



General Assembly of the Commonwealth of Pennsylvania
Joint State Government Commission
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Report Summary in Response to 2016 House Resolution No. 735
Protection From Abuse Orders in Pennsylvania: A Staff Study

In recognition that protection from abuse orders can be violated with fatal consequences, 2016 House Resolution No. 735 directed the staff of the Joint State Government Commission to “take another look at the law in order to identify ‘blind spots’ or ‘gaps’ that may be subjecting victims to unreasonable risk of additional harm. The study will examine not only the letter of the law, but also the practices and procedures surrounding its implementation.” The report contains recommendations that are intended to eliminate or severely restrict the opportunities for mayhem hidden in law and practice that can result in harm to victims of domestic violence.

- Protection should be provided to victims when they are delivering a protection from abuse order to their abuser, or while the order is being served on the abuser, if they are concerned for their safety during that occurrence.
- When determining whether a defendant who violated a PFA order by means of physical violence should be eligible for bail, the court should use a risk assessment tool to evaluate potential danger to the victim should the defendant be released.
- The family exemption from background checks for transfers of handguns should be eliminated.
- Courts should be allowed to issue search and seizure orders for weapons as part of their PFA orders if there is cause to believe the defendant has weapons and may use them against the victim.
- Courts should have the authority to extend or reinstate an expired PFA order when the defendant has been incarcerated and is about to be released, if the court concludes they are a continuing threat to the victim.
- The categories of persons who can serve as third-party safekeepers of defendant’s weapons during the period a PFA order is active should be restricted. Any family members and any former housemates of the defendant should be prohibited from so serving. Alternatively, the option of third-party safekeeping could be abolished completely.
- Efforts should be made to encourage local law enforcement to use active GPS monitoring of abusers to provide real-time notice to victims that their abusers are in their vicinity. This proposal would need further consideration by law enforcement entities and might be suited to a grant program under the Pennsylvania Commission on Crime and Delinquency.
- Statutorily clarifying the roles of dating violence, teen dating violence and same sex relationships could improve interpretation of the law, but are not vital to closing any perceived gaps in the PFA Act.

The full report is available on our website, <http://jsg.legis.state.pa.us/>