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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1101 Session of  
2023

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INTRODUCED BY OTTEN, HILL-EVANS, SCHLOSSBERG, MADDEN, CIRESI,  
HOHENSTEIN, SANCHEZ, D. WILLIAMS, FIEDLER, PARKER, FLEMING,  
KINSEY, KINKEAD AND FRANKEL, MAY 5, 2023

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REFERRED TO COMMITTEE ON HEALTH, MAY 5, 2023

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, in public safety, providing for the  
3 Pennsylvania Violent Death Reporting System; and imposing  
4 duties on the Department of Health.

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

7 Section 1. Title 35 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 59

10 PENNSYLVANIA VIOLENT DEATH REPORTING SYSTEM

11 Sec.

12 5901. Scope of chapter.

13 5902. Definitions.

14 5903. Creation and purpose of system.

15 5904. System information.

16 5905. Pennsylvania Violent Death Advisory Group.

17 5906. Data collection.

18 5907. Duty to provide information.

1 5908. Annual report.

2 5909. Rules and regulations.

3 § 5901. Scope of chapter.

4 This chapter relates to the Pennsylvania Violent Death  
5 Reporting System.

6 § 5902. Definitions.

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

10 "Adverse childhood experiences." Negative life events or  
11 experiences that occur before 18 years of age. The term  
12 includes:

13 (1) Physical abuse.

14 (2) Emotional abuse.

15 (3) Abandonment.

16 (4) Neglect.

17 (5) Losing a family member to suicide.

18 (6) Growing up in a household with substance abuse or  
19 alcoholism.

20 (7) Having a parent with a mental illness.

21 (8) Having a parent who is incarcerated.

22 (9) Being the child of divorced parents.

23 "Advisory group." The Pennsylvania Violent Death Advisory  
24 Group established under section 5905 (relating to Pennsylvania  
25 Violent Death Advisory Group).

26 "Agency." A Commonwealth agency, local agency, judicial  
27 agency or legislative agency.

28 "Commonwealth agency." The following:

29 (1) An office, department, authority, board, multistate  
30 agency or commission of the executive branch, an independent

1 agency or a State-affiliated entity, including:

2 (i) The Governor's Office.

3 (ii) The Office of Attorney General, the Department  
4 of the Auditor General or the Treasury Department.

5 (iii) An organization established by the  
6 Constitution of Pennsylvania, a statute or an executive  
7 order which performs or is intended to perform an  
8 essential governmental function.

9 (2) The term does not include a judicial agency or  
10 legislative agency.

11 "Controlled substance." A drug, substance or immediate  
12 precursor included in Schedule I, II, III, IV or V of the act of  
13 April 14, 1972 (P.L.233, No.64), known as The Controlled  
14 Substance, Drug, Device and Cosmetic Act.

15 "Coroner." An elected or appointed coroner or an elected or  
16 appointed medical examiner.

17 "Department." The Department of Health of the Commonwealth.

18 "Domestic firearm violence." Instances of firearm violence  
19 against family or household members, sexual or intimate partners  
20 or individuals who share biological parenthood.

21 "Firearm." As defined in 18 Pa.C.S. § 6105(i) (relating to  
22 persons not to possess, use, manufacture, control, sell or  
23 transfer firearms).

24 "Firearm violence." One of the following:

25 (1) a discharge of a firearm that results in injury or  
26 fatality regardless of intent; or

27 (2) a discharge of a firearm with the intent to cause  
28 injury or fatality.

29 "Individual not to possess a firearm." A person who is  
30 prohibited from the possession, use, control, sale, transfer,

1 manufacture or obtaining of a license to possess, use, control,  
2 sell, transfer or manufacture a firearm in this Commonwealth  
3 under 18 Pa.C.S. § 6105.

4 "Law enforcement agency." The following:

5 (1) A public agency of a political subdivision having  
6 general police powers and charged with making arrests in  
7 connection with the enforcement of criminal or traffic laws.  
8 The term includes the sheriff's office in a county of the  
9 second class.

10 (2) A campus police or university police department, as  
11 used in section 2416 of the act of April 9, 1929 (P.L.177,  
12 No.175), known as The Administrative Code of 1929, certified  
13 by the Office of Attorney General as a criminal justice  
14 agency as defined in 18 Pa.C.S. § 9102 (relating to  
15 definitions).

16 (3) A railroad or street railway police department  
17 formed with officers commissioned under 22 Pa.C.S. Ch. 33  
18 (relating to railroad and street railway police) or any prior  
19 statute providing for the commissioning.

20 (4) The Capitol Police.

