

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 717 Session of
2007

INTRODUCED BY DALLY, BASTIAN, BEYER, CALTAGIRONE, CAPPELLI,
CARROLL, GEIST, HARPER, REICHLEY, SAYLOR, SIPTROTH,
J. TAYLOR, WALKO AND YOUNGBLOOD, MARCH 9, 2007

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 9, 2007

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, providing for a Statewide registry of protective
4 orders; further providing for protective orders, for notice
5 on protective orders and for violation of orders; providing
6 for civil protective orders; and making editorial changes.

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

9 Section 1. Sections 2709.1(c)(2), 4954, 4954.1, 4955
10 heading, (a) introductory paragraph, (1) and (2) introductory
11 paragraph and (i) and (b) and 4956(a) of Title 18 of the
12 Pennsylvania Consolidated Statutes are amended to read:

13 § 2709.1. Stalking.

14 * * *

15 (c) Grading.--

16 * * *

17 (2) A second or subsequent offense under this section or
18 a first offense under subsection (a) if the person has been
19 previously convicted of a crime of violence involving the

1 same victim, family or household member, including, but not
2 limited to, a violation of section 2701 (relating to simple
3 assault), 2702 (relating to aggravated assault), 2705
4 (relating to recklessly endangering another person), 2901
5 (relating to kidnapping), 3121 (relating to rape) or 3123
6 (relating to involuntary deviate sexual intercourse), an
7 order issued under section 4954 (relating to criminal
8 protective orders) or an order issued under 23 Pa.C.S. § 6108
9 (relating to relief) shall constitute a felony of the third
10 degree.

11 * * *

12 § 4954. [Protective] Criminal protective orders.

13 (a) Authority of court.--Any court with jurisdiction over
14 any criminal matter may, after a hearing and in its discretion,
15 [upon] issue a criminal protective order for an individual. To
16 issue an order under this subsection, the court must find, by
17 substantial evidence, which may include hearsay or the
18 declaration of the prosecutor that [a witness or victim] an
19 individual has been intimidated or threatened or is reasonably
20 likely to be intimidated[, issue protective orders, including,
21 but not limited to,] or threatened. An order under this section
22 includes the following:

23 (1) An order that a defendant not violate any provision
24 of this [subchapter or section 2709 (relating to harassment)
25 or 2709.1 (relating to stalking)] title.

26 (2) An order that [a person] an individual other than
27 the defendant, including, but not limited to, a subpoenaed
28 witness, not violate any provision of this [subchapter]
29 title.

30 (3) An order that [any person] an individual described

1 in paragraph (1) or (2) maintain a prescribed geographic
2 distance from any [specified witness or victim] individual
3 designated by the court.

4 (4) An order that [any person] an individual described
5 in paragraph (1) or (2) have no communication whatsoever with
6 any [specified witness or victim] individual designated by
7 the court, except through an attorney under such reasonable
8 restrictions as the court may impose.

9 (5) Any other order which the court deems appropriate to
10 prevent or bring about a cessation of intimidation or
11 threatening behavior toward an individual designated by the
12 court.

13 (b) Contents.--A criminal protective order shall comply with
14 all of the following:

15 (1) Specify the issuing court.

16 (2) Identify the individual against whom the order is
17 issued. This paragraph includes:

18 (i) name;

19 (ii) address;

20 (iii) height and weight;

21 (iv) age;

22 (v) race;

23 (vi) gender; and

24 (vii) other information deemed appropriate by the
25 issuing court.

26 (c) Clerk of court.--The clerk of court shall send, on a
27 form prescribed by the Pennsylvania State Police, a copy of the
28 criminal protective order under this section and any amendment
29 or revocation of the order to the appropriate registry under
30 section 9203 (relating to Statewide registry of civil and

1 criminal protective orders). The form shall be sent within 24
2 hours of the entry of the order.

3 (d) Availability.--An order under this section shall be
4 available at all times to inform courts, police dispatchers and
5 law enforcement officers of its issuance.

6 § 4954.1. Notice on criminal protective order.

7 All criminal protective orders issued under section 4954
8 (relating to criminal protective orders) shall contain in large
9 print at the top of the order a notice that the [witness or
10 victim] individual designated by the court should immediately
11 call the police if the defendant violates the criminal
12 protective order. The notice shall contain the telephone number
13 of the police department where the [victim or witness]
14 individual designated by the court resides and [where the victim
15 or witness] is employed.

16 § 4955. Violation of criminal protective orders.

17 (a) Punishment.--[Any person] An individual violating any
18 order made pursuant to section 4954 (relating to criminal
19 protective orders) may be punished in any of the following ways:

20 (1) For any substantive offense described in this
21 [subchapter] title, where such violation of an order is a
22 violation of any provision of this subchapter.

