

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2029 Session of
1989

INTRODUCED BY O'DONNELL, ACOSTA, KOSINSKI, CARN, HAYDEN, OLIVER,
JOSEPHS, DONATUCCI, WOGAN, JAMES, KENNEY AND HUGHES,
OCTOBER 23, 1989

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 30, 1990

AN ACT

1 ~~Amending Title 42 (Judiciary and Judicial Procedure) of the~~ <—
2 ~~Pennsylvania Consolidated Statutes, providing for~~
3 ~~jurisdiction to enjoin certain nuisances in the City of~~
4 ~~Philadelphia.~~
5 ~~AMENDING TITLES 18 (CRIMES AND OFFENSES) AND TITLE 42 (JUDICIARY~~ <—
6 ~~AND JUDICIAL PROCEDURE) OF THE PENNSYLVANIA CONSOLIDATED~~
7 ~~STATUTES, PROVIDING FOR PROTECTION FROM ABUSE; FURTHER~~ <—
8 ~~PROVIDING FOR CRIMINAL MISCHIEF AND FOR INSTITUTIONAL~~
9 ~~VANDALISM; AND PROVIDING FOR SALE AND DISPLAY OF AEROSOL~~
10 ~~SPRAY PAINT CANS AND BROAD TIPPED MARKERS, AND PROVIDING FOR~~ <—
11 ~~JURISDICTION TO ENJOIN CERTAIN NUISANCES IN THE CITY OF~~
12 ~~PHILADELPHIA. AND FOR SENTENCING FOR CRIMINAL MISCHIEF.~~ <—
13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:
15 ~~Section 1. Section 1123(a) of Title 42 of the Pennsylvania~~ <—
16 ~~Consolidated Statutes is amended by adding paragraphs to read:~~
17 ~~SECTION 1. SECTIONS 3304 AND 3307 OF TITLE 18 OF THE~~ <—
18 ~~PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:~~
19 ~~§ 3304. CRIMINAL MISCHIEF.~~
20 ~~(A) OFFENSE DEFINED. A PERSON IS GUILTY OF CRIMINAL~~
21 ~~MISCHIEF IF HE:~~

~~(1) DAMAGES TANGIBLE PROPERTY OF ANOTHER INTENTIONALLY,
RECKLESSLY, OR BY NEGLIGENCE IN THE EMPLOYMENT OF FIRE,
EXPLOSIVES, OR OTHER DANGEROUS MEANS LISTED IN SECTION
3302(A) OF THIS TITLE (RELATING TO CAUSING OR RISKING
CATASTROPHE);~~

~~(2) INTENTIONALLY OR RECKLESSLY TAMPERS WITH TANGIBLE
PROPERTY OF ANOTHER SO AS TO ENDANGER PERSON OR PROPERTY;
{OR}~~

~~(3) INTENTIONALLY OR RECKLESSLY CAUSES ANOTHER TO SUFFER
PECUNIARY LOSS BY DECEPTION OR THREAT[.];~~

~~(4) INTENTIONALLY DEFACES OR OTHERWISE DAMAGES TANGIBLE
PUBLIC PROPERTY OR TANGIBLE PROPERTY OF ANOTHER WITH AN
AEROSOL SPRAY PAINT CAN, BROAD TIPPED INDELIBLE MARKER OR
OTHER MARKING, SCRATCHING OR DEFACING DEVICE; OR~~

~~(5) CARRIES AN AEROSOL SPRAY PAINT CAN, BROAD TIPPED
INDELIBLE MARKER OR OTHER MARKING, SCRATCHING OR DEFACING
DEVICE ONTO REAL PROPERTY WITH INTENT TO DEFACE OR OTHERWISE
DAMAGE TANGIBLE PUBLIC PROPERTY OR TANGIBLE PROPERTY OF
ANOTHER WITH AN AEROSOL SPRAY PAINT CAN, BROAD TIPPED
INDELIBLE MARKER OR OTHER MARKING, SCRATCHING OR DEFACING
DEVICE.~~

~~(B) GRADING. CRIMINAL MISCHIEF IS A FELONY OF THE THIRD
DEGREE IF THE ACTOR INTENTIONALLY CAUSES PECUNIARY LOSS IN
EXCESS OF \$5,000, OR A SUBSTANTIAL INTERRUPTION OR IMPAIRMENT OF
PUBLIC COMMUNICATION, TRANSPORTATION, SUPPLY OF WATER, GAS OR
POWER, OR OTHER PUBLIC SERVICE. IT IS A MISDEMEANOR OF THE
SECOND DEGREE IF THE ACTOR INTENTIONALLY CAUSES PECUNIARY LOSS
IN EXCESS OF \$1,000, OR A MISDEMEANOR OF THE THIRD DEGREE IF HE
INTENTIONALLY OR RECKLESSLY CAUSES PECUNIARY LOSS IN EXCESS OF
\$500. OTHERWISE CRIMINAL MISCHIEF IS A SUMMARY OFFENSE.~~

~~§ 3307. INSTITUTIONAL VANDALISM.~~

~~(A) OFFENSES DEFINED. A PERSON COMMITS THE OFFENSE OF INSTITUTIONAL VANDALISM IF HE KNOWINGLY DESECRATES, AS DEFINED IN SECTION 5509 (RELATING TO DESECRATION OF VENERATED OBJECTS), VANDALIZES, DEFACES OR OTHERWISE DAMAGES:~~

~~(1) ANY CHURCH, SYNAGOGUE OR OTHER FACILITY OR PLACE USED FOR RELIGIOUS WORSHIP OR OTHER RELIGIOUS PURPOSES;~~

~~(2) ANY CEMETERY, MORTUARY OR OTHER FACILITY USED FOR THE PURPOSE OF BURIAL OR MEMORIALIZING THE DEAD;~~

~~(3) ANY SCHOOL, EDUCATIONAL FACILITY, COMMUNITY CENTER, MUNICIPAL BUILDING, COURTHOUSE FACILITY OR JUVENILE DETENTION CENTER;~~

~~(4) THE GROUNDS ADJACENT TO AND OWNED OR OCCUPIED BY ANY FACILITY SET FORTH IN PARAGRAPH (1), (2) OR (3); OR~~

~~(5) ANY PERSONAL PROPERTY LOCATED IN ANY FACILITY SET FORTH IN THIS SUBSECTION.~~

~~(A.1) ILLEGAL POSSESSION. A PERSON COMMITS THE OFFENSE OF INSTITUTIONAL VANDALISM IF, WITH INTENT TO VIOLATE SUBSECTION (A), THE PERSON CARRIES AN AEROSOL SPRAY PAINT CAN, BROAD TIPPED INDELIBLE MARKER OR OTHER MARKING, SCRATCHING OR DEFACING DEVICE ONTO PROPERTY IDENTIFIED IN SUBSECTION (A).~~

~~(B) GRADING. AN OFFENSE UNDER THIS SECTION IS A FELONY OF THE THIRD DEGREE IF THE ACT IS ONE OF DESECRATION AS DEFINED IN SECTION 5509 OR IF THE ACTOR CAUSES PECUNIARY LOSS IN EXCESS OF \$5,000. PECUNIARY LOSS INCLUDES THE COST OF REPAIR OR REPLACEMENT OF THE PROPERTY AFFECTED. OTHERWISE, INSTITUTIONAL VANDALISM IS A MISDEMEANOR OF THE SECOND DEGREE.~~