21 (5) The Harrisburg International Airport Police.

22 (6) An airport authority police department.

23 (7) A county park police force under section 2511(b) of  
24 the act of August 9, 1955 (P.L.323, No.130), known as The  
25 County Code.

26 (8) The Pennsylvania State Police.

27 (9) The Pennsylvania Game Commission.

28 (10) The Office of Attorney General.

29 "Mass shooting." An incident of firearm violence that  
30 results in the injury or fatality of four or more individuals,

1 not including the shooter. The term does not include multiple-  
2 victim homicide incidents in which the killer's spouse and one  
3 or more children are slain.

4 "Mentally ill." An individual who, as a result of mental  
5 disease or defect, lacks substantial capacity either to  
6 appreciate the wrongfulness of the individual's conduct or to  
7 conform the individual's conduct to the requirements of the law.

8 "Minor." An individual under 18 years of age.

9 "Police officer." The following apply:

10 (1) The following:

11 (i) A full-time or part-time employee assigned to  
12 criminal or traffic law enforcement duties of:

13 (A) A police department of a county, city,  
14 borough, town or township.

15 (B) A railroad or street railway police.

16 (C) A campus police or university police  
17 department, as used in section 2416 of The  
18 Administrative Code of 1929, certified by the Office  
19 of Attorney General as a criminal justice agency as  
20 defined in 18 Pa.C.S. § 9102.

21 (D) The Capitol Police.

22 (E) The Harrisburg International Airport Police.

23 (F) An airport authority police department.

24 (G) A county park police force under section  
25 2511(b) of The County Code.

26 (H) The Pennsylvania State Police.

27 (I) The Pennsylvania Game Commission.

28 (J) The Office of Attorney General.

29 (ii) A school police officer, school resource  
30 officer or school security guard under section 1301-C of

1 the act of March 10, 1949 (P.L.30, No.14), known as the  
2 Public School Code of 1949.

3 (iii) A deputy sheriff of a county of the second  
4 class.

5 (iv) A security officer of a first class city  
6 housing authority or a police officer of a second class  
7 city housing authority.

8 (2) The term does not include an individual employed by  
9 a law enforcement agency to check parking meters or perform  
10 only administrative duties and auxiliary and fire police.

11 "Political subdivision." A county, city, borough,  
12 incorporated town, township, school district, intermediate unit,  
13 area career and technical school or county institution district.

14 "Public record." As defined in section 102 of the act of  
15 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

16 "Rural county." A county within this Commonwealth where the  
17 population density is less than 284 persons per square mile as  
18 defined by the Center for Rural Pennsylvania.

19 "Secretary." The Secretary of Health of the Commonwealth.

20 "Shooter." An individual responsible for the discharge of a  
21 firearm that causes an injury or fatality.

22 "Substance use." Being under the influence of alcohol or a  
23 controlled substance which impairs an individual's ability to  
24 conduct themselves in a safe manner.

25 "Suburban county." A county in this Commonwealth with a  
26 population density of 284 persons per square mile or greater  
27 that has not been designated as an urban county.

28 "System." The Pennsylvania Violent Death Reporting System  
29 created under this chapter.

30 "Urban county." A county in this Commonwealth which has been

1 designated as an urban county by the United States Department of  
2 Housing and Urban Development under the Federal Community  
3 Development Block Grant Program administered by the United  
4 States Department of Housing and Urban Development under 42  
5 U.S.C. Ch. 69 (relating to community development) as of Federal  
6 fiscal year 1984 and which receives a direct Community  
7 Development Block Grant annual entitlement from the United  
8 States Department of Housing and Urban Development.

9 "Weapon." An item readily capable of lethal use and  
10 possessed under circumstances not manifestly appropriate for  
11 lawful uses. The term includes a firearm which is not loaded or  
12 lacks a clip or other component to render the firearm  
13 immediately operable and components which can readily be  
14 assembled into a weapon.

15 § 5903. Creation and purpose of system.

16 (a) Creation and purpose.--The Pennsylvania Violent Death  
17 Reporting System shall be created and maintained by the  
18 department to collect data regarding violent death information  
19 and help the department to:

20 (1) Monitor the incidences and causes of various types  
21 of violent deaths.

22 (2) Create appropriate epidemiological studies of  
23 violent deaths in this Commonwealth.

24 (3) Analyze trends and patterns in, and circumstances  
25 related to, violent deaths.

26 (4) With the assistance of the advisory group, recommend  
27 action to relevant entities to prevent violent deaths and  
28 make other recommendations that the secretary deems  
29 necessary.