23 (2) As a contempt of the court making such order. No
24 finding of contempt shall be a bar to prosecution for a
25 substantive offense under section 2709 (relating to
26 harassment), 2709.1 (relating to stalking), 4952 (relating to
27 intimidation of witnesses or victims) or 4953 (relating to
28 retaliation against witness [or], victim or party), but:

29 (i) any [person] individual so held in contempt
30 shall be entitled to credit for any punishment imposed

1 therein against any sentence imposed on conviction of
2 said substantive offense; and

3 * * *

4 (b) Arrest.--An arrest for a violation of [an] a criminal
5 protective order issued under section 4954 may be without
6 warrant upon probable cause whether or not the violation is
7 committed in the presence of a law enforcement officer. The law
8 enforcement officer may verify, if necessary, the existence of a
9 criminal protective order by telephone [or], radio communication
10 or other electronic means with the appropriate police department
11 or by accessing the appropriate registry under section 9203
12 (relating to Statewide registry of civil and criminal protective
13 orders).

14 * * *

15 § 4956. Pretrial release.

16 (a) Conditions for pretrial release.--Any pretrial release
17 of any defendant whether on bail or under any other form of
18 recognizance shall be deemed, as a matter of law, to include a
19 condition that the defendant neither do, nor cause to be done,
20 nor permit to be done on his behalf, any act proscribed by
21 section 4952 (relating to intimidation of witnesses or victims)
22 or 4953 (relating to retaliation against witness [or], victim or
23 party) and any willful violation of said condition is subject to
24 punishment as prescribed in section [4955(3)] 4955(a)(3)
25 (relating to violation of criminal protective orders) whether or
26 not the defendant was the subject of an order under section 4954
27 (relating to criminal protective orders).

28 * * *

29 Section 2. Title 18 is amended by adding a chapter to read:

30 CHAPTER 92

PROTECTIVE ORDERS

Sec.

9201. Definitions.

9202. Responsibilities of law enforcement agencies.

9203. Statewide registry of civil and criminal protective
orders.

9204. County registry of civil and criminal protective orders.

§ 9201. Definitions.

The following words and phrases when used in this chapter
shall have the meanings given to them in this section unless the
context clearly indicates otherwise:

"Protective order." An order issued under:

(1) section 4954 (relating to criminal protective
orders); or

(2) 42 Pa.C.S. Ch. 59 Subch. E (relating to civil
protective orders).

§ 9202. Responsibilities of law enforcement agencies.

(a) General rule.--The police department of each municipal
corporation, the Pennsylvania State Police and the sheriff of
each county shall ensure that all its officers, deputies and
employees are familiar with the provisions of 42 Pa.C.S. Ch. 59
Subch. E (relating to civil protective orders). Instruction
regarding civil protective orders shall be made a part of the
training curriculum for all trainee officers and deputies. All
law enforcement agencies within this Commonwealth shall adopt a
written policy regarding civil protective orders.

(b) Mandatory report.--

(1) Each law enforcement agency shall make an incident
report, on a form prescribed by the Pennsylvania State
Police, consistent with the report required by the Federal

1 National Incident-Based Reporting System (NIBRS).

2 (2) The incident report may include the information set
3 forth in 23 Pa.C.S. § 6105(c) (relating to responsibilities
4 of law enforcement agencies).

5 (c) Notice of arrest.--All law enforcement agencies shall
6 make reasonable efforts to notify any adult or emancipated minor
7 protected by a civil protective order of the arrest of the
8 individual against whom a protective order is issued for a
9 violation of the protective order as soon as possible. Unless
10 the individual cannot be located, notice of the arrest shall be
11 provided not more than 24 hours after proceeding under 42
12 Pa.C.S. § 5999.2(b) (relating to indirect criminal contempt).
13 § 9203. Statewide registry of civil and criminal protective
14 orders.

15 (a) Permanent registry.--

16 (1) The Pennsylvania State Police shall establish a
17 permanent Statewide registry of protective orders.

18 (2) The registry shall include a complete and systematic
19 record and index of all protective orders issued pursuant to
20 section 4954 (relating to criminal protective orders) and 42
21 Pa.C.S. Ch. 59 Subch. E (relating to civil protective
22 orders).

23 (3) The registry shall be in addition to and maintained
24 separate from the Statewide registry under 23 Pa.C.S. §
25 6105(e) (relating to responsibilities of law enforcement
26 agencies).

27 (4) The registry shall include at least the following
28 information:

29 (i) The issuing court.

30 (ii) The name of the individual who obtained the

1 order.

2 (iii) The name and address of the protected
3 individual.

4 (iv) Identification of the individual against whom
5 the order is issued. This subparagraph includes:

6 (A) name;

7 (B) address;

8 (C) height and weight;

9 (D) age;

10 (E) race;

11 (F) gender; and

12 (G) other identifying characteristics deemed
13 appropriate by the issuing court.

