
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2039 Session of
2021

INTRODUCED BY PENNYCUICK, MILLARD, RAPP, BERNSTINE, ECKER,
SCHLEGEL CULVER, MOUL, BROOKS, ROZZI, STEPHENS, GUENST, HELM,
KAUFFMAN, C. WILLIAMS AND TOOHL, OCTOBER 29, 2021

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 29, 2021

AN ACT

1 Amending the act of November 24, 1998 (P.L.882, No.111),
2 entitled "An act providing for victims' rights; imposing
3 penalties; establishing remedies; establishing the Office of
4 Victim Advocate, the Bureau of Victims' Services, the
5 Victims' Services Advisory Committee, the State Offender
6 Supervision Fund and other funds; and making repeals," in
7 crime victims, further providing for rights.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 201(2)(iii) and (2.1) of the act of
11 November 24, 1998 (P.L.882, No.111), known as the Crime Victims
12 Act, are amended to read:

13 Section 201. Rights.

14 Victims of crime have the following rights:

15 * * *

16 (2) To be notified of certain significant actions and
17 proceedings within the criminal and juvenile justice systems
18 pertaining to their case. This paragraph includes all of the
19 following:

20 * * *

1 (iii) Access to information regarding the grant or
2 denial of bail to an adult. The following apply:

3 (A) The arresting officer shall provide the name
4 and contact information of the victim to the
5 magisterial district court conducting the preliminary
6 arraignment so that the victim may receive notice of
7 any proceedings to modify bail conditions and
8 exercise the opportunity to appear in accordance with
9 paragraph 2.1(iii).

10 (B) The contact information of the victim shall
11 be transmitted by the magisterial district court with
12 the transcript of the proceedings to the court of
13 common pleas at the conclusion of the preliminary
14 hearing so that the clerk of courts may notify the
15 victim of any proceedings to modify bail and the
16 victim may exercise the opportunity to appear in
17 accordance with paragraph 2.1(iii).

18 (C) Nothing in this subparagraph shall preclude
19 a district attorney or assistant district attorney
20 from excusing the presence of the victim to proceed
21 by colloquy or offer of proof in accordance with
22 paragraph 2.1(iii).

23 * * *

24 (2.1) To not be excluded from any criminal proceeding
25 unless the court, based on the record before it, determines
26 that testimony by the victim would be materially altered if
27 the victim heard other testimony at the proceeding. The
28 following apply:

29 (i) Before making a determination, the court shall
30 make every effort to permit the fullest attendance

1 possible by the victim and shall consider reasonable
2 alternatives to the exclusion of the victim.

3 (ii) The reason for any exclusion shall be clearly
4 stated on the record.

5 (iii) The right not to be excluded under this
6 paragraph shall afford the victim the right to offer
7 comment regarding a defendant's bail conditions at the
8 time that bail conditions are imposed or at any
9 subsequent proceeding where bail conditions may be
10 modified. The following apply:

11 (A) Nothing in this subparagraph shall be
12 construed to preclude the prosecutor or arresting
13 officer from presenting an offer of proof or colloquy
14 in lieu of testimony by the victim.

15 (B) This subparagraph applies to the following
16 offenses:

17 (I) A personal injury crime.

18 (II) A crime of violence, as defined in 42
19 Pa.C.S. § 9714(g) (relating to sentences for
20 second and subsequent offenses).

21 (III) An offense under 18 Pa.C.S. § 6312
22 (relating to sexual abuse of children).

23 (IV) An offense under 18 Pa.C.S. § 6320
24 (relating to sexual exploitation of children).

25 * * *

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