



The Judiciary Review

Report from the Senate Judiciary Committee (D)

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October 2004

Costa Crime Reporting Bill Includes Information on Campus Crime at Colleges and Universities

■ Senate Bill 668 Printer's No. 1888

Legislation sponsored by Senator Costa was amended and reported from the House Judiciary Committee on October 19, 2004. The legislation establishes the Pennsylvania Uniform Crime Reporting Program under the direction of the Pennsylvania State Police. Under the program, all state, county and local law enforcement agencies are required to report statistical information concerning criminal offenses that occurred in their respective jurisdictions and the disposition of such matters to the Pennsylvania State Police on a monthly basis.

The statistical information will be compiled and provided in an annual report to the Governor, General Assembly, the Attorney General and the public. The program will include notification to county and local law enforcement agencies that are not compliant with reporting requirements. Non-compliance may result in the withholding of the municipal portion of fines as well as grants administered by the Pennsylvania Commission on Crime and Delinquency until compliance with reporting requirements is achieved.

This bill was amended to require colleges and universities to include all campus crimes that are investigated by the state or

local police in their report to the public as well as to the State Police. This would be in addition to reporting those crimes investigated by the campus officers that are currently included in the report. The additional information will provide the public with a more complete report of crime on specific Pennsylvania Campuses.

*Current Status: House Calendar—
Second Consideration*

House Passes Drug Offender Treatment Bill

■ Senate Bill 217 Printer's No. 1758

The General Assembly enacted an important initiative regarding the sentencing and treatment of drug offenders. The legislation amends Title 42 to require the Pennsylvania Commission on Sentencing to adopt guidelines for participation in state intermediate punishment programs. The guidelines will be used by the Commonwealth and sentencing courts in determining whether to commit a defendant for evaluation and whether to sentence an eligible offender to state intermediate punishment. The Department of Corrections will establish the Drug Offender Treatment Program as a state intermediate punishment. The program will be designed to

address the individually assessed drug and alcohol abuse and addiction needs of the participants and also address other issues essential to the participants' successful reintegration into the community.

Current Status: Governor's Desk

■ Senate Bill 848 Printer's No. 1856

The legislation adds a section to Title 42 (Judiciary and Judicial Procedure) to reduce the period of time a person must be in possession of land to satisfy the requirements for adverse possession. This bill reduces that period of time from twenty-one (21) years to ten (10) years. Currently, a person must be in actual, continued, visible, notorious, distinct and hostile possession of land for a period of twenty-one years.

*Current Status: Senate Calendar—
Second Consideration*

■ Senate Bill 1198 Printer's No. 1857

The legislation provides physicians licensed to practice in the Commonwealth with limited immunity from administrative and civil liability when reporting illicit use of a controlled substance by a patient to any federal, state or local law enforcement agency. In making such a report,

the physician must have a good faith belief that the patient is using the controlled substance for a purpose other than that for which the physician prescribed the controlled substance.

However, the legislation does not establish a duty to report if the physician does not believe that sufficient evidence exists that the controlled substance was used for an illicit purpose. Finally, when a report is made, a rebuttable presumption that the physician or health care facility acted in good faith is established.

*Current Status: Senate Calendar—
Second Consideration*

■ **Senate Bill 1230**
Printer's No. 1833

The legislation amends Title 18 (Crimes Code) by adding a violation of Pennsylvania Race Horse Development and Gaming Act to the Racketeering and Corrupt Organizations Act (RICO) under section 911.

*Current Status: Senate Calendar—
Third Consideration*

■ **House Bill No. 1262**
Printer's No. 4078

The legislation amends Title 23 (Domestic Relations) Part VII (Abuse of Family), by adding a new Chapter 65 Domestic and Sexual Violence Victim Address Confidentiality, and creating an Address Confidentiality Program in the Office of Victim Advocate. Through this program, a victim of domestic or sexual violence or stalking can obtain a confidential, substitute address as designated by the Office of Victim Advocate to protect the victim or a member of the victim's household from harm from an assailant. The bill also allows a participant in the address confidentiality program to use the substitute address in a marriage license application,

motor vehicle registration, and driver's license application.

*Current Status: Senate Calendar—
Second Consideration*

■ **House Bill 2185**
Printer's No. 4142

The legislation adds Section 6310.8 to Title 18 (Crimes Code) providing penalties for selling or furnishing alcohol to minors who then suffer or cause injury or death. If, as a result of ingesting the alcohol, the minor suffers bodily injury or causes another person to suffer bodily injury, then the person who supplied the alcohol has committed a misdemeanor of the second degree punishable by a maximum term of imprisonment of up to 2 years and a maximum fine of \$5,000. If, as a result of ingesting the alcohol, the minor suffers serious bodily injury or causes another person to suffer serious bodily injury, then the person who supplied the alcohol has committed a misdemeanor of the first degree punishable by a maximum term of imprisonment of up to 5 years and a maximum fine of \$10,000. If, as a result of ingesting the alcohol, the minor dies or causes another person to die, then the person who supplied the alcohol has committed a felony of the third degree punishable by a maximum term of imprisonment of up to 7 years and a maximum fine of \$15,000.

*Current Status: Senate Calendar—
Second Consideration*

■ **House Bill No. 2441**
Printer's No. 3452

The legislation amends Title 54 (Names) to permit a surviving spouse to resume a prior name by employing the process used when a person wishes to resume a maiden name in conjunction with a divorce. The legislation will

require that a surviving spouse file a written notice with the clerk of courts in the county where the individual resides and include a death certificate for the decedent with the filing.

*Current Status: Senate Calendar—
Second Consideration*

■ **House Bill No. 2719**
Printer's No. 4482

The legislation amends Title 23 (Domestic Relations) to provide an additional exception to the three day waiting period if an applicant is a member of the PA National Guard or other reserve component of the armed forces of the United States and is called or ordered to active duty, other than active duty for training or active state duty for an emergency or any other duty under Title 51 (relating to military affairs). The bill also adds language relating to common-law marriages. As amended, common-law marriages entered into after January 1, 2005, would not be recognized.

*Current Status: Senate Calendar—
Second Consideration*

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