

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 12 Session of 2015

INTRODUCED BY SCHLOSSBERG, SCHWEYER, YOUNGBLOOD, FREEMAN, KINSEY, THOMAS, O'BRIEN, McNEILL, DAVIDSON, V. BROWN, CARROLL, STEPHENS, SANTARSIERO, COHEN, MURT, D. COSTA, M. DALEY, BROWNLEE, READSHAW, ROSS, WATSON, FRANKEL, DONATUCCI, McCARTER, TRUITT, MOUL AND SIMS, JANUARY 21, 2015

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 20, 2015

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, IN PRELIMINARY PROVISIONS RELATING TO <--
3 DIVORCE, FURTHER PROVIDING FOR DEFINITIONS; AND, in
4 dissolution of marital status, further providing for grounds
5 for divorce and, for counseling AND FOR DECREE OF COURT. <--

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

8 ~~Section 1. Sections 3301(e) and 3302(c) of Title 23 of the <--
9 Pennsylvania Consolidated Statutes are amended and the sections
10 are amended by adding subsections to read:~~

11 SECTION 1. SECTION 3103 OF TITLE 23 OF THE PENNSYLVANIA <--
12 CONSOLIDATED STATUTES IS AMENDED BY ADDING A DEFINITION TO READ:
13 § 3103. DEFINITIONS.

14 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS PART SHALL
15 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
16 CONTEXT CLEARLY INDICATES OTHERWISE:

17 * * *

1 "PERSONAL INJURY CRIME." AN ACT THAT CONSTITUTES A

2 MISDEMEANOR OR FELONY UNDER ANY OF THE FOLLOWING:

3 18 PA.C.S. CH. 25 (RELATING TO CRIMINAL HOMICIDE).

4 18 PA.C.S. CH. 27 (RELATING TO ASSAULT).

5 18 PA.C.S. CH. 29 (RELATING TO KIDNAPPING).

6 18 PA.C.S. CH. 30 (RELATING TO HUMAN TRAFFICKING).

7 18 PA.C.S. CH. 31 (RELATING TO SEXUAL OFFENSES).

8 18 PA.C.S. § 3301 (RELATING TO ARSON AND RELATED

9 OFFENSES).

10 18 PA.C.S. CH. 37 (RELATING TO ROBBERY).

11 18 PA.C.S. CH. 49 SUBCH. B (RELATING TO VICTIM AND

12 WITNESS INTIMIDATION).

13 75 PA.C.S. § 3732 (RELATING TO HOMICIDE BY VEHICLE).

14 75 PA.C.S. § 3742 (RELATING TO ACCIDENTS INVOLVING DEATH

15 OR PERSONAL INJURY).

16 * * *

17 SECTION 2. SECTION 3301(C) OF TITLE 23 IS AMENDED TO READ:

18 § 3301. Grounds for divorce.

19 * * *

20 ~~(b.1) Crime against spouse. The court may grant a divorce <--~~

21 ~~where it is alleged that the marriage is irretrievably broken~~

22 ~~and 90 days have elapsed from the date of commencement of an~~

23 ~~action under this part and an affidavit along with any other~~

24 ~~relevant supporting documentation has been filed by a party~~

25 ~~evidencing that the other party has been convicted of or has~~

26 ~~pleaded guilty or no contest to a crime against spouse.~~

27 * * *

28 ~~(e) No hearing required in certain cases. If grounds for~~

29 ~~divorce alleged in the complaint or counterclaim are established~~

30 ~~under subsection (b.1), (c) or (d), the court shall grant a~~

1 ~~divorce without requiring a hearing on any other grounds.~~

2 ~~(f) Definition. As used in this section, the term "crime~~
3 ~~against spouse" shall mean an offense under 18 Pa.C.S. (relating~~
4 ~~to crimes and offenses) where the party filing the affidavit was~~
5 ~~the victim of the offense.~~

6 (C) MUTUAL CONSENT.--

<--

7 (1) THE COURT MAY GRANT A DIVORCE WHERE IT IS ALLEGED
8 THAT THE MARRIAGE IS IRRETRIEVABLY BROKEN AND 90 DAYS HAVE
9 ELAPSED FROM THE DATE OF COMMENCEMENT OF AN ACTION UNDER THIS
10 PART AND AN AFFIDAVIT HAS BEEN FILED BY EACH OF THE PARTIES
11 EVIDENCING THAT EACH OF THE PARTIES CONSENTS TO THE DIVORCE.

12 (2) THE CONSENT OF A PARTY SHALL BE PRESUMED WHERE THAT
13 PARTY HAS BEEN CONVICTED OF COMMITTING A PERSONAL INJURY
14 CRIME AGAINST THE OTHER PARTY.

15 SECTION 3. SECTION 3302 OF TITLE 23 IS AMENDED BY ADDING A
16 SUBSECTION TO READ:

17 § 3302. Counseling.

18 * * *

19 ~~(c) Irretrievable breakdown.--~~

<--

20 ~~(1) Whenever the court orders a continuation period as~~
21 ~~provided for irretrievable breakdown in section 3301(d)(2),~~
22 ~~the court shall require up to a maximum of three counseling~~
23 ~~sessions within the time period where either of the parties~~
24 ~~requests it or may require such counseling where the parties~~
25 ~~have at least one child under 16 years of age.~~

26 ~~(2) Notwithstanding paragraph (1), if a party files an~~
27 ~~affidavit along with any other relevant supporting~~
28 ~~documentation with the court evidencing:~~

29 ~~(i) that the party was or is protected by an order~~
30 ~~enforceable under Chapter 61 (relating to protection from~~

1 ~~abuse) in which the other party is the named defendant;~~
2 ~~or~~
3 ~~(ii) that the other party was convicted of or has~~
4 ~~pleaded guilty or no contest to a crime against spouse,~~
5 ~~the court shall not order counseling sessions.~~

6 * * *

7 ~~(g) Definition. As used in this section, the term "crime~~
8 ~~against spouse" shall have the same meaning given to it in~~
9 ~~section 3301(f) (relating to grounds for divorce).~~

10 (G) EXCEPTION.--NOTWITHSTANDING ANY OTHER PROVISION OF LAW, <--
11 IN NO CASE MAY THE COURT REQUIRE COUNSELING OVER THE OBJECTION
12 OF A PARTY THAT HAS A PROTECTION FROM ABUSE ORDER, ENFORCEABLE
13 UNDER CHAPTER 61 (RELATING TO PROTECTION FROM ABUSE) AGAINST THE
14 OTHER PARTY, OR WHERE THAT PARTY WAS THE VICTIM OF A PERSONAL
15 INJURY CRIME IN WHICH THE OTHER PARTY WAS CONVICTED.

16 SECTION 4. SECTION 3323(G) (2) OF TITLE 23 IS AMENDED TO
17 READ:

18 § 3323. DECREE OF COURT.

19 * * *

20 (G) GROUNDS ESTABLISHED.--FOR PURPOSES OF SUBSECTIONS (C.1)
21 AND (D.1), GROUNDS ARE ESTABLISHED AS FOLLOWS:

22 * * *

23 (2) IN THE CASE OF AN ACTION FOR DIVORCE UNDER SECTION
24 3301(C), BOTH PARTIES HAVE FILED AFFIDAVITS OF CONSENT OR, IF
25 THE PRESUMPTION IN SECTION 3301(C) (2) IS ESTABLISHED, ONE
26 PARTY HAS FILED AN AFFIDAVIT OF CONSENT.

27 * * *

28 Section 2 5. This act shall take effect in 60 days. <--