

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 1337 Session of  
2017

---

INTRODUCED BY PASHINSKI, HILL-EVANS, KINSEY, McNEILL,  
CALTAGIRONE, MILLARD, KORTZ, KULIK, DONATUCCI, NEILSON,  
DeLUCA, ROZZI, CRUZ, VAZQUEZ, HARKINS AND BOBACK, MAY 5, 2017

---

REFERRED TO COMMITTEE ON JUDICIARY, MAY 5, 2017

---

AN ACT

1 Amending Titles 23 (Domestic Relations) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, in abuse of family, further providing for  
4 definitions, for commencement of proceedings, for relief, for  
5 emergency relief by minor judiciary, for arrest for violation  
6 of order, for contempt for violation of order or agreement,  
7 for inability to pay and providing for domestic violence  
8 treatment, for GPS electronic monitoring and for payment of  
9 costs; and, in budget and finance, further providing for  
10 Commonwealth portion of fines, etc. and providing for  
11 Domestic Violence Reduction Account.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. Section 6102(a) of Title 23 of the Pennsylvania  
15 Consolidated Statutes is amended by adding definitions to read:

16 § 6102. Definitions.

17 (a) General rule.--The following words and phrases when used  
18 in this chapter shall have the meanings given to them in this  
19 section unless the context clearly indicates otherwise:

20 \* \* \*

21 "Domestic violence treatment program." A program, including  
22 a batterer's intervention program, which is approved by the

1 Department of Human Services for the treatment of perpetrators  
2 of abuse.

3 \* \* \*

4 "GPS." A global positioning system operated by the United  
5 States Department of Defense that provides specially coded  
6 satellite signals that may be processed by a receiver to compute  
7 location.

8 "GPS electronic monitoring device." A device that enables  
9 the location of an individual wearing the device to be recorded  
10 through use of GPS and related technology and is designed so  
11 that the device:

12 (1) Actively monitors, identifies and records location  
13 data.

14 (2) Permits law enforcement officers to monitor an  
15 individual's location in real time and to download location  
16 data.

17 (3) May be worn around an individual's wrist or ankle.

18 (4) Once fitted around an individual's wrist or ankle,  
19 may not be removed without employing specialized equipment  
20 specifically designed for that purpose.

21 \* \* \*

22 Section 2. Section 6106(a) of Title 23 is amended to read:

23 § 6106. Commencement of proceedings.

24 (a) General rule.--An adult or an emancipated minor may seek  
25 relief under this chapter for that person or any parent, adult  
26 household member or guardian ad litem may seek relief under this  
27 chapter on behalf of minor children, or a guardian of the person  
28 of an adult who has been declared incompetent under 20 Pa.C.S.  
29 Ch. 51 Subch. B (relating to appointment of guardian) may seek  
30 relief on behalf of the incompetent adult, by filing a petition

1 with the court alleging abuse by the defendant. The form of the  
2 petition shall include types of relief which the plaintiff may  
3 seek. Types of relief available on the form of the petition  
4 shall include a request that the defendant submit to a domestic  
5 violence treatment evaluation and, if the evaluation recommends  
6 treatment, that the defendant complete a domestic violence  
7 treatment program.

8 \* \* \*

9 Section 3. Section 6108(a) of Title 23 is amended by adding  
10 paragraphs to read:

11 § 6108. Relief.

12 (a) General rule.--The court may grant any protection order  
13 or approve any consent agreement to bring about a cessation of  
14 abuse of the plaintiff or minor children. The order or agreement  
15 may include:

16 \* \* \*

17 (9.1) Requiring the defendant to wear a GPS electronic  
18 monitoring device.

19 (9.2) Ordering the defendant to submit to a domestic  
20 violence treatment evaluation and, if the evaluation  
21 recommends treatment, requiring the defendant to complete a  
22 domestic violence treatment program.

23 \* \* \*

24 Section 4. Section 6110 of Title 23 is amended by adding a  
25 subsection to read:

26 § 6110. Emergency relief by minor judiciary.

27 \* \* \*

28 (a.1) Service of order.--An order issued under subsection  
29 (a) must be served upon the defendant within six hours of  
30 issuance of the order. Service shall be effected by a law

1 enforcement officer. The law enforcement officer shall, within  
2 24 hours of service of the order, submit verification to the  
3 court of service of the order.

4 \* \* \*

5 Section 5. Section 6113(c) of Title 23 is amended and the  
6 section is amended by adding a subsection to read:

7 § 6113. Arrest for violation of order.

