

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 81 Session of 2021

INTRODUCED BY LANGERHOLC, BAKER, K. WARD, BARTOLOTTA, MARTIN, MENSCH, STEFANO, J. WARD, PHILLIPS-HILL, MUTH, SANTARSIERO, CAPPELLETTI AND TARTAGLIONE, JANUARY 22, 2021

REFERRED TO JUDICIARY, JANUARY 22, 2021

AN ACT

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

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

7 Section 1. Section 5920(a) and (b)(1) of Title 42 of the  
 8 Pennsylvania Consolidated Statutes are amended and the section  
 9 is amended by adding a subsection to read:

10 § 5920. Expert testimony in certain criminal proceedings.

11 (a) Scope.--This section applies to all of the following:

12 (1) A criminal proceeding for [an offense for which  
 13 registration is required] any crime listed under [Subchapter  
 14 H] Subchapter H (relating to registration of sexual  
 15 offenders) or I (relating to continued registration of sexual  
 16 offenders) of Chapter 97 [(relating to registration of sexual  
 17 offenders)].

18 (2) A criminal proceeding for an offense [under 18

1 Pa.C.S. Ch. 31 (relating to sexual offenses).], including  
2 attempt, solicitation or conspiracy, under any of the  
3 following provisions of 18 Pa.C.S. (relating to crimes and  
4 offenses):

5 (i) Chapter 30 (relating to human trafficking), if  
6 the offense involved sexual servitude.

7 (ii) Chapter 31 (relating to sexual offenses).

8 (iii) Section 4302 (relating to incest).

9 (iv) Section 4304 (relating to endangering welfare  
10 of children), if the offense involved sexual contact with  
11 the victim.

12 (v) Section 5902(b) or (b.1) (relating to  
13 prostitution and related offenses).

14 (vi) Section 6301(a)(1)(i) (relating to corruption  
15 of minors), if the offense involved sexual contact with  
16 the victim.

17 (vii) Section 6301(a)(1)(ii).

18 (viii) Section 6312 (relating to sexual abuse of  
19 children).

20 (ix) Section 6318 (relating to unlawful contact with  
21 minor).

22 (x) Section 6320 (relating to sexual exploitation of  
23 children).

24 (3) A criminal proceeding for a domestic violence  
25 offense.

26 (b) Qualifications and use of experts.--

27 (1) In a criminal proceeding subject to this section, a  
28 witness may be qualified by the court as an expert if the  
29 witness has specialized knowledge beyond that possessed by  
30 the average layperson based on the witness's experience with,

1 or specialized training or education in, criminal justice,  
2 behavioral sciences or victim services issues, related to  
3 sexual violence or domestic violence, that will assist the  
4 trier of fact in understanding the dynamics of sexual  
5 violence or domestic violence, victim responses to sexual  
6 violence or domestic violence and the impact of sexual  
7 violence or domestic violence on victims during and after  
8 being assaulted.

9 \* \* \*

10 (c) Definitions.--As used in this section, the term  
11 "domestic violence" means an offense under 18 Pa.C.S. § 2701  
12 (relating to simple assault), 2702 (relating to aggravated  
13 assault), 2709.1 (relating to stalking) or 2718 (relating to  
14 strangulation) perpetrated against a family or household member,  
15 as that term is defined in 23 Pa.C.S. § 6102 (relating to  
16 definitions).

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