

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 899 Session of 2011

INTRODUCED BY DePASQUALE, READSHAW, FREEMAN, DALEY, FABRIZIO, GINGRICH, GEIST, D. COSTA, JOSEPHS, MUNDY, MYERS, PASHINSKI, K. SMITH, VULAKOVICH, YOUNGBLOOD, MICOZZIE, MURT, STABACK, SWANGER AND DAVIDSON, MARCH 2, 2011

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 2, 2011

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, further providing for harassment; and providing for  
4 peace orders.

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

7 Section 1. Section 2709 of Title 18 of the Pennsylvania  
8 Consolidated Statutes is amended to read:

9 § 2709. Harassment.

10 (a) Offense defined.--A person commits the crime of  
11 harassment when, with intent to harass, annoy or alarm another,  
12 the person:

13 (1) strikes, shoves, kicks or otherwise subjects the  
14 other person to physical contact, or attempts or threatens to  
15 do the same;

16 (2) follows the other person in or about a public place  
17 or places;

18 (3) engages in a course of conduct or repeatedly commits

1 acts which serve no legitimate purpose;

2 (4) communicates to or about such other person any lewd,  
3 lascivious, threatening or obscene words, language, drawings  
4 or caricatures;

5 (5) communicates repeatedly in an anonymous manner;

6 (6) communicates repeatedly at extremely inconvenient  
7 hours; [or]

8 (7) communicates repeatedly in a manner other than  
9 specified in paragraphs (4), (5) and (6)[.];

10 (8) engages in a course of conduct or repeatedly commits  
11 acts which cause a reasonable fear of injury; or

12 (9) damages premises primarily used for religious  
13 purposes or maintained for religious instruction and the  
14 damage to the premises exceeds \$50.

15 (b.1) Venue.--

16 (1) An offense committed under this section may be  
17 deemed to have been committed at either the place at which  
18 the communication or communications were made or at the place  
19 where the communication or communications were received.

20 (2) Acts indicating a course of conduct which occur in  
21 more than one jurisdiction may be used by any other  
22 jurisdiction in which an act occurred as evidence of a  
23 continuing pattern of conduct or a course of conduct.

24 (c) Grading.--

25 [(1) An offense under subsection (a)(1), (2) or (3)  
26 shall constitute a summary offense.

27 (2) (i) An offense under subsection (a)(4), (5), (6) or  
28 (7) shall constitute a misdemeanor of the third degree.]

29 (1) An offense under subsection (a)(2) or (3), when done  
30 intentionally and repeatedly, shall constitute harassment in

1 the first degree and shall be punishable as a second degree  
2 misdemeanor.

3 (2) An offense under subsection (a) (1), (2) or (3), when  
4 done with an intent to harass, annoy or alarm another person,  
5 shall constitute harassment in the second degree and shall be  
6 punishable as a third degree misdemeanor.

7 (3) An offense shall be graded aggravated harassment in  
8 the second degree and punishable as a first degree  
9 misdemeanor if one of the following apply:

10 (i) An offense under subsection (a) (4), (5), (6) or  
11 (7), when done with the intent to harass, annoy, threaten  
12 or alarm another person.

13 (ii) An offense under subsection (a) (1), when  
14 committed due to a belief or perception, whether or not  
15 accurate, regarding the victim's race, color, national  
16 origin, ancestry, gender, religion, religious practice,  
17 age, disability or sexual orientation.

18 (iii) An offense under paragraph (1), and a previous  
19 conviction of the crime of harassment within the  
20 preceding ten years.

21 (4) An offense shall be graded as aggravated harassment  
22 in the first degree, punishable as a third degree felony, if  
23 one of the following apply:

24 (i) An offense under subsection (a) (9), when done  
25 with the intent to harass, annoy, threaten or alarm  
26 another person because of a belief or perception  
27 regarding the victim, whether or not accurate, regarding  
28 the victim's race, color, national origin, ancestry,  
29 gender, religion, religious practice, age, disability or  
30 sexual orientation.

