

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1011 Session of
2018

INTRODUCED BY RESCHENTHALER, ARGALL, RAFFERTY, FONTANA, MARTIN,
BARTOLOTTA, SABATINA, COSTA, YAW, STEFANO, SCHWANK, KILLION,
BOSCOLA, VULAKOVICH, HUGHES, REGAN, MCGARRIGLE, BAKER,
WAGNER, FOLMER, BROWNE, DISANTO, VOGEL, SCARNATI, WARD,
CORMAN, BROOKS AND WHITE, JANUARY 2, 2018

REFERRED TO JUDICIARY, JANUARY 2, 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
16 the criminal or delinquent conduct; with the exception of grand

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

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

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

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

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