

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1388 Session of
2015

INTRODUCED BY HUGHES, BOSCOLA, FONTANA, GORDNER, VULAKOVICH,
BREWSTER, SCHWANK, KITCHEN AND MENSCH, OCTOBER 17, 2016

REFERRED TO JUDICIARY, OCTOBER 17, 2016

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in protection from abuse, providing
3 for the definition of "electronic monitoring device" and
4 further providing for relief.

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

7 Section 1. Section 6102(a) of Title 23 of the Pennsylvania
8 Consolidated Statutes is amended by adding a definition to read:
9 § 6102. Definitions.

10 (a) General rule.--The following words and phrases when used
11 in this chapter shall have the meanings given to them in this
12 section unless the context clearly indicates otherwise:

13 * * *

14 "Electronic monitoring device." A device that enables the
15 location of a person wearing the device to be monitored through
16 use of a global positioning system and related technology and is
17 designed so that the device:

18 (1) actively and continuously monitors, identifies and
19 reports location data within a 100-mile radius;

1 (2) permits the Pennsylvania State Police and any local
2 police department to receive location data, record it
3 securely and confidentially retain it indefinitely;

4 (3) may be worn around a person's wrist or ankle; and

5 (4) once fitted around a person's wrist or ankle, cannot
6 be removed without using specialized equipment specifically
7 designed for that purpose and alerting the Pennsylvania State
8 Police and each local police department that it has been
9 removed.

10 * * *

11 Section 2. Section 6108(a) of Title 23 is amended by adding
12 a paragraph to read:

13 § 6108. Relief.

14 (a) General rule.--The court may grant any protection order
15 or approve any consent agreement to bring about a cessation of
16 abuse of the plaintiff or minor children. The order or agreement
17 may include:

18 * * *

19 (6.1) Requiring an electronic monitoring device be
20 placed on the defendant if the defendant is found to present
21 a substantial risk of violating the final protection from
22 abuse order or committing a crime against the victim
23 punishable by imprisonment. The following shall apply:

24 (i) The electronic monitoring device shall monitor
25 the defendant's location relative to all persons for whom
26 protection is sought. The court shall determine the
27 distance at which the defendant is to remain from all
28 persons seeking protection from abuse and specific
29 locations from which the defendant shall refrain.

30 (ii) Except as provided under subparagraph (iii),

1 the court shall order the defendant to wear the
2 electronic monitoring device for the entire period of
3 time that the final protection from abuse order is in
4 effect.

5 (iii) The court may only order the electronic
6 monitoring device be removed from the defendant before
7 the expiration of the final protection from abuse order
8 for good cause shown. If the court orders the device
9 removed, the court shall notify the plaintiff covered by
10 the final protection from abuse order that the electronic
11 monitoring device has been removed.

12 * * *

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