
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 681 Session of
2013

INTRODUCED BY GREENLEAF, ALLOWAY, ARGALL, BLAKE, BOSCOLA,
BROWNE, BRUBAKER, ERICKSON, FARNESE, FERLO, FOLMER, FONTANA,
HUGHES, KITCHEN, PILEGGI, RAFFERTY, SCHWANK, SOLOBAY, STACK,
TARTAGLIONE, TEPLITZ, TOMLINSON, WASHINGTON, WILLIAMS AND
WOZNIAK, MARCH 13, 2013

REFERRED TO JUDICIARY, MARCH 13, 2013

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for the
3 protection of victims of sexual violence, for duties of law
4 enforcement agencies, for procedure and for penalties; and,
5 in juvenile matters, further providing for definitions.

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

8 Section 1. Title 42 of the Pennsylvania Consolidated
9 Statutes is amended by adding a chapter to read:

10 CHAPTER 62

11 SEXUAL VIOLENCE VICTIM PROTECTION

12 Sec.

13 6201. Scope of chapter.

14 6202. Findings and purpose.

15 6203. Definitions.

16 6204. Responsibilities of law enforcement agencies.

17 6205. Commencement of proceedings.

18 6206. Hearings.

- 1 6207. Relief.
- 2 6208. Service of orders.
- 3 6209. Emergency relief by minor judiciary.
- 4 6210. Sexual assault counselor.
- 5 6211. Disclosure of addresses.
- 6 6212. Arrest for violation of order.
- 7 6213. Private criminal complaints for violation of order.
- 8 6214. Contempt for violation of order.
- 9 6215. Civil contempt or modification for violation of order.
- 10 6216. Confidentiality.
- 11 6217. Procedure and other remedies.
- 12 6218. Applicability.

13 § 6201. Scope of chapter.

14 This chapter relates to sexual violence victim protection.

15 § 6102. Findings and purpose.

16 The General Assembly finds and declares that:

17 (1) Sexual violence is the most heinous crime against a
18 person other than murder.

19 (2) Sexual violence inflicts humiliation, degradation
20 and terror on the victim.

21 (3) According to the Department of Justice, someone is
22 sexually assaulted every two minutes in the United States.

23 (4) Rape is recognized as one of the most underreported
24 crimes, and studies indicate that only one in three rapes is
25 reported to law enforcement.

26 (5) Victims of sexual violence desire safety and
27 protection from future interactions with their offender,
28 regardless of whether they seek criminal prosecution.

29 (6) This chapter provides the victim with a civil remedy
30 requiring the offender to stay away from the victim, as well

1 as other appropriate relief.

2 § 6203. Definitions.

3 The following words and phrases when used in this chapter
4 shall have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

6 "Confidential communications." As defined in section 5945.1
7 (relating to confidential communications with sexual assault
8 counselors).

9 "Coparticipant." As defined in section 5945.1 (relating to
10 confidential communications with sexual assault counselors).

11 "Court." The court or magisterial district judge having
12 jurisdiction over the matter under and exercised as provided in
13 this title or as otherwise provided or prescribed by law.

14 "Hearing officer." A magisterial district judge, judge of
15 the Philadelphia Municipal Court, bail commissioner appointed
16 under section 1123 (relating to jurisdiction and venue) or
17 master appointed under section 1126 (relating to masters).

18 "Master for emergency relief." A member of the bar of the
19 Commonwealth appointed under section 6209(e) (relating to
20 emergency relief by minor judiciary).

21 "Protection order" or "order." A sexual violence victim
22 protection order issued under this chapter.

23 "Rape crisis center." As defined in section 5945.1 (relating
24 to confidential communications with sexual assault counselors).

25 "Sexual assault counselor." As defined in section 5945.1
26 (relating to confidential communications with sexual assault
27 counselors).

28 "Sexual violence." Conduct constituting a crime under any of
29 the following provisions of Title 18 (relating to crimes and
30 offenses) between persons who are not family or household

1 members, who are not sexual or intimate partners or who do not
2 share biological parenthood:

3 18 Pa.C.S. § 2709(a)(4) (relating to harassment).

4 18 Pa.C.S. Ch. 30 (relating to trafficking of persons).