14 (v) The date the order was entered.

15 (vi) The date the order expires.

16 (vii) The relief granted by the court.

17 (b) Temporary registry.--The Pennsylvania State Police shall
18 establish and maintain a temporary registry until the permanent
19 registry is fully operational.

20 (c) Duty of prothonotary.--The prothonotary shall send, on a
21 form prescribed by the Pennsylvania State Police, a copy of the
22 protective order, as appropriate, to the temporary and permanent
23 Statewide registry of protective orders so that it is received
24 within 24 hours of the entry of the order. Likewise, amendments
25 to or revocation of an order shall be transmitted by the
26 prothonotary within 24 hours of the entry of the order for
27 modification or revocation. The Pennsylvania State Police shall
28 enter orders, amendments and revocations, as appropriate, in the
29 temporary and permanent Statewide registry of protective orders
30 within eight hours of receipt.

1 (d) Availability of registry.--The registry shall be
2 available at all times to inform courts, police dispatchers and
3 law enforcement officers of any valid protective order.

4 § 9204. County registry of civil and criminal protective
5 orders.

6 Each county shall maintain a registry of protective orders,
7 including orders issued under section 4954 (relating to criminal
8 protective orders) and orders issued under 42 Pa.C.S. Ch. 59
9 Subch. E (relating to civil protective orders). Police
10 departments in the county shall assure the registry is current
11 at all times and that orders are removed upon their expiration.
12 County registries shall be maintained until the registry under
13 section 9203(a) (relating to Statewide registry of civil and
14 criminal protective orders) is fully operational.

15 Section 3. Section 4136(a) introductory paragraph and
16 (3)(ii) of Title 42 are amended to read:

17 § 4136. Rights of persons charged with certain indirect
18 criminal contempts.

19 (a) General rule.--A person charged with indirect criminal
20 contempt for violation of a restraining order or injunction
21 issued by a court shall [enjoy] be provided:

22 * * *

23 (3) * * *

24 (ii) The requirement of subparagraph (i) shall not
25 be construed to apply to contempts:

26 (A) Committed in the presence of the court or so
27 near thereto as to interfere directly with the
28 administration of justice, or to apply to the
29 misbehavior, misconduct, or disobedience of any
30 officer of the court in respect to the writs, orders,

1 or process of the court.

2 (B) Subject to 23 Pa.C.S. § 6114 (relating to
3 contempt for violation of order or agreement).

4 (B.1) Subject to sections 5999.2 (relating to
5 indirect criminal contempt) and 5999.3 (relating to
6 criminal contempt).

7 (C) Subject to 75 Pa.C.S. § 4108(c) (relating to
8 nonjury criminal contempt proceedings).

9 * * *

10 Section 4. Section 4137(a) introductory paragraph of Title
11 42, amended November 30, 2004 (P.L.1618, No.207), is amended to
12 read:

13 § 4137. Contempt powers of magisterial district judges.

14 (a) General rule.--[A] Except as set forth in section
15 5999.3(c) (relating to criminal contempt), a magisterial
16 district judge shall have the power to issue attachments and
17 impose summary punishments for criminal contempts of a
18 magisterial district judge court in the following cases:

19 * * *

20 Section 5. Sections 4138(a) introductory paragraph and
21 4139(a) introductory paragraph of Title 42 are amended to read:

22 § 4138. Contempt powers of Pittsburgh Magistrates Court.

23 (a) General rule.--[The] Except as set forth in section
24 5999.3(c) (relating to criminal contempt), the Pittsburgh
25 Magistrates Court shall have the power to issue attachments and
26 impose summary punishments for criminal contempts in the
27 following cases:

28 * * *

29 § 4139. Contempt powers of Traffic Court of Philadelphia.

30 (a) General rule.--[The] Except as set forth in section

1 5999.3(c) (relating to criminal contempt), the Traffic Court of
2 Philadelphia shall have the power to issue attachments and
3 impose summary punishments for criminal contempts in the
4 following cases:

5 * * *

6 Section 6. Chapter 59 of Title 42 is amended by adding a
7 subchapter to read:

8 SUBCHAPTER E

9 CIVIL PROTECTIVE ORDERS

10 Sec.

11 5991. Scope of subchapter.

12 5992. Legislative intent.

13 5993. Definitions.

14 5994. Jurisdiction.

15 5995. Proceedings.

16 5996. Hearings.

17 5997. Relief.

18 5998. Service.

19 5999. Disclosure of addresses.

20 5999.1. Contempt.

21 5999.2. Indirect criminal contempt.

22 5999.3. Criminal contempt.

23 5999.4. Reporting abuse and immunity.

