

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1056 Session of
1995

INTRODUCED BY BISHOP, HUTCHINSON, TIGUE, STABACK, BELFANTI,
McGEEHAN, READSHAW, MELIO, COLAFELLA, E. Z. TAYLOR, STEIL,
LAUGHLIN, YOUNGBLOOD, BATTISTO, MICHLOVIC, L. I. COHEN,
BROWNE AND THOMAS, MARCH 7, 1995

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 7, 1995

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the crime of
3 stalking.

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

6 Section 1. Section 2709 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended by adding subsections to read:
8 § 2709. Harassment and stalking.

9 * * *

10 (b.1) Bail.--

11 (1) A defendant arrested under subsection (b) shall be
12 afforded a preliminary arraignment by the proper issuing
13 authority without unnecessary delay. In no case shall the
14 arresting officer release the defendant from custody rather
15 than taking the defendant before the issuing authority.

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

1 defendant poses a real and present threat to the physical
2 safety of the victim. If the issuing authority makes such a
3 determination, it shall require as a condition of bail that
4 the defendant shall refrain from remaining present outside or
5 entering the residence or household of the victim and the
6 victim's place of employment and shall refrain from
7 committing any further criminal conduct against the victim
8 and shall so notify the defendant thereof at the time the
9 defendant is admitted to bail. Such condition shall expire at
10 the time of the preliminary hearing or upon the entry or the
11 denial of the protection of abuse order by the court,
12 whichever occurs first. A violation of this condition may be
13 punishable by the revocation of any form of pretrial release
14 or the forfeiture of bail and the issuance of a bench warrant
15 for the defendant's arrest or remanding him to custody or a
16 modification of the terms of the bail. The defendant shall be
17 provided a hearing on this matter.

18 (b.2) Mental health evaluation.--The court shall order a
19 defendant convicted of stalking to undergo a mental health
20 evaluation.

21 * * *

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