

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1260 Session of 2013

INTRODUCED BY BRADFORD, O'BRIEN, HAGGERTY, K. BOYLE, HARHAI, D. COSTA, BIZZARRO, LONGIETTI, BROWNLEE, STEPHENS, RAVENSTAHL, MILLARD, SANTARSIERO, COHEN, DONATUCCI, PASHINSKI, KORTZ, SCHLOSSBERG, NEILSON, READSHAW, V. BROWN, FRANKEL, DEASY, MUNDY, FARINA, THOMAS, MURT, WHITE, KINSEY, DeLUCA, PARKER, MOLCHANY, MATZIE, GRELL, MCCARTER, FREEMAN AND SIMS, APRIL 30, 2013

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 30, 2013

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.

22 The General Assembly of the Commonwealth of Pennsylvania
 23 hereby enacts as follows:

24 Section 1. Section 2333 of the act of April 9, 1929
 25 (P.L.177, No.175), known as The Administrative Code of 1929,

1 added March 30, 1988 (P.L.329, No.44), is amended to read:

2 Section 2333. Domestic Violence and Rape Victims Services.--

3 (a) The General Assembly finds that the public health and
4 safety is threatened by increasing incidences of domestic
5 violence and rape. Domestic violence programs and rape crisis
6 programs provide needed support services for victims and assist
7 in prevention through community education. Therefore, the
8 General Assembly finds that it is in the public interest for the
9 Commonwealth to establish a mechanism to provide financial
10 assistance to domestic violence centers and rape crisis centers
11 for the operation of domestic violence and rape crisis programs.

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

22 (c) The Department of Public Welfare shall make grants to
23 domestic violence centers and rape crisis centers for the
24 operation of domestic violence programs and rape crisis programs
25 consistent with this section. In awarding grants, the Department
26 of Public Welfare shall consider the population to be served,
27 the geographical area to be serviced, the scope of the services,
28 the need for services and the amount of funds provided from
29 other sources.

30 (d) The Department of Public Welfare shall make available at

1 cost to the public copies of applications that have been
2 submitted or approved for funding and reports on any fiscal or
3 programmatic reviews of funded programs.

4 (d.1) All health care practitioners employed by or having
5 admitting privileges at a health care facility shall report to
6 the facility incidents of domestic violence determined through
7 treatment of a victim for injuries which the victim states
8 resulted from domestic violence or any injury which a
9 practitioner has reasonable cause to believe resulted from
10 domestic violence. All health care facilities shall track
11 incidents of domestic violence obtained from reports by health
12 care practitioners or documented in the facilities' medical
13 records and complete confidential medical data collection
14 reports, as promulgated by the Department of Health, for any
15 victim being treated for injuries which the victim states
16 resulted from domestic violence or which the health care
17 facility has reasonable cause to believe resulted from domestic
18 violence. The report may not identify a victim by name or by
19 information which would reveal the victim's identity. The report
20 shall be submitted to the Department of Health on an annual
21 basis, and the department shall submit a compilation of these
22 reports to the Department of Public Welfare annually.

23 (d.2) All law enforcement officers shall report to their
24 assigned police departments incidents of domestic violence as
25 reported by the victim or any incident which the officer has
26 reasonable cause to believe resulted from domestic violence. The
27 Pennsylvania State Police and all police departments shall track
28 incidents of domestic violence and complete confidential medical
29 data collection reports, as promulgated by the Department of
30 Health, for any victim of domestic violence or which the

1 Pennsylvania State Police or police department has reasonable
2 cause to believe resulted from domestic violence. The report may
3 not identify a victim by name or by information which would
4 reveal the victim's identity. The report shall be submitted to
5 the Department of Health on an annual basis, and the department
6 shall submit a compilation of these reports to the Department of
7 Public Welfare annually.

8 (e) As used in this section, the following words and phrases
9 shall have the meanings given to them in this subsection:

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

21 "Domestic violence" means the occurrence of one or more of
22 the following acts between family or household members:

23 (1) Intentionally, knowingly or recklessly causing or
24 attempting to cause bodily injury.

25 (2) Placing, by physical menace, another in fear of imminent
26 serious bodily injury.

27 "Domestic violence center" means an organization, or the
28 coordinating body of an organization, which has as its primary
29 purpose the operation of domestic violence programs.

30 "Domestic violence program" means a program which has as its

1 primary purpose the provision of direct services to victims of
2 domestic violence and their children, including, but not limited
3 to, victim advocacy, counseling, shelter, information and
4 referral, victim-witness, accompaniment, community education and
5 prevention.

6 "Health care facility" means a facility that is authorized to
7 provide clinically related health service as defined in the act
8 of July 19, 1979 (P.L.130, No.48), known as the "Health Care
9 Facilities Act."

10 "Health care practitioner" means an individual who is
11 authorized to practice some component of the healing arts as
12 defined in the act of July 19, 1979 (P.L.130, No.48), known as
13 the "Health Care Facilities Act."

14 "Law enforcement officer" means a Pennsylvania State Police
15 officer or a police officer certified pursuant to 53 Pa.C.S. Ch.
16 21 Subch. D (relating to municipal police education and
17 training).

18 "Police department" means a public agency of a political
19 subdivision having general police powers and charged with making
20 arrests in connection with the enforcement of the criminal or
21 traffic laws.

22 "Rape crisis center" means an organization, or the
23 coordinating body of an organization, which has as its primary
24 purpose the operation of rape crisis programs.

25 "Rape crisis program" means a program which has as its
26 primary purpose the provision of direct services to victims of
27 sexual assault, including, but not limited to, crisis
28 intervention, counseling, victim advocacy, information and
29 referral, victim-witness and assistance, accompaniment through
30 the medical, police and judicial systems as well as providing

1 education and prevention programs on rape and sexual assaults.

2 "Sexual assault" means any conduct which is a crime under 18

3 Pa.C.S. Ch. 31 (relating to sexual offenses).

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