

2018D11319NAD:JMT

No. _____

LEGISLATIVE REFERENCE BUREAU

AN ACT

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child custody, further providing for consideration of criminal conviction.

INTRODUCED _____ 20 _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

See next page for additional co-sponsors.

Prior Session _____

Referred to Committee on

Date _____ 20 _____

Reported _____ 20 _____

As Committed-Amended

Recommendation

By Hon. _____

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child custody, further providing
3 for consideration of criminal conviction.

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

6 Section 1. Section 5329(a) of Title 23 of the Pennsylvania
7 Consolidated Statutes, amended May 4, 2018 (P.L.112, No.21), is
8 amended to read:

9 § 5329. Consideration of criminal conviction.

10 (a) Offenses.--Where a party seeks any form of custody, the
11 court shall consider whether that party or member of that
12 party's household has been convicted of or has pleaded guilty or
13 no contest to any of the offenses in this section or an offense
14 in another jurisdiction substantially equivalent to any of the
15 offenses in this section. The court shall consider such conduct
16 and determine that the party does not pose a threat of harm to
17 the child before making any order of custody to that party when
18 considering the following offenses:

1 18 Pa.C.S. Ch. 25 (relating to criminal homicide).
2 18 Pa.C.S. § 2702 (relating to aggravated assault).
3 18 Pa.C.S. § 2706 (relating to terroristic threats).
4 18 Pa.C.S. § 2709.1 (relating to stalking).
5 18 Pa.C.S. § 2718 (relating to strangulation).
6 18 Pa.C.S. § 2901 (relating to kidnapping).
7 18 Pa.C.S. § 2902 (relating to unlawful restraint).
8 18 Pa.C.S. § 2903 (relating to false imprisonment).
9 18 Pa.C.S. § 2910 (relating to luring a child into a motor
10 vehicle or structure).
11 18 Pa.C.S. § 3121 (relating to rape).
12 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).
13 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual
14 intercourse).
15 18 Pa.C.S. § 3124.1 (relating to sexual assault).
16 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).
17 18 Pa.C.S. § 3126 (relating to indecent assault).
18 18 Pa.C.S. § 3127 (relating to indecent exposure).
19 18 Pa.C.S. § 3129 (relating to sexual intercourse with
20 animal).
21 18 Pa.C.S. § 3130 (relating to conduct relating to sex
22 offenders).
23 18 Pa.C.S. § 3301 (relating to arson and related offenses).
24 18 Pa.C.S. § 4302 (relating to incest).
25 18 Pa.C.S. § 4303 (relating to concealing death of child).
26 18 Pa.C.S. § 4304 (relating to endangering welfare of
27 children).
28 18 Pa.C.S. § 4305 (relating to dealing in infant children).
29 18 Pa.C.S. § 5902(b) (relating to prostitution and related
30 offenses).

1 18 Pa.C.S. § 5903(c) or (d) (relating to obscene and other
2 sexual materials and performances).

3 18 Pa.C.S. § 6301 (relating to corruption of minors).

4 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

5 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

6 18 Pa.C.S. § 6320 (relating to sexual exploitation of
7 children).

8 Section 6114 (relating to contempt for violation of order or
9 agreement).

10 The former 75 Pa.C.S. § 3731 (relating to driving under
11 influence of alcohol or controlled substance).

12 75 Pa.C.S. Ch. 38 (relating to driving after imbibing alcohol
13 or utilizing drugs).

14 Section 13(a)(1) of the act of April 14, 1972 (P.L.233,
15 No.64), known as The Controlled Substance, Drug, Device and
16 Cosmetic Act, to the extent that it prohibits the manufacture,
17 sale or delivery, holding, offering for sale or possession of
18 any controlled substance or other drug or device.

19 * * *

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

