

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 488 Session of 2021

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

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 5, 2021

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 "PARENT." A NATURAL PARENT, STEPPARENT, ADOPTIVE PARENT OR <--
13 GUARDIAN OF A CHILD.

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

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