

LEGISLATIVE REFERENCE BUREAU

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No. _____

LEGISLATIVE REFERENCE BUREAU

AN ACT

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in assault, further providing for the offense of harassment; and providing for peace orders.

INTRODUCED _____ 20 _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

See next page for additional co-sponsors.

Referred to Committee on	
Date _____	20 _____
Reported _____	20 _____
As Committed-Amended	
Recommendation	

By Hon. _____	

AN ACT

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

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

7 Section 1. Section 2709(a), (c) and (f) of Title 18 of the
8 Pennsylvania Consolidated Statutes are 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 * * *

16 (c) Grading.--

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

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

21 (1) An offense under subsection (a) (2) or (3), when done
22 intentionally and repeatedly, shall constitute harassment in
23 the first degree and shall be punishable as a second degree
24 misdemeanor.

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

29 (3) An offense shall be graded aggravated harassment in
30 the second degree and punishable as a first degree

1 misdemeanor if one of the following apply:

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

5 (ii) An offense under subsection (a)(1), when
6 committed due to a belief or perception, whether or not
7 accurate, regarding the victim's race, color, national
8 origin, ancestry, gender, religion, religious practice,
9 age, disability or sexual orientation.

10 (iii) An offense under paragraph (1), and a previous
11 conviction of the crime of harassment within the
12 preceding ten years.

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

16 (i) An offense under subsection (a)(9), when done
17 with the intent to harass, annoy, threaten or alarm
18 another person because of a belief or perception
19 regarding the victim, whether or not accurate, regarding
20 the victim's race, color, national origin, ancestry,
21 gender, religion, religious practice, age, disability or
22 sexual orientation.

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

30 (5) A second or subsequent offense under subsection (a)

1 (1), (2), (3), (4), (5), (6), (7), (8) or (9) shall be
2 rebuttable proof of intent as required under paragraph (3) or
3 (4).

4 * * *

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

8 "Communicates." Conveys a message without intent of
9 legitimate communication or address by oral, nonverbal, written
10 or electronic means, including telephone, electronic mail,
11 texting, Internet, facsimile, telex, wireless communication or
12 similar transmission.

13 "Course of conduct." A pattern of actions composed of more
14 than one act over a period of time, however short, evidencing a
15 continuity of conduct. Acts indicating a course of conduct which
16 occur in more than one jurisdiction may be used by any other
17 jurisdiction in which an act occurred as evidence of a
18 continuing pattern of conduct or a course of conduct.

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

20 CHAPTER 62

21 PEACE ORDERS

22 Sec.

23 6201. Definitions.

24 6202. Applicability.

25 6203. Petition for peace order.

26 6204. Emergency orders.

27 6205. Temporary orders.

28 6206. Hearings.

29 6207. Modifications.

30 6208. Disclosures.

- 1 6209. Violations.
- 2 6210. Registry.
- 3 6211. Foreign peace orders.
- 4 6212. Regulations.
- 5 6213. Immunity.
- 6 6214. Inability to pay.
- 7 6215. Construction.
- 8 § 6201. Definitions.

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

12 "Comparable court." A foreign court that:

13 (1) Has subject matter jurisdiction and is authorized to
14 issue ex parte, emergency, temporary or final protection
15 orders in that jurisdiction.

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

18 "Emergency peace order." An order that a hearing officer
19 issues under this chapter pending a hearing by a judge on a
20 petition.

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

23 "Foreign peace order." A peace or other order that is
24 similarly issued by a comparable court of another state, the
25 District of Columbia, Native American tribe or territory,
26 possession or commonwealth of the United States.

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

29 "Hearing officer." A magisterial district judge, judge of
30 the Philadelphia Municipal Court, arraignment court magistrate

1 appointed under section 1123 (relating to jurisdiction and
2 venue), master appointed under section 1126 (relating to
3 masters) and master for emergency relief.

