

**SENATE APPROPRIATIONS COMMITTEE  
FISCAL NOTE**

**BILL NO.** Senate Bill 196

**PRINTER NO.** 185

**AMOUNT**

No Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

January 26, 2017

**PRIME SPONSOR**

Senator Hughes

**DESCRIPTION**

Senate Bill 196 amends Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes to allow for a court order requiring an electronic monitoring device be placed on a defendant in a protection from abuse (PFA) complaint.

This legislation amends the general rule in Chapter 61 (relating to Protection from Abuse) regarding conditions that may be imposed by a judge in PFA orders. A judge may require a defendant to wear an electronic monitoring device if the defendant is found to present a substantial risk of violating the final PFA order or committing a crime against the victim punishable by imprisonment. The following shall apply to such an order:

1. The electronic monitoring device shall monitor the defendant's location relative to all persons for whom protection is sought;
2. The court shall determine the distance at which the defendant is to remain from all persons seeking protection from abuse and specific locations from which the defendant shall refrain; and
3. The electronic monitoring device shall be worn for the entire period of time that the PFA order is in effect unless the court orders the device to be removed after a showing of "good cause" and notification has been made to all persons protected by the PFA.

"Electronic monitoring device" is defined as a device that enables the location of a person wearing the device to be monitored through use of a global positioning system and related technology and is designed so that the device:

- (1) Actively and continuously monitors, identifies and reports location data within a 100-mile radius;
- (2) Permits the Pennsylvania State Police and any local police department to receive, record and securely and confidentially retain location data indefinitely;
- (3) May be worn around a person's wrist or ankle; and
- (4) Once fitted around a person's wrist or ankle, cannot be removed without using specialized equipment specifically designed for that purpose and alerting the Pennsylvania State Police and each local police department that the device has been removed.

This act shall take effect in 60 days.

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## FISCAL NOTE

### **FISCAL IMPACT:**

According to the Administrative Office of Pennsylvania Courts (AOPC), enactment of this legislation will have no fiscal impact on the courts.

Additionally, § 6106 (c) (relating to Assessment of fees and costs against the defendant) provides that when a PFA order is granted, fees and costs shall be assessed against the defendant. The court shall waive fees and costs upon a showing of good cause or when the court makes a finding that the defendant is not able to pay the costs.

Therefore, enactment of this legislation will have no adverse fiscal impact on Commonwealth funds.