24 5999.5. Enforcement.

25 § 5991. Scope of subchapter.

26 Except for proceedings commenced pursuant to 23 Pa.C.S. Ch.
27 61 (relating to protection from abuse), this subchapter shall
28 apply to civil actions.

29 § 5992. Legislative intent.

30 The General Assembly finds and declares as follows:

1 (1) A mechanism should be created by which courts of
2 this Commonwealth may issue civil protective orders to
3 prevent abuse even if there is no familial relationship
4 between the parties.

5 (2) The registry should be created.

6 (3) Civil protective orders by law enforcement should be
7 enforced throughout this Commonwealth.

8 § 5993. Definitions.

9 The following words and phrases when used in this subchapter
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Abuse." The occurrence of one or more of the following acts
13 between individuals:

14 (1) Intentionally, knowingly or recklessly causing or
15 attempting to cause bodily injury or serious bodily injury.

16 (2) Placing or attempting to place another in reasonable
17 fear of imminent serious bodily injury.

18 (3) Committing or attempting to commit an offense under
19 any of the following provisions of 18 Pa.C.S.:

20 (i) Section 2903 (relating to false imprisonment).

21 (ii) Section 3121 (relating to rape).

22 (iii) Section 3122.1 (relating to statutory sexual
23 assault).

24 (iv) Section 3123 (relating to involuntary deviate
25 sexual intercourse).

26 (v) Section 3124.1 (relating to sexual assault).

27 (vi) Section 3125 (relating to aggravated indecent
28 assault).

29 (4) Physical or sexual abuse of a minor child, including
30 violation of 23 Pa.C.S. Ch. 63 (relating to child protective

1 services).

2 (5) Knowingly or recklessly engaging in a course of
3 conduct or repeatedly committing acts toward another
4 individual, including following the individual, without
5 proper authority, under circumstances which place the
6 individual in reasonable fear of bodily injury.

7 "Adult." An individual who is at least 18 years of age.

8 "Adult household member." Includes a stepparent, foster
9 parent, adult sibling and an adult standing in loco parentis to
10 a minor.

11 "Bodily injury." The term shall have the same meaning as
12 given to it in 18 Pa.C.S. § 2301 (relating to definitions).

13 "Certified copy." Any of the following:

14 (1) A paper copy of the original order of the issuing
15 court endorsed by the appropriate clerk of that court.

16 (2) An electronic copy of the original civil protective
17 order endorsed with a digital signature of the judge or
18 appropriate clerk of that court.

19 A raised seal on the copy of the civil protective order of the
20 issuing court shall not be required.

21 "Civil protective order." An order issued under section 5997
22 (relating to relief).

23 "Complainant." Any of the following who seeks relief from
24 abuse under this subchapter:

25 (1) A party in an underlying action.

26 (2) A witness or prospective witness in an underlying
27 action.

28 (3) A judge or member of the minor judiciary exercising
29 jurisdiction over an underlying action.

30 (4) A member of the staff of the issuing court

1 exercising jurisdiction over an underlying action.

2 (5) A quasi-judicial officer.

3 (6) A member of the Federal judiciary presiding over a
4 civil matter and sitting within this Commonwealth.

5 "Contemner." An individual against whom relief is granted
6 under this subchapter.

7 "Court." Any court of the Commonwealth. The term includes
8 the minor judiciary.

9 "Issuing court." A court which issues a protective order.

10 "Minor." An individual who is under 18 years of age.

11 "Quasi-judicial officer." An officer appointed to hear a
12 matter. The term includes a master, conference officer and a
13 judge pro tempore.

14 "Serious bodily injury." The term shall have the same
15 meaning given to it in 18 Pa.C.S. § 2301 (relating to
16 definitions).

17 "Underlying action." The civil action in connection with
18 which abuse occurs.

19 § 5994. Jurisdiction.

20 (a) Unified judicial system.--A court of this Commonwealth
21 with jurisdiction over a civil matter, including an appeal, may,
22 as provided in this subchapter, issue a civil protective order
23 to prevent or bring about a cessation of abuse.

24 (b) Federal courts.--If a complainant is a member of the
25 Federal judiciary presiding over a civil matter and sitting
26 within this Commonwealth, the court of common pleas within the
27 judicial district in which the Federal court sits may, as
28 provided in this subchapter, issue a civil protective order to
29 prevent or bring about a cessation of abuse.

30 § 5995. Proceedings.

1 (a) General rule.--

2 (1) A complainant may seek relief under this subchapter
3 by filing a petition with the court alleging abuse.

4 (2) If a complainant is a minor, any parent, adult
5 household member or guardian ad litem may file the petition
6 under this subsection on behalf of that complainant.