8 \* \* \*

9 (c) Procedure following arrest.--Subsequent to an arrest,  
10 the defendant shall be taken by the police officer or sheriff  
11 without unnecessary delay before the court in the judicial  
12 district where the contempt is alleged to have occurred. The  
13 court shall determine whether the defendant is a veteran of the  
14 United States Armed Forces or of the Pennsylvania National Guard  
15 for the purpose of referring the defendant to appropriate  
16 veterans' services. When that court is unavailable, the police  
17 officer or sheriff shall convey the defendant to a magisterial  
18 district judge designated as appropriate by local rules of court  
19 or, in the city of Pittsburgh, to a magistrate of the Pittsburgh  
20 Magistrates Court or, in counties of the first class, to the  
21 appropriate hearing officer. For purposes of procedure relating  
22 to arraignments for arrest for violation of an order issued  
23 under this chapter, the judges of Pittsburgh Magistrates Court  
24 shall be deemed to be magisterial district judges.

25 \* \* \*

26 (d.1) Bail.--When setting bail for a defendant arrested  
27 under this section, the court shall:

28 (1) Conduct a risk assessment, if a risk assessment is  
29 not required under any other statute, and consider the result  
30 of the risk assessment.

1           (2) Consider all of the following:

2           (i) Requiring the defendant to wear a GPS electronic  
3 monitoring device.

4           (ii) Ordering the defendant to submit to a domestic  
5 violence treatment evaluation and, if the evaluation  
6 recommends treatment, requiring the defendant to complete  
7 a domestic violence treatment program.

8           (3) State in writing each reason for not ordering the  
9 conditions under paragraph (2).

10       \* \* \*

11       Section 6. Section 6114(b) of Title 23 is amended by adding  
12 paragraphs to read:

13 § 6114. Contempt for violation of order or agreement.

14       \* \* \*

15       (b) Trial and punishment.--

16       \* \* \*

17       (1.1) The following shall apply:

18           (i) In addition to the penalties set forth in  
19 paragraph (1), the court may order a defendant convicted  
20 of indirect criminal contempt under this section to:

21           (A) Wear a GPS electronic monitoring device.

22           (B) Submit to a domestic violence treatment  
23 evaluation and, if the evaluation recommends  
24 treatment, require the defendant to complete a  
25 domestic violence treatment program.

26           (C) Both conditions under clauses (A) and (B).

27           (ii) If the court elects not to sentence the  
28 defendant under subparagraph (i), each reason for not  
29 sentencing the defendant under subparagraph (i) must be  
30 stated in writing.

1           (1.2) If the defendant has previously been held in  
2 indirect criminal contempt for violating a protection order  
3 issued under this chapter, a foreign protection order or a  
4 court-approved consent agreement, the sentence for contempt  
5 shall include all of the following:

6           (i) Requiring the defendant to wear a GPS electronic  
7 monitoring device.

8           (ii) Ordering the defendant to submit to a domestic  
9 violence treatment evaluation and, if the evaluation  
10 recommends treatment, requiring the defendant to complete  
11 a domestic violence treatment program.

12           \* \* \*

13           Section 7. Section 6120(a) of Title 23 is amended and the  
14 section is amended by adding a subsection to read:

15 § 6120. Inability to pay.

16           (a) Order for installment payments.--Upon plea and proof  
17 that a person is without the financial means to pay [a fine, a  
18 fee, economic relief ordered under section 6108(a)(8) (relating  
19 to relief) or a cost] a fine, fee or cost described under this  
20 chapter, a court may order payment of money owed in installments  
21 appropriate to the circumstances of the person and shall fix the  
22 amounts, times and manner of payment.

23           (a.1) Applicability.--This section shall apply to the  
24 payment of the following:

25           (1) A fine, fee or cost a defendant must pay under this  
26 chapter.

27           (2) Economic relief ordered under section 6108(a)(8)  
28 (relating to relief).

29           (3) Costs associated with wearing a GPS electronic  
30 monitoring device as ordered under this chapter.

1       (4) Costs associated with a domestic violence treatment  
2 evaluation ordered under this chapter.

3       (5) Costs associated with a domestic violence treatment  
4 program ordered under this chapter.

5       \* \* \*

6       Section 8. Title 23 is amended by adding sections to read:

7 § 6123. Domestic violence treatment.

8       (a) Evaluation.--A domestic violence treatment evaluation  
9 ordered under this chapter shall include a mental health  
10 evaluation and screening for potential drug and alcohol abuse  
11 and dependency.

12       (b) Treatment.--If a defendant is ordered to complete a  
13 domestic violence treatment program, the defendant shall also be  
14 required to attend mental health treatment, drug and alcohol  
15 treatment, or both, if the results of the domestic violence  
16 treatment evaluation recommend mental health treatment, drug and  
17 alcohol treatment, or both. The defendant's domestic violence  
18 treatment provider may:

19       (1) Provide mental health treatment, drug and alcohol  
20 treatment, or both, to the defendant if it is permitted under  
21 the laws of this Commonwealth to provide the treatment.

22       (2) Refer the defendant to a mental health treatment  
23 provider, drug and alcohol treatment provider, or both.

24 § 6124. GPS electronic monitoring.

