

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1201 Session of 2013

INTRODUCED BY BARBIN, KOTIK, McGEEHAN, PASHINSKI, ROZZI, O'BRIEN, MOUL, PAINTER, MILLARD, FRANKEL, DeLUCA, MILLER, KORTZ, SCHLOSSBERG, CALTAGIRONE, CARROLL AND QUINN, APRIL 16, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 13, 2013

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, IN DEPOSITIONS AND <--
3 WITNESSES, FURTHER PROVIDING FOR DECLARATION OF POLICY, FOR
4 DEFINITIONS AND FOR VICTIMS OF SEXUAL OR PHYSICAL ABUSE; AND
5 in post-trial matters, further providing for report by
6 district attorney.

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

9 ~~Section 1. Section 9561(b) of Title 42 of the Pennsylvania <--
10 Consolidated Statutes is amended to read:~~

11 SECTION 1. SECTION 5981 OF TITLE 42 OF THE PENNSYLVANIA <--
12 CONSOLIDATED STATUTES IS AMENDED TO READ:

13 § 5981. DECLARATION OF POLICY.

14 IN ORDER TO PROMOTE THE BEST INTERESTS OF THE [CHILDREN OF
15 THIS COMMONWEALTH] RESIDENTS OF THIS COMMONWEALTH WHO ARE UNDER
16 18 YEARS OF AGE, ESPECIALLY THOSE [CHILDREN] WHO ARE MATERIAL
17 WITNESSES TO OR VICTIMS OF CRIMES, THE GENERAL ASSEMBLY DECLARES
18 ITS INTENT, IN THIS SUBCHAPTER, TO PROVIDE [THESE CHILDREN],

1 WHERE NECESSITY IS SHOWN, PROCEDURES WHICH WILL PROTECT THEM
2 DURING THEIR INVOLVEMENT WITH THE CRIMINAL JUSTICE SYSTEM. THE
3 GENERAL ASSEMBLY URGES THE NEWS MEDIA TO USE SIGNIFICANT
4 RESTRAINT AND CAUTION IN REVEALING THE IDENTITY OR ADDRESS OF
5 CHILDREN WHO ARE VICTIMS OF OR WITNESSES TO CRIMES OR OTHER
6 INFORMATION THAT WOULD REVEAL THE NAME OR ADDRESS OF THE CHILD
7 VICTIM OR WITNESS.

8 SECTION 2. SECTION 5982 OF TITLE 42 IS AMENDED BY ADDING A
9 DEFINITION TO READ:

10 § 5982. DEFINITIONS.

11 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
12 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
13 CONTEXT CLEARLY INDICATES OTHERWISE:

14 * * *

15 "MINOR." AN INDIVIDUAL WHO, AT THE TIME OF THE COMMISSION OF
16 THE OFFENSE INVOLVING SEXUAL OR PHYSICAL ABUSE, IS UNDER 18
17 YEARS OF AGE.

18 * * *

19 SECTION 3. SECTIONS 5988 AND 9561(B) OF TITLE 42 ARE AMENDED
20 TO READ:

21 § 5988. VICTIMS OF SEXUAL OR PHYSICAL ABUSE.

22 (A) RELEASE OF NAME PROHIBITED.--NOTWITHSTANDING ANY OTHER
23 PROVISION OF LAW TO THE CONTRARY, IN A PROSECUTION INVOLVING [A
24 CHILD VICTIM OF SEXUAL OR PHYSICAL ABUSE, UNLESS THE COURT
25 OTHERWISE ORDERS, THE NAME OF THE CHILD VICTIM SHALL NOT BE
26 DISCLOSED BY OFFICERS OR EMPLOYEES OF THE COURT TO THE PUBLIC,
27 AND ANY RECORDS REVEALING THE NAME OF THE CHILD VICTIM WILL NOT
28 BE OPEN TO PUBLIC INSPECTION.] A MINOR VICTIM OF SEXUAL OR
29 PHYSICAL ABUSE, THE NAME OF THE MINOR VICTIM SHALL NOT BE
30 DISCLOSED BY OFFICERS OR EMPLOYEES OF THE COURT TO THE PUBLIC,

1 AND ANY RECORDS REVEALING THE NAME OF THE MINOR VICTIM SHALL NOT
2 BE OPEN TO PUBLIC INSPECTION.

3 (A.1) APPLICATION OF SECTION.--THE PROVISIONS OF THIS
4 SECTION SHALL APPLY TO A PROSECUTION INVOLVING A MINOR VICTIM
5 REGARDLESS OF THE DATE OF THE COMMENCEMENT OF THE PROSECUTION.

6 (A.2) WAIVER.--A MINOR VICTIM WHO IS 18 YEARS OF AGE OR
7 OLDER AT THE TIME OF THE COMMENCEMENT OF THE PROSECUTION MAY
8 WAIVE THE PROVISIONS OF THIS SECTION AND ALLOW THE COURT TO
9 RELEASE THE NAME OF THE MINOR VICTIM. THE COURT SHALL DEVELOP
10 PROCEDURES TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.

11 (B) PENALTY.--ANY PERSON WHO VIOLATES THIS SECTION COMMITS A
12 MISDEMEANOR OF THE THIRD DEGREE.

13 § 9561. Report by district attorney.

14 * * *

15 (b) Definitions.--The following words and phrases when used
16 in this section shall have the meanings given to them in this
17 subsection unless the context clearly indicates otherwise:

18 "Health care professional." A person licensed, certified or
19 registered by any of the State boards as defined in this
20 section.

21 "State board." Includes the following departmental
22 administrative boards within the Department of State: the State
23 Board of Medicine, the State Board of Osteopathic Medicine, the
24 State Board of Dentistry, the State Board of Podiatry, the State
25 Board of Pharmacy, the State Board of Nursing, the State Board
26 of Physical Therapy, the State Board of Occupational Therapy
27 Education and Licensure, the State Board of [Optometrical
28 Examiners, the State Board of Examiners of Nursing Home
29 Administrators, the State Board of Chiropractic Examiners, the
30 State Board of Psychologist Examiners and the State Board of

1 Examiners in Speech-Language and Hearing.] Optometry, the State
2 Board of Examiners of Nursing Home Administrators, the State
3 Board of Chiropractic, the State Board of Psychology, the State
4 Board of Massage Therapy, State Board of Social Workers,
5 Marriage and Family Therapists and Professional Counselors, the
6 State Board of Examiners in Speech-Language and Hearing and any
7 other health-related administrative board which issues
8 professional or occupational licenses within the Department of
9 State.

10 Section 2 4. This act shall take effect in 60 days.

<--