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

6 "Master for emergency relief." A member of the bar of the
7 Commonwealth appointed under section 6204 (relating to emergency
8 orders).

9 "Petitioner." An individual, including a parent or guardian
10 of a minor child acting on the child's behalf, who files a
11 petition under section 6203 (relating to petition for peace
12 order).

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

15 "Respondent." An individual alleged in a petition to have
16 committed an act specified in section 6203(a) (relating to
17 petition for peace order) against a petitioner.

18 "Sheriff."

19 (1) Except as provided in paragraph (2), the sheriff of
20 the county.

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

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

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

28 § 6202. Applicability.

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

1 remedy.

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

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

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

8 § 6203. Petition for peace order.

9 (a) Filing.--A petitioner may seek relief under this chapter
10 by filing with the court, or with a hearing officer under the
11 circumstances specified in section 6204(a) (relating to
12 emergency orders), a petition that alleges the commission of any
13 of the following acts against the petitioner by the respondent,
14 if the act occurred within 30 days before the filing of the
15 petition:

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

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

19 (3) Assault in any degree.

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

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

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

26 (7) Stalking under 18 Pa.C.S. § 2709.1 (relating to
27 stalking).

28 (8) Trespassing.

29 (9) Kidnapping under 18 Pa.C.S. § 2901 (relating to
30 kidnapping).

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

2 (1) Be under oath and provide notice to the petitioner
3 that an individual who knowingly provides false information
4 in the petition is guilty of a misdemeanor and shall, upon
5 conviction, be sentenced to the penalties specified in
6 subsection (d).

7 (2) Subject to the provisions of subsection (c), contain
8 the address of the petitioner.

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

10 (i) The nature and extent of the act specified in
11 subsection (a) for which the relief is being sought,
12 including information known to the petitioner concerning
13 previous harm or injury resulting from an act specified
14 in subsection (a) by the respondent.

15 (ii) Each previous and pending action between the
16 parties in any court.

17 (iii) The whereabouts of the respondent.

18 (c) Address redaction.--If a petitioner alleges and the
19 commissioner or judge finds, in a proceeding under this chapter,
20 that the disclosure of the address of the petitioner would risk
21 further harm to the petitioner, that address may be stricken
22 from the petition and omitted from all other documents filed
23 with the commissioner or filed with or transferred to a court.

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

29 (e) Fees.--

30 (1) A petitioner under this chapter shall not be charged

1 fees or costs associated with filing, issuance, registration
2 or service of a petition, motion, complaint, order or other
3 filing.

4 (2) A petitioner under this chapter shall not be
5 assessed any fees or costs associated with filing a motion
6 for reconsideration or an appeal from any order or action
7 taken under this chapter.

8 (3) Nothing in this subsection is intended to expand or
9 diminish the court's authority to enter an order under
10 Pa.R.C.P. No. 1023.1 (relating to Scope. Signing of
11 documents. Representations to the Court. Violation.).

12 § 6204. Emergency orders.

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

20 (b) Unavailable.--

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

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

25 (ii) From the end of the business week to the
26 beginning of the business week.

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

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

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

3 (ii) From the end of the business week to the
4 beginning of the business week.

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

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

8 (2) may order the respondent to:

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

12 (ii) refrain from contacting, attempting to contact
13 or harassing the petitioner;

14 (iii) refrain from entering the residence of the
15 petitioner; and

16 (iv) refrain from entering the geographic exclusion
17 zone.

18 (d) Expiration of order.--An order issued under subsection
19 (a) shall expire at the end of the next business day the court
20 deems itself available. The court shall schedule hearings on
21 peace orders entered by hearing officers under subsection (a)
22 and shall review and continue in effect peace orders that are
23 necessary to protect the petitioner until the hearing, at which
24 time the petitioner may seek a temporary order from the court.

25 (e) Certification of order to court.--

26 (1) An emergency order issued under this section and
27 documentation in support thereof shall be immediately
28 certified to the court. The certification to the court shall
29 have the effect of commencing proceedings under section 6203
30 and invoking the other provisions of this chapter.

