

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1441 Session of
1987

INTRODUCED BY REINARD, McHALE, KUKOVICH, HAGARTY, MORRIS, VROON,
TRELLO, J. L. WRIGHT, BUNT, JOHNSON, FOX, BOWSER, FARMER,
TIGUE, ARGALL, BATTISTO, SCHEETZ, SAURMAN, NOYE, MRKONIC,
MERRY, GLADECK, STABACK, PETRARCA, DISTLER, CORNELL, KASUNIC,
BURD, E. Z. TAYLOR, TRUMAN AND FLICK, JUNE 3, 1987

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 3, 1987

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for the
3 dismissal of certain criminal charges.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 8933. Dismissal of criminal cases.

9 (a) General rule.--In a felony case, where no attorney
10 appears on behalf of the Commonwealth at a preliminary hearing
11 or where the victim fails to appear, the issuing authority shall
12 not discharge the defendant for this reason until the issuing
13 authority makes a reasonable attempt to locate the attorney or
14 victim and provides him an opportunity to appear.

15 (b) Disposition.--Failure to comply with this section shall
16 not be construed as grounds for retrial.

17 (c) Definition.--As used in this section the term

1 "reasonable attempt" means requiring court personnel to attempt
2 to locate the attorney or victim within the courthouse, office
3 or place of residence.

4 Section 2. This act shall take effect in 60 days.