

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1910 Session of  
1993

INTRODUCED BY HASAY, CAWLEY, JAROLIN, LYNCH, FARGO, ROONEY,  
TRELLO, E. Z. TAYLOR, STABACK, TIGUE, STEELMAN, GEIST, BUNT,  
EGOLF AND SERAFINI, JUNE 23, 1993

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 23, 1993

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, providing for mandatory arrest in  
3 domestic violence cases.

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

6 Section 1. Section 2711 of Title 18 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 2711. [Probable cause] Mandatory arrests in domestic violence  
9 cases.

10 (a) General rule.--[A police officer shall have the same  
11 right of arrest without a warrant as in a felony whenever he has  
12 probable cause to believe the defendant has violated section  
13 2504 (relating to involuntary manslaughter), 2701 (relating to  
14 simple assault), 2702(a)(3), (4) and (5) (relating to aggravated  
15 assault) or 2705 (relating to recklessly endangering another  
16 person) against his spouse or other person with whom he resides  
17 or has formerly resided although the offense did not take place  
18 in the presence of the police officer. A police officer may not

1 arrest a person pursuant to this section without first observing  
2 recent physical injury to the victim or other corroborative  
3 evidence.]

4 (1) A police officer shall arrest any person who the  
5 officer has reasonable grounds to believe is committing or  
6 has committed domestic abuse and that the person's actions  
7 constitute the commission of a crime, and either or both of  
8 the following circumstances are present:

9 (i) The officer has a reasonable basis for believing  
10 that there is possibility of continued violence against  
11 the alleged victim.

12 (ii) There is evidence of physical injury to the  
13 alleged victim.

14 (2) As used in this subsection, the term "domestic  
15 abuse" means any of the following engaged in by an adult  
16 person against his or her spouse, former spouse or relative  
17 or against another person with whom the person resides or  
18 formerly resided:

19 (i) A violation of section 2504 (relating to  
20 involuntary manslaughter).

21 (ii) A violation of section 2701 (relating to simple  
22 assault).

23 (iii) A violation of section 2702(a)(3), (4) and (5)  
24 (relating to aggravated assault).

25 (iv) A violation of section 2705 (relating to  
26 recklessly endangering another person).

27 (v) The intentional infliction of physical pain,  
28 physical injury or illness.

29 (vi) The intentional impairment of physical  
30 condition.

1           (vii) A physical act or a threat in conjunction with  
2           a physical act, which may cause the other person  
3           reasonably to fear imminent engagement in the conduct  
4           described in this paragraph.

5           (b) Seizure of weapons.--The arresting police officer shall  
6           seize all weapons used by the defendant in the commission of the  
7           alleged offense.

8           (c) Bail.--

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

14          (2) In determining whether to admit the defendant to  
15          bail, the issuing authority shall consider whether the  
16          defendant poses a threat of danger to the victim. If the  
17          issuing authority makes such a determination, it shall  
18          require as a condition of bail that the defendant shall  
19          refrain from entering the residence or household of the  
20          victim and the victim's place of employment and shall refrain  
21          from committing any further criminal conduct against the  
22          victim and shall so notify the defendant thereof at the time  
23          the defendant is admitted to bail. Such condition shall  
24          expire at the time of the preliminary hearing or upon the  
25          entry or the denial of the protection of abuse order by the  
26          court, whichever occurs first. A violation of this condition  
27          may be punishable by the revocation of any form of pretrial  
28          release or the forfeiture of bail and the issuance of a bench  
29          warrant for the defendant's arrest or remanding him to  
30          custody or a modification of the terms of the bail. The

1 defendant shall be provided a hearing on this matter.

2 (d) Notice of rights.--Upon responding to a domestic  
3 violence case, the police officer shall, orally or in writing,  
4 notify the victim of the availability of a shelter, including  
5 its telephone number, or other services in the community. Said  
6 notice shall include the following statement: "If you are the  
7 victim of domestic violence, you have the right to go to court  
8 and file a petition requesting an order for protection from  
9 domestic abuse pursuant to 23 Pa.C.S. Ch. 61 (relating to  
10 protection from abuse), which could include the following:

11 (1) An order restraining the abuser from further acts of  
12 abuse.

13 (2) An order directing the abuser to leave your  
14 household.

15 (3) An order preventing the abuser from entering your  
16 residence, school, business or place of employment.

17 (4) An order awarding you or the other parent temporary  
18 custody of or temporary visitation with your child or  
19 children.

20 (5) An order directing the abuser to pay support to you  
21 and the minor children if the abuser has a legal obligation  
22 to do so."

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