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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 455 Session of  
2017

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INTRODUCED BY BREWSTER, FONTANA, COSTA, RAFFERTY, VULAKOVICH AND  
BROWNE, FEBRUARY 28, 2017

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REFERRED TO AGING AND YOUTH, FEBRUARY 28, 2017

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AN ACT

1 Amending the act of November 6, 1987 (P.L.381, No.79), entitled  
2 "An act relating to the protection of the abused, neglected,  
3 exploited or abandoned elderly; establishing a uniform  
4 Statewide reporting and investigative system for suspected  
5 abuse, neglect, exploitation or abandonment of the elderly;  
6 providing protective services; providing for funding; and  
7 making repeals," providing for background checks for  
8 applicants and recipients.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. The act of November 6, 1987 (P.L.381, No.79),  
12 known as the Older Adults Protective Services Act, is amended by  
13 adding a chapter to read:

14 CHAPTER 6

15 BACKGROUND CHECKS

16 FOR APPLICANTS AND RECIPIENTS

17 Section 601. Background checks for applicants and recipients.

18 (a) Applicants.--

19 (1) Prior to the admission of an applicant to a facility  
20 as a resident, the facility shall perform a search for the  
21 applicant's name on the Pennsylvania State Police registry of

1 offenders and sexually violent predators established under 42  
2 Pa.C.S. § 9799.28 (relating to public Internet website).

3 (2) Prior to the admission of an applicant who  
4 previously resided outside this Commonwealth to a facility as  
5 a resident, the facility shall perform a search for the  
6 applicant's name on the Dru Sjodin National Sex Offender  
7 Public Website established under section 120 of the Adam  
8 Walsh Child Protection and Safety Act of 2006 (Public Law  
9 109-248, 120 Stat. 587).

10 (b) Recipients.--Within 30 days of the effective date of  
11 this section, the facility shall search:

12 (1) The Pennsylvania State Police registry of offenders  
13 and sexually violent predators established under 42 Pa.C.S. §  
14 9799.28 using the names of recipients who are residents of  
15 the facility as search criteria.

16 (2) The Dru Sjodin National Sex Offender Public Website  
17 established under section 120 of the Adam Walsh Child  
18 Protection and Safety Act of 2006 using the names of  
19 recipients who are residents of the facility who previously  
20 resided outside this Commonwealth as search criteria.

21 Section 602. Information relating to applicants and recipients.

22 In no case may a facility admit an applicant as a resident or  
23 retain a recipient as a resident if it finds the applicant or  
24 recipient listed on either:

25 (1) the Pennsylvania State Police registry of offenders  
26 and sexually violent predators established under 42 Pa.C.S. §  
27 9799.28 (relating to public Internet website); or

28 (2) the Dru Sjodin National Sex Offender Public Website  
29 established under section 120 of the Adam Walsh Child  
30 Protection and Safety Act of 2006 (Public Law 109-248, 120

1       Stat. 587).

2       Section 603. Immunity.

3       An administrator or a facility shall not be held civilly  
4       liable for any action directly related to good faith compliance  
5       with this chapter.

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