30 (b) Staff.--The department shall, within the limitations of

1 appropriations made to the department, employ professional,  
2 technical, administrative and other staff personnel as deemed  
3 essential to the development and maintenance of the system.

4 § 5904. System information.

5 (a) Confidential information.--Notwithstanding any other  
6 provision of law, the following information may not be deemed a  
7 public record, shall be confidential and exempt from access  
8 under the act of February 14, 2008 (P.L.6, No.3), known as the  
9 Right-to-Know Law, and may only be published in statistical  
10 form:

11 (1) Information, data and records collected for use and  
12 maintained by the system, including medical records, law  
13 enforcement investigative records, coroner investigative  
14 records, laboratory reports and other records concerning a  
15 decedent.

16 (2) Work products created in carrying out the purposes  
17 of the system.

18 (b) Not subject to subpoena or discovery.--Information, data  
19 and records collected for use and maintained by and all work  
20 products created in carrying out the tasks of the system may not  
21 be subject to subpoena or discovery while in the possession of  
22 the system or admissible in any criminal or civil proceeding if  
23 obtained through or from the system.

24 (c) Accessing information.--The secretary shall establish  
25 guidelines to create standards and procedures to make available  
26 to researchers confidential information collected by the system.  
27 Researchers complying with the standards and procedures shall  
28 also comply with the confidentiality requirements under  
29 subsection (a).

30 § 5905. Pennsylvania Violent Death Advisory Group.

1 The secretary shall establish the Pennsylvania Violent Death  
2 Advisory Group consisting of interested parties and stakeholders  
3 to recommend actions to relevant entities to prevent violent  
4 deaths and make other recommendations that the secretary deems  
5 necessary in accordance with section 5903(a)(4) (relating to  
6 creation and purpose of system).

7 § 5906. Data collection.

8 (a) Data collection model.--The data collection model used  
9 for the system shall follow the data collection model used by  
10 the United States Centers for Disease Control and Prevention's  
11 National Violent Death Reporting System and any other data  
12 collection model the secretary deems necessary under this  
13 section.

14 (b) Type, source and methods of data collection.--In  
15 accordance with rules and regulations promulgated under this  
16 chapter, the secretary shall:

17 (1) Specify the types of violent deaths that shall be  
18 included in the system.

19 (2) Specify the information, data and records to be  
20 collected for use by the system.

21 (3) Specify the sources from which the information, data  
22 and records are to be collected for use by the system.

23 (4) Suggest other data collection models to be used by  
24 the system.

25 (c) Minimum firearm data collection.--In addition to types  
26 of violent deaths, the following information and data relating  
27 to firearms shall be included in the system:

28 (1) An analysis comparing:

29 (i) Fatalities and injuries from firearm violence  
30 broken down by the age of the shooter.

1           (ii) Incidents of firearm violence in urban  
2 counties, suburban counties and rural counties.

3           (iii) Shooters who are mentally ill to shooters who  
4 are not mentally ill and commit firearm violence by age  
5 group.

6           (iv) The popularity of a firearm and the number of  
7 injuries and fatalities resulting from incidents of  
8 firearm violence committed with that type of firearm.

9           (2) An analysis of:

10           (i) Accidental firearm self-injury and fatalities.

11           (ii) All instances of firearm violence by severity.

12           (iii) Available information on the home environment  
13 and social determinants of health and the effects of  
14 these factors on shooters and victims of firearm  
15 violence.

16           (iv) Available information on the impact that trauma  
17 and adverse childhood experiences had on the shooter.

18           (v) Demographic information of firearm violence  
19 victim fatalities.

20           (vi) Fatalities in which the shooter was under the  
21 influence of a substance as a percentage of total firearm  
22 fatalities, by age.

23           (vii) Firearm safety courses across this  
24 Commonwealth.

25           (viii) Firearm violence by county.

26           (ix) Firearm violence by incident type.

27           (x) Firearm violence by month, day of the week and  
28 hour of the day.

29           (xi) Firearm violence resulting from shooting errors  
30 or accidents.

1           (xii) Historical data on individuals not to possess  
2 a firearm and minors who committed firearm violence and  
3 whether the minor was an individual with a mental  
4 illness.

5           (xiii) Shooters and victims with a mental illness  
6 who are involved in incidents of firearm violence, by age  
7 and sex.

8           (xiv) Injuries and fatalities caused by a firearm  
9 malfunction.

10          (xv) Instances of firearm violence that take place  
11 on a holiday.

12          (xvi) Instances of firearm violence in which the  
13 firearm was illegally obtained.

14          (xvii) Intentional self-harming firearm violence by  
15 age and sex.

