
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 996 Session of
2023

INTRODUCED BY CAPPELLETTI, HAYWOOD, FONTANA, SCHWANK, STREET,
KANE AND SAVAL, DECEMBER 8, 2023

REFERRED TO JUDICIARY, DECEMBER 8, 2023

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in actions, proceedings
3 and other matters generally, providing for reporting of
4 deaths; and imposing penalties.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 66A

10 REPORTING OF DEATHS

11 Sec.

12 66A01. Scope of chapter.

13 66A02. Definitions.

14 66A03. Required reporting.

15 66A04. Penalties.

16 66A05. Compliance reports.

17 66A06. Regulations.

18 66A07. Temporary regulations.

19 66A08. Death certificates.

1 66A09. Deaths in Custody Review Panel.

2 § 66A01. Scope of chapter.

3 This chapter relates to the mandated reporting of individuals
4 in custody.

5 § 66A02. Definitions.

6 The following words and phrases when used in this chapter
7 shall have the meanings given to them in this section unless the
8 context clearly indicates otherwise:

9 "Bureau." The Federal Bureau of Justice Assistance.

10 "Commission." The Pennsylvania Commission on Crime and
11 Delinquency.

12 "Death in Custody Reporting Act." 34 U.S.C. § 60105
13 (relating to state information regarding individuals who die in
14 the custody of law enforcement).

15 "Individual in custody." An individual who is detained or
16 stopped by a police officer, engaged in an actual or perceived
17 pursuit by law enforcement, under arrest, in the process of
18 being arrested, en route to be incarcerated or incarcerated at a
19 municipal or county jail, State prison, State-run boot camp
20 prison, boot camp prison that is contracted out by the
21 Commonwealth, a State or local contract facility or other State
22 or local correctional facility. The term includes a juvenile
23 facility.

24 "Medical facility." As defined in 18 Pa.C.S. § 3203
25 (relating to definitions).

26 "Police officer." As defined in 53 Pa.C.S. § 2162 (relating
27 to definitions).

28 "Responsible individual or entity." The individual, private
29 entity or public entity that is responsible for an individual in
30 custody.

1 § 66A03. Required reporting.

2 In accordance with the Death in Custody Reporting Act:

3 (1) Each responsible individual or entity shall report a
4 death of an individual:

5 (i) while the individual is in the custody of the
6 responsible individual or entity on a monthly basis to
7 the commission; or

8 (ii) while the individual is on a compassionate
9 release, medical furlough, bail or any other release from
10 custody, if the death occurs:

11 (A) within three days of the release; and

12 (B) in a medical facility.

13 (2) The commission shall compile the reports under
14 paragraph (1) and submit the information to the bureau.

15 § 66A04. Penalties.

16 The failure to report the death of an individual in custody
17 under this chapter shall be a misdemeanor, and an agency may be
18 fined up to \$1,000 for each day that the death was not reported.

19 § 66A05. Compliance reports.

20 (a) Report.--Beginning December 1, 2024, and each December 1
21 thereafter, the commission shall submit a compliance report to
22 the General Assembly including all of the following information:

23 (1) Compliance with the submission of reports of each
24 death of an individual in custody from the responsible
25 individual or entity to the commission.

26 (2) Compliance with the submission of the reports of
27 death of an individual in custody from the commission to the
28 bureau.

29 (b) Review.--The Office of Attorney General shall review the
30 following for each report submitted under subsection (a):

1 (1) The accuracy of the information provided in the
2 report.

3 (2) Whether the report was submitted in accordance with
4 the requirements under subsection (a).

5 § 66A06. Regulations.

6 The commission may promulgate rules and regulations to
7 administer and enforce this chapter.

8 § 66A07. Temporary regulations.

9 (a) Authority.--In order to facilitate the prompt
10 implementation of this chapter, the commission may promulgate
11 temporary regulations that shall expire no later than two years
12 following the publication of the temporary regulations. The
13 commission may promulgate temporary regulations not subject to:

14 (1) Section 612 of the act of April 9, 1929 (P.L.177,
15 No.175), known as The Administrative Code of 1929.