1           (ii) A second or subsequent offense under paragraph  
2           (3) or (4) within ten years, when done with the intent to  
3           harass, annoy, threaten or alarm another person because  
4           of a belief or perception regarding the victim, whether  
5           or not accurate, regarding the victim's race, color,  
6           national origin, ancestry, gender, religion, religious  
7           practice, age, disability or sexual orientation.

8           (5) A second or subsequent offense under subsection (a)  
9           (1), (2), (3), (4), (5), (6), (7), (8) or (9) shall be  
10          rebuttable proof of intent as required under paragraph (3) or  
11          (4).

12          (d) False reports.--A person who knowingly gives false  
13 information to any law enforcement officer with the intent to  
14 implicate another under this section commits an offense under  
15 section 4906 (relating to false reports to law enforcement  
16 authorities).

17          (e) Application of section.--This section shall not apply to  
18 conduct by a party to a labor dispute as defined in the act of  
19 June 2, 1937 (P.L.1198, No.308), known as the Labor Anti-  
20 Injunction Act, or to any constitutionally protected activity.

21          (f) Definitions.--As used in this section, the following  
22 words and phrases shall have the meanings given to them in this  
23 subsection:

24          "Communicates." Conveys a message without intent of  
25 legitimate communication or address by oral, nonverbal, written  
26 or electronic means, including telephone, electronic mail,  
27 texting, Internet, facsimile, telex, wireless communication or  
28 similar transmission.

29          "Course of conduct." A pattern of actions composed of more  
30 than one act over a period of time, however short, evidencing a

continuity of conduct. Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

Section 2. Title 42 is amended by adding a chapter to read:

CHAPTER 62

PEACE ORDERS

Sec.

6201. Definitions.

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6203. Petition for peace order.

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§ 6201. Definitions.

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

"Comparable court." A foreign court that:

(1) Has subject matter jurisdiction and is authorized to issue ex parte, emergency, temporary or final protection

1 orders in that jurisdiction.

2 (2) Possessed jurisdiction over the parties when the  
3 protection order was issued in that jurisdiction.

4 "Emergency peace order." An order that a hearing officer  
5 issues under this chapter pending a hearing by a judge on a  
6 petition.

7 "Final peace order." A peace order issued by a judge under  
8 section 6203 (relating to petition for peace order).

9 "Foreign peace order." A peace or other order that is  
10 similarly issued by a comparable court of another state, the  
11 District of Columbia, Native American tribe or territory,  
12 possession or commonwealth of the United States.

13 "Geographic exclusion zones." A court-defined area around  
14 the victim's residence, place of employment or school.

15 "Hearing officer." A magisterial district judge, judge of  
16 the Philadelphia Municipal Court, arraignment court magistrate  
17 appointed under section 1123 (relating to jurisdiction and  
18 venue), master appointed under section 1126 (relating to  
19 masters) and master for emergency relief.

20 "Interim peace order." An order that a commissioner issues  
21 under this chapter pending a hearing by a judge on a petition.

22 "Master for emergency relief." A member of the bar of the  
23 Commonwealth appointed under section 6204 (relating to emergency  
24 orders).

25 "Petitioner." An individual who files a petition under  
26 section 6203 (relating to petition for peace order).

27 "Residence." The term includes the yard, grounds,  
28 outbuildings and common areas surrounding a residence.

29 "Respondent." An individual alleged in a petition to have  
30 committed an act specified in section 6203(a) (relating to

1 petition for peace order) against a petitioner.

2 "Sheriff."

3 (1) Except as provided in paragraph (2), the sheriff of  
4 the county.

5 (2) In a city of the first class, the chief or head of  
6 the police department.

7 "Temporary peace order." A peace order issued by a judge  
8 under section 6205 (relating to temporary orders).

9 (b) Other terms.--Terms not otherwise defined in this  
10 chapter shall have the meaning given to them in 18 Pa.C.S.  
11 (relating to crimes and offenses).

12 § 6202. Applicability.

13 (a) General.--By proceeding under this chapter, a petitioner  
14 is not limited to or precluded from pursuing any other legal  
15 remedy.

16 (b) Limitations.--This chapter does not apply to:

17 (1) A petitioner eligible for relief under 23 Pa.C.S.  
18 Ch. 61 (relating to protection from abuse).

