

JUDICIAL CODE (42 PA.C.S.) - DECLARATION OF POLICY, VICTIMS OF
SEXUAL OR PHYSICAL ABUSE AND REPORT BY DISTRICT ATTORNEY
Act of Dec. 18, 2013, P.L. 1181, No. 109 Cl. 42
Session of 2013
No. 2013-109

HB 1201

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in depositions and witnesses, further providing for declaration of policy, for definitions and for victims of sexual or physical abuse; and in post-trial matters, further providing for report by district attorney.

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

Section 1. Section 5981 of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:
§ 5981. Declaration of policy.

In order to promote the best interests of the [children of this Commonwealth] **residents of this Commonwealth who are under 18 years of age**, especially those [children] who are material witnesses to or victims of crimes, the General Assembly declares its intent, in this subchapter, to provide [these children], where necessity is shown, procedures which will protect them during their involvement with the criminal justice system. The General Assembly urges the news media to use significant restraint and caution in revealing the identity or address of children who are victims of or witnesses to crimes or other information that would reveal the name or address of the child victim or witness.

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

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

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

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Section 3. Sections 5988 and 9561(b) of Title 42 are amended to read:

§ 5988. Victims of sexual or physical abuse.

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

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

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

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

§ 9561. Report by district attorney.

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(b) Definitions.--The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Health care professional." A person licensed, certified or registered by any of the State boards as defined in this section.

"State board." Includes the following departmental administrative boards within the Department of State: the State Board of Medicine, the State Board of Osteopathic Medicine, the State Board of Dentistry, the State Board of Podiatry, the State Board of Pharmacy, the State Board of Nursing, the State Board of Physical Therapy, the State Board of Occupational Therapy Education and Licensure, the State Board of [Optometrical Examiners, the State Board of Examiners of Nursing Home Administrators, the State Board of Chiropractic Examiners, the State Board of Psychologist Examiners and the State Board of Examiners in Speech-Language and Hearing.] **Optometry, the State Board of Examiners of Nursing Home Administrators, the State Board of Chiropractic, the State Board of Psychology, the State Board of Massage Therapy, the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, the State Board of Examiners in Speech-Language and Hearing and any other health-related administrative board which issues professional or occupational licenses within the Department of State.**

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

APPROVED--The 18th day of December, A.D. 2013.

TOM CORBETT