16 (2) Sections 201, 202, 203, 204 and 205 of the act of
17 July 31, 1968 (P.L.769, No.240), referred to as the
18 Commonwealth Documents Law.

19 (3) Sections 204(b) and 301(10) of the act of October
20 15, 1980 (P.L.950, No.164), known as the Commonwealth
21 Attorneys Act.

22 (4) The act of June 25, 1982 (P.L.633, No.181), known as
23 the Regulatory Review Act.

24 (b) Expiration.--The commission's authority to adopt
25 temporary regulations under subsection (a) shall expire two
26 years after the effective date of this section. Regulations
27 adopted after this period shall be promulgated as provided by
28 law.

29 (c) Notice.--The commission shall transmit notice of
30 temporary regulations to the Legislative Reference Bureau for

1 publication in the next available issue of the Pennsylvania
2 Bulletin.

3 § 66A08. Death certificates.

4 Notwithstanding the provisions of Article V of the act of
5 June 29, 1953 (P.L.304, No.66), known as the Vital Statistics
6 Law of 1953, a certificate of death or fetal death shall include
7 a section for notation or check-off to indicate if a person or
8 fetus died in custody.

9 § 66A09. Deaths in Custody Review Panel.

10 (a) Establishment.--The Deaths in Custody Review Panel is
11 established within the commission.

12 (b) Purpose.--The purpose of the panel is to review deaths
13 of individuals in custody and propose recommendations for the
14 prevention of future deaths of individuals in custody.

15 (c) Members.--The panel shall consist of the following
16 members:

17 (1) The Secretary of Health, or a designee.

18 (2) A justice of the Pennsylvania Supreme Court selected
19 by the Chief Justice of the Pennsylvania Supreme Court, or a
20 designee.

21 (3) A doctor of internal medicine appointed by the
22 Governor.

23 (4) Two members appointed by the President pro tempore
24 of the Senate as follows:

25 (i) One psychiatrist licensed to practice in this
26 Commonwealth who is not employed by a governmental
27 entity.

28 (ii) One social worker or social service provider
29 who previously was or is currently employed by a State
30 correctional institute.

1 (5) Two members appointed by the Minority Leader of the
2 Senate as follows:

3 (i) One individual representative of corrections
4 officers.

5 (ii) One forensic pathologist who is certified by
6 the American Board of Pathology and has been practicing
7 in good standing for at least five years.

8 (6) Two members appointed by the Speaker of the House of
9 Representatives as follows:

10 (i) One attorney admitted to practice law in this
11 Commonwealth who specializes in prisoners' rights.

12 (ii) One representative from the Pennsylvania Prison
13 Society.

14 (7) Two members appointed by the Minority Leader of the
15 House of Representatives as follows:

16 (i) One emergency medical services provider who is
17 not employed by a governmental entity.

18 (ii) One health statistician who is not employed by
19 a governmental entity.

20 (d) Member terms.--Member terms shall be as follows:

21 (1) Except as provided under paragraph (2), a member
22 shall be appointed for a term of four years and shall serve
23 until a successor is appointed.

24 (2) The following shall apply to the members initially
25 appointed to the panel:

26 (i) A member initially appointed under subsection
27 (c)(1), (2) or (3) shall serve for a term of one year and
28 shall serve until a successor is appointed.

29 (ii) A member initially appointed under subsection
30 (c)(4) or (5) shall serve for a term of two years and

1 shall serve until a successor is appointed.

2 (iii) A member initially appointed under subsection
3 (c)(6) or (7) shall serve a term of three years and shall
4 serve until a successor is appointed.

5 (e) Meetings.--The panel shall meet when necessary, at least
6 once every six months, to fulfill the duties and goals of the
7 panel. The initial meeting of the panel shall be held within 60
8 days of the effective date of this section.

9 (f) Duties.--

10 (1) The panel shall review death cases identified by the
11 commission from sources, including, but not limited to, the
12 following:

13 (i) Checkboxes on a decedent's death certificate.

14 (ii) Vital statistics linkage of individual's
15 custodial status with death records.

16 (iii) Direct referrals from health care facilities
17 and health care providers.

18 (iv) Medical examiners and coroners.

