
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 580 Session of
2021

INTRODUCED BY SCHROEDER, BROOKS, GLEIM, HILL-EVANS, JOZWIAK,
PICKETT, POLINCHOCK, ROWE, RYAN, SMITH, THOMAS AND TOPPER,
FEBRUARY 22, 2021

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 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 of Title 42 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 5920. Expert testimony in certain criminal proceedings.

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

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

16 (2) A criminal proceeding for an offense [under 18
17 Pa.C.S. Ch. 31 (relating to sexual offenses)], including
18 attempt, solicitation or conspiracy, under any of the

1 following provisions of 18 Pa.C.S. (relating to crimes and
2 offenses):

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

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

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

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

10 (v) Section 5902(b) or (b.1) (relating to
11 prostitution and related offenses).

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

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

16 (viii) Section 6312 (relating to sexual abuse of
17 children).

18 (ix) Section 6318 (relating to unlawful contact with
19 minor).

20 (x) Section 6320 (relating to sexual exploitation of
21 children).

22 (3) A criminal proceeding for a domestic violence
23 offense.

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

25 (1) In a criminal proceeding subject to this section, a
26 witness may be qualified by the court as an expert if the
27 witness has specialized knowledge beyond that possessed by
28 the average layperson based on the witness's experience with,
29 or specialized training or education in, criminal justice,
30 behavioral sciences or victim services issues, related to

1 sexual violence or domestic violence, that will assist the
2 trier of fact in understanding the dynamics of sexual
3 violence or domestic violence, victim responses to sexual
4 violence or domestic violence and the impact of sexual
5 violence or domestic violence on victims during and after
6 being assaulted.

7 (2) If qualified as an expert, the witness may testify
8 to facts and opinions regarding specific types of victim
9 responses and victim behaviors.

10 (3) The witness's opinion regarding the credibility of
11 any other witness, including the victim, shall not be
12 admissible.

13 (4) A witness qualified by the court as an expert under
14 this section may be called by the attorney for the
15 Commonwealth or the defendant to provide the expert
16 testimony.

17 (c) Definitions.--As used in this section, the following
18 words and phrases shall have the meanings given to them in this
19 subsection unless the context clearly indicates otherwise:

20 "Domestic violence." An offense under 18 Pa.C.S. § 2701
21 (relating to simple assault), 2702 (relating to aggravated
22 assault), 2709.1 (relating to stalking) or 2718 (relating to
23 strangulation) perpetrated against family or household members,
24 as defined in 23 Pa.C.S. § 6102(a) (relating to definitions).

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