25       (a) General rule.--If a defendant is ordered to wear a GPS  
26 electronic monitoring device under this chapter, the plaintiff  
27 may also voluntarily elect to have the plaintiff's location  
28 monitored through GPS electronic monitoring in a manner that the  
29 plaintiff receives a notification when the defendant is located  
30 within a certain distance of the plaintiff's location. The

1 court:

2 (1) Shall notify each eligible plaintiff of the option  
3 to participate in GPS electronic monitoring.

4 (2) May not require a plaintiff to participate in GPS  
5 electronic monitoring.

6 (3) Shall establish the distance that the defendant must  
7 remain from the plaintiff.

8 (b) Costs.--Costs or fees associated with GPS electronic  
9 monitoring may not be assigned to the plaintiff. Costs related  
10 to the plaintiff's participation in GPS electronic monitoring  
11 shall be covered using the money paid to the county from the  
12 Domestic Violence Reduction Account established under 42 Pa.C.S.  
13 § 3576 (relating to Domestic Violence Reduction Account).  
14 § 6125. Payment of costs.

15 If the defendant is ordered to wear a GPS electronic  
16 monitoring device, submit to a domestic violence treatment  
17 evaluation or complete a domestic violence treatment program  
18 under this chapter, the defendant shall bear all associated  
19 costs, except that a court shall use any available money the  
20 court receives from the Domestic Violence Reduction Account to  
21 defray costs associated with GPS electronic monitoring pursuant  
22 to the requirements of 42 Pa.C.S. § 3576 (relating to Domestic  
23 Violence Reduction Account).

24 Section 9. Section 3571 of Title 42 is amended by adding a  
25 subsection to read:

26 § 3571. Commonwealth portion of fines, etc.

27 \* \* \*

28 (f) Assault offenses.--In addition to all other fines and  
29 costs authorized by law, an assessment shall be imposed against  
30 a defendant as follows:

1 (1) If the defendant is convicted of or enters a plea of  
2 guilt or nolo contendere for an offense under 18 Pa.C.S. §  
3 2701 (relating to simple assault), an assessment of \$20 shall  
4 be imposed.

5 (2) If the defendant is convicted of or enters a plea of  
6 guilt or nolo contendere for an offense under 18 Pa.C.S. §  
7 2702 (relating to aggravated assault) or § 2702.1 (relating  
8 to assault of a law enforcement officer), an assessment of  
9 \$40 shall be imposed.

10 Assessments collected under this subsection shall be directed to  
11 the Domestic Violence Reduction Account established under § 3576  
12 (relating to Domestic Violence Reduction Account).

13 Section 10. Title 42 is amended by adding a section to read:  
14 § 3576. Domestic Violence Reduction Account.

15 (a) Establishment.--There is established within the State  
16 Treasury a restricted account to be known as the Domestic  
17 Violence Reduction Account. The account shall be comprised of  
18 assessments collected under § 3571(f) (relating to Commonwealth  
19 portion of fines, etc.).

20 (b) Distribution from account.--The Pennsylvania Commission  
21 on Crime and Delinquency shall distribute the money in the  
22 account to counties for use as follows:

23 (1) To fund GPS electronic monitoring of plaintiffs in  
24 protective order proceedings who elect to participate in GPS  
25 electronic monitoring under 23 Pa.C.S. Chapter 61 (relating  
26 to protection from abuse). If money received by a county  
27 under this paragraph remains after funding GPS electronic  
28 monitoring of plaintiffs in protective order proceedings who  
29 elect to participate in GPS electronic monitoring, the county  
30 shall use the money to fund GPS electronic monitoring of

1 defendants in protective order proceedings under 23 Pa.C.S.  
2 Chapter 61.

3 (2) If any money received by a county under this section  
4 remains after fulfilling the provisions of paragraph (1), the  
5 county shall use the money to fund programs related to  
6 combating domestic violence, including domestic violence  
7 victim services.

8 (c) Fee increase.--If the money in the account is depleted  
9 prior to the conclusion of the fiscal year, the Attorney General  
10 shall increase the fees specified in section 3571(f) in an  
11 amount that the Attorney General determines is sufficient to  
12 fund GPS electronic monitoring of plaintiffs in protective order  
13 proceedings for the remainder of the fiscal year. Courts shall  
14 collect the increased fee until the first day of the following  
15 fiscal year, at which time the fee increase shall expire.

16 (d) Report to General Assembly.--The Pennsylvania Commission  
17 on Crime and Delinquency shall submit to the General Assembly by  
18 March 1 of each year a report regarding the administration of  
19 this section. The report shall include, but not be limited to:

20 (1) The total amount of money placed in the Domestic  
21 Violence Reduction Account during the previous fiscal year.

22 (2) The amount of money distributed to each county  
23 during the previous fiscal year and the programs for which  
24 each county used the money.

25 (3) If the Pennsylvania Commission on Crime and  
26 Delinquency deems it necessary, recommendations for  
27 legislative changes to this section and section 3571(f).

28 Section 11. This act shall take effect in 60 days.