

COMMITTEE BILL ANALYSIS

Bill: Senate Bill 1412

Printer's No.: 1943

Sponsor: Senator Greenleaf

Prepared by: Gregg Warner

Synopsis: This bill amends section 6113(c) of the Domestic Relations Code to give county courts more flexibility in handling the preliminary arraignments for defendants who are arrested for violating a protection from abuse (PFA) order.

Summary: The bill amends the Protection From Abuse Act (23 Pa.C.S. Ch. 61) to give counties the authority to allow all preliminary arraignments for violations of PFA orders to be conducted at the magisterial district court level. As amended section 6113(c) provides that the defendant shall be taken by the police officer or sheriff without unnecessary delay before a court in the judicial district where the contempt is alleged to have occurred for the purpose of a preliminary arraignment. The hearing officer may be a judge or a magisterial district judge or, in a county of the first class, a hearing officer.

Effective date

This act takes effect in 60 days.

Background:

Current law

Chapter 61 of the Domestic Relations Code is known as the Protection From Abuse Act and provides for the protection of victims of domestic violence including protection from abuse orders.

Currently under section 6113(c) during regular business hours the police must transport the defendant to the court of common pleas to conduct the preliminary arraignment for an alleged violation of a PFA order. After business hours, the police transport the defendant to a magisterial district court. In most counties (except Philadelphia) the police must transport the defendant to the county seat to perform the preliminary arraignment.

Reasoning

Some counties have gotten around this requirement through a local rule allowing the magisterial district court to conduct the preliminary arraignments during business hours in addition to after-hours, weekends and holidays. This is inconsistent with the statute.

Senate Bill 1412 amends section 6113(c) to mirror present practice. Routinely in criminal matters magisterial district courts conduct all preliminary arraignments. Rather than treating violations of PFA orders differently, this legislation will give counties the flexibility of allowing all preliminary arraignments, including those for violations of PFA orders, to be conducted at the magisterial district court level.

This procedure should be more efficient and cost effective. In most cases there would be better security for the police, the court and the community to have the defendant transported to the local magisterial district court for the proceeding rather than transporting the defendant to the county seat, some distance away, to conduct the same proceeding.