

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2265 Session of
2003

INTRODUCED BY COSTA, FRANKEL, GRUCELA, MANN, CORRIGAN, CRAHALLA,
DALEY, DeWEESE, EGOLF, HARRIS, HORSEY, KELLER, LAUGHLIN,
PISTELLA, SCRIMENTI, TANGRETTI, TIGUE, YOUNGBLOOD, KOTIK,
PALLONE, READSHAW, SOLOBAY, THOMAS AND WASHINGTON,
DECEMBER 16, 2003

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 16, 2003

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for custody and
3 visitation.

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

6 Section 1. Section 5303(b) and (b.1)(2) of Title 23 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 5303. Award of custody, partial custody or visitation.

9 * * *

10 (b) Consideration of criminal conviction.--If a parent has
11 been convicted of or has pleaded guilty or no contest to an
12 offense as set forth below, the court shall consider such
13 criminal conduct and shall determine that the parent does not
14 pose a threat of harm to the child before making an order of
15 custody, partial custody or visitation to that parent:

16 (1) 18 Pa.C.S. Ch. 25 (relating to criminal homicide);

17 (1.1) 18 Pa.C.S. § 2702 (relating to aggravated

1 assault);

2 (1.2) 18 Pa.C.S. § 2706 (relating to terroristic
3 threats);

4 (1.3) 18 Pa.C.S. § 2709.1 (relating to stalking);

5 (2) 18 Pa.C.S. § 2901 (relating to kidnapping);

6 (3) 18 Pa.C.S. § 2902 (relating to unlawful restraint);

7 (3.1) 18 Pa.C.S. § 2903 (relating to false
8 imprisonment);

9 (4) 18 Pa.C.S. § 3121 (relating to rape);

10 (5) 18 Pa.C.S. § 3122.1 (relating to statutory sexual
11 assault);

12 (6) 18 Pa.C.S. § 3123 (relating to involuntary deviate
13 sexual intercourse);

14 (7) 18 Pa.C.S. § 3124.1 (relating to sexual assault);

15 (8) 18 Pa.C.S. § 3125 (relating to aggravated indecent
16 assault);

17 (9) 18 Pa.C.S. § 3126 (relating to indecent assault);

18 (10) 18 Pa.C.S. § 3127 (relating to indecent exposure);

19 (10.1) 18 Pa.C.S. § 3301 (relating to arson and related
20 offenses);

21 (11) 18 Pa.C.S. § 4302 (relating to incest);

22 (12) 18 Pa.C.S. § 4304 (relating to endangering welfare
23 of children);

24 (13) 18 Pa.C.S. § 5902(b) (relating to prostitution and
25 related offenses); [or]

26 (14) 18 Pa.C.S. § 6312 (relating to sexual abuse of
27 children)[.];

28 (15) 23 Pa.C.S. § 6114 (relating to contempt for
29 violation of order or agreement); or

30 (16) A felony offense under the act of April 14, 1972

1 (P.L.233, No.64), known as The Controlled Substance, Drug,
2 Device and Cosmetic Act.

3 (b.1) Consideration of criminal charge.--

4 * * *

5 (2) In evaluating any request for temporary custody or
6 modification of a custody, partial custody or visitation
7 order, the court shall consider whether the parent who is or
8 has been charged with an offense listed [below] in subsection
9 (b) poses a risk of harm to the child.[:

10 (i) 18 Pa.C.S. Ch. 25;

11 (ii) 18 Pa.C.S. § 2702 (relating to aggravated
12 assault);

13 (iii) 18 Pa.C.S. § 2706 (relating to terroristic
14 threats);

15 (iv) 18 Pa.C.S. § 2709.1 (relating to stalking);

16 (v) 18 Pa.C.S. § 2901;

17 (vi) 18 Pa.C.S. § 2902;

18 (vii) 18 Pa.C.S. § 2903 (relating to false
19 imprisonment);

20 (viii) 18 Pa.C.S. § 3121;

21 (ix) 18 Pa.C.S. § 3122.1;

22 (x) 18 Pa.C.S. § 3123;

23 (xi) 18 Pa.C.S. § 3124.1;

24 (xii) 18 Pa.C.S. § 3125;

25 (xiii) 18 Pa.C.S. § 3126;

26 (xiv) 18 Pa.C.S. § 3127;

27 (xv) 18 Pa.C.S. § 3301 (relating to arson and
28 related offenses);

29 (xvi) 18 Pa.C.S. § 4302;

30 (xvii) 18 Pa.C.S. § 4304;

1 (xviii) 18 Pa.C.S. § 6312; and
2 (xix) 23 Pa.C.S. § 6114 (relating to contempt for
3 violation of order or agreement).]

4 * * *

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