

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1170 Session of 2020

INTRODUCED BY LANGERHOLC, BARTOLOTTA, J. WARD, MASTRIANO, STEFANO, KILLION, PHILLIPS-HILL, BREWSTER, MUTH, TARTAGLIONE, COSTA AND HUGHES, MAY 28, 2020

SENATOR BAKER, JUDICIARY, AS AMENDED, JUNE 10, 2020

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(a)(1) 5920(A) and (b) (1) of Title 42 <--
8 of the Pennsylvania Consolidated Statutes are amended and the
9 section is amended by adding a subsection to read:

10 § 5920. Expert testimony in certain criminal proceedings.

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

12 (1) A criminal proceeding for [an offense for which <--
13 registration is required] ANY CRIME LISTED under [Subchapter <--
14 H] Subchapters H (RELATING TO REGISTRATION OF SEXUAL <--
15 OFFENDERS) and I (RELATING TO CONTINUED REGISTRATION OF <--
16 SEXUAL OFFENDERS) of Chapter 97 [(relating to registration of <--
17 sexual offenders)]. <--

18 * * * <--

1 (2) A CRIMINAL PROCEEDING FOR AN OFFENSE UNDER 18
2 PA.C.S. [CH.] CHS. 30 (RELATING TO HUMAN TRAFFICKING) AND 31
3 (RELATING TO SEXUAL OFFENSES).

4 (3) A CRIMINAL PROCEEDING FOR A DOMESTIC VIOLENCE
5 OFFENSE.

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

7 (1) In a criminal proceeding subject to this section, a
8 witness may be qualified by the court as an expert if the
9 witness has specialized knowledge beyond that possessed by
10 the average layperson based on the witness's experience with,
11 or specialized training or education in, criminal justice,
12 behavioral sciences or victim services issues, related to
13 sexual violence or domestic violence, that will assist the
14 trier of fact in understanding the dynamics of sexual
15 violence or domestic violence, victim responses to sexual
16 violence or domestic violence and the impact of sexual
17 violence or domestic violence on victims during and after
18 being assaulted.

19 * * *

20 (c) Definitions.--As used in this section, the term
21 "domestic violence" means an offense under 18 Pa.C.S. § 2701
22 (relating to simple assault), 2702 (relating to aggravated
23 assault) or 2718 (relating to strangulation) perpetrated against
24 a family or household member, as that term is defined in 23
25 Pa.C.S. § 6102 (relating to definitions).

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