

## No. 2002-127

## AN ACT

## SB 138

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for declaration of policy regarding child victims and witnesses, for original jurisdiction and venue of courts of common pleas, for expenses for investigating grand juries and trials and for compensation and travel allowance for jurors; providing for venue in medical professional liability actions; and further providing for registration procedures and applicability, for sentencing court information and for duties of the Pennsylvania State Police.

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

Section 1. Sections 931(c) and 4553(b) of Title 42 of the Pennsylvania Consolidated Statutes are amended to read:

§ 931. Original jurisdiction and venue.

\* \* \*

(c) Venue and process.—Except as provided by *section 5101.1 (relating to venue in medical professional liability actions)* and Subchapter B of Chapter 85 (relating to actions against Commonwealth parties), the venue of a court of common pleas concerning matters over which jurisdiction is conferred by this section shall be as prescribed by general rule. The process of the court shall extend beyond the territorial limits of the judicial district to the extent prescribed by general rule. Except as otherwise prescribed by general rule, in a proceeding to enforce an order of a government agency the process of the court shall extend throughout this Commonwealth.

§ 4553. Expenses of investigating grand juries and trials resulting therefrom.

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(b) Multicounty.—The expenses of any multicounty investigating grand jury shall be borne by the Commonwealth.

*(1) Multicounty investigating grand jurors shall be compensated at the rate of \$40 for each day that they report for service. Jurors shall be paid a travel allowance at the rate that an employee of the Office of Attorney General on official business would be reimbursed. Jurors shall receive payment of per diem meal expenses in the amounts of \$6 for breakfast, \$10 for lunch and \$25 for dinner for any day or portion thereof that the person is serving as a juror. Only those persons who are required, because of the distance from their residence, to obtain overnight accommodations at the site of the multicounty investigating grand jury shall receive payment of a per diem for breakfast and dinner.*

(2) [In addition, the] *The* costs and expenses resulting from any trial of a person against whom a presentment has been issued by a

multicounty investigating grand jury shall be borne by the Commonwealth. Costs and expenses under this subsection include, but are not limited to, all reasonable costs incurred by the county for the services of the courts, the trial jury, the sheriff, the clerk of courts, the county prison, the district attorney and any public defender appointed by the court, and related costs and expenses incurred by the county in the course of the trial.

(3) Counties shall be reimbursed from the General Fund of the Commonwealth upon application to the State Treasurer through the Office of Attorney General pursuant to procedures prescribed by that office.

Section 2. Section 4561 of Title 42 is amended by adding a subsection to read:

§ 4561. Compensation of and travel allowance for jurors.

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(c) *Definition.*—As used in this section, the term “jurors” does not apply to those persons summoned to serve on a multicounty investigating grand jury who are reimbursed under section 4553(b) (relating to expenses of investigating grand juries and trials resulting therefrom).

Section 3. Title 42 is amended by adding a section to read:

§ 5101.1. *Venue in medical professional liability actions.*

(a) *Declaration of policy.*—In accordance with section 514(a) of the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, and as a matter of public policy, the General Assembly further declares the need to change the venue requirements for medical professional liability actions.

(b) *General rule.*—Notwithstanding any other provision to the contrary, a medical professional liability action may be brought against a health care provider for a medical professional liability claim only in the county in which the cause of action arose.

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

“Birth center.” An entity licensed as a birth center under the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

“Health care provider.” A primary health care center or a person, including a corporation, university or other educational institution licensed or approved by the Commonwealth to provide health care or professional medical services as a physician, a certified nurse midwife, a podiatrist, hospital, nursing home, birth center and, except as to section 711(a) of the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, an officer, employee or agent of any of them acting in the course and scope of employment.

**“Hospital.”** *An entity licensed as a hospital under the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, or the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.*

**“Medical professional liability action.”** *Any proceeding in which a medical professional liability claim is asserted, including an action in a court of law or an arbitration proceeding.*

**“Medical professional liability claim.”** *Any claim seeking the recovery of damages or loss from a health care provider arising out of any tort or breach of contract causing injury or death resulting from the furnishing of health care services which were or should have been provided.*

**“Nursing home.”** *An entity licensed as a nursing home under the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.*

**“Primary health care center.”** *A community-based nonprofit corporation meeting standards prescribed by the Department of Health which provides preventive, diagnostic, therapeutic and basic emergency health care by licensed practitioners who are employees of the corporation or under contract to the corporation.*

Section 4. Sections 5981, 9795.2(a) and (c), 9795.3 and 9799.1(4) are amended to read:

§ 5981. Declaration of policy.

In order to promote the best interests of the children of this Commonwealth, especially those children who are material witnesses to or victims of crimes, and in order to implement the constitutional amendment adopted on November 7, 1995, the General Assembly declares its intent, in this subchapter, to provide these children, where necessity is shown, procedures which will protect them during their involvement with the criminal justice system. The General Assembly urges the news media to use **significant restraint and caution** in revealing the identity or address of children who are victims of or witnesses to crimes[.] **or other information that would reveal the name or address of the child victim or witness.**

§ 9795.2. Registration procedures and applicability.

