
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1535 Session of
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INTRODUCED BY HARHAI, BRENNAN, COHEN, D. COSTA, DAVIS,
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READSHAW, WAGNER AND YOUNGBLOOD, MAY 11, 2011

REFERRED TO COMMITTEE ON JUDICIARY, MAY 11, 2011

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in assault, further providing for the offense of
4 harassment; and providing for peace orders.

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

7 Section 1. Section 2709(a), (c) and (f) of Title 18 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 2709. Harassment.

10 (a) Offense defined.--A person commits the crime of
11 harassment when, with intent to harass, annoy or alarm another,
12 the person:

13 (1) strikes, shoves, kicks or otherwise subjects the
14 other person to physical contact, or attempts or threatens to
15 do the same;

16 (2) follows the other person in or about a public place
17 or places;

18 (3) engages in a course of conduct or repeatedly commits

1 acts which serve no legitimate purpose;

2 (4) communicates to or about such other person any lewd,
3 lascivious, threatening or obscene words, language, drawings
4 or caricatures;

5 (5) communicates repeatedly in an anonymous manner;

6 (6) communicates repeatedly at extremely inconvenient
7 hours; [or]

8 (7) communicates repeatedly in a manner other than
9 specified in paragraphs (4), (5) and (6)[.];

10 (8) engages in a course of conduct or repeatedly commits
11 acts which cause a reasonable fear of injury; or

12 (9) damages premises primarily used for religious
13 purposes or maintained for religious instruction and the
14 damage to the premises exceeds \$50.

15 * * *

16 (c) Grading.--

17 [(1) An offense under subsection (a)(1), (2) or (3)
18 shall constitute a summary offense.

19 (2) (i) An offense under subsection (a)(4), (5), (6) or
20 (7) shall constitute a misdemeanor of the third degree.]

21 (1) An offense under subsection (a)(2) or (3), when done
22 intentionally and repeatedly, shall constitute harassment in
23 the first degree and shall be punishable as a second degree
24 misdemeanor.

25 (2) An offense under subsection (a)(1), (2) or (3), when
26 done with an intent to harass, annoy or alarm another person,
27 shall constitute harassment in the second degree and shall be
28 punishable as a third degree misdemeanor.

29 (3) An offense shall be graded aggravated harassment in
30 the second degree and punishable as a first degree

1 misdemeanor if one of the following apply:

2 (i) An offense under subsection (a) (4), (5), (6) or
3 (7), when done with the intent to harass, annoy, threaten
4 or alarm another person.

5 (ii) An offense under subsection (a) (1), when
6 committed due to a belief or perception, whether or not
7 accurate, regarding the victim's race, color, national
8 origin, ancestry, gender, religion, religious practice,
9 age, disability or sexual orientation.

10 (iii) An offense under paragraph (1), and a previous
11 conviction of the crime of harassment within the
12 preceding ten years.

13 (4) An offense shall be graded as aggravated harassment
14 in the first degree, punishable as a third degree felony, if
15 one of the following apply:

16 (i) An offense under subsection (a) (9), when done
17 with the intent to harass, annoy, threaten or alarm
18 another person because of a belief or perception
19 regarding the victim, whether or not accurate, regarding
20 the victim's race, color, national origin, ancestry,
21 gender, religion, religious practice, age, disability or
22 sexual orientation.

23 (ii) A second or subsequent offense under paragraph
24 (3) or (4) within ten years, when done with the intent to
25 harass, annoy, threaten or alarm another person because
26 of a belief or perception regarding the victim, whether
27 or not accurate, regarding the victim's race, color,
28 national origin, ancestry, gender, religion, religious
29 practice, age, disability or sexual orientation.

30 (5) A second or subsequent offense under subsection (a)

1 (1), (2), (3), (4), (5), (6), (7), (8) or (9) shall be
2 rebuttable proof of intent as required under paragraph (3) or
3 (4).

4 * * *

5 (f) Definitions.--As used in this section, the following
6 words and phrases shall have the meanings given to them in this
7 subsection:

8 "Communicates." Conveys a message without intent of
9 legitimate communication or address by oral, nonverbal, written
10 or electronic means, including telephone, electronic mail,
11 texting, Internet, facsimile, telex, wireless communication or
12 similar transmission.

