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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 488 Session of  
2021

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INTRODUCED BY BOBACK, MILLARD, STAATS, RYAN, METCALFE, HOWARD,  
HELM, CONKLIN, TOOHL, SCHLEGEL CULVER, NEILSON, JAMES,  
GAYDOS, CIRESI AND GILLEN, FEBRUARY 9, 2021

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REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 9, 2021

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AN ACT

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

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

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

9 § 4304. Endangering welfare of children.

10 (a) Offense defined.--

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

17 (2) A person commits an offense if the person, in an  
18 official capacity, prevents or interferes with the making of

1 a report of suspected child abuse under 23 Pa.C.S. Ch. 63  
2 (relating to child protective services).

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

7 (4) A parent, guardian or other person supervising the  
8 welfare of a child under 18 years of age commits an offense  
9 if the parent, guardian or other person, with reckless  
10 disregard for the risk of harm to the child or for the  
11 health, safety or welfare of the child, fails to report the  
12 disappearance of the child to a law enforcement agency.

13 (b) Grading.--

14 (1) Except as provided under paragraph (2), the  
15 following apply:

16 (i) An offense under this section constitutes a  
17 misdemeanor of the first degree.

18 (ii) If the actor engaged in a course of conduct of  
19 endangering the welfare of a child, the offense  
20 constitutes a felony of the third degree.

21 (iii) If, in the commission of the offense under  
22 subsection (a) (1) or (4), the actor created a substantial  
23 risk of death or serious bodily injury, the offense  
24 constitutes a felony of the third degree.

25 (iv) If the actor's conduct under subsection (a) (1)  
26 or (4) created a substantial risk of death or serious  
27 bodily injury and was part of a course of conduct, the  
28 offense constitutes a felony of the second degree.

29 (2) The grading of an offense under this section shall  
30 be increased one grade if, at the time of the commission of

1 the offense, the child was under six years of age.

2 (c) Counseling.--A court shall consider ordering an  
3 individual convicted of an offense under this section to undergo  
4 counseling.

5 (d) Definitions.--As used in this section, the following  
6 words and phrases shall have the meanings given to them in this  
7 subsection unless the context clearly indicates otherwise:

8 "Disappearance." An instance in which a parent, guardian or  
9 other person supervising the welfare of a child under 18 years  
10 of age does not know the whereabouts of the child for more than  
11 24 hours.

12 "Person supervising the welfare of a child." A person other  
13 than a parent or guardian that provides care, education,  
14 training or control of a child.

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