

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1038 Session of
2001

INTRODUCED BY GORDNER, HASAY, BARRAR, BEBKO-JONES, BELARDI, BELFANTI, BROWNE, CALTAGIRONE, CAPPELLI, CASORIO, CAWLEY, CIVERA, COLEMAN, CORRIGAN, COY, CURRY, DALLY, DeLUCA, DeWEESE, FEESE, FRANKEL, FREEMAN, GEIST, GRUCELA, HARHAI, HENNESSEY, HORSEY, JAMES, LEDERER, MANDERINO, McCALL, McILHATTAN, R. MILLER, S. MILLER, PETRONE, READSHAW, ROSS, STEELMAN, SAMUELSON, SAYLOR, SCRIMENTI, SHANER, B. SMITH, SOLOBAY, STABACK, STEIL, E. Z. TAYLOR, J. TAYLOR, THOMAS, TRICH, WANSACZ, J. WILLIAMS, WOJNAROSKI AND YOUNGBLOOD, MARCH 15, 2001

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 15, 2001

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 23 (Domestic
2 Relations) of the Pennsylvania Consolidated Statutes, further
3 providing for probable cause arrests in domestic violence
4 cases; and providing for electronic monitoring programs
5 relating to protection from abuse.

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

8 Section 1. Section 2711(c) of Title 18 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 2711. Probable cause arrests in domestic violence cases.

11 * * *

12 (c) Bail.--

13 (1) A defendant arrested pursuant to this section shall
14 be afforded a preliminary arraignment by the proper issuing
15 authority without unnecessary delay. In no case shall the

1 arresting officer release the defendant from custody rather
2 than taking the defendant before the issuing authority.

3 (2) In determining whether to admit the defendant to
4 bail, the issuing authority shall consider whether the
5 defendant poses a threat of danger to the victim. If the
6 issuing authority makes such a determination, it shall
7 require as a condition of bail that the defendant shall
8 refrain from entering the residence or household of the
9 victim and the victim's place of employment and shall refrain
10 from committing any further criminal conduct against the
11 victim and shall so notify the defendant thereof at the time
12 the defendant is admitted to bail. [Such condition]

13 (3) As a further condition of bail, the issuing
14 authority may order the defendant to participate in an
15 electronic monitoring program as set forth in 23 Pa.C.S. §
16 6114.2 (relating to electronic monitoring programs) and to
17 pay the costs associated with participation in the program.

18 (4) The conditions of bail under this subsection shall
19 expire at the time of the preliminary hearing or upon the
20 entry or the denial of the protection of abuse order by the
21 court, whichever occurs first. A violation of [this] any
22 condition of bail under this subsection may be punishable by
23 the revocation of any form of pretrial release or the
24 forfeiture of bail and the issuance of a bench warrant for
25 the defendant's arrest or remanding him to custody or a
26 modification of the terms of the bail. The defendant shall be
27 provided a hearing on this matter.

28 * * *

29 Section 2. Title 23 is amended by adding a section to read:
30 § 6114.2. Electronic monitoring programs.

1 (a) Participation in program.--

2 (1) Whenever the court issues a protection order or a
3 court-approved consent agreement under this chapter, it may
4 order the defendant to participate in and pay the costs of an
5 electronic monitoring program as provided in this section.

6 (2) Whenever a defendant is found to have violated such
7 an order or agreement the court shall, in addition to the
8 penalties otherwise provided by law, order the defendant to
9 participate in an electronic monitoring program provided in
10 this section until further order of the court.

11 (b) Program requirements.--An electronic monitoring program
12 shall:

13 (1) Alert the protected party and the appropriate law
14 enforcement unit when the defendant is on or near the
15 protected premises.

16 (2) Require the defendant to wear an electronic
17 monitoring device at all times.

18 (3) Require that a device be placed in the home of the
19 defendant so that compliance with the court's order may be
20 monitored.

21 (c) Department of Corrections supervision.--When a court
22 orders a defendant to participate in an electronic monitoring
23 program under this section it shall:

24 (1) Place the defendant under the supervision of the
25 Department of Corrections for the purposes of monitoring the
26 device.

27 (2) Order the Department of Corrections to place an
28 electronic monitoring device on the defendant and install
29 electronic monitoring equipment on the premises of the
30 protected location and in the residence of the defendant

1 within 24 hours.

2 (3) Order the defendant to pay the costs associated with
3 the program to the Department of Corrections or program
4 provider.

5 (d) Program provider.--The Department of Corrections may
6 provide the electronic monitoring program described in this
7 section either directly or by contract with a private provider.

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