19 (2) A respondent who is 17 years of age or younger at  
20 the time of the alleged commission of an act specified in  
21 section 6203(a) (relating to petition for peace order).

22 § 6203. Petition for peace order.

23 (a) Filing.--A petitioner may seek relief under this chapter  
24 by filing with the court, or with a hearing officer under the  
25 circumstances specified in section 6204(a) (relating to  
26 emergency orders), a petition that alleges the commission of any  
27 of the following acts against the petitioner by the respondent,  
28 if the act occurred within 30 days before the filing of the  
29 petition:

30 (1) An act that causes serious bodily harm.

1       (2) An act that places the petitioner in fear of  
2       imminent serious bodily harm.

3       (3) Assault in any degree.

4       (4) Rape or sexual offense under 18 Pa.C.S. Ch. 31  
5       (relating to sexual offenses).

6       (5) False imprisonment under 18 Pa.C.S. § 2903 (relating  
7       to false imprisonment).

8       (6) Aggravated harassment in the first or second degree  
9       under 18 Pa.C.S. § 2709 (relating to harassment).

10       (7) Stalking under 18 Pa.C.S. § 2709.1 (relating to  
11       stalking).

12       (8) Trespassing.

13       (9) Kidnapping under 18 Pa.C.S. § 2901 (relating to  
14       kidnapping).

15       (b) Information required.--The petition shall:

16       (1) Be under oath and provide notice to the petitioner  
17       that an individual who knowingly provides false information  
18       in the petition is guilty of a misdemeanor and shall, upon  
19       conviction, be sentenced to the penalties specified in  
20       subsection (d).

21       (2) Subject to the provisions of subsection (c), contain  
22       the address of the petitioner.

23       (3) Include all information known to the petitioner of:

24       (i) The nature and extent of the act specified in  
25       subsection (a) for which the relief is being sought,  
26       including information known to the petitioner concerning  
27       previous harm or injury resulting from an act specified  
28       in subsection (a) by the respondent.

29       (ii) Each previous and pending action between the  
30       parties in any court.



1           (iii) The whereabouts of the respondent.

2           (c) Address redaction.--If a petitioner alleges and the  
3 commissioner or judge finds, in a proceeding under this chapter,  
4 that the disclosure of the address of the petitioner would risk  
5 further harm to the petitioner, that address may be stricken  
6 from the petition and omitted from all other documents filed  
7 with the commissioner or filed with or transferred to a court.

8           (d) Penalties.--An individual who knowingly provides false  
9 information in a petition filed under this section is guilty of  
10 a misdemeanor and shall, upon conviction, be sentenced to pay a  
11 fine of not more than \$1,000 or to imprisonment for not more  
12 than 90 days, or both.

13           (e) Fees.--A petitioner under this chapter shall not be  
14 charged fees or costs associated with filing, issuance,  
15 registration or service of a petition, motion, complaint, order  
16 or other filing. A petitioner under this chapter shall not be  
17 assessed any fees or costs associated with filing a motion for  
18 reconsideration or an appeal from any order or action taken  
19 under this chapter. Nothing in this subsection is intended to  
20 expand or diminish the court's authority to enter an order under  
21 Pa.R.C.P. No. 1023.1 (relating to Scope. Signing of documents.  
22 Representations to the Court. Violation).

23           § 6204. Emergency orders.

24           (a) General rule.--As set forth in subsection (b), when a  
25 court is unavailable, a petition may be filed before a hearing  
26 officer who may grant relief in accordance with section 6206  
27 (relating to hearings) if the hearing officer deems it necessary  
28 to protect the petitioner upon good cause shown in an ex parte  
29 proceeding. Immediate and present danger to the petitioner shall  
30 constitute good cause for the purposes of this subsection.

1 (b) Unavailable.--

2 (1) In counties with fewer than four judges, the court  
3 is unavailable:

4 (i) From the close of business at the end of each  
5 day to the resumption of business the next morning.

6 (ii) From the end of the business week to the  
7 beginning of the business week.

8 (iii) During the business day by reason of duties  
9 outside the county, illness or vacation.