13 "Course of conduct." A pattern of actions composed of more
14 than one act over a period of time, however short, evidencing a
15 continuity of conduct. Acts indicating a course of conduct which
16 occur in more than one jurisdiction may be used by any other
17 jurisdiction in which an act occurred as evidence of a
18 continuing pattern of conduct or a course of conduct.

19 Section 2. Title 42 is amended by adding a chapter to read:

20 CHAPTER 62
21 PEACE ORDERS

22 Sec.

23 6201. Definitions.

24 6202. Applicability.

25 6203. Petition for peace order.

26 6204. Emergency orders.

27 6205. Temporary orders.

28 6206. Hearings.

29 6207. Modifications.

30 6208. Disclosures.

1 6209. Violations.
2 6210. Registry.
3 6211. Foreign peace orders.
4 6212. Regulations.
5 6213. Immunity.
6 6214. Inability to pay.
7 6215. Construction.
8 § 6201. Definitions.

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

12 "Comparable court." A foreign court that:

13 (1) Has subject matter jurisdiction and is authorized to
14 issue ex parte, emergency, temporary or final protection
15 orders in that jurisdiction.

16 (2) Possessed jurisdiction over the parties when the
17 protection order was issued in that jurisdiction.

18 "Emergency peace order." An order that a hearing officer
19 issues under this chapter pending a hearing by a judge on a
20 petition.

21 "Final peace order." A peace order issued by a judge under
22 section 6203 (relating to petition for peace order).

23 "Foreign peace order." A peace or other order that is
24 similarly issued by a comparable court of another state, the
25 District of Columbia, Native American tribe or territory,
26 possession or commonwealth of the United States.

27 "Geographic exclusion zones." A court-defined area around
28 the victim's residence, place of employment or school.

29 "Hearing officer." A magisterial district judge, judge of
30 the Philadelphia Municipal Court, arraignment court magistrate

1 appointed under section 1123 (relating to jurisdiction and
2 venue), master appointed under section 1126 (relating to
3 masters) and master for emergency relief.

4 "Interim peace order." An order that a commissioner issues
5 under this chapter pending a hearing by a judge on a petition.

6 "Master for emergency relief." A member of the bar of the
7 Commonwealth appointed under section 6204 (relating to emergency
8 orders).

9 "Petitioner." An individual, including a parent or guardian
10 of a minor child acting on the child's behalf, who files a
11 petition under section 6203 (relating to petition for peace
12 order).

13 "Residence." The term includes the yard, grounds,
14 outbuildings and common areas surrounding a residence.

15 "Respondent." An individual alleged in a petition to have
16 committed an act specified in section 6203(a) (relating to
17 petition for peace order) against a petitioner.

18 "Sheriff."

19 (1) Except as provided in paragraph (2), the sheriff of
20 the county.

21 (2) In a city of the first class, the chief or head of
22 the police department.

23 "Temporary peace order." A peace order issued by a judge
24 under section 6205 (relating to temporary orders).

25 (b) Other terms.--Terms not otherwise defined in this
26 chapter shall have the meaning given to them in 18 Pa.C.S.
27 (relating to crimes and offenses).

28 § 6202. Applicability.

29 (a) General.--By proceeding under this chapter, a petitioner
30 is not limited to or precluded from pursuing any other legal

1 remedy.

2 (b) Limitations.--This chapter does not apply to:

3 (1) A petitioner eligible for relief under 23 Pa.C.S.
4 Ch. 61 (relating to protection from abuse).

5 (2) A respondent who is 17 years of age or younger at
6 the time of the alleged commission of an act specified in
7 section 6203(a) (relating to petition for peace order).

8 § 6203. Petition for peace order.

9 (a) Filing.--A petitioner may seek relief under this chapter
10 by filing with the court, or with a hearing officer under the
11 circumstances specified in section 6204(a) (relating to
12 emergency orders), a petition that alleges the commission of any
13 of the following acts against the petitioner by the respondent,
14 if the act occurred within 30 days before the filing of the
15 petition:

16 (1) An act that causes serious bodily harm.

