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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 743**      Session of  
2007

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INTRODUCED BY GORDNER, GREENLEAF, COSTA, WONDERLING, STACK,  
ORIE, RAFFERTY AND BROWNE, APRIL 9, 2007

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REFERRED TO JUDICIARY, APRIL 9, 2007

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AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 23 (Domestic  
2 Relations) of the Pennsylvania Consolidated Statutes, further  
3 providing for probable cause arrests in domestic violence  
4 cases; and providing for an electronic monitoring program  
5 relating to protection from abuse.

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

8 Section 1. Section 2711(c) of Title 18 of the Pennsylvania  
9 Consolidated Statutes is amended to read:

10 § 2711. Probable cause arrests in domestic violence cases.

11 \* \* \*

12 (c) Bail.--

13 (1) A defendant arrested pursuant to this section shall  
14 be afforded a preliminary arraignment by the proper issuing  
15 authority without unnecessary delay. In no case shall the  
16 arresting officer release the defendant from custody rather  
17 than taking the defendant before the issuing authority.

18 (2) In determining whether to admit the defendant to  
19 bail, the issuing authority shall consider whether the

1 defendant poses a threat of danger to the victim. If the  
2 issuing authority makes such a determination, it shall  
3 require as a condition of bail that the defendant shall  
4 refrain from entering the residence or household of the  
5 victim and the victim's place of employment and shall refrain  
6 from committing any further criminal conduct against the  
7 victim and shall so notify the defendant thereof at the time  
8 the defendant is admitted to bail. [Such condition]

9 (3) As a further condition of bail, the issuing  
10 authority may order the defendant to participate in an  
11 electronic monitoring program as set forth in 23 Pa.C.S. §  
12 6114.2 (relating to electronic monitoring program) and to pay  
13 the costs associated with participation in the program.

14 (4) The conditions of bail under this subsection shall  
15 expire at the time of the preliminary hearing or upon the  
16 entry or the denial of the protection of abuse order by the  
17 court, whichever occurs first. A violation of [this] any  
18 condition of bail under this subsection may be punishable by  
19 the revocation of any form of pretrial release or the  
20 forfeiture of bail and the issuance of a bench warrant for  
21 the defendant's arrest or remanding him to custody or a  
22 modification of the terms of the bail. The defendant shall be  
23 provided a hearing on this matter.

24 \* \* \*

25 Section 2. Title 23 is amended by adding a section to read:

26 § 6114.2. Electronic monitoring program.

27 (a) Participation in program.--

28 (1) Whenever the court issues a protection order or a  
29 court-approved consent agreement under this chapter, it may  
30 order the defendant to participate in and pay the costs of an

1 electronic monitoring program as provided in this section.

2 (2) Whenever a defendant is found to have violated a  
3 protection order issued under this chapter, a foreign  
4 protection order or a court-approved consent agreement, the  
5 court shall, in addition to the penalties otherwise provided  
6 by law, order the defendant to participate in an electronic  
7 monitoring program provided in this section until further  
8 order of the court.

9 (b) Consent of protected person required.--The court shall  
10 not order electronic monitoring without the consent of the  
11 protected person.

12 (c) Program requirements.--An electronic monitoring program  
13 shall:

14 (1) Alert the protected person and the appropriate law  
15 enforcement unit when the defendant is on or near any  
16 protected person or premises.

17 (2) Require the defendant to wear an electronic  
18 monitoring device at all times.

19 (3) Require that a device be placed in the home of the  
20 defendant so that compliance with the court's order may be  
21 monitored.

22 (d) Administration.--When a court orders a defendant to  
23 participate in an electronic monitoring program under this  
24 section, it shall:

25 (1) Place the defendant under the supervision of the  
26 county office of probation and parole for the purposes of  
27 monitoring the device.

28 (2) Order the county office of probation and parole to  
29 place an electronic monitoring device on the defendant and  
30 install electronic monitoring equipment in the residence of

1 the defendant within 24 hours.

2 (3) Order the county office of probation and parole to  
3 place an electronic monitoring device on the protected person  
4 or install electronic monitoring equipment at any protected  
5 premises, or both.

6 (4) Order the defendant to pay the costs associated with  
7 the program to the county department of probation and parole  
8 or program provider.

9 (e) Program provider.--The county department of probation  
10 and parole may provide the electronic monitoring program  
11 described in this section either directly or by contract with a  
12 private provider.

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