

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 316 Session of 2013

INTRODUCED BY HARHART, MARSICO, GINGRICH, STEPHENS, O'NEILL, KORTZ, MACKENZIE, KAVULICH, MILLARD, R. BROWN, PICKETT, CARROLL, R. MILLER, TOEPEL, WATSON, THOMAS, YOUNGBLOOD, QUINN, READSHAW, V. BROWN, SAYLOR, COHEN, HARKINS, GRELL, STEVENSON, GROVE, HACKETT, TOOHIL, MOUL, CALTAGIRONE AND MURT, JANUARY 24, 2013

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, MARCH 18, 2014

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," further providing for
21 domestic violence and rape victims services IN COMMONWEALTH
22 AGENCY FEES, FURTHER PROVIDING FOR THE DEPARTMENT OF HEALTH;
23 and providing for children's advocacy centers.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 Section 1. Section 2333(b) of the act of April 9, 1929

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1 ~~(P.L.177, No.175), known as The Administrative Code of 1929,~~
2 ~~added March 30, 1988 (P.L.329, No.44), is amended to read:~~

3 ~~Section 2333. Domestic Violence and Rape Victims Services.~~

4 * * *

5 ~~(b) Where any person after the effective date of this~~
6 ~~section pleads guilty or nolo contendere to or is convicted of~~
7 ~~any crime as herein defined, there shall be imposed, in addition~~
8 ~~to all other costs, an additional cost in the sum of [ten~~
9 ~~dollars (\$10)] fifteen dollars (\$15) for the purpose of funding~~
10 ~~the services as described in this section. Such sum shall be~~
11 ~~paid over to the State Treasurer to be deposited in the General~~
12 ~~Fund. Under no condition shall a political subdivision be liable~~
13 ~~for the payment of the [ten dollars (\$10)] fifteen dollars (\$15)~~
14 ~~in additional costs.~~

15 * * *

16 SECTION 1. SECTION 609-A(6) OF THE ACT OF APRIL 9, 1929 <--
17 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929,
18 ADDED DECEMBER 23, 2003 (P.L.282, NO.47), IS AMENDED TO READ:

19 SECTION 609-A. DEPARTMENT OF HEALTH.--THE DEPARTMENT OF HEALTH
20 IS AUTHORIZED TO CHARGE FEES FOR THE FOLLOWING
21 PURPOSES AND IN THE FOLLOWING AMOUNTS:

22 * * *

23 (6) VITAL STATISTICS:

24 (I) CERTIFIED COPY OF A BIRTH RECORD..... [10.00]

25 20.00

26 (II) CERTIFIED COPY OF A DEATH RECORD..... 9.00

27 Section 2. The act is amended by adding an article to read:

28 ARTICLE XXIII-B

29 CHILDREN'S ADVOCACY CENTERS

30 Section 2301-B. Declaration of policy.

1 The General Assembly finds and declares as follows:

2 (1) State-of-the-art treatment for victims of child sexual
3 abuse and child abuse is provided by children's advocacy
4 centers. These centers bring together doctors, nurses,
5 prosecutors, social workers and police in order to provide a
6 unique and essential program of treatment and healing for child
7 victims.

8 (2) Children's advocacy centers not only treat child
9 victims, but assist in preventing and detecting child abuse and
10 provide, through forensic interviewing and other techniques
11 EMPLOYED BY THE MULTIDISCIPLINARY INVESTIGATIVE TEAMS, the most <--
12 effective way to bring perpetrators of child sexual abuse to
13 justice.

14 (3) The Task Force on Child Protection stated in its
15 November 2012 report that the Commonwealth's children are
16 underserved when it comes to access to children's advocacy
17 centers. The Task Force on Child Protection recommended that
18 children's advocacy centers be established ~~on a regional basis~~ <--
19 in order to allow the maximum number of abused children to be
20 treated. Further, the Task Force on Child Protection recommended
21 that the General Assembly provide a dedicated funding stream to
22 support existing children's advocacy centers and to enable the
23 establishment of additional children's advocacy centers within
24 this Commonwealth.

25 (4) It is in the public interest for this Commonwealth to
26 provide financial assistance to children's advocacy centers,
27 both for their enhancement and establishment, AND TO <--
28 MULTIDISCIPLINARY INVESTIGATIVE TEAMS.