~~(C) PENALTY. A PERSON WHO VIOLATES SUBSECTION (A.1) AND WHO, IN THE OPINION OF THE COURT, WOULD BENEFIT, SHALL BE SENTENCED TO A MANDATORY TERM OF SUPERVISED COMMUNITY SERVICE OF~~

~~NOT LESS THAN 50 DAYS NOR MORE THAN 74 DAYS.~~

~~(D) CONSEQUENCES. SATISFACTORY COMPLETION OF THE COMMUNITY SERVICE PROGRAM SHALL RESULT IN A DISMISSAL OF CHARGES AND EXPUNGEMENT OF THE RECORD OF THE PERSON CONVICTED UNDER THIS SECTION. THE COURT SHALL FOLLOW PROCEDURES SIMILAR TO THOSE ESTABLISHED FOR THE ACCELERATED REHABILITATIVE DISPOSITION PROGRAM.~~

~~SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:~~
~~§ 7326. SALE AND DISPLAY OF AEROSOL SPRAY PAINT CANS AND BROAD TIPPED MARKERS.~~

~~(A) OFFENSE DEFINED.~~

~~(1) A PERSON MAY NOT SELL OR OFFER TO SELL AN AEROSOL SPRAY PAINT CAN OR BROAD TIPPED INDELIBLE MARKER TO ANY PERSON UNDER 18 YEARS OF AGE UNLESS THE PURCHASER IS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN.~~

~~(2) PERSONS WHO SELL OR OFFER TO SELL SUCH CANS OR MARKERS SHALL NOT DISPLAY THESE ITEMS AND MAY DISPLAY ONLY FACSIMILES OF SUCH CANS OR MARKERS CONTAINING NO PAINT OR INK.~~

~~(3) NO PERSON UNDER 18 YEARS OF AGE SHALL AT THE TIME OF PURCHASE OF ITEMS SPECIFIED IN PARAGRAPH (1) KNOWINGLY FURNISH FRAUDULENT EVIDENCE OF AGE, INCLUDING, BUT NOT LIMITED TO, A MOTOR VEHICLE OPERATOR'S LICENSE, A REGISTRATION CERTIFICATE ISSUED UNDER THE SELECTIVE SERVICE ACT OF 1948 (62 STAT. 604, 50 U.S.C. APP. §§ 451-470 AND 1001-1017), OR AN IDENTIFICATION CARD ISSUED BY A FEDERAL STATE, COUNTY OR MUNICIPAL GOVERNMENT.~~

~~(B) PENALTY. A PERSON WHO VIOLATES THIS SECTION COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF NOT MORE THAN \$1,000 OR TO IMPRISONMENT FOR NOT MORE~~

1 ~~THAN SIX MONTHS, OR BOTH.~~

2 ~~SECTION 3. SECTION 1123(A) OF TITLE 42 IS AMENDED BY ADDING~~

3 SECTION 1. SECTION 1123(A) OF TITLE 42 OF THE PENNSYLVANIA <—

4 CONSOLIDATED STATUTES IS AMENDED BY ADDING PARAGRAPHS TO READ:

5 § 1123. Jurisdiction and venue.

6 (a) General rule.--Except as otherwise prescribed by any
7 general rule adopted pursuant to section 503 (relating to
8 reassignment of matters), the Philadelphia Municipal Court shall
9 have jurisdiction of the following matters:

10 * * *

11 (7) Actions to enjoin any nuisance caused by the
12 operation of a licensee or occurring on licensed premises
13 subject to the act of April 12, 1951 (P.L.90, No.21), known
14 as the Liquor Code.

15 (8) Any action to enjoin a common law nuisance or a
16 nuisance which involves a violation of any city ordinance or
17 code, or any penal statute. The action to enjoin may be
18 brought by any person who resides or has a place of business
19 within 500 feet of the location of the alleged nuisance.

20 * * *

21 SECTION 4 2. TITLE 42 IS AMENDED BY ADDING A CHAPTER TO <—

22 READ:

23 CHAPTER 67

24 PROTECTION FROM ABUSE

25 SEC.

26 6701. SHORT TITLE OF CHAPTER.

27 6702. DEFINITIONS.

28 6703. EFFECT OF DEPARTURE TO AVOID ABUSE.

29 6704. REGISTRATION OF ORDER.

30 6705. RESPONSIBILITIES OF LOCAL LAW ENFORCEMENT AGENCIES.

1 6706. COMMENCEMENT OF PROCEEDINGS.
2 6707. HEARINGS.
3 6708. RELIEF.
4 6709. SERVICE OF ORDERS.
5 6710. EMERGENCY RELIEF BY MINOR JUDICIARY.
6 6711. DOMESTIC VIOLENCE COUNSELOR/ADVOCATE.
7 6712. DISCLOSURE OF ADDRESSES.
8 6713. ARREST FOR VIOLATION OF ORDER.
9 6714. CONTEMPT FOR VIOLATION OF ORDER OR AGREEMENT.
10 6715. REPORTING ABUSE AND IMMUNITY.
11 6716. CONFIDENTIALITY.
12 6717. PROCEDURE AND OTHER REMEDIES.

13 § 6701. SHORT TITLE OF CHAPTER.

14 THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE
15 PROTECTION FROM ABUSE ACT.

16 § 6702. DEFINITIONS.

17 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
18 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
19 CONTEXT CLEARLY INDICATES OTHERWISE:

20 "ABUSE." THE OCCURRENCE OF ONE OR MORE OF THE FOLLOWING ACTS
21 BETWEEN FAMILY OR HOUSEHOLD MEMBERS, SEXUAL OR INTIMATE PARTNERS
22 OR PERSONS WHO SHARE BIOLOGICAL PARENTHOOD:

23 (1) ATTEMPTING TO CAUSE OR INTENTIONALLY, KNOWINGLY OR
24 RECKLESSLY CAUSING BODILY INJURY, SERIOUS BODILY INJURY,
25 RAPE, SPOUSAL SEXUAL ASSAULT OR INVOLUNTARY DEVIATE SEXUAL
26 INTERCOURSE WITH OR WITHOUT A DEADLY WEAPON.

27 (2) PLACING BY PHYSICAL MENACE ANOTHER IN FEAR OF
28 IMMINENT SERIOUS BODILY INJURY.

29 (3) THE INFLICTION OF FALSE IMPRISONMENT PURSUANT TO 18
30 PA.C.S. § 2903 (RELATING TO FALSE IMPRISONMENT).

1 (4) PHYSICALLY OR SEXUALLY ABUSING MINOR CHILDREN.

2 "ADULT." AN INDIVIDUAL WHO IS 18 YEARS OF AGE OR OLDER.

3 "BAIL COMMISSIONERS." BAIL COMMISSIONERS OF THE PHILADELPHIA
4 MUNICIPAL COURT.