16          (xviii) Marketing dollars spent and marketing  
17 platforms used to advertise different types of firearms  
18 and the target audience for firearm advertisements.

19          (xix) Police officer-involved firearm violence.

20          (xx) Shooters who have received firearm safety  
21 training, when this information is available.

22          (xxi) Systematic firearm violence by county.

23          (xxii) The age of shooters broken down by incident  
24 type.

25          (xxiii) The frequency of substance use involved in  
26 instances of firearm violence.

27          (xxiv) The number of injuries and fatalities  
28 resulting from an incident of firearm violence by firearm  
29 type.

30          (xxv) The reason, motive and precipitating

1 circumstances of firearm violence, when this information  
2 is available.

3 (xxvi) The relationships between victims of firearm  
4 violence and shooters.

5 (xxvii) The situation precipitating unintentional  
6 firearm injuries and fatalities, when this information is  
7 available.

8 (xxviii) The social media presence of a shooter,  
9 frequency of social media activity of a shooter and if  
10 the shooter broadcast or recorded themselves committing  
11 firearm violence and uploaded the recording to social  
12 media, if this information is available.

13 (xxix) The trends of firearm violence in the past 10  
14 years.

15 (xxx) The type of firearm involved in an incident of  
16 firearm violence and the type of incident.

17 (xxxi) The type of firearm violence committed in  
18 situations involving substance use.

19 (xxxii) The types of locations where instances of  
20 firearm violence take place.

21 (xxxiii) The victims of firearm violence involving  
22 substance use, including a breakdown of the time of day  
23 and day of the week that the firearm violence occurred.

24 (xxxiv) The number of individuals affected by the  
25 firearm violence incident.

26 (3) Demographics of shooters and victims of firearm  
27 violence.

28 (4) Economic losses to this Commonwealth as a result of  
29 firearm violence.

30 (5) Five-year trends of:

1 (i) Firearm violence by county.

2 (ii) Accidental firearm violence by firearm type,  
3 age and sex of the shooter and if the shooter was legally  
4 in possession of the firearm.

5 (iii) Accidental firearm violence fatalities and  
6 injuries by county.

7 (iv) Domestic firearm violence incidents by county.

8 (v) Fatalities and injuries caused by firearms.

9 (vi) Firearm violence fatalities and injuries by age  
10 group by county.

11 (vii) Incidents of police officer-involved firearm  
12 violence.

13 (viii) Injuries and fatalities comparing instances  
14 of firearm violence to other weapons.

15 (ix) Mass shootings by county.

16 (x) Substance-use-related fatalities by county.

17 (xi) Substance-use-related firearm fatalities by  
18 county.

19 (xii) The frequency of substance use involved in  
20 firearm violence.

21 (d) Collection from existing sources.--The department shall  
22 collect information about violent deaths in this Commonwealth  
23 only from existing sources related to violent crimes and may not  
24 conduct independent criminal investigations in order to obtain  
25 information, data or records for use in the system.

26 (e) Data of State agencies.--At the request of the  
27 department, an agency and political subdivision of the  
28 Commonwealth shall provide information, data and records and  
29 otherwise assist in the collection of information for the  
30 system.

1 (f) Data of other entities and individuals.--At the request  
2 of the department, an individual or entity not specified in this  
3 section, at the individual's or entity's discretion, may provide  
4 information, data or records and otherwise assist in the  
5 collection of data. Information, data and records provided to  
6 the department by other individuals or entities shall contain  
7 only information, data or records that are available or  
8 reasonably drawn from information, data and records developed  
9 and kept in the normal course of business.

10 § 5907. Duty to provide information.

11 Notwithstanding any other provision of law, an individual,  
12 public social service agency, public agency that provides  
13 services to individuals or families, law enforcement agency,  
14 coroner or public entity that provides services to an individual  
15 whose death is the type of death specified by the secretary  
16 under this chapter shall provide information, data and records  
17 and otherwise assist in the execution of this chapter.

18 § 5908. Annual report.

19 The department shall annually compile and make available to  
20 the public on the department's publicly accessible Internet  
21 website a report containing statistical information collected  
22 and analyses prepared in accordance with section 5906 (relating  
23 to data collection). The department shall submit the annual  
24 report to the chairperson and minority chairperson of the Health  
25 and Human Services Committee of the Senate and the chairperson  
26 and minority chairperson of the Health Committee of the House of  
27 Representatives.

28 § 5909. Rules and regulations.

29 The department shall promulgate rules and regulations to  
30 administer and enforce this act.

1 Section 2. This act shall take effect in 90 days.