

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, DINNIMAN,  
TARTAGLIONE AND SCAVELLO, JANUARY 2, 2018

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 5, 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, AS FURTHER PROVIDED AND AS DEFINED BY THE <--  
12 GENERAL ASSEMBLY, which shall be protected in a manner no less  
13 vigorous than the rights afforded to the accused: to be treated  
14 with fairness and respect for the victim's safety, dignity and

1 privacy; ~~upon request,~~ TO HAVE THE SAFETY OF THE VICTIM AND THE <--  
2 VICTIM'S FAMILY CONSIDERED IN FIXING THE AMOUNT OF BAIL AND  
3 RELEASE CONDITIONS FOR THE ACCUSED; to reasonable and timely  
4 notice, ~~as defined by the General Assembly,~~ of and to be present <--  
5 at all public proceedings involving the criminal or delinquent  
6 conduct; TO BE NOTIFIED OF ANY PRETRIAL DISPOSITION OF THE CASE; <--  
7 with the exception of grand jury proceedings, to be heard in any  
8 proceeding where a right of the victim is implicated, including,  
9 but not limited to, release, plea, sentencing, disposition,  
10 parole and pardon; TO BE NOTIFIED OF ALL PAROLE PROCEDURES, TO <--  
11 PARTICIPATE IN THE PAROLE PROCESS, TO PROVIDE INFORMATION TO BE  
12 CONSIDERED BEFORE THE PAROLE OF THE OFFENDER, AND TO BE NOTIFIED  
13 OF THE PAROLE OF THE OFFENDER; to reasonable protection from the  
14 accused or any person acting on behalf of the accused; ~~upon~~ <--  
15 ~~request,~~ to reasonable notice, ~~as defined by the General~~ <--  
16 ~~Assembly,~~ of any release or escape of ~~an~~ THE accused; to refuse <--  
17 an interview, deposition or other discovery request made by the  
18 accused or any person acting on behalf of the accused; full and  
19 timely restitution from the person or entity convicted ~~or~~ <--  
20 ~~adjudicated responsible~~ for the unlawful conduct; FULL AND <--  
21 TIMELY RESTITUTION AS DETERMINED BY THE COURT IN A JUVENILE  
22 DELINQUENCY PROCEEDING; TO THE PROMPT RETURN OF PROPERTY WHEN NO  
23 LONGER NEEDED AS EVIDENCE; to proceedings free from unreasonable  
24 delay and a prompt AND FINAL conclusion of the case AND ANY <--  
25 RELATED POSTCONVICTION PROCEEDINGS; ~~upon request,~~ to confer with <--  
26 the attorney for the government; and to be informed of all  
27 rights enumerated in this section.

28 (b) The victim, ~~the victim's attorney or other lawful~~ <--  
29 ~~representative,~~ or the attorney for the government upon request  
30 of the victim may assert in any trial or appellate court, or

1 before any other authority, with jurisdiction over the case, and  
2 have enforced, the rights enumerated in this section and any  
3 other right afforded to the victim by law. This section does not  
4 grant the victim party status or create any cause of action for  
5 compensation or damages against the Commonwealth, ~~counties,~~ <--  
6 ~~cities or municipalities~~ OR ANY POLITICAL SUBDIVISION, nor any <--  
7 officer, employee or agent of the Commonwealth, ~~counties, cities~~ <--  
8 ~~or municipalities~~ OR ANY POLITICAL SUBDIVISION, or any officer <--  
9 or employee of a THE court. <--

10 (c) As used in this section AND AS FURTHER DEFINED BY THE <--  
11 GENERAL ASSEMBLY, the term "victim" includes any person as <--  
12 defined by the General Assembly against whom the criminal  
13 offense or delinquent act is committed or who is directly harmed  
14 by the commission of the offense or act. The term "victim" does  
15 not include the accused or a person whom the court finds would  
16 not act in the best interests of a deceased, incompetent, minor  
17 or incapacitated victim.

18 Section 2. (a) Upon the first passage by the General  
19 Assembly of this proposed constitutional amendment, the  
20 Secretary of the Commonwealth shall proceed immediately to  
21 comply with the advertising requirements of section 1 of Article  
22 XI of the Constitution of Pennsylvania and shall transmit the  
23 required advertisements to two newspapers in every county in  
24 which such newspapers are published in sufficient time after  
25 passage of this proposed constitutional amendment.

26 (b) Upon the second passage by the General Assembly of this  
27 proposed constitutional amendment, the Secretary of the  
28 Commonwealth shall proceed immediately to comply with the  
29 advertising requirements of section 1 of Article XI of the  
30 Constitution of Pennsylvania and shall transmit the required

1 advertisements to two newspapers in every county in which such  
2 newspapers are published in sufficient time after passage of  
3 this proposed constitutional amendment. The Secretary of the  
4 Commonwealth shall submit this proposed constitutional amendment  
5 to the qualified electors of this Commonwealth at the first  
6 primary, general or municipal election which meets the  
7 requirements of and is in conformance with section 1 of Article  
8 XI of the Constitution of Pennsylvania and which occurs at least  
9 three months after the proposed constitutional amendment is  
10 passed by the General Assembly.