

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2186 Session of
2000

INTRODUCED BY GORDNER, HASAY, B. SMITH, TRICH, NAILOR, MUNDY,
MASLAND, TRELLO, TIGUE, DRUCE, DALEY, VAN HORNE,
E. Z. TAYLOR, READSHAW, SAINATO, BELFANTI, SANTONI,
WOJNAROSKI, SHANER, SOLOBAY, SCRIMENTI, FREEMAN, RUBLEY,
BEBKO-JONES, STERN, HARHAI, DeLUCA, McCALL, SAYLOR, LEDERER,
MELIO, JAMES, COLAFELLA, L. I. COHEN, CORRIGAN, RAMOS, BARD,
BROWNE, WILLIAMS, HENNESSEY, STEELMAN, CIVERA, YOUNGBLOOD,
WASHINGTON AND KIRKLAND, JANUARY 20, 2000

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 20, 2000

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 electronic monitoring programs
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

1 than taking the defendant before the issuing authority.

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

12 (3) As a further condition of bail, the issuing
13 authority may order the defendant to participate in an
14 electronic monitoring program as set forth in 23 Pa.C.S. §
15 6114.2 (relating to electronic monitoring programs) and to
16 pay the costs associated with participation in the program.

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

27 * * *

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

29 § 6114.2. Electronic monitoring programs.

30 (a) Participation in program.--

1 (1) Whenever the court issues a protection order or a
2 court-approved consent agreement under this chapter, it may
3 order the defendant to participate in and pay the costs of an
4 electronic monitoring program as provided in this section.

5 (2) Whenever a defendant is found to have violated such
6 an order or agreement the court shall, in addition to the
7 penalties otherwise provided by law, order the defendant to
8 participate in an electronic monitoring program provided in
9 this section until further order of the court.

10 (b) Program requirements.--An electronic monitoring program
11 shall:

12 (1) Alert the protected party and the appropriate law
13 enforcement unit when the defendant is on or near the
14 protected premises.

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

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

20 (c) Department of Corrections supervision.--When a court
21 orders a defendant to participate in an electronic monitoring
22 program under this section it shall:

23 (1) Place the defendant under the supervision of the
24 Department of Corrections for the purposes of monitoring the
25 device.

26 (2) Order the Department of Corrections to place an
27 electronic monitoring device on the defendant and install
28 electronic monitoring equipment on the premises of the
29 protected location and in the residence of the defendant
30 within 24 hours.

1 (3) Order the defendant to pay the costs associated with
2 the program to the Department of Corrections or program
3 provider.

4 (d) Program provider.--The Department of Corrections may
5 provide the electronic monitoring program described in this
6 section either directly or by contract with a private provider.

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