

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 130 Session of  
2001

INTRODUCED BY CORMAN, PICCOLA, COSTA, GERLACH, MUSTO, TOMLINSON,  
TARTAGLIONE, WAUGH, WAGNER, SCHWARTZ, O'PAKE, JUBELIRER,  
BOSCOLA, GREENLEAF, DENT, EARLL, KUKOVICH AND LEMMOND,  
JANUARY 29, 2001

SENATOR TILGHMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,  
MARCH 19, 2001

## AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, further providing for protection from  
3 abuse orders.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 6102(a) of Title 23 of the Pennsylvania  
7 Consolidated Statutes is amended by adding definitions to read:  
8 § 6102. Definitions.

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

12 \* \* \*

13 "Certified copy." A paper copy of the original order of the  
14 issuing court endorsed by the appropriate clerk of that court or  
15 an electronic copy of the original order of the issuing court  
16 endorsed with a digital signature of the judge or appropriate  
17 clerk of that court. A raised seal on the copy of the order of

1 the issuing court shall not be required.

2 "Comparable court." A foreign court that:

3 (1) has subject matter jurisdiction and is authorized to  
4 issue ex parte, emergency, temporary or final protection  
5 orders in that jurisdiction; and

6 (2) possessed jurisdiction over the parties when the  
7 protection order was issued in that jurisdiction.

8 \* \* \*

9 "Foreign protection order." A protection order as defined by  
10 18 U.S.C. § 2266 (relating to definitions) issued by a  
11 comparable court of another state, the District of Columbia,  
12 Indian tribe or territory, possession or commonwealth of the  
13 United States.

14 \* \* \*

15 Section 2. Section 6104 of Title 23 is amended to read:  
16 [§ 6104. Registration of order.

17 (a) Registry.--The prothonotary shall maintain a registry in  
18 which it shall enter certified copies of orders entered by  
19 courts from other jurisdictions in this Commonwealth pursuant to  
20 this chapter.

21 (b) Registration of order in any county.--A plaintiff who  
22 obtains a valid order under this chapter may register that order  
23 without fee or cost in any county within this Commonwealth where  
24 the plaintiff believes enforcement may be necessary. A court  
25 shall recognize and enforce a valid order under this chapter  
26 which has been issued by another court but properly registered  
27 with a county within the judicial district of the court where  
28 enforcement is sought or recorded in the registry of the  
29 Pennsylvania State Police. County registries shall not be  
30 required when the Pennsylvania State Police registry provided

1 for in section 6105(e) (relating to responsibilities of law  
2 enforcement agencies) is established and is fully operational. A  
3 court shall recognize and enforce a valid order which has been  
4 issued by a comparable court in another state and properly  
5 registered within a county where enforcement is sought or  
6 recorded in the registry of the Pennsylvania State Police.

7 (c) Certified copy.--A valid order under this chapter may be  
8 registered by the plaintiff in a county other than the issuing  
9 county by obtaining a certified copy of the order of the issuing  
10 court endorsed by the prothonotary of that court and presenting  
11 that certified order to the prothonotary where the order is to  
12 be registered.

13 (d) Proof of registration.--Upon receipt of a certified  
14 order for registration, the prothonotary shall provide the  
15 plaintiff with a copy bearing the proof of registration to be  
16 filed with the appropriate law enforcement agency.

17 (e) Registration not required.--Registration of orders under  
18 this section shall not be required upon the establishment and  
19 operation of the Pennsylvania State Police registry provided for  
20 in section 6105(e).]

21 § 6104. Full faith and credit and foreign protection orders.

22 (a) General rule.--A court shall recognize and enforce a  
23 valid foreign protection order issued by a comparable court. The  
24 validity of a foreign protection order shall only be determined  
25 by a court.

26 (b) Affirmative defense.--Failure by a comparable court to  
27 provide reasonable notice and opportunity to be heard shall be  
28 an affirmative defense to any charge or process filed seeking  
29 enforcement of a foreign protection order. A comparable court  
30 shall have complied with that court's notice requirements and

1 shall have given the defendant the opportunity to be heard  
2 before the foreign order was issued. In the case of ex parte  
3 orders, the comparable court shall have complied with that  
4 court's notice requirements and have given the defendant an  
5 opportunity to be heard within a reasonable period of time after  
6 the order was issued, consistent with due process.

7 (c) Invalid orders.--A foreign protection order issued by a  
8 comparable court against a party who has filed a petition,  
9 complaint or other written pleading for a protection order is  
10 not valid and not entitled to full faith and credit if:

11 (1) no cross or counter petition, complaint or other  
12 written pleading was filed seeking the protection order; or

13 (2) a cross or counter petition, complaint or other  
14 written pleading was filed and the court did not make a  
15 specific finding that each party was entitled to a protection  
16 order.

17 (d) Filing a foreign protection order.--A plaintiff may file  
18 a certified copy of a foreign protection order with the  
19 prothonotary in any county within this Commonwealth where the  
20 plaintiff believes enforcement may be necessary. The following  
21 provisions shall apply:

22 (1) Filing of a foreign protection order shall be  
23 without fee or cost.

24 (2) Upon filing of a foreign protection order, a  
25 prothonotary shall transmit, in a manner prescribed by the  
26 Pennsylvania State Police, a copy of the order to the  
27 Pennsylvania State Police registry of protection orders.

28 (3) Filing of a foreign protection order shall not be a  
29 prerequisite for enforcement.

30 (e) Orders issued in another judicial district within this

1 Commonwealth.--The filing of an order issued in another judicial  
2 district within this Commonwealth is not required for  
3 enforcement purposes.