7 (3) If a complainant has been declared incompetent under
8 20 Pa.C.S. Ch. 55 (relating to incapacitated persons), a
9 guardian of the person may file the petition under this
10 subsection on behalf of that complainant.

11 (b) Costs.--

12 (1) The petition may be filed and service shall be made
13 without prepayment of costs.

14 (2) If the complainant prevails, the court shall:

15 (i) assess costs against the contemner; or

16 (ii) if the court determines that the contemner is
17 unable to pay the costs, waive costs.

18 (3) If the complainant does not prevail, the court
19 shall:

20 (i) assess costs against the complainant; or

21 (ii) if the court determines that the complainant is
22 not able to pay the costs, waive costs.

23 (c) Surcharge.--If a civil protective order is issued, a
24 surcharge of \$25 shall be assessed against the contemner. Money
25 received from surcharges shall be forwarded to the Commonwealth
26 and shall be used by the Pennsylvania State Police to implement
27 18 Pa.C.S. § 9203 (relating to Statewide registry of civil and
28 criminal protective orders).

29 (d) Means of service.--

30 (1) The court shall adopt a means of prompt and

1 effective service for cases in which the complainant avers
2 that service cannot be safely effected by an adult other than
3 a law enforcement officer.

4 (2) If the court orders, the sheriff or other designated
5 agency or individual shall serve a petition or a civil
6 protective order.

7 (e) Service.--

8 (1) A petition shall be served upon the alleged
9 contemner.

10 (2) A civil protective order shall be served upon all of
11 the following:

12 (i) The contemner.

13 (ii) Each police department with appropriate
14 jurisdiction to enforce the civil protective order.

15 Service under this subparagraph shall be made promptly.
16 Failure to serve under this subparagraph shall not stay
17 the effect of a civil protective order.

18 (f) Assistance and advice to complainant.--The court shall
19 do all of the following:

20 (1) Provide simplified forms and clerical assistance in
21 English and Spanish to help with writing and filing of a
22 petition under this subchapter for an individual not
23 represented by counsel.

24 (2) Provide the complainant with written and oral
25 referrals, in English and Spanish, to services, including,
26 where appropriate, the local legal services office, the local
27 county bar association's lawyer referral service and the
28 local domestic violence program.

29 (g) Procedure and other remedies.--Unless otherwise provided
30 in this subchapter, a proceeding under this subchapter shall be

1 in accordance with applicable general rules and shall be in
2 addition to any other available civil or criminal remedies.

3 (h) Modifying and vacating.--

4 (1) Except as set forth in paragraph (2), the court may
5 modify or vacate a civil protective order as follows:

6 (i) Upon:

7 (A) filing by a complainant or a contemner of a
8 petition to modify or vacate;

9 (B) service of the petition; and

10 (C) a hearing on the petition under clause (A).

11 (ii) Upon:

12 (A) the court's own motion because of a
13 circumstance which the court deems appropriate;

14 (B) notice to all parties; and

15 (C) a hearing on the motion under clause (A).

16 (2) In no case shall a court modify or vacate a civil
17 protective order if, at a hearing under paragraph (1)(i)(C)
18 or (ii)(C), the complainant proves by a preponderance of the
19 evidence that the complainant is or is likely to be a victim
20 of abuse.

21 (3) The court may vacate a civil protective order upon
22 the death of the contemner.

23 § 5996. Hearings.

24 (a) Time and place.--

25 (1) Within ten days of filing of a petition under
26 section 5995 (relating to proceedings), a hearing shall be
27 held on the petition.

28 (2) Except as set forth in paragraph (3), the hearing
29 shall be held before the court exercising jurisdiction over
30 the underlying action.

1 (3) A hearing shall be held, as determined by court
2 rule, before an appropriate judge of the court of common
3 pleas in the judicial district where underlying action takes
4 place if the complainant is:

5 (i) the judge or a member of the minor judiciary
6 exercising jurisdiction over the underlying action;

7 (ii) a staff member of the issuing court;

8 (iii) a quasi-judicial officer; or

9 (iv) a member of the Federal judiciary.

10 (b) Right to counsel.--When the alleged contemner is given
11 notice of the hearing, the court shall advise the alleged
12 contemner of the right to be represented by counsel.

13 (c) Burden of proof.--At the hearing, the complainant must
14 prove abuse by a preponderance of the evidence.

15 (d) Temporary orders.--

16 (1) A complainant may petition the court for a temporary
17 civil protective order under this subchapter if the
18 complainant alleges immediate and present danger of abuse to
19 the complainant or a minor. In such a case, the court shall
20 conduct an ex parte proceeding. The court may enter a
21 temporary order as it deems necessary to protect the
22 complainant or a minor if it finds there is an immediate and
23 present danger of abuse. The temporary civil protective order
24 shall remain in effect until modified or terminated by the
25 court after notice and hearing.

