

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**

**No. 1038** Session of  
2001

INTRODUCED BY GORDNER, HASAY, BARRAR, BEBKO-JONES, BELARDI, BELFANTI, BROWNE, CALTAGIRONE, CAPPELLI, CASORIO, CAWLEY, CIVERA, COLEMAN, CORRIGAN, COY, CURRY, DALLY, DeLUCA, DeWEESE, FEESE, FRANKEL, FREEMAN, GEIST, GRUCELA, HARHAI, HENNESSEY, HORSEY, JAMES, LEDERER, MANDERINO, McCALL, McILHATTAN, R. MILLER, S. MILLER, PETRONE, READSHAW, ROSS, STEELMAN, SAMUELSON, SAYLOR, SCRIMENTI, SHANER, B. SMITH, SOLOBAY, STABACK, STEIL, E. Z. TAYLOR, J. TAYLOR, THOMAS, TRICH, WANSACZ, J. WILLIAMS, WOJNAROSKI AND YOUNGBLOOD, MARCH 15, 2001

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 15, 2001

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

1       arresting officer release the defendant from custody rather  
2       than taking the defendant before the issuing authority.

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

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

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

28      \* \* \*

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

30      § 6114.2. Electronic monitoring programs.

1 (a) Participation in program.--

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

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

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

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

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

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

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

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

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

1     within 24 hours.

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

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

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