

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 282 Session of 2021

INTRODUCED BY ORTITAY, STAATS, SCHMITT, HILL-EVANS, SHUSTERMAN,
NEILSON, A. DAVIS, WEBSTER, HERSHEY, CIRESI AND LAWRENCE,
JANUARY 27, 2021

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 27, 2021

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in alimony and support, further
3 providing for alimony.

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

6 Section 1. Section 3701(a) and (b)(14) of Title 23 of the
7 Pennsylvania Consolidated Statutes are amended and the section
8 is amended by adding a subsection to read:

9 § 3701. Alimony.

10 (a) General rule.--[Where] Subject to subsection (a.1),
11 where a divorce decree has been entered, the court may allow
12 alimony, as it deems reasonable, to either party only if it
13 finds that alimony is necessary.

14 (a.1) Conviction.--Except where the court finds that an
15 order awarding alimony is necessary to prevent manifest
16 injustice, a party who has been convicted of committing a
17 personal injury crime against the other party shall not be
18 awarded alimony. Any amount of alimony paid by the injured party

1 after the commission of the offense but before conviction of the
2 other party shall be recoverable by the injured party upon
3 petition.

4 (b) Factors relevant.--In determining whether alimony is
5 necessary and in determining the nature, amount, duration and
6 manner of payment of alimony, the court shall consider all
7 relevant factors, including:

8 * * *

9 (14) [The] Subject to subsection (a.1), the marital
10 misconduct of either of the parties during the marriage. The
11 marital misconduct of either of the parties from the date of
12 final separation shall not be considered by the court in its
13 determinations relative to alimony, except that the court
14 shall consider the abuse of one party by the other party. As
15 used in this paragraph, "abuse" shall have the meaning given
16 to it under section 6102 (relating to definitions).

17 * * *

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