26 (2) If a hearing under this section is continued and no
27 temporary civil protective order is issued, the court may
28 make an ex parte temporary order as it deems necessary.

29 § 5997. Relief.

30 (a) General rule.--A court may issue a civil protective

order which justice requires to protect the complainant from
abuse or to bring about cessation of abuse, including:

(1) Directing the contemner to refrain from abusing,
harassing, intimidating or stalking the complainant, the
complainant's relatives or the complainant's minor children.

(2) Restraining the contemner from entering the
residence, property, school or place of employment or
business of the complainant or the complainant's relatives
and directing the contemner to stay away from any specified
place named in the order which is frequented regularly by the
complainant.

(3) Restraining the contemner from making contact with
the complainant. This paragraph includes forbidding the
contemner from personally or through an agent initiating
communication likely to cause annoyance or alarm, including
personal, written, telephone or electronic contact with the
complainant; the complainant's employer, employees, fellow
workers or relatives; or others with whom communication would
be likely to cause annoyance or alarm to the complainant.

(4) Directing the contemner to pay the complainant for
reasonable losses suffered as a result of abuse, including
medical, dental, relocation and moving expenses; counseling;
loss of earnings or support; costs of repair or replacement
of real or personal property damaged, destroyed or taken by
the contemner or at the direction of the contemner; and other
out-of-pocket loss for injuries sustained. In addition to
out-of-pocket losses, the court may direct the contemner to
pay reasonable attorney fees. An award under this paragraph
shall not constitute a bar to litigation for civil damages
for injuries sustained from the acts which give rise to the

1 issuance of an order or a finding of contempt under this
2 subchapter.

3 (5) Ordering the contemner to undergo counseling, anger
4 management or other course of therapy or treatment, including
5 drug and alcohol treatment.

6 (6) Granting any other relief that the complainant seeks
7 which the court deems appropriate.

8 (b) Contents.--A civil protective order shall comply with
9 all of the following:

10 (1) Specify the issuing court.

11 (2) Identify the individual against whom the civil
12 protective order is issued. This paragraph includes:

13 (i) name;

14 (ii) address;

15 (iii) height and weight;

16 (iv) age;

17 (v) race;

18 (vi) gender; and

19 (vii) other information deemed appropriate by the
20 issuing court.

21 (c) Mutual civil protective orders.--

22 (1) Mutual civil protective orders shall not be issued
23 unless both parties have filed timely written petitions,
24 complied with service requirements as provided in this
25 subchapter and are eligible for protection under this
26 subchapter.

27 (2) If the requirements of paragraph (1) are met, the
28 issuing court shall make separate findings and, when issuing
29 a civil protective order on behalf of two parties, enter
30 separate civil protective orders.

1 (d) Duration and amendment.--A civil protective order shall
2 be for a fixed period of time not to exceed 24 months. The court
3 may modify or vacate the civil protective order in accordance
4 with section 5995(h) (relating to proceedings).

5 (e) Extension.--

6 (1) An extension of a civil protective order may be
7 granted under any of the following circumstances:

8 (i) The court finds, after a filed petition, notice
9 to contemner and a hearing in accordance with section
10 5996 (relating to hearings), that the contemner:

11 (A) committed one or more acts of abuse
12 subsequent to the entry of the civil protective
13 order; or

14 (B) engaged in a pattern or a practice that
15 indicates continued risk of harm to the complainant
16 or the complainant's minor children.

17 (ii) A temporary civil protective order under
18 section 5996(d) has been issued but the hearing has not
19 occurred before the expiration of the temporary civil
20 protective order. An extension under this subparagraph
21 shall be at least until the disposition of the contempt
22 petition.

23 (2) Service of an extension shall be made in accordance
24 with section 5998 (relating to service).

25 (3) There shall be no limitation on the number of
26 extensions which may be granted.

27 (f) Notice.--Notice of a civil protective order shall be
28 given to the contemner stating that a violation of the order
29 will subject the contemner to sections 5999.1 (relating to
30 contempt) and 5999.2(b) (relating to indirect criminal

1 contempt).

2 (g) Title to real property unaffected.--A civil protective
3 order shall not affect title to real property.

4 § 5998. Service.

5 (a) Issuance.--A copy of a civil protective order shall be
6 issued to the complainant, the contemner, the Pennsylvania State
7 Police, the police departments with jurisdiction where the
8 complainant and the contemner maintain residences, and any other
9 police department which the court deems appropriate.

10 (b) Placement in registry.--Upon receipt, a police
11 department shall immediately place the civil protective order in
12 a registry under 18 Pa.C.S. § 9204 (relating to county registry
13 of civil and criminal protective orders).

14 § 5999. Disclosure of addresses.

