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COMMITTEES
JUDICIARY, CHAIRMAN

House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

AGENDA

JUDICIARY COMMITTEE PUBLIC HEARING

HB 2346 -- Crime of Stalking

Majority Caucus Room (140 MC)
April 21, 1992 10:00 AM

Representative Michael P. McGeehan, Prime Sponsor
Philadelphia, 173rd District

Perretta Family
mother, father & sibling survivors of stalking victim

Nancy Durburow, Trainer/Presenter
PA Coalition Against Domestic Violence

Mimi Rose, Esq. Kathleen McDonnell, Esq.
Chief, Special Assault Unit Acting Chief of Legislation
Office of Philadelphia District Attorney

b:hb2346.hrg

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO HOUSE BILL NO. 2346

Sponsor:

Printer's No. 2997

Amend Bill, page 1, lines 10 through 18; pages 2 through 4, lines 1 through 30; page 5, lines 1 through 10, by striking out all of said lines on said pages and inserting

Section 1. Section 2709 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 2709. Harassment and stalking.

(a) Harassment.--A person commits [a summary offense] the crime of harassment when, with intent to harass, annoy or alarm another person:

(1) he strikes, shoves, kicks or otherwise subjects him to physical contact, or attempts or threatens to do the same; or

(2) he follows a person in or about a public place or places; or

(3) he engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose.

(b) Stalking.--A person commits the crime of stalking when he follows another person under circumstances which demonstrate an intent to place that person in fear of bodily injury.

(c) Grading.--

(1) (i) An offense under subsection (a) shall constitute a summary offense.

(ii) A second offense under subsection (a) shall constitute a misdemeanor of the third degree.

(iii) A third or subsequent offense under subsection (a) shall constitute a misdemeanor of the first degree.

(2) (i) An offense under subsection (b) shall constitute a misdemeanor of the first degree.

(ii) A second or subsequent offense under subsection (b) or a first offense under subsection (b) if the person has been previously convicted of any crime of violence involving this same victim, including, but not limited to, a violation of section 2701 (relating to simple assault), 2702 (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2706 (relating to terroristic threats), 2901 (relating to kidnapping), 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse), 3128 (relating to spousal sexual assault), 4952 (relating to intimidation of witnesses or victims), 4953 (relating to

retaliation against witness or victim), an order issued under section 4954 (relating to protective orders) or an order issued under 23 Pa.C.S. § 6108 (relating to relief) shall constitute a felony of the third degree.

Section 2. Title 18 is amended by adding a section to read: § 2713. Antistalking.

(a) General rule.--Upon a conviction, guilty plea or nolo contendere plea to a misdemeanor or felony, including, but not limited to, a violation of section 2701 (relating to simple assault), 2702 (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2706 (relating to terroristic threats), 2709 (relating to harassment and stalking), 2901 (relating to kidnapping), 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse), 3128 (relating to spousal sexual assault), 3301 (relating to arson and related offenses) or 3503 (relating to criminal trespass), and upon application of a district attorney on behalf of the victim or witness to the crime who believes that the offender poses a continuing risk of harm, the sentencing court may issue an antistalking order, including, but not limited to the following:

(1) Directing the offender to refrain from stalking the victim, witness or any family or household member.

(2) Directing the offender to maintain a prescribed geographic distance from the victim, witness or any family or household member.

(3) Prohibiting the offender from having any communication whatsoever with the victim, witness or any family or household member, except as otherwise ordered by a civil or criminal court having jurisdiction over the offender.

(b) Duration and amendment of order.--An antistalking order may be for a fixed period of time or may be permanent, as determined in the discretion of the court. The court may amend its order at any time upon petition filed by the prosecutor, a person protected by the antistalking order or the offender.

(c) Violation of orders.--A violation of an antistalking order shall constitute a felony of the second degree.

