
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1215 Session of
2007

INTRODUCED BY GRELL, SHAPIRO, BENNINGTON, BOYD, CAPPELLI, COHEN,
CONKLIN, CREIGHTON, DePASQUALE, ELLIS, FLECK, FRANKEL,
FREEMAN, GINGRICH, GOODMAN, HARRIS, HENNESSEY, JOSEPHS,
KAUFFMAN, M. KELLER, KILLION, KIRKLAND, KOTIK, KULA,
MACKERETH, MAHONEY, RUBLEY, SIPTROTH, MANN, McILHATTAN,
MICOZZIE, R. MILLER, MILNE, NAILOR, RAMALEY, RAPP, REED,
REICHLEY, ROSS, SCAVELLO, SONNEY, TANGRETTI, WATSON,
YOUNGBLOOD, YUDICHAK, GEIST, MUNDY, JAMES, WOJNAROSKI,
J. TAYLOR AND PYLE, MAY 4, 2007

REFERRED TO COMMITTEE ON JUDICIARY, MAY 4, 2007

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 23 (Domestic
2 Relations) of the Pennsylvania Consolidated Statutes, further
3 providing for the disclosure of certain criminal history
4 record information and certain information related to abuse
5 to the Domestic Violence Fatality Review Board and to any
6 domestic violence fatality review team; and establishing the
7 Domestic Violence Fatality Review Program.

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

10 Section 1. Section 9104(d) of Title 18 of the Pennsylvania
11 Consolidated Statutes is amended to read:

12 § 9104. Scope.

13 * * *

14 (d) Certain disclosures authorized.--

15 (1) Nothing in this chapter shall prohibit a criminal
16 justice agency from disclosing an individual's prior criminal
17 activity to an individual or agency if the information

1 disclosed is based on records set forth in subsection (a).

2 (2) Nothing in this chapter shall prohibit a criminal
3 justice agency from disclosing criminal history record
4 information and intelligence information, investigative
5 information, treatment information, including medical and
6 psychological information, caution indicator information,
7 modus operandi information, missing persons information,
8 employment history information, personal history information
9 or presentence investigative information to members of a
10 Domestic Violence Fatality Review Board established under 23
11 Pa.C.S. Ch. 68 (relating to Domestic Violence Fatality Review
12 Program) and authorized under that chapter to investigate and
13 analyze domestic violence-related fatalities.

14 * * *

15 Section 2. Section 9121(b.1) of Title 18 is amended to read:

16 § 9121. General regulations.

17 * * *

18 (b.1) Exception.--Subsection (b)(1) and (2) shall not apply
19 [if]:

20 (1) If the request is made by a county children and
21 youth agency or the Department of Public Welfare in the
22 performance of duties relating to children and youth under
23 the act of June 24, 1937 (P.L.2017, No.396), known as the
24 County Institution District Law, section 2168 of the act of
25 August 9, 1955 (P.L.323, No.130), known as The County Code,
26 the act of June 13, 1967 (P.L.31, No.21), known as the Public
27 Welfare Code, 23 Pa.C.S. Ch. 63 (relating to child protective
28 services) or 42 Pa.C.S. Ch. 63 (relating to juvenile
29 matters).

30 (2) If the request is made by a domestic violence

1 fatality review team or the Domestic Violence Fatality Review
2 Board established under 23 Pa.C.S. Ch. 68 (relating to
3 Domestic Violence Fatality Review Program) and authorized
4 under that chapter to investigate and analyze domestic
5 violence-related fatalities.

6 * * *

7 Section 3. Section 6340(a) of Title 23 is amended by adding
8 a paragraph to read:

9 § 6340. Release of information in confidential reports.

10 (a) General rule.--Reports specified in section 6339
11 (relating to confidentiality of reports) shall only be made
12 available to:

13 * * *

14 (10.1) Members of a domestic violence fatality review
15 team and members of the Domestic Violence Fatality Review
16 Board established under Ch. 68 (relating to Domestic Violence
17 Fatality Review Program) and authorized under that chapter to
18 investigate and analyze domestic violence-related fatalities.

