

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2099 Session of
1988

INTRODUCED BY KUKOVICH, MANDERINO, HAGARTY, JOSEPHS, MAINE,
RITTER AND RUDY, JANUARY 20, 1988

REFERRED TO COMMITTEE ON APPROPRIATIONS, JANUARY 20, 1988

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," reenacting and amending
4 provisions relating to domestic violence and rape crisis
5 programs; and imposing costs.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Article XII of the act of June 13, 1967 (P.L.31,
9 No.21), known as the Public Welfare Code, added June 18, 1982
10 (P.L.544, No.157), is reenacted and amended to read:

11 ARTICLE XII

12 DOMESTIC VIOLENCE AND RAPE VICTIMS SERVICES

13 Section 1201. Legislative Findings and Intent.--The General
14 Assembly finds that the public health and safety is threatened
15 by increasing incidences of domestic violence and rape. Domestic
16 violence programs and rape crisis programs provide needed
17 support services for victims and assist in prevention through
18 community education. Therefore the General Assembly finds that
19 it is in the public interest for the Commonwealth to establish a

1 mechanism to provide financial assistance to domestic violence
2 centers and rape crisis centers for the operation of domestic
3 violence and rape crisis programs.

4 Section 1202. Definitions.--As used in this article:

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

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

18 (1) Intentionally, knowingly, or recklessly causing or
19 attempting to cause bodily injury.

20 (2) Placing by physical menace another in fear of imminent
21 serious bodily injury.

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

25 "Domestic violence program" means a program which has as its
26 primary purpose the provision of direct services to victims of
27 domestic violence and their children, including, but not limited
28 to victim advocacy, counseling, shelter, information and
29 referral, victim-witness, accompaniment, community education and
30 prevention.

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

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

11 "Sexual assault," for purposes of this act, shall constitute
12 any conduct which is a crime under 18 Pa.C.S. Ch. 31 (relating
13 to sexual offenses).

14 Section 1203. Additional Costs.--Where any person after the
15 effective date of this article pleads guilty or nolo contendere
16 to or is convicted of any crime as herein defined, there shall
17 be imposed in addition to all other costs, an additional cost in
18 the sum of ten dollars (\$10) for the purpose of funding the
19 services as described in this article. Such sum shall be paid
20 over to the State Treasurer to be deposited in the General Fund.
21 Under no condition shall a political subdivision be liable for
22 the payment of the ten dollars (\$10) in additional costs.

23 Section 1204. Program Grants Authorized.--The department
24 shall make grants to domestic violence centers and rape crisis
25 centers for the operation of domestic violence programs and rape
26 crisis programs consistent with this article. In awarding
27 grants, the department shall consider the population to be
28 served, the geographical area to be serviced, the scope of the
29 services, the need for services, and the amount of funds
30 provided from other sources.

1 Section 1205. Public Review and Accountability.--The
2 department shall make available at cost to the public copies of
3 applications that have been submitted or approved for funding
4 and reports on any fiscal or programmatic reviews of funded
5 programs.

6 [Section 1206. Termination of Article.--The provisions of
7 this article shall expire five years from the effective date of
8 this article unless reenacted by the General Assembly.]

9 Section 2. This act shall be retroactive to June 18, 1987.

10 Section 3. This act shall take effect immediately.