

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 211** Session of
2001

INTRODUCED BY GREENLEAF, JUBELIRER, MELLOW, PICCOLA, COSTA,
GERLACH, O'PAKE, SCHWARTZ, M. WHITE, ARMSTRONG, BELL, DENT,
HOLL, THOMPSON, TOMLINSON, WAGNER, WAUGH, KITCHEN, RHOADES
AND SCARNATI, JANUARY 26, 2001

REFERRED TO JUDICIARY, JANUARY 26, 2001

A JOINT RESOLUTION

1 Proposing separate amendments to the Constitution of the
2 Commonwealth of Pennsylvania, further providing for rights of
3 accused in criminal prosecutions and for judicial
4 administration.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby resolves as follows:

7 Section 1. The following separate amendments to the
8 Constitution of Pennsylvania are proposed in accordance with
9 Article XI:

10 (1) That section 9 of Article I be amended to read:

11 § 9. Rights of accused in criminal prosecutions.

12 In all criminal prosecutions the accused hath a right to be
13 heard by himself and his counsel, to demand the nature and cause
14 of the accusation against him, to [meet the witnesses face to
15 face] be confronted with the witnesses against him, to have
16 compulsory process for obtaining witnesses in his favor, and, in
17 prosecutions by indictment or information, a speedy public trial

1 by an impartial jury of the vicinage; he cannot be compelled to
2 give evidence against himself, nor can he be deprived of his
3 life, liberty or property, unless by the judgment of his peers
4 or the law of the land. The use of a suppressed voluntary
5 admission or voluntary confession to impeach the credibility of
6 a person may be permitted and shall not be construed as
7 compelling a person to give evidence against himself.

8 (2) That section 10(c) of Article V be amended to read:

9 § 10. Judicial administration.

10 * * *

11 (c) The Supreme Court shall have the power to prescribe
12 general rules governing practice, procedure and the conduct of
13 all courts, justices of the peace and all officers serving
14 process or enforcing orders, judgments or decrees of any court
15 or justice of the peace, including the power to provide for
16 assignment and reassignment of classes of actions or classes of
17 appeals among the several courts as the needs of justice shall
18 require, and for admission to the bar and to practice law, and
19 the administration of all courts and supervision of all officers
20 of the Judicial Branch, if such rules are consistent with this
21 Constitution and neither abridge, enlarge nor modify the
22 substantive rights of any litigant, nor affect the right of the
23 General Assembly to determine the jurisdiction of any court or
24 justice of the peace, nor suspend nor alter any statute of
25 limitation or repose. All laws shall be suspended to the extent
26 that they are inconsistent with rules prescribed under these
27 provisions. Notwithstanding the provisions of this section, the
28 General Assembly may by statute provide for the manner of
29 testimony of child victims or child material witnesses in
30 criminal proceedings, including the use of videotaped

1 depositions or testimony by closed-circuit television.

2 * * *

3 Section 2. (a) Upon the first passage by the General
4 Assembly of these proposed constitutional amendments, the
5 Secretary of the Commonwealth shall proceed immediately to
6 comply with the advertising requirements of section 1 of Article
7 XI of the Constitution of Pennsylvania and shall transmit the
8 required advertisements to two newspapers in every county in
9 which such newspapers are published in sufficient time after
10 passage of these proposed constitutional amendments.

11 (b) Upon the second passage by the General Assembly of these
12 proposed constitutional amendments, the Secretary of the
13 Commonwealth shall proceed immediately to comply with the
14 advertising requirements of section 1 of Article XI of the
15 Constitution of Pennsylvania and shall transmit the required
16 advertisements to two newspapers in every county in which such
17 newspapers are published in sufficient time after passage of
18 these proposed constitutional amendments. The Secretary of the
19 Commonwealth shall submit the proposed constitutional amendments
20 under section 1 to the qualified electors of this Commonwealth
21 as separate ballot questions at the first primary, general or
22 municipal election occurring at least three months after the
23 proposed constitutional amendments are passed by the General
24 Assembly.