

MEMO



Senate of Pennsylvania

January 12, 2012

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**TO:** ALL SENATORS  
**FROM:** Stewart J. Greenleaf *Stewart*  
**SUBJECT:** Cosponsorship – Arraignments for contempt of a PFA order

I am introducing legislation amending the Protection From Abuse Act (23 Pa.C.S. Ch. 61) to give county courts more flexibility in handling the preliminary arraignments for defendants who are arrested for violating a protection from abuse (PFA) order.

Currently under section 6113(c) during regular business hours the police must transport the defendant to the court of common pleas to conduct the preliminary arraignment. After business hours, the police transport the defendant to a magisterial district court. In most counties (except Philadelphia) the police must transport the defendant to the county seat to perform the preliminary arraignment. Some counties have gotten around this requirement through a local rule allowing the magisterial district court to conduct the preliminary arraignments during business hours in addition to after-hours, weekends and holidays. This is inconsistent with the statute.

My legislation amends section 6113(c) to mirror present practice. Routinely in criminal matters magisterial district courts conduct all preliminary arraignments. Rather than treating violations of PFA orders differently, my legislation will give counties the flexibility of allowing all preliminary arraignments, including those for violations of PFA orders, to be conducted at the magisterial district court level.

This procedure should be more efficient and cost effective. In most cases there would be better security for the police, the court and the community to have the defendant transported to the local magisterial district court for the proceeding rather than transporting the defendant to the county seat, some distance away, to conduct the same proceeding.

*If you would like to cosponsor this legislation, please contact Pat Snively of my office by e-mailing her at [psnively@pasen.gov](mailto:psnively@pasen.gov).*