17 (2) An act that places the petitioner in fear of
18 imminent serious bodily harm.

19 (3) Assault in any degree.

20 (4) Rape or sexual offense under 18 Pa.C.S. Ch. 31
21 (relating to sexual offenses).

22 (5) False imprisonment under 18 Pa.C.S. § 2903 (relating
23 to false imprisonment).

24 (6) Aggravated harassment in the first or second degree
25 under 18 Pa.C.S. § 2709 (relating to harassment).

26 (7) Stalking under 18 Pa.C.S. § 2709.1 (relating to
27 stalking).

28 (8) Trespassing.

29 (9) Kidnapping under 18 Pa.C.S. § 2901 (relating to
30 kidnapping).

1 (b) Information required.--The petition shall:

2 (1) Be under oath and provide notice to the petitioner
3 that an individual who knowingly provides false information
4 in the petition is guilty of a misdemeanor and shall, upon
5 conviction, be sentenced to the penalties specified in
6 subsection (d).

7 (2) Subject to the provisions of subsection (c), contain
8 the address of the petitioner.

9 (3) Include all information known to the petitioner of:

10 (i) The nature and extent of the act specified in
11 subsection (a) for which the relief is being sought,
12 including information known to the petitioner concerning
13 previous harm or injury resulting from an act specified
14 in subsection (a) by the respondent.

15 (ii) Each previous and pending action between the
16 parties in any court.

17 (iii) The whereabouts of the respondent.

18 (c) Address redaction.--If a petitioner alleges and the
19 commissioner or judge finds, in a proceeding under this chapter,
20 that the disclosure of the address of the petitioner would risk
21 further harm to the petitioner, that address may be stricken
22 from the petition and omitted from all other documents filed
23 with the commissioner or filed with or transferred to a court.

24 (d) Penalties.--An individual who knowingly provides false
25 information in a petition filed under this section is guilty of
26 a misdemeanor and shall, upon conviction, be sentenced to pay a
27 fine of not more than \$1,000 or to imprisonment for not more
28 than 90 days, or both.

29 (e) Fees.--A petitioner under this chapter shall not be
30 charged fees or costs associated with filing, issuance,

1 registration or service of a petition, motion, complaint, order
2 or other filing. A petitioner under this chapter shall not be
3 assessed any fees or costs associated with filing a motion for
4 reconsideration or an appeal from any order or action taken
5 under this chapter. Nothing in this subsection is intended to
6 expand or diminish the court's authority to enter an order under
7 Pa.R.C.P. No. 1023.1 (relating to Scope. Signing of documents.
8 Representations to the Court. Violation.).
9 § 6204. Emergency orders.

10 (a) General rule.--As set forth in subsection (b), when a
11 court is unavailable, a petition may be filed before a hearing
12 officer who may grant relief in accordance with section 6206
13 (relating to hearings) if the hearing officer deems it necessary
14 to protect the petitioner upon good cause shown in an ex parte
15 proceeding. Immediate and present danger to the petitioner shall
16 constitute good cause for the purposes of this subsection.

17 (b) Unavailable.--

18 (1) In counties with fewer than four judges, the court
19 is unavailable:

20 (i) From the close of business at the end of each
21 day to the resumption of business the next morning.

22 (ii) From the end of the business week to the
23 beginning of the business week.

24 (iii) During the business day by reason of duties
25 outside the county, illness or vacation.

26 (2) In counties with four or more judges, the court is
27 unavailable:

28 (i) From the close of business at the end of each
29 day to the resumption of business the next morning.

30 (ii) From the end of the business week to the

1 beginning of the business week.

2 (c) Guidelines.--An emergency peace order:

3 (1) shall contain only the relief that is minimally
4 necessary to protect the petitioner; and

5 (2) may order the respondent to:

6 (i) refrain from committing or threatening to commit
7 an act specified in section 6203(a) (relating to petition
8 for peace order) against the petitioner;

9 (ii) refrain from contacting, attempting to contact
10 or harassing the petitioner;

11 (iii) refrain from entering the residence of the
12 petitioner; and

13 (iv) refrain from entering the geographic exclusion
14 zone.