15 (a) Consideration.--During the course of a proceeding under
16 this subchapter, the court shall consider whether the
17 complainant or the complainant's relatives or minor children are
18 endangered by disclosure of their addresses.

19 (b) Order.--

20 (1) The court shall issue a nondisclosure order if:

21 (i) the court concludes that the contemner poses a
22 threat of continued abuse to the complainant; and

23 (ii) the complainant requests the nondisclosure
24 order.

25 (2) The nondisclosure order shall be directed to:

26 (i) law enforcement agencies and human service
27 agencies in the area where the complainant or the
28 complainant's children reside; and

29 (ii) school districts where the complainant's
30 children are or have been enrolled.

1 (3) The nondisclosure order shall forbid, without
2 permission of the court, disclosure of:

3 (i) the presence of the complainant or the
4 complainant's children; or

5 (ii) the address, telephone number or any other
6 geographic information about the complainant or the
7 complainant's children.

8 § 5999.1. Contempt.

9 (a) Direct.--If a contemner violates a civil protective
10 order in the presence of a court, that court may do any of the
11 following:

12 (1) Treat the violation as direct civil contempt and
13 impose appropriate sanctions. The court may act under this
14 paragraph on its own accord or in response to a petition by
15 the complainant.

16 (2) Impose sanctions under section 5999.3(d) (relating
17 to criminal contempt). This paragraph is subject to section
18 5999.3(c).

19 (b) Indirect.--If a contemner violates a civil protective
20 order outside the presence of a court, the following apply:

21 (1) The issuing court or the court in the underlying
22 action may treat the violation as indirect civil contempt and
23 impose appropriate sanctions. The court may act under this
24 paragraph in response to a petition by the complainant.

25 (2) A court with jurisdiction under section 5999.3(c)
26 may impose sanctions under section 5999.3(d).

27 § 5999.2. Indirect criminal contempt.

28 (a) Private complaint.--A complainant who alleges violation
29 of a civil protective order may file a complaint for indirect
30 criminal contempt in accordance with Pa.R.Crim.P. No. 506

1 (relating to approval of private complaints).

2 (b) Arrest.--An arrest for violation of a civil protective
3 order may be without warrant upon probable cause whether or not
4 the violation is committed in the presence of a police officer.
5 The police officer may verify the existence of a civil
6 protective order by telephone, radio or other electronic
7 communication with the appropriate police department, the
8 Pennsylvania State Police, a registry under 18 Pa.C.S. § 9203
9 (relating to Statewide registry of civil and criminal protective
10 orders) or 9204 (relating to county registry of civil and
11 criminal protective orders) or the issuing court. A police
12 officer shall rely upon any copy of a civil protective order
13 which has been presented to the officer by any source. The fact
14 that an order has not been filed with or transmitted by a
15 prothonotary under section 5999.5(b) (relating to enforcement)
16 or entered into a registry under 18 Pa.C.S. § 9203 or 9204 shall
17 not be grounds for law enforcement to refuse or fail to enforce
18 the order.

19 (c) Territory.--A police officer shall arrest a contemner
20 for violating a civil protective order. The power of arrest
21 shall extend throughout this Commonwealth, irrespective of
22 whether the police officer is located in the same judicial
23 district as the court.

24 (d) Procedure following arrest.--Subsequent to an arrest,
25 the contemner shall be taken by the police officer without
26 unnecessary delay before the court of common pleas in the
27 judicial district where the contempt is alleged to have
28 occurred. If the court is unavailable, the police officer shall
29 convey the contemner to the appropriate officer of the minor
30 judiciary as designated by court rule.

1 (e) Preliminary arraignment.--The contemner shall be
2 afforded a preliminary arraignment without unnecessary delay.
3 § 5999.3. Criminal contempt.

4 (a) Action.--Violation of a civil protective order
5 constitutes criminal contempt. If the violation is in the
6 presence of a court in the underlying action, it is direct
7 criminal contempt. If the violation is outside the presence of a
8 court, the violation is indirect criminal contempt.

9 (b) Hearing.--Except as set forth in subsection (g), a
10 hearing shall be scheduled within ten days of the filing of a
11 charge under this section. There is no right to a jury trial.
12 The contemner is entitled to counsel.

13 (c) Jurisdiction.--Except as set forth in subsection (g),
14 jurisdiction for direct or indirect criminal contempt lies in
15 the court of common pleas in the judicial district where the
16 alleged contempt occurred.

17 (d) Penalty.--For direct or indirect criminal contempt, the
18 court shall sentence the contemner to a fine of not less than
19 \$100 nor more than \$1,000 or to imprisonment for not more than
20 six months, or both. Money from fines received under this
21 subsection shall be used by the Pennsylvania State Police to
22 establish and maintain the permanent Statewide registry of
23 protective orders.