5 "CONFIDENTIAL COMMUNICATIONS." INFORMATION, WHETHER WRITTEN
6 OR SPOKEN, TRANSMITTED BETWEEN A VICTIM AND A DOMESTIC VIOLENCE
7 COUNSELOR OR ADVOCATE IN THE COURSE OF THE RELATIONSHIP AND IN
8 CONFIDENCE BY A MEANS WHICH, INSOFAR AS THE VICTIM IS AWARE,
9 DISCLOSES THE INFORMATION TO NO THIRD PERSON OTHER THAN TO THOSE
10 WHO ARE PRESENT TO FURTHER THE INTEREST OF THE VICTIM IN THE
11 CONSULTATION OR ASSISTANCE, TO THOSE WHO ARE COPARTICIPANTS IN
12 THE COUNSELING SERVICE OR TO THOSE TO WHOM DISCLOSURE IS
13 REASONABLY NECESSARY FOR THE TRANSMISSION OF THE INFORMATION OR
14 AN ACCOMPLISHMENT OF THE PURPOSE FOR WHICH THE DOMESTIC VIOLENCE
15 COUNSELOR OR ADVOCATE IS CONSULTED. THE TERM INCLUDES
16 INFORMATION RECEIVED OR GIVEN BY THE DOMESTIC VIOLENCE COUNSELOR
17 OR ADVOCATE IN THE COURSE OF THE RELATIONSHIP, AS WELL AS
18 ADVICE, REPORTS OR WORKING PAPERS GIVEN OR MADE IN THE COURSE OF
19 THE RELATIONSHIP.

20 "DOMESTIC VIOLENCE COUNSELOR/ADVOCATE." AN INDIVIDUAL WHO IS
21 ENGAGED IN A DOMESTIC VIOLENCE PROGRAM, WHO PROVIDES SERVICES TO
22 VICTIMS OF DOMESTIC VIOLENCE, WHO HAS UNDERGONE 40 HOURS OF
23 TRAINING AND WHO IS UNDER THE CONTROL OF A DIRECT SERVICES
24 SUPERVISOR OF A DOMESTIC VIOLENCE PROGRAM, THE PRIMARY PURPOSE
25 OF WHICH IS THE RENDERING OF COUNSELING OR ASSISTANCE TO VICTIMS
26 OF DOMESTIC VIOLENCE.

27 "DOMESTIC VIOLENCE PROGRAM." A NONPROFIT ORGANIZATION OR
28 PROGRAM WHOSE PRIMARY PURPOSE IS TO PROVIDE SERVICES TO DOMESTIC
29 VIOLENCE VICTIMS WHICH INCLUDE, BUT ARE NOT LIMITED TO, CRISIS
30 HOTLINE; SAFE HOMES OR SHELTERS; COMMUNITY EDUCATION; COUNSELING

1 SYSTEMS INTERVENTION AND INTERFACE; TRANSPORTATION, INFORMATION
2 AND REFERRAL; AND VICTIM ASSISTANCE.

3 "FAMILY OR HOUSEHOLD MEMBERS." SPOUSES OR PERSONS WHO HAVE
4 BEEN SPOUSES, PERSONS LIVING AS SPOUSES OR WHO LIVED AS SPOUSES,
5 PARENTS AND CHILDREN, OTHER PERSONS RELATED BY CONSANGUINITY OR
6 AFFINITY, CURRENT OR FORMER SEXUAL OR INTIMATE PARTNERS OR
7 PERSONS WHO SHARE BIOLOGICAL PARENTHOOD.

8 "MINOR." AN INDIVIDUAL WHO IS NOT AN ADULT.

9 "VICTIM." A PERSON WHO IS PHYSICALLY OR SEXUALLY ABUSED BY A
10 FAMILY OR HOUSEHOLD MEMBER.

11 § 6703. EFFECT OF DEPARTURE TO AVOID ABUSE.

12 THE RIGHT OF PLAINTIFF TO RELIEF UNDER THIS CHAPTER SHALL NOT
13 BE AFFECTED BY PLAINTIFF LEAVING THE RESIDENCE OR HOUSEHOLD TO
14 AVOID FURTHER ABUSE.

15 § 6704. REGISTRATION OF ORDER.

16 (A) REGISTRY.--THE PROTHONOTARY SHALL MAINTAIN A REGISTRY IN
17 WHICH IT SHALL ENTER CERTIFIED COPIES OF ORDERS ENTERED BY
18 COURTS FROM OTHER JURISDICTIONS IN THIS COMMONWEALTH PURSUANT TO
19 THIS CHAPTER.

20 (B) REGISTRATION OF ORDER IN ANY COUNTY.--A PLAINTIFF WHO
21 OBTAINS A VALID ORDER UNDER THIS CHAPTER MAY REGISTER THAT ORDER
22 IN ANY COUNTY WITHIN THIS COMMONWEALTH WHERE THE PLAINTIFF
23 BELIEVES ENFORCEMENT MAY BE NECESSARY. A COURT SHALL RECOGNIZE
24 AND ENFORCE A VALID ORDER UNDER THIS CHAPTER WHICH HAS BEEN
25 ISSUED BY ANOTHER COURT BUT PROPERLY REGISTERED WITH A COUNTY
26 WITHIN THE JUDICIAL DISTRICT OF THE COURT WHERE ENFORCEMENT IS
27 SOUGHT.

28 (C) CERTIFIED COPY.--A VALID ORDER UNDER THIS CHAPTER MAY BE
29 REGISTERED BY THE PLAINTIFF IN A COUNTY OTHER THAN THE ISSUING
30 COUNTY BY OBTAINING A CERTIFIED COPY OF THE ORDER OF THE ISSUING

1 COURT ENDORSED BY THE PROTHONOTARY OF THAT COURT AND PRESENTING
2 THAT CERTIFIED ORDER TO THE PROTHONOTARY WHERE THE ORDER IS TO
3 BE REGISTERED.

4 (D) PROOF OF REGISTRATION.--UPON RECEIPT OF A CERTIFIED
5 ORDER FOR REGISTRATION, THE PROTHONOTARY SHALL PROVIDE THE
6 PLAINTIFF WITH A COPY BEARING THE PROOF OF REGISTRATION TO BE
7 FILED WITH THE APPROPRIATE LAW ENFORCEMENT AGENCY.

8 § 6705. RESPONSIBILITIES OF LOCAL LAW ENFORCEMENT AGENCIES.

9 THE POLICE DEPARTMENT OF EACH MUNICIPAL CORPORATION SHALL
10 INSURE THAT ALL ITS OFFICERS AND EMPLOYEES ARE FAMILIAR WITH THE
11 PROVISIONS OF THIS CHAPTER. INSTRUCTION CONCERNING PROTECTION
12 FROM ABUSE SHALL BE MADE A PART OF THE TRAINING CURRICULUM FOR
13 ALL TRAINEE OFFICERS.

14 § 6706. COMMENCEMENT OF PROCEEDINGS.

15 (A) GENERAL RULE.--AN ADULT OR AN EMANCIPATED MINOR MAY SEEK
16 RELIEF UNDER THIS CHAPTER FOR THAT PERSON OR ANY PARENT, ADULT
17 HOUSEHOLD MEMBER OR GUARDIAN AD LITEM MAY SEEK RELIEF UNDER THIS
18 CHAPTER ON BEHALF OF MINOR CHILDREN, OR A GUARDIAN OF THE PERSON
19 OF AN ADULT WHO HAS BEEN DECLARED INCOMPETENT UNDER 20 PA.C.S.
20 CH. 51 SUBCH. B (RELATING TO APPOINTMENT OF GUARDIAN) MAY SEEK
21 RELIEF ON BEHALF OF THE INCOMPETENT ADULT, BY FILING A PETITION
22 WITH THE COURT ALLEGING ABUSE BY THE DEFENDANT.