5 18 Pa.C.S. Ch. 31 (relating to sexual offenses).

6 18 Pa.C.S. § 4304 (relating to endangering welfare of
7 children) if the offense involved sexual contact with the
8 victim.

9 18 Pa.C.S. § 5901 (relating to open lewdness).

10 18 Pa.C.S. § 5902(b.1) (relating to prostitution and
11 related offenses).

12 18 Pa.C.S. § 6301(a)(1)(ii) (relating to corruption of
13 minors).

14 18 Pa.C.S. § 6312(b) (relating to sexual abuse of
15 children).

16 18 Pa.C.S. § 6318 (relating to unlawful contact with
17 minor).

18 18 Pa.C.S. § 6320 (relating to sexual exploitation of
19 children).

20 18 Pa.C.S. § 7507.1 (relating to invasion of privacy).

21 "Sheriff." The sheriff of a county or in a city of the first
22 class, the chief or head of the police department.

23 "Victim." A person who is the victim of sexual violence.

24 § 6204. Responsibilities of law enforcement agencies.

25 (a) General rule.--The police department of each municipal
26 corporation, the Pennsylvania State Police and the sheriff of
27 each county shall ensure that all their officers, deputies and
28 employees are familiar with the provisions of this chapter.

29 Instruction concerning sexual violence victim protection orders
30 shall be made a part of the training curriculum for all trainee

1 officers and deputies. All law enforcement agencies shall adopt
2 a written policy regarding sexual violence victim protection
3 orders.

4 (b) Notice of arrest.--The police department of each
5 municipal corporation and the Pennsylvania State Police shall
6 make reasonable efforts to notify any person protected by an
7 order issued under this chapter of the arrest of the defendant
8 for violation of an order as soon as possible. Unless the person
9 cannot be located, notice of the arrest shall be provided not
10 more than 24 hours after preliminary arraignment.

11 § 6205. Commencement of proceedings.

12 (a) General rule.--An action for a sexual violence victim
13 protection order may be commenced by filing a petition with the
14 court requesting protection from the defendant. An adult or
15 emancipated minor may seek relief under this chapter for that
16 person or any parent, adult household member or guardian ad
17 litem may seek relief under this chapter on behalf of a minor
18 child or the guardian of the person of an adult who has been
19 declared incapacitated under 20 Pa.C.S. Ch. 55 (relating to
20 incapacitated persons) may seek relief on behalf of an
21 incapacitated adult.

22 (b) No prepayment of fees.--The petition shall be filed and
23 service shall be made without the prepayment of fees.

24 (c) Assessment of fees and costs.--

25 (1) (i) No plaintiff seeking relief under this chapter
26 shall be charged any fees or costs associated with the
27 filing, issuance, registration or service of a petition,
28 motion, complaint, order or any other filing. Prohibited
29 fees or costs shall include, but are not limited to,
30 those associated with modifying, withdrawing, dismissing

1 or certifying copies of a petition, motion, complaint,
2 order or any other filing, as well as any judicial
3 surcharge or computer system fee.

4 (ii) No plaintiff seeking relief under this chapter
5 shall be charged any fees or costs associated with filing
6 a motion for reconsideration or an appeal from any order
7 or action taken under this chapter.

8 (2) When an order is granted under this chapter, fees
9 and costs shall be assessed against the defendant. The court
10 shall waive fees and costs upon a showing of good cause or
11 when the court makes a finding that the defendant is not able
12 to pay the fees and costs.

13 (3) Nothing in this subsection is intended to expand or
14 diminish the court's authority to enter an order under
15 Pa.R.C.P. No. 1023.1 (relating to Scope. Signing of
16 Documents. Representations to the Court. Violation).

17 (d) Service.--

18 (1) The court shall adopt a means of prompt and
19 effective service. If the court so orders, the sheriff or
20 another court-designated agency or individual shall serve the
21 petition and protection order. The petition and protection
22 order shall be served upon the defendant, and the order shall
23 be served upon the police departments and sheriff with
24 appropriate jurisdiction to enforce the order. An order also
25 shall be promptly served on the district attorney's office.

