
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 75 Session of
2011

INTRODUCED BY MARSICO, CALTAGIRONE, BAKER, BARRAR, BOYD, B. BOYLE, CHRISTIANA, DeLUCA, DePASQUALE, EVERETT, FABRIZIO, GABLER, GEIST, GINGRICH, GOODMAN, GRELL, GROVE, HARRIS, HICKERNELL, HORNAMAN, HUTCHINSON, KAUFFMAN, M. K. KELLER, KILLION, KOTIK, LONGIETTI, MATZIE, MILLER, OBERLANDER, PAYNE, PICKETT, PYLE, QUINN, READSHAW, SACCONI, SAYLOR, SCAVELLO, K. SMITH, SONNEY, STEPHENS, STEVENSON, STURLA, SWANGER, TOEPEL, VULAKOVICH, WATSON, YOUNGBLOOD, BOBACK, KORTZ, REICHLEY, HESS, HELM, CAUSER, SANTARSIERO, CLYMER, GILLESPIE, DAVIS, MAJOR, TOOHIL, VEREB, GILLEN, KAVULICH, FARRY, MARSHALL, BROOKS, BARBIN AND MILNE, JANUARY 19, 2011

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 25, 2012

AN ACT

~~Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentence for failure to comply with registration of sexual offenders.~~

AMENDING TITLES 18 (CRIMES AND OFFENSES) AND 42 (JUDICIARY AND JUDICIAL PROCEDURE) OF THE PENNSYLVANIA CONSOLIDATED STATUTES, MAKING CHANGES NECESSARY FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE ACT OF DECEMBER 20, 2011 (P.L.446, NO.111), ENTITLED "AN ACT AMENDING TITLES 18 (CRIMES AND OFFENSES), 23 (DOMESTIC RELATIONS), 42 (JUDICIARY AND JUDICIAL PROCEDURE), 44 (LAW AND JUSTICE) AND 61 (PRISONS AND PAROLE) OF THE PENNSYLVANIA CONSOLIDATED STATUTES, EXTENSIVELY REVISING PROVISIONS RELATING TO REGISTRATION OF SEXUAL OFFENDERS PURSUANT TO FEDERAL MANDATE; AND MAKING EDITORIAL CHANGES," IN THE AREAS OF PERJURY AND FALSIFICATION IN OFFICIAL MATTERS, DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION, DISPOSITION OF CHILDREN GENERALLY, COURT-ORDERED INVOLUNTARY TREATMENT OF CERTAIN SEXUALLY VIOLENT PERSONS AND REGISTRATION OF SEXUAL OFFENDERS; AND, IN JUVENILE MATTERS,

FURTHER PROVIDING FOR DEFINITIONS AND FOR DISPOSITION OF DEPENDENT CHILD.

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

SECTION 2.1. PARAGRAPH (3) OF THE DEFINITION OF "CHILD" IN SECTION 6302 OF TITLE 42 IS AMENDED TO READ:

§ 6302. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER SHALL HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

* * *

"CHILD." AN INDIVIDUAL WHO:

* * *

(3) IS UNDER THE AGE OF 21 YEARS AND WAS ADJUDICATED DEPENDENT BEFORE REACHING THE AGE OF 18 YEARS [AND WHO, WHILE ENGAGED IN A COURSE OF INSTRUCTION OR TREATMENT, REQUESTS THE COURT TO RETAIN JURISDICTION UNTIL THE COURSE HAS BEEN COMPLETED, BUT IN NO EVENT SHALL A CHILD REMAIN IN A COURSE OF INSTRUCTION OR TREATMENT PAST THE AGE OF 21 YEARS.], WHO HAS REQUESTED THE COURT TO RETAIN JURISDICTION AND WHO REMAINS UNDER THE JURISDICTION OF THE COURT AS A DEPENDENT CHILD BECAUSE THE COURT HAS DETERMINED THAT THE CHILD IS:

