

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 872 Session of  
2009

INTRODUCED BY BAKER, WASHINGTON, WILLIAMS, VANCE, D. WHITE,  
ALLOWAY, MUSTO, ARGALL, LEACH AND GORDNER, JUNE 5, 2009

REFERRED TO JUDICIARY, JUNE 5, 2009

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in juvenile matters,  
3 further providing for conduct of hearings.

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

6 Section 1. Section 6336(d) and (e) of Title 42 of the  
7 Pennsylvania Consolidated Statutes are amended to read:  
8 § 6336. Conduct of hearings.

9 \* \* \*

10 (d) Proceeding in camera.--[Except in hearings to declare a  
11 person in contempt of court and in hearings as specified in  
12 subsection (e), the general public shall be excluded from  
13 hearings under this chapter. Only the parties, their counsel,  
14 witnesses, the victim and counsel for the victim, other persons  
15 accompanying a party or a victim for his or her assistance, and  
16 any other person as the court finds have a proper interest in  
17 the proceeding or in the work of the court shall be admitted by  
18 the court. The court may temporarily exclude the child from the

1 hearing except while allegations of his delinquency are being  
2 heard.] A hearing to declare a person in contempt of court and a  
3 hearing on a petition alleging delinquency shall be open to the  
4 general public, except where the court rules, after a finding on  
5 the record of exceptional circumstances, that it is necessary to  
6 close the hearing or part of the hearing. A closure shall be  
7 narrowly tailored to address the exceptional circumstances. Only  
8 the parties, their counsel, witnesses, the victim, counsel for  
9 the victim and other persons approved by the court may be  
10 present at a closed hearing. Those persons having a proper  
11 interest in the case or in the work of the court, including the  
12 news media, shall be admitted by the court provided that  
13 safeguards are in place to protect the exceptional circumstances  
14 that resulted in the need for a closed hearing. No hearing or  
15 part of a hearing may be closed by the court if the juvenile  
16 requests that it remain open.

17 (e) Open proceedings.--The general public shall not be  
18 excluded from any hearings under this chapter:

19 (1) Pursuant to a petition alleging delinquency where  
20 the child was 14 years of age or older at the time of the  
21 alleged conduct and the alleged conduct would be considered a  
22 felony if committed by an adult.

23 (2) Pursuant to a petition alleging delinquency where  
24 the child was 12 years of age or older at the time of the  
25 alleged conduct and where the alleged conduct would have  
26 constituted one or more of the following offenses if  
27 committed by an adult:

28 (i) Murder.

29 (ii) Voluntary manslaughter.

30 (iii) Aggravated assault as defined in 18 Pa.C.S. §

2702(a)(1) or (2) (relating to aggravated assault).

(iv) Arson as defined in 18 Pa.C.S. § 3301(a)(1)  
(relating to arson and related offenses).

(v) Involuntary deviate sexual intercourse.

(vi) Kidnapping.

(vii) Rape.

(viii) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)  
(i), (ii) or (iii) (relating to robbery).

(ix) Robbery of motor vehicle.

(x) Attempt or conspiracy to commit any of the  
offenses in this paragraph.

[Notwithstanding anything in this subsection, the proceedings  
shall be closed upon and to the extent of any agreement between  
the child and the attorney for the Commonwealth.]

\* \* \*

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