23 (B) AFFIDAVIT OF INSUFFICIENT FUNDS FOR FEES.--IF THE
24 PLAINTIFF FILES AN AFFIDAVIT STATING THAT PLAINTIFF DOES NOT
25 HAVE FUNDS AVAILABLE TO PAY THE FEES FOR FILING AND SERVICE, THE
26 PETITION SHALL BE FILED AND SERVICE SHALL BE MADE WITHOUT
27 PAYMENT OF FEES, AND LEAVE OF COURT TO PROCEED IN FORMA PAUPERIS
28 SHALL NOT BE REQUIRED.

29 (C) DETERMINATION OF INDIGENCY.--WHEN THE PETITION IS FILED
30 WITHOUT PAYMENT OF FEES, THE COURT SHALL DETERMINE AT THE

1 HEARING ON THE PETITION WHETHER THE PLAINTIFF IS ABLE TO PAY THE
2 COSTS OF FILING AND SERVICE. IF THE PLAINTIFF IS UNABLE TO PAY
3 THE COSTS OF FILING AND SERVICE, THE COURT MAY WAIVE THE PAYMENT
4 OF COSTS OR, IF THE PLAINTIFF PREVAILS IN THE ACTION, ASSIGN
5 THEM TO THE DEFENDANT. THIS SUBSECTION AND SUBSECTION (B) APPLY
6 TO COURTS OF COMMON PLEAS, DISTRICT JUSTICES, OR, IN
7 PHILADELPHIA COUNTY, TO BAIL COMMISSIONERS, PHILADELPHIA
8 MUNICIPAL COURT JUDGES, OR MASTERS WHO ARE MEMBERS OF THE
9 PENNSYLVANIA BAR AND WHO ARE APPOINTED BY THE PRESIDENT JUDGE OF
10 THE PHILADELPHIA MUNICIPAL COURT.

11 (D) COURT TO ADOPT MEANS OF SERVICE.--THE COURT SHALL ADOPT
12 A MEANS OF PROMPT AND EFFECTIVE SERVICE IN THOSE INSTANCES WHERE
13 THE PLAINTIFF AVERS THAT SERVICE CANNOT BE SAFELY EFFECTED BY AN
14 ADULT INDIVIDUAL OTHER THAN A LAW ENFORCEMENT OFFICER OR WHERE
15 THE COURT SO ORDERS.

16 (E) SERVICE BY SHERIFF.--IF THE PLAINTIFF FILES AN AFFIDAVIT
17 STATING THAT THE PLAINTIFF DOES NOT HAVE FUNDS AVAILABLE TO PAY
18 THE COSTS OF FILING AND SERVICE OR IF THE COURT SO ORDERS, THE
19 SHERIFF OR OTHER DESIGNATED AGENCY OR INDIVIDUAL SHALL SERVE THE
20 PETITION AND ORDER WITHOUT PREPAYMENT OF COSTS.

21 (F) SERVICE OF PETITION AND ORDERS.--THE PETITION AND ORDERS
22 SHALL BE SERVED UPON THE DEFENDANT, AND ORDERS SHALL BE SERVED
23 UPON THE POLICE DEPARTMENTS WITH APPROPRIATE JURISDICTION TO
24 ENFORCE THE ORDERS. ORDERS SHALL BE PROMPTLY SERVED ON THE
25 POLICE. FAILURE TO SERVE SHALL NOT STAY THE EFFECT OF A VALID
26 ORDER.

27 (G) ASSISTANCE AND ADVICE TO PLAINTIFF.--THE COURTS,
28 DISTRICT JUSTICES, OR, IN PHILADELPHIA COUNTY, THE BAIL
29 COMMISSIONERS, PHILADELPHIA MUNICIPAL COURT JUDGES, OR MASTERS
30 WHO ARE MEMBERS OF THE PENNSYLVANIA BAR AND WHO ARE APPOINTED BY

1 THE PRESIDENT JUDGE OF THE PHILADELPHIA MUNICIPAL COURT, SHALL:

2 (1) PROVIDE SIMPLIFIED FORMS AND CLERICAL ASSISTANCE IN
3 ENGLISH AND SPANISH TO HELP WITH THE WRITING AND FILING OF
4 THE PETITION FOR A PROTECTION ORDER FOR AN INDIVIDUAL NOT
5 REPRESENTED BY COUNSEL.

6 (2) ADVISE A PLAINTIFF NOT REPRESENTED BY COUNSEL OF THE
7 RIGHT TO FILE AN AFFIDAVIT STATING THAT THE PLAINTIFF DOES
8 NOT HAVE FUNDS AVAILABLE TO PAY THE COSTS OF FILING AND
9 SERVICE AND ASSIST WITH THE WRITING AND FILING OF THE
10 AFFIDAVIT.

11 § 6707. HEARINGS.

12 (A) GENERAL RULE.--WITHIN TEN DAYS OF THE FILING OF A
13 PETITION UNDER THIS CHAPTER, A HEARING SHALL BE HELD BEFORE THE
14 COURT, AT WHICH THE PLAINTIFF MUST PROVE THE ALLEGATION OF ABUSE
15 BY A PREPONDERANCE OF THE EVIDENCE. THE COURT SHALL ADVISE THE
16 DEFENDANT OF THE RIGHT TO BE REPRESENTED BY COUNSEL.

17 (B) TEMPORARY ORDERS.--IF A PLAINTIFF PETITIONS FOR
18 TEMPORARY ORDER FOR PROTECTION FROM ABUSE AND ALLEGES IMMEDIATE
19 AND PRESENT DANGER OF ABUSE TO THE PLAINTIFF OR MINOR CHILDREN,
20 THE COURT SHALL CONDUCT AN EX-PARTE PROCEEDING. THE COURT MAY
21 ENTER SUCH A TEMPORARY ORDER AS IT DEEMS NECESSARY TO PROTECT
22 THE PLAINTIFF OR MINOR CHILDREN WHEN IT FINDS THEY ARE IN
23 IMMEDIATE AND PRESENT DANGER OF ABUSE.

24 (C) CONTINUED HEARINGS.--IF A HEARING UNDER SUBSECTION (A)
25 IS CONTINUED, THE COURT MAY MAKE OR EXTEND SUCH TEMPORARY ORDERS
26 UNDER SUBSECTION (B) AS IT DEEMS NECESSARY.

27 (D) COSTS.--IF THE PLAINTIFF PREVAILS, THE COURT SHALL
28 ASSIGN COSTS TO THE DEFENDANT UNLESS THE PARTIES AGREE
29 OTHERWISE. IF THE DEFENDANT IS INDIGENT, COSTS SHALL BE WAIVED.

30 § 6708. RELIEF.

1 (A) GENERAL RULE.--THE COURT MAY GRANT ANY PROTECTION ORDER
2 OR APPROVE ANY CONSENT AGREEMENT TO BRING ABOUT A CESSATION OF
3 ABUSE OF THE PLAINTIFF OR MINOR CHILDREN. THE ORDER OR AGREEMENT
4 MAY INCLUDE:

5 (1) DIRECTING THE DEFENDANT TO REFRAIN FROM ABUSING THE
6 PLAINTIFF OR MINOR CHILDREN.