15 (d) Expiration of order.--An order issued under subsection
16 (a) shall expire at the end of the next business day the court
17 deems itself available. The court shall schedule hearings on
18 peace orders entered by hearing officers under subsection (a)
19 and shall review and continue in effect peace orders that are
20 necessary to protect the petitioner until the hearing, at which
21 time the petitioner may seek a temporary order from the court.

22 (e) Certification of order to court.--An emergency order
23 issued under this section and documentation in support thereof
24 shall be immediately certified to the court. The certification
25 to the court shall have the effect of commencing proceedings
26 under section 6203 and invoking the other provisions of this
27 chapter. If it is not already alleged in a petition for an
28 emergency order, the petitioner shall file a verified statement
29 setting forth the acts committed by the respondent against the
30 petitioner at least five days prior to the hearing. Service of

1 the verified statement shall be made subject to section 6205(b)
2 (relating to temporary orders).

3 (f) Masters for emergency relief.--The president judge of a
4 court of common pleas of a judicial district may, with the
5 approval of the Administrative Office of Pennsylvania Courts,
6 provide for the selection and appointment of a master for
7 emergency relief on a full-time or part-time basis. The number
8 of masters for emergency relief shall be fixed by the president
9 judge with the approval of the Administrative Office of
10 Pennsylvania Courts. The compensation of a master for emergency
11 relief shall be fixed and paid by the county. Nothing in this
12 subsection shall prohibit or require any master for emergency
13 relief in 23 Pa.C.S. § 6110 (relating to emergency relief by
14 minor judiciary) from performing the duties for both protection
15 and peace orders.

16 (g) Authority.--A decision of a hearing officer to grant or
17 deny relief under this section is not binding on and does not
18 affect any power granted to or duty imposed on a judge of a
19 court of common pleas or any other court under any law,
20 including any power to grant or deny a petition for a temporary
21 peace order or final peace order.

22 (h) Penalties.--An individual who knowingly provides false
23 information in a petition filed under this section is guilty of
24 a misdemeanor and shall, upon conviction, be sentenced to pay a
25 fine of not more than \$1,000 or to imprisonment for not more
26 than 90 days, or both.

27 § 6205. Temporary orders.

28 (a) General. --

29 (1) If, after a hearing on a petition, whether ex parte
30 or otherwise, a judge finds that there are reasonable grounds

1 to believe that the respondent has committed, and is likely
2 to commit in the future, an act specified in section 6203(a)
3 (relating to petition for peace order) against the
4 petitioner, the judge may issue a temporary peace order to
5 protect the petitioner.

6 (2) The temporary peace order may include any or all of
7 the following relief:

8 (i) order the respondent to refrain from committing
9 or threatening to commit an act specified in section
10 6203(a) against the petitioner;

11 (ii) order the respondent to refrain from
12 contacting, attempting to contact or harassing the
13 petitioner;

14 (iii) order the respondent to refrain from entering
15 the residence of the petitioner; and

16 (iv) order the respondent to refrain from entering
17 the geographic exclusion zone.

18 (3) If the judge issues an order under this section, the
19 order shall contain only the relief that is minimally
20 necessary to protect the petitioner.

21 (b) Service.--

22 (1) The petition and orders shall be served upon the
23 respondent, and orders shall be served upon the police
24 departments and sheriff with appropriate jurisdiction to
25 enforce the orders.

26 (2) Failure to serve shall not stay the effect of a
27 valid order.

28 (3) The court shall adopt a means of prompt and
29 effective service in those instances where the petitioner
30 avers that service cannot be safely effected by an individual

1 other than a law enforcement officer or where the court so
2 orders.

3 (4) If the court so orders, the sheriff or other
4 designated agency or individual shall serve the petition and
5 order.

6 (c) Time.--

7 (1) The temporary peace order shall be effective for no
8 more than seven days after service of the order.

9 (2) The judge may extend the temporary peace order as
10 needed, but not to exceed 30 days, to effectuate service of
11 the order where necessary to provide protection or for other
12 good cause.

