

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 2031 Session of  
1997

INTRODUCED BY MCGEEHAN, COY, READSHAW, BOSCOLA, J. TAYLOR,  
GODSHALL, TIGUE, B. SMITH, BROWNE, CASORIO, E. Z. TAYLOR,  
STABACK, NICKOL, HORSEY, SCRIMENTI, DeLUCA, WALKO, BARRAR,  
C. WILLIAMS, MICOZZIE, MILLER, SAYLOR, KELLER, PISTELLA,  
MELIO, HENNESSEY, M. COHEN, DALLY, KENNEY, YOUNGBLOOD,  
McNAUGHTON AND LEDERER, NOVEMBER 25, 1997

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 25, 1997

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, further providing for custody and  
3 visitation.

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

6 Section 1. The introductory paragraph of section 5303(b) of  
7 Title 23 of the Pennsylvania Consolidated Statutes is amended  
8 and the section is amended by adding a subsection to read:

9 § 5303. Award of custody, partial custody or visitation.

10 \* \* \*

11 (b) Consideration of criminal conviction.--[If] Except as  
12 set forth in subsection (b.2), if a parent has been convicted of  
13 or has pleaded guilty or no contest to an offense as set forth  
14 below, the court shall consider such criminal conduct and shall  
15 determine that the parent does not pose a threat of harm to the  
16 child before making an order of custody, partial custody or

1 visitation to that parent:

2 \* \* \*

3 (b.2) Bar.--A court may not make an order of custody,  
4 partial custody or visitation to a parent who has been sentenced  
5 for murder of the first degree or murder of the second degree of  
6 the other parent of the child who is the subject of the order  
7 unless all of the following apply:

8 (1) The child is at least 16 years of age.

9 (2) The child assents to the order.

10 \* \* \*

11 Section 2. The addition of 23 Pa.C.S. § 5303(b.2) shall  
12 apply to orders issued on or after the effective date of this  
13 act.

14 Section 3. This act shall take effect in 60 days.