



MEMORANDUM

TO: The Pennsylvania House Judiciary Committee

FROM: Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

DATE: September 18, 2024

RE: OPPOSITION TO HB 1150 P.N. 1205 (KULIK)

Bill summary: [HB 1150](#) (PN 1205), also known as “Alina’s Law,” would amend the [Protection from Abuse Act](#)¹ to give civil courts the authority to mandate that anyone subject to a protection from abuse (PFA) order wear an electronic monitoring device that continuously monitors and reports location data within a 100-mile radius.

On behalf of over 100,000 members and supporters of the ACLU of Pennsylvania, I respectfully urge you to oppose House Bill 1150.

HB 1150 would permit invasive government surveillance for civil matters with a lower burden of proof.

Electronic monitoring and house arrest are routinely ordered as special conditions of bail in *criminal* cases. But the PFA process is a *civil*, not criminal matter. Protection from abuse hearings are not criminal trials and do not require the same standard of proof or due process protections as criminal matters. When requesting a PFA, the petitioner is not required to establish that abuse occurred beyond a reasonable doubt, but instead by a preponderance of the evidence.² PFAs are, and should be, sought wholly independently of the criminal legal process. But by permitting invasive surveillance for people subject to a **civil order**, HB 1150 would drastically expand the state’s ability to monitor and track Pennsylvanians without due process guarantees.

Over [40,000](#) PFA petitions were processed in 2022.³ If electronic monitoring were assigned in even a fraction of those cases, thousands of people could be subject to it. Under HB 1150, courts could impose electronic monitoring for the duration of the protection order—up to three years. The device would continuously track a person’s location and transmit that data to the Pennsylvania State Police (PSP). And because the bill contains no provisions regarding data destruction, PSP could maintain this personal information indefinitely.

HB 1150 risks creating financial burdens and a false sense of security for those who file for protection.

A potential unintended consequence of HB 1150 is how financial costs for those monitored affect petitioners.⁴ When counties impose electronic monitoring costs for those on probation, for example, the county charges them between \$5 and \$25 dollars a day. If a judge ordered someone to be monitored under HB 1150, the fees could cost the person monitored as much as \$9,000 a year. These court-mandated costs can siphon money from other critical obligations facing a person subject to an order, such as **restitution or child support**. And because HB 1150 would allow courts to act without the petitioner’s consent or input, a judge could impose electronic monitoring regardless of the petitioner’s wishes.

Furthermore, the Pennsylvania State Police would have to actively track the location of everyone on an electronic monitor—roughly 5,000 thousand people at any one time—and then, presumably (since the bill

¹ [23 Pa.C.S.A. § 6101](#)

² [23 Pa. C.S.A. § 6107\(a\)](#)

³ Administrative Office of Pennsylvania Courts, [2022 Caseload Statistics of the Unified Judicial System of Pennsylvania](#), p. 50.

⁴ Fines and Fees Justice Center, [Electronic Monitoring Fees: A 50-State Survey of the Costs Assessed to People on E-Supervision](#), September 2022.

does not include any notification procedures), notify every petitioner or every petitioner's local police department whenever there's a violation of a specific court order. Unless PSP intends to hire dozens of staff to sort through this data and send alerts for every potential threat or violation, their ability to actively enforce PFA orders will be limited. As a result, this process could give petitioners a false sense of security by allowing them to erroneously believe that the monitoring will make them safer.

HB 1150 is a well-intentioned, but excessively broad and invasive, attempt to prevent similar judicial oversights that contributed to Alina Sheykhet's murder.

This legislation was originally drafted in response to the horrific murder of Alina Sheykhet at the hands of her ex-boyfriend, Matthew Darby, in October 2017. At the time of her murder, Darby had been released on bail, despite the fact he had an open PFA and two active criminal cases against him—a rape charge in Indiana County and a felony criminal trespass charge in Allegheny County for breaking into Ms. Sheykhet's home. In these two *criminal* cases, the judge in Indiana County and the judge in Allegheny County had the authority to deny bail, place Matthew Darby on house arrest, or order electronic monitoring as a condition of his release on bail. But neither judge denied bail or ordered house arrest or electronic monitoring.

Unquestionably, both judges ignored a glaring danger in each of Matthew Darby's cases, a danger that resulted in Alina Sheykhet's tragic murder. But HB 1150 responds to this judicial oversight by overcorrecting. HB 1150 threatens an extraordinary restriction of civil liberties and expansion of government surveillance for *civil* actions that risks bringing thousands of people under correctional control without adequate due process. And for those seeking protection, this overcorrection may unintentionally offer a false sense of security or worse, exacerbate financial insecurity.

For these reasons, we urge you to oppose House Bill 1150.