

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 360 Session of
2019

INTRODUCED BY TOPPER, WARREN, TOOHIL, BERNSTINE, BIZZARRO, BRIGGS, CALTAGIRONE, CIRESI, T. DAVIS, DRISCOLL, ECKER, EMRICK, GOODMAN, HERSHEY, HILL-EVANS, HOWARD, IRVIN, ISAACSON, KAUFFMAN, KINSEY, KLUNK, McCLINTON, McNEILL, D. MILLER, MIZGORSKI, NEILSON, PETRARCA, RABB, SANKEY, SCHEMEL, SCHLOSSBERG, SCHWEYER, SHUSTERMAN, STAATS, ULLMAN, DONATUCCI, HELM, GILLEN, NESBIT, RAVENSTAHL, DAWKINS, HENNESSEY, SAPPEY, MALAGARI, MACKENZIE, MIHALEK, CONKLIN, FRANKEL, HICKERNELL, BARRAR, DALEY, STURLA, INNAMORATO, BROWN, READSHAW, PASHINSKI, MADDEN, HOHENSTEIN, MERSKI, METCALFE, COOK, MILLARD, SCHLEGEL CULVER, SANCHEZ, SIMS, BRADFORD, COMMITTA, SOLOMON, FLYNN, HARRIS, KIM, FITZGERALD, JAMES, DIGIROLAMO, RYAN, MASSER, MARKOSEK, MALONEY, DAVIDSON, BROOKS, JOHNSON-HARRELL, ROZZI, THOMAS, HANBIDGE, WEBSTER AND DUSH, FEBRUARY 4, 2019

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, APRIL 28, 2020

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in marriage license, further providing
3 for restrictions on issuance of license and for oral
4 examination; AND, IN CHILD PROTECTIVE SERVICES, PROVIDING FOR <--
5 PANDEMIC OF 2020.

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

8 Section 1. Sections 1304(b) and 1306(b) of Title 23 of the
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 1304. Restrictions on issuance of license.

11 (b) Minors.--

12 (1) No marriage license may be issued if either of the

1 applicants for a license is under [16 years of age unless the
2 court decides that it is to the best interest of the
3 applicant and authorizes the issuance of the license.

4 (2) No marriage license may be issued if either of the
5 applicants is under 18 years of age unless the consent of the
6 custodial parent or guardian of the applicant is personally
7 given before the person issuing the license or is certified
8 under the hand of the custodial parent or guardian attested
9 by two adult witnesses and, in the latter case, the signature
10 of the custodial parent or guardian is acknowledged before an
11 officer authorized by law to take acknowledgments. When the
12 minor has no guardian and a judge of the court is absent or
13 not accessible for any reason, the office issuing the license
14 may appoint a guardian pro hac vice for the minor.] 18 years
15 of age.

16 * * *

17 § 1306. Oral examination.

18 * * *

19 (b) Exception.--If an applicant is unable to appear in
20 person because of his active military service or because the
21 office of the register of wills is closed due to a state of
22 disaster emergency declared by the Governor under 35 Pa.C.S. §
23 7301(c) (relating to general authority of Governor) or a
24 declaration of judicial emergency under Article V of the
25 Constitution of Pennsylvania, a law of this Commonwealth, a rule
26 of court or other judicial order by the Supreme Court or any
27 agency or unit of the unified judicial system exercising a power
28 or performing a duty under 42 Pa.C.S. § 1721 (relating to
29 delegation of powers), the applicant shall be permitted to
30 forward an affidavit, which verifies all of the information

1 required under subsection (a), to the issuing authority.

2 * * *

3 ~~Section 2. The amendment of 23 Pa.C.S. § 1306(b) shall be~~ <--
4 ~~retroactive to March 18, 2020.~~

5 SECTION 2. TITLE 23 IS AMENDED BY ADDING A SECTION TO READ: <--
6 § 6387. PANDEMIC OF 2020.

7 (A) GENERAL RULE.--NOTWITHSTANDING ANY PROVISION OF LAW TO
8 THE CONTRARY, THE FOLLOWING SHALL APPLY TO ANY INDIVIDUAL
9 REQUIRED TO OBTAIN RECERTIFICATION UNDER SECTION 6344.4
10 (RELATING TO RECERTIFICATION) DURING THE DISASTER EMERGENCY
11 RELATING TO COVID-19. THE FOLLOWING SHALL APPLY:

12 (1) AN INDIVIDUAL SHALL HAVE UNTIL DECEMBER 31, 2020, TO
13 OBTAIN THE RECERTIFICATION UNDER SECTION 6344(B)(3) (RELATING
14 TO EMPLOYEES HAVING CONTACT WITH CHILDREN; ADOPTIVE AND
15 FOSTER PARENTS).

16 (2) AN INDIVIDUAL SHALL BE REQUIRED TO OBTAIN THE
17 CERTIFICATIONS UNDER SECTION 6344(B)(1) AND (2) AS REQUIRED
18 UNDER SECTION 6344.4.

19 (3) AN INDIVIDUAL WHO DELAYS RECERTIFICATION UNDER
20 SECTION 6344(B)(3) SHALL BE REQUIRED TO OBTAIN THE
21 INDIVIDUAL'S SUBSEQUENT RECERTIFICATIONS REQUIRED UNDER
22 SECTION 6344.4 WITHIN 60 MONTHS FROM THE DATE OF THE
23 INDIVIDUAL'S MOST RECENT CERTIFICATION.

