

JUDICIAL CODE (42 PA.C.S.) - VICTIM AND WITNESS OUTREACH,  
ELIGIBILITY FOR RELIEF AND JURISDICTION AND PROCEEDINGS

Act of Oct. 24, 2018, P.L. 894, No. 146

Cl. 42

Session of 2018

No. 2018-146

SB 915

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for victim and witness outreach; and, in post-trial matters, further providing for eligibility for relief and for jurisdiction and proceedings.

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

Section 1. Chapter 95 of Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a subchapter to read:

**SUBCHAPTER A.1**

**VICTIM AND WITNESS OUTREACH**

**Sec.**

**9521. Defense-initiated victim or witness outreach.**

**§ 9521. Defense-initiated victim or witness outreach.**

(a) **Requirements.**--A person who engages in defense-initiated victim or witness outreach shall:

(1) Communicate in an honest manner without deception or misrepresentation.

(2) Unambiguously provide the person's identity by name, the person's employer and, if applicable, the name of the defendant convicted of the crime.

(b) **Definition.**--As used in this section, the term "defense-initiated victim or witness outreach" means any effort by a criminal defendant's counsel to directly or indirectly contact

a victim or witness or a parent, guardian or family member of a victim or witness on behalf of the criminal defendant or the criminal defendant's counsel through any of the following:

(1) A victim liaison.

(2) A victim outreach specialist.

(3) A social worker.

(4) An investigator.

(5) Any other individual designated by the criminal defendant or the criminal defendant's counsel.

Section 2. Sections 9543(a)(1) and 9545(b)(2) and (d)(1) of Title 42 are amended to read:

**§ 9543. Eligibility for relief.**

(a) **General rule.**--To be eligible for relief under this subchapter, the petitioner must plead and prove by a preponderance of the evidence all of the following:

(1) That the petitioner has been convicted of a crime under the laws of this Commonwealth and is at the time relief is granted:

(i) currently serving a sentence of imprisonment, probation or parole for the crime;

(ii) awaiting execution of a sentence of death for the crime; [or]

(iii) serving a sentence which must expire before the person may commence serving the disputed sentence[.];  
or

(iv) has completed a sentence of imprisonment, probation or parole for the crime and is seeking relief based upon DNA evidence obtained under section 9543.1(d) (relating to postconviction DNA testing).

\* \* \*

§ 9545. Jurisdiction and proceedings.

\* \* \*

(b) Time for filing petition.--

\* \* \*

(2) Any petition invoking an exception provided in paragraph (1) shall be filed within [60 days] **one year** of the date the claim could have been presented.

\* \* \*

(d) Evidentiary hearing.--

(1) **The following apply:**

(i) Where a petitioner requests an evidentiary hearing, the petition shall include a [signed certification as to] **certification signed by** each intended witness stating the witness's name, address, date of birth and substance of testimony and shall include any documents material to that witness's testimony.

(ii) If a petitioner is unable to obtain the signature of a witness under subparagraph (i), the petitioner shall include a certification, signed by the petitioner or counsel, stating the witness's name, address, date of birth and substance of testimony. In lieu of including the witness's name and address in the certification under this subparagraph, counsel may provide the witness's name and address directly to the Commonwealth. The certification under this subparagraph shall include any documents material to the witness's testimony and specify the basis of the petitioner's information regarding the witness and the petitioner's efforts to obtain the witness's signature. Nothing in this subparagraph shall be construed to contravene any applicable attorney-client privilege between the petitioner and postconviction counsel.

(iii) Failure to substantially comply with the requirements of this paragraph shall render the proposed witness's testimony inadmissible.

\* \* \*

Section 3. The amendment of 42 Pa.C.S. § 9545(b)(2) shall apply only to claims arising one year before the effective date of this section or thereafter.

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

APPROVED--The 24th day of October, A.D. 2018.

TOM WOLF