

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2178 Session of 2020

INTRODUCED BY ROWE, SCHROEDER, MIHALEK, MUSTELLO, GAYDOS, BERNSTINE, CIRESI, EVERETT, FEE, GROVE, HEFFLEY, JOZWIAK, OWLETT, PICKETT, RYAN, STAATS, TOPPER, GLEIM, SAYLOR, THOMAS, DELOZIER, STRUZZI, ZIMMERMAN, POLINCHOCK AND DeLUCA, JANUARY 6, 2020

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JANUARY 14, 2020

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child custody, further providing
3 for consideration of criminal conviction.

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

6 Section 1. Section 5329(a) of Title 23 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 5329. Consideration of criminal conviction.

9 (a) Offenses.--Where a party seeks any form of custody, the
10 court shall consider whether that party or member of that
11 party's household has been convicted of or has pleaded guilty or
12 no contest to any of the offenses in this section or an offense
13 in another jurisdiction substantially equivalent to any of the
14 offenses in this section. The court shall consider such conduct
15 and determine that the party does not pose a threat of harm to
16 the child before making any order of custody to that party when

1 considering the following offenses:

2 18 Pa.C.S. Ch. 25 (relating to criminal homicide).

3 18 Pa.C.S. § 2702 (relating to aggravated assault).

4 18 Pa.C.S. § 2706 (relating to terroristic threats).

5 18 Pa.C.S. § 2709.1 (relating to stalking).

6 18 Pa.C.S. § 2718 (relating to strangulation).

7 18 Pa.C.S. § 2901 (relating to kidnapping).

8 18 Pa.C.S. § 2902 (relating to unlawful restraint).

9 18 Pa.C.S. § 2903 (relating to false imprisonment).

10 18 Pa.C.S. § 2910 (relating to luring a child into a motor
11 vehicle or structure).

12 18 Pa.C.S. Ch. 30 (relating to human trafficking).

13 18 Pa.C.S. § 3121 (relating to rape).

14 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).

15 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual
16 intercourse).

17 18 Pa.C.S. § 3124.1 (relating to sexual assault).

18 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

19 18 Pa.C.S. § 3126 (relating to indecent assault).

20 18 Pa.C.S. § 3127 (relating to indecent exposure).

21 18 Pa.C.S. § 3129 (relating to sexual intercourse with
22 animal).

23 18 Pa.C.S. § 3130 (relating to conduct relating to sex
24 offenders).

25 18 Pa.C.S. § 3301 (relating to arson and related offenses).

26 18 Pa.C.S. § 4302 (relating to incest).

27 18 Pa.C.S. § 4303 (relating to concealing death of child).

28 18 Pa.C.S. § 4304 (relating to endangering welfare of
29 children).

30 18 Pa.C.S. § 4305 (relating to dealing in infant children).

1 18 Pa.C.S. § 5902(b) OR (B.1) (relating to prostitution and <--
2 related offenses).

3 18 Pa.C.S. § 5903(c) or (d) (relating to obscene and other
4 sexual materials and performances).

5 18 Pa.C.S. § 6301 (relating to corruption of minors).

6 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

7 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

8 18 Pa.C.S. § 6320 (relating to sexual exploitation of
9 children).

10 Section 6114 (relating to contempt for violation of order or
11 agreement).

12 The former 75 Pa.C.S. § 3731 (relating to driving under
13 influence of alcohol or controlled substance).

14 75 Pa.C.S. Ch. 38 (relating to driving after imbibing alcohol
15 or utilizing drugs).

16 Section 13(a)(1) of the act of April 14, 1972 (P.L.233,
17 No.64), known as The Controlled Substance, Drug, Device and
18 Cosmetic Act, to the extent that it prohibits the manufacture,
19 sale or delivery, holding, offering for sale or possession of
20 any controlled substance or other drug or device.

21 * * *

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