7 (2) GRANTING POSSESSION TO THE PLAINTIFF OF THE
8 RESIDENCE OR HOUSEHOLD TO THE EXCLUSION OF THE DEFENDANT BY
9 EVICTING THE DEFENDANT OR RESTORING POSSESSION TO THE
10 PLAINTIFF WHEN THE RESIDENCE OR HOUSEHOLD IS JOINTLY OWNED OR
11 LEASED BY THE PARTIES, IS OWNED OR LEASED BY THE ENTIRETIES
12 OR IS OWNED OR LEASED SOLELY BY THE PLAINTIFF.

13 (3) WHEN THE DEFENDANT HAS A DUTY TO SUPPORT THE
14 PLAINTIFF OR MINOR CHILDREN LIVING IN THE RESIDENCE OR
15 HOUSEHOLD AND THE DEFENDANT IS THE SOLE OWNER OR LESSEE,
16 GRANTING POSSESSION TO THE PLAINTIFF OF THE RESIDENCE OR
17 HOUSEHOLD TO THE EXCLUSION OF THE DEFENDANT BY EVICTING THE
18 DEFENDANT OR RESTORING POSSESSION TO THE PLAINTIFF OR, BY
19 CONSENT AGREEMENT, ALLOWING THE DEFENDANT TO PROVIDE SUITABLE
20 ALTERNATE HOUSING.

21 (4) AWARDING TEMPORARY CUSTODY OF OR ESTABLISHING
22 TEMPORARY VISITATION RIGHTS WITH REGARD TO MINOR CHILDREN. A
23 DEFENDANT SHALL NOT BE GRANTED CUSTODY OR PARTIAL CUSTODY
24 WHERE IT IS ALLEGED IN THE PETITION, AND THE COURT FINDS
25 AFTER A HEARING UNDER THIS CHAPTER, THAT THE DEFENDANT ABUSED
26 THE MINOR CHILDREN OF THE PARTIES OR WHERE THE DEFENDANT HAS
27 BEEN CONVICTED OF VIOLATING 18 PA.C.S. § 2904 (RELATING TO
28 INTERFERENCE WITH CUSTODY OF CHILDREN) WITHIN TWO CALENDAR
29 YEARS PRIOR TO THE FILING OF THE PETITION FOR PROTECTION
30 ORDER. IF A PLAINTIFF PETITIONS FOR A TEMPORARY ORDER UNDER

1 SECTION 6707(B) (RELATING TO HEARINGS) AND THE DEFENDANT HAS
2 PARTIAL, SHARED OR FULL CUSTODY OF THE MINOR CHILDREN OF THE
3 PARTIES BY ORDER OF COURT OR WRITTEN AGREEMENT OF THE
4 PARTIES, THE CUSTODY SHALL NOT BE DISTURBED OR CHANGED UNLESS
5 THE COURT FINDS THAT THE DEFENDANT IS LIKELY TO INFLICT ABUSE
6 UPON THE CHILDREN OR TO REMOVE THE CHILDREN FROM THE
7 JURISDICTION OF THE COURT PRIOR TO THE HEARING UNDER SECTION
8 6707(A). NOTHING IN THIS PARAGRAPH SHALL BAR EITHER PARTY
9 FROM FILING A PETITION FOR CUSTODY UNDER 23 PA.C.S. CH. 53
10 (RELATING TO CUSTODY) OR UNDER THE PENNSYLVANIA RULES OF
11 CIVIL PROCEDURE. THE COURT SHALL CONSIDER, AND MAY IMPOSE ON
12 A CUSTODY AWARD, CONDITIONS NECESSARY TO ASSURE THE SAFETY OF
13 THE PLAINTIFF AND MINOR CHILDREN FROM ABUSE.

14 (5) AFTER A HEARING IN ACCORDANCE WITH SECTION 6707(A),
15 DIRECTING THE DEFENDANT TO PAY FINANCIAL SUPPORT TO THOSE
16 PERSONS THE DEFENDANT HAS A DUTY TO SUPPORT. THE SUPPORT
17 ORDER SHALL BE TEMPORARY, AND ANY BENEFICIARY OF THE ORDER
18 MUST FILE A COMPLAINT FOR SUPPORT UNDER THE APPLICABLE
19 PROVISIONS OF LAW WITHIN TWO WEEKS OF THE DATE OF THE
20 ISSUANCE OF THE PROTECTION ORDER. IF A COMPLAINT FOR SUPPORT
21 IS NOT FILED, THAT PORTION OF THE PROTECTION ORDER REQUIRING
22 THE DEFENDANT TO PAY SUPPORT IS VOID. WHEN THERE IS A
23 SUBSEQUENT RULING ON A COMPLAINT FOR SUPPORT, THE PORTION OF
24 THE PROTECTION ORDER REQUIRING THE DEFENDANT TO PAY SUPPORT
25 EXPIRES.

26 (6) PROHIBITING THE DEFENDANT FROM HAVING ANY CONTACT
27 WITH THE PLAINTIFF, INCLUDING, BUT NOT LIMITED TO,
28 RESTRAINING THE DEFENDANT FROM ENTERING THE PLACE OF
29 EMPLOYMENT OR BUSINESS OR SCHOOL OF THE PLAINTIFF AND FROM
30 HARASSING THE PLAINTIFF OR PLAINTIFF'S RELATIVES OR MINOR

1 CHILDREN.

2 (7) ORDERING THE DEFENDANT TO TEMPORARILY RELINQUISH TO
3 THE SHERIFF THE DEFENDANT'S WEAPONS WHICH HAVE BEEN USED OR
4 BEEN THREATENED TO BE USED IN AN INCIDENT OF ABUSE AGAINST
5 THE PLAINTIFF OR THE MINOR CHILDREN. THE COURT'S ORDER SHALL
6 PROVIDE FOR THE RETURN OF THE WEAPONS TO THE DEFENDANT
7 SUBJECT TO ANY RESTRICTIONS AND CONDITIONS AS THE COURT SHALL
8 DEEM APPROPRIATE TO PROTECT THE PLAINTIFF OR MINOR CHILDREN
9 FROM FURTHER ABUSE THROUGH THE USE OF WEAPONS.

10 (8) DIRECTING THE DEFENDANT TO PAY THE PLAINTIFF FOR
11 REASONABLE LOSSES SUFFERED AS A RESULT OF THE ABUSE,
12 INCLUDING MEDICAL, DENTAL, RELOCATION AND MOVING EXPENSES;
13 COUNSELING; LOSS OF EARNINGS OR SUPPORT; AND OTHER OUT-OF-
14 POCKET LOSSES FOR INJURIES SUSTAINED. IN ADDITION TO OUT-OF-
15 POCKET LOSSES, THE COURT MAY DIRECT THE DEFENDANT TO PAY
16 REASONABLE ATTORNEY FEES.

