

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 27

Session of
2007

INTRODUCED BY PARKER, D. EVANS, GERBER, BELFANTI, CALTAGIRONE,
JAMES, MYERS, STURLA, WILLIAMS, BISHOP, COHEN, CRUZ, CURRY,
GALLOWAY, JOSEPHS, KIRKLAND, LEACH, M. O'BRIEN, PASHINSKI,
ROEBUCK AND FRANKEL, JANUARY 30, 2007

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 30, 2007

AN ACT

1 Amending Title 44 (Law and Justice) of the Pennsylvania
2 Consolidated Statutes, providing for witness relocation.

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

5 Section 1. Title 44 of the Pennsylvania Consolidated
6 Statutes is amended by adding a part to read:

7 PART III

8 PROGRAMS

9 Chapter

10 31. Witness Relocation

11 CHAPTER 31

12 WITNESS RELOCATION

13 Sec.

14 3101. Definitions.

15 3102. Administration.

16 3103. Program.

17 3104. Admission.

1 3105. Witness services.

2 3106. Termination.

3 3107. Confidentiality.

4 3108. Immunity.

5 § 3101. Definitions.

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

9 "Program." The program established in section 3103 (relating
10 to program).

11 "Witness." An individual having knowledge of the existence
12 or nonexistence of facts or information relating to a crime. The
13 term includes:

14 (1) An individual who has reported facts or information
15 to a law enforcement officer or prosecuting official.

16 (2) An individual who has been served with a subpoena
17 issued under the authority of the Commonwealth.

18 (3) An individual who has given written or oral
19 testimony or a statement in a criminal matter.

20 (4) An individual who is deemed by the Attorney General
21 or the prosecuting official to be a witness.

22 § 3102. Administration.

23 The Attorney General has the following powers and duties:

24 (1) Administer the program.

25 (2) Promulgate procedures and guidelines to administer
26 this chapter.

27 § 3103. Program.

28 The Attorney General shall establish a Statewide witness
29 relocation program and may provide for the relocation of a
30 witness, a potential witness, a family member or other person

1 closely associated with the witness or potential witness in an
2 official proceeding or investigation.

3 § 3104. Admission.

4 (a) Eligibility.--A prosecuting official that determines a
5 need for witness relocation may request funding from the
6 Attorney General. In an official proceeding or investigation
7 within this Commonwealth, if the prosecuting official requests
8 that a witness enter the program, the Attorney General may admit
9 the witness into the program.

10 (b) Agreement.--If the Attorney General determines that a
11 witness is eligible under subsection (a), the following shall
12 apply:

13 (1) A witness voluntarily participating in the program
14 must enter into a written agreement.

15 (2) In the written agreement under paragraph (1), the
16 witness must agree to all of the following:

17 (i) To testify in and provide truthful information
18 to all appropriate law enforcement officials concerning
19 all appropriate proceedings.

20 (ii) To refrain from committing a crime.

21 (iii) To take necessary steps to avoid detection by
22 others of the facts concerning the relocation provided to
23 the witness under this chapter.

24 (iv) To comply with legal obligations and civil
25 judgments against the witness.

26 (v) To cooperate with reasonable requests of
27 officers and employees of the Commonwealth or a political
28 subdivision who are providing relocation under this
29 chapter.

30 (vi) To designate another person to act as agent for

1 the services of process.

2 (vii) To make a sworn statement of all outstanding
3 legal obligations, including obligations concerning child
4 custody and visitation.

5 (viii) To disclose any probation or parole
6 responsibilities if the witness is currently under parole
7 or probation supervision under the laws of another state.

8 (ix) To regularly inform the office of the witness's
9 activities and current address.

10 (x) To comply with other conditions requested by the
11 prosecuting official.

12 § 3105. Witness services.

13 (a) Coordination.--The Attorney General in cooperation with
14 the prosecuting official shall coordinate the efforts to secure
15 relocation services for witnesses in the program.

16 (b) Funding.--An appropriation shall be made to the Attorney
17 General to fund the program.

18 § 3106. Termination.

19 (a) Authority.--A witness may be terminated from
20 participation in the program.

21 (b) Procedure.--Termination under this section is not
22 subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and
23 procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating
24 to judicial review of Commonwealth agency action).

25 § 3107. Confidentiality.

26 Except as otherwise required by law or required for the
27 implementation of the program, information relating to any
28 witness participating in the program shall remain confidential
29 and is not subject to disclosure.

30 § 3108. Immunity.

1 The Commonwealth, its officers and employees, and State or
2 county prosecuting attorneys or law enforcement agencies shall
3 not be subject to any liability for any decision to provide or
4 not to provide protection under this chapter.

5 Section 2. This act shall take effect in 60 days.