
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1993 Session of
2018

INTRODUCED BY DELOZIER, BENNINGHOFF, STEPHENS, BIZZARRO, BAKER,
CHARLTON, CALTAGIRONE, TOEPEL, O'NEILL, M. K. KELLER, SAYLOR,
BARRAR, MILLARD, PHILLIPS-HILL, KEEFER, A. HARRIS, ROZZI,
D. COSTA, CORBIN, CUTLER, READSHAW, GILLEN, SCHLEGEL CULVER,
EVERETT, HICKERNELL, WATSON, DeLUCA, KAMPF, ROE, BOBACK,
YOUNGBLOOD, LEWIS AND FEE, JANUARY 24, 2018

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 24, 2018

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, providing for rights of victims of crime.

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

5 Section 1. The following amendment to the Constitution of
6 Pennsylvania is proposed in accordance with Article XI:

7 That Article I be amended by adding a section to read:

8 § 9.1. Rights of victims of crime.

9 (a) To secure for victims justice and due process throughout
10 the criminal and juvenile justice systems, a victim shall have
11 the following rights which shall be protected in a manner no
12 less vigorous than the rights afforded to the accused: to be
13 treated with fairness and respect for the victim's safety,
14 dignity and privacy; upon request, to reasonable and timely
15 notice of and to be present at all public proceedings involving

1 the criminal or delinquent conduct; with the exception of grand
2 jury proceedings, to be heard in any proceeding involving
3 release, plea, sentencing, disposition, parole and any
4 proceeding during which a right of the victim is implicated; to
5 reasonable protection from the accused or any person acting on
6 behalf of the accused; upon request, to reasonable notice of any
7 release or escape of an accused; to refuse an interview,
8 deposition or other discovery request made by the accused or any
9 person acting on behalf of the accused; full and timely
10 restitution from the person or entity convicted or adjudicated
11 responsible for the unlawful conduct; to proceedings free from
12 unreasonable delay and a prompt conclusion of the case; upon
13 request, to confer with the attorney for the government; and to
14 be informed of all rights enumerated in this section.

15 (b) The victim, the victim's attorney or other lawful
16 representative, or the attorney for the government upon request
17 of the victim may assert in any trial or appellate court, or
18 before any other authority, with jurisdiction over the case, and
19 have enforced, the rights enumerated in this section and any
20 other right afforded to the victim by law. This section does not
21 create any cause of action for compensation or damages against
22 the Commonwealth, counties, cities or municipalities, nor any
23 officer, employee or agent of the Commonwealth, counties, cities
24 or municipalities, or any officer or employee of a court.

25 (c) As used in this section, the term "victim" includes any
26 person against whom the criminal offense or delinquent act is
27 committed or who is directly harmed by the commission of the
28 offense or act. The term "victim" does not include the accused
29 or a person whom the court finds would not act in the best
30 interests of a deceased, incompetent, minor or incapacitated

1 victim.

2 Section 2. (a) Upon the first passage by the General
3 Assembly of this proposed constitutional amendment, the
4 Secretary of the Commonwealth shall proceed immediately to
5 comply with the advertising requirements of section 1 of Article
6 XI of the Constitution of Pennsylvania and shall transmit the
7 required advertisements to two newspapers in every county in
8 which such newspapers are published in sufficient time after
9 passage of this proposed constitutional amendment.

10 (b) Upon the second passage by the General Assembly of this
11 proposed constitutional amendment, the Secretary of the
12 Commonwealth shall proceed immediately to comply with the
13 advertising requirements of section 1 of Article XI of the
14 Constitution of Pennsylvania and shall transmit the required
15 advertisements to two newspapers in every county in which such
16 newspapers are published in sufficient time after passage of
17 this proposed constitutional amendment. The Secretary of the
18 Commonwealth shall submit this proposed constitutional amendment
19 to the qualified electors of this Commonwealth at the first
20 primary, general or municipal election which meets the
21 requirements of and is in conformance with section 1 of Article
22 XI of the Constitution of Pennsylvania and which occurs at least
23 three months after the proposed constitutional amendment is
24 passed by the General Assembly.