

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1150 Session of 2023

INTRODUCED BY KULIK, MIHALEK, HILL-EVANS, GUENST, SANCHEZ, DEASY, JOZWIAK, MARSHALL, JAMES AND GILLEN, MAY 10, 2023

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 30, 2024

AN ACT

1 ~~Amending Title 23 (Domestic Relations) of the Pennsylvania~~ <--
2 ~~Consolidated Statutes, in protection from abuse, further~~
3 ~~providing for definitions and for relief.~~

4 ~~This act shall be referred to as "Alina's Law."~~

5 AMENDING TITLE 44 (LAW AND JUSTICE) OF THE PENNSYLVANIA <--
6 CONSOLIDATED STATUTES, IN PRELIMINARY PROVISIONS,
7 ESTABLISHING THE DOMESTIC VIOLENCE PREVENTION AND SERVICES
8 PROGRAM AND THE DOMESTIC VIOLENCE PREVENTION AND SERVICES
9 FUND; IMPOSING DUTIES ON THE PENNSYLVANIA COMMISSION ON CRIME
10 AND DELINQUENCY; AND MAKING AN INTERFUND TRANSFER.

11 THIS ACT SHALL BE REFERRED TO AS "ALINA'S LAW."

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 ~~Section 1. Section 6102(a) of Title 23 of the Pennsylvania~~ <--
15 ~~Consolidated Statutes is amended by adding a definition to read:~~

16 ~~§ 6102. Definitions.~~

17 ~~(a) General rule. The following words and phrases when used~~
18 ~~in this chapter shall have the meanings given to them in this~~
19 ~~section unless the context clearly indicates otherwise:~~

20 ~~\* \* \*~~

21 ~~"Electronic monitoring device." A device that enables the~~

1 ~~location of a person wearing the device to be monitored through~~  
2 ~~use of a global positioning system and related technology and is~~  
3 ~~designed so that the device:~~

4 ~~(1) Actively and continuously monitors, identifies and~~  
5 ~~reports location data within a 100 mile radius.~~

6 ~~(2) Permits the Pennsylvania State Police and any local~~  
7 ~~police department to receive, record and securely and~~  
8 ~~confidentially retain location data indefinitely.~~

9 ~~(3) May be worn around a person's wrist or ankle.~~

10 ~~(4) Once fitted around a person's wrist or ankle, cannot~~  
11 ~~be removed without using specialized equipment specifically~~  
12 ~~designed for that purpose and alerting the Pennsylvania State~~  
13 ~~Police and each local police department that the device has~~  
14 ~~been removed.~~

15 \* \* \*

16 Section 2. Section 6108(a) of Title 23 is amended by adding  
17 a paragraph to read:

18 § 6108. Relief.

19 (a) General rule. Subject to subsection (a.1), the court  
20 may grant any protection order or approve any consent agreement  
21 to bring about a cessation of abuse of the plaintiff or minor  
22 children. The order or agreement may include:

23 \* \* \*

24 ~~(6.1) Requiring an electronic monitoring device be~~  
25 ~~placed on the defendant if the defendant is found to present~~  
26 ~~a substantial risk of violating the final protection from~~  
27 ~~abuse order or committing a crime against the victim~~  
28 ~~punishable by imprisonment. The following shall apply:~~

29 ~~(i) The electronic monitoring device shall monitor~~  
30 ~~the defendant's location relative to all persons for whom~~

~~protection is sought. The court shall determine the distance at which the defendant is to remain from all persons seeking protection from abuse and specific locations from which the defendant shall refrain.~~

~~(ii) Except as provided under subparagraph (iii), the court shall order the defendant to wear the electronic monitoring device for the entire period of time that the final protection from abuse order is in effect.~~

~~(iii) The court may only order the electronic monitoring device be removed from the defendant before the expiration of the final protection from abuse order for good cause shown. If the court orders the device removed, the court shall notify the plaintiff covered by the final protection from abuse order that the electronic monitoring device has been removed.~~

~~\* \* \*~~

~~Section 3. This act shall take effect in 60 days.~~

SECTION 1. PART I OF TITLE 44 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED BY ADDING A CHAPTER TO READ:

CHAPTER 9

DOMESTIC VIOLENCE PREVENTION AND SERVICES

SEC.