17 (B) DURATION AND AMENDMENT OF ORDER OR AGREEMENT.--A
18 PROTECTION ORDER OR APPROVED CONSENT AGREEMENT SHALL BE FOR A
19 FIXED PERIOD OF TIME NOT TO EXCEED ONE YEAR. THE COURT MAY AMEND
20 ITS ORDER OR AGREEMENT AT ANY TIME UPON SUBSEQUENT PETITION
21 FILED BY EITHER PARTY.

22 (C) TITLE TO REAL PROPERTY UNAFFECTED.--NO ORDER OR
23 AGREEMENT UNDER THIS CHAPTER SHALL IN ANY MANNER AFFECT TITLE TO
24 ANY REAL PROPERTY.

25 § 6709. SERVICE OF ORDERS.

26 (A) ISSUANCE.--A COPY OF AN ORDER UNDER THIS CHAPTER SHALL
27 BE ISSUED TO THE PLAINTIFF, THE DEFENDANT AND THE POLICE
28 DEPARTMENT WITH APPROPRIATE JURISDICTION TO ENFORCE THE ORDER OR
29 AGREEMENT IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER OR
30 AS ORDERED BY THE COURT, DISTRICT JUSTICE, OR, IN PHILADELPHIA

1 COUNTY, BY A BAIL COMMISSIONER, PHILADELPHIA MUNICIPAL COURT
2 JUDGE, OR MASTER WHO IS A MEMBER OF THE PENNSYLVANIA BAR AND WHO
3 IS APPOINTED BY THE PRESIDENT JUDGE OF THE PHILADELPHIA
4 MUNICIPAL COURT.

5 (B) PLACEMENT IN COUNTY REGISTRY.--UPON RECEIPT OF AN ORDER,
6 THE POLICE DEPARTMENT SHALL IMMEDIATELY PLACE THE ORDER IN A
7 COUNTY REGISTRY OF PROTECTION ORDERS. THE POLICE DEPARTMENT
8 SHALL ASSURE THAT THE REGISTRY IS CURRENT AT ALL TIMES AND THAT
9 ORDERS ARE REMOVED UPON EXPIRATION THEREOF.

10 § 6710. EMERGENCY RELIEF BY MINOR JUDICIARY.

11 (A) GENERAL RULE.--WHEN, IN COUNTIES WITH LESS THAN FOUR
12 JUDGES, THE COURT IS UNAVAILABLE DURING THE BUSINESS DAY BY
13 REASON OF DUTIES OUTSIDE THE COUNTY, ILLNESS OR VACATION, AND
14 WHEN, IN COUNTIES WITH AT LEAST FOUR JUDGES, THE COURT DEEMS
15 ITSELF UNAVAILABLE FROM THE CLOSE OF BUSINESS AT THE END OF EACH
16 DAY TO THE RESUMPTION OF BUSINESS THE NEXT MORNING OR FROM THE
17 END OF THE BUSINESS WEEK TO THE BEGINNING OF THE BUSINESS WEEK,
18 A PETITION MAY BE FILED BEFORE A DISTRICT JUSTICE, OR, IN
19 PHILADELPHIA COUNTY, BEFORE A BAIL COMMISSIONER, PHILADELPHIA
20 MUNICIPAL COURT JUDGE, OR MASTER WHO IS A MEMBER OF THE
21 PENNSYLVANIA BAR AND WHO IS APPOINTED BY THE PRESIDENT JUDGE OF
22 THE PHILADELPHIA MUNICIPAL COURT, WHO MAY GRANT RELIEF IN
23 ACCORDANCE WITH SECTION 6(A)(1) AND (2) OR (1) AND (3) OF THE
24 ACT OF OCTOBER 7, 1976 (P.L.1090, NO.218), KNOWN AS THE
25 PROTECTION FROM ABUSE ACT, IF THE DISTRICT JUSTICE, OR, IN
26 PHILADELPHIA COUNTY, THE BAIL COMMISSIONER, PHILADELPHIA
27 MUNICIPAL COURT JUDGE, OR MASTER WHO IS A MEMBER OF THE
28 PENNSYLVANIA BAR AND WHO IS APPOINTED BY THE PRESIDENT JUDGE OF
29 THE PHILADELPHIA MUNICIPAL COURT, DEEMS IT NECESSARY TO PROTECT
30 THE PLAINTIFF OR MINOR CHILDREN FROM ABUSE UPON GOOD CAUSE SHOWN

1 IN AN EX PARTE PROCEEDING. IMMEDIATE AND PRESENT DANGER OF ABUSE
2 TO THE PLAINTIFF OR MINOR CHILDREN SHALL CONSTITUTE GOOD CAUSE
3 FOR THE PURPOSES OF THIS SUBSECTION.

4 (B) EXPIRATION OF ORDER.--AN ORDER ISSUED UNDER SUBSECTION
5 (A) SHALL EXPIRE AS OF THE RESUMPTION OF BUSINESS OF THE COURT
6 AT THE BEGINNING OF THE NEXT BUSINESS DAY, AT WHICH TIME THE
7 COURT SHALL SCHEDULE HEARINGS ON PROTECTION ORDERS ENTERED BY
8 DISTRICT JUSTICES, OR, IN PHILADELPHIA COUNTY, BY BAIL
9 COMMISSIONERS, PHILADELPHIA MUNICIPAL COURT JUDGES OR MASTERS
10 WHO ARE MEMBERS OF THE PENNSYLVANIA BAR AND WHO ARE APPOINTED BY
11 THE PRESIDENT JUDGE OF THE PHILADELPHIA MUNICIPAL COURT, UNDER
12 SUBSECTION (A) AND SHALL REVIEW AND CONTINUE IN EFFECT
13 PROTECTION ORDERS THAT ARE NECESSARY TO PROTECT THE PLAINTIFF OR
14 MINOR CHILDREN FROM ABUSE UNTIL THE HEARING, AT WHICH TIME THE
15 PLAINTIFF MAY SEEK A TEMPORARY ORDER FROM THE COURT.

16 (C) CERTIFICATION OF ORDER TO COURT.--AN EMERGENCY ORDER
17 ISSUED UNDER THIS SECTION AND ANY DOCUMENTATION IN SUPPORT
18 THEREOF SHALL BE IMMEDIATELY CERTIFIED TO THE COURT. THE
19 CERTIFICATION TO THE COURT SHALL HAVE THE EFFECT OF COMMENCING
20 PROCEEDINGS UNDER SECTION 6706 (RELATING TO COMMENCEMENT OF
21 PROCEEDINGS) AND INVOKING THE OTHER PROVISIONS OF THIS CHAPTER.
22 IF IT IS NOT ALREADY ALLEGED IN A PETITION FOR AN EMERGENCY
23 ORDER, THE PLAINTIFF SHALL FILE A VERIFIED STATEMENT SETTING
24 FORTH THE ABUSE OF DEFENDANT AT LEAST FIVE DAYS PRIOR TO THE
25 HEARING. SERVICE OF THE VERIFIED STATEMENT SHALL BE MADE SUBJECT
26 TO SECTION 6706.