26 (2) Failure to serve the police department, sheriff or
27 district attorney's office shall not stay the effect of a
28 valid order.

29 (e) Assistance and advice to plaintiff.--The courts and
30 hearing officers shall:

1 (1) Provide simplified forms and clerical assistance in
2 English and Spanish to help with the writing and filing of
3 the petition for a sexual violence protection order for an
4 individual not represented by counsel.

5 (2) Provide the plaintiff with written and oral
6 referrals, in English and Spanish, to local sexual assault
7 services, to the local legal services office and to the
8 county bar association's lawyer referral service.

9 § 6206. Hearings.

10 (a) General rule.--Within ten days of the filing of a
11 petition under this chapter, an expedited hearing shall be held
12 before the court, at which the plaintiff must prove the need for
13 protection from the defendant by a preponderance of the
14 evidence. The court shall, at the time the defendant is given
15 notice of the hearing, advise the defendant of the right to be
16 represented by counsel.

17 (b) Temporary orders.--If a plaintiff petitions for a
18 temporary protection order for protection from an immediate and
19 present danger, the court shall conduct an ex parte proceeding.
20 The court may enter such a temporary order as it deems necessary
21 to protect the plaintiff when it finds the plaintiff is in
22 immediate and present danger. The temporary order shall remain
23 in effect until modified or terminated by the court after notice
24 and hearing.

25 (c) Continued hearings.--If a hearing under subsection (a)
26 is continued and no temporary protection order is issued, the
27 court may make ex parte temporary orders under subsection (b),
28 as it deems necessary.

29 § 6207. Relief.

30 (a) Order or consent agreement.--The court may issue a

1 protection order or approve a consent agreement to protect the
2 plaintiff from the defendant.

3 (b) General rule.--A protection order or consent agreement
4 may include:

5 (1) Prohibiting the defendant from having any contact
6 with the plaintiff, including, but not limited to,
7 restraining the defendant from entering the plaintiff's
8 residence, place of employment, business or school. This may
9 include prohibiting indirect contact through third parties.

10 (2) Directing the defendant to refrain from harassing or
11 stalking the plaintiff and other designated persons as
12 defined in 18 Pa.C.S. §§ 2709 (relating to harassment) and
13 2709.1 (relating to stalking).

14 (3) Granting any other appropriate relief sought by the
15 plaintiff.

16 (c) Duration and amendment of order or agreement.--A
17 protection order or an approved consent agreement shall be for a
18 fixed period of time not to exceed 36 months.

19 (d) Extension of protection orders.--

20 (1) An extension of a protection order may be granted:

21 (i) Where the court finds, after a duly filed
22 petition, notice to the defendant and a hearing, in
23 accordance with the procedures set forth in sections 6205
24 (relating to commencement of proceedings) and 6206
25 (relating to hearings), that the protection is necessary
26 because the defendant engaged in one or more acts that
27 indicate continued risk of harm to the plaintiff.

28 (ii) When a contempt petition or charge has been
29 filed with the court or, in a county of the first class,
30 a hearing officer, but the hearing has not occurred

1 before the expiration of the protection order, the order
2 shall be extended, at a minimum, until the disposition of
3 the contempt petition.

4 (2) Service of an extended protection order shall be
5 made in accordance with sections 6205(d) and 6208 (relating
6 to service of orders).

7 (3) There shall be no limitation on the number of
8 extensions that may be granted.

9 (e) Notice.--Notice shall be given to the defendant stating
10 that violations of the protection order will subject the
11 defendant to arrest under section 6212 (relating to arrest for
12 violation of order) or contempt of court under section 6214
13 (relating to contempt for violation of order).

14 (f) Incarceration.--When the defendant is incarcerated and
15 about to be released or has recently been released from
16 incarceration, a plaintiff does not need to show that the
17 defendant engaged in one or more acts that indicate continued
18 risk of harm to the plaintiff in order to obtain an extension or
19 a subsequent protection order under this act.

20 § 6208. Service of orders.

21 A copy of a protection order shall be issued to the
22 plaintiff, the defendant and the police department with
23 appropriate jurisdiction to enforce the order in accordance with
24 the provisions of this chapter or as ordered by the court or
25 hearing officer.