10 (2) In counties with four or more judges, the court is  
11 unavailable:

12 (i) From the close of business at the end of each  
13 day to the resumption of business the next morning.

14 (ii) From the end of the business week to the  
15 beginning of the business week.

16 (c) Guidelines.--An emergency peace order:

17 (1) shall contain only the relief that is minimally  
18 necessary to protect the petitioner; and

19 (2) may order the respondent to:

20 (i) refrain from committing or threatening to commit  
21 an act specified in section 6203(a) (relating to petition  
22 for peace order) against the petitioner;

23 (ii) refrain from contacting, attempting to contact  
24 or harassing the petitioner;

25 (iii) refrain from entering the residence of the  
26 petitioner; and

27 (iv) refrain from entering the geographic exclusion  
28 zone.

29 (d) Expiration of order.--An order issued under subsection  
30 (a) shall expire at the end of the next business day the court

1 deems itself available. The court shall schedule hearings on  
2 peace orders entered by hearing officers under subsection (a)  
3 and shall review and continue in effect peace orders that are  
4 necessary to protect the petitioner until the hearing, at which  
5 time the petitioner may seek a temporary order from the court.

6 (e) Certification of order to court.--An emergency order  
7 issued under this section and documentation in support thereof  
8 shall be immediately certified to the court. The certification  
9 to the court shall have the effect of commencing proceedings  
10 under section 6203 and invoking the other provisions of this  
11 chapter. If it is not already alleged in a petition for an  
12 emergency order, the petitioner shall file a verified statement  
13 setting forth the acts committed by the respondent against the  
14 petitioner at least five days prior to the hearing. Service of  
15 the verified statement shall be made subject to section 6205(b)  
16 (relating to temporary orders).

17 (f) Masters for emergency relief.--The president judge of a  
18 court of common pleas of a judicial district may, with the  
19 approval of the Administrative Office of Pennsylvania Courts,  
20 provide for the selection and appointment of a master for  
21 emergency relief on a full-time or part-time basis. The number  
22 of masters for emergency relief shall be fixed by the president  
23 judge with the approval of the Administrative Office of  
24 Pennsylvania Courts. The compensation of a master for emergency  
25 relief shall be fixed and paid by the county. Nothing in this  
26 subsection shall prohibit or require any master for emergency  
27 relief in 23 Pa.C.S. § 6110 (relating to emergency relief by  
28 minor judiciary) from performing the duties for both protection  
29 and peace orders.

30 (g) Authority.--A decision of a hearing officer to grant or

deny relief under this section is not binding on and does not affect any power granted to or duty imposed on a judge of a court of common pleas or any other court under any law, including any power to grant or deny a petition for a temporary peace order or final peace order.

(h) Penalties.--An individual who knowingly provides false information in a petition filed under this section is guilty of a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 or to imprisonment for not more than 90 days, or both.

§ 6205. Temporary orders.

(a) General. --

(1) If, after a hearing on a petition, whether ex parte or otherwise, a judge finds that there are reasonable grounds to believe that the respondent has committed, and is likely to commit in the future, an act specified in section 6203(a) (relating to petition for peace order) against the petitioner, the judge may issue a temporary peace order to protect the petitioner.

(2) The temporary peace order may include any or all of the following relief:

(i) order the respondent to refrain from committing or threatening to commit an act specified in section 6203(a) against the petitioner;

(ii) order the respondent to refrain from contacting, attempting to contact or harassing the petitioner;

(iii) order the respondent to refrain from entering the residence of the petitioner; and

(iv) order the respondent to refrain from entering

1       the geographic exclusion zone.

2       (3) If the judge issues an order under this section, the  
3       order shall contain only the relief that is minimally  
4       necessary to protect the petitioner.

5       (b) Service.--

6       (1) The petition and orders shall be served upon the  
7       respondent, and orders shall be served upon the police  
8       departments and sheriff with appropriate jurisdiction to  
9       enforce the orders.

10       (2) Failure to serve shall not stay the effect of a  
11       valid order.

12       (3) The court shall adopt a means of prompt and  
13       effective service in those instances where the petitioner  
14       avers that service cannot be safely effected by an individual  
15       other than a law enforcement officer or where the court so  
16       orders.

