

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in depositions and
3 witnesses, further providing for declaration of policy, for
4 definitions and for victims of sexual or physical abuse.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 5981 of Title 42 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 5981. Declaration of policy.

10 In order to promote the best interests of the [children of
11 this Commonwealth] residents of this Commonwealth who are under
12 18 years of age, especially those [children] who are material
13 witnesses to or victims of crimes, the General Assembly declares
14 its intent, in this subchapter, to provide [these children],
15 where necessity is shown, procedures which will protect them
16 during their involvement with the criminal justice system. The
17 General Assembly urges the news media to use significant
18 restraint and caution in revealing the identity or address of

1 children who are victims of or witnesses to crimes or other
2 information that would reveal the name or address of the child
3 victim or witness.

4 Section 2. Section 5982 of Title 42 is amended by adding a
5 definition to read:

6 § 5982. Definitions.

7 The following words and phrases when used in this subchapter
8 shall have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 * * *

11 "Minor." An individual who, at the time of the commission of
12 the offense involving sexual or physical abuse, is under 18
13 years of age.

14 * * *

15 Section 3. Section 5988 of Title 42 is amended to read:

16 § 5988. Victims of sexual or physical abuse.

17 (a) Release of name prohibited.--Notwithstanding any other
18 provision of law to the contrary, in a prosecution involving [a
19 child victim of sexual or physical abuse, unless the court
20 otherwise orders, the name of the child victim shall not be
21 disclosed by officers or employees of the court to the public,
22 and any records revealing the name of the child victim will not
23 be open to public inspection.] a minor victim of sexual or
24 physical abuse, the name of the minor victim shall not be
25 disclosed by officers or employees of the court to the public,
26 and any records revealing the name of the minor victim shall not
27 be open to public inspection.

28 (a.1) Application of section.--The provisions of this
29 section shall apply to a prosecution involving a minor victim
30 regardless of the date of the commencement of the prosecution.

1 (a.2) Waiver.--A minor victim who is 18 years of age or
2 older at the time of the commencement of the prosecution may
3 waive the provisions of this section and allow the court to
4 release the name of the minor victim. The court shall develop
5 procedures to implement the provisions of this subsection.

6 (b) Penalty.--Any person who violates this section commits a
7 misdemeanor of the third degree.

8 Section 4. This act shall take effect in 60 days.