

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, FRANKEL AND PAYTON, JANUARY 30, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 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:

PART III

PROGRAMS

Chapter

31. Witness Relocation

CHAPTER 31

WITNESS RELOCATION

Sec.

3101. Definitions.

3102. Administration.

3103. Program.

1 3104. Admission.

2 3105. Witness services.

3 3106. Termination.

4 3107. Confidentiality.

5 3108. Immunity.

6 § 3101. Definitions.

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

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

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

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

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

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

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

23 § 3102. Administration.

24 The Attorney General has the following powers and duties:

25 (1) Administer the program.

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

28 § 3103. Program.

29 The Attorney General shall establish a Statewide witness
30 relocation program and may provide for the relocation of a

1 witness, a potential witness, a family member or other person
2 closely associated with the witness or potential witness in an
3 official proceeding or investigation.

4 § 3104. Admission.

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

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

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

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

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

21 (ii) To refrain from committing a crime.

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

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

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

1 (vi) To designate another person to act as agent for
2 the services of process.

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

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

9 (VIII) TO DISCLOSE IF THE WITNESS IS CURRENTLY UNDER <—
10 THE SUPERVISION OF ANY COUNTY OR STATE PROBATION OR
11 PAROLE DEPARTMENT IN PENNSYLVANIA OR ANOTHER STATE AS
12 WELL AS ANY CONDITIONS OF THE SENTENCE.

13 (ix) To regularly inform the office PROSECUTING <—
14 OFFICIAL of the witness's activities and current address.

15 (x) To comply with other conditions requested by the
16 prosecuting official.

17 § 3105. Witness services.

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

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

23 § 3106. Termination.

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

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

30 § 3107. Confidentiality.

1 Except as otherwise required by law or required for the
2 implementation of the program, information relating to any
3 witness participating in the program shall remain confidential
4 and is not subject to disclosure.

5 § 3108. Immunity.

6 The Commonwealth, its officers and employees, and State or
7 county prosecuting attorneys or law enforcement agencies shall
8 not be subject to any liability for any decision to provide or
9 not to provide ~~protection~~ RELOCATION under this chapter. ←

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