17       (4) If the court so orders, the sheriff or other  
18       designated agency or individual shall serve the petition and  
19       order.

20       (c) Time.--

21       (1) The temporary peace order shall be effective for no  
22       more than seven days after service of the order.

23       (2) The judge may extend the temporary peace order as  
24       needed, but not to exceed 30 days, to effectuate service of  
25       the order where necessary to provide protection or for other  
26       good cause.

27       (d) Final peace order hearing.--The judge may proceed with a  
28       final peace order hearing instead of a temporary peace order  
29       hearing if:

30       (1) one of the following applies:

1           (i) the respondent appears at the hearing;  
2           (ii) the respondent has been served with an  
3           emergency peace order; or  
4           (iii) the court otherwise has personal jurisdiction  
5           over the respondent.  
6           (2) the petitioner and the respondent expressly consent  
7           to waive the temporary peace order hearing.

8 § 6206. Hearings.

9           (a) General.--A respondent shall have an opportunity to be  
10          heard on the question of whether the judge should issue a final  
11          peace order.

12          (b) Mandated information.--

13           (1) The following information must be clearly stated on  
14           or with the served documents to the respondent:

15           (i) The temporary peace order shall state the date  
16           and time of the final peace order hearing.

17           (ii) Unless continued for good cause, the final  
18           peace order hearing shall be held no later than seven  
19           days after the temporary peace order is served on the  
20           respondent.

21           (2) The temporary peace order shall include notice to  
22           the respondent:

23           (i) in at least ten-point bold type, that if the  
24           respondent fails to appear at the final peace order  
25           hearing, the respondent may be served by first-class mail  
26           at the respondent's last known address with the final  
27           peace order and all other notices concerning the final  
28           peace order;

29           (ii) specifying all the possible forms of relief  
30           under subsection (d) that the final peace order may

1       contain;

2           (iii) that the final peace order shall be effective  
3       for the period stated in the order, not to exceed six  
4       months; and

5           (iv) in at least ten-point bold type, that the  
6       respondent must notify the court in writing of any change  
7       of address.

8       (c) Hearings.--

9           (1) If the respondent appears for the final peace order  
10       hearing, has been served with an emergency peace order or a  
11       temporary peace order or the court otherwise has personal  
12       jurisdiction over the respondent, the judge:

13           (i) may proceed with the final peace order hearing;  
14       and

15           (ii) if the judge finds by clear and convincing  
16       evidence that the respondent has committed and is likely  
17       to commit in the future an act specified in section  
18       6203(a) (relating to petition for peace order) against  
19       the petitioner or if the respondent consents to the entry  
20       of a peace order, the court may issue a final peace order  
21       to protect the petitioner.

22           (2) A final peace order may be issued only to an  
23       individual who has filed a petition under section 6203.

24           (3) In cases where both parties file a petition under  
25       section 6203, the judge may issue mutual peace orders if the  
26       judge finds by clear and convincing evidence that each party  
27       has committed, and is likely to commit in the future, an act  
28       specified in section 6203(a) against the other party.

29       (d) Relief.--

30           (1) The final peace order may include any or all of the

1 following relief:

2 (i) Order the respondent to refrain from committing  
3 or threatening to commit an act specified in section  
4 6203(a) against the petitioner.

5 (ii) Order the respondent to refrain from  
6 contacting, attempting to contact or harassing the  
7 petitioner.

8 (iii) Order the respondent to refrain from entering  
9 the residence of the petitioner.

10 (iv) Order the respondent to refrain from entering  
11 the geographic exclusion zone.

12 (v) Direct the respondent or petitioner to  
13 participate in professionally supervised counseling or,  
14 if the parties are amenable, mediation.

15 (vi) Order the respondent to pay filing fees and  
16 costs of a proceeding under this chapter.

17 (2) If the judge issues an order under this section, the  
18 order shall contain only the relief that is minimally  
19 necessary to protect the petitioner.

20 (3) The court shall assess fees and costs against the  
21 defendant when an order is granted under this chapter. The  
22 court shall only waive fees upon a showing of good cause or  
23 when the court makes a finding that the respondent is not  
24 able to pay the costs.

