

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1796 Session of
2013

INTRODUCED BY STEPHENS, VEREB, SCHLOSSBERG, ROZZI, COHEN,
SWANGER, GODSHALL, WATSON, MURT, REED, DELOZIER, HARPER,
SAYLOR, PARKER, DIGIROLAMO, QUINN, FRANKEL, SANTARSIERO,
DAVIS, BRADFORD, BROWNLEE, SCHREIBER, MUNDY, DERMODY, GAINNEY,
M. DALEY, DONATUCCI, KIM, SIMS, D. MILLER, HACKETT, READSHAW,
STURLA AND RAVENSTAHL, OCTOBER 22, 2013

SENATOR EICHELBERGER, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,
MARCH 11, 2014

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in preemptions, providing for
3 protection for victims of abuse or crime; AND PROHIBITING <--
4 CERTAIN LEAVE OF COMPENSATION MANDATES BY MUNICIPALITIES.

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

7 Section 1. Title 53 of the Pennsylvania Consolidated
8 Statutes is amended by adding ~~a section~~ SECTIONS to read: <--

9 § 303. Protection for victims of abuse or crime.

10 (a) Declaration of policy.--The General Assembly finds and
11 declares as follows:

12 (1) It is the public policy of the Commonwealth to
13 ensure that all victims of abuse and crime and individuals in
14 an emergency are able to contact police or emergency
15 assistance without penalty.

16 (2) This section is intended to shield residents,

1 tenants and landlords from penalties that may be levied
2 pursuant to enforcement of an ordinance or regulation if
3 police or emergency services respond to a residence or
4 tenancy to assist a victim of abuse or crime or individuals
5 in an emergency.

6 (3) This section is not intended to prohibit
7 municipalities from enforcing an ordinance or regulation
8 against a resident, tenant or landlord where police or
9 emergency services respond to a residence or tenancy that
10 does not involve assistance to a victim of abuse or crime or
11 individuals in an emergency.

12 (b) Protection.--No ordinance enacted by a municipality
13 shall penalize a resident, tenant or landlord for a contact made
14 for police or emergency assistance by or on behalf of a victim
15 of abuse as defined in 23 Pa.C.S. § 6102 (relating to
16 definitions), a victim of a crime pursuant to 18 Pa.C.S.
17 (relating to crimes and offenses) or an individual in an
18 emergency pursuant to 35 Pa.C.S. § 8103 (relating to
19 definitions), if the contact was made based upon the reasonable
20 belief of the person making the contact that intervention or
21 emergency assistance was necessary to prevent the perpetration
22 or escalation of the abuse, crime or emergency or if the
23 intervention or emergency assistance was actually needed in
24 response to the abuse, crime or emergency.

25 (c) Remedies.--If a municipality enforces or attempts to
26 enforce an ordinance against a resident, tenant or landlord in
27 violation of subsection (b), the resident, tenant or landlord
28 may bring a civil action for a violation of this section and
29 seek an order from a court of competent jurisdiction for any of
30 the following remedies:

1 OTHER FORMS OF LEAVE FROM EMPLOYMENT, PAID OR UNPAID, THAT IS
2 NOT REQUIRED BY FEDERAL OR STATE LAW; OR

3 (2) REQUIRE AN EMPLOYER TO COMPENSATE AN EMPLOYEE FOR
4 ANY VACATION OR OTHER FORMS OF LEAVE FOR WHICH FEDERAL OR
5 STATE LAW DOES NOT REQUIRE THE EMPLOYEE TO BE COMPENSATED.

6 (B) INCONSISTENT MANDATE.--THIS SECTION MAY NOT BE CONSTRUED
7 TO INVALIDATE A MANDATE ENACTED BY A MUNICIPALITY PRIOR TO THE
8 EFFECTIVE DATE OF THIS SECTION. A MANDATE ENACTED BY A
9 MUNICIPALITY THAT IS INCONSISTENT WITH THIS SECTION AND ENACTED
10 AFTER THE EFFECTIVE DATE OF THIS SECTION IS VOID.

11 (C) APPLICABILITY.--THIS SECTION SHALL NOT APPLY TO A
12 MANDATE ENACTED BY A MUNICIPALITY AFFECTING VACATION OR OTHER
13 FORMS OF LEAVE FOR AN EMPLOYEE OR CLASS OF EMPLOYEES OF THE
14 MUNICIPALITY.

15 (D) CONSTRUCTION.--THE PROVISIONS OF THIS SECTION MAY NOT BE
16 CONSTRUED TO ESTABLISH A NEW MANDATE RELATING TO COMPENSATION,
17 VACATION OR OTHER FORMS OF LEAVE FROM EMPLOYMENT BY A
18 MUNICIPALITY.

19 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
20 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
21 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

22 "EMPLOYEE." AS DEFINED IN SECTION 3 OF THE ACT OF JANUARY
23 17, 1968 (P.L.11, NO.5), KNOWN AS THE MINIMUM WAGE ACT OF 1968.

24 "EMPLOYER." AS DEFINED IN SECTION 3 OF THE ACT OF JANUARY
25 17, 1968 (P.L.11, NO.5), KNOWN AS THE MINIMUM WAGE ACT OF 1968.

26 "MUNICIPALITY." A COUNTY, CITY, BOROUGH, INCORPORATED TOWN,
27 TOWNSHIP, HOME RULE CHARTER, OPTIONAL CHARTER OR OPTIONAL PLAN
28 MUNICIPALITY, SCHOOL DISTRICT OR A SIMILAR GENERAL PURPOSE UNIT
29 OF GOVERNMENT THAT MAY BE CREATED BY THE GENERAL ASSEMBLY.

30 SECTION 2. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

1 (1) THE ADDITION OF 53 PA.C.S. § 303 SHALL TAKE EFFECT
2 IN 60 DAYS.

3 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
4 IMMEDIATELY.