

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 149 Session of 2023

INTRODUCED BY ORTITAY, CIRESI AND KINKEAD, MARCH 8, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 8, 2023

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  
 19 after the commission of the offense but before conviction of the

1 other party shall be recoverable by the injured party upon  
2 petition.

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

7 \* \* \*

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

16 \* \* \*

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