24 (B) INITIAL APPLICANTS.--THE FOLLOWING SHALL APPLY:

25 (1) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
26 CONTRARY, AN INDIVIDUAL IDENTIFIED UNDER SECTION 6344(A) MAY
27 COMMENCE EMPLOYMENT PRIOR TO OBTAINING THE CERTIFICATION
28 REQUIRED UNDER SECTION 6344(B)(3) IF ALL OF THE FOLLOWING
29 APPLY:

30 (I) THE INDIVIDUAL HAS BEEN A RESIDENT OF THIS

1 COMMONWEALTH DURING THE ENTIRETY OF THE PREVIOUS 10-YEAR
2 PERIOD OR, IF THE INDIVIDUAL HAS NOT BEEN A RESIDENT OF
3 THIS COMMONWEALTH DURING THE ENTIRETY OF THE PREVIOUS 10-
4 YEAR PERIOD, THE INDIVIDUAL HAS SUBMITTED AN EQUIVALENT
5 CERTIFICATION UNDER SECTION 6344(B)(1) FROM THE LAST
6 STATE IN WHICH THE INDIVIDUAL WAS A RESIDENT.

7 (II) THE INDIVIDUAL HAS SUBMITTED THE CERTIFICATIONS
8 UNDER SECTION 6344(B)(1) AND (2) TO THE EMPLOYER,
9 ADMINISTRATOR, SUPERVISOR OR OTHER PERSON RESPONSIBLE FOR
10 EMPLOYMENT DECISIONS PRIOR TO THE COMMENCEMENT OF
11 EMPLOYMENT.

12 (III) AN EMPLOYER, ADMINISTRATOR, SUPERVISOR OR
13 OTHER PERSON RESPONSIBLE FOR EMPLOYMENT DECISIONS SHALL
14 DOCUMENT THE REASON, WHICH RELATES TO THE COVID-19
15 DISASTER EMERGENCY, THAT THE INDIVIDUAL IS UNABLE TO
16 OBTAIN AND SUBMIT THE CERTIFICATIONS REQUIRED UNDER
17 SECTION 6344(B)(3).

18 (IV) THE INDIVIDUAL AFFIRMS, SUBJECT TO THE PENALTY
19 OF 18 PA.C.S. § 4903 (RELATING TO FALSE SWEARING), IN
20 WRITING, THAT THE INDIVIDUAL IS NOT DISQUALIFIED FROM
21 EMPLOYMENT PURSUANT TO SECTION 6344(C) OR HAS NOT BEEN
22 CONVICTED OF AN OFFENSE SIMILAR IN NATURE TO THOSE CRIMES
23 LISTED IN SECTION 6344(C) UNDER THE LAWS OR FORMER LAWS
24 OF THE UNITED STATES OR ONE OF ITS TERRITORIES OR
25 POSSESSIONS, ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE
26 COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION, OR UNDER
27 A FORMER LAW OF THIS COMMONWEALTH.

28 (2) AN INDIVIDUAL WHO COMMENCES EMPLOYMENT UNDER
29 PARAGRAPH (1) SHALL BE REQUIRED TO SUBMIT THE INFORMATION
30 REQUIRED UNDER SECTION 6344(B)(3) NO LATER THAN DECEMBER 31,

1 2020, OR 60 DAYS AFTER THE EXPIRATION OF THE DECLARATION OF
2 DISASTER EMERGENCY ISSUED BE THE GOVERNOR ON MARCH 6, 2020,
3 PUBLISHED AT 50 PA.B 1644 (MARCH 21, 2020), WHICHEVER IS
4 SOONER.

5 (3) IF THE INFORMATION OBTAINED PURSUANT TO SECTION
6 6344(B) (3) REVEALS THAT AN INDIVIDUAL IS DISQUALIFIED FROM
7 EMPLOYMENT PURSUANT TO SECTION 6344(C), THE INDIVIDUAL SHALL
8 BE IMMEDIATELY DISMISSED BY THE EMPLOYER, ADMINISTRATOR,
9 SUPERVISOR OR OTHER PERSON RESPONSIBLE FOR EMPLOYMENT
10 DECISIONS.

11 (4) AN INDIVIDUAL WHO COMMENCES EMPLOYMENT IN A CHILD
12 DAY-CARE CENTER, GROUP DAY-CARE HOME OR FAMILY CHILD-CARE
13 HOME UNDER PARAGRAPH (1) SHALL COMPLY WITH SECTION 6344(M)
14 (5).

15 (5) THIS SUBSECTION SHALL EXPIRE DECEMBER 31, 2020.

16 (C) REQUIRED RECORD.--AN EMPLOYER, ADMINISTRATOR, SUPERVISOR
17 OR OTHER PERSON RESPONSIBLE FOR EMPLOYMENT DECISIONS SHALL
18 MAINTAIN A COPY OF THE REQUIRED INFORMATION UNDER SUBSECTIONS
19 (A) AND (B).

20 (D) DEFINITION.--AS USED IN THIS SECTION, THE TERM "COVID-
21 19" MEANS THE NOVEL CORONAVIRUS AS IDENTIFIED IN THE
22 PROCLAMATION OF DISASTER EMERGENCY ISSUED BY THE GOVERNOR ON
23 MARCH 6, 2020, PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020).

24 SECTION 3. THIS ACT SHALL BE RETROACTIVE AS FOLLOWS:

25 (1) THE AMENDMENT OF 23 PA.C.S. § 1306(B) SHALL BE
26 RETROACTIVE TO MARCH 18, 2020.

27 (2) THE ADDITION OF 23 PA.C.S. § 6387(A) AND (C) SHALL
28 BE RETROACTIVE TO MARCH 6, 2020.

29 Section ~~3~~ 4. This act shall take effect as follows:

30 (1) The amendment of 23 Pa.C.S. § 1304(b) shall take

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1 effect in 60 days.

2 (2) The remainder of this act shall take effect
3 immediately.