

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1361 Session of
1984

INTRODUCED BY GREENLEAF, APRIL 30, 1984

REFERRED TO JUDICIARY, APRIL 30, 1984

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for the rights
3 of child victims and witnesses of criminal acts; providing
4 for the videotaping of testimony in certain cases; and
5 authorizing certain services.

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

8 Section 1. Chapter 63 of Title 42 of the Pennsylvania
9 Consolidated Statutes is amended by adding a subchapter to read:

10 CHAPTER 63

11 JUVENILE MATTERS

12 * * *

13 SUBCHAPTER F

14 CHILD VICTIMS AND WITNESSES

15 Sec.

16 6371. Legislative intent.

17 6372. Rights and services.

18 6373. Duty to expedite proceedings.

19 6374. Videotaped depositions.

1 § 6371. Legislative intent.

2 In order to promote the best interests of the children of
3 this Commonwealth, and in recognition of the necessity of
4 affording to children who are witnesses to or victims of crime
5 additional consideration and different treatment than that
6 usually required by adults, the General Assembly declares its
7 intent, in this subchapter, to provide these children with
8 additional rights and protections during their involvement with
9 the criminal justice system. The General Assembly urges the news
10 media to use restraint in revealing the identity of children who
11 are victims of or witnesses to crimes, especially in sensitive
12 cases.

13 § 6372. Rights and services.

14 Counties are encouraged to designate one or more persons to
15 provide the following services on behalf of children who are
16 involved in criminal proceedings as victims or witnesses:

17 (1) To explain, in language understood by the child, all
18 legal proceedings in which the child will be involved.

19 (2) To act, as a friend of the court, to advise the
20 judge, whenever appropriate, of the child's ability to
21 understand and cooperate with any court proceedings.

22 (3) To assist the child and the child's family in coping
23 with the emotional impact of the crime and subsequent
24 criminal proceedings in which the child is involved.

25 (4) To advise the district attorney concerning the
26 ability of a child witness to cooperate with the prosecution
27 and the potential effects of the proceedings on the child.

28 § 6373. Duty to expedite proceedings.

29 In all criminal cases and juvenile proceedings involving a
30 child victim or witness, the court and the district attorney

1 shall take appropriate action to ensure a speedy trial in order
2 to minimize the length of time the child must endure the stress
3 of involvement in the proceedings. In ruling on any motion or
4 other request for a delay or continuance of proceedings, the
5 court shall consider and give weight to any adverse impact the
6 delay or continuance may have on the well-being of a child
7 victim or witness.

8 § 6374. Videotaped depositions.

9 In any prosecution involving a child victim or witness, the
10 court, on its own motion or the motion of any party, for good
11 cause shown, may order the taking of a videotaped deposition of
12 the victim or witness which shall be used at any pretrial
13 proceeding and at the trial in lieu of the direct testimony of
14 the child. The depositions shall be taken before the court in
15 chambers or in the courtroom in the presence of the district
16 attorney, the defendant and the defendant's attorney. At the
17 request of the child, the child's parent or guardian or the
18 district attorney, the court shall exclude all persons not
19 officers of the court, family members of the child or the
20 defendant or others deemed by the court to be supportive of
21 them, or otherwise required to attend. Examination and cross-
22 examination of the child shall proceed in the same manner as
23 permitted at trial.

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