

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 1786 Session of  
2023

---

INTRODUCED BY DALEY, SHUSTERMAN, VENKAT, MADDEN, BURGOS,  
HOHENSTEIN, BRENNAN, HOWARD, PROBST, GUENST, SANCHEZ, BOYD,  
KINSEY, SCHLOSSBERG, BOROWSKI, KINKEAD, DELLOSO AND OTTEN,  
OCTOBER 24, 2023

---

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 24, 2023

---

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in bases of jurisdiction  
3 and interstate and international procedure, further providing  
4 for assistance to tribunals and litigants outside this  
5 Commonwealth with respect to service and for issuance of  
6 subpoena; in commencement of proceedings, further providing  
7 for authority of officers of another state to arrest in this  
8 Commonwealth; and, in detainers and extradition, further  
9 providing for definitions, for duty of Governor with respect  
10 to fugitives from justice and for presigned waiver of  
11 extradition.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. Sections 5324(a), 5335(b) and 8922 of Title 42 of  
15 the Pennsylvania Consolidated Statutes are amended to read:

16 § 5324. Assistance to tribunals and litigants outside this  
17 Commonwealth with respect to service.

18 (a) General rule.--[A]

19 (1) Except as provided under paragraph (2), a court of  
20 record of this Commonwealth may order service upon any person  
21 who is domiciled or can be found within this Commonwealth of

1 any document issued in connection with a matter in a tribunal  
2 outside this Commonwealth. The order may be made upon  
3 application of any interested person or in response to a  
4 letter rogatory issued by a tribunal outside this  
5 Commonwealth and shall direct the manner of service.

6 (2) A court of record of this Commonwealth shall have no  
7 authority under this section to order service upon any person  
8 for any matter in a tribunal outside of this Commonwealth  
9 involving the provision or delivery of reproductive health  
10 care services.

11 (3) As used in this subsection, the term "reproductive  
12 health care services" means medical, surgical, counseling or  
13 referral services relating to the human reproductive system,  
14 including services relating to pregnancy, contraception or  
15 the termination of a pregnancy that may be lawfully performed  
16 in this Commonwealth, that are provided in any hospital,  
17 outpatient clinic, physician's office or other medical  
18 facility or office.

19 \* \* \*

20 § 5335. Issuance of subpoena.

21 \* \* \*

22 (b) Duty of prothonotary.--[A]

23 (1) Except as provided under paragraph (2), a  
24 prothonotary in receipt of a foreign subpoena shall, in  
25 accordance with that court's procedure, promptly issue a  
26 subpoena for service upon the person to whom the foreign  
27 subpoena is directed.

28 (2) A prothonotary shall have no authority under this  
29 section to issue a subpoena for service upon any person for  
30 any matter in a tribunal outside of this Commonwealth

1 involving the provision or delivery of reproductive health  
2 care services.

3 (3) As used in this subsection, the term "reproductive  
4 health care services" means medical, surgical, counseling or  
5 referral services relating to the human reproductive system,  
6 including services relating to pregnancy, contraception or  
7 the termination of a pregnancy that may be lawfully performed  
8 in this Commonwealth, that are provided in any hospital,  
9 outpatient clinic, physician's office or other medical  
10 facility or office.

11 \* \* \*

12 § 8922. Authority of officers of another state to arrest in  
13 this Commonwealth.

14 [Any] (a) Authority.--Except as provided under subsection  
15 (b), any peace officer of another state who enters this  
16 Commonwealth in close pursuit of a person, and continues within  
17 this Commonwealth in such close pursuit, in order to arrest him,  
18 shall have the same authority to arrest and hold in custody such  
19 person on the ground that he has committed a crime in such state  
20 which is an indictable offense in this Commonwealth as peace  
21 officers of this Commonwealth have to arrest and hold in custody  
22 a person on the ground that he has committed a crime in this  
23 Commonwealth.

24 (b) Exception.--A peace officer of another state under  
25 subsection (a) shall have no authority to arrest and hold in  
26 custody a person accused of a crime in such state involving  
27 reproductive health care services.

28 (c) Definition.--As used in this section, the term  
29 "reproductive health care services" means medical, surgical,  
30 counseling or referral services relating to the human

1 reproductive system, including services relating to pregnancy,  
2 contraception or the termination of a pregnancy that may be  
3 lawfully performed in this Commonwealth, that are provided in  
4 any hospital, outpatient clinic, physician's office or other  
5 medical facility or office.

6 Section 2. Section 9122 of Title 42 is amended by adding a  
7 definition to read:

8 § 9122. Definitions.

9 The following words and phrases when used in this subchapter  
10 shall have, unless the context clearly indicates otherwise, the  
11 meanings given to them in this section:

12 \* \* \*

13 "Reproductive health care services." Medical, surgical,  
14 counseling or referral services relating to the human  
15 reproductive system, including services relating to pregnancy,  
16 contraception or the termination of a pregnancy that may be  
17 lawfully performed in this Commonwealth, that are provided in  
18 any hospital, outpatient clinic, physician's office or other  
19 medical facility or office.

20 \* \* \*

21 Section 3. Sections 9123 and 9146.1 of Title 42 are amended  
22 to read:

23 § 9123. Duty of Governor with respect to fugitives from  
24 justice.

25 [Subject] (a) Duty.--Except as provided under subsection (b)  
26 and subject to the provisions of this subchapter, the provisions  
27 of the Constitution of the United States controlling, and any  
28 and all acts of Congress enacted in pursuance thereof, it is the  
29 duty of the Governor of this Commonwealth to have arrested and  
30 delivered up to the executive authority of any other state of

1 the United States any person charged in that state with treason,  
2 felony or other crime, who has fled from justice and is found in  
3 this Commonwealth.

4 (b) Exception.--The Governor shall have no authority to have  
5 arrested and delivered up to the executive authority of any  
6 other state of the United States any person charged in that  
7 state with treason, felony or other crime, who has fled from  
8 justice and is found in this Commonwealth for a criminal offense  
9 of another state involving the provision or delivery of  
10 reproductive health care services that would be lawful under the  
11 laws of this Commonwealth.

12 § 9146.1. Presigned waiver of extradition.

13 (a) Delivery.--Notwithstanding any other provision of law  
14 and except as provided under subsection (b), a law enforcement  
15 agency in this Commonwealth holding a person who is alleged to  
16 have broken the terms of his probation, parole, bail or any  
17 other release in the demanding state shall immediately deliver  
18 that person to the duly authorized agent of the demanding state  
19 without the requirement of a Governor's warrant if all of the  
20 following apply:

21 (1) The person has signed a prior waiver of extradition  
22 as a term of his current probation, parole, bail or other  
23 release in the demanding state.

24 (2) The law enforcement agency holding the person has  
25 received an authenticated copy of the prior waiver of  
26 extradition signed by the person and photographs or  
27 fingerprints or other evidence properly identifying the  
28 person as the person who signed the waiver.

29 (3) All open criminal charges in this Commonwealth have  
30 been disposed of through trial and sentencing.

1       (b) Exception.--A law enforcement agency in this  
2 Commonwealth holding a person who is alleged to have broken the  
3 terms of the person's probation, parole, bail or any other  
4 release in the demanding state for an offense involving the  
5 provision or delivery of reproductive health care services that  
6 would be lawful under the laws of this Commonwealth shall have  
7 no authority to deliver that person to the duly authorized agent  
8 of the demanding state without the requirement of a Governor's  
9 warrant.

10       Section 4. This act shall take effect in 60 days.