1 (2) If it is not already alleged in a petition for an
2 emergency order, the petitioner shall file a verified
3 statement setting forth the acts committed by the respondent
4 against the petitioner at least five days prior to the
5 hearing.

6 (3) Service of the verified statement shall be made
7 subject to section 6205(b) (relating to temporary orders).

8 (f) Masters for emergency relief.--

9 (1) The president judge of a court of common pleas of a
10 judicial district may, with the approval of the
11 Administrative Office of Pennsylvania Courts, provide for the
12 selection and appointment of a master for emergency relief on
13 a full-time or part-time basis. The number of masters for
14 emergency relief shall be fixed by the president judge with
15 the approval of the Administrative Office of Pennsylvania
16 Courts. The compensation of a master for emergency relief
17 shall be fixed and paid by the county.

18 (2) Nothing in this subsection shall be construed to
19 prohibit or require any master for emergency relief in 23
20 Pa.C.S. § 6110 (relating to emergency relief by minor
21 judiciary) from performing the duties for both protection and
22 peace orders.

23 (g) Authority.--A decision of a hearing officer to grant or
24 deny relief under this section is not binding on and does not
25 affect any power granted to or duty imposed on a judge of a
26 court of common pleas or any other court under any law,
27 including any power to grant or deny a petition for a temporary
28 peace order or final peace order.

29 (h) Penalties.--An individual who knowingly provides false
30 information in a petition filed under this section is guilty of

1 a misdemeanor and shall, upon conviction, be sentenced to pay a
2 fine of not more than \$1,000 or to imprisonment for not more
3 than 90 days, or both.

4 § 6205. Temporary orders.

5 (a) General.--

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

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

15 (i) order the respondent to refrain from committing
16 or threatening to commit an act specified in section
17 6203(a) against the petitioner;

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

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

23 (iv) order the respondent to refrain from entering
24 the geographic exclusion zone.

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

28 (b) Service.--

29 (1) The petition and orders shall be served upon the
30 respondent, and orders shall be served upon the police

1 departments and sheriff with appropriate jurisdiction to
2 enforce the orders.

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

5 (3) The court shall adopt a means of prompt and
6 effective service in those instances where the petitioner
7 avers that service cannot be safely effected by an individual
8 other than a law enforcement officer or where the court so
9 orders.

10 (4) If the court so orders, the sheriff or other
11 designated agency or individual shall serve the petition and
12 order.

13 (c) Time.--

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

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

20 (d) Final peace order hearing.--The judge may proceed with a
21 final peace order hearing instead of a temporary peace order
22 hearing if:

23 (1) one of the following applies:

24 (i) the respondent appears at the hearing;

25 (ii) the respondent has been served with an
26 emergency peace order; or

27 (iii) the court otherwise has personal jurisdiction
28 over the respondent.

29 (2) the petitioner and the respondent expressly consent
30 to waive the temporary peace order hearing.

1 § 6206. Hearings.

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

5 (b) Mandated information.--

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

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

10 (ii) Unless continued for good cause, the final
11 peace order hearing shall be held no later than seven
12 days after the temporary peace order is served on the
13 respondent.

14 (2) The temporary peace order shall include notice to
15 the respondent:

16 (i) in at least ten-point bold type, that if the
17 respondent fails to appear at the final peace order
18 hearing, the respondent may be served by first-class mail
19 at the respondent's last known address with the final
20 peace order and all other notices concerning the final
21 peace order;

22 (ii) specifying all the possible forms of relief
23 under subsection (d) that the final peace order may
24 contain;

25 (iii) that the final peace order shall be effective
26 for the period stated in the order, not to exceed six
27 months; and

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

1 (c) Hearings.--

2 (1) If the respondent appears for the final peace order
3 hearing, has been served with an emergency peace order or a
4 temporary peace order or the court otherwise has personal
5 jurisdiction over the respondent, the judge:

6 (i) may proceed with the final peace order hearing;
7 and

8 (ii) if the judge finds by clear and convincing
9 evidence that the respondent has committed, and is likely
10 to commit in the future, an act specified in section
11 6203(a) (relating to petition for peace order) against
12 the petitioner or if the respondent consents to the entry
13 of a peace order, the court may issue a final peace order
14 to protect the petitioner.

