

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 500 Session of 2017

INTRODUCED BY VULAKOVICH, KILLION, BARTOLOTTA, COSTA, HUGHES, MENSCH, RAFFERTY, RESCHENTHALER, MCGARRIGLE, BROOKS AND TARTAGLIONE, MARCH 28, 2017

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 9, 2018

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in protection from abuse, further
3 providing for commencement of proceedings.

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

6 Section 1. ~~Section 6106(h) of Title 23 of the Pennsylvania~~ <--
7 Consolidated Statutes is amended to read:

8 § 6106. ~~Commencement of proceedings.~~

9 * * *

10 (h) ~~Assistance and advice to plaintiff. The courts and~~
11 ~~hearing officers shall:~~

12 (1) ~~Provide simplified forms and clerical assistance in~~
13 ~~English and Spanish to help with the writing and filing of~~
14 ~~the petition for a protection order for an individual not~~
15 ~~represented by counsel.~~

16 (2) ~~Provide the plaintiff with written and oral~~
17 ~~referrals, in English and Spanish, to the local domestic~~

1 ~~violence program, to the local legal services office and to~~
2 ~~the county bar association's lawyer referral service.~~

3 ~~(3) Direct the police, sheriff or other individual~~
4 ~~approved by the court as an alternate designee to accompany~~
5 ~~the plaintiff to the plaintiff's residence before or during~~
6 ~~service of the petition and orders, if the plaintiff avers~~
7 ~~that the assistance is necessary to protect the plaintiff's~~
8 ~~safety.~~

9 ~~Section 2. This act shall take effect in 60 days.~~

10 SECTION 1. SECTION 6106(D) OF TITLE 23 OF THE PENNSYLVANIA <--
11 CONSOLIDATED STATUTES IS AMENDED AND THE SECTION IS AMENDED BY
12 ADDING A SUBSECTION TO READ:

13 § 6106. COMMENCEMENT OF PROCEEDINGS.

14 * * *

15 (A.3) NOTIFICATION OF NEED TO PROTECT PLAINTIFF.--THE
16 PLAINTIFF SHALL NOTIFY THE COURT ANYTIME DURING THE PERIOD
17 COMMENCING UPON FILING THE PETITION AND GRANTING OF AN ORDER OR
18 APPROVING A CONSENT AGREEMENT AT A HEARING HELD UNDER SECTION
19 6107(A) (RELATING TO HEARINGS) IF THE PLAINTIFF HAS REASON TO
20 BELIEVE THE PLAINTIFF'S SAFETY IS AT RISK. IN SUCH A CASE, THE
21 COURT SHALL DIRECT THE PENNSYLVANIA STATE POLICE, THE MUNICIPAL
22 POLICE OR THE SHERIFF TO ACCOMPANY THE PLAINTIFF TO THE
23 PLAINTIFF'S RESIDENCE TO RETRIEVE PERSONAL BELONGINGS OR TO
24 ACCOMPANY THE PLAINTIFF WHILE THE PETITION OR ORDER IS SERVED
25 UPON THE DEFENDANT BY THE SHERIFF OR COMPETENT ADULT, AS SET
26 FORTH IN THE PENNSYLVANIA RULES OF CIVIL PROCEDURE.

27 * * *

28 (D) SURCHARGE ON ORDER.--WHEN A PROTECTION ORDER IS GRANTED
29 UNDER SECTION 6107(A) [(RELATING TO HEARINGS)], OTHER THAN
30 PURSUANT TO AN AGREEMENT OF THE PARTIES, A SURCHARGE OF \$100

1 SHALL BE ASSESSED AGAINST THE DEFENDANT. ALL MONEYS RECEIVED
2 FROM SURCHARGES SHALL BE DISTRIBUTED IN THE FOLLOWING ORDER OF
3 PRIORITY:

4 (1) \$25 SHALL BE FORWARDED TO THE COMMONWEALTH AND SHALL
5 BE APPROPRIATED TO THE PENNSYLVANIA STATE POLICE TO ESTABLISH
6 AND MAINTAIN THE STATEWIDE REGISTRY OF PROTECTION ORDERS
7 PROVIDED FOR IN SECTION 6105.

8 (2) \$50 SHALL BE RETAINED BY THE COUNTY AND SHALL BE
9 USED TO CARRY OUT THE PROVISIONS OF THIS CHAPTER AS FOLLOWS:

10 (I) \$25 SHALL BE USED BY THE SHERIFF.

11 (II) \$25 SHALL BE USED BY THE COURT.

12 (3) \$25 SHALL BE FORWARDED TO THE DEPARTMENT OF PUBLIC
13 WELFARE FOR USE FOR VICTIMS OF DOMESTIC VIOLENCE IN
14 ACCORDANCE WITH THE PROVISIONS OF SECTION 2333 OF THE ACT OF
15 APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE
16 CODE OF 1929.

17 * * *

18 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 180 DAYS.