal Highway

1 Administration data on all bridges in the Commonwealth carrying
2 public highways which are twenty or more feet in length, without
3 regard to ownership. In carrying out this duty, the department
4 is authorized to and directed to inspect those bridges owned by
5 municipalities and counties which do not conduct the required
6 biennial inspection, to post the inspected bridges with the
7 required information and to collect all nonreimbursed costs from
8 those municipalities and counties by withholding that <—
9 municipality's portion of its liquid fuels tax allocation or, in
10 the case of counties, receiving funds withheld under section
11 1105 2001.5. NO ACTION SHALL BE COMMENCED BY THE DEPARTMENT <—
12 UNTIL SIXTY (60) DAYS AFTER THE DEPARTMENT HAS NOTIFIED, IN <—
13 WRITING, THOSE MUNICIPALITIES AND COUNTIES THAT HAVE FAILED TO
14 CONDUCT THE REQUIRED BIENNIAL BRIDGE INSPECTION OF ITS INTENTION
15 TO INSPECT THE BRIDGES. THE DEPARTMENT SHALL STIPULATE IN THE
16 NOTICE THAT THEY THE DEPARTMENT HAS NOTIFIED, IN WRITING, THOSE <—
17 MUNICIPALITIES AND COUNTIES SIXTY (60) DAYS PRIOR TO THE
18 REQUIRED BRIDGE INSPECTION DUE DATE OF ITS INTENTION TO INSPECT
19 THOSE BRIDGES WHICH ARE NOT INSPECTED BY SAID DATE. THE NOTICE
20 SHALL INCLUDE A STATEMENT THAT THE DEPARTMENT WILL DEDUCT THE
21 NONREIMBURSED COST OF THE INSPECTION PERFORMED BY THE DEPARTMENT
22 from the respective municipal or county individual allocation
23 under the act of May 21, 1931 (P.L.149, No.105), known as "The
24 Liquid Fuels Tax Act" and the act of June 1, 1956 (1955
25 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal
26 Allocation Law.

27 * * *

28 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

29 SECTION 2333. DOMESTIC VIOLENCE AND RAPE VICTIMS SERVICES.--

30 (A) THE GENERAL ASSEMBLY FINDS THAT THE PUBLIC HEALTH AND

1 SAFETY IS THREATENED BY INCREASING INCIDENCES OF DOMESTIC
2 VIOLENCE AND RAPE. DOMESTIC VIOLENCE PROGRAMS AND RAPE CRISIS
3 PROGRAMS PROVIDE NEEDED SUPPORT SERVICES FOR VICTIMS AND ASSIST
4 IN PREVENTION THROUGH COMMUNITY EDUCATION. THEREFORE THE GENERAL
5 ASSEMBLY FINDS THAT IT IS IN THE PUBLIC INTEREST FOR THE
6 COMMONWEALTH TO ESTABLISH A MECHANISM TO PROVIDE FINANCIAL
7 ASSISTANCE TO DOMESTIC VIOLENCE CENTERS AND RAPE CRISIS CENTERS
8 FOR THE OPERATION OF DOMESTIC VIOLENCE AND RAPE CRISIS PROGRAMS.

9 (B) WHERE ANY PERSON AFTER THE EFFECTIVE DATE OF THIS
10 SECTION PLEADS GUILTY OR NOLO CONTENDERE TO OR IS CONVICTED OF
11 ANY CRIME AS HEREIN DEFINED, THERE SHALL BE IMPOSED IN ADDITION
12 TO ALL OTHER COSTS, AN ADDITIONAL COST IN THE SUM OF TEN DOLLARS
13 (\$10) FOR THE PURPOSE OF FUNDING THE SERVICES AS DESCRIBED IN
14 THIS SECTION. SUCH SUM SHALL BE PAID OVER TO THE STATE TREASURER
15 TO BE DEPOSITED IN THE GENERAL FUND. UNDER NO CONDITION SHALL A
16 POLITICAL SUBDIVISION BE LIABLE FOR THE PAYMENT OF THE TEN
17 DOLLARS (\$10) IN ADDITIONAL COSTS.

18 (C) THE DEPARTMENT OF PUBLIC WELFARE SHALL MAKE GRANTS TO
19 DOMESTIC VIOLENCE CENTERS AND RAPE CRISIS CENTERS FOR THE
20 OPERATION OF DOMESTIC VIOLENCE PROGRAMS AND RAPE CRISIS PROGRAMS
21 CONSISTENT WITH THIS SECTION. IN AWARDING GRANTS, THE DEPARTMENT
22 OF PUBLIC WELFARE SHALL CONSIDER THE POPULATION TO BE SERVED,
23 THE GEOGRAPHICAL AREA TO BE SERVICED, THE SCOPE OF THE SERVICES,
24 THE NEED FOR SERVICES, AND THE AMOUNT OF FUNDS PROVIDED FROM
25 OTHER SOURCES.

