

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 991 Session of  
2007

INTRODUCED BY YUDICHAK, KULA, MAHONEY, GINGRICH, BELFANTI,  
BIANCUCCI, CAPPELLI, CASORIO, CURRY, DeWEESE, DONATUCCI,  
FABRIZIO, FAIRCHILD, GRUCELA, HENNESSEY, W. KELLER, MURT,  
MYERS, M. O'BRIEN, O'NEILL, PETRONE, PICKETT, RAPP, READSHAW,  
SANTONI, K. SMITH, SOLOBAY, WALKO AND WOJNAROSKI,  
APRIL 2, 2007

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,  
APRIL 2, 2007

AN ACT

1 Amending the act of November 6, 1987 (P.L.381, No.79), entitled  
2 "An act relating to the protection of the abused, neglected,  
3 exploited or abandoned elderly; establishing a uniform  
4 Statewide reporting and investigative system for suspected  
5 abuse, neglect, exploitation or abandonment of the elderly;  
6 providing protective services; providing for funding; and  
7 making repeals," further providing for grounds for denying  
8 employment.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 503 of the act of November 6, 1987  
12 (P.L.381, No.79), known as the Older Adults Protective Services  
13 Act, amended June 9, 1997 (P.L.160, No.13), is amended to read:  
14 Section 503. Grounds for denying employment.

15 (a) General rule.--In no case shall a facility hire an  
16 applicant or retain an employee required to submit information  
17 pursuant to section 502(a) if the applicant's or employee's  
18 criminal history record information indicates the applicant or

1 employee has been convicted of any of the following offenses:

2 (1) An offense designated as a felony under the act of  
3 April 14, 1972 (P.L.233, No.64), known as The Controlled  
4 Substance, Drug, Device and Cosmetic Act.

5 (2) An offense under one or more of the following  
6 provisions of 18 Pa.C.S. (relating to crimes and offenses):

7 Chapter 25 (relating to criminal homicide).

8 Section 2702 (relating to aggravated assault).

9 Section 2713 (relating to neglect of care-dependent  
10 person).

11 Section 2901 (relating to kidnapping).

12 Section 2902 (relating to unlawful restraint).

13 Section 3121 (relating to rape).

14 Section 3122.1 (relating to statutory sexual  
15 assault).

16 Section 3123 (relating to involuntary deviate sexual  
17 intercourse).

18 Section 3124.1 (relating to sexual assault).

19 Section 3125 (relating to aggravated indecent  
20 assault).

21 Section 3126 (relating to indecent assault).

22 Section 3127 (relating to indecent exposure).

23 Section 3301 (relating to arson and related  
24 offenses).

25 Section 3502 (relating to burglary).

26 Section 3701 (relating to robbery).

27 A felony offense under Chapter 39 (relating to theft  
28 and related offenses) or two or more misdemeanors under  
29 Chapter 39.

30 Section 4101 (relating to forgery).

1           Section 4114 (relating to securing execution of  
2 documents by deception).

3           Section 4302 (relating to incest).

4           Section 4303 (relating to concealing death of child).

5           Section 4304 (relating to endangering welfare of  
6 children).

7           Section 4305 (relating to dealing in infant  
8 children).

9           Section 4952 (relating to intimidation of witnesses  
10 or victims).

11           Section 4953 (relating to retaliation against witness  
12 [or victim], victim or party).

13           Section 4953.1 (relating to retaliation against  
14 prosecutor or judicial official).

15           A felony offense under section 5902(b) (relating to  
16 prostitution and related offenses).

17           Section 5903(c) or (d) (relating to obscene and other  
18 sexual materials and performances).

19           Section 6301 (relating to corruption of minors).

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

21           (3) A Federal or out-of-State offense similar in nature  
22 to those crimes listed in paragraphs (1) and (2).

23           (4) An attempt, solicitation or conspiracy to commit any  
24 of the offenses listed in paragraph (2), as defined in 18  
25 Pa.C.S. section 901 (relating to criminal attempt), 902  
26 (relating to criminal solicitation) or 903 (relating to  
27 criminal conspiracy).

28           (c) Immunity.--An administrator or a facility shall not be  
29 held civilly liable for any action directly related to good  
30 faith compliance with this section.

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