
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2059 Session of
2018

INTRODUCED BY ROZZI, HAGGERTY, CALTAGIRONE, READSHAW, PASHINSKI,
WATSON, DEAN, DAVIS AND YOUNGBLOOD, FEBRUARY 5, 2018

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 5, 2018

AN ACT

1 Amending Titles 23 (Domestic Relations) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in property rights, further providing for equitable
4 division of marital property; in alimony and support, further
5 providing for bar to alimony; in protection from abuse,
6 further providing for definitions; in child protective
7 services, further providing for definitions; and, in
8 protection of victims of sexual violence or intimidation,
9 further providing for definitions.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 3502(a) of Title 23 of the Pennsylvania
13 Consolidated Statutes is amended and the section is amended by
14 adding a subsection to read:

15 § 3502. Equitable division of marital property.

16 (a) General rule.--[Upon] Except as otherwise provided under
17 subsection (a.1), upon the request of either party in an action
18 for divorce or annulment, the court shall equitably divide,
19 distribute or assign, in kind or otherwise, the marital property
20 between the parties without regard to marital misconduct in such
21 percentages and in such manner as the court deems just after

1 considering all relevant factors. The court may consider each
2 marital asset or group of assets independently and apply a
3 different percentage to each marital asset or group of assets.
4 Factors which are relevant to the equitable division of marital
5 property include the following:

6 (1) The length of the marriage.

7 (2) Any prior marriage of either party.

8 (3) The age, health, station, amount and sources of
9 income, vocational skills, employability, estate, liabilities
10 and needs of each of the parties.

11 (4) The contribution by one party to the education,
12 training or increased earning power of the other party.

13 (5) The opportunity of each party for future
14 acquisitions of capital assets and income.

15 (6) The sources of income of both parties, including,
16 but not limited to, medical, retirement, insurance or other
17 benefits.

18 (7) The contribution or dissipation of each party in the
19 acquisition, preservation, depreciation or appreciation of
20 the marital property, including the contribution of a party
21 as homemaker.

22 (8) The value of the property set apart to each party.

23 (9) The standard of living of the parties established
24 during the marriage.

25 (10) The economic circumstances of each party at the
26 time the division of property is to become effective.

27 (10.1) The Federal, State and local tax ramifications
28 associated with each asset to be divided, distributed or
29 assigned, which ramifications need not be immediate and
30 certain.

1 (10.2) The expense of sale, transfer or liquidation
2 associated with a particular asset, which expense need not be
3 immediate and certain.

4 (11) Whether the party will be serving as the custodian
5 of any dependent minor children.

6 (a.1) Exception.--Notwithstanding subsection (a), if a party
7 has been convicted of sexual abuse of the party's spouse or
8 child, the party shall relinquish all rights, title and interest
9 to all marital property.

10 * * *

11 Section 2. Section 3706 of Title 23 is amended to read:

12 § 3706. Bar to alimony.

13 [No petitioner is entitled to receive an award of alimony]

14 The following are not entitled to receive an award of alimony:

15 (1) The petitioner, where the petitioner, subsequent to
16 the divorce pursuant to which alimony is being sought, has
17 entered into cohabitation with a person of the opposite sex
18 who is not a member of the family of the petitioner within
19 the degrees of consanguinity.

20 (2) A party that has been convicted of sexual abuse of
21 the party's spouse or child.

22 Section 3. The definition of "abuse" in section 6102(a) of
23 Title 23 is amended to read:

24 § 6102. Definitions.

25 (a) General rule.--The following words and phrases when used
26 in this chapter shall have the meanings given to them in this
27 section unless the context clearly indicates otherwise:

28 "Abuse." The occurrence of one or more of the following acts
29 between family or household members, sexual or intimate partners
30 or persons who share biological parenthood:

1 (1) Attempting to cause or intentionally, knowingly or
2 recklessly causing bodily injury, serious bodily injury,
3 rape, involuntary deviate sexual intercourse, sexual assault,
4 statutory sexual assault, aggravated indecent assault,
5 indecent assault or incest with or without a deadly weapon.

6 (2) Placing another in reasonable fear of imminent
7 serious bodily injury.

8 (3) The infliction of false imprisonment pursuant to 18
9 Pa.C.S. § 2903 (relating to false imprisonment).

10 (4) [Physically or sexually abusing minor children,
11 including such terms as defined in Chapter 63 (relating to
12 child protective services)] Engaging in child abuse as
13 defined under section 6303(b.1) (relating to definitions).

14 (5) Knowingly engaging in a course of conduct or
15 repeatedly committing acts toward another person, including
16 following the person, without proper authority, under
17 circumstances which place the person in reasonable fear of
18 bodily injury. The definition of this paragraph applies only
19 to proceedings commenced under this title and is inapplicable
20 to any criminal prosecutions commenced under Title 18
21 (relating to crimes and offenses).

22 * * *

23 Section 4. Section 6303(b.1) of Title 23 is amended by
24 adding a paragraph to read:

25 § 6303. Definitions.

26 * * *

27 (b.1) Child abuse.--The term "child abuse" shall mean
28 intentionally, knowingly or recklessly doing any of the
29 following:

30 * * *

1 (11) Engaging in emotional abuse of a child.

2 * * *

3 Section 5. The definitions of "family or household members,"
4 "intimidation" and "sexual violence" in section 62A03 of Title
5 42 are amended to read:

6 § 62A03. Definitions.

7 The following words and phrases when used in this chapter
8 shall have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 * * *

11 ["Family or household members." Spouses or persons who have
12 been spouses, persons living as spouses or who lived as spouses,
13 parents and children, other persons related by consanguinity or
14 affinity, current or former sexual or intimate partners or
15 persons who share biological parenthood.]

16 * * *

17 "Intimidation." Conduct constituting a crime under either of
18 the following provisions [between persons who are not family or
19 household members]:

20 18 Pa.C.S. § 2709(a)(4), (5), (6) or (7) (relating to
21 harassment) where the conduct is committed by a person 18
22 years of age or older against a person under 18 years of age.

23 18 Pa.C.S. § 2709.1 (relating to stalking) where the
24 conduct is committed by a person 18 years of age or older
25 against a person under 18 years of age.

26 * * *

27 "Sexual violence." Conduct constituting a crime under any of
28 the following provisions [between persons who are not family or
29 household members]:

30 18 Pa.C.S. Ch. 31 (relating to sexual offenses), except

1 18 Pa.C.S. §§ 3129 (relating to sexual intercourse with
2 animal) and 3130 (relating to conduct relating to sex
3 offenders).

4 18 Pa.C.S. § 4304 (relating to endangering welfare of
5 children) if the offense involved sexual contact with the
6 victim.

7 18 Pa.C.S. § 6301(a)(1)(ii) (relating to corruption of
8 minors).

9 18 Pa.C.S. § 6312(b) (relating to sexual abuse of
10 children).

11 18 Pa.C.S. § 6318 (relating to unlawful contact with
12 minor).

13 18 Pa.C.S. § 6320 (relating to sexual exploitation of
14 children).

15 * * *

16 Section 6. This act shall take effect in 60 days.