901. SCOPE OF CHAPTER.

902. DEFINITIONS.

903. DOMESTIC VIOLENCE PREVENTION AND SERVICES PROGRAM.

904. DOMESTIC VIOLENCE RESOURCES.

905. GRANTS.

906. ESTABLISHMENT AND ADMINISTRATION OF FUND.

907. REPORTS.

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1 908. RULES AND REGULATIONS.

2 § 901. SCOPE OF CHAPTER.

3 THIS CHAPTER RELATES TO LOCAL DOMESTIC VIOLENCE PREVENTION  
4 AND SERVICES.

5 § 902. DEFINITIONS.

6 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
7 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
8 CONTEXT CLEARLY INDICATES OTHERWISE:

9 "APPLICANT." A COUNTY DISTRICT ATTORNEY'S OFFICE THAT  
10 APPLIES FOR A GRANT UNDER THE PROGRAM.

11 "COMMISSION." THE PENNSYLVANIA COMMISSION ON CRIME AND  
12 DELINQUENCY.

13 "DOMESTIC VIOLENCE." AS DEFINED IN 18 PA.C.S. § 9158  
14 (RELATING TO DEFINITIONS).

15 "DOMESTIC VIOLENCE RESOURCES." ANY OF THE FOLLOWING:

16 (1) MATERIALS AND OTHER EDUCATIONAL INFORMATION,  
17 INCLUDING AUDIOVISUAL, PRINT AND INTERNET RESOURCES,  
18 REGARDING THE PREVENTION OF DOMESTIC VIOLENCE.

19 (2) SERVICES TO VICTIMS OF DOMESTIC VIOLENCE, INCLUDING  
20 ANY OF THE FOLLOWING:

21 (I) A CRISIS HOTLINE.

22 (II) A SAFE HOME OR SHELTER.

23 (III) COMMUNITY EDUCATION.

24 (IV) COUNSELING SYSTEMS INTERVENTION AND INTERFACE.

25 (V) TRANSPORTATION.

26 (VI) THE DISTRIBUTION OF MATERIALS AND OTHER  
27 EDUCATIONAL INFORMATION, INCLUDING AUDIOVISUAL, PRINT AND  
28 INTERNET RESOURCES.

29 (VII) REFERRAL SERVICES.

30 (VIII) VICTIM ASSISTANCE.

1           (IX) SERVICES TO ENHANCE THE SAFETY OF VICTIMS OF  
2           DOMESTIC VIOLENCE.

3           "FUND." THE DOMESTIC VIOLENCE PREVENTION AND SERVICES FUND  
4 ESTABLISHED UNDER SECTION 906(A) (RELATING TO ESTABLISHMENT AND  
5 ADMINISTRATION OF FUND).

6           "GRANT." A GRANT AWARDED BY THE COMMISSION UNDER THE  
7 PROGRAM.

8           "PROGRAM." THE DOMESTIC VIOLENCE PREVENTION AND SERVICES  
9 PROGRAM ESTABLISHED UNDER SECTION 903(A) (RELATING TO  
10 ESTABLISHMENT AND ADMINISTRATION OF PROGRAM).

11 § 903. DOMESTIC VIOLENCE PREVENTION AND SERVICES PROGRAM.

12           (A) ESTABLISHMENT.--THE DOMESTIC VIOLENCE PREVENTION AND  
13 SERVICES PROGRAM IS ESTABLISHED IN THE COMMISSION TO PROVIDE  
14 GRANTS TO COUNTY DISTRICT ATTORNEYS' OFFICES IN ACCORDANCE WITH  
15 THIS CHAPTER.

16           (B) ADMINISTRATION.--THE COMMISSION SHALL ADMINISTER THE  
17 PROGRAM.

18 § 904. DOMESTIC VIOLENCE RESOURCES.

19           UNDER THE PROGRAM:

20           (1) THE COMMISSION SHALL, IN COLLABORATION WITH  
21 NONPROFIT ORGANIZATIONS, DEVELOP DOMESTIC VIOLENCE RESOURCES  
22 TO BE USED BY COUNTY DISTRICT ATTORNEYS' OFFICES FOR VICTIMS  
23 OF DOMESTIC VIOLENCE OR VULNERABLE POPULATIONS.

24           (2) THE COMMISSION MAY REVIEW AND APPROVE DOMESTIC  
25 VIOLENCE RESOURCES FROM OTHER JURISDICTIONS, WHICH MAY BE  
26 USED AS AN ALTERNATIVE TO, OR IN CONJUNCTION WITH, THE  
27 DEVELOPMENT OF DOMESTIC VIOLENCE RESOURCES UNDER PARAGRAPH  
28 (1).