24 (e) Notification upon release.--

25 (1) The appropriate releasing authority or other
26 official designated by local rule shall use all reasonable
27 means to notify the complainant sufficiently in advance of
28 the release of the contemner from incarceration imposed under
29 subsection (d).

30 (2) Notification shall be required for work release,

furlough, medical leave, community service, discharge, escape and recapture. Notification shall include the terms and conditions imposed on temporary release from custody.

(3) The complainant shall keep the appropriate releasing authority or other official designated by local rule advised of contact information. Failure to provide contact information shall constitute waiver of a right to notification under this subsection.

(f) Multiple remedies.--Disposition of a charge of indirect criminal contempt shall not preclude the prosecution of other criminal charges associated with the incident giving rise to the contempt, nor shall disposition of other criminal charges preclude prosecution of indirect criminal contempt associated with the criminal conduct giving rise to the charges.

(g) Minors.--Notwithstanding subsections (b) and (c), a minor charged under this section for violating a civil protective order shall be considered to have committed an alleged "delinquent act" as that term is defined in section 6302 (relating to definitions) and shall be treated as provided in Chapter 63 (relating to juvenile matters). A private criminal complaint shall be as provided by rule of court.

§ 5999.4. Reporting abuse and immunity.

(a) Reporting.--An individual having reasonable cause to believe that a complainant is being abused may report the information to the local police department.

(b) Contents of report.--The report shall contain all of the following:

(1) Name and address of the complainant.

(2) Information regarding the nature and extent of abuse.

1 (3) Information which the reporter believes may be
2 helpful to prevent further abuse.

3 (c) Immunity.--An individual who makes a report shall be
4 immune from civil or criminal liability on account of the report
5 unless the person acted in bad faith or with malicious purpose.

6 § 5999.5. Enforcement.

7 (a) Validity throughout Commonwealth.--A civil protective
8 order is valid throughout this Commonwealth. Until a civil
9 protective order is declared invalid by a court of competent
10 jurisdiction, it shall be enforced by all law enforcement
11 personnel in this Commonwealth.

12 (b) Filing.--A complainant may file a certified copy of a
13 civil protective order with the prothonotary in any judicial
14 district where the complainant believes enforcement may be
15 necessary. The following provisions apply:

16 (1) Filing a protective order with a prothonotary shall
17 be without fee or cost.

18 (2) Upon filing a certified copy, a prothonotary shall
19 transmit, in a manner prescribed by the Pennsylvania State
20 Police, a copy of the order to the Pennsylvania State Police
21 for filing under 18 Pa.C.S. § 9203 (relating to Statewide
22 registry of civil and criminal protective orders).

23 (c) Immunity.--The following entities shall be immune from
24 civil liability for good faith conduct in any action arising in
25 connection with enforcement of a civil protective order:

26 (1) Law enforcement agencies and their agents and
27 employees.

28 (2) County correctional and detention facilities and
29 their agents and employees.

30 (3) Prothonotaries and their agents and employees.

1 Section 7. Section 8127(f) of Title 42 is amended to read:

2 § 8127. Personal earnings exempt from process.

3 * * *

4 (f) Victim of abuse.--This section shall not apply and no
5 wage attachment shall be issued against an abused person or
6 victim, as defined in 23 Pa.C.S. § 6102 (relating to
7 definitions), for physical damages related to residential leases
8 when said person:

9 (1) has obtained a civil protection order pursuant to 23
10 Pa.C.S. § 6101 et seq. (relating to protection from abuse)[,
11 or] ;

12 (2) has obtained a protective order pursuant to 18
13 Pa.C.S. § 4954 (relating to criminal protective orders)[, or]
14 ;

15 (3) is a victim-witness as defined by 18 Pa.C.S. § 4951
16 (relating to definitions), in a criminal proceeding against a
17 family or household member, as defined in 23 Pa.C.S. § 6102,
18 and it is determined by the court that the physical damages
19 were caused by the family or household member[.]; or

20 (4) has obtained an order under Subchapter E of Chapter
21 59 (relating to civil protective orders).

22 * * *

23 Section 8. When the Pennsylvania State Police have
24 implemented the Federal National Incident-Based Reporting
25 System, the Commissioner of the Pennsylvania State Police shall
26 transmit notice of the implementation to the Legislative
27 Reference Bureau for publication in the Pennsylvania Bulletin.

28 Section 9. This act shall take effect as follows:

29 (1) The following provisions shall take effect
30 immediately:

1 (i) Section 8 of this act.

2 (ii) This section.

3 (2) The addition of 18 Pa.C.S. § 9202(b) shall take
4 effect upon publication of the notice under section 8 of this
5 act.

6 (3) The remainder of this act shall take effect in 60
7 days.