
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 796 Session of
2023

INTRODUCED BY MARSHALL, KULIK, CERRATO, GUENST, HOWARD, JAMES,
KINSEY, MADDEN, OTTEN, PICKETT, SHUSTERMAN AND CONKLIN,
APRIL 3, 2023

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 3, 2023

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

6 Section 1. The definition of "abuse" in section 6102(a) of
7 Title 23 of the Pennsylvania Consolidated Statutes is amended to
8 read:

9 § 6102. Definitions.

10 (a) General rule.--The following words and phrases when used
11 in this chapter shall have the meanings given to them in this
12 section unless the context clearly indicates otherwise:

13 "Abuse." The occurrence of one or more of the following acts
14 between family or household members, sexual or intimate partners
15 or persons who share biological parenthood:

16 (1) Attempting to cause or intentionally, knowingly or
17 recklessly causing bodily injury, serious bodily injury,
18 rape, involuntary deviate sexual intercourse, sexual assault,

1 statutory sexual assault, aggravated indecent assault,
2 indecent assault or incest with or without a deadly weapon.

3 (2) Placing another in reasonable fear of imminent
4 serious bodily injury.

5 (3) The infliction of false imprisonment pursuant to 18
6 Pa.C.S. § 2903 (relating to false imprisonment).

7 (4) Physically or sexually abusing minor children,
8 including such terms as defined in Chapter 63 (relating to
9 child protective services).

10 (5) Knowingly engaging in a course of conduct or
11 repeatedly committing acts toward another person, including
12 following the person, without proper authority, under
13 circumstances which place the person in reasonable fear of
14 bodily injury. The definition of this paragraph applies only
15 to proceedings commenced under this title and is inapplicable
16 to any criminal prosecutions commenced under Title 18
17 (relating to crimes and offenses).

18 (6) Communicating with another person through verbal or
19 electronic means which places the recipient in reasonable
20 fear of bodily injury to himself or herself or to a family or
21 household member.

22 * * *

23 Section 2. Section 6108 of Title 23 is amended by adding
24 subsections to read:

25 § 6108. Relief.

26 * * *

27 (j) Consideration of drug or excessive alcohol use.--In
28 determining whether to grant any protection order or approve any
29 consent agreement to bring about a cessation of abuse of the
30 plaintiff or minor children under subsection (a), the court may

1 consider the defendant's drug or excessive alcohol use.

2 (k) Consideration of mental abuse.--In determining whether
3 to grant any protection order or approve any consent agreement
4 to bring about a cessation of abuse of the plaintiff or minor
5 children under subsection (a), the court may consider the
6 defendant's mental abuse of the plaintiff or minor children.

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