(d) Issuance and placement in county registry.--A copy of an antistalking order under this chapter shall be issued to the district attorney, the victim, the defendant and the police departments with appropriate jurisdiction to enforce the order. Upon receipt of an order, a police department shall immediately place the order in the county registry of civil protection orders issued pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse). The police department shall assure that the registry is current at all times and that orders are removed upon expiration thereof.

(e) Notification upon release.--Any person who is protected by an antistalking order shall be notified by the district attorney sufficiently in advance of the release of the offender, including parole, pardon, work release, furlough or community service, and shall be provided immediate notice of the escape of the offender. A person in whose favor an antistalking order has been issued must keep the district attorney apprised of contact information; failure to do so constitutes waiver of any right to notification.

(f) Notice to offender.--Notice shall be given to the offender, in orders issued pursuant to this section, of the

possible ramifications of resumption of residence in the family domicile contrary to an antistalking order. Resumption of coresidence on the part of the victim and offender shall not nullify provisions of the antistalking order.

(g) Training.--

(1) Each police department in this Commonwealth shall insure that all its officers and employees are familiar with the provisions of this section. Instruction concerning this section shall be made a part of the curriculum for all trainee officers.

(2) Each district attorney in the Commonwealth shall insure that all its employees are familiar with the provisions of this section.

(3) The Minor Judiciary Education Board shall insure that all district justices are familiar with the provisions of this section. Instruction concerning this section shall be made a part of the introductory and continuing education courses for the minor judiciary.

Section 3. Section 4954 of Title 18 is amended to read:

§ 4954. Protective orders.

Any court with jurisdiction over any criminal matter may, after a hearing and in its discretion, upon substantial evidence, which may include hearsay or the declaration of the prosecutor that a witness or victim has been intimidated or is reasonably likely to be intimidated, issue victim/witness protective orders including but not limited to the following:

(1) An order that a defendant not violate any provision of this subchapter or section 2709(b) (relating to harassment and stalking).

(2) An order that a person other than the defendant, including but not limited to a subpoenaed witness, not violate any provision of this subchapter.

(3) An order that any person described in paragraph (1) or (2) maintain a prescribed geographic distance from any specified witness or victim.

(4) An order that any person described in paragraph (1) or (2) have no communication whatsoever with any specified witness or victim, except through an attorney under such reasonable restrictions as the court may impose.

Section 4. Title 18 is amended by adding a section to read:

§ 4954.1. Service of orders.

(a) Issuance.--A copy of a victim/witness protective order shall be issued to the district attorney, the victim or witness protected thereby, the defendant and the police departments with appropriate jurisdiction to enforce the order in accordance with the provisions of this subchapter.

(b) Placement in county registry.--Upon receipt of an order, a police department shall immediately place the order in the county registry of civil protection orders issued pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse). The police department shall assure that the registry is current at all times and that orders are removed upon expiration thereof.

(c) Accessibility of registry.--The county registry of civil protection orders, antistalking orders and victim/witness protective orders shall be available to law enforcement 24 hours a day and shall distinguish civil protection orders from victim/witness protective orders in order to expedite ease of enforcement of either or both.

Section 5. Section 4955 of Title 18 is amended to read:

§ 4955. Violation of orders.

(a) Punishment.--Any person violating any order made pursuant to section 4954 (relating to protective orders) may be punished in any of the following ways:

(1) For any substantive offense described in this subchapter, where such violation of an order is a violation of any provision of this subchapter.

(2) As a contempt of the court making such order. No finding of contempt shall be a bar to prosecution for a substantive offense under section 2709(b) (relating to harassment and stalking, 4952 (relating to intimidation of witnesses or victims) or 4953 (relating to retaliation against witness or victim), but:

(i) any person so held in contempt shall be entitled to credit for any punishment imposed therein against any sentence imposed on conviction of said substantive offense; and

(ii) any conviction or acquittal for any substantive offense under this title shall be a bar to subsequent punishment for contempt arising out of the same act.

