

No. 1988-44

AN ACT

HB 2061

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," imposing additional powers and duties on the Department of Transportation relating to the inspection of certain bridges without regard to ownership and directing the Department of Revenue to make certain deductions from county liquid fuel tax allocations; and reenacting, amending and adding provisions relating to domestic violence and rape crisis programs.

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

Section 1. The act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is amended by adding a section to read:

Section 2001.5. Mandatory Deduction of Bridge Inspection Costs.—
(a) Upon receipt from the Department of Transportation of a list concerning the nonreimbursed costs incurred in the inspection of county bridges under section 2002(a)(19) of this act, the Department of Revenue shall deduct that appropriate amount of cost from the individual county allocation under the act of May 21, 1931 (P.L.149, No.105), known as "The Liquid Fuels Tax Act," and shall deposit that sum to the credit of the Department of Transportation.

(b) The Department of Transportation shall deduct the nonreimbursed costs incurred in the inspection of municipal bridges under section 2002(a)(19) of this act from the individual municipal allocation under the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law, and shall deposit that sum to the credit of the Department of Transportation.

Section 2. Section 2002(a) of the act is amended by adding a clause to read:

Section 2002. Powers and Duties of the Department.—(a) The Department of Transportation in accord with appropriations made by the General Assembly, and grants of funds from Federal, State, regional, local or private agencies, shall have the power, and its duty shall be:

* * *

(19) To compile, maintain and forward to the Federal Highway Administration data on all bridges in the Commonwealth carrying public highways which are twenty or more feet in length, without regard to ownership. In carrying out this duty, the department is authorized to and directed to inspect those bridges owned by municipalities and counties which do not conduct the required biennial inspection, to post the inspected bridges with the required information and to collect all nonreimbursed costs from those municipalities and counties under section 2001.5. No action shall be commenced by the department until the department has notified in writing those municipalities and counties sixty (60) days prior to the required bridge inspection due date of its intention to inspect those bridges which are not inspected by said date. The notice shall include a statement that the department will deduct the non-reimbursed cost of the inspection performed by the department from the respective municipal or county individual allocation under the act of May 21, 1931 (P.L. 149, No. 105), known as "The Liquid Fuels Tax Act," and the act of June 1, 1956 (1955 P.L. 1944, No. 655), referred to as the Liquid Fuels Tax Municipal Allocation Law.

* * *

Section 3. The act is amended by adding a section to read:

Section 2333. Domestic Violence and Rape Victims Services.—(a) The General Assembly finds that the public health and safety is threatened by increasing incidences of domestic violence and rape. Domestic violence programs and rape crisis programs provide needed support services for victims and assist in prevention through community education. Therefore, the General Assembly finds that it is in the public interest for the Commonwealth to establish a mechanism to provide financial assistance to domestic violence centers and rape crisis centers for the operation of domestic violence and rape crisis programs.

(b) Where any person after the effective date of this section pleads guilty or nolo contendere to or is convicted of any crime as herein defined, there shall be imposed, in addition to all other costs, an additional cost in the sum of ten dollars (\$10) for the purpose of funding the services as described in this section. Such sum shall be paid over to the State Treasurer to be deposited in the General Fund. Under no condition shall a political subdivision be liable for the payment of the ten dollars (\$10) in additional costs.

(c) The Department of Public Welfare shall make grants to domestic violence centers and rape crisis centers for the operation of domestic violence programs and rape crisis programs consistent with this section. In awarding grants, the Department of Public Welfare shall consider the population to be served, the geographical area to be serviced, the scope of the services, the need for services and the amount of funds provided from other sources.

(d) The Department of Public Welfare shall make available at cost to the public copies of applications that have been submitted or approved for funding and reports on any fiscal or programmatic reviews of funded programs.

(e) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Crime” means an act committed in Pennsylvania which, if committed by a mentally competent, criminally responsible adult, who had no legal exemption or defense, would constitute a crime as defined in and proscribed by Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) or enumerated in the act of April 14, 1972 (P.L.233, No.64), known as “The Controlled Substance, Drug, Device and Cosmetic Act.” However, no act involving the operation of a motor vehicle which results in injury shall constitute a crime for the purpose of this section unless such injury was intentionally inflicted through the use of a motor vehicle.

“Domestic violence” means the occurrence of one or more of the following acts between family or household members:

(1) Intentionally, knowingly or recklessly causing or attempting to cause bodily injury.

(2) Placing, by physical menace, another in fear of imminent serious bodily injury.

“Domestic violence center” means an organization, or the coordinating body of an organization, which has as its primary purpose the operation of domestic violence programs.

“Domestic violence program” means a program which has as its primary purpose the provision of direct services to victims of domestic violence and their children, including, but not limited to, victim advocacy, counseling, shelter, information and referral, victim-witness, accompaniment, community education and prevention.

“Rape crisis center” means an organization, or the coordinating body of an organization, which has as its primary purpose the operation of rape crisis programs.

“Rape crisis program” means a program which has as its primary purpose the provision of direct services to victims of sexual assault, including, but not limited to, crisis intervention, counseling, victim advocacy, information and referral, victim-witness and assistance, accompaniment through the medical, police and judicial systems as well as providing education and prevention programs on rape and sexual assaults.

“Sexual assault” means any conduct which is a crime under 18 Pa.C.S. Ch. 31 (relating to sexual offenses).

Section 4. It is the intent of the General Assembly that section 3 (section 2333) is a reenactment of Article XII of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

Section 5. Section 3 (section 2333) shall be retroactive to June 18, 1987.

Section 6. This act shall take effect immediately.

APPROVED—The 30th day of March, A. D. 1988.

ROBERT P. CASEY