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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 824 Session of  
2019

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INTRODUCED BY CONKLIN, CALTAGIRONE, DeLUCA, HARKINS, MURT,  
READSHAW AND SCHLOSSBERG, MARCH 14, 2019

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 14, 2019

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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, amended October 12, 2018  
8 (P.L.519, No.79), are amended and subsection (a) is amended by  
9 adding a paragraph to read:

10 § 6108. Relief.

11 (a) General rule.--Subject to subsection (a.1), the court  
12 may grant any protection order or approve any consent agreement  
13 to bring about a cessation of abuse of the plaintiff or minor  
14 children. The order or agreement may include:

15 \* \* \*

16 (4) Awarding temporary custody of or establishing  
17 temporary visitation rights with regard to minor children. In  
18 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  
2 the issuance of the protection order. If a complaint for  
3 support is not filed, that portion of the protection order  
4 requiring the defendant to pay support is void. When there is  
5 a subsequent ruling on a complaint for support, the portion  
6 of the protection order requiring the defendant to pay  
7 support 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.