

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 58

PRINTER'S NO. 43

AMOUNT

No Significant Fiscal Impact

FUND

General Fund & County Funds

DATE INTRODUCED

January 12, 2011

PRIME SPONSOR

Senator Greenleaf

HISTORY OF BILL

Referred to JUDICIARY, Jan. 12, 2011

Reported as committed, Feb. 8, 2011

First consideration, Feb. 8, 2011

Re-referred to APPROPRIATIONS, Feb. 14, 2011

Re-reported as committed, April 11, 2011

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 58 is the Sexual Violence Victim Protection Act. The Act is intended to provide the victim of sexual violence with a civil remedy requiring the offender to stay away from the victim as well as providing other appropriate relief.

The bill authorizes a sexual assault victim to petition the court for protection from the defendant. A petition may also be filed by a parent or guardian. The legislation specifically provides that persons filing a petition shall not be charged fees or costs associated with the filing, issuance, registration or service of a petition, motion, complaint, or order under the act. When an order is granted, costs would be assessed to the defendant. The court may waive fees and costs where there is an inability to pay.

The court would be required to hold an expedited hearing within 10 days of the filing of a petition. The victim (plaintiff) would be required to prove, by a preponderance of the evidence, that he or she requires protection from the defendant. The court, when notifying the defendant of the date of the hearing, would be required to provide notice that the defendant may be represented by counsel. The court may conduct ex parte proceedings and issue a temporary order when it finds that the plaintiff is in immediate and present danger. A temporary order would remain in effect until modified or terminated by the court after notice and hearing.

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

A protection order may:

- Prohibit the defendant from having any contact with the victim;
- Direct the defendant to refrain from harassing or stalking the victim; and
- Grant other appropriate relief.

The bill provides that a protection order or approved consent agreement must be for a fixed period of time not to exceed 36 months. Such orders may be extended and there is no limitation on the number of extensions that may be granted. A copy of a protection order must be provided to the victim, the defendant and the appropriate law enforcement agency.

The bill further provides for service of orders, emergency relief by the minor judiciary, and arrest for a violation of a protection order, private criminal complaints for violation of a protection order and contempt for violation of an order.

Language is added to provide that, in situations where the defendant is incarcerated and about to be released or has been released, a plaintiff does not need to show that the defendant engaged in conduct indicating continued risk or harm to the plaintiff to obtain an extension or subsequent order under the act.

Each law enforcement agency, including the Pennsylvania State Police, any police department of a city, borough, incorporated town or township and the sheriff of each county would be required to ensure that their officers, deputies and employees are familiar with the provisions of this act. Instruction concerning sexual violence victim protection orders would be required to be made part of the training curriculum of all trainee officers and deputies. All law enforcement agencies would be required to adopt a written policy regarding sexual violence victim protection orders.

FISCAL IMPACT:

The enactment of this legislation will have no significant fiscal impact to the Commonwealth. The provisions requiring the State Police to familiarize troopers with the provisions of the Act should have no significant cost impacts as the agency must currently provide updates and training on a regular basis as laws are amended, enacted or repealed. The provisions of the Act are not expected to have significant cost implications for the courts as well.