
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2015 Session of
2018

INTRODUCED BY CONKLIN, BOBACK, V. BROWN, BULLOCK, CALTAGIRONE,
D. COSTA, DeLUCA, FARRY, GILLEN, KINSEY, KORTZ, McNEILL,
MURT, NEILSON, READSHAW, ROZZI, SCHLOSSBERG, THOMAS, TOOHL
AND WATSON, JANUARY 22, 2018

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 22, 2018

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in protection from abuse, further
3 providing for relief.

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

6 Section 1. Section 6108(a)(4)(v) and (5) of Title 23 of the
7 Pennsylvania Consolidated Statutes are amended and subsection
8 (a) is amended by adding a paragraph to read:
9 § 6108. Relief.

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

14 * * *

15 (4) Awarding temporary custody of or establishing
16 temporary visitation rights with regard to minor children. In
17 determining whether to award temporary custody or establish

1 temporary visitation rights pursuant to this paragraph, the
2 court shall consider any risk posed by the defendant to the
3 children as well as risk to the plaintiff. The following
4 shall apply:

5 * * *

6 (v) Nothing in this paragraph shall bar either party
7 from filing a petition for custody under Chapter 53
8 (relating to child custody) or under the Pennsylvania
9 Rules of Civil Procedure.

10 * * *

11 (5) After a hearing in accordance with section 6107(a),
12 directing the defendant to pay financial support to those
13 persons the defendant has a duty to support, requiring the
14 defendant, under sections 4324 (relating to inclusion of
15 spousal medical support) and 4326 (relating to mandatory
16 inclusion of child medical support), to provide health
17 coverage for the minor child and spouse, directing the
18 defendant to pay all of the unreimbursed medical expenses of
19 a spouse or minor child of the defendant to the provider or
20 to the plaintiff when he or she has paid for the medical
21 treatment, and directing the defendant to make or continue to
22 make rent or mortgage payments on the residence of the
23 plaintiff to the extent that the defendant has a duty to
24 support the plaintiff or other dependent household members.
25 The support order shall be temporary, and any beneficiary of
26 the order must file a complaint for support under the
27 provisions of [Chapters] Chapter 43 (relating to support
28 matters generally) and [45 (relating to reciprocal
29 enforcement of support orders)] Parts VIII (relating to
30 uniform interstate family support) and VIII-A (relating to

1 intrastate family support within two weeks of the date of the
2 issuance of the protection order. If a complaint for support
3 is not filed, that portion of the protection order requiring
4 the defendant to pay support is void. When there is a
5 subsequent ruling on a complaint for support, the portion of
6 the protection order requiring the defendant to pay support
7 expires.

8 * * *

9 (6.1) (i) Ordering the defendant to wear or attach to
10 the defendant's person an electronic monitoring device if
11 the court deems it necessary to protect the plaintiff or
12 minor children and finds they are in immediate and
13 present danger of physical abuse.

14 (ii) In determining whether an immediate and present
15 danger of abuse exists, the court shall consider a number
16 of factors, including, but not limited to:

17 (A) Whether the order of protection from abuse
18 is unlikely to achieve its purpose in the absence of
19 an electronic monitoring device.

20 (B) Whether the defendant has previously
21 violated a protection from abuse order.

22 (C) Whether past or present abuse to the
23 plaintiff or any of the plaintiff's minor children
24 resulted in injury.

25 (D) Whether the abuse occurred in public.

26 (E) Whether the abuse includes:

27 (I) threats of abuse or suicide;

28 (II) killing or threatening to kill pets;

29 (III) an escalation of violence;

30 (IV) stalking or obsessive behavior;

1 (V) sexual violence; or

2 (VI) drug or excessive alcohol use.

3 (iii) As used in this paragraph, the term
4 "electronic monitoring device" means active surveillance
5 technology that:

6 (A) Is worn by or attached to a defendant
7 consisting of a single-piece device that immediately
8 notifies law enforcement or other monitors of a
9 violation of the distance requirements or locations
10 that the defendant is barred from entering.

11 (B) Immediately notifies the plaintiff of a
12 violation.

13 (C) Allows law enforcement or monitors to speak
14 to the defendant in some manner through or in
15 conjunction with the device;

16 (D) Has a loud alarm that can be activated to
17 warn the plaintiff of the defendant's presence in a
18 location where the defendant is barred from entering.

19 (E) Can be tracked by either satellite or
20 cellular telephone tower triangulation.

21 * * *

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