

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 629 Session of 2013

INTRODUCED BY FARNESE, KASUNIC, BREWSTER, HUGHES AND BOSCOLA,  
MARCH 6, 2013

REFERRED TO JUDICIARY, MARCH 6, 2013

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, further providing for consideration of  
3 criminal conviction; and providing for consideration of other  
4 conduct and child conceived as a result of certain conduct.

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

7 Section 1. Section 5329 of Title 23 of the Pennsylvania  
8 Consolidated Statutes is amended by adding a subsection to read:  
9 § 5329. Consideration of criminal conviction.

10 \* \* \*

11 (b.1) Parent convicted of certain offenses.--No court shall  
12 award custody, partial custody or supervised physical custody to  
13 a parent who has been convicted of any of the following offenses  
14 against the other parent of the child who is the subject of the  
15 order and who was conceived as a result of:

- 16 (1) Rape under 18 Pa.C.S. § 3121.  
17 (2) Statutory sexual assault under 18 Pa.C.S. § 3122.1.  
18 (3) Sexual assault under 18 Pa.C.S. § 3124.1.  
19 (4) Institutional sexual assault under 18 Pa.C.S. §

1       3124.2 (relating to institutional sexual assault).

2           (5) Incest under 18 Pa.C.S. § 4302.

3       \* \* \*

4       Section 2. Title 23 is amended by adding a section to read:

5       § 5330.1. Consideration of other conduct and child conceived as  
6           a result of certain conduct.

7       No court shall award custody, partial custody or supervised  
8       physical custody to a parent where the court finds by clear and  
9       convincing evidence both of the following:

10           (1) The child for whom custody, partial custody or  
11           supervised physical custody is sought was conceived as a  
12           result of conduct that would constitute an offense under one  
13           or more of the following criminal statutes:

14               (i) Rape under 18 Pa.C.S. § 3121 (relating to rape).

15               (ii) Statutory sexual assault under 18 Pa.C.S. §  
16               3122.1 (relating to statutory sexual assault).

17               (iii) Sexual assault under 18 Pa.C.S. § 3124.1  
18               (relating to sexual assault).

19               (iv) Institutional sexual assault under 18 Pa.C.S. §  
20               3124.2 (relating to institutional sexual assault).

21               (v) Incest under 18 Pa.C.S. § 4302 (relating to  
22               incest).

23           (2) The parent who seeks custody, partial custody or  
24           supervised physical custody of the child described in  
25           paragraph (1) committed the conduct described in paragraph  
26           (1).

27       Section 3. This act shall take effect in 60 days.