19 * * *

20 Section 4. Title 23 is amended by adding a chapter to read:

21 CHAPTER 68

22 DOMESTIC VIOLENCE FATALITY REVIEW PROGRAM

23 Sec.

24 6801. Short title of chapter.

25 6802. Definitions.

26 6803. Domestic Violence Fatality Review Program.

27 6804. Domestic violence fatality review teams.

28 6805. Domestic Violence Fatality Review Board.

29 6806. Access to records.

30 6807. Confidentiality.

1 6808. Penalties.

2 § 6801. Short title of chapter.

3 This chapter shall be known and may be cited as the Domestic
4 Violence Fatality Review Act.

5 § 6802. Definitions.

6 The following words and phrases when used in this chapter
7 shall have the meanings given to them in this section unless the
8 context clearly indicates otherwise:

9 "Domestic Violence Fatality Review Board" or "board." A
10 multidisciplinary, Statewide panel that advises domestic
11 violence fatality review teams and recommends Statewide
12 improvements in domestic violence investigation, intervention
13 and prevention efforts.

14 "Domestic violence fatality review team" or "review team." A
15 multidisciplinary team that reviews domestic violence-related
16 fatalities in a local jurisdiction.

17 "Domestic violence-related fatality." A death resulting from
18 or relating to an act of abuse as defined in section 6102
19 (relating to definitions), including the fatality of a victim,
20 perpetrator, family member, partner or bystander.

21 § 6803. Domestic Violence Fatality Review Program.

22 (a) Establishment.--The Pennsylvania Coalition Against
23 Domestic Violence shall establish a program to be known as the
24 Domestic Violence Fatality Review Program. This program shall
25 establish a Domestic Violence Fatality Review Board and domestic
26 violence fatality review teams with the purpose of investigating
27 domestic violence-related fatalities and identifying gaps in
28 systemic responses to domestic violence, as well as recommending
29 improvements in domestic violence investigations, interventions
30 and prevention efforts throughout this Commonwealth.

1 (b) Administration.--The Pennsylvania Coalition Against
2 Domestic Violence shall coordinate the activities of the board
3 and shall be jointly responsible for the provision of standard
4 protocols, training and technical assistance to review teams.

5 (c) Case selection.--Review teams and the board shall only
6 review domestic violence-related fatalities in which:

7 (1) no criminal charges have been filed against a
8 perpetrator associated with a domestic violence-related
9 fatality and the chief law enforcement officer of the
10 jurisdiction indicates that no criminal charges will be
11 filed; or

12 (2) all criminal legal proceedings associated with a
13 domestic violence-related fatality have been closed.

14 § 6804. Domestic violence fatality review teams.

15 (a) General rule.--It shall be the duty of a domestic
16 violence fatality review team to do all of the following:

17 (1) Gather information regarding the events leading to
18 and facts surrounding incidences of domestic violence-related
19 fatalities.

20 (2) Analyze information gathered regarding domestic
21 violence-related fatalities.

22 (3) Identify trends, patterns and risk factors resulting
23 from domestic violence-related fatality investigations.

24 (4) Examine and assess service delivery related to
25 domestic violence.

26 (5) Provide aggregated fatality review reports to the
27 board pursuant to section 6805 (relating to Domestic Violence
28 Fatality Review Board).

29 (b) Protocols.--Review teams shall establish a protocol for
30 the investigation of domestic violence-related fatalities in

1 consultation with the board.

2 (c) Location.--A review team may be established in any
3 jurisdiction or combination of jurisdictions.

4 (d) Membership.--Membership of a review team may include
5 court personnel, law enforcement, medical professionals, victim
6 advocates and any other individual or entity that the review
7 team deems appropriate for the conduct of the review.

8 (e) Additional duties.--In furtherance of the purposes of
9 this section, review teams may recommend any or all of the
10 following:

11 (1) Changes in legislation, regulations, policies,
12 budgets, treatment and service standards that may facilitate
13 the reduction of domestic violence-related fatalities.

14 (2) Prevention and intervention strategies.

15 (3) Public awareness strategies.

16 (4) Strategies for enhanced interagency coordination.

17 § 6805. Domestic Violence Fatality Review Board.

18 (a) Powers and duties.--The Domestic Violence Fatality
19 Review Board shall do all of the following:

20 (1) Advise and consult with review teams.