26 (D) THE DEPARTMENT OF PUBLIC WELFARE SHALL MAKE AVAILABLE AT
27 COST TO THE PUBLIC COPIES OF APPLICATIONS THAT HAVE BEEN
28 SUBMITTED OR APPROVED FOR FUNDING AND REPORTS ON ANY FISCAL OR
29 PROGRAMMATIC REVIEWS OF FUNDED PROGRAMS.

30 (E) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES

1 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

2 "CRIME" MEANS AN ACT COMMITTED IN PENNSYLVANIA WHICH, IF
3 COMMITTED BY A MENTALLY COMPETENT, CRIMINALLY RESPONSIBLE ADULT,
4 WHO HAD NO LEGAL EXEMPTION OR DEFENSE, WOULD CONSTITUTE A CRIME
5 AS DEFINED IN AND PROSCRIBED BY TITLE 18 OF THE PENNSYLVANIA
6 CONSOLIDATED STATUTES (RELATING TO CRIMES AND OFFENSES) OR
7 ENUMERATED IN THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN
8 AS "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT."
9 HOWEVER, NO ACT INVOLVING THE OPERATION OF A MOTOR VEHICLE WHICH
10 RESULTS IN INJURY SHALL CONSTITUTE A CRIME FOR THE PURPOSE OF
11 THIS SECTION UNLESS SUCH INJURY WAS INTENTIONALLY INFLICTED
12 THROUGH THE USE OF A MOTOR VEHICLE.

13 "DOMESTIC VIOLENCE" MEANS THE OCCURRENCE OF ONE OR MORE OF
14 THE FOLLOWING ACTS BETWEEN FAMILY OR HOUSEHOLD MEMBERS:

15 (1) INTENTIONALLY, KNOWINGLY, OR RECKLESSLY CAUSING OR
16 ATTEMPTING TO CAUSE BODILY INJURY.

17 (2) PLACING BY PHYSICAL MENACE ANOTHER IN FEAR OF IMMINENT
18 SERIOUS BODILY INJURY.

19 "DOMESTIC VIOLENCE CENTER" MEANS AN ORGANIZATION OR THE
20 COORDINATING BODY OF AN ORGANIZATION WHICH HAS AS ITS PRIMARY
21 PURPOSE THE OPERATION OF DOMESTIC VIOLENCE PROGRAMS.

22 "DOMESTIC VIOLENCE PROGRAM" MEANS A PROGRAM WHICH HAS AS ITS
23 PRIMARY PURPOSE THE PROVISION OF DIRECT SERVICES TO VICTIMS OF
24 DOMESTIC VIOLENCE AND THEIR CHILDREN, INCLUDING, BUT NOT LIMITED
25 TO VICTIM ADVOCACY, COUNSELING, SHELTER, INFORMATION AND
26 REFERRAL, VICTIM-WITNESS, ACCOMPANIMENT, COMMUNITY EDUCATION AND
27 PREVENTION.

28 "RAPE CRISIS CENTER" MEANS AN ORGANIZATION, OR THE
29 COORDINATING BODY OF AN ORGANIZATION, WHICH HAS AS ITS PRIMARY
30 PURPOSE THE OPERATION OF RAPE CRISIS PROGRAMS.

1 "RAPE CRISIS PROGRAM" MEANS A PROGRAM WHICH HAS AS ITS
2 PRIMARY PURPOSE THE PROVISION OF DIRECT SERVICES TO VICTIMS OF
3 SEXUAL ASSAULT, INCLUDING, BUT NOT LIMITED TO, CRISIS
4 INTERVENTION, COUNSELING, VICTIM ADVOCACY, INFORMATION AND
5 REFERRAL, VICTIM-WITNESS AND ASSISTANCE, ACCOMPANIMENT THROUGH
6 THE MEDICAL, POLICE AND JUDICIAL SYSTEMS AS WELL AS PROVIDING
7 EDUCATION AND PREVENTION PROGRAMS ON RAPE AND SEXUAL ASSAULTS.

8 "SEXUAL ASSAULT" MEANS ANY CONDUCT WHICH IS A CRIME UNDER 18
9 PA.C.S. CH. 31 (RELATING TO SEXUAL OFFENSES).

10 SECTION 4. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT
11 SECTION 3 (SECTION 2333) IS A REENACTMENT OF ARTICLE XII OF THE
12 ACT OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC
13 WELFARE CODE.

14 SECTION 5. SECTION 3 (SECTION 2333) SHALL BE RETROACTIVE TO
15 JUNE 18, 1987.

16 Section ~~3~~ 6. This act shall take effect immediately.

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