
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 149 Session of
2019

INTRODUCED BY SABATINA, GORDNER, REGAN, FONTANA, SCHWANK, BLAKE,
PHILLIPS-HILL, HUGHES, FOLMER, MARTIN, K. WARD, STEFANO,
DISANTO, DINNIMAN, BAKER, COSTA, BARTOLOTTA, KILLION, ARGALL,
J. WARD, TARTAGLIONE, MUTH, AUMENT, YUDICHAK, BROWNE AND
BOSCOLA, FEBRUARY 1, 2019

REFERRED TO JUDICIARY, FEBRUARY 1, 2019

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, as further provided and as defined by the
12 General Assembly, which shall be protected in a manner no less
13 vigorous than the rights afforded to the accused: to be treated
14 with fairness and respect for the victim's safety, dignity and
15 privacy; to have the safety of the victim and the victim's
16 family considered in fixing the amount of bail and release

1 conditions for the accused; to reasonable and timely notice of
2 and to be present at all public proceedings involving the
3 criminal or delinquent conduct; to be notified of any pretrial
4 disposition of the case; with the exception of grand jury
5 proceedings, to be heard in any proceeding where a right of the
6 victim is implicated, including, but not limited to, release,
7 plea, sentencing, disposition, parole and pardon; to be notified
8 of all parole procedures, to participate in the parole process,
9 to provide information to be considered before the parole of the
10 offender, and to be notified of the parole of the offender; to
11 reasonable protection from the accused or any person acting on
12 behalf of the accused; to reasonable notice of any release or
13 escape of the accused; to refuse an interview, deposition or
14 other discovery request made by the accused or any person acting
15 on behalf of the accused; full and timely restitution from the
16 person or entity convicted for the unlawful conduct; full and
17 timely restitution as determined by the court in a juvenile
18 delinquency proceeding; to the prompt return of property when no
19 longer needed as evidence; to proceedings free from unreasonable
20 delay and a prompt and final conclusion of the case and any
21 related postconviction proceedings; to confer with the attorney
22 for the government; and to be informed of all rights enumerated
23 in this section.

24 (b) The victim or the attorney for the government upon
25 request of the victim may assert in any trial or appellate
26 court, or before any other authority, with jurisdiction over the
27 case, and have enforced, the rights enumerated in this section
28 and any other right afforded to the victim by law. This section
29 does not grant the victim party status or create any cause of
30 action for compensation or damages against the Commonwealth or

1 any political subdivision, nor any officer, employee or agent of
2 the Commonwealth or any political subdivision, or any officer or
3 employee of the court.

4 (c) As used in this section and as further defined by the
5 General Assembly, the term "victim" includes any person against
6 whom the criminal offense or delinquent act is committed or who
7 is directly harmed by the commission of the offense or act. The
8 term "victim" does not include the accused or a person whom the
9 court finds would not act in the best interests of a deceased,
10 incompetent, minor or incapacitated victim.

11 Section 2. (a) Upon the first passage by the General
12 Assembly of this proposed constitutional amendment, the
13 Secretary of the Commonwealth shall proceed immediately to
14 comply with the advertising requirements of section 1 of Article
15 XI of the Constitution of Pennsylvania and shall transmit the
16 required advertisements to two newspapers in every county in
17 which such newspapers are published in sufficient time after
18 passage of this proposed constitutional amendment.

19 (b) Upon the second passage by the General Assembly of this
20 proposed constitutional amendment, the Secretary of the
21 Commonwealth shall proceed immediately to comply with the
22 advertising requirements of section 1 of Article XI of the
23 Constitution of Pennsylvania and shall transmit the required
24 advertisements to two newspapers in every county in which such
25 newspapers are published in sufficient time after passage of
26 this proposed constitutional amendment. The Secretary of the
27 Commonwealth shall submit this proposed constitutional amendment
28 to the qualified electors of this Commonwealth at the first
29 primary, general or municipal election which meets the
30 requirements of and is in conformance with section 1 of Article

1 XI of the Constitution of Pennsylvania and which occurs at least
2 three months after the proposed constitutional amendment is
3 passed by the General Assembly.