29 Section 2302-B. Definitions.

30 The following words and phrases when used in this article

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Children's advocacy center." As defined in 23 Pa.C.S. 6303
4 (relating to definitions).

5 "Commission." The Pennsylvania Commission on Crime and
6 Delinquency.

7 "COMMITTEE." THE CHILD ADVOCACY CENTER ADVISORY COMMITTEE <--
8 ESTABLISHED UNDER THIS ARTICLE.

9 ~~"Crime." An act committed in this Commonwealth which, if~~ <--
10 ~~committed by a mentally competent, criminally responsible adult,~~
11 ~~who had no legal exemption or defense, would constitute a crime~~
12 ~~as defined in and proscribed by 18 Pa.C.S. (relating to crimes~~
13 ~~and offenses) or enumerated in the act of April 14, 1972-~~
14 ~~(P.L.233, No.64), known as The Controlled Substance, Drug,~~
15 ~~Device and Cosmetic Act. However, no act involving the operation~~
16 ~~of a motor vehicle which results in injury shall constitute a~~
17 ~~crime for the purpose of this section unless the injury was~~
18 ~~intentionally inflicted through the use of a motor vehicle.~~

19 "Multidisciplinary investigative team." A team established
20 to coordinate child abuse investigations between county agencies
21 and law enforcement as set forth in 23 Pa.C.S. Ch. 63 (relating
22 to child protective services).

23 Section 2303-B. Funding.

24 The following apply:

25 ~~(1) Where any person after the effective date of this~~ <--
26 ~~article pleads guilty or nolo contendere to or is convicted~~
27 ~~of any crime, there shall be imposed, in addition to all~~
28 ~~other costs, an additional cost in the sum of \$15 for the~~
29 ~~purpose of funding children's advocacy centers as described~~
30 ~~in this article. Such sum shall be paid over to the State~~

~~Treasurer to be deposited in the General Fund. Under no condition shall a political subdivision be liable for the payment of the \$15 in additional costs.~~

~~(2) (1) The commission shall make grants to qualified applicants on a regional basis as provided in this article for the operation of existing children's advocacy centers and for the establishment of children's advocacy centers, consistent with this article. In awarding grants, the commission shall consider:~~

~~(i) The number of children to be served.~~

~~(ii) The geographical area to be serviced.~~

~~(iii) The scope of the services.~~

~~(iv) The need for services.~~

~~(v) The availability of expert pediatric medical and mental health services.~~

~~(vi) The amount of funds provided from other sources.~~

~~(2) THE COMMISSION SHALL MAKE GRANTS TO QUALIFIED APPLICANTS FOR THE OPERATION OF MULTIDISCIPLINARY INVESTIGATIVE TEAMS.~~

SECTION 2303.1-B. ADDITIONAL FUNDING.

(A) INITIAL YEAR.--FOR THE FISCAL YEAR BEGINNING JULY 1, 2014, 50% OF THE FEE CHARGED BY THE DEPARTMENT OF HEALTH FOR A CERTIFIED COPY OF A BIRTH RECORD UNDER SECTION 609-A SHALL BE TRANSFERRED TO THE DEPARTMENT OF PUBLIC WELFARE FOR TRAINING OF MANDATED REPORTERS OF CHILD ABUSE AND CHILD ABUSE RELATED COSTS.

(B) SUBSEQUENT YEARS.--FOR THE FISCAL YEAR BEGINNING JULY 1, 2015, AND EACH FISCAL YEAR THEREAFTER, 50% OF THE FEE CHARGED BY THE DEPARTMENT OF HEALTH FOR A CERTIFIED COPY OF A BIRTH RECORD UNDER SECTION 609-A SHALL BE DISTRIBUTED AS FOLLOWS:

1 (1) TWENTY-FIVE PERCENT SHALL BE TRANSFERRED TO THE
2 DEPARTMENT OF PUBLIC WELFARE FOR TRAINING OF MANDATED
3 REPORTERS OF CHILD ABUSE AND CHILD ABUSE RELATED COSTS.

4 (2) SEVENTY-FIVE PERCENT SHALL BE TRANSFERRED TO THE
5 PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY FOR GRANTS
6 FOR CHILD ADVOCACY CENTERS AND MULTIDISCIPLINARY <--
7 INVESTIGATIVE TEAMS.