25 (e) Service of final order.--

26 (1) A copy of the final peace order shall be served on  
27 the petitioner, the respondent, the appropriate law  
28 enforcement agency and any other person the court determines  
29 is appropriate in open court or, if the person is not present  
30 at the final peace order hearing, by any manner of service



1 acceptable pursuant to 23 Pa.C.S. § 6109 (relating to service  
2 of orders).

3 (2) A copy of the final peace order served on the  
4 respondent in accordance with paragraph (1) constitutes  
5 actual notice to the respondent of the contents of the final  
6 peace order.

7 (f) Duration of final order.--All relief granted in a final  
8 peace order shall be effective for the period stated in the  
9 order, not to exceed six months.

10 (g) Mutual orders.--Mutual peace orders shall not be awarded  
11 unless both parties have filed timely written petitions,  
12 complied with service requirements and are eligible for peace  
13 orders. The court shall make separate findings, and where  
14 issuing orders on behalf of both petitioners, enter separate  
15 orders.

16 § 6207. Modifications.

17 (a) General.--A peace order may be modified or rescinded  
18 during the term of the peace order after:

19 (1) giving notice to the petitioner and the respondent;  
20 and

21 (2) a hearing.

22 (b) Appeals. --

23 (1) If a court of common pleas judge grants or denies  
24 relief under a petition filed under this chapter, a  
25 respondent or a petitioner may appeal to the Superior Court  
26 for the county where the court of common pleas is located.

27 (2) An appeal taken under this subsection to the  
28 Superior Court shall be heard de novo in the Superior Court.

29 (3) (i) If an appeal is filed under this subsection,  
30 the court of common pleas judgment shall remain in effect

1 until superseded by a judgment of the Superior Court.

2 (ii) Unless the Superior Court orders otherwise,  
3 modification or enforcement of the court of common pleas  
4 order shall be by the court of common pleas.

5 (c) Extensions.--

6 (1) An extension of a peace order may be granted in the  
7 following circumstances:

8 (i) Where the court finds, after a duly filed  
9 petition, notice to the respondent and a hearing in  
10 accordance with the procedures set forth in this chapter,  
11 that the respondent committed one or more of the  
12 enumerated acts in section 6203 (relating to petition for  
13 peace order) after the entry of the original peace order  
14 or that the respondent engaged in a pattern or practice  
15 that indicates a continued risk of harm to the  
16 petitioner.

17 (ii) When a contempt petition or charge has been  
18 filed with the court or with a hearing officer in  
19 Philadelphia County, but the hearing has not occurred  
20 before the expiration of the protection order, the order  
21 shall be extended, at a minimum, until the disposition of  
22 the contempt petition and may be extended for another  
23 term beyond the disposition of the contempt petition.

24 (2) Service of an extended order shall be made in  
25 accordance with this chapter.

26 (3) There shall be no limit on the number of extensions  
27 that may be granted.

28 § 6208. Disclosures.

29 (a) General.--An emergency peace order, temporary peace  
30 order and final peace order issued under this chapter shall

1 state that a violation of the order may result in:

2 (1) criminal prosecution; and

3 (2) imprisonment or fine, or both.

4 (b) Violations.--A temporary peace order and final peace  
5 order issued under this chapter shall state that a violation of  
6 the order may result in a finding of contempt.

7 § 6209. Violations.

8 (a) General.--An individual who fails to comply with the  
9 relief granted in an emergency peace order under section 6204  
10 (relating to emergency orders), a temporary peace order under  
11 section 6205(a)(2) (relating to temporary orders), a foreign  
12 peace order under section 6211 (relating to foreign peace  
13 orders) or a final peace order under section 6206(d) (relating  
14 to hearings) is guilty of a misdemeanor and shall, upon  
15 conviction, be sentenced, for each offense, to pay a fine of not  
16 less than \$200 nor more than \$1,000 or to imprisonment not to  
17 exceed 90 days, or both.

