

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 TOOHIL, OCTOBER 29, 2021

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 9, 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:

1 * * *

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

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

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

21 (C) Nothing in this subparagraph shall preclude
22 a district attorney or assistant district attorney <--
23 THE PROSECUTOR from excusing the presence of the <--
24 victim to proceed by colloquy or offer of proof in
25 accordance with paragraph 2.1(iii).

26 * * *

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

1 following apply:

2 (i) Before making a determination, the court shall
3 make every effort to permit the fullest attendance
4 possible by the victim and shall consider reasonable
5 alternatives to the exclusion of the victim.

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

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

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

18 (B) This subparagraph applies to the following
19 offenses:

20 (I) A personal injury crime.

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

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

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

28 * * *

29 Section 2. This act shall take effect in ~~60~~ 120 days.

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