29           (3) A COUNTY DISTRICT ATTORNEY'S OFFICE MAY DEVELOP ITS  
30 OWN DOMESTIC VIOLENCE RESOURCES, BUT TO BE ELIGIBLE FOR A

1 GRANT, THE COMMISSION MUST CERTIFY THAT THE DOMESTIC VIOLENCE  
2 RESOURCES ARE SUBSTANTIALLY SIMILAR TO THOSE DEVELOPED UNDER  
3 PARAGRAPH (1) OR APPROVED UNDER PARAGRAPH (2).

4 § 905. GRANTS.

5 (A) ELIGIBLE USES OF GRANTS.--GRANTS SHALL BE USED FOR THE  
6 DEVELOPMENT AND ADMINISTRATION OF DOMESTIC VIOLENCE RESOURCES.

7 (B) APPLICATION.--THE COMMISSION SHALL DEVELOP AN  
8 APPLICATION FORM FOR APPLICANTS. THE FOLLOWING APPLY:

9 (1) THE APPLICATION FORM, INCLUDING DEADLINES AND  
10 INSTRUCTIONS FOR SUBMITTAL, SHALL BE POSTED ON THE PUBLICLY  
11 ACCESSIBLE INTERNET WEBSITE OF THE COMMISSION.

12 (2) AN APPLICANT SHALL PROVIDE THE FOLLOWING INFORMATION  
13 TO THE COMMISSION:

14 (I) THE NAME AND CONTACT INFORMATION OF THE  
15 APPLICANT.

16 (II) THE AMOUNT OF THE GRANT REQUESTED.

17 (III) THE REASON FOR THE GRANT REQUEST, INCLUDING:

18 (A) THE SPECIFIC DOMESTIC VIOLENCE RESOURCES  
19 THAT WILL BE IMPLEMENTED AND ADMINISTERED.

20 (B) THE ANTICIPATED NUMBER OF INDIVIDUALS TO BE  
21 SERVED.

22 (C) A SCHEDULE FOR THE IMPLEMENTATION OF THE  
23 DOMESTIC VIOLENCE RESOURCES, IF APPLICABLE.

24 (D) AN EXPLANATION OF HOW THE GRANT WILL FULFILL  
25 THE PURPOSES SPECIFIED UNDER THIS CHAPTER.

26 (IV) ANY OTHER INFORMATION THAT THE COMMISSION  
27 REQUIRES.

28 (C) DETERMINATION.--WITHIN 60 DAYS OF THE SUBMITTAL OF THE  
29 APPLICATION UNDER SUBSECTION (B), THE COMMISSION SHALL DETERMINE  
30 WHETHER TO APPROVE OR DENY THE GRANT REQUEST, IN WHOLE OR IN

1 PART.

2 (D) NOTICE.--UPON MAKING A DETERMINATION UNDER SUBSECTION  
3 (C), THE COMMISSION SHALL PROVIDE WRITTEN NOTICE OF THE  
4 DETERMINATION TO THE APPLICANT. IF THE GRANT REQUEST IS DENIED  
5 IN WHOLE OR IN PART, THE WRITTEN NOTICE SHALL INCLUDE THE REASON  
6 FOR THE DENIAL.

7 (E) ADDITIONAL INFORMATION.--THE COMMISSION MAY REQUEST  
8 ADDITIONAL INFORMATION FROM THE APPLICANT THAT MAY BE NECESSARY  
9 TO PROCESS THE GRANT APPLICATION, IN WHICH CASE THE  
10 DETERMINATION DESCRIBED IN SUBSECTION (C) SHALL BE MADE WITHIN  
11 60 DAYS OF THE SUBMITTAL OF THE ADDITIONAL INFORMATION.

12 (F) LIMITATIONS.--

13 (1) GRANTS SHALL BE DISBURSED ON A FIRST-COME, FIRST-  
14 SERVED BASIS DETERMINED BY THE COMMISSION AND UNTIL ALL MONEY  
15 IN THE FUND IS EXHAUSTED.

16 (2) THE COMMISSION MAY SET A CAP ON THE AMOUNT OF A  
17 GRANT.

18 (3) THE COMMISSION SHALL IMPLEMENT ANY NECESSARY POLICY  
19 OR PROCEDURE TO ADMINISTER THE PROGRAM.

