

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 236 Session of  
1999

INTRODUCED BY BARD, WOGAN, L. I. COHEN, RAMOS, SEMMEL,  
MICHLOVIC, BROWNE, LAUGHLIN, SERAFINI, SEYFERT, STEELMAN,  
THOMAS, TRELLO, WILLIAMS, YOUNGBLOOD AND M. COHEN,  
FEBRUARY 1, 1999

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MAY 6, 1999

## AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, further providing for certain  
3 liability limits; AND PROVIDING FOR NOTICE OF ARREST FOR  
4 SCHOOL OR CHILD-CARE SERVICE EMPLOYEES. <—

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

7 Section 1. Section 5505 of Title 23 of the Pennsylvania  
8 Consolidated Statutes is amended by adding a subsection to read:  
9 § 5505. Monetary limits of liability.

10 \* \* \*

11 (d) Injury inflicted by use of firearm.--No limit shall  
12 apply to the liability of parents under this chapter if the  
13 child used a firearm in the commission of the tortious act and  
14 all of the following apply:

15 (1) The child, prior to the commission of the tortious  
16 act, was convicted or adjudicated delinquent of any act,  
17 attempted act or threatened act of bodily injury upon any

1 person, or expelled or suspended from school for an act,  
2 attempted act or threatened act of bodily injury upon any  
3 person.

4 (2) The firearm, prior to the commission of the tortious  
5 act, was stored in the parent's home and the parent failed to  
6 take reasonable measures to deny the child access to the  
7 firearm.

8 SECTION 2. TITLE 23 IS AMENDED BY ADDING A SECTION TO READ: <—

9 § 6386. NOTICE OF ARREST FOR SCHOOL OR CHILD-CARE SERVICE  
10 EMPLOYEES.

11 (A) GENERAL RULE.--IF A PERSON WHO IS AN EMPLOYEE OF A  
12 SCHOOL OR WHO IS AN EMPLOYEE OF A CHILD-CARE SERVICE IS ARRESTED  
13 OR CHARGED WITH A PROHIBITED OFFENSE AND THE LAW ENFORCEMENT  
14 OFFICER MAKING THE ARREST OR CHARGE HAS KNOWLEDGE OR  
15 SUBSEQUENTLY DISCOVERS THAT THE PERSON IS AN EMPLOYEE OF A  
16 SCHOOL OR A CHILD-CARE SERVICE, THE LAW ENFORCEMENT OFFICER OR  
17 AN INDIVIDUAL DESIGNATED BY THE LAW ENFORCEMENT AGENCY SHALL  
18 PROVIDE THE FOLLOWING INFORMATION TO THE ADMINISTRATORS OF THE  
19 SCHOOL OR CHILD-CARE SERVICE OR THEIR DESIGNEES:

20 (1) THE NAME AND ADDRESS OF THE PERSON;

21 (2) THE CRIMINAL ACT THAT THE PERSON IS ALLEGED TO HAVE  
22 COMMITTED;

23 (3) A BRIEF DESCRIPTION OF THE ACT; AND

24 (4) THE DISPOSITION OF THE CASE.

25 (B) ADDITIONAL INFORMATION.--THE LAW ENFORCEMENT OFFICER OR  
26 DESIGNEE MAY SHARE ANY ADDITIONAL INFORMATION REGARDING THE  
27 PERSON WITH THE ADMINISTRATORS OF THE SCHOOL OR CHILD-CARE  
28 SERVICE OR THEIR DESIGNEES AS DEEMED NECESSARY TO PROTECT PUBLIC  
29 SAFETY.

30 (C) USE OF INFORMATION.--

1           (1) INFORMATION PROVIDED UNDER THIS SECTION MAY BE USED  
2           FOR THE LIMITED PURPOSES OF:

3                   (I) ENSURING THE SAFETY OF SCHOOL OR CHILD-CARE  
4                   SERVICE PERSONNEL AND CHILDREN FROM HARM; AND

5                   (II) DISCIPLINARY MEASURES, INCLUDING, BUT NOT  
6                   LIMITED TO, SUSPENSION OF THE PERSON UNTIL THE CHARGES  
7                   AGAINST THE PERSON ARE RESOLVED.

8           (2) THIS SUBSECTION SHALL NOT PRECLUDE SUBSEQUENT  
9           DISMISSAL OF THE PERSON IF THE PERSON IS FOUND GUILTY OF THE  
10           PROHIBITED OFFENSE OR ENTERS A PLEA OF GUILTY OR NO CONTEST.

11           (D) DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES WHEN USED  
12           IN THIS SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
13           SUBSECTION:

14           "EMPLOYEE OF A SCHOOL." AN EMPLOYEE OF A PUBLIC OR PRIVATE  
15           SCHOOL, INTERMEDIATE UNIT OR AREA VOCATIONAL-TECHNICAL SCHOOL,  
16           INCLUDING AN INDEPENDENT CONTRACTOR AND ANY OF HIS EMPLOYEES,  
17           EXCEPT ANY EMPLOYEE OR INDEPENDENT CONTRACTOR AND ANY OF HIS  
18           EMPLOYEES WHO HAVE NO DIRECT CONTACT WITH CHILDREN.

19           "PROHIBITED OFFENSE." ANY OFFENSE ENUMERATED IN SECTION  
20           111(E) OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS  
21           THE PUBLIC SCHOOL CODE OF 1949, OR SECTION 6344(C) (RELATING TO  
22           INFORMATION RELATING TO PROSPECTIVE CHILD-CARE PERSONNEL).

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

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