

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, SIMS, JOZWIAK AND DAVIS, JANUARY 21, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 28, 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, for counseling and for decree of court.

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

8 Section 1. Section 3103 of Title 23 of the Pennsylvania
9 Consolidated Statutes is amended by adding a definition <--

10 DEFINITIONS to read: <--

11 § 3103. Definitions.

12 The following words and phrases when used in this part shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 * * *

16 "CONVICTED." HAVING BEEN FOUND GUILTY, HAVING ENTERED A PLEA <--
17 OF GUILTY OR NOLO CONTENDERE OR HAVING BEEN ACCEPTED INTO

1 ACCELERATED REHABILITATIVE DISPOSITION.

2 * * *

3 "Personal injury crime." An act that constitutes a
4 misdeemeanor or felony under any of the following, OR CRIMINAL <--
5 ATTEMPT, SOLICITATION OR CONSPIRACY TO COMMIT ANY OF THE
6 FOLLOWING:

7 18 Pa.C.S. Ch. 25 (relating to criminal homicide).

8 18 Pa.C.S. Ch. 27 (relating to assault).

9 18 Pa.C.S. Ch. 29 (relating to kidnapping).

10 18 Pa.C.S. Ch. 30 (relating to human trafficking).

11 18 Pa.C.S. Ch. 31 (relating to sexual offenses).

12 18 Pa.C.S. § 3301 (relating to arson and related
13 offenses).

14 18 Pa.C.S. Ch. 37 (relating to robbery).

15 18 Pa.C.S. Ch. 49 Subch. B (relating to victim and
16 witness intimidation).

17 75 Pa.C.S. § 3732 (relating to homicide by vehicle).

18 75 Pa.C.S. § 3742 (relating to accidents involving death
19 or personal injury).

20 * * *

21 Section 2. Section 3301(c) of Title 23 is amended to read:

22 § 3301. Grounds for divorce.

23 * * *

24 (c) Mutual consent.--

25 (1) The court may grant a divorce where it is alleged
26 that the marriage is irretrievably broken and 90 days have
27 elapsed from the date of commencement of an action under this
28 part and an affidavit has been filed by each of the parties
29 evidencing that each of the parties consents to the divorce.

30 (2) The consent of a party shall be presumed where that

1 party has been convicted of committing a personal injury
2 crime against the other party.

3 Section 3. Section 3302 of Title 23 is amended by adding a
4 subsection to read:

5 § 3302. Counseling.

6 * * *

7 (g) Exception.--Notwithstanding any other provision of law,
8 in no case may the court require counseling over the objection
9 of a party that has a protection from abuse order, enforceable
10 under Chapter 61 (relating to protection from abuse) against the
11 other party, or where that party was the victim of a personal
12 injury crime ~~in~~ FOR which the other party was convicted OR HAS <--
13 ENTERED INTO AN ACCELERATED REHABILITATIVE DISPOSITION PROGRAM
14 AS A RESULT OF CONDUCT FOR WHICH THE OTHER PARTY WAS A VICTIM.

15 Section 4. Section 3323(g) (2) of Title 23 is amended to
16 read:

17 § 3323. Decree of court.

18 * * *

19 (g) Grounds established.--For purposes of subsections (c.1)
20 and (d.1), grounds are established as follows:

21 * * *

22 (2) In the case of an action for divorce under section
23 3301(c), both parties have filed affidavits of consent or, if
24 the presumption in section 3301(c) (2) is established, one
25 party has filed an affidavit of consent.

26 * * *

27 Section 5. This act shall take effect in 60 days.