

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1011 Session of 2018

INTRODUCED BY RESCHENTHALER, ARGALL, RAFFERTY, FONTANA, MARTIN, BARTOLOTTA, SABATINA, COSTA, YAW, STEFANO, SCHWANK, KILLION, BOSCOLA, VULAKOVICH, HUGHES, REGAN, McGARRIGLE, BAKER, WAGNER, FOLMER, BROWNE, DISANTO, VOGEL, SCARNATI, WARD, CORMAN, BROOKS, WHITE, YUDICHAK, AUMENT, BLAKE AND DINNIMAN, JANUARY 2, 2018

AS AMENDED ON THIRD CONSIDERATION, MARCH 20, 2018

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, providing for rights of victims of crime.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby resolves as follows:

5 Section 1. The following amendment to the Constitution of
6 Pennsylvania is proposed in accordance with Article XI:

7 That Article I be amended by adding a section to read:

8 § 9.1. Rights of victims of crime.

9 (a) To secure for victims justice and due process throughout
10 the criminal and juvenile justice systems, a victim shall have
11 the following rights which shall be protected in a manner no
12 less vigorous than the rights afforded to the accused: to be
13 treated with fairness and respect for the victim's safety,
14 dignity and privacy; upon request, to reasonable and timely
15 notice, AS DEFINED BY THE GENERAL ASSEMBLY, of and to be present <--

1 at all public proceedings involving the criminal or delinquent
2 conduct; with the exception of grand jury proceedings, to be
3 heard in any proceeding involving WHERE A RIGHT OF THE VICTIM IS <--
4 IMPLICATED, INCLUDING, BUT NOT LIMITED TO, release, plea,
5 sentencing, disposition, parole and any proceeding during which <--
6 a right of the victim is implicated PARDON; to reasonable <--
7 protection from the accused or any person acting on behalf of
8 the accused; upon request, to reasonable notice, AS DEFINED BY <--
9 THE GENERAL ASSEMBLY, of any release or escape of an accused; to
10 refuse an interview, deposition or other discovery request made
11 by the accused or any person acting on behalf of the accused;
12 full and timely restitution from the person or entity convicted
13 or adjudicated responsible for the unlawful conduct; to
14 proceedings free from unreasonable delay and a prompt conclusion
15 of the case; upon request, to confer with the attorney for the
16 government; and to be informed of all rights enumerated in this
17 section.

18 (b) The victim, the victim's attorney or other lawful
19 representative, or the attorney for the government upon request
20 of the victim may assert in any trial or appellate court, or
21 before any other authority, with jurisdiction over the case, and
22 have enforced, the rights enumerated in this section and any
23 other right afforded to the victim by law. This section does not
24 GRANT THE VICTIM PARTY STATUS OR create any cause of action for <--
25 compensation or damages against the Commonwealth, counties,
26 cities or municipalities, nor any officer, employee or agent of
27 the Commonwealth, counties, cities or municipalities, or any
28 officer or employee of a court.

29 (c) As used in this section, the term "victim" includes any
30 person AS DEFINED BY THE GENERAL ASSEMBLY against whom the <--

1 criminal offense or delinquent act is committed or who is
2 directly harmed by the commission of the offense or act. The
3 term "victim" does not include the accused or a person whom the
4 court finds would not act in the best interests of a deceased,
5 incompetent, minor or incapacitated victim.

6 Section 2. (a) Upon the first passage by the General
7 Assembly of this proposed constitutional amendment, the
8 Secretary of the Commonwealth shall proceed immediately to
9 comply with the advertising requirements of section 1 of Article
10 XI of the Constitution of Pennsylvania and shall transmit the
11 required advertisements to two newspapers in every county in
12 which such newspapers are published in sufficient time after
13 passage of this proposed constitutional amendment.

14 (b) Upon the second passage by the General Assembly of this
15 proposed constitutional amendment, the Secretary of the
16 Commonwealth shall proceed immediately to comply with the
17 advertising requirements of section 1 of Article XI of the
18 Constitution of Pennsylvania and shall transmit the required
19 advertisements to two newspapers in every county in which such
20 newspapers are published in sufficient time after passage of
21 this proposed constitutional amendment. The Secretary of the
22 Commonwealth shall submit this proposed constitutional amendment
23 to the qualified electors of this Commonwealth at the first
24 primary, general or municipal election which meets the
25 requirements of and is in conformance with section 1 of Article
26 XI of the Constitution of Pennsylvania and which occurs at least
27 three months after the proposed constitutional amendment is
28 passed by the General Assembly.