

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1794 Session of
1997

INTRODUCED BY ROONEY, WAUGH, BELARDI, TRELLO, C. WILLIAMS,
THOMAS, STABACK, OLASZ, BOSCOLA, PISTELLA AND STEELMAN,
SEPTEMBER 24, 1997

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 24, 1997

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 exceptions to governmental immunity.

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

6 Section 1. Section 8542(b) of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended by adding a paragraph to read:

8 § 8542. Exceptions to governmental immunity.

9 * * *

10 (b) Acts which may impose liability.--The following acts by
11 a local agency or any of its employees may result in the
12 imposition of liability on a local agency:

13 * * *

14 (9) Public schools.--A dangerous condition on the
15 premises or grounds of a public school caused by a student
16 who has a history of violent behavior, including, but not
17 limited to, the infliction of serious bodily injury to the
18 personnel or other students of the school, except that the

1 claimant to recover must establish that the dangerous
2 condition created a reasonably foreseeable risk of the kind
3 of injury which was incurred and that the local agency had
4 actual notice or could reasonably be charged with notice
5 under the circumstances of the dangerous condition at a
6 sufficient time prior to the event to have taken measures to
7 protect against the dangerous condition.

8 * * *

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