13 (d) Final peace order hearing.--The judge may proceed with a
14 final peace order hearing instead of a temporary peace order
15 hearing if:

16 (1) one of the following applies:

17 (i) the respondent appears at the hearing;

18 (ii) the respondent has been served with an
19 emergency peace order; or

20 (iii) the court otherwise has personal jurisdiction
21 over the respondent.

22 (2) the petitioner and the respondent expressly consent
23 to waive the temporary peace order hearing.

24 § 6206. Hearings.

25 (a) General.--A respondent shall have an opportunity to be
26 heard on the question of whether the judge should issue a final
27 peace order.

28 (b) Mandated information.--

29 (1) The following information must be clearly stated on
30 or with the served documents to the respondent:

1 (i) The temporary peace order shall state the date
2 and time of the final peace order hearing.

3 (ii) Unless continued for good cause, the final
4 peace order hearing shall be held no later than seven
5 days after the temporary peace order is served on the
6 respondent.

7 (2) The temporary peace order shall include notice to
8 the respondent:

9 (i) in at least ten-point bold type, that if the
10 respondent fails to appear at the final peace order
11 hearing, the respondent may be served by first-class mail
12 at the respondent's last known address with the final
13 peace order and all other notices concerning the final
14 peace order;

15 (ii) specifying all the possible forms of relief
16 under subsection (d) that the final peace order may
17 contain;

18 (iii) that the final peace order shall be effective
19 for the period stated in the order, not to exceed six
20 months; and

21 (iv) in at least ten-point bold type, that the
22 respondent must notify the court in writing of any change
23 of address.

24 (c) Hearings.--

25 (1) If the respondent appears for the final peace order
26 hearing, has been served with an emergency peace order or a
27 temporary peace order or the court otherwise has personal
28 jurisdiction over the respondent, the judge:

29 (i) may proceed with the final peace order hearing;
30 and

1 (ii) if the judge finds by clear and convincing
2 evidence that the respondent has committed, and is likely
3 to commit in the future, an act specified in section
4 6203(a) (relating to petition for peace order) against
5 the petitioner or if the respondent consents to the entry
6 of a peace order, the court may issue a final peace order
7 to protect the petitioner.

8 (2) A final peace order may be issued only to an
9 individual who has filed a petition under section 6203.

10 (3) In cases where both parties file a petition under
11 section 6203, the judge may issue mutual peace orders if the
12 judge finds by clear and convincing evidence that each party
13 has committed, and is likely to commit in the future, an act
14 specified in section 6203(a) against the other party.

15 (d) Relief.--

16 (1) The final peace order may include any or all of the
17 following relief:

18 (i) Order the respondent to refrain from committing
19 or threatening to commit an act specified in section
20 6203(a) against the petitioner.

21 (ii) Order the respondent to refrain from
22 contacting, attempting to contact or harassing the
23 petitioner.

24 (iii) Order the respondent to refrain from entering
25 the residence of the petitioner.

26 (iv) Order the respondent to refrain from entering
27 the geographic exclusion zone.

28 (v) Direct the respondent or petitioner to
29 participate in professionally supervised counseling or,
30 if the parties are amenable, mediation.

1 (vi) Order the respondent to pay filing fees and
2 costs of a proceeding under this chapter.

3 (2) If the judge issues an order under this section, the
4 order shall contain only the relief that is minimally
5 necessary to protect the petitioner.

6 (3) The court shall assess fees and costs against the
7 defendant when an order is granted under this chapter. The
8 court shall only waive fees upon a showing of good cause or
9 when the court makes a finding that the respondent is not
10 able to pay the costs.

11 (e) Service of final order.--

12 (1) A copy of the final peace order shall be served on
13 the petitioner, the respondent, the appropriate law
14 enforcement agency and any other person the court determines
15 is appropriate in open court or, if the person is not present
16 at the final peace order hearing, by any manner of service
17 acceptable pursuant to 23 Pa.C.S. § 6109 (relating to service
18 of orders).

19 (2) A copy of the final peace order served on the
20 respondent in accordance with paragraph (1) constitutes
21 actual notice to the respondent of the contents of the final
22 peace order.