18 (b) Arrest.--A law enforcement officer shall arrest with or  
19 without a warrant and take into custody an individual whom the  
20 officer has probable cause to believe is in violation of an  
21 emergency peace order, temporary peace order, foreign peace  
22 order or final peace order in effect at the time of the  
23 violation. The officer may verify the existence of a peace order  
24 by telephone, radio or other electronic communication device  
25 with the department, the Pennsylvania State Police registry,  
26 protection order on file or issuing authority. Upon arrest, the  
27 respondent shall be afforded a preliminary hearing without  
28 unnecessary delay before a court of common pleas judge or a  
29 hearing officer. A formal hearing shall be scheduled within ten  
30 days of the filing of the charge. A law enforcement agency shall

1 make reasonable efforts to notify the petitioner protected by a  
2 peace order of the arrest of the respondent for a violation  
3 within 24 hours of the arrest.

4 (c) Petitioner filings.--A petitioner may file a petition  
5 for civil contempt with the issuing court alleging that the  
6 respondent has violated a provision of an order or court-  
7 approved agreement issued under this chapter or a foreign peace  
8 order. Upon finding a violation of a peace order, the court may  
9 hold the respondent in civil contempt and constrain the  
10 respondent in accordance with law.

11 (d) Fines.--Fines paid by the respondent shall be  
12 distributed as follows:

13 (1) One hundred dollars shall be retained by the county  
14 and shall be used to carry out the provisions of this chapter  
15 as follows:

16 (i) Fifty dollars shall be used by the sheriff.

17 (ii) Fifty dollars shall be used by the court.

18 (2) All other money received shall go to the  
19 Commonwealth and shall be appropriated to the Pennsylvania  
20 State Police to establish and maintain the Statewide registry  
21 of peace orders provided in section 6210 (relating to  
22 registry).

23 (e) Respondent's rights.--

24 (1) The respondent shall not have the right to a jury  
25 trial for a charge of violating a peace order.

26 (2) The respondent shall have the right to an attorney.

27 (3) Upon conviction and at the request of the  
28 petitioner, the court shall also grant an extension of the  
29 peace order.

30 (4) Upon conviction, the court shall notify the sheriff

1 of the jurisdiction which issued the order of the conviction.

2 (f) Notification of release.--The appropriate releasing  
3 authority or other official, as designated by local rule, shall  
4 use all reasonable means to notify the victim sufficiently in  
5 advance of the release of the offender from any incarceration  
6 imposed under this section. The petitioner must keep the  
7 appropriate releasing authority or other official as designated  
8 by local rule advised of contact information. Failure to do so  
9 will constitute a waiver of any right to notification under this  
10 section.

11 § 6210. Registry.

12 (a) Establishment.--The Pennsylvania State Police shall  
13 establish a Statewide registry of peace orders and shall  
14 maintain a complete and systemic record and index of all valid  
15 temporary and final court orders, court-approved consent  
16 agreements and foreign peace orders filed under section 6211  
17 (relating to foreign peace orders). The Statewide registry shall  
18 include, at a minimum, the following:

19 (1) The names of the petitioner and protected parties.

20 (2) The name and address of the respondent.

21 (3) The date the order was entered.

22 (4) The date the order expires.

23 (5) The relief granted under this chapter.

24 (6) The court in which the order was entered.

25 (7) If available, the social security number and date of  
26 birth of the respondent.

27 (b) Entry and modification.--The prothonotary shall send, on  
28 a form prescribed by the Pennsylvania State Police, a copy of  
29 the peace order or approved consent agreement to the Statewide  
30 registry of peace orders so that it is received within 24 hours

of the entry of the order. Likewise, amendments to or  
revocations of the order shall be transmitted by the  
prothonotary within 24 hours of the entry of the order for  
modification or revocation. The Pennsylvania State Police shall  
enter orders, amendments and revocations in the Statewide  
registry of peace orders within eight hours of receipt. Vacated  
or expired orders shall be purged from the registry.

(c) Availability.--The registry of the Pennsylvania State  
Police shall be available at all times to inform courts,  
dispatchers and law enforcement officers of any valid protection  
order involving the respondent.

(d) Public access.--Information contained in the Statewide  
registry shall not be subject to access under the act of  
February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.  
§ 6211. Foreign peace orders.

