

Protecting Older Adults and Adults with Disabilities from Institutional Sexual Assault

Act 61 of 2022

Before breaking for summer, the Pennsylvania General Assembly passed a core priority of the Pennsylvania Coalition Against Rape: HB 975. Signed into law on July 11, 2022 by Governor Wolf, Act 61 of 2022 seeks to better protect care-dependent adults—such as adults with disabilities and older adults—from institutional sexual assault by caregivers.

This new law makes the following changes to Pennsylvania's Institutional Sexual Assault statute:

- States that Consent is not a defense to certain violations against care-dependent adults.
- Adds that a caretaker commits a felony of the third degree if they commit certain sexual acts against an adult who receives care, services, or treatment in or from a facility, private care residence, or at home.
- Defines a care-dependent person as “an adult, who, due to physical or cognitive disability or impairment, requires assistance to meet the needs for food, shelter, clothing, personal care, or health care.”
- Defines caretaker as a person who owns, operates, manages, or is employed by a facility or private care residence; a person who provides care to a care-dependent person in a facility, private care residence, or in the person's home; a person who is paid to provide care, or who has a legal responsibility to care for a care-dependent adult, or who has affirmatively assumed responsibility to provide such care.
- Adds these settings to the Institutional Sexual Assault statute: nursing home, personal care home, assisted living facility, private care residence, domiciliary care home, the care-dependent person's residence, community residential facility, intermediate care facility for an individual with a mental disability, an adult daily living center, home healthcare agency, healthcare facility (under Health Care Facilities Act) or other private residences where, for monetary reasons, the owner of the residence or legal entity responsible for the operation of the residence, provides or arranges care.



Many older adults and adults with disabilities rely on caretakers to provide them with food, clothing, health care, shelter, and other basic needs. This population depends on others for their basic survival, which creates power imbalances and risks of sexual victimization. Individuals who exploit these vulnerabilities to commit abuse against elders and adults with disabilities must be held accountable.

For more information about Act 61, please contact Donna Greco, Public Policy and Legislative Affairs Director at dgreco@pcar.org or 717-728-9740 x114.