(3) By revocation of any form of pretrial release, or the forfeiture of bail and the issuance of a bench warrant for the defendant's arrest or remanding him to custody. Revocation may, after hearing and on substantial evidence, in the sound discretion of the court, be made whether the violation of order complained of has been committed by the defendant personally or was caused or encouraged to have been committed by the defendant.

(b) Arrest.--An arrest for a violation of a victim/witness protective order issued pursuant to section 4954 may be without warrant upon probable cause whether or not the violation is committed in the presence of a law enforcement officer. The law enforcement officer may verify, if necessary, the existence of a victim/witness protective order by telephone or radio communication with the appropriate police department or county registry.

(c) Arraignment.--Subsequent to an arrest, the defendant shall be taken without unnecessary delay before the court that issued the order. When that court is unavailable, the defendant shall be arraigned before a district justice or in Philadelphia before a Municipal Court Judge or in Pittsburgh before a magistrate in the Magistrate Court, in accordance with the Pennsylvania Rules of Criminal Procedure.

Section 6. Section 6108(a) of Title 23 is amended by adding a paragraph to read:

§ 6108. Relief.

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

* * *

(9) Directing the defendant to refrain from stalking the plaintiff and other designated persons as defined in 18 Pa.C.S. § 2709(b) (relating to harassment and stalking).

* * *

Section 7. This act shall take effect immediately.

(greeting)

We are here today because we failed Pia. We failed Pia as parents. We failed Pia as family. We failed Pia as community. We failed Pia as city. We failed Pia as a state. We failed Pia because we did not do what needed to be done to insure her most basic right. Her right to live.

Pia did what she needed to. She did what we, as parents, family, community, city and state told her to do. She did her part. But we failed her. We left her alone.

She took an apartment next door to her mother. She reported the abuse to the police. She told the police that he was armed and had threatened to shoot it out with them. She told police that he had held a gun to her head. She told police that he threatened to kill her and her children. She warned her job that she was in danger and had received harassing calls at work. She filed a protection order. She appeared in court. She pressed charges. Every step of the way Pia followed the advise of those she trusted, of those in authority. Yet all Pia's efforts did not protect her from her abuser. Ultimately Pia was alone.

As parents we have thought long and hard about our failure. We suffer, we grieve. We know what we must do differently. It is the same with her family. We failed Pia when we left her alone. We left her alone by not providing her with appropriate protection. And we left her alone make no mistake about that. Terribly alone. Horribly alone.

Abused for months. Harassed for weeks. Stalked for days. And then alone for those last minutes. Perhaps only a few seconds. face to face with her murderer. Nothing between her and her murderer. Parents not there. Family not there. Community not there. City not there. State not there.

I ask you to think now, as I have all too often, of what her last thoughts might have been. When she knew, if only for a split second, what was about to happen to her. What did she feel. She must have felt so terribly alone. Where were the ones she loved? Where were the ones she trusted? Where were those in authority whose advise she took? No one was there. Pia was alone. We all failed Pia.

So for her now we can do nothing. But there are others like her. Young women abused. In flight from their abusers. Stalked. Vulnerable.

We all know that no law can prevent what happened to Pia from ever happening again. But we can help. We can make such things more difficult and less likely. We can pass House Bill 2346 The stalker bill. A bill with teeth in it. Let it be known that craven acts are more than misdemeanors. Make stalking a felony. We owe that to Pia. We

owe that to every young woman in Pia's circumstances. We must now act together so they are not left alone.

'Stalker' bill aims to help abuse victims

*Center Daily Times
3/10/92*

By B.J. PHILLIPS
Knight-Ridder Newspapers

PHILADELPHIA — A Family Court judge signed the protection-from-abuse order for Pia Perretta when it crossed his desk some time during the day of Feb. 26.

By then, unfortunately, nothing could protect Pia Perretta.

