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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2342 Session of  
2020

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INTRODUCED BY OWLETT, PICKETT, ROTHMAN, COX, BURGOS, TOOHL, GLEIM, KIM AND JOZWIAK, MARCH 10, 2020

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 10, 2020

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in depositions and  
3 witnesses, further providing for admissibility of certain  
4 statements.

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

7 Section 1. Section 5985.1(a) of Title 42 of the Pennsylvania  
8 Consolidated Statutes, amended June 28, 2019 (P.L.231, No.31),  
9 is amended to read:

10 § 5985.1. Admissibility of certain statements.

11 (a) General rule.--

12 (1) An out-of-court statement made by a child victim or  
13 witness, who at the time the statement was made was [12] 16  
14 years of age or younger, describing any of the offenses  
15 enumerated in paragraph (2), not otherwise admissible by  
16 statute or rule of evidence, is admissible in evidence in any  
17 criminal or civil proceeding if:

18 (i) the court finds, in an in camera hearing, that  
19 the evidence is relevant and that the time, content and

1 circumstances of the statement provide sufficient indicia  
2 of reliability; and

3 (ii) the child either:

4 (A) testifies at the proceeding; or

5 (B) is unavailable as a witness.

6 (2) The following offenses under 18 Pa.C.S. (relating to  
7 crimes and offenses) shall apply to paragraph (1):

8 Chapter 25 (relating to criminal homicide).

9 Chapter 27 (relating to assault).

10 Chapter 29 (relating to kidnapping).

11 Chapter 30 (relating to human trafficking).

12 Chapter 31 (relating to sexual offenses).

13 Chapter 35 (relating to burglary and other criminal  
14 intrusion).

15 Chapter 37 (relating to robbery).

16 Section 4302 (relating to incest).

17 Section 4304 (relating to endangering welfare of  
18 children), if the offense involved sexual contact with the  
19 victim.

20 Section 6301(a)(1)(ii) (relating to corruption of  
21 minors).

22 Section 6312(b) (relating to sexual abuse of children).

23 Section 6318 (relating to unlawful contact with minor).

24 Section 6320 (relating to sexual exploitation of  
25 children).

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