27 (D) INSTRUCTIONS REGARDING THE COMMENCEMENT OF
28 PROCEEDINGS.--UPON ISSUANCE OF AN EMERGENCY ORDER, THE DISTRICT
29 JUSTICE, OR, IN PHILADELPHIA COUNTY, THE BAIL COMMISSIONER,
30 PHILADELPHIA MUNICIPAL COURT JUDGE OR MASTER WHO IS A MEMBER OF

1 THE PENNSYLVANIA BAR AND WHO IS APPOINTED BY THE PRESIDENT JUDGE
2 OF THE PHILADELPHIA MUNICIPAL COURT, COMMISSIONER OR
3 PHILADELPHIA MUNICIPAL COURT JUDGE SHALL PROVIDE THE PLAINTIFF
4 INSTRUCTIONS REGARDING THE COMMENCEMENT OF PROCEEDINGS IN THE
5 COURT OF COMMON PLEAS AT THE BEGINNING OF THE NEXT BUSINESS DAY
6 AND REGARDING THE PROCEDURES FOR INITIATING A CONTEMPT CHARGE
7 SHOULD THE DEFENDANT VIOLATE THE EMERGENCY ORDER. THE DISTRICT
8 JUSTICE, OR, IN PHILADELPHIA COUNTY, THE BAIL COMMISSIONER,
9 PHILADELPHIA MUNICIPAL COURT JUDGE OR MASTER WHO IS A MEMBER OF
10 THE PENNSYLVANIA BAR AND WHO IS APPOINTED BY THE PRESIDENT JUDGE
11 OF THE PHILADELPHIA MUNICIPAL COURT, SHALL ALSO ADVISE THE
12 PLAINTIFF OF THE EXISTENCE OF PROGRAMS FOR VICTIMS OF DOMESTIC
13 VIOLENCE IN THE COUNTY OR IN NEARBY COUNTIES AND INFORM THE
14 PLAINTIFF OF THE AVAILABILITY OF LEGAL ASSISTANCE WITHOUT COST
15 IF THE PLAINTIFF IS UNABLE TO PAY FOR THEM.

16 § 6711. DOMESTIC VIOLENCE COUNSELOR/ADVOCATE.

17 A DOMESTIC VIOLENCE COUNSELOR/ADVOCATE MAY ACCOMPANY A PARTY
18 TO A HEARING UNDER THIS CHAPTER.

19 § 6712. DISCLOSURE OF ADDRESSES.

20 DURING THE COURSE OF A PROCEEDING UNDER THIS CHAPTER, THE
21 COURT, DISTRICT JUSTICE, OR, IN PHILADELPHIA COUNTY, THE BAIL
22 COMMISSIONER, PHILADELPHIA MUNICIPAL COURT JUDGE OR MASTER WHO
23 IS A MEMBER OF THE PENNSYLVANIA BAR AND WHO IS APPOINTED BY THE
24 PRESIDENT JUDGE OF THE PHILADELPHIA MUNICIPAL COURT, MAY
25 CONSIDER WHETHER THE PLAINTIFF OR PLAINTIFF'S FAMILY IS
26 ENDANGERED BY DISCLOSURE OF THE PERMANENT OR TEMPORARY ADDRESS
27 OF THE PLAINTIFF OR MINOR CHILDREN. NEITHER IN THE PLEADINGS NOR
28 DURING PROCEEDINGS OR HEARINGS UNDER THIS CHAPTER SHALL THE
29 COURT, DISTRICT JUSTICE, OR, IN PHILADELPHIA COUNTY, THE BAIL
30 COMMISSIONER, PHILADELPHIA MUNICIPAL COURT JUDGE OR MASTER WHO

1 IS A MEMBER OF THE PENNSYLVANIA BAR AND WHO IS APPOINTED BY THE
2 PRESIDENT JUDGE OF THE PHILADELPHIA MUNICIPAL COURT, REQUIRE
3 DISCLOSURE OF THE ADDRESS OF A DOMESTIC VIOLENCE PROGRAM.

4 § 6713. ARREST FOR VIOLATION OF ORDER.

5 (A) GENERAL RULE.--AN ARREST FOR VIOLATION OF AN ORDER
6 ISSUED PURSUANT TO THIS CHAPTER MAY BE WITHOUT WARRANT UPON
7 PROBABLE CAUSE WHETHER OR NOT THE VIOLATION IS COMMITTED IN THE
8 PRESENCE OF THE POLICE OFFICER. THE POLICE OFFICER MAY VERIFY,
9 IF NECESSARY, THE EXISTENCE OF A PROTECTION ORDER BY TELEPHONE
10 OR RADIO COMMUNICATION WITH THE APPROPRIATE POLICE DEPARTMENT,
11 COUNTY REGISTRY OR ISSUING AUTHORITY.

12 (B) SEIZURE OF WEAPONS.--SUBSEQUENT TO AN ARREST, THE POLICE
13 OFFICER SHALL SEIZE ALL WEAPONS USED OR THREATENED TO BE USED
14 DURING THE VIOLATION OF THE PROTECTION ORDER OR DURING PRIOR
15 INCIDENTS OF ABUSE. AS SOON AS IT IS REASONABLY POSSIBLE, THE
16 ARRESTING OFFICER SHALL DELIVER THE CONFISCATED WEAPONS TO THE
17 OFFICE OF THE SHERIFF. THE SHERIFF SHALL MAINTAIN POSSESSION OF
18 THE WEAPONS UNTIL THE COURT ISSUES AN ORDER SPECIFYING THE
19 WEAPONS TO BE RELINQUISHED AND THE PERSONS TO WHOM THE WEAPONS
20 SHALL BE RELINQUISHED.

21 (C) PROCEDURE FOLLOWING ARREST.--SUBSEQUENT TO AN ARREST,
22 THE DEFENDANT SHALL BE TAKEN BY THE POLICE OFFICER WITHOUT
23 UNNECESSARY DELAY BEFORE THE COURT IN THE JUDICIAL DISTRICT
24 WHERE THE CONTEMPT IS ALLEGED TO HAVE OCCURRED. WHEN THAT COURT
25 IS UNAVAILABLE, THE POLICE OFFICER SHALL CONVEY THE DEFENDANT TO
26 A DISTRICT JUSTICE DESIGNATED AS APPROPRIATE BY LOCAL RULES OF
27 COURT, OR, IN PHILADELPHIA COUNTY, TO A BAIL COMMISSIONER,
28 PHILADELPHIA MUNICIPAL COURT JUDGE OR MASTER WHO IS A MEMBER OF
29 THE PENNSYLVANIA BAR AND WHO IS APPOINTED BY THE PRESIDENT JUDGE
30 OF THE PHILADELPHIA MUNICIPAL COURT.

(D) PRELIMINARY ARRAIGNMENT.--THE DEFENDANT SHALL BE
AFFORDED A PRELIMINARY ARRAIGNMENT WITHOUT UNNECESSARY DELAY.

(E) OTHER EMERGENCY POWERS UNAFFECTED.--THIS SECTION SHALL
NOT BE CONSTRUED TO IN ANY WAY LIMIT ANY OF THE OTHER POWERS FOR
EMERGENCY RELIEF PROVIDED IN THIS CHAPTER.

(F) HEARING.--A HEARING ON A CHARGE OR ALLEGATION OF
INDIRECT CRIMINAL CONTEMPT SHALL NOT PRECLUDE A HEARING ON OTHER
CRIMINAL CHARGES UNDERLYING THE CONTEMPT, NOR SHALL A HEARING ON
OTHER CRIMINAL CHARGES PRECLUDE A HEARING ON A CHARGE OF
INDIRECT CRIMINAL CONTEMPT.

