

Legislation Text

File #: 180670, **Version:** 0

Commending the Pennsylvania General Assembly for working in a bipartisan manner to address victims' rights and declaring support for the enactment of Marsy's Law in Pennsylvania, which seeks to better promote and protect the rights of crime victims and their families through an amendment to the Pennsylvania Constitution.

WHEREAS, Recently, the Pennsylvania Senate passed several bills related to victims' rights, with a particular focus on victims and survivors of domestic violence; and

WHEREAS, For example, Senate Bill 1011, introduced by Senator Guy Reschenthaler on January 2, 2018, and passed unanimously by the Senate on March 21, 2018, amends the State Constitution to create a crime victims' "Bill of Rights"; and

WHEREAS, Senate Bill 1011, also known as "Marsy's Law", is now pending in the House of Representatives. The bill grants crime victims the constitutional right to receive complete information about their rights as victims, to be notified of proceedings in their criminal case, to be present at court proceedings, and to be heard at plea and sentencing hearings; and

WHEREAS, Marsy's Law should be passed by the House in the next couple of weeks, and then go back to the Senate for concurrence. The bill must be reintroduced and passed in both chambers in the next legislative session, as is required for constitutional amendments in the Commonwealth. If approved in consecutive sessions, the constitutional amendment would then require approval by Pennsylvania voters in November 2019 before taking effect; and

WHEREAS, Currently, in Pennsylvania, the rights of crime victims and their families are set forth by statute. S.B. 1011 seeks to enshrine these rights in the Commonwealth's Constitution as a guarantee for victims and families. Pennsylvania is just one of fifteen states that does not provide constitutional protections for crime victims; and

WHEREAS, In addition to Marsy's Law, several other bills related to victims' rights have also moved forward in the General Assembly. For example, Senate Bill 196, introduced by Senator Vincent Hughes on January 26, 2017, and passed unanimously by the Senate on December 12, 2017, allows a judge to order a defendant to wear an electronic monitoring device if a defendant is found to present a substantial risk of violating a Protection From Abuse (PFA) order; the bill was developed with input from the Pennsylvania Coalition Against Domestic Violence; and

WHEREAS, Senate Bill 1082, also introduced by Senator Vincent Hughes on March 15, 2018, amends the Crime Victims Act by expanding services for survivors and victims of crime; and

WHEREAS, Senate Bill 919, introduced by Senator Art Haywood on October 5, 2017, and passed unanimously by the Senate on March 21, 2018, provides for a process of relocation for victims of domestic violence living in county public housing; and

WHEREAS, Senate Bill 449, introduced by Senator Camera Bartolotta on February 27, 2017, passed by the Senate on March 21, 2018, passed by the House on April 9, 2018, and signed by the Governor on April 16, 2018, allows Magisterial District Judges to use a risk assessment tool when determining bail in domestic violence cases; and

WHEREAS, Senate Bill 500, introduced by Senator Randy Vulakovich on March 28, 2017, and passed unanimously by the Senate on March 21, 2018, ensures law enforcement protection is available to victims before or while PFA orders are being served; and

WHEREAS, Senate Bill 501, introduced by Senator Thomas Killion on March 28, 2017, and passed unanimously by the Senate on March 21, 2018, requires a domestic violence defendant who is ordered by the court to relinquish firearms to surrender the weapons to law enforcement or an authorized dealer; and

WHEREAS, Senate Bill 502, introduced by Senator Thomas McGarrigle on March 28, 2017, and passed unanimously by the Senate on March 21, 2018, makes it easier for the court to extend a PFA order when an abuser is released from custody; and

WHEREAS, All of these Senate bills were introduced in a bipartisan manner to address victims' rights in the state of Pennsylvania. One bill has already also passed in the House and been signed by the Governor; one bill remains in a Senate Committee, and the rest are now in House Committees; and

WHEREAS, It is refreshing to see our state elected officials working across political lines to focus on an issue area that affects all individuals, regardless of their political affiliation; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That it hereby commends the Pennsylvania General Assembly for working in a bipartisan manner to address victims' rights and declaring support for the enactment of Marsy's Law in Pennsylvania, which seeks to better promote and protect the rights of crime victims and their families through an amendment to the Pennsylvania Constitution..