

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2778 Session of
2008

INTRODUCED BY GIBBONS, SEPTEMBER 23, 2008

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 23, 2008

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in State intermediate
3 punishment, providing for group homes.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 9910. Group homes.

9 (a) Public hearings required.--The department and the
10 private service provider that intend to enter into a contract
11 for a group home shall jointly conduct four public hearings
12 within a five-mile radius of the proposed site of the group home
13 not less than one year prior to the date on which the group home
14 is scheduled to commence operations. At the public hearing, the
15 department shall explain the operations of the group home and
16 shall permit public comments relating to the operation of the
17 group home.

18 (b) Location.--After the effective date of this section, the

department may not enter into a contract for a group home unless the group home is located more than one-half mile from any occupied residence, playground or school.

(c) Electronic monitoring devices.--The department shall affix an electronic monitoring device to any inmate who resides in a group home.

(d) Inmate restrictions.--An inmate who has been convicted of any of the following offenses may not reside in a group home:

18 Pa.C.S. § 2901 (relating to kidnapping), where the victim is a minor.

18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure).

18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).

18 Pa.C.S. § 3126 (relating to indecent assault), where the offense is graded as a misdemeanor of the first degree or higher.

18 Pa.C.S. § 4302 (relating to incest), where the victim is 12 years of age or older but under 18 years of age.

18 Pa.C.S. § 5902(b) (relating to prostitution and related offenses), where the actor promotes the prostitution of a minor.

18 Pa.C.S. § 5903(a)(3), (4), (5) or (6) (relating to obscene and other sexual materials and performances), where the victim is a minor.

18 Pa.C.S. § 6312 (relating to sexual abuse of children).

18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

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