

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1565 Session of
2005

INTRODUCED BY BISHOP, HARHAI, BLACKWELL, BEBKO-JONES, THOMAS,
TIGUE, CALTAGIRONE, LEDERER, PHILLIPS, PISTELLA AND
YOUNGBLOOD, MAY 10, 2005

REFERRED TO COMMITTEE ON JUDICIARY, MAY 10, 2005

AN ACT

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

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

5 Section 1. Section 2709.1 of Title 18 of the Pennsylvania
6 Consolidated Statutes is amended by adding subsections to read:

7 § 2709.1. Stalking.

8 * * *

9 (b.1) Bail.--

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

15 (2) In determining whether to admit the defendant to
16 bail, the issuing authority shall consider whether the
17 defendant poses a present threat to the physical safety of

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

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

19 * * *

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