(a) Registration.—

(1) Offenders and sexually violent predators shall be required to register [**all current residences or intended residences**] with the Pennsylvania State Police upon release from incarceration, upon parole from a State or county correctional institution or upon the commencement of a sentence of intermediate punishment or probation. **For purposes of registration, offenders and sexually violent predators shall provide the Pennsylvania State Police with all current or intended residences, all information concerning current or intended employment and all information concerning current or intended enrollment as a student.**

(2) Offenders and sexually violent predators shall inform the Pennsylvania State Police within ten days of [**a change of residence.**]:

*(i) Any change of residence or establishment of an additional residence or residences.*

*(ii) Any change of employer or employment location for a period of time that will exceed 14 days or for an aggregate period of time that will exceed 30 days during any calendar year, or termination of employment.*

*(iii) Any change of institution or location at which the person is enrolled as a student, or termination of enrollment.*

*(iv) Becoming employed or enrolled as a student if the person has not previously provided that information to the Pennsylvania State Police.*

(2.1) Registration with a new law enforcement agency shall occur no later than ten days after establishing residence in another state.

(3) The ten-year registration period required in section 9795.1(a) (relating to registration) shall be tolled when an offender is recommitted for a parole violation or sentenced to an additional term of imprisonment. In such cases, the Department of Corrections or county correctional facility shall notify the Pennsylvania State Police of the admission of the offender.

(4) This paragraph shall apply to all offenders and sexually violent predators:

(i) Where the offender or sexually violent predator was granted parole by the Pennsylvania Board of Probation and Parole or the court or is sentenced to probation or intermediate punishment, the board or county office of probation and parole shall collect registration information from the offender or sexually violent predator and forward that registration information to the Pennsylvania State Police. The Department of Corrections or county correctional facility shall not release the offender or sexually violent predator until it receives verification from the Pennsylvania State Police that it has received the registration information. Where the offender or sexually violent predator is scheduled to be released from a State correctional facility or county correctional facility because of the expiration of the maximum term of incarceration, the Department of Corrections or county correctional facility shall collect the information from the offender or sexually violent predator no later than ten days prior to the maximum expiration date. The registration information shall be forwarded to the Pennsylvania State Police.

(ii) Where the offender or sexually violent predator scheduled to be released from a State correctional facility or county correctional facility due to the maximum expiration date refuses to provide the registration information, the Department of Corrections or county correctional facility shall notify the Pennsylvania State Police or police department with jurisdiction over the facility of the failure to

provide registration information and of the expected date, time and location of the release of the offender or sexually violent predator.

\* \* \*

(c) Registration information to local police.—The Pennsylvania State Police shall provide the information obtained under this section and sections 9795.3 (relating to sentencing court information) and 9796 (relating to verification of residence) to the chief law enforcement [**officer of the police department municipality**] *officers of the police departments of the municipalities* in which the individual will reside, *be employed or enrolled as a student*. In addition, the Pennsylvania State Police shall provide this officer with the address at which the individual will reside, *be employed or enrolled as a student* following his release from incarceration, parole or probation.

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§ 9795.3. Sentencing court information.

The sentencing court shall inform offenders and sexually violent predators at the time of sentencing of the provisions of this subchapter. The court shall:

(1) Specifically inform the offender or sexually violent predator of the duty to register and provide the information required for each registration, including verification as required in section 9796(a) (relating to verification of residence).

(2) Specifically inform the offender or sexually violent predator of the duty to inform the Pennsylvania State Police within ten days if the offender or sexually violent predator changes residence[.] *or establishes an additional residence or residences, changes employer or employment location for a period of time that will exceed 14 days or for an aggregate period of time that will exceed 30 days during any calendar year or terminates employment or changes institution or location at which the person is enrolled as a student or terminates enrollment.*

(2.1) *Specifically inform the offender or sexually violent predator of the duty to inform the Pennsylvania State Police within ten days of becoming employed or enrolled as a student if the person has not previously provided that information to the Pennsylvania State Police.*

(3) Specifically inform the offender or sexually violent predator of the duty to register with a new law enforcement agency if the offender or sexually violent predator moves to another state no later than ten days after establishing residence in another state.

(4) Order the fingerprints and photograph of the offender or sexually violent predator to be provided to the Pennsylvania State Police upon sentencing.

(5) Specifically inform the offender or sexually violent predator of the duty to register with the appropriate authorities in any state in which the

offender or sexually violent predator is employed, carries on a vocation or is a student if the state requires such registration.

(6) Require the offender or sexually violent predator to read and sign a form stating that the duty to register under this subchapter has been explained. Where the offender or sexually violent predator is incapable of reading, the court shall certify the duty to register was explained to the offender or sexually violent predator and the offender or sexually violent predator indicated an understanding of the duty.

§ 9799.1. Duties of Pennsylvania State Police.

The Pennsylvania State Police shall:

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(4) Notify, within 72 hours of receiving the offender’s or the sexually violent predator’s registration, the chief law enforcement [**officer of the police department having primary jurisdiction of the municipality**] *officers of the police departments having primary jurisdiction of the municipalities* in which an offender or sexually violent predator resides, *is employed or enrolled as a student* of the fact that the offender or sexually violent predator has been registered with the Pennsylvania State Police pursuant to sections 9795.2 (relating to registration procedures and applicability) and 9796 (relating to verification of residence).

\* \* \*

Section 5. The amendment or addition of 42 Pa.C.S §§ 931(c) and 5101.1 shall apply to all medical professional liability actions filed on or after the effective date of this section.

Section 6. This act shall take effect as follows:

- (1) The following provisions shall take effect immediately:
  - (i) The amendment of 42 Pa.C.S. § 4553(b).
  - (ii) This section.
- (2) The remainder of this act shall take effect in 60 days.

APPROVED—The 17th day of October, A.D. 2002.

MARK S. SCHWEIKER