

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 235 Session of
1997

INTRODUCED BY BISHOP, BELARDI, MELIO, TIGUE, DeLUCA, THOMAS,
SAINATO, TRELLO, RAMOS, ITKIN, YOUNGBLOOD, PISTELLA,
E. Z. TAYLOR, ROONEY, BUTKOVITZ, BOSCOLA, COY, PESCI,
L. I. COHEN, LUCYK, STEELMAN, BELFANTI, WASHINGTON AND
C. WILLIAMS, FEBRUARY 4, 1997

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 3, 1997

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the crime of
3 stalking.

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

6 Section 1. Section 2709 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended by adding subsections to read:
8 § 2709. Harassment and stalking.

9 * * *

10 (b.1) Bail.--

11 (1) A defendant arrested under subsection (b) shall be
12 afforded a preliminary arraignment by the proper issuing
13 authority without unnecessary delay. In no case shall the
14 arresting officer release the defendant from custody rather
15 than taking the defendant before the issuing authority.

16 (2) In determining whether to admit the defendant to

1 bail, the issuing authority shall consider whether the
2 defendant poses a real and present threat to the physical
3 safety of the victim. If the issuing authority makes such a
4 determination, it shall require as a condition of bail that
5 the defendant shall refrain from remaining present outside or
6 entering the residence or household of the victim and the
7 victim's place of employment and shall refrain from
8 committing any further criminal conduct against the victim
9 and shall so notify the defendant thereof at the time the
10 defendant is admitted to bail. Such condition shall expire at
11 the time of the preliminary hearing or upon the entry or the
12 denial of the protection of abuse order by the court,
13 whichever occurs first. A violation of this condition may be
14 punishable by the revocation of any form of pretrial release
15 or the forfeiture of bail and the issuance of a bench warrant
16 for the defendant's arrest or remanding him to custody or a
17 modification of the terms of the bail. The defendant shall be
18 provided a hearing on this matter.

19 (b.2) Mental health, DRUG AND ALCOHOL evaluation.--The court <—
20 shall order a defendant convicted of stalking to undergo a
21 mental health evaluation AND A DRUG AND ALCOHOL EVALUATION. <—

22 * * *

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