

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1369 Session of 2015

INTRODUCED BY BOYLE, D. COSTA, THOMAS, FRANKEL, SCHLOSSBERG,
MILLARD, COHEN, DeLUCA, KORTZ, BROWNLEE, READSHAW, MURT,
ROZZI AND FARRY, JUNE 25, 2015

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 25, 2015

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in sentencing, providing
3 for GPS electronic monitoring devices.

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

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

8 § 9778. GPS electronic monitoring devices.

9 (a) General rule.--The court may require a GPS electronic
10 monitoring device to be placed on an individual if the
11 individual is found:

12 (1) (i) to be in violation of the provisions of 61
13 Pa.C.S. § 6138 (relating to violation of terms of
14 parole); and

15 (ii) to present a substantial risk of committing a
16 crime punishable by imprisonment; or

17 (2) (i) to be in violation of the provisions of 23
18 Pa.C.S. § 6113 (relating to arrest for violation of

1 order); and

2 (ii) to present a substantial risk of inflicting
3 abuse as defined in 23 Pa.C.S. § 6102 (relating to
4 definitions) on the plaintiff or minor children, or both,
5 covered by the protection from abuse order.

6 (b) Time period.--The court shall order that:

7 (1) An individual subject to subsection (a)(1) wear the
8 GPS electronic monitoring device for a reasonable period of
9 time as determined by the court.

10 (2) An individual subject to subsection (a)(2) wear the
11 GPS electronic monitoring device for a period not to exceed
12 the term of the protection from abuse order or renewal
13 thereof.

14 (c) Hearing.--

15 (1) In the event a court orders the individual to wear a
16 GPS monitoring device for a time period less than the
17 remainder of the term of the protection from abuse order, the
18 court shall notify the plaintiff and minor children protected
19 by the protection from abuse order of the impending removal
20 of the device at least 30 days prior to its removal.

21 (2) The plaintiff and minor children covered by the
22 protection from abuse order shall have the right to request a
23 hearing with the court, and request, subject to subsection
24 (b)(2), an extension of the order for wearing the GPS
25 monitoring device by the defendant.

26 (3) If the plaintiff or minor children covered by the
27 protection from abuse order request a hearing, the GPS
28 electronic monitoring device may not be removed until the
29 hearing has taken place.

30 (4) The court may extend the order mandating the

1 plaintiff wear a GPS electronic monitoring device until the
2 expiration of the protection from abuse order.

3 (d) Removal of GPS electronic monitoring device.--A GPS
4 electronic monitoring device may not be removed from the
5 individual ordered to wear it until 30 days after the time
6 period established under subsection (b) or (c) expires.

7 (e) Costs.--The individual ordered to wear the GPS
8 electronic monitoring device shall be responsible for the costs
9 associated with the GPS electronic monitoring device.

10 (f) Definitions.--The following words and phrases, as used
11 in this section, shall have the meanings given to them in this
12 subsection unless the context clearly indicates otherwise:

13 "GPS." A global positioning system operated by the United
14 States Department of Defense that provides specially coded
15 satellite signals that may be processed by a receiver to compute
16 location.

17 "GPS electronic monitoring device." A device that enables
18 the location of an individual wearing the device to be recorded
19 through use of GPS and related technology and is designed so
20 that the device:

21 (1) Passively monitors, identifies and records location
22 data.

23 (2) Permits the Pennsylvania State Police and any local
24 police department to download location data, record it
25 securely and confidentially retain it indefinitely.

26 (3) May be worn around an individual's wrist or ankle.

27 (4) Once fitted around an individual's wrist or ankle,
28 may not be removed without employing specialized equipment
29 specifically designed for that purpose.

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