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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 221 Session of  
2023

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INTRODUCED BY HUGHES, COSTA, BARTOLOTTA, FONTANA, BOSCOLA,  
PHILLIPS-HILL, KANE, SCHWANK, DILLON, TARTAGLIONE, STREET,  
CAPPELLETTI, SANTARSIERO AND COMMITTA, JANUARY 31, 2023

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REFERRED TO JUDICIARY, JANUARY 31, 2023

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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. Section 6102(a) of Title 23 of the Pennsylvania  
7 Consolidated Statutes is amended by adding a definition to read:  
8 § 6102. Definitions.

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

12 \* \* \*

13 "Electronic monitoring device." A device that enables the  
14 location of a person wearing the device to be monitored through  
15 use of a global positioning system and related technology and is  
16 designed so that the device:

17 (1) actively and continuously monitors, identifies and  
18 reports location data within a 100-mile radius;

1           (2) permits the Pennsylvania State Police and any local  
2 police department to receive, record and securely and  
3 confidentially retain location data indefinitely;

4           (3) may be worn around a person's wrist or ankle; and

5           (4) once fitted around a person's wrist or ankle, cannot  
6 be removed without using specialized equipment specifically  
7 designed for that purpose and alerting the Pennsylvania State  
8 Police and each local police department that the device has  
9 been removed.

10       \* \* \*

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

13       § 6108. Relief.

14       (a) General rule.--Subject to subsection (a.1), the court  
15 may grant any protection order or approve any consent agreement  
16 to bring about a cessation of abuse of the plaintiff or minor  
17 children. The order or agreement may include:

18       \* \* \*

19       (6.1) Requiring an electronic monitoring device be  
20 placed on the defendant if the defendant is found to present  
21 a substantial risk of violating the final protection from  
22 abuse order or committing a crime against the victim  
23 punishable by imprisonment. The following shall apply:

24           (i) The electronic monitoring device shall monitor  
25 the defendant's location relative to all persons for whom  
26 protection is sought. The court shall determine the  
27 distance at which the defendant is to remain from all  
28 persons seeking protection from abuse and specific  
29 locations from which the defendant shall refrain.

30           (ii) Except as provided under subparagraph (iii),

1 the court shall order the defendant to wear the  
2 electronic monitoring device for the entire period of  
3 time that the final protection from abuse order is in  
4 effect.

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

12 \* \* \*

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