
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 723 Session of
2015

INTRODUCED BY FARNESE, MCGARRIGLE, BREWSTER, FONTANA AND
BOSCOLA, APRIL 14, 2015

REFERRED TO JUDICIARY, APRIL 14, 2015

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; and providing for
4 consideration of other conduct and child conceived as a
5 result of certain conduct.

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

8 Section 1. Section 5329 of Title 23 of the Pennsylvania
9 Consolidated Statutes is amended by adding a subsection to read:
10 § 5329. Consideration of criminal conviction.

11 * * *

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

17 (1) Rape under 18 Pa.C.S. § 3121.

18 (2) Statutory sexual assault under 18 Pa.C.S. § 3122.1.

19 (3) Sexual assault under 18 Pa.C.S. § 3124.1.

1 (4) Institutional sexual assault under 18 Pa.C.S. §
2 3124.2 (relating to institutional sexual assault).

3 (5) Incest under 18 Pa.C.S. § 4302.

4 * * *

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

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

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

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

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

16 (ii) Statutory sexual assault under 18 Pa.C.S. §
17 3122.1 (relating to statutory sexual assault).

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

20 (iv) Institutional sexual assault under 18 Pa.C.S. §
21 3124.2 (relating to institutional sexual assault).

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

24 (2) The parent who seeks custody, partial custody or
25 supervised physical custody of the child described in
26 paragraph (1) committed the conduct described in paragraph
27 (1).

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