

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 502 Session of 2017

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

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 9, 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 BY ADDING A SUBPARAGRAPH to <--
9 read:

10 § 6108. Relief.

11 * * *

12 (e) Extension of protection orders.--

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

14 (i) Where the court finds, after a duly filed <--
15 petition, notice to the defendant and a hearing, in
16 accordance with the procedures set forth in sections 6106
17 and 6107, that the defendant committed one or more acts

1 of abuse subsequent to the entry of the final order or
2 that the defendant engaged in a pattern or practice that
3 indicates continued risk of harm to the plaintiff or
4 minor child.

5 ~~(ii) When a contempt petition or charge has been~~
6 ~~filed with the court or with a hearing officer in~~
7 ~~{Philadelphia County} a county of the first class, but~~
8 ~~the hearing has not occurred before the expiration of the~~
9 ~~protection order, the order shall be extended, at a~~
10 ~~minimum, until the disposition of the contempt petition~~
11 ~~and may be extended for another term beyond the~~
12 ~~disposition of the contempt petition.~~

13 ~~(1.1) A protection order shall be tolled during a period~~
14 ~~of incarceration of a defendant and shall continue in effect~~
15 ~~for a period of 90 days after the defendant has been released~~
16 ~~from incarceration. The plaintiff shall not be required to~~
17 ~~show that the defendant engaged in a new act that indicates a~~
18 ~~continued risk of harm to the plaintiff.~~

19 * * *

<--

20 (III) IF THE PLAINTIFF FILES A PETITION FOR AN
21 EXTENSION OF THE ORDER AND THE DEFENDANT IS OR WAS
22 INCARCERATED AND WILL BE RELEASED FROM CUSTODY IN THE
23 NEXT 90 DAYS OR HAS BEEN RELEASED FROM CUSTODY WITHIN THE
24 PAST 90 DAYS. THE PLAINTIFF DOES NOT NEED TO SHOW THAT
25 THE DEFENDANT COMMITTED ONE OR MORE ACTS OF ABUSE
26 SUBSEQUENT TO THE ENTRY OF THE ORDER OR THAT THE
27 DEFENDANT ENGAGED IN A PATTERN OR PRACTICE THAT INDICATES
28 CONTINUED RISK OF HARM TO THE PLAINTIFF OR MINOR CHILDREN
29 AS SET FORTH IN SUBPARAGRAPH (I).

30 * * *

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