
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1031 Session of
2021

INTRODUCED BY SAPPEY, MIHALEK, HANBIDGE, GALLOWAY, MALAGARI,
HOWARD, T. DAVIS, FREEMAN, HILL-EVANS, SANCHEZ, KINSEY,
MCNEILL, PASHINSKI, HOHENSTEIN, BROOKS, CIRESI, ISAACSON,
THOMAS, SCHROEDER, SOLOMON, SHUSTERMAN AND O'MARA,
MARCH 26, 2021

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 26, 2021

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in protection from abuse, further
3 providing for relief, for emergency relief by minor judiciary
4 and for arrest for violation of order.

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

7 Section 1. Section 6108(a.1)(2) and (e)(1)(i) of Title 23 of
8 the Pennsylvania Consolidated Statutes are amended, subsection
9 (a) is amended by adding a paragraph and the section is amended
10 by adding a subsection to read:

11 § 6108. Relief.

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

16 * * *

17 (9.1) Granting temporary ownership rights over a

1 companion animal and directing the defendant to refrain from
2 possessing, contacting, attempting to contact, transferring
3 or relocating the companion animal or contacting or entering
4 the property of any person sheltering the companion animal.

5 * * *

6 (a.1) Final order or agreement.--The following apply:

7 * * *

8 (2) A final agreement may direct the defendant to
9 refrain from abusing, harassing, stalking, threatening or
10 attempting or threatening to use physical force against the
11 plaintiff [or], minor children or companion animal and may
12 order that the defendant is subject to the firearms, other
13 weapons or ammunition and firearms license prohibition and
14 relinquishment provisions under subsection (a) (7).

15 * * *

16 (e) Extension of protection orders.--

17 (1) An extension of a protection order may be granted:

18 (i) Where the court finds, after a duly filed
19 petition, notice to the defendant and a hearing, in
20 accordance with the procedures set forth in sections 6106
21 and 6107, that the defendant committed one or more acts
22 of abuse subsequent to the entry of the final order or
23 that the defendant engaged in a pattern or practice that
24 indicates continued risk of harm to the plaintiff [or],
25 minor child or companion animal.

26 * * *

27 (j) Definitions.--As used in this section, the following
28 words and phrases shall have the meanings given to them in this
29 subsection unless the context clearly indicates otherwise:

30 "Companion animal." An animal not used in commercial

1 agriculture or production which is owned, kept, leased,
2 possessed or held by the petitioner or respondent or a minor
3 child of either.

4 Section 2. Sections 6110(a) and 6113(a) of Title 23 are
5 amended to read:

6 § 6110. Emergency relief by minor judiciary.

7 (a) General rule.--When:

8 (1) in counties with less than four judges, the court is
9 unavailable:

10 (i) from the close of business at the end of each
11 day to the resumption of business the next morning;

12 (ii) from the end of the business week to the
13 beginning of the business week; and

14 (iii) during the business day by reason of duties
15 outside the county, illness or vacation;

16 (2) in counties with at least four judges, the court is
17 unavailable:

18 (i) from the close of business at the end of each
19 day to the resumption of business the next morning; and

20 (ii) from the end of the business week to the
21 beginning of the business week;

22 a petition may be filed before a hearing officer who may grant
23 relief in accordance with section 6108(a)(1), (2) and (6) [or],
24 (1) and (6) or (1) and (9.1) (relating to relief) if the hearing
25 officer deems it necessary to protect the plaintiff or minor
26 children from abuse upon good cause shown in an ex parte
27 proceeding. Immediate and present danger of abuse to the
28 plaintiff or minor children shall constitute good cause for the
29 purposes of this subsection.

30 * * *

1 § 6113. Arrest for violation of order.

2 (a) General rule.--An arrest for violation of an order
3 issued pursuant to this chapter or a foreign protection order
4 may be without warrant upon probable cause whether or not the
5 violation is committed in the presence of the police officer or
6 sheriff in circumstances where the defendant has violated a
7 provision of an order consistent with section 6108(a)(1), (2),
8 (3), (4), (6), (7) ~~[or]~~, (9) or (9.1) (relating to relief). The
9 police officer or sheriff may verify the existence of a
10 protection order by telephone, radio or other electronic
11 communication with the appropriate police department,
12 Pennsylvania State Police registry, protection order file or
13 issuing authority. A police officer or sheriff shall arrest a
14 defendant for violating an order issued under this chapter by a
15 court within the judicial district, issued by a court in another
16 judicial district within this Commonwealth or a foreign
17 protection order issued by a comparable court.

18 * * *

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