

JUDICIAL CODE (42 PA.C.S.) - SENTENCING FOR OFFENSES INVOLVING
DOMESTIC VIOLENCE IN PRESENCE OF MINOR

Act of Oct. 24, 2018, P.L. 1145, No. 157

Cl. 42

Session of 2018

No. 2018-157

SB 1092

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, providing for sentencing for offenses involving domestic violence in the presence of a minor.

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

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 9720.8. Sentencing for offenses involving domestic violence in the presence of a minor.

(a) **Sentencing enhancement.**--The Pennsylvania Commission on Sentencing, in accordance with section 2154 (relating to adoption of guidelines for sentencing), shall provide for a sentence enhancement within its guidelines for an offense under 18 Pa.C.S. § 2701 (relating to simple assault) or 2702 (relating to aggravated assault), specifying variations from the range of sentences applicable based on such aggravating circumstances as the assault was committed against a family or household member and the defendant knew the crime was witnessed, either through sight or sound, by a minor who is also a family or household member of the defendant or the victim.

(b) **Definitions.**--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Family or household member." The term shall have the same meaning as "family or household members" under 23 Pa.C.S. § 6102 (relating to definitions).

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

APPROVED--The 24th day of October, A.D. 2018.

TOM WOLF