21 (2) Provide education and technical assistance to review
22 teams.

23 (3) Develop minimum data collection guidelines for
24 review teams.

25 (4) Receive summary fatality review reports from review
26 teams.

27 (5) Analyze data from the reports of review teams to
28 identify Statewide trends and patterns associated with
29 domestic violence-related fatalities.

30 (6) Recommend changes to domestic violence prevention,

1 intervention and investigation efforts and monitor the
2 implementation of these recommendations.

3 (7) Prepare an annual report of findings,
4 recommendations and steps taken to implement recommendations
5 subject to the following requirements:

6 (i) The annual report shall not contain information
7 identifying any victim or alleged perpetrator of domestic
8 violence or their family members.

9 (ii) The annual report shall be submitted to the
10 public and the Governor on September 1 of each year and
11 shall be presented at a joint meeting of the Judiciary
12 Committee of the Senate and the Judiciary Committee of
13 the House of Representatives at a public hearing.

14 (b) Membership.--At a minimum, the board shall be comprised
15 of a designee from:

16 (1) The Office of Attorney General.

17 (2) The Pennsylvania Coalition Against Domestic
18 Violence.

19 (3) Two local domestic violence programs as defined in
20 section 2333(e) of the act of April 9, 1929 (P.L.177,
21 No.175), known as The Administrative Code of 1929, to be
22 chosen by a majority vote of the board from a list of at
23 least six programs provided by the Pennsylvania Coalition
24 Against Domestic Violence.

25 (4) The Office of Physician General.

26 (5) The Office of Victim Advocate.

27 (6) The Pennsylvania Board of Probation and Parole.

28 (7) The Pennsylvania State Police.

29 (8) The Administrative Office of Pennsylvania Courts.

30 (9) Three community members impacted by domestic

1 violence or a domestic violence-related fatality to be chosen
2 by a majority vote of the board from a list of at least nine
3 community members provided by the Pennsylvania Coalition
4 Against Domestic Violence.

5 (10) The Pennsylvania Commission on Crime and
6 Delinquency.

7 (11) An eligible legal services provider as defined in
8 42 Pa.C.S. § 4903 (relating to definitions).

9 (12) The State association of sheriffs authorized by the
10 act of June 14, 1923 (P.L.774, No.305), entitled "An act
11 authorizing the sheriffs of the several counties of this
12 Commonwealth to organize themselves into a State Association,
13 for the purpose of holding annual meetings, to secure more
14 uniformity and cooperation in the conduct of their offices,
15 and providing for the payment of certain expenses in
16 connection with such meetings by the various counties."

17 (13) A rape crisis center, as defined in section 2333(e)
18 of The Administrative Code of 1929, to be selected by a
19 majority vote of the board.

20 (14) The State association for district attorneys as
21 provided in section 440 of the act of August 9, 1955
22 (P.L.323, No.130), known as The County Code, to be selected
23 by a majority vote of the board.

24 (15) Two members of the Senate appointed by the
25 President pro tempore, one from the majority party and one
26 from the minority party.

27 (16) Two members of the House of Representatives
28 appointed by the Speaker, one from the majority party and one
29 from the minority party.

30 (17) Any other person that the board by a majority vote

1 deems appropriate.

2 (c) Initial board organization.--The initial organization of
3 the board shall consist of the designees under subsection
4 (b)(1), (2), (4), (5), (6), (7), (8), (10), (11), (12), (15) and
5 (16). After these members are organized into the board, that
6 board shall act to name designees to the board under subsection
7 (b)(2), (3), (9), (13), (14) and (17). Thereafter the board
8 shall conduct its normal business.

9 § 6806. Access to records.

10 (a) General rule.--Review teams and the board shall have
11 access to and may review the following records to the extent
12 permitted by law or court rule:

13 (1) Guardian ad litem reports, parenting evaluations and
14 victim impact statements.

15 (2) Media accounts.

16 (3) Protection from abuse documents, transcripts,
17 violations and other materials as produced by the courts and
18 law enforcement officials.

19 (4) Criminal history record information.

20 (5) Law enforcement incident documentation from closed
21 cases, such as incident reports, dispatch records, victim,
22 witness and suspect reports.