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

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

22 (d) Relief.--

23 (1) The final peace order may include any or all of the
24 following relief:

25 (i) Order the respondent to refrain from committing
26 or threatening to commit an act specified in section
27 6203(a) against the petitioner.

28 (ii) Order the respondent to refrain from
29 contacting, attempting to contact or harassing the
30 petitioner.

1 (iii) Order the respondent to refrain from entering
2 the residence of the petitioner.

3 (iv) Order the respondent to refrain from entering
4 the geographic exclusion zone.

5 (v) Direct the respondent or petitioner to
6 participate in professionally supervised counseling or,
7 if the parties are amenable, mediation.

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

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

13 (3) The court shall assess fees and costs against the
14 defendant when an order is granted under this chapter. The
15 court shall only waive fees upon a showing of good cause or
16 when the court makes a finding that the respondent is not
17 able to pay the costs.

18 (e) Service of final order.--

19 (1) A copy of the final peace order shall be served on
20 the petitioner, the respondent, the appropriate law
21 enforcement agency and any other person the court determines
22 is appropriate in open court or, if the person is not present
23 at the final peace order hearing, by any manner of service
24 acceptable pursuant to 23 Pa.C.S. § 6109 (relating to service
25 of orders).

26 (2) A copy of the final peace order served on the
27 respondent in accordance with paragraph (1) constitutes
28 actual notice to the respondent of the contents of the final
29 peace order.

30 (f) Duration of final order.--All relief granted in a final

1 peace order shall be effective for the period stated in the
2 order, not to exceed six months.

3 (g) Mutual orders.--Mutual peace orders shall not be awarded
4 unless both parties have filed timely written petitions,
5 complied with service requirements and are eligible for peace
6 orders. The court shall make separate findings, and where
7 issuing orders on behalf of both petitioners, enter separate
8 orders.

9 § 6207. Modifications.

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

12 (1) giving notice to the petitioner and the respondent;
13 and

14 (2) a hearing.

15 (b) Appeals.--

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

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

22 (3) (i) If an appeal is filed under this subsection,
23 the court of common pleas judgment shall remain in effect
24 until superseded by a judgment of the Superior Court.

25 (ii) Unless the Superior Court orders otherwise,
26 modification or enforcement of the court of common pleas
27 order shall be by the court of common pleas.

28 (c) Extensions.--

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

1 (i) Where the court finds, after a duly filed
2 petition, notice to the respondent and a hearing in
3 accordance with the procedures set forth in this chapter,
4 that the respondent committed one or more of the
5 enumerated acts in section 6203 (relating to petition for
6 peace order) after the entry of the original peace order
7 or that the respondent engaged in a pattern or practice
8 that indicates a continued risk of harm to the
9 petitioner.

10 (ii) When a contempt petition or charge has been
11 filed with the court or with a hearing officer in
12 Philadelphia County, but the hearing has not occurred
13 before the expiration of the protection order, the order
14 shall be extended, at a minimum, until the disposition of
15 the contempt petition and may be extended for another
16 term beyond the disposition of the contempt petition.

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

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

21 § 6208. Disclosures.

22 (a) General.--An emergency peace order, temporary peace
23 order and final peace order issued under this chapter shall
24 state that a violation of the order may result in:

25 (1) criminal prosecution; and

26 (2) imprisonment or fine, or both.

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

30 § 6209. Violations.

