

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 945 Session of 2013

INTRODUCED BY CRUZ, YOUNGBLOOD, TOEPEL, LONGIETTI, B. BOYLE, BARRAR, MILLARD, CARROLL, COHEN, CLAY, FLECK, MCGEEHAN, V. BROWN, PASHINSKI, KORTZ, BIZZARRO, FLYNN, TOOHL, C. HARRIS, SWANGER, SCHLOSSBERG AND MURT, MARCH 12, 2013

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 18, 2013

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child custody, further providing
3 for consideration of criminal conviction.

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

6 Section 1. Section 5329 of Title 23 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subsection to read:
8 § 5329. Consideration of criminal conviction.

9 * * *

10 ~~(b.1) Rape or incest. No court shall award custody, partial~~<--
11 ~~custody or visitation to a parent who is the father of a child~~
12 ~~conceived as a result of a rape or incest when the child is the~~
13 ~~subject of the order, unless the child is of suitable age and~~
14 ~~consents to the order.~~

15 (B.1) PARENT CONVICTED OF CERTAIN SEXUAL OFFENSES.-- <--
16 NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A), NO COURT SHALL
17 AWARD CUSTODY, PARTIAL CUSTODY OR SUPERVISED PHYSICAL CUSTODY TO

1 A PARENT OF A CHILD CONCEIVED AS THE RESULT OF ANY OF THE
2 FOLLOWING OFFENSES FOR WHICH THE PARENT HAS BEEN CONVICTED:

3 18 PA.C.S. § 3121;

4 18 PA.C.S. § 3124.1 WHERE THE OFFENSE INVOLVED SEXUAL
5 INTERCOURSE;

6 18 PA.C.S. § 3124.2 (RELATING TO INSTITUTIONAL SEXUAL
7 ASSAULT) WHERE THE OFFENSE INVOLVED SEXUAL INTERCOURSE; OR

8 18 PA.C.S. § 4302,

9 UNLESS THE CHILD IS OF SUITABLE AGE AND CONSENTS TO THE ORDER.

10 PATERNITY OF THE CHILD SHALL BE ESTABLISHED BY BLOOD, GENETIC OR
11 OTHER PATERNITY TESTING ACCEPTABLE TO THE COURT.

12 * * *

13 SECTION 2. THE ADDITION OF 23 PA.C.S. § 5329(B.1) SHALL <--
14 APPLY TO ANY ACTION REGARDING CUSTODY OF A CHILD UNDER 23
15 PA.C.S. CH. 53 THAT IS FILED ON OR AFTER THE EFFECTIVE DATE OF
16 THIS SECTION.

17 Section 2 3. This act shall take effect in 60 days. <--