(G) NOTICE.--NOTICE SHALL BE GIVEN TO THE DEFENDANT, IN
ORDERS ISSUED PURSUANT TO SECTION 6708 (RELATING TO RELIEF), OF
THE POSSIBLE RAMIFICATIONS OF RESUMPTION OF RESIDENCE IN THE
FAMILY DOMICILE CONTRARY TO COURT ORDER. RESUMPTION OF CO-
RESIDENCE ON THE PART OF THE PLAINTIFF AND DEFENDANT SHALL NOT
NULLIFY THE PROVISIONS OF THE COURT ORDER DIRECTING THE
DEFENDANT TO REFRAIN FROM ABUSING THE PLAINTIFF OR MINOR
CHILDREN.

§ 6714. CONTEMPT FOR VIOLATION OF ORDER OR AGREEMENT.

(A) GENERAL RULE.--UPON VIOLATION OF A PROTECTION ORDER
ISSUED UNDER THIS CHAPTER OR A COURT-APPROVED CONSENT AGREEMENT,
THE COURT MAY HOLD THE DEFENDANT IN INDIRECT CRIMINAL CONTEMPT
AND PUNISH THE DEFENDANT IN ACCORDANCE WITH LAW.

(B) TRIAL AND PUNISHMENT.--A SENTENCE FOR CONTEMPT UNDER
THIS CHAPTER MAY INCLUDE IMPRISONMENT UP TO SIX MONTHS OR A FINE
NOT TO EXCEED \$1,000, OR BOTH, AND MAY INCLUDE OTHER RELIEF SET
FORTH IN THIS CHAPTER. THE DEFENDANT SHALL NOT HAVE A RIGHT TO A
JURY TRIAL ON SUCH A CHARGE; HOWEVER, THE DEFENDANT SHALL BE
ENTITLED TO COUNSEL.

§ 6715. REPORTING ABUSE AND IMMUNITY.

1 (A) REPORTING.--A PERSON HAVING REASONABLE CAUSE TO BELIEVE
2 THAT A PERSON IS BEING ABUSED MAY REPORT THE INFORMATION TO THE
3 LOCAL POLICE DEPARTMENT.

4 (B) CONTENTS OF REPORT.--THE REPORT SHOULD CONTAIN THE NAME
5 AND ADDRESS OF THE ABUSED PERSON, INFORMATION REGARDING THE
6 NATURE AND EXTENT OF THE ABUSE AND INFORMATION WHICH THE
7 REPORTER BELIEVES MAY BE HELPFUL TO PREVENT FURTHER ABUSE.

8 (C) IMMUNITY.--A PERSON WHO MAKES A REPORT SHALL BE IMMUNE
9 FROM A CIVIL OR CRIMINAL LIABILITY ON ACCOUNT OF THE REPORT
10 UNLESS THE PERSON ACTED IN BAD FAITH OR WITH MALICIOUS PURPOSE.

11 § 6716. CONFIDENTIALITY.

12 UNLESS A VICTIM WAIVES THE PRIVILEGE IN A SIGNED WRITING
13 PRIOR TO TESTIMONY OR DISCLOSURE, A DOMESTIC VIOLENCE
14 COUNSELOR/ADVOCATE SHALL NOT BE COMPETENT NOR PERMITTED TO
15 TESTIFY OR TO OTHERWISE DISCLOSE CONFIDENTIAL COMMUNICATIONS
16 MADE TO OR BY THE COUNSELOR/ADVOCATE BY OR TO A VICTIM. THE
17 PRIVILEGE SHALL TERMINATE UPON THE DEATH OF THE VICTIM. NEITHER
18 THE DOMESTIC VIOLENCE COUNSELOR/ADVOCATE NOR THE VICTIM SHALL
19 WAIVE THE PRIVILEGE OF CONFIDENTIAL COMMUNICATIONS BY REPORTING
20 FACTS OF PHYSICAL OR SEXUAL ASSAULT UNDER 23 PA.C.S. CH. 63
21 (RELATING TO CHILD PROTECTIVE SERVICES), A FEDERAL OR STATE
22 MANDATORY REPORTING STATUTE; OR A LOCAL MANDATORY REPORTING
23 ORDINANCE.

24 § 6717. PROCEDURE AND OTHER REMEDIES.

25 UNLESS OTHERWISE INDICATED IN THIS CHAPTER, A PROCEEDING
26 UNDER THIS CHAPTER SHALL BE IN ACCORDANCE WITH APPLICABLE
27 GENERAL RULES AND SHALL BE IN ADDITION TO ANY OTHER AVAILABLE
28 CIVIL OR CRIMINAL REMEDIES.

29 ~~SECTION 5. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ:~~ <—
30 ~~§ 9720. SENTENCING FOR CRIMINAL MISCHIEF.~~

1 ~~(A) GENERAL RULE. A PERSON CONVICTED OF AN OFFENSE UNDER 18~~
2 ~~PA.C.S. § 3304(A)(4) OR (5) (RELATING TO CRIMINAL MISCHIEF) OR~~
3 ~~3307 (RELATING TO INSTITUTIONAL VANDALISM), WHO IN THE OPINION~~
4 ~~OF THE COURT, WOULD BENEFIT, SHALL BE SENTENCED TO A MANDATORY~~
5 ~~TERM OF SUPERVISED COMMUNITY SERVICE, INCLUDING REPAIRING OR~~
6 ~~RESTORING DAMAGED PROPERTY, IN ACCORDANCE WITH THE FOLLOWING:~~

7 ~~(1) IF THE DAMAGE TO THE PROPERTY IS LESS THAN \$200, THE~~
8 ~~TERM OF SUPERVISED COMMUNITY SERVICE SHALL BE NOT LESS THAN~~
9 ~~50 DAYS NOR MORE THAN 74 DAYS.~~

10 ~~(2) IF THE DAMAGE TO THE PROPERTY IS AT LEAST \$200, BUT~~
11 ~~LESS THAN \$1,000, THE TERM OF SUPERVISED COMMUNITY SERVICE~~
12 ~~SHALL NOT BE LESS THAN 75 DAYS NOR MORE THAN 99 DAYS.~~

13 ~~(3) IF THE DAMAGE TO THE PROPERTY IS \$1,000 OR MORE, THE~~
14 ~~TERM OF SUPERVISED COMMUNITY SERVICE SHALL BE NOT LESS THAN~~
15 ~~100 DAYS NOR MORE THAN 200 DAYS.~~

16 ~~(B) CONSEQUENCES. SATISFACTORY COMPLETION OF THE SUPERVISED~~
17 ~~COMMUNITY SERVICE PROGRAM SHALL RESULT IN A DISMISSAL OF CHARGES~~
18 ~~AND EXPUNGEMENT OF THE RECORD OF THE PERSON CONVICTED UNDER 18~~
19 ~~PA.C.S. § 3304(A)(4) OR (5) OR 3307. THE COURT SHALL FOLLOW~~
20 ~~PROCEDURES SIMILAR TO THOSE ESTABLISHED FOR THE ACCELERATED~~
21 ~~REHABILITATIVE DISPOSITION PROGRAM.~~

22 Section 2-6 3. This act shall take effect in 60 days.

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