4 Section 3. Section 6105(e)(1) of Title 23 is amended and the  
5 section is amended by adding a subsection to read:

6 § 6105. Responsibilities of law enforcement agencies.

7 \* \* \*

8 (e) Statewide registry.--

9 (1) The Pennsylvania State Police shall establish a  
10 Statewide registry of protection orders and shall maintain a  
11 complete and systematic record and index of all valid  
12 temporary and final court orders of protection [or], court-  
13 approved consent agreements, and a foreign protection order  
14 filed pursuant to section ~~6104(e)~~ 6104(D) (relating to full <—  
15 faith and credit and foreign protection orders). The  
16 Statewide registry shall include, but need not be limited to,  
17 the following:

18 (i) The names of the plaintiff and any protected  
19 parties.

20 (ii) The name and address of the defendant.

21 (iii) The date the order was entered.

22 (iv) The date the order expires.

23 (v) The relief granted under sections 6108(a)(1),  
24 (2), (4), (6) and (7) (relating to relief) and 6110(a)  
25 (relating to emergency relief by minor judiciary).

26 (vi) The judicial district in which the order was  
27 entered.

28 (vii) Where furnished, the Social Security number  
29 and date of birth of the defendant.

30 \* \* \*

1     (h) Enforcement of foreign protection orders.--

2         (1) All foreign protection orders shall have the  
3     presumption of validity in this Commonwealth, and police  
4     officers shall make arrests for violations thereof in the  
5     same manner as set for violations of protection orders issued  
6     within this Commonwealth. Until a foreign order is declared  
7     to be invalid by a court, it shall be enforced by all law  
8     enforcement personnel in this Commonwealth.

9         (2) A police officer shall rely upon any copy of a  
10     foreign protection order which has been presented to the  
11     officer by any source and may verify the existence of a  
12     protection order consistent with the provisions of section  
13     6113(a) (relating to arrest for violation of order). The fact  
14     that a foreign protection order has not been filed with a  
15     prothonotary or entered into the Pennsylvania State Police  
16     registry shall not be grounds for law enforcement to refuse  
17     to enforce the order.

18         (3) Law enforcement personnel acting in good faith shall  
19     be immune from civil liability in any action arising in  
20     connection with a court's finding that the foreign order is  
21     invalid or unenforceable.

22     Section 4. Section 6106 of Title 23 is amended by adding a  
23 subsection to read:

24     § 6106. Commencement of proceedings.

25         \* \* \*

26         (g.1) Service of original process of a foreign protection  
27     order.--There shall be no prepayment of fees for service of  
28     original process of a foreign protection order.

29         \* \* \*

30     Section 5. Sections 6113(a), 6113.1(a), 6114(a) and (a.1)

1 and 6114.1(a) and (b) of Title 23 are amended to read:

2 § 6113. Arrest for violation of order.

3 (a) General rule.--An arrest for violation of an order  
4 issued pursuant to this chapter or a foreign protection order  
5 may be without warrant upon probable cause whether or not the  
6 violation is committed in the presence of the police officer in  
7 circumstances where the defendant has violated a provision of an  
8 order consistent with section 6108(a)(1), (2), (3), (4), (6) [or  
9 (7)], (7) or (9) (relating to relief). The police officer may  
10 verify[, if necessary,] the existence of a protection order by  
11 telephone [or radio communication with the appropriate police  
12 department, county registry or issuing authority.], radio or  
13 other electronic communication with the appropriate police  
14 department, Pennsylvania State Police registry, protection order  
15 file or issuing authority. A police officer shall arrest a  
16 defendant for violating an order issued under this chapter by a  
17 court within the judicial district, issued by a court in another  
18 judicial district within this Commonwealth or a foreign  
19 protection order issued by [another state and registered  
20 pursuant to this chapter or verified through the Pennsylvania  
21 State Police registry] a comparable court.

22 \* \* \*

23 § 6113.1. Private criminal complaints for violation of order or  
24 agreement.

25 (a) General rule.--A plaintiff may file a private criminal  
26 complaint against a defendant, alleging indirect criminal  
27 contempt for a noneconomic violation of any provision of an  
28 order or court-approved consent agreement issued under this  
29 chapter or a foreign protection order, with the court, the  
30 office of the district attorney or the district justice in the

jurisdiction or county where the violation occurred, except that, in a city of the first class, a complaint may only be filed with the family division of the court of common pleas or the office of the district attorney.

\* \* \*

§ 6114. Contempt for violation of order or agreement.

(a) General rule.--Where the police or the plaintiff have filed charges of indirect criminal contempt against a defendant for violation of a protection order issued under this chapter, a foreign protection order or a court-approved consent agreement, the court may hold the defendant in indirect criminal contempt and punish the defendant in accordance with law.

(a.1) Jurisdiction.--A court shall have jurisdiction over indirect criminal contempt charges for violation of a protection order issued pursuant to this chapter or a foreign protection order in the county where the violation occurred.

\* \* \*

§ 6114.1. Civil contempt or modification for violation of an order or agreement.

(a) General rule.--A plaintiff may file a petition for civil contempt with the issuing court alleging that the defendant has violated any provision of an order or court-approved agreement issued under this chapter or a foreign protection order.

(b) Civil contempt order.--Upon finding of a violation of a protection order or court-approved consent agreement issued under this chapter or a foreign protection order, the court, either pursuant to petition for civil contempt or on its own accord, may hold the defendant in civil contempt and constrain him in accordance with law.

\* \* \*

- 1       Section 6.   Section 6118 of Title 23 is repealed.
- 2       Section 7.   This act shall take effect in 60 days.