

The House has acted to over the 2017-18 Session to better protect victims and survivors of crimes.

Message Point:

The House has consistently put victims and survivors at the forefront to ensure public safety and provide support to victims of crime and abuse. We believe we are leading the nation with proactive laws and policies supporting crime victims and their families.

Bills passed by the House this week:

[House Bill 2060 \(Quinn\)](#) Protecting Domestic Violence Survivors. The bill which passed the House 131-62:

- Eliminates all third-party safekeeping of firearms by a person who is subject to a PFA prohibiting possession of a firearm (whether temporary or final PFA). Under the bill, only law enforcement, firearm dealers, a so-called “commercial armory” or the person’s attorney can accept the firearm for safekeeping; *no* friends or family.
- For consistency with the state’s PFA law, the bill reduces the period in which a person must relinquish a firearm once convicted of a misdemeanor crime of domestic violence (which is a prohibitor under federal and state law now) from up to 60 days to 24 hours.
- Requires that all final PFA orders (not temporary orders) entered after a hearing (so not consent agreements) must include a prohibition against possession of a firearm. Currently this is a discretionary form of relief for the judge.

Included are a number of more minor provisions, including several procedural improvements for defendants and innocent gun owners, such as:

- For gun owners requiring relinquishment under the bill:
 - The person required to relinquish firearms may request the law enforcement agency transfer the firearm to a dealer or commercial armory.
 - Individuals are given time to make this request, up to six months from the date of relinquishment.
 - Any portion of the order listing firearms ordered to be relinquished is not open to public inspection.
 - The bill does not require eternal relinquishment, allowing responsible gun owners to take possession of their firearms once the order is expired.
 - Law enforcement must provide a dated receipt or notice to the defendant so they can claim their firearms when the order expires.
 - PFA defendants must be allowed to present evidence and compel witnesses to attend.

- PFA defendants are also given time to retain counsel by asking for a continuance, and a judge must grant three business days.
- A new process is provided where court records of certain PFAs can be sealed from public view if the defendant has no other PFAs issued against him for 10 years.
- The process for a firearm to be returned to a defendant after a PFA expires is clarified and streamlined.

Senate Bill 261 (Scarnati) Statute of Limitations Relating to Sexual Abuse of Minors. The bill follows two of the four attorney general recommendations in response to the most recent grand jury report of child sexual abuse.

The bill, which passed the House 173-21, eliminates the criminal statute of limitations (SOL) for prosecutions of sexual abuse of minors, extends the civil SOL for lawsuits alleging sexual abuse of minors until the victim reaches 50 years of age (retroactively), and waives sovereign and governmental immunity for claims on damages against governmental parties sued for sexual abuse of minors.

The most controversial item in the bill as amended by the House would open a temporary timeframe during which adults who had been sexually abused as children could file civil suits against their predators.

Bills still under House consideration:

Senate Bill 461 (Killion) DNA modernization Act. To modernize and strengthen the use of DNA technology to better fight violent crime in Pennsylvania, this legislation would increase the crimes for which those convicted will have their DNA samples taken. DNA would only be taken from those who have been convicted.

DNA science has advanced dramatically in the two decades since Pennsylvania's DNA database was created. Since then, the federal government and more than half of the states have improved their DNA collection and testing policies. Pennsylvania has not. This legislation will make dramatic improvements in how Pennsylvania uses DNA technology to fight crime, to get violent criminals off our streets, and to make our communities safer.

NOTE: Similar language is included in HB 2308 (Nesbitt) which was just voted out of House Judiciary Committee, and also HB 1523 (Marsico) which awaits Senate consideration.

Senate Bill 554 (Greenleaf) Safe Harbor in Human Trafficking. How does the state deal with kids who are the victims of sexual exploitation?

Through this bill, Pennsylvania will join more than 30 other states in treating kids who are sexually exploited as victims, rather than as criminals. If a child is arrested for offenses such as prostitution and related crimes, they will be shielded from criminal prosecution and be diverted to more appropriate human services programs.

Law enforcement officers will be trained and required to direct children determined to be the victims of sex trafficking to the Department of Human Services. The department will develop and implement statewide protocols to deliver services to exploited children. Funding will be provided by additional fines levied against those convicted of human trafficking-related offenses and patronizing prostitution.

If a child is a victim of human trafficking, they will be treated as a victim, not a perpetrator.

Bills already passed by the House this Session:

House Bill 1929, now Act 42 of 2018 (Marsico) First Chance Trust Fund – Opens the fund up to children of victims of crimes.

Senate Bill 1011 (Reschenthaler) Marsy’s Law – Constitutional Amendment Creating a Victims’ Bill of Rights – Amends the state Constitution to establish inherent rights to victims of crime. (Filed in the Office of the Secretary of the Commonwealth.)

Helping Victims Testify Against Their Abusers – A package of three bills aimed at better protecting crime victims from abuse and violence by helping those who are victimized to testify against their abusers. The three bills, listed below, were voted out of the Senate Judiciary Committee and, after second consideration, have been re-referred to the Senate Appropriations Committee:

- **House Bill 2321 (Bloom) Tender Years Expansion**- Expands the tender years exception – which permits a court to admit an out-of-court statement from a child victim or child witness -- to include crimes such as human trafficking, incest, endangering the welfare of a child, corruption of minors, sexual abuse of children and sexual exploitation of children.
- **House Bill 2324 (Barbin) Rape Shield Expansion**- Includes past sexual victimization and allegations of past sexual victimization as inadmissible prosecutions at trial and includes additional serious crimes (human trafficking, incest, endangering the welfare of children, corruption of minors, sexual abuse of children and sexual exploitation of children) to the protections under the Rape Shield Law.
- **House Bill 2325 (Everett) Intellectual Disabilities and Autism Testimony Protections**- Extends the existing tender years exceptions to those with intellectual disabilities or autism.

Collecting Restitution (House Bills 234, 236, 280, 285, 1806 – awaiting Senate action): The following bills aim to help ensure payment of restitution:

- **House Bill 234** requires each county to establish an internal unit dedicated to the collection of restitution, fines, fees and other court-imposed obligations unless the county chooses to outsource collections.
- **House Bill 236** authorizes wage attachment for the satisfaction of restitution, costs and fines, and authorizes additional payment options for the same.

- **House Bill 280** requires that any money posted as bail, which would otherwise be returnable, shall first be applied to the payment of any outstanding restitution, fees, fines or costs owed by the defendant in any criminal or delinquency case.
- **House Bill 285** requires that correctional facilities make minimum deductions from the wages and personal accounts of inmates who have outstanding restitution or other court-ordered obligations.
- **House Bill 1806** amends the definition of “victim” in the Crime Victims law to include all crime victims, not just individuals. The bill is in response to a recent Pennsylvania Supreme Court ruling which vacated a former representative’s restitution order for using state resources to run campaigns. The court found that the Commonwealth cannot be a victim as the definition of victim under law only refers to individuals and their family members.

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