



The Judiciary Review

Report from the Senate Judiciary Committee (D)

JAY COSTA JR., DEMOCRATIC CHAIRMAN

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July 2004

Final Step for Alternative Child Testimony Approved

■ Senate Bill 979 Printer's No. 1779

The bill enacts the enabling legislation for the recently adopted constitutional amendments authorizing alternative methods of testimony for child victims and child material witnesses in criminal proceedings. Testimony may be delivered by any method of capturing the visual images, oral communications and other information presented during a prosecution or adjudication involving a child victim or a child material witness and transmitting and receiving such images, communications and other information at or about the time of their creation, including, closed circuit television, streaming image sent via the Internet or an intranet and any other devices or systems used to accomplish such ends upon order of the court.

Before entering an order, the trial court must determine that testifying either in an open forum or in the defendant's presence will result in the child suffering serious emotional distress that substantially impairs the child victim's or child material witness' ability to communicate.

The bill further amends Title 42 to provide limited immunity from civil liability for operators of certain off-road vehicle riding areas.

Current status: Act 88—2004

MEGAN'S LAW AMENDMENTS

■ House Bill 2397 Printer's No. 3738

The legislation amends the Crimes Code adding a new section that establishes criminal offenses and graduated penalties for failure to register as required by the Act; verify his address or be photographed as required by the Act; or provide accurate information when registering or verifying an address as required by the Act.

The bill also removes any requirement that a person provide personal information or pay a fee when requesting public information about a sexually violent predator by electronic means and authorizes public access to information about sexually violent predators through the World Wide Web on a system developed and maintained by the Pennsylvania State Police.

Current status: Senate Appropriations Committee

■ House Bill 835 Printer's No. 3555

The legislation requires individuals convicted, adjudicated delinquent or under supervision on probation or parole for any felony offense to submit a DNA sample to the Pennsylvania State Police DNA

data base. Further, the bill prohibits the release of any individual convicted or adjudicated delinquent for a felony offense from a correctional institution without previously submitting a DNA sample record including all individuals incarcerated on conviction or adjudication of delinquency for offenses prior to the effective date of the act.

Current status: Senate Appropriations Committee

■ House Bill 1117 Printer's No. 2380

The legislation amends the Crimes Code by adding a section regarding trespassing on railroad property. A person who causes damage to railroad property and knew or should have known that it was railroad property, or if he causes a delay in railroad operations commits a misdemeanor of the third degree. Further, a person commits a misdemeanor of the third degree if he rides on the outside of a train or inside a passenger car, locomotive or freight car, including a box car, flatbed or container without lawful authority or the railroad carrier's consent.

Further, the bill amends Title 42 to provide that a railroad owes no duty of care to a person who enters upon any railroad property or right-of-way without the

consent of the railroad, or to give any warning to such person, nor shall the railroad be liable for any injury incurred. The limitation on liability does not include liability for willful or malicious failure to guard or warn against a dangerous condition, use or activity.
Current status: Act 74—2004

■ **House Bill 1424**
Printer's No. 3734

The legislation amends the crimes code by adding a section that establishes the Juvenile and Criminal Justice Technology Enhancement Fund funded by an assessment against the defendant equal to ten percent of the fine imposed but not less than \$20. The combined assessment would be placed into the Criminal Justice Technology Enhancement Fund and appropriated on a continuing basis to the Pennsylvania Commission on Crime and Delinquency. PCCD is authorized to provide 50% of the fund for grants to counties to maintain an arrest and arraignment system and other future juvenile or criminal data systems and services. The remaining 50% of the fund shall be available for coordination, deployment, activation and administration of a county-based integrated technology system for county criminal justice information sharing.
Current status: Senate Appropriations Committee

■ **House Bill 2046**
Printer's No. 3217

The legislation amends the Uniform Firearms Act of 1995 regarding licenses to carry a concealed firearm. It authorizes a law enforcement officer for the United States, another state, or

the District of Columbia; or a person who is licensed as a manufacturer, importer, or dealer of firearms pursuant to federal law to receive a PA license to carry regardless of whether that person has a license from another state. Second, the legislation deletes the requirement that a person's social security number appear on his/her license to carry a firearm. Finally, the legislation provides that Pennsylvania reciprocity agreements will not recognize the license to carry of another state when that state issued it to a Pennsylvania resident who does not have a valid license to carry issued by Pennsylvania.
Current status: Senate Appropriations Committee

■ **House Bill 2224**
Printer's No. 3827

The legislation amends the existing statute regarding protective orders in criminal matters and to provide for protective orders in civil matters. Further, the legislation requires the Pennsylvania State Police to establish and maintain a state-wide registry for both types of protective orders that will be available to local law enforcement personnel.
Current status: Senate Appropriations Committee

■ **Senate Bill 1027**
Printer's No. 1412

The legislation provides that information concerning overdue support obligations should not be reported to a credit reporting agency if the arrearages are the result of the employer's failure to attach the obligor's wages as provided by law.
Current status: Senate Rules Committee

EXECUTIVE NOMINATIONS

- Russell H. Walsh**
Pennsylvania Board of Pardons
- Walter J. Olszewski**
Philadelphia Court of Common Pleas
- Nazario Jimenez, Jr.**
Philadelphia Municipal Court
- Leonard Zito**
Northampton County Court of Common Pleas



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