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

11 (b) Arrest.--

12 (1) A law enforcement officer shall arrest with or
13 without a warrant and take into custody an individual whom
14 the officer has probable cause to believe is in violation of
15 an emergency peace order, temporary peace order, foreign
16 peace order or final peace order in effect at the time of the
17 violation. The officer may verify the existence of a peace
18 order by telephone, radio or other electronic communication
19 device with the department, the Pennsylvania State Police
20 registry, protection order on file or issuing authority.

21 (2) Upon arrest, the respondent shall be afforded a
22 preliminary hearing without unnecessary delay before a court
23 of common pleas judge or a hearing officer.

24 (3) A formal hearing shall be scheduled within ten days
25 of the filing of the charge.

26 (4) A law enforcement agency shall make reasonable
27 efforts to notify the petitioner protected by a peace order
28 of the arrest of the respondent for a violation within 24
29 hours of the arrest.

30 (c) Petitioner filings.--

1 (1) A petitioner may file a petition for civil contempt
2 with the issuing court alleging that the respondent has
3 violated a provision of an order or court-approved agreement
4 issued under this chapter or a foreign peace order.

5 (2) Upon finding a violation of a peace order, the court
6 may hold the respondent in civil contempt and constrain the
7 respondent in accordance with law.

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

10 (1) \$100 shall be retained by the county and shall be
11 used to carry out the provisions of this chapter as follows:

12 (i) \$50 shall be used by the sheriff.

13 (ii) \$50 shall be used by the court.

14 (2) All other money received shall be transmitted to the
15 Commonwealth and shall be appropriated to the Pennsylvania
16 State Police to establish and maintain the Statewide registry
17 of peace orders provided in section 6210 (relating to
18 registry).

19 (e) Respondent's rights.--

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

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

23 (3) Upon conviction and at the request of the
24 petitioner, the court shall also grant an extension of the
25 peace order.

26 (4) Upon conviction, the court shall notify the sheriff
27 of the jurisdiction which issued the order of the conviction.

28 (f) Notification of release.--

29 (1) The appropriate releasing authority or other
30 official, as designated by local rule, shall use all

1 reasonable means to notify the victim sufficiently in advance
2 of the release of the offender from any incarceration imposed
3 under this section.

4 (2) The petitioner must keep the appropriate releasing
5 authority or other official as designated by local rule
6 advised of contact information. Failure to do so shall
7 constitute a waiver of any right to notification under this
8 section.

9 § 6210. Registry.

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

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

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

19 (3) The date the order was entered.

20 (4) The date the order expires.

21 (5) The relief granted under this chapter.

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

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

25 (b) Entry and modification.--

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

1 be transmitted by the prothonotary within 24 hours of the
2 entry of the order for modification or revocation.

3 (2) The Pennsylvania State Police shall enter orders,
4 amendments and revocations in the Statewide registry of peace
5 orders within eight hours of receipt. Vacated or expired
6 orders shall be purged from the registry.

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

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

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

19 (b) Affirmative defense.--It shall be an affirmative defense
20 to any charge or process filed seeking enforcement of a foreign
21 peace order that:

22 (1) the comparable court failed to comply with that
23 court's notice requirements and failed to give the defendant
24 the opportunity to be heard before the foreign order was
25 issued; or

26 (2) in the case of ex parte orders, the comparable court
27 failed to comply with that court's notice requirements and
28 failed to give the defendant an opportunity to be heard
29 within a reasonable period of time after the order was
30 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) Good faith.--

2 (1) Law enforcement agencies and their employees shall
3 be immune from civil liability for actions taken in good
4 faith to carry out their duties relating to this chapter.

5 (2) Paragraph (1) shall not apply to gross negligence,
6 intentional misconduct and willful or wanton misconduct.

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

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

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

15 (3) Prothonotaries, their agents and employees.

16 § 6214. Inability to pay.

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

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

26 § 6215. Construction.

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

1 (relating to falsification and intimidation).

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