
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1175 Session of
2018

INTRODUCED BY WARD, RAFFERTY, VULAKOVICH, COSTA, RESCHENTHALER,
BARTOLOTTA, STEFANO AND BROWNE, MAY 23, 2018

REFERRED TO JUDICIARY, MAY 23, 2018

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in wiretapping and electronic surveillance, further
4 providing for administrative subpoena; and, in juvenile
5 matters, further providing for powers and duties of probation
6 officers and for detention of child.

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

9 Section 1. Section 5743.1(a)(1) introductory paragraph and
10 (g) of Title 18 of the Pennsylvania Consolidated Statutes are
11 amended to read:

12 § 5743.1. Administrative subpoena.

13 (a) Authorization.--

14 (1) In an ongoing investigation that monitors or
15 utilizes online services or other means of electronic
16 communication to identify individuals engaged in an offense
17 involving the sexual exploitation or abuse of children or
18 individuals who are suspected to have made a terroristic
19 threat committed on or against a school property, including a
20 public school grounds, during a school-sponsored activity or

1 on a conveyance providing transportation to a school entity
2 or school-sponsored activity, the following shall apply:

3 * * *

4 (g) Definitions.--As used in this section, the following
5 words and phrases shall have the meanings given to them in this
6 subsection:

7 "Offense involving the sexual exploitation or abuse of
8 children." An offense, including an attempt, conspiracy or
9 solicitation involving any of the following, in which a victim
10 is an individual who is under the age of 18 years:

11 (1) Chapter 29 (relating to kidnapping).

12 (2) Chapter 30 (relating to human trafficking).

13 (3) Chapter 31 (relating to sexual offenses).

14 (4) Section 6312 (relating to sexual abuse of children).

15 (5) Section 6318 (relating to unlawful contact with
16 minor).

17 (6) Section 6320 (relating to sexual exploitation of
18 children).

19 "Terroristic threat." A violation or an attempted violation
20 under section 2706 (relating to terroristic threats).

21 Section 2. Section 6304(a)(1) of Title 42 of the
22 Pennsylvania Consolidated Statutes is amended to read:

23 § 6304. Powers and duties of probation officers.

24 (a) General rule.--For the purpose of carrying out the
25 objectives and purposes of this chapter, and subject to the
26 limitations of this chapter or imposed by the court, a probation
27 officer shall:

28 (1) Make investigations, reports, and recommendations to
29 the court. Investigations shall include a review of all
30 available school records for disciplinary actions taken

1 against a child charged with delinquency.

2 * * *

3 Section 3. Section 6325 of Title 42 is amended to read:

4 § 6325. Detention of child.

5 (a) General rule.--A child taken into custody shall not be
6 detained or placed in shelter care prior to the hearing on the
7 petition unless his detention or care is required to protect the
8 person or property of others or of the child or because the
9 child may abscond or be removed from the jurisdiction of the
10 court or because he has no parent, guardian, or custodian or
11 other person able to provide supervision and care for him and
12 return him to the court when required, or an order for his
13 detention or shelter care has been made by the court pursuant to
14 this chapter.

15 (b) Mental health evaluation.--A child suspected of
16 committing a violation under 18 Pa.C.S. § 2706 (relating to
17 terroristic threats) shall undergo a mental health evaluation by
18 a licensed psychologist or psychiatrist prior to a decision as
19 to whether to detain the child. The evaluation shall be limited
20 to assessing the potential of the child to inflict harm upon the
21 child or others.

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