

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2904 Session of
2006

INTRODUCED BY PERZEL, ALLEN, BAKER, BALDWIN, BEBKO-JONES,
BELFANTI, BROWNE, BOYD, BUNT, CAPPELLI, CAUSER, COHEN,
CORNELL, CRAHALLA, CREIGHTON, DALLY, DENLINGER, DeWEESE,
FEESE, HABAY, FRANKEL, GEIST, GEORGE, GERGELY, GILLESPIE,
GODSHALL, GOODMAN, HALUSKA, HASAY, HERSHEY, HESS, KENNEY,
KILLION, LEDERER, MACKERETH, MAJOR, MANN, MICOZZIE,
R. MILLER, S. MILLER, MUNDY, O'NEILL, WASHINGTON, PAYNE,
PETRARCA, PHILLIPS, PICKETT, PYLE, QUIGLEY, ROSS, RUBLEY,
SCAVELLO, SCHRODER, B. SMITH, SOLOBAY, SONNEY, R. STEVENSON,
E. Z. TAYLOR, TIGUE, TRUE, WALKO, WATSON, WILT, WOJNAROSKI,
YOUNGBLOOD, GINGRICH, HARPER AND W. KELLER,
SEPTEMBER 14, 2006

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 14, 2006

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for protective
3 orders relating to the dissemination of certain victim
4 information.

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

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

9 § 5920. Protective orders.

10 (a) Victim information.--Upon the request of the attorney
11 for the Commonwealth or a child or adult victim, the court
12 shall enter a protective order prohibiting any party to or
13 attorney in, or the agent of a party to or attorney in, criminal
14 proceedings involving the visual or audio recording of sexual

1 conduct by a child from copying or disseminating any information
2 of a sexually explicit nature, including, but not limited to,
3 photographs depicting a person in a state of nudity, photographs
4 of human genitalia, any information of the prior sexual history
5 of the victim and any visual or audio recording of the sexual
6 victimization.

7 (b) Victim recording.--Upon the request of the attorney for
8 the Commonwealth or a child or adult victim, unless the court
9 finds good cause to do otherwise, the court shall enter a
10 protective order prohibiting any party to or attorney in, or the
11 agent of a party to or attorney in, criminal proceedings
12 involving the visual or audio recording of sexual conduct by a
13 child from copying or disseminating a visual or audio recording
14 of the victim describing the victim's sexual victimization.

15 (c) Exceptions.--Notwithstanding a protective order entered
16 under subsection (a) or (b), information or materials described
17 in subsections (a) and (b) may be copied or disseminated for the
18 purpose of:

19 (1) Providing discovery.

20 (2) Submitting evidence to a grand jury, a court, a
21 Federal agency, an agency of State government or a local
22 government for use in judicial or administrative proceedings.

23 (3) Having the information or materials examined by an
24 expert witness for the court, the Commonwealth or any party.

25 (4) Providing copies of the information or materials to
26 the parties' attorneys or agents.

27 (5) Sharing the information or materials with an agency
28 of State government for use in carrying out duties imposed on
29 the agency by statute.

30 (6) Use in law enforcement investigations.

1 (d) Victim copy.--Upon the request of the victim, the court
2 may order that the victim be provided with a copy of information
3 or materials described in subsections (a) and (b).

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