

COMMITTEE BILL ANALYSIS

Bill: Senate Bill 28

Printer's No.: 687

Sponsor: Senator Browne

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Synopsis: This bill amends the Crimes Code, Title 18, the Domestic Relations Code, Title 23, and the Judicial Code, Title 42 of the Pennsylvania Consolidated Statutes, relating to criminal offenses against children.

Summary: The bill amends or adds several provisions to the Crimes Code (Title 18).

Simple assault

Simple assault is a misdemeanor of the first degree if it is committed against a child under 12 years old by a person 18 years of age or older. Currently, the perpetrator needs to be 21 years of age or older to make the offense a first degree misdemeanor.

Aggravated assault

A person is guilty of aggravated assault if the person attempts to cause or intentionally, knowingly or recklessly causes bodily injury to a child less than six years of age, by a person 18 years of age or older. Aggravated assault in this case is a felony of the second degree.

A person is guilty of aggravated assault if the person attempts to cause or intentionally, knowingly or recklessly causes serious bodily injury to a child less than 13 years of age, by a person 18 years of age or older. Aggravated assault in this case is a felony of the first degree.

Endangering the welfare of children

A person commits an offense if the person is 18 years of age or older and resides in the home of a child or is a paramour of a parent of the child; the person has knowledge or reason to believe that the child is being endangered; and fails to report the endangerment. In this case the offense is a misdemeanor of the first degree.

A person commits an offense if the person intentionally or knowingly acts to prevent the discovery by law enforcement or a county agency of an abused or neglected child. In this case the offense is a felony of the third degree.

False reports of child abuse

A person who intentionally makes a false report of suspected child abuse against a person commits a misdemeanor of the second degree.

Intimidation or retaliation

A person commits an offense if the person intimidates or attempts to intimidate any reporter, victim or witness to refrain from making a report of suspected child abuse or otherwise impedes the investigation.

A person commits an offense if the person harms another person or threatens another person in retaliation for anything that the person has lawfully done as a reporter, witness or victim of child abuse.

These offenses are graded as a felony of the second degree if the actor employs force, violence or deception; the actor offers pecuniary or other benefits; the actor's conduct is in furtherance of a conspiracy; the actor accepts, agrees or solicits another person to accept any pecuniary benefit to intimidate or retaliate against the reporter, witness or victim; or the actor has suffered a prior conviction for a violation of this section or similar law in another jurisdiction. Otherwise the offense is a misdemeanor of the second degree.

The section includes a definition of "child abuse."

Domestic Relations Code (Title 23)

A provision is added providing exclusions from child abuse for environmental factors, religious beliefs and disciplinary purposes.

Judicial Code (Title 42)

The section relating to sentences for offense against infant persons is amended to include a mandatory minimum prison sentence of five years for aggravated assault when there is serious bodily injury to a child less than 13 years of age. There is a mandatory minimum sentence of two years for aggravated assault when there is bodily injury against a child less than six years old.

Effective date

This act takes effect in 60 days.

Background: According to the sponsor the purpose of this legislation is "to address the recommendations made by the Task Force on Child Protection established by SR 250, by amending Title 18 (Crimes and Offenses) to comprehensively strengthen Pennsylvania's child abuse laws."