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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 66

Session of  
2007

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INTRODUCED BY PARKER, HARPER, ADOLPH, BENNINGTON, BRENNAN,  
CLYMER, CURRY, FRANKEL, GOODMAN, HARHART, HARRIS, HENNESSEY,  
HESS, HORNAMAN, JAMES, JOSEPHS, KILLION, KOTIK, MANDERINO,  
McILHATTAN, MENSCH, MICOZZIE, R. MILLER, MURT, M. O'BRIEN,  
PHILLIPS, ROEBUCK, ROSS, RUBLEY, K. SMITH, SURRA, J. TAYLOR,  
VEREB, WATSON, WOJNAROSKI, YOUNGBLOOD, CONKLIN,  
McILVAINE SMITH AND GIBBONS, DECEMBER 4, 2007

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REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 4, 2007

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for expert  
3 testimony in certain criminal proceedings.

4 The General Assembly finds and declares as follows:

5 (1) Research indicates that victims of sex crimes behave  
6 in any number of ways, but because of the prevalence and  
7 persistence of myths regarding sex crimes, jurors often  
8 perceive common victim behaviors as counterintuitive and  
9 compelling evidence of a victim's lack of credibility.

10 (2) To overcome these myths and misunderstandings  
11 related to victim behavior, many courts have recognized that  
12 expert testimony is necessary to provide jurors with the  
13 proper context in which to evaluate a victim's behaviors.

14 (3) Without an accurate context in which to evaluate  
15 victim behaviors, it is common for jurors to fail to  
16 recognize a victim's behavior as a common response to trauma.

1       The General Assembly of the Commonwealth of Pennsylvania  
2 hereby enacts as follows:

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

5 § 5920. Expert testimony in certain criminal proceedings.

6 (a) Scope.--This section applies to all of the following:

7 (1) A criminal proceeding for an offense for which  
8 registration is required under section 9795.1 (relating to  
9 registration).

10 (2) A criminal proceeding for an offense under 18  
11 Pa.C.S. § 3122.1 (relating to statutory sexual assault).

12 (b) Rule.--In an action subject to this section, testimony  
13 by an expert qualified by the court regarding any recognized and  
14 accepted form of post-traumatic stress disorder and any  
15 recognized and accepted counterintuitive victim behavior shall  
16 be admissible.

17       Section 2. The addition of 42 Pa.C.S. § 5920 shall apply to  
18 actions initiated on or after the effective date of this  
19 section.

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