8 ~~(C) RESTRICTIONS. THE FOLLOWING SHALL APPLY:~~ <--

9 ~~(1) THE FUNDING UNDER THIS SECTION SHALL NOT BE USED TO~~

10 (C) RESTRICTIONS.--THE FUNDING UNDER THIS SECTION SHALL NOT <--
11 BE USED TO SUPPLANT FEDERAL, STATE OR LOCAL FUNDS OTHERWISE
12 AVAILABLE FOR CHILD ADVOCACY CENTERS AND MULTIDISCIPLINARY <--
13 INVESTIGATIVE TEAMS.

14 ~~(2) THE DEPARTMENT OF PUBLIC WELFARE SHALL DEVELOP AND~~ <--
15 ~~PROVIDE THE MANDATED REPORTER TRAINING UNDER THIS SECTION IN~~
16 ~~CONJUNCTION WITH THE PENNSYLVANIA CHILD WELFARE RESOURCE~~
17 ~~CENTER.~~

18 Section 2304-B. Permitted use of funds.

19 (a) Grants to qualified applicants.--Funding shall be used
20 to provide resources to qualified applicants as provided in this
21 article. Grants shall be provided to all qualified applicants
22 that apply to the extent that funds are available. However, no
23 more than 20% of the funds collected annually under this article
24 shall be provided to any single qualified applicant. ANY <--
25 REMAINING FUNDS MAY BE PROVIDED TO OTHER QUALIFIED APPLICANTS.

26 (b) Initial award of funds.--For the first three years after
27 the effective date of this article, the commission shall
28 endeavor to provide 30% of the funds collected under this
29 article to qualified applicants working to establish children's
30 advocacy centers in regions not yet served by such centers.

1 Section 2305-B. Procedure.

2 In order to be a qualified applicant and to be awarded a
3 grant under this article, the commission must find that either:

4 (1) The applicant is an accredited, associate/developing
5 or affiliate member of the National Children's Alliance.

6 (2) In the case of an applicant that is not a member of
7 the National Children's Alliance:

8 (i) The applicant identifies a region of this
9 Commonwealth it intends to serve.

10 (ii) The applicant has received a letter of
11 endorsement from ~~at least two thirds~~ ALL of the district <--
12 attorneys and multidisciplinary INVESTIGATIVE teams of <--
13 the counties which will be served within the region. A
14 district attorney and a multidisciplinary INVESTIGATIVE <--
15 team ~~may~~ SHALL submit a letter ~~separately or jointly~~. In <--
16 no case may the commission distribute funds under this
17 article to an applicant which has not been endorsed by ~~at <--~~
18 ~~least two thirds~~ ALL of the district attorneys and <--
19 multidisciplinary investigative teams of the counties to
20 be served within the region.

21 (iii) The applicant intends to apply for membership
22 in the National Children's Alliance within a reasonable
23 period of time.

24 (IV) THE APPLICANT OBTAINS A LETTER OF ENDORSEMENT <--
25 FROM THE PENNSYLVANIA CHAPTER OF CHILDREN'S ADVOCACY
26 CENTERS AND MULTIDISCIPLINARY TEAMS.

27 SECTION 2306-B. CHILD ADVOCACY CENTER ADVISORY COMMITTEE.

28 (A) ESTABLISHMENT.--THE CHILD ADVOCACY CENTER ADVISORY
29 COMMITTEE IS HEREBY ESTABLISHED WITHIN THE COMMISSION.

30 (B) COMPOSITION.--THE MEMBERS OF THE COMMITTEE SHALL CONSIST

1 OF NO MORE THAN 21 MEMBERS AND BE APPOINTED BY THE CHAIRMAN OF
2 THE COMMISSION AND SHALL INCLUDE ALL OF THE FOLLOWING:

3 (1) THE VICTIM ADVOCATE.

4 (2) THE DEPUTY SECRETARY OF THE OFFICE OF CHILDREN,
5 YOUTH AND FAMILIES OF THE DEPARTMENT OF PUBLIC WELFARE.