As she walked into work at Germantown Hospital and Medical Center earlier that morning, her former boyfriend, Steven Boyd, stepped out from between cars in the doctors' parking lot, raised his sawed-off, 16-gauge shotgun and shot her in the face.

She died two days later. Boyd died of a shotgun wound, perhaps self-inflicted, after a police chase.

At a news conference after the shooting, District Attorney Lynn M. Abraham seemed almost to quiver from the effort of maintaining a judicial calm when she noted that the shooting underscored the "urgent need" to adopt a bill drafted by her office to stop men who stalk women.

As both prosecutor and judge, Abraham has seen a full share of the violence that seems, at times, to be all there is to the relationship between some men and women. She knows that the dangers for women are both greater and much more subtle than the statutes now acknowledge.

Even after a woman has secured a protection order, it only protects her from abusive, harassing or threatening behavior. As long as a man makes no overt oral threat, he's within the confines of the order.

That means that as long as he says nothing, he can lurk day and night with impunity. He can wait for her when she arrives at work, follow her on the bus, sit in his car across from school when she picks up the kids.

A stalker can become a constant, brooding presence circling a woman's life like a raptor and still not fear the law.

If a woman manages to convince a judge that the man is guilty of harassment — defined as physical contact or following her in public places — he's merely charged with a summary offense.

"That's 45 to 90 days," Abraham says, "but they usually don't see a day in jail. Under this new law, it's either a misdemeanor — 2½-to-5 years — or a felony — 3½-to-7."

The new law defines stalking as following someone "under circumstances which demonstrate an intent to place that person in fear of bodily injury."

Critics say the language is too vague. Women who have been stalked, however, seem to understand exactly what it means.

"Stalking takes place in one form or another in almost every case we see," says Nancy Hopkins, director of Laurel House, Montgomery County's shelter for battered women. "Particularly when women have tried to get away, they are stalked."

"At home, the abuse is a private matter," notes Vernoca Michael of Delaware County's Domestic Abuse and Violence Service. "When a woman leaves the home or seeks help, other people find out. It's not private any more, and that often enrages men."

Shelter workers tell of elaborate schemes to trace women through the Post Office, driver's license bureaus and credit-rating agencies. Some men methodically drive the streets to ask other kids if they recognize the children's names or photographs. Others wait for her to contact friends, or since it's easier to change houses than jobs, they simply wait for her to come to work.

One woman who came to Laurel House had moved four times to escape her ex-husband, and each time he tracked her down.

"He'd hide and jump out when she got out of her car or came out of her house," Hopkins said. "His presence was a statement of terror, saying without words, 'I'm here. I can always find you.'"

Then one day, he made the fear real, beating her so badly that she was in a coma for three days.

At least she survived.

A Delaware County woman was shot dead in the fall in front of her two children. A few years ago, a woman in Bucks County was raped and stabbed by her ex-husband while their five small children looked on. In Montgomery County, a man who had stalked his ex-wife for months without hindrance followed her home one night and killed her. At last, the authorities took him seriously and he was arrested, although he was allowed to attend her funeral.

The law won't put an end to this deranged murderousness. But it just might make it a little bit harder for a stalker to act on his anger.

"This legislation is not a cure-all," Abraham admits. "But it will help. That's all we're looking to do, to help — and to say to women, 'we'll try to protect you.'"

B.J. Phillips is a Philadelphia Inquirer columnist.

'Stalker' laws save lives

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Stalking isn't simple harassment. He's just a guy. An ordinary face in the crowd. Nothing special. Not doing anything. Not bothering anybody. Unless you happen to be the anybody who used to be married to him. The anybody he knocked around and beat up on every day of the week that ended in "y." The anybody who has been terrorized by him as a way of life.

He left you for another woman every other week, and that wasn't even the half of it. So you finally dumped him. Got a divorce. Started over. But he found you along with the new man in your life, and used him as an excuse to beat on you some more.

You quickly got a "Stay Away" order from court and you moved. Again he found you.

