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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 254 Session of  
2021

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INTRODUCED BY TOOHL, MILLARD, R. BROWN, HILL-EVANS, KINSEY,  
WARREN, CIRESI, B. MILLER AND ROZZI, JANUARY 26, 2021

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REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 26, 2021

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in availability of  
3 otherwise confidential information, providing for reports on  
4 domestic violence by law enforcement agencies.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 8726. Reports on domestic violence by law enforcement  
10 agencies.

11 (a) Furnishing copies of reports.--Notwithstanding any other  
12 provision of law, a law enforcement agency shall, upon request,  
13 furnish a copy of a report on a criminal investigation into an  
14 allegation of a domestic violence incident to any of the  
15 following:

16 (1) A victim of the incident or the victim's attorney.

17 (2) An official from any of the following government  
18 entities if necessary to protect a victim of domestic abuse:

19 (i) The Federal Government.

1 (ii) A branch of the United States Armed Forces.

2 (iii) A Commonwealth agency.

3 (iv) A political subdivision in this Commonwealth.

4 (v) An out-of-State government agency or political  
5 subdivision.

6 (b) Costs.--The following apply:

7 (1) Except as provided under paragraphs (2) and (3), the  
8 cost of furnishing a copy of the report under subsection (a)  
9 to an individual specified under subsection (a)(1) shall be  
10 \$25.

11 (2) If the individual requesting a copy of the report  
12 under subsection (a) is a party to a judicial proceeding  
13 relating to the domestic violence incident and has been  
14 granted approval to proceed in forma pauperis, the cost of  
15 furnishing a copy of the report under subsection (a) shall be  
16 \$0.

17 (3) If the individual requesting a copy of the report  
18 under subsection (a) demonstrates to the law enforcement  
19 agency that the individual is receiving services free-of-  
20 charge from a nonprofit organization dedicated to helping  
21 domestic violence victims, the cost of furnishing a copy of  
22 the report under subsection (a) shall be \$0.

23 (c) Inadmissible.--A copy of the report under subsection (a)  
24 shall be inadmissible in any civil or criminal proceeding  
25 arising out of the domestic violence incident.

26 (d) Refusal to furnish.--A law enforcement agency may refuse  
27 to furnish a copy of the report under subsection (a) regarding a  
28 domestic violence incident if there are criminal charges pending  
29 against an individual involved in the domestic violence  
30 incident, unless necessary to comply with the Pennsylvania Rules

1 of Criminal Procedure or Federal law.

2 (e) Definitions.--As used in this section, the following  
3 words and phrases shall have the meanings given to them in this  
4 subsection:

5 "Domestic violence." An act of violence that constitutes a  
6 crime as specified under 18 Pa.C.S. (relating to crimes and  
7 offenses) if any of the following apply:

8 (1) The alleged perpetrator of the violence and the  
9 victim are family or household members as defined in 23  
10 Pa.C.S. § 6102 (relating to definitions).

11 (2) The alleged perpetrator of the violence and the  
12 victim temporarily or permanently reside in the same  
13 dwelling.

14 "Law enforcement agency." A police department of a city,  
15 borough, incorporated town or township, the Pennsylvania State  
16 Police, district attorneys' offices and the Office of Attorney  
17 General.

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