23 (f) Duration of final order.--All relief granted in a final
24 peace order shall be effective for the period stated in the
25 order, not to exceed six months.

26 (g) Mutual orders.--Mutual peace orders shall not be awarded
27 unless both parties have filed timely written petitions,
28 complied with service requirements and are eligible for peace
29 orders. The court shall make separate findings, and where
30 issuing orders on behalf of both petitioners, enter separate

1 orders.

2 § 6207. Modifications.

3 (a) General.--A peace order may be modified or rescinded
4 during the term of the peace order after:

5 (1) giving notice to the petitioner and the respondent;
6 and

7 (2) a hearing.

8 (b) Appeals. --

9 (1) If a court of common pleas judge grants or denies
10 relief under a petition filed under this chapter, a
11 respondent or a petitioner may appeal to the Superior Court
12 for the county where the court of common pleas is located.

13 (2) An appeal taken under this subsection to the
14 Superior Court shall be heard de novo in the Superior Court.

15 (3) (i) If an appeal is filed under this subsection,
16 the court of common pleas judgment shall remain in effect
17 until superseded by a judgment of the Superior Court.

18 (ii) Unless the Superior Court orders otherwise,
19 modification or enforcement of the court of common pleas
20 order shall be by the court of common pleas.

21 (c) Extensions.--

22 (1) An extension of a peace order may be granted in the
23 following circumstances:

24 (i) Where the court finds, after a duly filed
25 petition, notice to the respondent and a hearing in
26 accordance with the procedures set forth in this chapter,
27 that the respondent committed one or more of the
28 enumerated acts in section 6203 (relating to petition for
29 peace order) after the entry of the original peace order
30 or that the respondent engaged in a pattern or practice

1 that indicates a continued risk of harm to the
2 petitioner.

3 (ii) When a contempt petition or charge has been
4 filed with the court or with a hearing officer in
5 Philadelphia County, but the hearing has not occurred
6 before the expiration of the protection order, the order
7 shall be extended, at a minimum, until the disposition of
8 the contempt petition and may be extended for another
9 term beyond the disposition of the contempt petition.

10 (2) Service of an extended order shall be made in
11 accordance with this chapter.

12 (3) There shall be no limit on the number of extensions
13 that may be granted.

14 § 6208. Disclosures.

15 (a) General.--An emergency peace order, temporary peace
16 order and final peace order issued under this chapter shall
17 state that a violation of the order may result in:

18 (1) criminal prosecution; and

19 (2) imprisonment or fine, or both.

20 (b) Violations.--A temporary peace order and final peace
21 order issued under this chapter shall state that a violation of
22 the order may result in a finding of contempt.

23 § 6209. Violations.

24 (a) General.--An individual who fails to comply with the
25 relief granted in an emergency peace order under section 6204
26 (relating to emergency orders), a temporary peace order under
27 section 6205(a)(2) (relating to temporary orders), a foreign
28 peace order under section 6211 (relating to foreign peace
29 orders) or a final peace order under section 6206(d) (relating
30 to hearings) is guilty of a misdemeanor and shall, upon

1 conviction, be sentenced, for each offense, to pay a fine of not
2 less than \$200 nor more than \$1,000 or to imprisonment not to
3 exceed 90 days, or both.

4 (b) Arrest.--A law enforcement officer shall arrest with or
5 without a warrant and take into custody an individual whom the
6 officer has probable cause to believe is in violation of an
7 emergency peace order, temporary peace order, foreign peace
8 order or final peace order in effect at the time of the
9 violation. The officer may verify the existence of a peace order
10 by telephone, radio or other electronic communication device
11 with the department, the Pennsylvania State Police registry,
12 protection order on file or issuing authority. Upon arrest, the
13 respondent shall be afforded a preliminary hearing without
14 unnecessary delay before a court of common pleas judge or a
15 hearing officer. A formal hearing shall be scheduled within ten
16 days of the filing of the charge. A law enforcement agency shall
17 make reasonable efforts to notify the petitioner protected by a
18 peace order of the arrest of the respondent for a violation
19 within 24 hours of the arrest.