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

(b) Affirmative defense.--Failure by a comparable court to  
provide reasonable notice and opportunity to be heard shall be  
an affirmative defense to any charge or process filed seeking  
enforcement of a foreign peace order. A comparable court shall  
have complied with that court's notice requirements and shall  
have given the defendant the opportunity to be heard before the  
foreign order was issued. In the case of ex parte orders, the  
comparable court shall have complied with that court's notice  
requirements and have given the defendant an opportunity to be  
heard within a reasonable period of time after the order was  
issued, consistent with due process.

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

5         (1) no cross or counter petition, complaint or other  
6 written pleading was filed seeking the peace order; or

7         (2) a cross or counter petition, complaint or other  
8 written pleading was filed and the court did not make a  
9 specific finding that each party was entitled to a peace  
10 order.

11     (d) Filing a foreign protection order.--A plaintiff may file  
12 a certified copy of a foreign peace order with the prothonotary  
13 in any county within this Commonwealth where the plaintiff  
14 believes enforcement may be necessary. The following provisions  
15 shall apply:

16         (1) No costs or fees associated with filing a foreign  
17 peace order shall be assigned to the plaintiff, including the  
18 cost of obtaining certified copies of the order. Costs and  
19 fees associated with filing a foreign peace order may be  
20 assessed against the defendant.

21         (2) Upon filing of a foreign peace order, a prothonotary  
22 shall transmit, in a manner prescribed by the Pennsylvania  
23 State Police, a copy of the order to the Pennsylvania State  
24 Police registry of peace orders.

25         (3) Filing of a foreign peace order shall not be a  
26 prerequisite for service and enforcement.

27     (e) Orders issued in another judicial district within this  
28 Commonwealth.--The filing of an order issued in another judicial  
29 district within this Commonwealth is not required for  
30 enforcement purposes.

1 (f) 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 6209(b) (relating to violations). The fact that a foreign  
14 protection order has not been filed with a prothonotary or  
15 entered into the Pennsylvania State Police registry shall not  
16 be grounds for law enforcement to refuse to enforce the  
17 order.

18 § 6212. Regulations.

19 (a) General.--The Pennsylvania Supreme Court may adopt rules  
20 and forms to implement the provisions of this chapter.

21 (b) Form.--

22 (1) The Pennsylvania Supreme Court shall adopt a form  
23 for a petition under this chapter.

24 (2) A petition form shall contain notice to a petitioner  
25 that an individual who knowingly provides false information  
26 in a petition filed under this chapter is guilty of a  
27 misdemeanor and shall, upon conviction, be sentenced to the  
28 penalties specified in section 6203(d) (relating to petition  
29 for peace order).

30 § 6213. Immunity.



1     (a) General.--Law enforcement agencies and their employees  
2 shall be immune from civil liability for actions taken in good  
3 faith to carry out their duties relating to this chapter. This  
4 shall not apply to gross negligence, intentional misconduct and  
5 willful or wanton misconduct.

6     (b) Foreign orders.--The following entities shall be immune  
7 from civil liability for a good faith conduct in actions arising  
8 in connection with a court's finding that the foreign order is  
9 invalid or unenforceable:

10         (1) Law enforcement agencies, their agents and  
11 employees.

12         (2) County correction and detention facilities and their  
13 agents and employees.

14         (3) Prothonotaries, their agents and employees.  
15 § 6214. Inability to pay.

16     (a) Order for installment payments.--Upon plea and proof  
17 that a person is without the financial means to pay a fine, a  
18 fee, economic relief ordered under this chapter or a cost, a  
19 court may order payment of money owed in installments  
20 appropriate to the circumstances of the person and shall fix the  
21 amounts, times and manner of payment.

22     (b) Use of credit cards.--The treasurer of each county may  
23 allow the use of credit cards and bank cards in the payment of  
24 money owed under this chapter.

25 § 6215. Construction.

26     Nothing in this chapter shall be construed to preclude an  
27 action for wrongful use of civil process under Subchapter E of  
28 Chapter 83 (relating to wrongful use of civil proceedings) or  
29 criminal prosecution for a violation of 18 Pa.C.S. Ch. 49  
30 (relating to falsification and intimidation).

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