



The Judiciary Review

Report from the Senate Judiciary Committee (D)

JAY COSTA JR., DEMOCRATIC CHAIRMAN

(717) 787-7683

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SENATE JUDICIARY COMMITTEE REPORTS SEVERAL MEASURES RELATING TO CRIME

■ Senate Bill No. 1075 Printer's No. 1336

The legislation makes it a misdemeanor of the second degree to knowingly institute a fraudulent action effecting real or personal property by simulated legal process without legal authority or basis. Additionally, the bill makes it an offense to deliberately impersonate a public official or legal tribunal in connection with any simulated legal process under color of law or to influence, intimidate or hinder a public official or law enforcement officer through physical violence under color of law. Lastly, it is a misdemeanor of the third degree to use license plates on a motor vehicle not authorized under Title 75.

*Current Status: Senate Calendar
Second Consideration.*

■ House Bill No. 344 Printer's No. 361

The bill requires that a person arrested for stalking be taken before an issuing authority for the setting of bail prior to release and that certain conditions be imposed if the issuing authority determines that the defendant poses a present threat of physical danger to the victim. The defendant must refrain from remaining outside of or entering the victim's household or place of employment and from committing any further criminal conduct against

the victim. The defendant must be notified that a violation of any condition may result in the revocation of release, modification of bail, issuance of an arrest warrant or remanding to custody. Further, the bail conditions continue until the case is completed or modified by the court. Lastly, the bill requires that any person convicted of harassment or stalking undergo a mental health evaluation and a drug and alcohol evaluation.

*Current Status: Senate Calendar
Second Consideration.*

■ House Bill No. 227 Printer's No. 1754

The bill adds stun guns, stun batons, tasers or other electronic or electric weapon to the list of prohibited and offensive weapons. The bill makes it unlawful to use or to possess, with the intent to use, an electric or electronic incapacitation device (EEID) on another. The prohibition does not apply to law enforcement officers, peace officers, employees of correctional institutions or the National Guard or reserve component of the armed services in the performance of their official duties. A person may possess and use an EEID in self-defense or in the defense of the person's property. However, persons prohibited from possessing a firearm may not possess or use an EEID.

Further, the bill amends section 2702

of Title 18 to add EEIDs and tear or noxious gas to the implements that may be used in the commission of aggravated assault. Additionally, the section is amended to add the Governor, Lieutenant Governor, Auditor General, State Treasurer, member of the General Assembly, an employee of the Department of Environmental Protection or a private detective to the list of officials or employees section 2702 (c). The offense is graded as a felony of the first degree if serious bodily injury results, a felony of the second degree if bodily injury results, or if the listed officer is placed in fear of imminent serious bodily injury.

*Current Status: Senate Calendar
Second Consideration.*

■ Senate Bill No. 1244 Printer's No. 1601

The legislation amends section 6318 of Title 18 to provide that the person receiving an unlawful communication may be a minor, a person who holds themselves out as a minor or a person who, from all circumstances, may reasonably be inferred to be a minor. Additionally, either person to the communication must be in Pennsylvania for the offense to be charged rather than restricting the offense only to communications received by minors in Pennsylvania.

*Current Status: Senate Calendar
Second Consideration.*

Continued

FULL FAITH & CREDIT FOR OUT-OF-STATE PROTECTION FROM ABUSE ORDERS

■ Senate Bill No. 130 Printer's No. 1098

The bill provides for the filing, registration and enforcement of certified copies of out-of-state protective orders issued by courts of other jurisdictions. For enforcement in Pennsylvania, the order must be issued by a court with jurisdiction over all parties with notice and opportunity to be heard. The order may be filed with the prothonotary of any county in the Commonwealth where enforcement may be needed and if filed, must be transmitted to the Pennsylvania State Police and placed in protective orders registry. Foreign orders are presumed valid and filing is not required for enforcement in Pennsylvania. Law enforcement officers are required to rely on copies of a foreign order presented by a person requesting enforcement but may verify the order consistent with current provisions of law. Immunity for law enforcement, county correctional facilities, and court personnel with respect to an out of state order is provided for good faith conduct.

Current Status:
Signed by Governor—Act 39 of 2001.

JUDICIARY REVIEW UPDATES

Previously Reported Legislation

Prior issues of the Judiciary Review are available and may be reviewed on the website: www.SenatorCosta.com

■ House Bill No. 476 Printer's No. 2189

Amending the Probation and Parole Act regarding the Chief County Probation Officer representative to



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Senate Box 203043 • Harrisburg, PA 17120-3043 • (717) 787-7683

E-MAIL

costa@dem.pasen.gov

WEBSITE

www.SenatorCosta.com

the Probation Advisory Committee of the Board.

- *Reported in Judiciary Review: December, 2001*
- *Signed by Governor—Act 108 of 2001.*

■ Senate Bill No. 1089 Printer's No. 1625

Requires certain incarcerated offenders to submit a DNA sample and adds offenses.

- *Reported in Judiciary Review: October, 2001*
- *Current Status: Passed by Senate—House Judiciary Committee*

■ Senate Bill No. 1000 Printer's No. 1580

Creates offenses of terrorism, soliciting or providing support for an

act of terrorism and hindering prosecution for an act of terrorism and providing civil cause of action resulting from an act of terrorism.

- *Reported in Judiciary Review: October, 2001*
- *Current Status: Passed by Senate—House Judiciary Committee*

■ Senate Bill No. 1014 Printer's No. 1431

Amends Title 20 adding Principal and Income Act and providing that the events of September 11, 2001 constitute specific perils authorizing court to expedite probate to the victims' estates.

- *Reported in Judiciary Review: October, 2001*
- *Current Status: Passed by Senate—House Judiciary Committee.*

