



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 2307

PRINTERS NO. 4067

PRIME SPONSOR: Nesbit

COST / (SAVINGS)

FUND	FY 2018/19	FY 2019/20
General Fund	\$0	\$0

SUMMARY:

House Bill 2307, Printer's Number 4067 amends Title 42 (Judiciary and Judicial Procedure) by making several additions to Chapter 95 (Post-trial Matters), regarding the treatment of victims and witnesses post trial.

ANALYSIS:

HB 2307 amends the Judicial Code by adding a new Subchapter A.1 (Victim and Witness Outreach), Section 9521 (Defense-initiated victim or witness outreach). The section adds the definition "defense-initiated victim or witness outreach" to mean any effort by a criminal defendant's counsel on the behalf of the criminal defendant to directly or indirectly contact a victim or witness or a parent, guardian or family member of a victim or witness. The section further provides that any defense-initiated victim or witness outreach requires the communication to be conducted honestly and without deception or misrepresentation, where the individual contacting the victim/witness will provide the individual's identity by name, their employer and if applicable, the name of the convicted defendant they represent.

Sections 9543 (Eligibility for relief) and 9545 (Jurisdiction and proceedings) in Subchapter B (Post-Conviction Relief) (Post-Conviction Relief Act (PCRA)) are further amended to provide relief to individuals who were convicted of crimes they did not commit. Section 9543 expands the relief eligibility to an individual who has completed a sentence of imprisonment, probation or parole for a crime and is seeking relief based on DNA evidence obtained under Section 9543.1(d) (relating to postconviction DNA testing). Section 9545 (b) is amended to increase the time for filing a petition for relief from 60 days to one year from the date the claim could have been first presented. Section 9545(d) is further amended to permit that if a petitioner is unable to obtain the signature of a witness, the petitioner will have an alternate means to present certified witness testimony.

This legislation would take effect in 60 days.

FISCAL IMPACT:

Enactment of this legislation will have no adverse fiscal impact on Commonwealth funds.

PREPARED BY: Jenny P. Stratton
House Appropriations Committee (R)

DATE: October 9, 2018

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.