

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2376 Session of
2008

INTRODUCED BY PARKER, BENNINGTON, BRENNAN, DePASQUALE, EACHUS,
FRANKEL, FREEMAN, GINGRICH, JAMES, KILLION, KIRKLAND, KULA,
LONGIETTI, MANN, MARSHALL, McCALL, McILVAINE SMITH, MELIO,
MOUL, MUNDY, MURT, MYERS, M. O'BRIEN, PAYTON, QUINN,
READSHAW, RUBLEY, SAINATO, SHIMKUS, SIPTROTH, K. SMITH,
SOLOBAY, SWANGER, THOMAS, WATERS, WHEATLEY, J. WHITE,
WILLIAMS AND YOUNGBLOOD, JULY 2, 2008

REFERRED TO COMMITTEE ON JUDICIARY, JULY 2, 2008

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for punishment for
3 contempt for violation of order or agreement.

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

6 Section 1. Section 6114(b) of Title 23 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6114. Contempt for violation of order or agreement.

9 * * *

10 (b) Trial and punishment.--

11 (1) A sentence for contempt under this chapter may
12 include:

13 (i) (A) a fine of not less than \$300 nor more than
14 \$1,000 and imprisonment up to six months; or

15 (B) a fine of not less than \$300 nor more than
16 \$1,000 and supervised probation not to exceed six

1 months; and

2 (ii) an order for other relief set forth in this
3 chapter.

4 (1.1) If a person violates an order issued pursuant to
5 this chapter and the violation occurs subsequent to any prior
6 conviction for a violation under this chapter, the person
7 shall, upon conviction, in addition to any other penalty
8 prescribed by law, be sentenced to pay a fine of not less
9 than \$500 nor more than \$5,000, or to imprisonment for not
10 more than one year, or both.

11 (2) All money received under this section shall be
12 distributed in the following order of priority:

13 (i) \$100 shall be forwarded to the Commonwealth and
14 shall be appropriated to the Pennsylvania State Police to
15 establish and maintain the Statewide registry of
16 protection orders provided for in section 6105 (relating
17 to responsibilities of law enforcement agencies).

18 (ii) \$100 shall be retained by the county and shall
19 be used to carry out the provisions of this chapter as
20 follows:

21 (A) \$50 shall be used by the sheriff.

22 (B) \$50 shall be used by the court.

23 (iii) \$100 shall be forwarded to the Department of
24 Public Welfare for use for victims of domestic violence
25 in accordance with the provisions of section 2333 of the
26 act of April 9, 1929 (P.L.177, No.175), known as The
27 Administrative Code of 1929.

28 (iv) Any additional money shall be forwarded to the
29 Commonwealth and shall be used by the Pennsylvania State
30 Police to establish and maintain the Statewide registry

1 of protection orders provided for in section 6105.

2 (3) The defendant shall not have a right to a jury trial
3 on a charge of indirect criminal contempt. However, the
4 defendant shall be entitled to counsel.

5 (4) Upon conviction for indirect criminal contempt and
6 at the request of the plaintiff, the court shall also grant
7 an extension of the protection order for an additional term.

8 (5) Upon conviction for indirect criminal contempt, the
9 court shall notify the sheriff of the jurisdiction which
10 issued the protection order of the conviction.

11 (6) The minimum fine required by subsection (b)(1)
12 allocated pursuant to subsection (b)(2)(i) and (iii) shall be
13 used to supplement and not to supplant any other source of
14 funds received for the purpose of carrying out the provisions
15 of this chapter.

16 * * *

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