

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 642 Session of 2007

INTRODUCED BY WALKO, DERMODY, BELFANTI, BENNINGTON, BIANCUCCI, BOYD, CALTAGIRONE, CARROLL, COHEN, DeLUCA, FABRIZIO, FRANKEL, FREEMAN, GEIST, GOODMAN, GRUCELA, HENNESSEY, KOTIK, KULA, LEACH, MAHONEY, MELIO, MURT, PALLONE, PARKER, PRESTON, REICHLEY, ROEBUCK, SAYLOR, SIPTROTH, STABACK, THOMAS, J. WHITE, YOUNGBLOOD AND YUDICHAK, MARCH 6, 2007

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 6, 2007

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the offense of
3 neglect of care-dependent person.

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

6 Section 1. Section 2713(a) and (b) of Title 18 of the
7 Pennsylvania Consolidated Statutes are amended by adding
8 paragraphs, paragraph (1) of the definition of "caretaker" in
9 subsection (f) is amended and subsection (f) is amended by
10 adding definitions to read:

11 § 2713. Neglect of care-dependent person.

12 (a) Offense defined.--A caretaker is guilty of neglect of a
13 care-dependent person if he:

14 * * *

15 (3) Intentionally or knowingly endangers the welfare of
16 a care-dependent person for whom he is responsible to provide

1 care by failing to provide treatment, care, goods or services
2 necessary to preserve the health, safety or welfare of the
3 care-dependent person.

4 (b) Penalty.--

5 * * *

6 (5) Except as set forth in paragraph (6), a violation of
7 subsection (a)(3) constitutes a misdemeanor of the second
8 degree.

9 (6) If there is a course of conduct of endangering the
10 welfare of a care-dependent person, a violation of subsection
11 (a)(3) constitutes a felony of the third degree.

12 * * *

13 (f) Definitions.--As used in this section, the following
14 words and phrases shall have the meanings given to them in this
15 subsection:

16 * * *

17 "Caretaker." Any person who:

18 (1) is an owner, operator, manager or employee of a
19 nursing home, personal care home, private care residence,
20 domiciliary care home, community residential facility,
21 intermediate care facility for the mentally retarded, adult
22 daily living center, home health agency or home health
23 service provider whether licensed or unlicensed;

24 * * *

25 "Legal entity." Any individual, partnership, unincorporated
26 association, corporation or governing authority.

27 * * *

28 "Private care residence." A private residence:

29 (1) in which the owner of the residence or the legal
30 entity responsible for the operation of the residence, for

1 monetary consideration, provides, or assists with or arranges
2 for the provision of, food, room, shelter, clothing, personal
3 care or health care in the residence, for a period exceeding
4 24 hours, to fewer than four care-dependent persons who are
5 not relatives of the owner; and

6 (2) which is not required to be licensed as a long-term
7 care nursing facility, as defined in section 802.1 of the act
8 of July 19, 1979 (P.L.130, No.48), known as the Health Care
9 Facilities Act.

10 The term does not include domiciliary care as defined in section
11 2202-A of the act of April 9, 1929 (P.L.177, No.175), known as
12 The Administrative Code of 1929. The term does not include a
13 facility which provides residential care for fewer than four
14 care-dependent adults and which is regulated by the Department
15 of Public Welfare.

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