
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 721 Session of
2015

INTRODUCED BY CRUZ, YOUNGBLOOD, KINSEY, SCHLOSSBERG, LONGIETTI,
ROZZI, DONATUCCI, MILLARD, McNEILL, MOUL, WATSON, CARROLL,
DeLUCA, READSHAW, D. COSTA AND COHEN, MARCH 6, 2015

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 6, 2015

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in support matters generally, further
3 providing for liability for support; and, in child custody,
4 further providing for consideration of criminal conviction.

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

7 Section 1. Section 4321 of Title 23 of the Pennsylvania
8 Consolidated Statutes is amended by adding a paragraph to read:

9 § 4321. Liability for support.

10 Subject to the provisions of this chapter:

11 * * *

12 (2.1) The following apply:

13 (i) Paragraph (2) applies whether or not parental
14 rights of the parent have been terminated due to a
15 conviction of the parent where a child was conceived as a
16 result of any of the following offenses:

17 18 Pa.C.S. § 3121 (relating to rape);

18 18 Pa.C.S. § 3122.1 (relating to statutory sexual

1 assault);
2 18 Pa.C.S. § 3124.1 (relating to sexual assault)
3 where the offense involved sexual intercourse;
4 18 Pa.C.S. § 3124.2 (relating to institutional
5 sexual assault) where the offense involved sexual
6 intercourse; or
7 18 Pa.C.S. § 4302 (relating to incest) where the
8 offense involved sexual intercourse.

9 (ii) Paternity of the child under this paragraph
10 shall be established through blood, genetic or other type
11 of paternity test acceptable to the court.

12 * * *

13 Section 2. Section 5329 of Title 23 is amended by adding a
14 subsection to read:

15 § 5329. Consideration of criminal conviction.

16 * * *

17 (b.1) Parent convicted of certain sexual offenses.--The
18 following apply:

19 (1) Notwithstanding any provision of law or regulation
20 to the contrary, no court shall award any type of custody set
21 forth in section 5323 (relating to award of custody) to the
22 parent of a child conceived as a result of any of the
23 following offenses for which the parent has been convicted:

24 18 Pa.C.S. § 3121.

25 18 Pa.C.S. § 3122.1.

26 18 Pa.C.S. § 3124.1, where the offense involved sexual
27 intercourse.

28 18 Pa.C.S. § 3124.2 (relating to institutional sexual
29 assault), where the offense involved sexual intercourse.

30 18 Pa.C.S. § 4302.

1 (2) Paternity of the child shall be established by
2 blood, genetic or other paternity testing acceptable to the
3 court. The cost of the testing shall be borne by the parent
4 who was convicted of the offense.

5 * * *

6 Section 3. The addition of 23 Pa.C.S. §§ 4321(2.1) and 5329
7 (b.1) shall apply to any action regarding custody of a child
8 under 23 Pa.C.S. Ch. 43 or 53 that is filed on or after the
9 effective date of this section.

10 Section 4. This act shall take effect in 60 days.