
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1982 Session of
2024

INTRODUCED BY CONKLIN, MADDEN, BURGOS, SANCHEZ, CIRESI, FREEMAN,
HILL-EVANS AND DEASY, JANUARY 31, 2024

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 31, 2024

AN ACT

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

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

6 Section 1. Section 6108(a)(4)(v) and (5) of Title 23 of the
7 Pennsylvania Consolidated Statutes are amended and the
8 subsection is amended by adding a paragraph to read:

9 § 6108. Relief.

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

14 * * *

15 (4) Awarding temporary custody of or establishing
16 temporary visitation rights with regard to minor children. In
17 determining whether to award temporary custody or establish
18 temporary visitation rights pursuant to this paragraph, the

1 court shall consider any risk posed by the defendant to the
2 children as well as risk to the plaintiff. The following
3 shall apply:

4 * * *

5 (v) Nothing in this paragraph shall bar either party
6 from filing a petition for custody under Chapter 53
7 (relating to child custody) or under the Pennsylvania
8 Rules of Civil Procedure.

9 * * *

10 (5) After a hearing in accordance with section 6107(a),
11 directing the defendant to pay financial support to those
12 persons the defendant has a duty to support, requiring the
13 defendant, under sections 4324 (relating to inclusion of
14 spousal medical support) and 4326 (relating to mandatory
15 inclusion of child medical support), to provide health
16 coverage for the minor child and spouse, directing the
17 defendant to pay all of the unreimbursed medical expenses of
18 a spouse or minor child of the defendant to the provider or
19 to the plaintiff when he or she has paid for the medical
20 treatment, and directing the defendant to make or continue to
21 make rent or mortgage payments on the residence of the
22 plaintiff to the extent that the defendant has a duty to
23 support the plaintiff or other dependent household members.
24 The support order shall be temporary, and any beneficiary of
25 the order must file a complaint for support under the
26 provisions of [Chapters] Chapter 43 (relating to support
27 matters generally) and [45 (relating to reciprocal
28 enforcement of support orders)] Parts VIII (relating to
29 uniform interstate family support) and VIII-A (relating to
30 intrastate family support) within two weeks of the date of

1 the issuance of the protection order. If a complaint for
2 support is not filed, that portion of the protection order
3 requiring the defendant to pay support is void. When there is
4 a subsequent ruling on a complaint for support, the portion
5 of the protection order requiring the defendant to pay
6 support expires.

7 * * *

8 (6.1) (i) Ordering the defendant to wear or attach to
9 the defendant's person an electronic monitoring device if
10 the court deems it necessary to protect the plaintiff or
11 minor children and finds they are in immediate and
12 present danger of physical abuse.

13 (ii) In determining whether an immediate and present
14 danger of abuse exists, the court shall consider a number
15 of factors, including:

16 (A) Whether the order of protection from abuse
17 is unlikely to achieve its purpose in the absence of
18 an electronic monitoring device.

19 (B) Whether the defendant has previously
20 violated a protection from abuse order.

21 (C) Whether past or present abuse to the
22 plaintiff or any of the plaintiff's minor children
23 resulted in injury.

24 (D) Whether the abuse occurred in public.

25 (E) Whether the abuse includes:

26 (I) threats of abuse or suicide;

27 (II) killing or threatening to kill pets;

28 (III) an escalation of violence;

29 (IV) stalking or obsessive behavior;

30 (V) sexual violence; or

1 (VI) drug or excessive alcohol use.

2 (iii) As used in this paragraph, the term
3 "electronic monitoring device" means active surveillance
4 technology that:

5 (A) Is worn by or attached to a defendant
6 consisting of a single-piece device that immediately
7 notifies law enforcement or other monitors of a
8 violation of the distance requirements or locations
9 that the defendant is barred from entering.

10 (B) Immediately notifies the plaintiff of a
11 violation.

12 (C) Allows law enforcement or monitors to speak
13 to the defendant in some manner through or in
14 conjunction with the device.

15 (D) Has a loud alarm that can be activated to
16 warn the plaintiff of the defendant's presence in a
17 location where the defendant is barred from entering.

18 (E) Can be tracked by either satellite or
19 cellular telephone tower triangulation.

20 * * *

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