19 (2) In conducting a review of a death case of an
20 individual in custody, the panel may review the following:

21 (i) Medical examiner and coroner's reports or
22 postmortem examination records.

23 (ii) Death certificates and birth certificates.

24 (iii) Law enforcement records and interviews with
25 law enforcement officials, provided that the release of
26 the records will not jeopardize an ongoing criminal
27 investigation or proceeding.

28 (iv) Medical records from hospitals and other health
29 care providers.

30 (v) Information made available by firefighters or

1 emergency services personnel.

2 (vi) Reports and records made available by the court
3 to the extent permitted by law or court rule.

4 (vii) Reports to animal control.

5 (viii) Emergency medical services records.

6 (ix) Department of Human Services records.

7 (x) Any other records necessary to conduct the
8 review.

9 (3) Data under paragraph (2) is not limited to
10 summaries, annual reports, abstracts or other abbreviated
11 documents. There shall be a presumption that data requested
12 by the panel shall be relevant and shall be provided to the
13 panel. Data may not be withheld from the panel absent a
14 showing of good cause.

15 (4) The panel shall summarize causes of death and
16 findings and report recommendations regarding the prevention
17 of deaths of individuals in custody.

18 (5) The panel shall submit a report consisting of
19 aggregated, nonindividually identifiable findings and
20 recommendations at least every year to the chairperson of the
21 Judiciary Committee of the Senate and the chairperson of the
22 Judiciary Committee of the House of Representatives. The
23 report shall include, but not be limited to:

24 (i) Trends in deaths of individuals in custody as
25 identified by the panel.

26 (ii) Policy recommendations.

27 (g) Authority to access data.--

28 (1) Notwithstanding any other provision of law and
29 consistent with the Health Insurance Portability and
30 Accountability Act of 1996 (Public Law 104-191, 110 Stat.

1 1936), health care facilities and health care providers shall
2 provide medical records of the deceased under review without
3 the authorization of a person in interest to the panel for
4 purposes of review under this section.

5 (2) Other records pertaining to the deceased under
6 review for the purposes of this section shall be open to
7 inspection as permitted by law.

8 (3) Licensed health care providers, health care
9 facilities and pharmacies shall provide reasonable access to
10 the panel for the purpose of reviewing medical records
11 associated with death cases under review by the panel.

12 (h) Confidentiality and protection of collected data,
13 proceedings and activities.--

14 (1) The panel shall maintain the confidentiality of any
15 identifying information obtained relating to the death of an
16 individual in custody, including the names of the deceased,
17 guardians, family members, caretakers and alleged or
18 suspected perpetrators of abuse, neglect or a criminal act.

19 (2) Each member of the panel and any person appearing
20 before the panel shall sign a confidentiality agreement
21 applicable to all proceedings and reviews conducted by the
22 panel.

23 (3) An individual or agency that in good faith provides
24 information or records to the commission shall not be subject
25 to civil or criminal liability as a result of providing the
26 information or record.

27 (4) The proceedings, deliberations and records of the
28 panel are privileged and confidential and shall not be
29 subject to discovery, subpoena or introduction into evidence
30 in a civil or criminal action.

1 (5) Meetings of the panel at which a specific death is
2 discussed shall be closed to the public and shall not be
3 subject to the provisions of 65 Pa.C.S. Ch. 7 (relating to
4 open meetings).

5 (6) Nothing in this section shall prevent the panel from
6 allowing the attendance of a person, including a parent, with
7 information relevant to a review at a panel meeting.

8 (7) A person who violates the provisions of this
9 subsection commits a misdemeanor of the third degree.

10 (8) Information collected under this section shall be
11 summarized and reported in an aggregated, nonindividually
12 identifiable manner.

13 (9) Information collected under this act shall be exempt
14 from the act of February 14, 2008 (P.L.6, No.3), known as the
15 Right-to-Know Law.

16 (i) Definitions.--As used in this section, the following
17 words and phrases shall have the meanings given to them in this
18 subsection unless the context clearly indicates otherwise:

19 "Panel." The Deaths in Custody Review Panel established
20 under subsection (a).

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