

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1160 Session of  
1989

INTRODUCED BY WOGAN, KOSINSKI, BLAUM, MOEHLMANN, HECKLER,  
HAGARTY, McVERRY, SAURMAN, YANDRISEVITS, TIGUE, GEIST,  
FAIRCHILD, DIETTERICK, CAWLEY, MILLER, BOYES, J. TAYLOR,  
MARSICO, WOZNIAK, BELARDI, TRELLO, BELFANTI, B. SMITH,  
DAVIES, BUNT, VEON, VROON, SEMMEL, JOHNSON, MAINE, LANGTRY,  
LEE AND CHADWICK, APRIL 12, 1989

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 12, 1989

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for the use of  
3 DNA testing in paternity matters and criminal cases.

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

6 Section 1. Sections 6131, 6132, 6133 and 6134 of Title 42 of  
7 the Pennsylvania Consolidated Statutes are amended to read:

8 § 6131. Short title of subchapter.

9 This subchapter shall be known and may be cited as the  
10 [" ]Uniform Act on Blood and DNA Pattern Tests to Determine  
11 Paternity.[" ]

12 § 6132. Scope of subchapter.

13 (a) Civil matters.--This subchapter shall apply to all civil  
14 matters.

15 (b) Criminal proceedings.--This subchapter shall apply to  
16 all criminal proceedings subject to the following limitations

1 and provisions:

2 (1) An order for the tests shall be made only upon  
3 application of a party or on the initiative of the court.

4 (2) The compensation of the experts shall be paid by the  
5 party requesting the blood or DNA (deoxyribonucleic acid)  
6 pattern test or by the county, as the court shall direct.

7 (3) The court may direct a verdict of acquittal upon the  
8 conclusions of all the experts under the provisions of  
9 section 6136 (relating to effect of test results), otherwise  
10 the case shall be submitted for determination upon all the  
11 evidence.

12 (4) The refusal of a defendant to submit to such tests  
13 may not be used in evidence against said defendant.

14 § 6133. Authority for test.

15 In any matter subject to this subchapter in which paternity,  
16 parentage or identity of a child is a relevant fact, the court  
17 upon its own initiative or upon suggestion made by or on behalf  
18 of any person whose blood, other fluid or tissue is involved  
19 may, or upon motion of any party to the action made at a time so  
20 as not to delay the proceedings unduly, shall order the mother,  
21 child and alleged father to submit to blood or DNA pattern  
22 tests. If any party refuses to submit to such tests, the court  
23 may resolve the question of paternity, parentage or identity of  
24 a child against such party, or enforce its order if the rights  
25 of others and the interests of justice so require.

26 § 6134. Selection of experts.

27 The tests shall be made by experts qualified as examiners of  
28 blood types or DNA patterns, who shall be appointed by the  
29 court. The experts shall be called by the court as witnesses to  
30 testify to their findings and shall be subject to cross-

1 examination by the parties. Any party or person at whose  
2 suggestion the tests have been ordered may demand that other  
3 experts qualified as examiners of blood types or DNA patterns  
4 perform independent tests under order of court, the results of  
5 which may be offered in evidence. The number and qualifications  
6 of such experts shall be determined by the court.

7 Section 2. Title 42 is amended by adding sections to read:

8 § 6138. Definitions.

9 The following words and phrases when used in this subchapter  
10 shall have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "DNA pattern test." An examination, commonly referred to as  
13 "DNA fingerprinting" or "genetic fingerprinting," of blood or  
14 other fluid or tissue samples employing electrophoresis to sort  
15 deoxyribonucleic acid pieces, followed by exposure of the DNA  
16 pieces to radioactive probes resulting in the formation of a  
17 pattern of black bands when X-rayed.

18 § 6145. DNA pattern tests.

19 (a) General rule.--The results of DNA (deoxyribonucleic  
20 acid) pattern tests shall be admissible evidence in all criminal  
21 matters.

22 (b) Definitions.--As used in this section, the following  
23 words and phrases shall have the meanings given to them in this  
24 subsection:

25 "DNA pattern test." An examination, commonly referred to as  
26 "DNA fingerprinting" or "genetic fingerprinting," of blood or  
27 other fluid or tissue samples employing electrophoresis to sort  
28 deoxyribonucleic acid pieces, followed by exposure of the DNA  
29 pieces to radioactive probes resulting in the formation of a  
30 pattern of black bands when X-rayed.

1 Section 3. This act shall take effect in 60 days.