

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1927

Session of  
1995

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INTRODUCED BY PICCOLA, COY, RUBLEY, MILLER, FICHTER, SEMMEL,  
CLARK, GANNON, HERMAN, CAPPABIANCA, OLASZ, WOGAN, BELARDI,  
BATTISTO, FEESE, FLEAGLE, DIGIROLAMO, COLAIZZO, SATHER,  
PETTIT, RAYMOND, STISH, NAILOR, COWELL, DEMPSEY, DeLUCA,  
MAITLAND, SAYLOR, VANCE, WALKO, L. I. COHEN, E. Z. TAYLOR,  
MELIO, BOSCOLA, CORRIGAN, TRUE, TRELLO, BARD, J. TAYLOR,  
O'BRIEN, DALEY, BROWNE, HENNESSEY AND JAMES, JUNE 29, 1995

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AS AMENDED ON THIRD CONSIDERATION, IN SENATE, MARCH 12, 1996

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## AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, PROVIDING FOR DETENTION <—  
3 OF CHILDREN IN JAILS; AND further providing for other  
4 offenses.

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

7 Section 1. Section 5552(b) of Title 42 of the Pennsylvania  
8 Consolidated Statutes, amended March 31, 1995 (1st Sp.Sess.,  
9 P.L. , No.10), is amended to read:

10 § 5552. Other offenses.

11 \* \* \*

12 (b) Major offenses.--A prosecution for any of the following  
13 offenses must be commenced within five years after it is  
14 committed:

15 (1) Under the following provisions of Title 18 (relating  
16 to crimes and offenses):

1           Section 911 (relating to corrupt organizations).  
2           Section 2702 (relating to aggravated assault).  
3           Section 2706 (relating to terroristic threats).  
4           Section 2901 (relating to kidnapping).  
5           Section 3121 (relating to rape).  
6           Section 3122.1 (relating to statutory sexual  
7 assault).  
8           Section 3123 (relating to involuntary deviate sexual  
9 intercourse).  
10          Section 3124.1 (relating to sexual assault).  
11          Section 3125 (relating to aggravated indecent  
12 assault).  
13          Section 3301 (relating to arson and related  
14 offenses).  
15          Section 3502 (relating to burglary).  
16          Section 3701 (relating to robbery).  
17          Section 3921 (relating to theft by unlawful taking or  
18 disposition) through section [3931 (relating to theft of  
19 unpublished dramas and musical compositions)] 3933  
20 (relating to unlawful use of computer).  
21          Section 4101 (relating to forgery).  
22          Section 4108 (relating to commercial bribery and  
23 breach of duty to act disinterestedly).  
24          Section 4109 (relating to rigging publicly exhibited  
25 contest).  
26          Section 4117 (relating to insurance fraud).  
27          Section 4302 (relating to incest).  
28          Section 4701 (relating to bribery in official and  
29 political matters) through section 4703 (relating to  
30 retaliation for past official action).

1           Section 4902 (relating to perjury) through section  
2           4912 (relating to impersonating a public servant).

3           Section 4952 (relating to intimidation of witnesses  
4           or victims).

5           Section 4953 (relating to retaliation against witness  
6           or victim).

7           Section 5101 (relating to obstructing administration  
8           of law or other governmental function).

9           Section 5512 (relating to lotteries, etc.) through  
10          section 5514 (relating to pool selling and bookmaking).

11          Section 5902(b) (relating to prostitution and related  
12          offenses).

13          Section 6312 (relating to sexual abuse of children).

14          (2) Any offense punishable under section 13(f) of the  
15          act of April 14, 1972 (P.L.233, No.64), known as The  
16          Controlled Substance, Drug, Device and Cosmetic Act.

17          (3) Any conspiracy to commit any of the offenses set  
18          forth in paragraphs (1) and (2) and any solicitation to  
19          commit any of the offenses in paragraphs (1) and (2) if the  
20          solicitation results in the completed offense.

21          (4) Under the act of June 13, 1967 (P.L.31, No.21),  
22          known as the Public Welfare Code.

23          \* \* \*

24          SECTION 2. SECTIONS 6303(B) AND 6327(C) OF TITLE 42 ARE

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25          AMENDED TO READ:

26          § 6303. SCOPE OF CHAPTER.

27          \* \* \*

28          (B) MINOR JUDICIARY.--NO CHILD SHALL BE DETAINED, COMMITTED  
29          OR SENTENCED TO IMPRISONMENT BY A DISTRICT JUSTICE OR A JUDGE OF  
30          THE MINOR JUDICIARY UNLESS THE CHILD IS CHARGED WITH AN ACT SET

1 FORTH IN PARAGRAPH (2)(I), (II), (III) OR (V) OF THE DEFINITION  
2 OF "DELINQUENT ACT" IN SECTION 6302 (RELATING TO DEFINITIONS).  
3 § 6327. PLACE OF DETENTION.

4 \* \* \*

5 (C) DETENTION IN JAIL PROHIBITED.--IT IS UNLAWFUL FOR ANY  
6 PERSON IN CHARGE OF OR EMPLOYED BY A JAIL KNOWINGLY TO RECEIVE  
7 FOR DETENTION OR TO DETAIN IN THE JAIL ANY PERSON WHOM HE HAS OR  
8 SHOULD HAVE REASON TO BELIEVE IS A CHILD[.] UNLESS, IN A  
9 CRIMINAL PROCEEDING, THE CHILD HAS BEEN CHARGED WITH OR HAS BEEN  
10 FOUND GUILTY OF AN ACT SET FORTH IN PARAGRAPH (2)(I), (II),  
11 (III) OR (V) OF THE DEFINITION OF "DELINQUENT ACT" IN SECTION  
12 6302 (RELATING TO DEFINITIONS).

13 \* \* \*

14 Section ~~2~~ 3. This act shall take effect in 60 days.

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