

## AMENDMENTS TO SENATE BILL NO. 449

Sponsor: REPRESENTATIVE MARSICO

Printer's No. 439

1 Amend Bill, page 1, lines 6 through 8, by striking out all of  
2 said lines and inserting

3 Section 1. Section 2711(a) and (c)(2) of Title 18 of the  
4 Pennsylvania Consolidated Statutes are amended and the section  
5 is amended by adding subsections to read:

6 Amend Bill, page 1, by inserting between lines 9 and 10

7 (a) General rule.--A police officer shall have the same  
8 right of arrest without a warrant as in a felony whenever he has  
9 probable cause to believe the defendant has violated section  
10 2504 (relating to involuntary manslaughter), 2701 (relating to  
11 simple assault), 2702(a)(3), (4) and (5) (relating to aggravated  
12 assault), 2705 (relating to recklessly endangering another  
13 person), 2706 (relating to terroristic threats) [or], 2709.1  
14 (relating to stalking) or 2718 (relating to strangulation)  
15 against a family or household member although the offense did  
16 not take place in the presence of the police officer. A police  
17 officer may not arrest a person pursuant to this section without  
18 first observing recent physical injury to the victim or other  
19 corroborative evidence. For the purposes of this subsection, the  
20 term "family or household member" has the meaning given that  
21 term in 23 Pa.C.S. § 6102 (relating to definitions).

22 Amend Bill, page 1, lines 15 and 16, by striking out "and may  
23 use a risk assessment tool adopted under subsection (e)"

24 Amend Bill, page 1, line 16, by inserting after "(e)."

25 In making a determination whether the defendant poses a  
26 threat of danger to the victim in cases under this section,  
27 the issuing authority may use a pretrial risk assessment tool  
28 as set forth in subsection (c.1).

29 Amend Bill, page 2, by inserting between lines 13 and 14

30 (c.1) Pretrial risk assessment tool.--The president judge of  
31 a court of common pleas may adopt a pretrial risk assessment  
32 tool for use by the court of common pleas or by the Philadelphia

1 Municipal Court, the Pittsburgh Magistrates Court or magisterial  
2 district judges when acting as the issuing authority in cases  
3 under this section. The issuing authority may use the pretrial  
4 risk assessment tool to aid in determining whether the defendant  
5 poses a threat of danger to the victim. However, the pretrial  
6 risk assessment tool may not be the only means of determining  
7 whether to admit the defendant to bail. Nothing in this  
8 subsection shall be construed to conflict with the issuing  
9 authority's ability to determine whether to admit the defendant  
10 to bail under the Pennsylvania Rules of Criminal Procedure.

11 (c.2) Pennsylvania Commission on Sentencing.--The following  
12 apply to the Pennsylvania Commission on Sentencing:

13 (1) The commission shall develop a model pretrial risk  
14 assessment tool which may be used by the issuing authority in  
15 cases under this section, as set forth in subsection (c.1).

16 (2) Subject to any inconsistent rule of court, in order  
17 to ensure that the model pretrial risk assessment tool or  
18 other pretrial risk assessment tool adopted under this  
19 section is effective, accurate and free from racial or  
20 economic bias, prior to the adoption of the tool, the  
21 commission shall publish a report of validation using  
22 information from cases from the judicial district where the  
23 tool is to be utilized. The report shall be updated every two  
24 years.

25 Amend Bill, page 2, lines 15 through 18, by striking out all  
26 of said lines

27 Amend Bill, page 2, line 19, by striking out "in 60 days."

28 and inserting

29 as follows:

30 (1) The addition of 18 Pa.C.S. § 2711(c.2)(2) shall take  
31 effect in two years.

32 (2) The remainder of this act shall take effect in 60  
33 days.