20 (c) Petitioner filings.--A petitioner may file a petition
21 for civil contempt with the issuing court alleging that the
22 respondent has violated a provision of an order or court-
23 approved agreement issued under this chapter or a foreign peace
24 order. Upon finding a violation of a peace order, the court may
25 hold the respondent in civil contempt and constrain the
26 respondent in accordance with law.

27 (d) Fines.--Fines paid by the respondent shall be
28 distributed as follows:

29 (1) \$100 shall be retained by the county and shall be
30 used to carry out the provisions of this chapter as follows:

1 (i) \$50 shall be used by the sheriff.

2 (ii) \$50 shall be used by the court.

3 (2) All other money received shall go to the
4 Commonwealth and shall be appropriated to the Pennsylvania
5 State Police to establish and maintain the Statewide registry
6 of peace orders provided in section 6210 (relating to
7 registry).

8 (e) Respondent's rights.--

9 (1) The respondent shall not have the right to a jury
10 trial for a charge of violating a peace order.

11 (2) The respondent shall have the right to an attorney.

12 (3) Upon conviction and at the request of the
13 petitioner, the court shall also grant an extension of the
14 peace order.

15 (4) Upon conviction, the court shall notify the sheriff
16 of the jurisdiction which issued the order of the conviction.

17 (f) Notification of release.--The appropriate releasing
18 authority or other official, as designated by local rule, shall
19 use all reasonable means to notify the victim sufficiently in
20 advance of the release of the offender from any incarceration
21 imposed under this section. The petitioner must keep the
22 appropriate releasing authority or other official as designated
23 by local rule advised of contact information. Failure to do so
24 will constitute a waiver of any right to notification under this
25 section.

26 § 6210. Registry.

27 (a) Establishment.--The Pennsylvania State Police shall
28 establish a Statewide registry of peace orders and shall
29 maintain a complete and systemic record and index of all valid
30 temporary and final court orders, court-approved consent

1 agreements and foreign peace orders filed under section 6211
2 (relating to foreign peace orders). The Statewide registry shall
3 include, at a minimum, the following:

4 (1) The names of the petitioner and protected parties.

5 (2) The name and address of the respondent.

6 (3) The date the order was entered.

7 (4) The date the order expires.

8 (5) The relief granted under this chapter.

9 (6) The court in which the order was entered.

10 (7) If available, the social security number and date of
11 birth of the respondent.

12 (b) Entry and modification.--The prothonotary shall send, on
13 a form prescribed by the Pennsylvania State Police, a copy of
14 the peace order or approved consent agreement to the Statewide
15 registry of peace orders so that it is received within 24 hours
16 of the entry of the order. Likewise, amendments to, or
17 revocations of, the order shall be transmitted by the
18 prothonotary within 24 hours of the entry of the order for
19 modification or revocation. The Pennsylvania State Police shall
20 enter orders, amendments and revocations in the Statewide
21 registry of peace orders within eight hours of receipt. Vacated
22 or expired orders shall be purged from the registry.

23 (c) Availability.--The registry of the Pennsylvania State
24 Police shall be available at all times to inform courts,
25 dispatchers and law enforcement officers of any valid protection
26 order involving the respondent.

27 (d) Public access.--Information contained in the Statewide
28 registry shall not be subject to access under the act of
29 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.
30 § 6211. Foreign peace orders.

1 (a) General rule.--A court shall recognize and enforce a
2 valid foreign peace order issued by a comparable court. The
3 validity of a foreign protection order shall only be determined
4 by a court.

5 (b) Affirmative defense.--Failure by a comparable court to
6 provide reasonable notice and opportunity to be heard shall be
7 an affirmative defense to any charge or process filed seeking
8 enforcement of a foreign peace order. A comparable court shall
9 have complied with that court's notice requirements and shall
10 have given the defendant the opportunity to be heard before the
11 foreign order was issued. In the case of ex parte orders, the
12 comparable court shall have complied with that court's notice
13 requirements and have given the defendant an opportunity to be
14 heard within a reasonable period of time after the order was
15 issued, consistent with due process.

