

PENNSYLVANIA STATUTES, ANNOTATED BY LEXISNEXIS(R)

\* THIS SECTION IS CURRENT THROUGH ACT 68 OF THE 2004 LEGISLATIVE SESSION \*

\*\*\* With exceptions as detailed in the Online Product Guide \*\*\*

\*\*\* OCTOBER 2004 ANNOTATION SERVICE \*\*\*

PENNSYLVANIA CONSOLIDATED STATUTES

18 Pa.C.S. § 5106 (2004)

§ 5106. Failure to report injuries by firearm or criminal act

(a) OFFENSE DEFINED.-- Except as set forth in subsection (a.1), a physician, intern or resident, or any person conducting, managing or in charge of any hospital or pharmacy, or in charge of any ward or part of a hospital, to whom shall come or be brought any person:

(1) suffering from any wound or other injury inflicted by his own act or by the act of another which caused death or serious bodily injury, or inflicted by means of a deadly weapon as defined in section 2301 (relating to definitions); or

(2) upon whom injuries have been inflicted in violation of any penal law of this Commonwealth; commits a summary offense if the reporting party fails to report such injuries immediately, both by telephone and in writing, to the chief of police or other head of the police department of the local government, or to the Pennsylvania State Police. The report shall state the name of the injured person, if known, the injured person's whereabouts and the character and extent of the person's injuries.

(A.1) EXCEPTION.-- In cases of bodily injury as defined in section 2301 (relating to definitions), failure to report under subsection (a)(2) does not constitute an offense if all of the following apply:

(1) The victim is an adult and has suffered bodily injury.

(2) The injury was inflicted by an individual who:

(i) is the current or former spouse of the victim;

(ii) is a current or former sexual or intimate partner of the victim;

(iii) shares biological parenthood with the victim; or

(iv) is or has been living as a spouse of the victim.

(3) The victim has been informed:

(i) of the duty to report under subsection (a)(2); and

(ii) that the report under subsection (a)(2) cannot be made without the victim's consent.

(4) The victim does not consent to the report under subsection (a)(2).

(5) The victim has been provided with a referral to the appropriate victim service agency such as a domestic violence or sexual assault program.

(b) IMMUNITY GRANTED.-- No physician or other person shall be subject to civil or criminal liability by reason of complying with this section.

(c) PHYSICIAN-PATIENT PRIVILEGE UNAVAILABLE.-- In any judicial proceeding resulting from a report pursuant to this section, the physician-patient privilege shall not apply in respect to evidence regarding such injuries or the cause thereof. This subsection shall not apply where a report is not made pursuant to subsection (a.1).

(d) REPORTING OF CRIME ENCOURAGED.-- Nothing in this chapter precludes a victim from reporting the crime that resulted in injury.

(e) AVAILABILITY OF INFORMATION.-- A physician or other individual may make available information concerning domestic violence or sexual assault to any individual subject to the provisions of this chapter.

**HISTORY:** Act 2002-162 (H.B. 976), § 2, approved Dec. 9, 2002, eff. in 60 days

LexisNexis (R) Notes:

#### TREATISES AND ANALYTICAL MATERIALS

1. P.L.E. CRIMINAL LAW § 1511, Pennsylvania Law Encyclopedia, VOLUME 20e, § 1511 In General, Copyright 2003, Matthew Bender & Company, Inc., a member of the LexisNexis Group

#### LAW REVIEWS

1. 12 Temp. Pol. & Civ. Rts. L. Rev. 197, NOTE: FERGUSON V. CITY OF CHARLESTON n1: "THE DOCTOR WILL SEE YOU NOW, BE SURE TO BRING YOUR PRIVACY RIGHTS IN WITH YOU!", Fall, 2002.