6 (3) REPRESENTATIVES FROM EACH OF THE FOLLOWING, WHO HAVE
7 EXPERIENCE IN THE MULTIDISCIPLINARY INVESTIGATION OF CHILD
8 ABUSE AND THE USE AND OPERATION OF A CHILD ADVOCACY CENTER:

9 (I) CHILD ADVOCACY CENTERS.

10 (II) COUNTY CHILDREN AND YOUTH SERVICE AGENCIES.

11 (III) MUNICIPAL POLICE DEPARTMENTS.

12 (IV) THE PENNSYLVANIA STATE POLICE.

13 (V) DISTRICT ATTORNEYS OFFICES.

14 (VI) VICTIMS' SERVICE PROVIDERS.

15 (VII) MEDICAL AND MENTAL HEALTH PROFESSIONALS.

16 (C) TERM.--MEMBERS SHALL SERVE FOR A FOUR-YEAR TERM, AND MAY
17 BE APPOINTED FOR NO MORE THAN ONE ADDITIONAL CONSECUTIVE TERM.

18 (D) CONDITIONS OF APPOINTMENT.--THE COMMITTEE AND ITS
19 MEMBERS SHALL BE SUBJECT TO THE SAME LIMITATIONS AND CONDITIONS
20 IMPOSED UPON THE COMMISSION UNDER SECTION 2 (D), (E), (H), (I), (M)
21 AND (N) OF THE ACT OF NOVEMBER 22, 1978 (P.L.1166, NO.274),
22 REFERRED TO AS THE PENNSYLVANIA COMMISSION ON CRIME AND
23 DELINQUENCY LAW.

24 (E) QUORUM.--A MAJORITY OF THE MEMBERS SHALL CONSTITUTE A
25 QUORUM AND A VOTE OF THE MAJORITY OF THE MEMBERS PRESENT SHALL
26 BE SUFFICIENT FOR ALL ACTIONS.

27 (F) CHAIRMAN.--THE GOVERNOR SHALL APPOINT A CHAIRMAN FROM
28 AMONG THE MEMBERS OF THE COMMITTEE WHO SHALL SERVE AT THE
29 PLEASURE OF THE GOVERNOR. A VICE CHAIRMAN SHALL BE DESIGNATED BY
30 THE CHAIRMAN AND PRESIDE AT MEETINGS IN THE ABSENCE OF THE

1 CHAIRMAN. THE COMMITTEE SHALL MEET AT THE CALL OF THE CHAIRMAN,
2 BUT NOT LESS THAN FOUR TIMES A YEAR.

3 (G) POWERS AND DUTIES.--THE CHILD ADVOCACY ADVISORY
4 COMMITTEE SHALL HAVE THE POWER, AND ITS DUTY SHALL BE TO:

5 (1) PERFORM THOSE FUNCTIONS RELATED TO THE DIRECT
6 APPROVAL AND DISBURSEMENT OF GRANTS TO CHILD ADVOCACY CENTERS
7 AND MULTIDISCIPLINARY INVESTIGATIVE TEAMS UNDER SECTIONS
8 2303-B AND 2304-B IN AN ADVISORY CAPACITY ONLY. THE ADVISORY
9 COMMITTEE SHALL HAVE THE OPPORTUNITY TO REVIEW AND COMMENT ON
10 GRANT APPLICATIONS.

11 (2) ADVISE THE COMMISSION ON THE DEFINITION, DEVELOPMENT
12 AND CORRELATION OF PROGRAMS AND PROJECTS AND THE
13 ESTABLISHMENT OF PRIORITIES FOR CHILD ADVOCACY CENTERS AND
14 MULTIDISCIPLINARY INVESTIGATIVE TEAMS.

15 (3) UPON REQUEST, PROVIDE ASSISTANCE AND ADVICE TO THE
16 COMMISSION ON ANY OTHER MATTERS RELATING TO CHILD ADVOCACY
17 CENTERS AND MULTIDISCIPLINARY INVESTIGATIVE TEAMS.

18 (H) STAFF SUPPORT.--STAFF SUPPORT SHALL BE MADE AVAILABLE TO
19 THE COMMITTEE BY THE EXECUTIVE DIRECTOR OF THE COMMISSION TO
20 ADEQUATELY PERFORM THE DUTIES PROVIDED FOR UNDER THIS SECTION.

21 Section 3. This act shall take effect ~~in 90 days~~ JULY 1, <--
22 2014.