But now there there's no beating, no abusive language any more. He just stands there across the street, a reminder of old fears and old beatings. At the supermarket, at the movies, church, work. You turn around, he is there following you. Making you crazy.

He told you before that if

GUEST OPINION



LYNNE ABRAHAM

he can't have you, nobody can, and that one day he'd kill you. You believe him, and you're scared. You know he's capable of anything.

No, this isn't a Stephen King scare-flick scenario. It's reality for more women than any of us want to admit. It's why we need "stalking legislation," and it's why your recent editorial on stalking is wrong.

Yes, there is a criminal statute on the books covering harassment. At best, like a parking ticket, it's a slap on the wrist. At its worst, it's a killer. Mostly of women.

By definition, the harassment statute covers broad and varied categories of annoying behavior. Things that get people steamed, annoyed, provoked or just plain angry.

"Stalking" will be defined as the act of following a person from place to place with only one thought in mind — terrorizing them. Harassment gets people mad. "Stalking" too often gets people dead. Put specific "stalking" legislation on the books and you send unmistakable messages to all who are involved.

■ To the police: Here's a needed way to lock up a stalker before he kills or maims his victim.

■ To the judges: Here's a

law that will permit you to order a defendant not to "stalk" a person, and if they repeat, they're bitten by the law with felony teeth.

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Stalking incidents continue to grow nationwide, prompting other states to enact legislation similar to that proposed and co-sponsored by state Reps. Michael McGeehan of Philadelphia and Karen Ritter of Lehigh.

I really believe the Daily News has missed the boat on an issue that will dramatically increase the amount and quality of protection afforded innocent, frightened victims of this terroristic tactic.

You've misled your readers by totally missing the scope, intent and purpose of this much needed proposal that will forcefully close the serious gap that exists in Pennsylvania's criminal justice system.

We, in the Philadelphia district attorney's office, are proud to have helped draft this powerful and enforceable new anti-stalking statute with the support of many concerned groups. Why don't you folks climb on board too?

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COMMITTEES
JUDICIARY, CHAIRMAN

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(iii) A third or subsequent offense under subsection (a) shall constitute a misdemeanor of the first degree.

(2) (i) An offense under subsection (b) shall constitute a misdemeanor of the first degree.

(ii) A second or subsequent offense under subsection (b) or a first offense under subsection (b) if the person has been previously convicted of any crime of violence involving this same victim, including, but not limited to, a violation of section 2701 (relating to simple assault), 2702 (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2706 (relating to terroristic threats), 2901 (relating to kidnapping), 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse), 3128 (relating to spousal sexual assault), 4952 (relating to intimidation of witnesses or victims), 4953 (relating to

retaliation against witness or victim), an order issued under section 4954 (relating to protective orders) or an order issued under 23 Pa.C.S. § 6108 (relating to relief) shall constitute a felony of the third degree.

Section 2. Title 18 is amended by adding a section to read: § 2713. Antistalking.

(a) General rule.--Upon a conviction, guilty plea or nolo contendere plea to a misdemeanor or felony, including, but not limited to, a violation of section 2701 (relating to simple assault), 2702 (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2706 (relating to terroristic threats), 2709 (relating to harassment and stalking), 2901 (relating to kidnapping), 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse), 3128 (relating to spousal sexual assault), 3301 (relating to arson and related offenses) or 3503 (relating to criminal trespass), and upon application of a district attorney on behalf of the victim or witness to the crime who believes that the offender poses a continuing risk of harm, the sentencing court may issue an antistalking order, including, but not limited to the following:

(1) Directing the offender to refrain from stalking the victim, witness or any family or household member.

(2) Directing the offender to maintain a prescribed geographic distance from the victim, witness or any family or household member.

(3) Prohibiting the offender from having any communication whatsoever with the victim, witness or any family or household member, except as otherwise ordered by a civil or criminal court having jurisdiction over the offender.

