

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 502 Session of 2017

INTRODUCED BY McGARRIGLE, KILLION, BARTOLOTTA, COSTA, HUGHES, MENSCH, RAFFERTY, RESCHENTHALER, VULAKOVICH AND BROOKS, MARCH 28, 2017

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, MARCH 19, 2018

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in protection from abuse, further
3 providing for relief.

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

6 Section 1. Section 6108(e)(1) of Title 23 of the
7 Pennsylvania Consolidated Statutes is amended AND THE SUBSECTION <--
8 IS AMENDED BY ADDING A PARAGRAPH to read:

9 § 6108. Relief.

10 * * *

11 (e) Extension of protection orders.--

12 (1) An extension of a protection order may be granted:

13 (i) Where the court finds, after a duly filed
14 petition, notice to the defendant and a hearing, in
15 accordance with the procedures set forth in sections 6106
16 and 6107, that the defendant committed one or more acts
17 of abuse subsequent to the entry of the final order or
18 that the defendant engaged in a pattern or practice that

1 indicates continued risk of harm to the plaintiff or
2 minor child.

3 (ii) When a contempt petition or charge has been
4 filed with the court or with a hearing officer in
5 [Philadelphia County] A COUNTY OF THE FIRST CLASS, but <--
6 the hearing has not occurred before the expiration of the
7 protection order, the order shall be extended, at a
8 minimum, until the disposition of the contempt petition
9 and may be extended for another term beyond the
10 disposition of the contempt petition.

11 ~~(iii) When the defendant is or was incarcerated and <--~~
12 ~~will be released from custody in the next 90 days or has~~
13 ~~been released from custody within the past 90 days. The~~
14 ~~plaintiff shall not be required to show that the~~
15 ~~defendant engaged in a new act that indicates a continued~~
16 ~~risk of harm to the plaintiff.~~

17 (1.1) A PROTECTION ORDER SHALL BE TOLLED DURING A PERIOD <--
18 OF INCARCERATION OF A DEFENDANT AND SHALL CONTINUE IN EFFECT
19 FOR A PERIOD OF 90 DAYS AFTER THE DEFENDANT HAS BEEN RELEASED
20 FROM INCARCERATION. THE PLAINTIFF SHALL NOT BE REQUIRED TO
21 SHOW THAT THE DEFENDANT ENGAGED IN A NEW ACT THAT INDICATES A
22 CONTINUED RISK OF HARM TO THE PLAINTIFF.

23 * * *

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