(I) COMPLETING SECONDARY EDUCATION OR AN EQUIVALENT CREDENTIAL;

(II) ENROLLED IN AN INSTITUTION WHICH PROVIDES POSTSECONDARY OR VOCATIONAL EDUCATION;

(III) PARTICIPATING IN A PROGRAM ACTIVELY DESIGNED TO PROMOTE OR REMOVE BARRIERS TO EMPLOYMENT;

(IV) EMPLOYED FOR AT LEAST 80 HOURS PER MONTH; OR
(V) INCAPABLE OF DOING ANY OF THE ACTIVITIES
DESCRIBED IN SUBPARAGRAPH (I), (II), (III) OR (IV) DUE TO
A MEDICAL OR BEHAVIORAL HEALTH CONDITION, WHICH IS
SUPPORTED BY REGULARLY UPDATED INFORMATION IN THE
PERMANENCY PLAN OF THE CHILD.

* * *

SECTION 2.2. SECTION 6351(E)(3) OF TITLE 42 IS AMENDED BY
ADDING A SUBPARAGRAPH, SUBSECTION (F) IS AMENDED BY ADDING
PARAGRAPHS AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO
READ:

§ 6351. DISPOSITION OF DEPENDENT CHILD.

* * *

(E) PERMANENCY HEARINGS.--

* * *

(3) THE COURT SHALL CONDUCT PERMANENCY HEARINGS AS
FOLLOWS:

* * *

(III) IF THE COURT RESUMES JURISDICTION OF THE CHILD
PURSUANT TO SUBSECTION (J), PERMANENCY HEARINGS SHALL BE
SCHEDULED IN ACCORDANCE WITH APPLICABLE LAW UNTIL COURT
JURISDICTION IS TERMINATED, BUT NO LATER THAN WHEN THE
CHILD ATTAINS 21 YEARS OF AGE.

(F) MATTERS TO BE DETERMINED AT PERMANENCY HEARING.--AT EACH
PERMANENCY HEARING, A COURT SHALL DETERMINE ALL OF THE
FOLLOWING:

* * *

(8.1) WHETHER THE CHILD CONTINUES TO MEET THE DEFINITION OF "CHILD" AND HAS REQUESTED THAT THE COURT CONTINUE JURISDICTION PURSUANT TO SECTION 6302 IF THE CHILD IS BETWEEN 18 AND 21 YEARS OF AGE.

(8.2) THAT A TRANSITION PLAN HAS BEEN PRESENTED IN ACCORDANCE WITH SECTION 475 OF THE SOCIAL SECURITY ACT (49 STAT. 620, 42 U.S.C. § 675(5)(H)).

* * *

(J) RESUMPTION OF JURISDICTION.--AT ANY TIME PRIOR TO A CHILD REACHING 21 YEARS OF AGE, A CHILD MAY REQUEST THE COURT TO RESUME DEPENDENCY JURISDICTION IF:

(1) THE CHILD CONTINUES TO MEET THE DEFINITION OF "CHILD" PURSUANT TO SECTION 6302; AND

(2) DEPENDENCY JURISDICTION WAS TERMINATED:

(I) WITHIN 90 DAYS PRIOR TO THE CHILD'S 18TH BIRTHDAY; OR

(II) ON OR AFTER THE CHILD'S 18TH BIRTHDAY, BUT BEFORE THE CHILD TURNS 21 YEARS OF AGE.

SECTION 14. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

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(2.1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT JULY 1, 2012, OR IMMEDIATELY, WHICHEVER IS LATER:

(I) THE AMENDMENT OF PARAGRAPH (3) OF THE DEFINITION OF "CHILD" IN 42 PA.C.S. § 6302.

(II) THE ADDITION OF 42 PA.C.S. § 6351(E)(3)(III), (F)(8.1) AND (8.2) AND (J).

(3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IMMEDIATELY.