

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 326 Session of 2021

INTRODUCED BY HUGHES, KEARNEY, FONTANA, SANTARSIERO AND TARTAGLIONE, MARCH 10, 2021

REFERRED TO JUDICIARY, MARCH 10, 2021

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
 2 Pennsylvania Consolidated Statutes, in depositions and
 3 witnesses, providing for material witness warrants and
 4 exceptions.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
 8 Statutes is amended by adding a section to read:

9 § 5906. Material witness warrants and exceptions.

10 (a) General rule.--Except as provided in subsection (b), the
 11 district attorney or defense counsel may motion a court of
 12 competent jurisdiction to issue a material witness warrant when,
 13 in the district attorney's or defense counsel's judgment, the
 14 testimony of a witness is essential to the prosecution or the
 15 defense and that it may become impracticable to secure the
 16 presence of a witness by subpoena. The court shall first attempt
 17 to use the least restrictive means available for securing the
 18 appearance of the witness in court and only jail the witness
 19 when, in the opinion of the court, no other option is

1 appropriate based on the circumstances.

2 (b) Exception.--The district attorney and the defense
3 counsel may not request a material witness warrant under
4 subsection (a) to secure the presence of a witness listed as the
5 crime victim in the indictment or bill of information in a case:

6 (1) where the instituted charges include an offense
7 under:

8 (i) 18 Pa.C.S. Ch. 30 Subch. B (relating to
9 prosecution of human trafficking); or

10 (ii) 18 Pa.C.S. Ch. 31 Subch. B (relating to
11 definition of offenses);

12 (2) involving an act of abuse as defined under 23
13 Pa.C.S. § 6102 (relating to definitions); or

14 (3) where the crime victim is the current or former
15 spouse or dating partner of the defendant, regardless of
16 whether the crime victim resides in the same household as the
17 defendant.

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