

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 935 Session of 2023

INTRODUCED BY CAPPELLETTI, SCHWANK, SAVAL, HAYWOOD, FONTANA, KANE, HUGHES, COMMITTA, KEARNEY, TARTAGLIONE AND BREWSTER, OCTOBER 3, 2023

REFERRED TO JUDICIARY, OCTOBER 3, 2023

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
 2 Pennsylvania Consolidated Statutes, in bases of jurisdiction
 3 and interstate and international procedure, further providing
 4 for assistance to tribunals and litigants outside this
 5 Commonwealth with respect to service and for issuance of
 6 subpoena; in commencement of proceedings, further providing
 7 for authority of officers of another state to arrest in this
 8 Commonwealth; and, in detainers and extradition, further
 9 providing for definitions, for duty of Governor with respect
 10 to fugitives from justice and for presigned waiver of
 11 extradition.

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

14 Section 1. Sections 5324(a), 5335(b) and 8922 of Title 42 of
 15 the Pennsylvania Consolidated Statutes are amended to read:

16 § 5324. Assistance to tribunals and litigants outside this
 17 Commonwealth with respect to service.

18 (a) General rule.--[A]

19 (1) Except as provided under paragraph (2), a court of
 20 record of this Commonwealth may order service upon any person
 21 who is domiciled or can be found within this Commonwealth of
 22 any document issued in connection with a matter in a tribunal

1 outside this Commonwealth. The order may be made upon
2 application of any interested person or in response to a
3 letter rogatory issued by a tribunal outside this
4 Commonwealth and shall direct the manner of service.

5 (2) A court of record of this Commonwealth shall have no
6 authority under this section to order service upon any person
7 for any matter in a tribunal outside of this Commonwealth
8 involving the provision or delivery of reproductive health
9 care services.

10 (3) As used in this subsection, the term "reproductive
11 health care services" means medical, surgical, counseling or
12 referral services relating to the human reproductive system,
13 including services relating to pregnancy, contraception or
14 the termination of a pregnancy that may be lawfully performed
15 in this Commonwealth, that are provided in any hospital,
16 outpatient clinic, physician's office or other medical
17 facility or office.

18 * * *

19 § 5335. Issuance of subpoena.

20 * * *

21 (b) Duty of prothonotary.--[A]

22 (1) Except as provided under paragraph (2), a
23 prothonotary in receipt of a foreign subpoena shall, in
24 accordance with that court's procedure, promptly issue a
25 subpoena for service upon the person to whom the foreign
26 subpoena is directed.

27 (2) A prothonotary shall have no authority under this
28 section to issue a subpoena for service upon any person for
29 any matter in a tribunal outside of this Commonwealth
30 involving the provision or delivery of reproductive health

1 care services.

2 (3) As used in this subsection, the term "reproductive
3 health care services" means medical, surgical, counseling or
4 referral services relating to the human reproductive system,
5 including services relating to pregnancy, contraception or
6 the termination of a pregnancy that may be lawfully performed
7 in this Commonwealth, that are provided in any hospital,
8 outpatient clinic, physician's office or other medical
9 facility or office.

10 * * *

11 § 8922. Authority of officers of another state to arrest in
12 this Commonwealth.

13 [Any] (a) Authority.--Except as provided under subsection
14 (b), any peace officer of another state who enters this
15 Commonwealth in close pursuit of a person, and continues within
16 this Commonwealth in such close pursuit, in order to arrest him,
17 shall have the same authority to arrest and hold in custody such
18 person on the ground that he has committed a crime in such state
19 which is an indictable offense in this Commonwealth as peace
20 officers of this Commonwealth have to arrest and hold in custody
21 a person on the ground that he has committed a crime in this
22 Commonwealth.

23 (b) Exception.--A peace officer of another state under
24 subsection (a) shall have no authority to arrest and hold in
25 custody a person accused of a crime in such state involving
26 reproductive health care services.

27 (c) Definition.--As used in this section, the term
28 "reproductive health care services" means medical, surgical,
29 counseling or referral services relating to the human
30 reproductive system, including services relating to pregnancy,

1 contraception or the termination of a pregnancy that may be
2 lawfully performed in this Commonwealth, that are provided in
3 any hospital, outpatient clinic, physician's office or other
4 medical facility or office.

5 Section 2. Section 9122 of Title 42 is amended by adding a
6 definition to read:

7 § 9122. Definitions.

8 The following words and phrases when used in this subchapter
9 shall have, unless the context clearly indicates otherwise, the
10 meanings given to them in this section:

11 * * *

12 "Reproductive health care services." Medical, surgical,
13 counseling or referral services relating to the human
14 reproductive system, including services relating to pregnancy,
15 contraception or the termination of a pregnancy that may be
16 lawfully performed in this Commonwealth, that are provided in
17 any hospital, outpatient clinic, physician's office or other
18 medical facility or office.

19 * * *

20 Section 3. Sections 9123 and 9146.1 of Title 42 are amended
21 to read:

22 § 9123. Duty of Governor with respect to fugitives from
23 justice.

24 [Subject] (a) Duty.--Except as provided under subsection (b)
25 and subject to the provisions of this subchapter, the provisions
26 of the Constitution of the United States controlling, and any
27 and all acts of Congress enacted in pursuance thereof, it is the
28 duty of the Governor of this Commonwealth to have arrested and
29 delivered up to the executive authority of any other state of
30 the United States any person charged in that state with treason,

1 felony or other crime, who has fled from justice and is found in
2 this Commonwealth.

3 (b) Exception.--The Governor shall have no authority to have
4 arrested and delivered up to the executive authority of any
5 other state of the United States any person charged in that
6 state with treason, felony or other crime, who has fled from
7 justice and is found in this Commonwealth for a criminal offense
8 of another state involving the provision or delivery of
9 reproductive health care services that would be lawful under the
10 laws of this Commonwealth.

11 § 9146.1. Presigned waiver of extradition.

12 (a) Delivery.--Notwithstanding any other provision of law
13 and except as provided under subsection (b), a law enforcement
14 agency in this Commonwealth holding a person who is alleged to
15 have broken the terms of his probation, parole, bail or any
16 other release in the demanding state shall immediately deliver
17 that person to the duly authorized agent of the demanding state
18 without the requirement of a Governor's warrant if all of the
19 following apply:

20 (1) The person has signed a prior waiver of extradition
21 as a term of his current probation, parole, bail or other
22 release in the demanding state.

23 (2) The law enforcement agency holding the person has
24 received an authenticated copy of the prior waiver of
25 extradition signed by the person and photographs or
26 fingerprints or other evidence properly identifying the
27 person as the person who signed the waiver.

28 (3) All open criminal charges in this Commonwealth have
29 been disposed of through trial and sentencing.

30 (b) Exception.--A law enforcement agency in this

1 Commonwealth holding a person who is alleged to have broken the
2 terms of the person's probation, parole, bail or any other
3 release in the demanding state for an offense involving the
4 provision or delivery of reproductive health care services that
5 would be lawful under the laws of this Commonwealth shall have
6 no authority to deliver that person to the duly authorized agent
7 of the demanding state without the requirement of a Governor's
8 warrant.

9 Section 4. This act shall take effect in 60 days.