26 § 6209. Emergency relief by minor judiciary.

27 (a) General rule.--When:

28 (1) in counties with fewer than four judges, the court
29 is unavailable:

30 (i) from the close of business at the end of each

1 day to the resumption of business the next morning;

2 (ii) from the end of the business week to the
3 beginning of the business week; and

4 (iii) during the business day by reason of duties
5 outside the county, illness or vacation;

6 (2) in counties with at least four judges, the court is
7 unavailable:

8 (i) from the close of business at the end of each
9 day to the resumption of business the next morning; and

10 (ii) from the end of the business week to the
11 beginning of the business week;

12 a petition may be filed before a hearing officer who may grant
13 relief in accordance with section 6207 (relating to relief) if
14 the hearing officer deems it necessary to protect the plaintiff
15 upon good cause shown in an ex parte proceeding. Immediate and
16 present danger to the plaintiff shall constitute good cause for
17 the purposes of this subsection.

18 (b) Expiration of order.--A protection order issued under
19 subsection (a) shall expire at the end of the next business day
20 the court deems itself available. The court shall schedule
21 hearings on orders entered by hearing officers under subsection
22 (a) and shall review and continue in effect protection orders
23 that are necessary to protect the plaintiff until the hearing,
24 at which time the plaintiff may seek a temporary protection
25 order from the court.

26 (c) Certification of order to court.--An emergency
27 protection order issued under this section and any documentation
28 in support thereof shall be immediately certified to the court.
29 The certification to the court shall have the effect of
30 commencing proceedings under section 6205 (relating to

1 commencement of proceedings) and invoking the other provisions
2 of this chapter. If it is not already alleged in a petition for
3 an emergency order, the plaintiff shall file a verified
4 statement setting forth the reasons for the need for protection
5 at least five days prior to the hearing. Service of the verified
6 statement shall be made subject to section 6205(d).

7 (d) Instructions regarding the commencement of
8 proceedings.--Upon issuance of an emergency protection order,
9 the hearing officer shall provide the plaintiff instructions
10 regarding the commencement of proceedings in the court at the
11 beginning of the next business day and regarding the procedures
12 for initiating a contempt charge should the defendant violate
13 the emergency protection order. The hearing officer shall also
14 advise the plaintiff of the existence of rape crisis centers in
15 the county or in nearby counties and inform the plaintiff of the
16 availability of legal assistance without cost if the plaintiff
17 is unable to pay for them.

18 (e) Master of emergency relief.--The president judge of a
19 court of common pleas of a judicial district may, with the
20 approval of the Administrative Office of Pennsylvania Courts,
21 provide for the selection and appointment of a master for
22 emergency relief on a full-time or part-time basis. The number
23 of masters for emergency relief shall be fixed by the president
24 judge with the approval of the Administrative Office of
25 Pennsylvania Courts. The compensation of a master for emergency
26 relief shall be fixed and paid by the county.

27 § 6210. Sexual assault counselor.

28 A sexual assault counselor may accompany and provide
29 assistance to a plaintiff in any legal proceeding or hearing
30 under this chapter.

1 § 6211. Disclosure of addresses.

2 (a) General rule.--During the course of a proceeding under
3 this chapter, the court or hearing officer may consider whether
4 the plaintiff is endangered by disclosure of the permanent or
5 temporary address of the plaintiff. The court shall consider the
6 wishes of the plaintiff regarding the disclosure of the address.
7 Neither in the pleadings nor during proceedings or hearings
8 under this chapter shall the court or hearing officer require
9 disclosure of the address of a rape crisis center.

10 (b) Order.--Where the court concludes that the defendant
11 poses a threat of continued danger to the plaintiff and where
12 the plaintiff requests that the address, telephone number and
13 information about the plaintiff's whereabouts not be disclosed,
14 the court shall enter an order directing that law enforcement
15 agencies, human service agencies and school districts shall not
16 disclose the presence of the plaintiff in the jurisdiction or
17 district or furnish any address, telephone number or any other
18 demographic information about the plaintiff except by further
19 order of the court.

20 § 6212. Arrest for violation of order.