(b) Duration and amendment of order.--An antistalking order may be for a fixed period of time or may be permanent, as determined in the discretion of the court. The court may amend its order at any time upon petition filed by the prosecutor, a person protected by the antistalking order or the offender.

(c) Violation of orders.--A violation of an antistalking order shall constitute a felony of the second degree.

(d) Issuance and placement in county registry.--A copy of an antistalking order under this chapter shall be issued to the district attorney, the victim, the defendant and the police departments with appropriate jurisdiction to enforce the order. Upon receipt of an order, a police department shall immediately place the order in the county registry of civil protection orders issued pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse). The police department shall assure that the registry is current at all times and that orders are removed upon expiration thereof.

(e) Notification upon release.--Any person who is protected by an antistalking order shall be notified by the district attorney sufficiently in advance of the release of the offender, including parole, pardon, work release, furlough or community service, and shall be provided immediate notice of the escape of the offender. A person in whose favor an antistalking order has been issued must keep the district attorney apprised of contact information; failure to do so constitutes waiver of any right to notification.

(f) Notice to offender.--Notice shall be given to the offender, in orders issued pursuant to this section, of the

possible ramifications of resumption of residence in the family domicile contrary to an antistalking order. Resumption of coresidence on the part of the victim and offender shall not nullify provisions of the antistalking order.

(g) Training.--

(1) Each police department in this Commonwealth shall insure that all its officers and employees are familiar with the provisions of this section. Instruction concerning this section shall be made a part of the curriculum for all trainee officers.

(2) Each district attorney in the Commonwealth shall insure that all its employees are familiar with the provisions of this section.

(3) The Minor Judiciary Education Board shall insure that all district justices are familiar with the provisions of this section. Instruction concerning this section shall be made a part of the introductory and continuing education courses for the minor judiciary.

Section 3. Section 4954 of Title 18 is amended to read:

§ 4954. Protective orders.

Any court with jurisdiction over any criminal matter may, after a hearing and in its discretion, upon substantial evidence, which may include hearsay or the declaration of the prosecutor that a witness or victim has been intimidated or is reasonably likely to be intimidated, issue victim/witness protective orders including but not limited to the following:

(1) An order that a defendant not violate any provision of this subchapter or section 2709(b) (relating to harassment and stalking).

(2) An order that a person other than the defendant, including but not limited to a subpoenaed witness, not violate any provision of this subchapter.

(3) An order that any person described in paragraph (1) or (2) maintain a prescribed geographic distance from any specified witness or victim.

(4) An order that any person described in paragraph (1) or (2) have no communication whatsoever with any specified witness or victim, except through an attorney under such reasonable restrictions as the court may impose.

Section 4. Title 18 is amended by adding a section to read:

§ 4954.1. Service of orders.

(a) Issuance.--A copy of a victim/witness protective order shall be issued to the district attorney, the victim or witness protected thereby, the defendant and the police departments with appropriate jurisdiction to enforce the order in accordance with the provisions of this subchapter.

(b) Placement in county registry.--Upon receipt of an order, a police department shall immediately place the order in the county registry of civil protection orders issued pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse). The police department shall assure that the registry is current at all times and that orders are removed upon expiration thereof.

(c) Accessibility of registry.--The county registry of civil protection orders, antistalking orders and victim/witness protective orders shall be available to law enforcement 24 hours a day and shall distinguish civil protection orders from victim/witness protective orders in order to expedite ease of enforcement of either or both.

Section 5. Section 4955 of Title 18 is amended to read:

§ 4955. Violation of orders.

(a) Punishment.--Any person violating any order made pursuant to section 4954 (relating to protective orders) may be punished in any of the following ways:

(1) For any substantive offense described in this subchapter, where such violation of an order is a violation of any provision of this subchapter.

