

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 627 Session of
2025

INTRODUCED BY CAPPELLETTI, KIM, SCHWANK, SAVAL, STREET, COSTA,
KANE, MUTH AND L. WILLIAMS, APRIL 11, 2025

REFERRED TO JUDICIARY, APRIL 11, 2025

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 finned up to \$1,000 for each day that the death was not reported.

19 § 66A05. Compliance reports.

20 (a) Report.--Beginning December 1, 2026, and each December 1
21 thereafter, the commission shall submit a compliance report to
22 the General Assembly, including all of the following
23 information:

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

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

30 (b) Review.--The Office of Attorney General shall review the

1 following for each report submitted under subsection (a):

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

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

6 § 66A06. Regulations.

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

9 § 66A07. Temporary regulations.

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

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

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

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

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

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

30 (c) Notice.--The commission shall transmit notice of

1 temporary regulations to the Legislative Reference Bureau for
2 publication in the next available issue of the Pennsylvania
3 Bulletin.

4 § 66A08. Death certificates.

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

10 § 66A09. Deaths in Custody Review Panel.

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

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

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

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

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

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

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

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

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

correctional institution.

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

(i) One individual representative of corrections officers.

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

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

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

(ii) One representative from the Pennsylvania Prison Society.

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

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

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

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

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

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

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

(ii) A member initially appointed under subsection

1 (c)(4) or (5) shall serve for a term of two years and
2 shall serve until a successor is appointed.

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

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

10 (f) Duties.--

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

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

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

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

19 (iv) Medical examiners and coroners.

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

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

24 (ii) Death certificates and birth certificates.

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

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

1 (v) Information made available by firefighters or
2 emergency services personnel.

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

5 (vii) Reports to animal control.

6 (viii) Emergency medical services records.

7 (ix) Department of Human Services records.

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

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

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

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

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

27 (ii) Policy recommendations.

28 (g) Authority to access data.--

29 (1) Notwithstanding any other provision of law and
30 consistent with the Health Insurance Portability and

1 Accountability Act of 1996 (Public Law 104-191, 110 Stat.
2 1936), health care facilities and health care providers shall
3 provide medical records of the deceased under review without
4 the authorization of a person in interest to the panel for
5 purposes of review under this section.

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

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

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

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

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

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

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

1 in a civil or criminal action.

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

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

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

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

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

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

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

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