21 (a) General rule.--An arrest for a violation of a protection
22 order or court-approved consent agreement issued under this
23 chapter may be without warrant upon probable cause, whether or
24 not the violation is committed in the presence of the police
25 officer or sheriff, in circumstances where the defendant has
26 violated a provision of a protection order consistent with
27 section 6207 (relating to relief). The police officer or sheriff
28 may verify the existence of a protection order by telephone,
29 radio or other electronic communication with the appropriate
30 police department or issuing authority. A police officer or

1 sheriff shall arrest a defendant for violating a protection
2 order by a court within the judicial district or issued by a
3 court in another judicial district within this Commonwealth.

4 (b) Procedure following arrest.--

5 (1) Subsequent to an arrest, the defendant shall be
6 taken by the police officer or sheriff without unnecessary
7 delay before the court in the judicial district where the
8 contempt is alleged to have occurred.

9 (2) When that court is unavailable, the police officer
10 or sheriff shall convey the defendant to a magisterial
11 district judge designated as appropriate by local rules of
12 court or, in counties of the first class, to the appropriate
13 hearing officer.

14 (c) Preliminary arraignment.--The defendant shall be
15 afforded a preliminary arraignment without unnecessary delay.

16 (d) Other emergency powers unaffected.--This section shall
17 not be construed to in any way limit any of the other powers for
18 emergency relief provided under this chapter.

19 (e) Hearing.--An expedited hearing shall be scheduled within
20 ten days of the filing of the charge or complaint of indirect
21 criminal contempt. The hearing and any adjudication shall not
22 preclude a hearing on other criminal charges underlying the
23 contempt, nor shall a hearing or adjudication on other criminal
24 charges preclude a hearing on a charge of indirect criminal
25 contempt.

26 § 6213. Private criminal complaints for violation of order.

27 (a) General rule.--A plaintiff may file a private criminal
28 complaint against a defendant, alleging indirect criminal
29 contempt for a violation of any provision of a protection order
30 or court-approved consent agreement issued under this chapter,

1 with the court, the office of the district attorney or the
2 magisterial district judge in the jurisdiction or county where
3 the violation occurred.

4 (b) Procedure service.--Procedure for filing and service of
5 a private criminal complaint shall be provided as set forth by
6 local rule.

7 (c) Fees and costs.--

8 (1) No fees or costs associated with the prosecution of
9 the private criminal complaint shall be assigned to the
10 plaintiff, including, but not limited to, filing, service,
11 failure to prosecute, withdrawal or dismissal.

12 (2) (i) After a finding of indirect criminal contempt,
13 fees and costs may be assigned against the defendant.

14 (ii) The court shall waive fees and costs imposed
15 under this chapter upon a showing of good cause or if the
16 court makes a finding that the defendant is not able to
17 pay the costs associated with the indirect criminal
18 contempt action.

19 (3) Nothing in this subsection shall be construed to
20 expand or diminish the court's authority to enter an order
21 under Pa.R.C.P. No.1023.1 (relating to Scope. Signing of
22 Documents. Representation to Court. Violation).

23 § 6214. Contempt for violation of order.

24 (a) General rule.--Where the police department, sheriff or
25 the plaintiff has filed charges of indirect criminal contempt
26 against a defendant for violation of a protection order or
27 court-approved agreement entered into under this chapter, the
28 court may hold the defendant in indirect criminal contempt and
29 punish the defendant in accordance with law.

30 (b) Jurisdiction.--A court shall have jurisdiction over

1 indirect criminal contempt charges for violation of a protection
2 order in the county where the violation occurred.

3 (c) Minor defendant.--Any defendant who is a minor and who
4 is charged with indirect criminal contempt for allegedly
5 violating a protection order shall be considered to have
6 committed an alleged delinquent act as that term is defined in
7 section 6302 (relating to definitions) and shall be treated as
8 provided in Chapter 63 (relating to juvenile matters).

9 (d) Trial and punishment.--

10 (1) Notwithstanding section 4136(a) (relating to rights
11 of persons charged with certain indirect criminal contempts),
12 the defendant shall not have the right to a jury trial;
13 however, the defendant shall be entitled to counsel.