16 (c) Invalid orders.--A foreign protection order issued by a
17 comparable court against a party who has filed a petition,
18 complaint or other written pleading for a peace order is not
19 valid and not entitled to full faith and credit if:

20 (1) no cross or counter petition, complaint or other
21 written pleading was filed seeking the peace order; or

22 (2) a cross or counter petition, complaint or other
23 written pleading was filed and the court did not make a
24 specific finding that each party was entitled to a peace
25 order.

26 (d) Filing a foreign protection order.--A plaintiff may file
27 a certified copy of a foreign peace order with the prothonotary
28 in any county within this Commonwealth where the plaintiff
29 believes enforcement may be necessary. The following provisions
30 shall apply:

1 (1) No costs or fees associated with filing a foreign
2 peace order shall be assigned to the plaintiff, including the
3 cost of obtaining certified copies of the order. Costs and
4 fees associated with filing a foreign peace order may be
5 assessed against the defendant.

6 (2) Upon filing of a foreign peace order, a prothonotary
7 shall transmit, in a manner prescribed by the Pennsylvania
8 State Police, a copy of the order to the Pennsylvania State
9 Police registry of peace orders.

10 (3) Filing of a foreign peace order shall not be a
11 prerequisite for service and enforcement.

12 (e) Orders issued in another judicial district within this
13 Commonwealth.--The filing of an order issued in another judicial
14 district within this Commonwealth is not required for
15 enforcement purposes.

16 (f) Enforcement of foreign protection orders.--

17 (1) All foreign protection orders shall have the
18 presumption of validity in this Commonwealth, and police
19 officers shall make arrests for violations thereof in the
20 same manner as set for violations of protection orders issued
21 within this Commonwealth. Until a foreign order is declared
22 to be invalid by a court, it shall be enforced by all law
23 enforcement personnel in this Commonwealth.

24 (2) A police officer shall rely upon any copy of a
25 foreign protection order which has been presented to the
26 officer by any source and may verify the existence of a
27 protection order consistent with the provisions of section
28 6209(b) (relating to violations). The fact that a foreign
29 protection order has not been filed with a prothonotary or
30 entered into the Pennsylvania State Police registry shall not

1 be grounds for law enforcement to refuse to enforce the
2 order.

3 § 6212. Regulations.

4 (a) General.--The Pennsylvania Supreme Court may adopt rules
5 and forms to implement the provisions of this chapter.

6 (b) Form.--

7 (1) The Pennsylvania Supreme Court shall adopt a form
8 for a petition under this chapter.

9 (2) A petition form shall contain notice to a petitioner
10 that an individual who knowingly provides false information
11 in a petition filed under this chapter is guilty of a
12 misdemeanor and shall, upon conviction, be sentenced to the
13 penalties specified in section 6203(d) (relating to petition
14 for peace order).

15 § 6213. Immunity.

16 (a) General.--Law enforcement agencies and their employees
17 shall be immune from civil liability for actions taken in good
18 faith to carry out their duties relating to this chapter. This
19 shall not apply to gross negligence, intentional misconduct and
20 willful or wanton misconduct.

21 (b) Foreign orders.--The following entities shall be immune
22 from civil liability for a good faith conduct in actions arising
23 in connection with a court's finding that the foreign order is
24 invalid or unenforceable:

25 (1) Law enforcement agencies, their agents and
26 employees.

27 (2) County correction and detention facilities and their
28 agents and employees.

29 (3) Prothonotaries, their agents and employees.

30 § 6214. Inability to pay.

1 (a) Order for installment payments.--Upon plea and proof
2 that a person is without the financial means to pay a fine, a
3 fee, economic relief ordered under this chapter or a cost, a
4 court may order payment of money owed in installments
5 appropriate to the circumstances of the person and shall fix the
6 amounts, times and manner of payment.

7 (b) Use of credit cards.--The treasurer of each county may
8 allow the use of credit cards and bank cards in the payment of
9 money owed under this chapter.

10 § 6215. Construction.

11 Nothing in this chapter shall be construed to preclude an
12 action for wrongful use of civil process under Subchapter E of
13 Chapter 83 (relating to wrongful use of civil proceedings) or
14 criminal prosecution for a violation of 18 Pa.C.S. Ch. 49
15 (relating to falsification and intimidation).

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