
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 449 Session of
2017

INTRODUCED BY BARTOLOTTA, TARTAGLIONE, VULAKOVICH, BREWSTER,
YUDICHAK, RAFFERTY, GORDNER, VOGEL, COSTA, HUGHES, WARD,
BROWNE AND KILLION, FEBRUARY 27, 2017

REFERRED TO JUDICIARY, FEBRUARY 27, 2017

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in assault, further providing for
3 probable cause arrests in domestic violence cases.

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

6 Section 1. Section 2711(c)(2) of Title 18 of the
7 Pennsylvania Consolidated Statutes is amended and the section is
8 amended by adding a subsection to read:

9 § 2711. Probable cause arrests in domestic violence cases.

10 * * *

11 (c) Bail.--

12 * * *

13 (2) In determining whether to admit the defendant to
14 bail, the issuing authority shall consider whether the
15 defendant poses a threat of danger to the victim and may use
16 a risk assessment tool adopted under subsection (e). If the
17 issuing authority makes such a determination, it shall
18 require as a condition of bail that the defendant shall

1 refrain from entering the residence or household of the
2 victim and the victim's place of employment and shall refrain
3 from committing any further criminal conduct against the
4 victim and shall so notify the defendant thereof at the time
5 the defendant is admitted to bail. Such condition shall
6 expire at the time of the preliminary hearing or upon the
7 entry or the denial of the protection of abuse order by the
8 court, whichever occurs first. A violation of this condition
9 may be punishable by the revocation of any form of pretrial
10 release or the forfeiture of bail and the issuance of a bench
11 warrant for the defendant's arrest or remanding him to
12 custody or a modification of the terms of the bail. The
13 defendant shall be provided a hearing on this matter.

14 * * *

15 (e) Risk assessment tool.--A court of common pleas may adopt
16 a bail risk assessment tool to aid in evaluating the relative
17 risk that a defendant will assault the defendant's alleged
18 victim while on bail.

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