23 (6) Medical examiners' and coroners' reports.

24 (7) Records of court proceedings.

25 (8) Documents, reports and evaluations prepared in
26 conjunction with court proceedings pursuant to general or
27 local court rules.

28 (9) Probation and parole information.

29 (10) Reports to animal control.

30 (11) Presentence interviews and reports, and any

1 recommendations made regarding bail and release on own
2 recognizance.

3 (12) Investigative reports from the Office of Children,
4 Youth and Families.

5 (13) Statements from witnesses, friends, family and
6 employers of the victim and perpetrator.

7 (14) Any other information determined to be relevant to
8 the review that will not jeopardize an ongoing investigation
9 or prosecution.

10 (b) Court order.--In the event that the custodian of the
11 records, pursuant to subsection (a), refuses a request for
12 records by a review team or the board, the court shall issue an
13 order directing the custodian of the records to comply with the
14 request.

15 (c) Confidentiality of information.--Review teams and the
16 board shall maintain the confidentiality of such information to
17 the extent required by any applicable law.

18 (d) Immunity.--An entity, individual or institution that in
19 good faith provides information or records to a review team or
20 the board is immune from civil or criminal liability that might
21 otherwise be imposed as a result of providing these records or
22 information.

23 § 6807. Confidentiality.

24 (a) Signed confidentiality agreement.--Each member of a
25 review team and the board and any person appearing before them
26 shall be required to sign a confidentiality agreement created by
27 the board in order to maintain the confidentiality of the
28 proceedings.

29 (b) Confidentiality of proceedings, deliberations and
30 opinions.--The proceedings, deliberations and opinions of the

1 review teams and the board and their members are privileged and
2 confidential, except as otherwise provided by this chapter.
3 Information known to or opinions held by members of a review
4 team or the board and any person who presents information to a
5 review team or the board shall not be subject to discovery,
6 subpoena or introduction into evidence in any civil or criminal
7 action, except as otherwise provided in this chapter.

8 (c) Confidentiality of records.--The records of a review
9 team and the board are privileged and confidential, except as
10 otherwise provided by this chapter. Records of a review team and
11 the board shall not be subject to discovery, subpoena or
12 introduction into evidence in any civil or criminal action,
13 except as otherwise provided in this chapter.

14 (1) All records brought to a review team by a person or
15 agency remain the property of that person or agency. These
16 records shall be maintained by the person or agency to which
17 the records belong.

18 (2) All records produced by a review team are the
19 property of that review team. These records, including the
20 names of victims, alleged perpetrators and family members, as
21 well as documents relating to the proceedings, opinions and
22 deliberations of a review team and the board shall be kept
23 confidential and shall not be subject to the provisions of
24 section 2 of the act of June 21, 1957 (P.L.390, No.212),
25 referred to as the Right-to-Know Law.

26 (3) All records produced by the board are the property
27 of the board. These records, including the names of victims,
28 alleged perpetrators and family members, as well as documents
29 relating to the proceedings, opinions and deliberations of a
30 review team or the board shall be kept confidential and shall

1 not be subject to the provisions of section 2 of the Right-
2 to-Know Law.

3 (4) Release of aggregated statistics, scenarios, annual
4 reports, recommendations and other nonidentifying information
5 by a review team or the board shall not constitute a breach
6 of confidentiality as outlined in this section.

7 (d) Discovery.--Nothing in this section shall be construed
8 to restrict or limit the right to discover or use in any civil
9 or criminal action any evidence that is discoverable independent
10 of the proceedings of review teams or the board.

11 (e) Immunity of members.--The board and its members and any
12 review team and its members acting within the scope of this
13 program are immune from all civil liability resulting from an
14 act or omission arising out of and in the course of the board's
15 or the review team's performance of that activity, unless the
16 act or omission was the result of gross negligence, recklessness
17 or intentional misconduct. This section shall not be construed
18 to limit any other immunity provided by statute or common law.

19 § 6808. Penalties.

20 Whoever discloses, makes use of or knowingly permits the use
21 of information concerning a victim or other persons in violation
22 of this chapter commits a summary offense.

23 Section 5. This act shall take effect July 1, 2007, or
24 immediately, whichever is later.