20 (4) IN DETERMINING WHETHER TO AWARD GRANTS, THE  
21 COMMISSION SHALL CONSIDER THE GEOGRAPHIC DIVERSITY, NEEDS,  
22 DEMOGRAPHICS, COUNTY CLASSIFICATION AND OTHER FINANCIAL  
23 RESOURCES OF APPLICANTS.

24 § 906. ESTABLISHMENT AND ADMINISTRATION OF FUND.

25 (A) ESTABLISHMENT.--THE DOMESTIC VIOLENCE PREVENTION AND  
26 SERVICES FUND IS ESTABLISHED AS A NONLAPSING FUND IN THE STATE  
27 TREASURY TO CARRY OUT THE PURPOSES OF THE PROGRAM.

28 (B) OPERATION.--

29 (1) ALL MONEY DEPOSITED INTO THE FUND AND INTEREST AND  
30 OTHER EARNINGS ON THE MONEY IN THE FUND ARE APPROPRIATED TO

1 THE COMMISSION ON A CONTINUING BASIS TO AWARD GRANTS.

2 (2) ANY MONEY REMAINING IN THE FUND AT THE END OF EACH  
3 FISCAL YEAR, INCLUDING INTEREST AND OTHER EARNINGS, SHALL NOT  
4 REVERT TO THE GENERAL FUND BUT SHALL REMAIN IN THE FUND.

5 (C) FUND SOURCES.--THE COMMISSION MAY SOLICIT AND ACCEPT  
6 FUNDING FOR THE PROGRAM, INCLUDING MONEY APPROPRIATED BY THE  
7 GENERAL ASSEMBLY, FEDERAL MONEY, GRANTS, DONATIONS, GIFTS AND  
8 OTHER PAYMENTS FROM ANY SOURCE, WHICH SHALL BE DEPOSITED INTO  
9 THE FUND.

10 (D) INTERFUND TRANSFER.--UPON THE EFFECTIVE DATE OF THIS  
11 SUBSECTION, THE AMOUNT OF \$500,000 SHALL BE TRANSFERRED FROM THE  
12 GENERAL FUND TO THE FUND.

13 § 907. REPORTS.

14 (A) SUBMITTAL.--NO LATER THAN THE AUGUST 1 THAT IS AT LEAST  
15 ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION AND EACH  
16 AUGUST 1 THEREAFTER, THE COMMISSION SHALL SUBMIT A REPORT ON THE  
17 PROGRAM TO THE FOLLOWING:

18 (1) THE GOVERNOR.

19 (2) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
20 APPROPRIATIONS COMMITTEE OF THE SENATE.

21 (3) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
22 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

23 (4) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
24 JUDICIARY COMMITTEE OF THE SENATE.

25 (5) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
26 JUDICIARY COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

27 (B) CONTENTS.--EACH ANNUAL REPORT UNDER THIS SECTION SHALL  
28 INCLUDE THE FOLLOWING:

29 (1) THE NUMBER OF GRANT APPLICATIONS RECEIVED UNDER THE  
30 PROGRAM.



1           (2) THE NUMBER OF GRANTS AWARDED.  
2           (3) THE TOTAL AMOUNT OF GRANTS AWARDED.  
3           (4) THE AMOUNT OF EACH GRANT AWARDED.  
4           (5) THE PURPOSE OR PURPOSES SERVED THROUGH THE AWARD OF  
5 EACH GRANT.

6           (6) THE NUMBER OF GRANTS DENIED, IN WHOLE OR IN PART,  
7 ALONG WITH THE REASONS FOR THE DENIAL.

8           (7) THE AMOUNT REMAINING IN THE FUND.

9           (8) ANY RECOMMENDATIONS BY THE COMMISSION TO IMPROVE THE  
10 PROGRAM.

11       (C) POSTING.--EACH ANNUAL REPORT UNDER THIS SECTION SHALL BE  
12 POSTED ON THE PUBLICLY ACCESSIBLE INTERNET WEBSITE OF THE  
13 COMMISSION.

14 § 908. RULES AND REGULATIONS.

15       THE COMMISSION SHALL ADOPT OR PROMULGATE ANY NECESSARY RULE  
16 OR REGULATION TO IMPLEMENT, ADMINISTER AND ENFORCE THE  
17 PROVISIONS OF THIS CHAPTER.

18       SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.