(2) As a contempt of the court making such order. No finding of contempt shall be a bar to prosecution for a substantive offense under section 2709(b) (relating to harassment and stalking), 4952 (relating to intimidation of witnesses or victims) or 4953 (relating to retaliation against witness or victim), but:

(i) any person so held in contempt shall be entitled to credit for any punishment imposed therein against any sentence imposed on conviction of said substantive offense; and

(ii) any conviction or acquittal for any substantive offense under this title shall be a bar to subsequent punishment for contempt arising out of the same act.

(3) By revocation of any form of pretrial release, or the forfeiture of bail and the issuance of a bench warrant for the defendant's arrest or remanding him to custody. Revocation may, after hearing and on substantial evidence, in the sound discretion of the court, be made whether the violation of order complained of has been committed by the defendant personally or was caused or encouraged to have been committed by the defendant.

(b) Arrest.--An arrest for a violation of a victim/witness protective order issued pursuant to section 4954 may be without warrant upon probable cause whether or not the violation is committed in the presence of a law enforcement officer. The law enforcement officer may verify, if necessary, the existence of a victim/witness protective order by telephone or radio communication with the appropriate police department or county registry.

(c) Arraignment.--Subsequent to an arrest, the defendant shall be taken without unnecessary delay before the court that issued the order. When that court is unavailable, the defendant shall be arraigned before a district justice or in Philadelphia before a Municipal Court Judge or in Pittsburgh before a magistrate in the Magistrate Court, in accordance with the Pennsylvania Rules of Criminal Procedure.

Section 6. Section 6108(a) of Title 23 is amended by adding a paragraph to read:

§ 6108. Relief.

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

* * *

(9) Directing the defendant to refrain from stalking the plaintiff and other designated persons as defined in 18 Pa.C.S. § 2709(b) (relating to harassment and stalking).

* * *

Section 7. This act shall take effect immediately.

(greeting)

We are here today because we failed Pia. We failed Pia as parents. We failed Pia as family. We failed Pia as community. We failed Pia as city. We failed Pia as a state. We failed Pia because we did not do what needed to be done to insure her most basic right. Her right to live.

Pia did what she needed to. She did what we, as parents, family, community, city and state told her to do. She did her part. But we failed her. We left her alone.

She took an apartment next door to her mother. She reported the abuse to the police. She told the police that he was armed and had threatened to shoot it out with them. She told police that he had held a gun to her head. She told police that he threatened to kill her and her children. She warned her job that she was in danger and had received harassing calls at work. She filed a protection order. She appeared in court. She pressed charges. Every step of the way Pia followed the advise of those she trusted, of those in authority. Yet all Pia's efforts did not protect her from her abuser. Ultimately Pia was alone.

As parents we have thought long and hard about our failure. We suffer, we grieve. We know what we must do differently. It is the same with her family. We failed Pia when we left her alone. We left her alone by not providing her with appropriate protection. And we left her alone make no mistake about that. Terribly alone. Horribly alone.

Abused for months. Harassed for weeks. Stalked for days. And then alone for those last minutes. Perhaps only a few seconds. face to face with her murderer. Nothing between her and her murderer. Parents not there. Family not there. Community not there. City not there. State not there.

I ask you to think now, as I have all too often, of what her last thoughts might have been. When she knew, if only for a split second, what was about to happen to her. What did she feel. She must have felt so terribly alone. Where were the ones she loved? Where were the ones she trusted? Where were those in authority whose advise she took? No one was there. Pia was alone. We all failed Pia.

So for her now we can do nothing. But there are others like her. Young women abused. In flight from their abusers. Stalked. Vulnerable.

We all know that no law can prevent what happened to Pia from ever happening again. But we can help. We can make such things more difficult and less likely. We can pass House Bill 2346 The stalker bill. A bill with teeth in it. Let it be known that craven acts are more than misdemeanors. Make stalking a felony. We owe that to Pia. We

owe that to every young woman in Pia's circumstances. We must now act together so they are not left alone.