14 (2) A sentence for indirect criminal contempt under this
15 act may include:

16 (i) A fine of not less than \$300 nor more than
17 \$1,000 or imprisonment for a period not exceeding six
18 months, or both.

19 (ii) A fine of not less than \$300 nor more than
20 \$1,000 or supervised probation for a period not exceeding
21 six months, or both.

22 (iii) An order for any other relief provided for
23 under this act.

24 (3) Upon conviction for indirect criminal contempt and
25 at the request of the plaintiff, the court shall also grant
26 an extension of the protection order for an additional term.

27 (4) Upon conviction for indirect criminal contempt, the
28 court shall notify the sheriff of the jurisdiction which
29 issued the protection order of the conviction.

30 (e) Notification upon release.--

1 (1) The appropriate releasing authority or other
2 official as designated by local rule shall use all reasonable
3 means to notify the victim sufficiently in advance of the
4 release of the offender from any incarceration imposed under
5 subsection (d). Notification shall be required for work
6 release, furlough, medical leave, community service,
7 discharge, escape and recapture. Notification shall include
8 the terms and conditions imposed on any temporary release
9 from custody.

10 (2) The plaintiff must keep the appropriate releasing
11 authority or other official as designated by local rule
12 advised of contact information; failure to do so will
13 constitute waiver of any right to notification under this
14 section.

15 (f) Multiple remedies.--Disposition of a charge of indirect
16 criminal contempt shall not preclude the prosecution of other
17 criminal charges associated with the incident giving rise to the
18 contempt, nor shall disposition of other criminal charges
19 preclude prosecution of indirect criminal contempt associated
20 with the criminal conduct giving rise to the charges.

21 § 6215. Civil contempt or modification for violation of order.

22 (a) General rule.--A plaintiff may file a petition for civil
23 contempt with the issuing court alleging that the defendant has
24 violated any provision of a protection order or court-approved
25 agreement entered into under this chapter.

26 (b) Civil contempt order.--Upon finding of a violation of a
27 protection order, the court, either pursuant to petition for
28 civil contempt or on its own accord, may hold the defendant in
29 civil contempt and constrain the defendant in accordance with
30 law.

1 (c) Sentencing.--A sentence for civil contempt under this
2 chapter may include imprisonment until the defendant complies
3 with provisions of the order or demonstrates the intent to do
4 so, but in no case shall a term of imprisonment under this
5 section exceed a period of six months.

6 (d) Jury trial and counsel.--Notwithstanding section 4136(a)
7 (relating to rights of persons charged with certain indirect
8 criminal contempts), the defendant shall not have a right to a
9 jury trial; however, the defendant shall be entitled to counsel.
10 § 6216. Confidentiality.

11 (a) Nature of privilege.--

12 (1) Unless a victim waives the privilege in a signed
13 writing prior to testimony or disclosure, a sexual assault
14 counselor or a coparticipant who is present during sexual
15 assault counseling or advocacy shall not be competent nor
16 permitted to testify, release the records of or to otherwise
17 disclose confidential communications made to or by the
18 counselor by or to a victim.

19 (2) Neither the sexual assault counselor nor the victim
20 shall waive the privilege of confidential communications by
21 reporting facts of physical or sexual violence under 23
22 Pa.C.S. Ch. 63 (relating to child protective services), a
23 Federal or State mandatory reporting statute or a local
24 mandatory reporting ordinance.

25 (b) Definition.--As used in this section, the term "victim"
26 is a person against whom sexual violence is committed who
27 consults a sexual assault counselor for the purpose of securing
28 advice, counseling or assistance. The term also includes a
29 person who has a significant relationship with the victim and
30 who seeks advice, counseling or assistance from a sexual assault

1 counselor regarding the victim.

2 § 6217. Procedure and other remedies.

3 Unless otherwise indicated under this chapter, a proceeding
4 under this chapter shall be in accordance with applicable
5 general rules and shall be in addition to any other available
6 civil or criminal remedies. The plaintiff may seek modification
7 of a protection order issued under section 6207 (relating to
8 relief) at any time during the pendency of the order, but a
9 court may not sua sponte modify the order. Modification may be
10 ordered after the filing of a petition for modification, service
11 of the petition, and a hearing on the petition.

