
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2008 Session of
2018

INTRODUCED BY PETRARCA, JANUARY 11, 2018

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 11, 2018

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, providing for rights of crime victims.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby resolves as follows:

5 Section 1. The following amendment to the Constitution of
6 Pennsylvania is proposed in accordance with Article XI:

7 That Article I be amended by adding a section to read:

8 § 29. Rights of victims.

9 (a) A crime victim in this Commonwealth shall have the right
10 to the following:

11 (1) The right to due process, fairness and respect for the
12 crime victim's dignity.

13 (2) The right to be free from intimidation, harassment and
14 abuse.

15 (3) The right to protection from the defendant and a person
16 acting on behalf of the defendant.

17 (4) The right to consideration of the crime victim's safety
18 and welfare and the crime victim's family regarding decisions on

1 bail or release from confinement.

2 (5) The right to maintain the confidentiality of information
3 or records which could be used to locate or harass the crime
4 victim or the crime victim's family.

5 (6) The right to privacy, including setting reasonable
6 conditions for interactions with law enforcement and refusing to
7 participate in interviews, dispositions and discovery requests
8 from law enforcement or the prosecuting attorneys.

9 (7) The right to the reasonable, accurate and timely notice
10 of a proceeding involving the criminal conduct, plea,
11 sentencing, adjudication, release or escape of the defendant or
12 a right of the crime victim under this subsection.

13 (8) The right to attend a proceeding involving the release,
14 plea, sentencing, adjudication or parole of the defendant or a
15 right of the crime victim under this subsection.

16 (9) The right to converse with the prosecuting attorney.

17 (10) The right to provide information regarding the impact
18 of the defendant's conduct toward the crime victim or the crime
19 victim's family to the person responsible for conducting a
20 presentence investigation.

21 (11) The right to have information regarding the impact of
22 the defendant's conduct toward the crime victim or the crime
23 victim's family considered in sentencing recommendations
24 submitted to the court with jurisdiction.

25 (12) The right to receive a copy of a presentence report or
26 any other report involving the right of the crime victim,
27 excluding confidential information as provided by law.

28 (13) The right to the prompt return of the crime victim's
29 property if the property is not being used as evidence against
30 the defendant.

1 (14) The right to a full and timely restitution from the
2 convicted offender for all money and property lost or stolen as
3 a result of the criminal conduct.

4 (15) The right to a criminal proceeding free from
5 unreasonable delay, including a postjudgment proceeding, and a
6 prompt and final conclusion of a criminal proceeding.

7 (16) The right to be informed of the conviction, sentence,
8 adjudication, place and time of incarceration or other
9 disposition of the convicted offender, the scheduled release
10 date of the convicted offender and the escape by the convicted
11 offender from custody.

12 (17) The right to be informed of postconviction procedures,
13 participate in postconviction procedures, provide information
14 to be considered before a decision to release the convicted
15 offender is made and be notified of a release decision regarding
16 the convicted offender.

17 (18) The right to be informed of clemency and expungement
18 procedures, provide information to the Governor, the court with
19 jurisdiction, a clemency board or other authority regarding
20 clemency and expungement procedures and have the information
21 considered before a clemency or expungement decision is made.

22 (19) The right to be informed of the rights specified in
23 this subsection.

24 (b) Upon request of the crime victim, the attorney of the
25 crime victim, a lawful representative of the crime victim or the
26 prosecuting attorney may assert and seek enforcement of the
27 rights specified under subsection (a) and any other right
28 afforded to the crime victim by law in a court with jurisdiction
29 or other applicable authority. The court with jurisdiction or
30 other applicable authority shall act promptly upon such a

1 request and afford a remedy by due course of law for the
2 violation of a right specified under subsection (a). The reasons
3 for a decision regarding the disposition of a crime victim's
4 right shall be clearly stated on the record.

5 (c) Nothing in this section shall be construed to deny
6 other rights of crime victims. The provisions of this section
7 shall apply in criminal and juvenile justice proceedings and no
8 further action shall be required by the General Assembly to
9 effectuate the provisions of this section.

10 (d) As used in this section, crime victim shall mean the
11 following:

12 (1) A person who suffers direct or threatened physical,
13 psychological or financial harm as a result of the commission or
14 attempted commission of a crime or delinquent act or against
15 whom the crime or delinquent act is committed.

16 (2) A spouse, parent, grandparent, child, sibling,
17 grandchild or guardian or a person with a substantially similar
18 relationship to a person under paragraph (1) or a lawful
19 representative of a person under paragraph (1) who is deceased,
20 incompetent, a minor or physically or mentally incapacitated who
21 the court determines would act in the best interest of the
22 person under paragraph (1).

23 Section 2. (a) Upon the first passage by the General
24 Assembly of this proposed constitutional amendment, the
25 Secretary of the Commonwealth shall proceed immediately to
26 comply with the advertising requirements of section 1 of Article
27 XI of the Constitution of Pennsylvania and shall transmit the
28 required advertisements to two newspapers in every county in
29 which such newspapers are published in sufficient time after
30 passage of this proposed constitutional amendment.

1 (b) Upon the second passage by the General Assembly of this
2 proposed constitutional amendment, the Secretary of the
3 Commonwealth shall proceed immediately to comply with the
4 advertising requirements of section 1 of Article XI of the
5 Constitution of Pennsylvania and shall transmit the required
6 advertisements to two newspapers in every county in which such
7 newspapers are published in sufficient time after passage of
8 this proposed constitutional amendment. The Secretary of the
9 Commonwealth shall submit this proposed constitutional amendment
10 to the qualified electors of this Commonwealth at the first
11 primary, general or municipal election which meets the
12 requirements of and is in conformance with section 1 of Article
13 XI of the Constitution of Pennsylvania and which occurs at least
14 three months after the proposed constitutional amendment is
15 passed by the General Assembly.