

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2669 Session of
1996INTRODUCED BY ROBERTS, BELARDI, STABACK, YOUNGBLOOD, CORPORA,
JAROLIN AND MERRY, JUNE 5, 1996AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 13, 1996

AN ACT

1 ~~Amending Title 42 (Judiciary and Judicial Procedure) of the~~ <—
2 ~~Pennsylvania Consolidated Statutes, providing for emotional~~
3 ~~distress.~~

4 AMENDING TITLE 23 (DOMESTIC RELATIONS) OF THE PENNSYLVANIA <—
5 CONSOLIDATED STATUTES, PROVIDING FOR DISPOSITION OF REMAINS
6 OF A DECEASED PARTY TO A DIVORCE ACTION.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 ~~Section 1. Chapter 83 of Title 42 of the Pennsylvania~~ <—
10 ~~Consolidated Statutes is amended by adding a subchapter to read:~~

11 ~~SUBCHAPTER I~~

12 ~~EMOTIONAL DISTRESS~~

13 ~~§ 8393. Outrageous conduct causing severe emotional distress.~~

14 ~~(a) General rule. A person who by extreme and outrageous~~
15 ~~conduct intentionally or recklessly causes severe emotional~~
16 ~~distress to another shall be liable for damages for such~~
17 ~~emotional distress, and if bodily harm to the other results from~~
18 ~~it, for such bodily harm.~~

19 ~~(b) Persons present. Where conduct as described under~~

~~subsection (a) is directed at a third person, the perpetrator is liable for damages if the perpetrator intentionally or recklessly causes severe emotional distress:~~

~~(1) to a member of the person's immediate family who is present at the time, whether or not such distress results in bodily harm; or~~

~~(2) to any other person who is present at the time, if such distress results in bodily harm.~~

~~(c) Evidence. A person who alleges emotional distress does not have to support his claim by medical evidence.~~

~~(d) Defense prohibited. It is not a defense under this section that a person:~~

~~(1) Has done no more than insist upon his legal rights in a permissible way.~~

~~(2) Has resorted to extreme and outrageous words or acts in self defense against the other under circumstances of extreme provocation.~~

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

SECTION 1. TITLE 23 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED BY ADDING A SECTION TO READ:

§ 3310. DISPOSITION OF REMAINS OF A DECEASED PARTY TO A DIVORCE ACTION.

IF A PARTY TO AN ACTION FOR DIVORCE SHOULD BECOME DECEASED PRIOR TO THE FINAL ENTRY OF AN ORDER FOR DIVORCE, THE PARENTS OR CHILDREN OR OTHER PERSONS RELATED BY CONSANGUINITY, UNLESS OTHERWISE DIRECTED BY A WILL ENTERED INTO PROBATE, SHALL HAVE STANDING TO INSTITUTE A SINGLE ACTION RELATING TO THE DISPOSITION AND INTERMENT OF THE BODY OF THE DECEASED PARTY.

SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.