12 § 6218. Applicability.

13 The provisions of the following acts relating to victims who
14 are protected by an order issued under 23 Pa.C.S. Ch. 61 shall
15 apply also to victims who are protected by an order issued under
16 this chapter:

17 (1) The act of November 24, 1998 (P.L.882, No.111),
18 known as the Crime Victims Act.

19 (2) 23 Pa.C.S. Ch. 67 (relating to domestic and sexual
20 violence victim address confidentiality).

21 Section 2. The definition of "delinquent act" in section
22 6302 of Title 42 is amended to read:

23 § 6302. Definitions.

24 The following words and phrases when used in this chapter
25 shall have, unless the context clearly indicates otherwise, the
26 meanings given to them in this section:

27 * * *

28 "Delinquent act."

29 (1) The term means an act designated a crime under the
30 law of this Commonwealth, or of another state if the act

1 occurred in that state, or under Federal law, or under local
2 ordinances or an act which constitutes indirect criminal
3 contempt under Ch. 62 (relating to sexual violence victim
4 protection) or 23 Pa.C.S. Ch. 61 (relating to protection from
5 abuse).

6 (2) The term shall not include:

7 (i) The crime of murder.

8 (ii) Any of the following prohibited conduct where
9 the child was 15 years of age or older at the time of the
10 alleged conduct and a deadly weapon as defined in 18
11 Pa.C.S. § 2301 (relating to definitions) was used during
12 the commission of the offense which, if committed by an
13 adult, would be classified as:

14 (A) Rape as defined in 18 Pa.C.S. § 3121
15 (relating to rape).

16 (B) Involuntary deviate sexual intercourse as
17 defined in 18 Pa.C.S. § 3123 (relating to involuntary
18 deviate sexual intercourse).

19 (C) Aggravated assault as defined in 18 Pa.C.S.
20 § 2702(a)(1) or (2) (relating to aggravated assault).

21 (D) Robbery as defined in 18 Pa.C.S. § 3701(a)
22 (1)(i), (ii) or (iii) (relating to robbery).

23 (E) Robbery of motor vehicle as defined in 18
24 Pa.C.S. § 3702 (relating to robbery of motor
25 vehicle).

26 (F) Aggravated indecent assault as defined in 18
27 Pa.C.S. § 3125 (relating to aggravated indecent
28 assault).

29 (G) Kidnapping as defined in 18 Pa.C.S. § 2901
30 (relating to kidnapping).

1 (H) Voluntary manslaughter.

2 (I) An attempt, conspiracy or solicitation to
3 commit murder or any of these crimes as provided in
4 18 Pa.C.S. §§ 901 (relating to criminal attempt), 902
5 (relating to criminal solicitation) and 903 (relating
6 to criminal conspiracy).

7 (iii) Any of the following prohibited conduct where
8 the child was 15 years of age or older at the time of the
9 alleged conduct and has been previously adjudicated
10 delinquent of any of the following prohibited conduct
11 which, if committed by an adult, would be classified as:

12 (A) Rape as defined in 18 Pa.C.S. § 3121.

13 (B) Involuntary deviate sexual intercourse as
14 defined in 18 Pa.C.S. § 3123.

15 (C) Robbery as defined in 18 Pa.C.S. § 3701(a)
16 (1)(i), (ii) or (iii).

17 (D) Robbery of motor vehicle as defined in 18
18 Pa.C.S. § 3702.

19 (E) Aggravated indecent assault as defined in 18
20 Pa.C.S. § 3125.

21 (F) Kidnapping as defined in 18 Pa.C.S. § 2901.

22 (G) Voluntary manslaughter.

23 (H) An attempt, conspiracy or solicitation to
24 commit murder or any of these crimes as provided in
25 18 Pa.C.S. §§ 901, 902 and 903.

26 (iv) Summary offenses, unless the child fails to
27 comply with a lawful sentence imposed thereunder, in
28 which event notice of such fact shall be certified to the
29 court.

30 (v) A crime committed by a child who has been found

1 guilty in a criminal proceeding for other than a summary
2 offense.

3 * * *

4 Section 3. This act shall take effect in 180 days.