
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1789 Session of
2019

INTRODUCED BY TOOHIL, ROTHMAN, FREEMAN, KENYATTA, PICKETT, MURT,
MILLARD, HELM, RYAN, McNEILL, HOWARD AND READSHAW,
AUGUST 30, 2019

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 30, 2019

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in availability of
3 otherwise confidential information, providing for reports on
4 domestic violence by law enforcement agencies.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 8726. Reports on domestic violence by law enforcement
10 agencies.

11 (a) Furnishing copies of reports.--Notwithstanding any other
12 provision of law, a law enforcement agency shall, upon request,
13 furnish a copy of a report on a criminal investigation into an
14 allegation of a domestic violence incident to any of the
15 following:

16 (1) A victim of the incident or the victim's attorney.

17 (2) An official from any of the following government
18 entities if necessary to protect a victim of domestic abuse:

1 (i) The Federal Government.

2 (ii) A branch of the United States Armed Forces.

3 (iii) A Commonwealth agency.

4 (iv) A political subdivision in this Commonwealth.

5 (v) An out-of-State government agency or political
6 subdivision.

7 (b) Costs.--The following apply:

8 (1) Except as provided under paragraphs (2) and (3), the
9 cost of furnishing a copy of the report under subsection (a)
10 to an individual specified under subsection (a)(1) shall be
11 \$25.

12 (2) If the individual requesting a copy of the report
13 under subsection (a) is a party to a judicial proceeding
14 relating to the domestic violence incident and has been
15 granted approval to proceed in forma pauperis, the cost of
16 furnishing a copy of the report under subsection (a) shall be
17 \$0.

18 (3) If the individual requesting a copy of the report
19 under subsection (a) demonstrates to the law enforcement
20 agency that the individual is receiving services free-of-
21 charge from a nonprofit organization dedicated to helping
22 domestic violence victims, the cost of furnishing a copy of
23 the report under subsection (a) shall be \$0.

24 (c) Inadmissible.--A copy of the report under subsection (a)
25 shall be inadmissible in any civil or criminal proceeding
26 arising out of the domestic violence incident.

27 (d) Refusal to furnish.--A law enforcement agency may refuse
28 to furnish a copy of the report under subsection (a) regarding a
29 domestic violence incident if there are criminal charges pending
30 against an individual involved in the domestic violence

1 incident, unless necessary to comply with the Pennsylvania Rules
2 of Criminal Procedure or Federal law.

3 (e) Definitions.--As used in this section, the following
4 words and phrases shall have the meanings given to them in this
5 subsection:

6 "Domestic violence." An act of violence that constitutes a
7 crime as specified under 18 Pa.C.S. (relating to crimes and
8 offenses) if any of the following apply:

9 (1) The alleged perpetrator of the violence and the
10 victim are family or household members as defined in 23
11 Pa.C.S. § 6102 (relating to definitions).

12 (2) The alleged perpetrator of the violence and the
13 victim temporarily or permanently reside in the same
14 dwelling.

15 "Law enforcement agency." A police department of a city,
16 borough, incorporated town or township, the Pennsylvania State
17 Police, district attorneys' offices and the Office of Attorney
18 General.

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