

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 132 Session of
1999

INTRODUCED BY BISHOP, YOUNGBLOOD, THOMAS, TIGUE, MELIO,
LAUGHLIN, HERMAN, SURRA, BENNINGHOFF, PESCI, CASORIO,
PRESTON, READSHAW, BELARDI, MICHLOVIC AND RAMOS,
JANUARY 26, 1999

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 26, 1999

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for harassment and
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
17 bail, the issuing authority shall consider whether the

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

18 (b.2) Mental health, drug and alcohol evaluation.--The court
19 shall order a defendant who is convicted or who pleads guilty or
20 no contest to a charge under this section to undergo a mental
21 health evaluation and a drug and alcohol evaluation.

22 * * *

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