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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1309 Session of  
2015

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INTRODUCED BY SCHWANK, FONTANA, EICHELBERGER, BLAKE, SABATINA,  
LEACH, COSTA, VULAKOVICH, RAFFERTY, YUDICHAK, BREWSTER,  
MENSCH AND TARTAGLIONE, JUNE 10, 2016

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REFERRED TO PUBLIC HEALTH AND WELFARE, JUNE 10, 2016

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AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled,  
2 as amended, "An act providing for and reorganizing the  
3 conduct of the executive and administrative work of the  
4 Commonwealth by the Executive Department thereof and the  
5 administrative departments, boards, commissions, and officers  
6 thereof, including the boards of trustees of State Normal  
7 Schools, or Teachers Colleges; abolishing, creating,  
8 reorganizing or authorizing the reorganization of certain  
9 administrative departments, boards, and commissions; defining  
10 the powers and duties of the Governor and other executive and  
11 administrative officers, and of the several administrative  
12 departments, boards, commissions, and officers; fixing the  
13 salaries of the Governor, Lieutenant Governor, and certain  
14 other executive and administrative officers; providing for  
15 the appointment of certain administrative officers, and of  
16 all deputies and other assistants and employes in certain  
17 departments, boards, and commissions; providing for the  
18 regulation of pari-mutuel thoroughbred horse racing and  
19 harness horse racing activities, imposing certain taxes and  
20 providing for the disposition of funds from pari-mutuel  
21 tickets; and prescribing the manner in which the number and  
22 compensation of the deputies and all other assistants and  
23 employes of certain departments, boards and commissions shall  
24 be determined," in powers and duties of the Department of  
25 Public Welfare and its departmental administrative and  
26 advisory boards and commissions, further providing for  
27 domestic violence and rape victims services; and making  
28 editorial changes.

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

1 Section 1. The heading of Article XXIII of the act of April  
2 9, 1929 (P.L.177, No.175), known as The Administrative Code of  
3 1929, amended July 13, 1957 (P.L.852, No.390), is amended to  
4 read:

5 ARTICLE XXIII

6 POWERS AND DUTIES OF THE DEPARTMENT OF

7 [PUBLIC WELFARE] HUMAN SERVICES AND ITS DEPARTMENTAL

8 ADMINISTRATIVE AND ADVISORY BOARDS

9 AND COMMISSIONS

10 Section 2. Section 2333(c), (d) and (e) of the act, added  
11 March 30, 1988 (P.L.329, No.44), are amended to read:

12 Section 2333. Domestic Violence and Rape Victims Services.--

13 \* \* \*

14 (c) The following shall apply:

15 (1) The Department of [Public Welfare] Human Services shall  
16 make grants to domestic violence centers and rape crisis centers  
17 for the operation of domestic violence programs and rape crisis  
18 programs consistent with this section. [In awarding grants, the  
19 Department of Public Welfare shall consider the population to be  
20 served, the geographical area to be serviced, the scope of the  
21 services, the need for services and the amount of funds provided  
22 from other sources.]

23 (2) Grants may be made to domestic violence centers and rape  
24 crisis centers in whatever combination or manner that ensures  
25 the most effective delivery of victim services. The Department  
26 of Human Services shall adopt regulations that establish a  
27 formula and eligibility for grants that shall provide for access  
28 to services in every community, and consider the following for  
29 each center receiving a grant:

30 (i) the number of residents in the municipalities to be

1 served;

2 (ii) the type and extent of services to be provided;

3 (iii) the level of demand for services;

4 (iv) the level of unmet services;

5 (v) the degree to which grants under this section are used  
6 for direct services to victims and dependents;

7 (vi) the degree to which other funding sources are used to  
8 complement or support such services; and

9 (vii) cost efficiency and nonduplication of services.

10 (3) Other factors than those provided under paragraph (2)  
11 may be considered only to the extent they impact the delivery of  
12 services to victims and dependents.

13 (4) The Department of Human Services shall require that each  
14 center receiving a grant complies with appropriate accounting  
15 standards, and may promulgate regulations regarding forfeiture  
16 of grant money for failure to comply with appropriate accounting  
17 standards.

18 (d) The Department of [Public Welfare] Human Services shall  
19 make available at cost to the public copies of applications that  
20 have been submitted or approved for funding and reports on any  
21 fiscal or programmatic reviews of funded programs.

22 (e) As used in this section, the following words and phrases  
23 shall have the meanings given to them in this subsection:

24 "Crime" means an act committed in Pennsylvania which, if  
25 committed by a mentally competent, criminally responsible adult,  
26 who had no legal exemption or defense, would constitute a crime  
27 as defined in and proscribed by Title 18 of the Pennsylvania  
28 Consolidated Statutes (relating to crimes and offenses) or  
29 enumerated in the act of April 14, 1972 (P.L.233, No.64), known  
30 as "The Controlled Substance, Drug, Device and Cosmetic Act."

1 However, no act involving the operation of a motor vehicle which  
2 results in injury shall constitute a crime for the purpose of  
3 this section unless such injury was intentionally inflicted  
4 through the use of a motor vehicle.

5 "Domestic violence" means the occurrence of one or more of  
6 the following acts between family or household members:

7 (1) Intentionally, knowingly or recklessly causing or  
8 attempting to cause bodily injury.

9 (2) Placing, by physical menace, another in fear of imminent  
10 serious bodily injury.

11 "Domestic violence center" means:

12 (1) an organization[, ] which has as its primary purpose the  
13 operation of domestic violence programs; or

14 (2) the coordinating body of [an organization,]  
15 organizations which has as its primary purpose the operation of  
16 domestic violence programs.

17 "Domestic violence program" means a program which has as its  
18 primary purpose the provision of direct services to victims of  
19 domestic violence and their children, including, but not limited  
20 to, victim advocacy, counseling, shelter, information and  
21 referral, victim-witness, accompaniment, community education and  
22 prevention.

23 "Rape crisis center" means:

24 (1) an organization[, ] which has its primary purpose the  
25 operation of rape crisis programs; or

26 (2) the coordinating body of an organization[, ] which has as  
27 its primary purpose the operation of rape crisis programs.

28 "Rape crisis program" means a program which has as its  
29 primary purpose the provision of direct services to victims of  
30 sexual assault, including, but not limited to, crisis

1 intervention, counseling, victim advocacy, information and  
2 referral, victim-witness and assistance, accompaniment through  
3 the medical, police and judicial systems as well as providing  
4 community education and prevention programs on rape and sexual  
5 assaults.

6 "Sexual assault" means any conduct which is a crime under 18  
7 Pa.C.S. Ch. 31 (relating to sexual offenses).

8 Section 3. This act shall take effect immediately.