



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 504

PRINTERS NO. 492

PRIME SPONSOR: Mihalek

COST / (SAVINGS)

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

SUMMARY:

House Bill 504, Printer's Number 492 further amends Title 18 (Crimes and Offenses), Section 3104 (Evidence of victim's sexual conduct) to provide that past sexual victimization and allegations of past sexual victimization may be excluded from evidence in certain criminal trials.

ANALYSIS:

HB 504 further amends Section 3104 (The Rape Shield Law) of the Crimes Code to provide that in certain criminal trials, evidence of past sexual victimization and allegations of past sexual victimization may be excluded as evidence. In the event the defendant wants to offer such evidence at trial, the defense must file a motion and offer proof to the court.

The Rape Shield Law provides that evidence of the victim's past sexual conduct is irrelevant to prove consent of the victim with respect to sexual contact with the defendant. Under current law, the Rape Shield law only applies to offenses committed under Chapter 31 (relating to sexual offenses). HB 504 broadens the list of offenses in which the Rape Shield law applies as follows:

- Chapter 27 (relating to assault),
- Chapter 29 (relating to kidnapping),
- Chapter 30 (relating to human trafficking),
- Section 4302 (relating to incest),
- Section 4304 (relating to endangering welfare of children)- if the offense involved sexual conduct,
- Section 6301 (a)(1)(ii) (relating to corruption of minors),
- Section 6312 (b) (relating to sexual abuse of children),
- Section 6318 (relating to unlawful contact with minors); and
- Section 6320 (relating to sexual exploitation of children).

This legislation will 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: April 9, 2019

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