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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1233 Session of  
2014

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INTRODUCED BY WASHINGTON, HUGHES, BREWSTER, FONTANA, STACK,  
TEPLITZ, FARNESE, WILEY, WILLIAMS, COSTA AND VULAKOVICH,  
JANUARY 24, 2014

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REFERRED TO JUDICIARY, JANUARY 24, 2014

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for endangering  
3 welfare of children.

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

6 Section 1. Section 4304 of Title 18 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 4304. Endangering welfare of children.

9 (a) Offense defined.--

10 (1) A parent, guardian or other person supervising the  
11 welfare of a child under 18 years of age, or a person that  
12 employs or supervises such a person, commits an offense if he  
13 knowingly endangers the welfare of the child by violating a  
14 duty of care, protection or support.

15 (2) A person commits an offense if the person, in an  
16 official capacity, prevents or interferes with the making of  
17 a report of suspected child abuse under 23 Pa.C.S. Ch. 63

1 (relating to child protective services).

2 (3) As used in this subsection, the term "person  
3 supervising the welfare of a child" means a person other than  
4 a parent or guardian that provides care, education, training  
5 or control of a child.

6 (b) Grading.--[An]

7 (1) Except as provided in paragraphs (2) and (3), an  
8 offense under this section constitutes a misdemeanor of the  
9 first degree. [However, where]

10 (2) Where there is a course of conduct of endangering  
11 the welfare of a child, the offense constitutes a felony of  
12 the third degree.

13 (3) Where the conduct that results in a violation of  
14 this section also results in a conviction of an offense under  
15 75 Pa.C.S. § 3802 (relating to driving under the influence of  
16 alcohol or a controlled substance) to which 75 Pa.C.S. §  
17 3803(b) (5) (relating to grading) applies, the offense  
18 constitutes a felony of the third degree.

19 (c) Sentencing.--The Pennsylvania Commission on Sentencing,  
20 pursuant to 42 Pa.C.S. § 2154 (relating to adoption of  
21 guidelines for sentencing), shall provide for a sentencing  
22 enhancement for an offense under this section that is graded  
23 under subsection (b) (3) when the child has suffered serious  
24 bodily injury or bodily injury as a result of the violation.

25 Section. 2 This act shall take effect in 60 days.