

No. 2002-84

AN ACT

SB 820

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for protection of employment of crime victims, family members of victims and witnesses; and further prohibiting contraband.

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

Section 1. Section 4957 heading and (a) of Title 18 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a subsection to read:

§ 4957. Protection of employment of crime victims, *family members of victims* and witnesses.

(a) General rule.—An employer shall not deprive an employee of his employment, seniority position or benefits, or threaten or otherwise coerce him with respect thereto, because the employee attends court by reason of being a victim of, or a witness to, a crime *or a member of such victim's family*. Nothing in this section shall be construed to require the employer to compensate the employee for employment time lost because of such court attendance.

* * *

(d) *Definitions.*—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Family.” *This term shall have the same meaning as in section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.*

“Victim.” *This term shall have the same meaning as “direct victim” in section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.*

Section 2. Section 5123 of Title 18 is amended by adding subsections to read:

§ 5123. Contraband.

* * *

(c.1) *Telecommunication devices to inmates prohibited.*—A person commits a misdemeanor of the first degree if, without the written permission of superintendent, warden or otherwise authorized individual in charge of a correctional institution, prison, jail, detention facility or mental hospital, he sells, gives or furnishes to any inmate in a correctional institution, prison, jail, detention facility or mental hospital, or any building appurtenant thereto, or puts in any place where it may be obtained by an inmate of a correctional institution, prison, jail, detention facility or mental hospital, any telecommunication device.

(c.2) Possession of telecommunication devices by inmates prohibited.—An inmate in a correctional institution, prison, jail, detention facility or mental hospital, or any building appurtenant thereto, commits a misdemeanor of the first degree if he has in his possession any telecommunication device without the written permission of the superintendent, warden or otherwise authorized individual in charge of a correctional institution, prison, jail, detention facility or mental hospital.

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

“Inmate.” A male or female offender who is committed to, under sentence to or confined in a penal or correctional institution.

“Telecommunication device.” Any type of instrument, device, machine or equipment which is capable of transmitting telephonic, electronic, digital, cellular or radio communications or any part of such instrument, device, machine or equipment which is capable of facilitating the transmission of telephonic, electronic, digital, cellular or radio communications. The term shall include, but not be limited to, cellular phones, digital phones and modem equipment devices.

Section 3. This act shall take effect in 60 days.

APPROVED—The 28th day of June, A.D. 2002.

MARK S. SCHWEIKER