This place is so fast-paced; we move at a frantic pace. Unfortunately, it is common for us to let pass those things that are most important. Paul's memory is one of those things. I encourage all of you, those who knew Paul and those of you who are learning of him for the first time, to be mindful of his wonderful gifts.

Paul was a master of compromise. He brought all parties to the table, letting each know that they had significant value and would be heard. He accepted assignments without hesitation, no matter how difficult. In fact, because of his wonderful skills, the most difficult tasks were always reserved for Paul.

My bill could not have been developed and written without Paul's guidance and good judgment. I believe we all should emulate his respect for the wisdom of others and his extraordinary patience in dealing with those wise ones who were just a tad full of themselves.

Paul was a gift to us. I know I speak on behalf of the chairmen of the Republican and Democrat members of the committee in expressing my thanks to Paul for crafting a bill which will be an essential tool to law enforcement in solving serious crimes.

I would also like to take this time to acknowledge the special contribution of many individuals in fashioning this legislation. I would like to recognize Ed Hussie from our legal staff, Gary Tennis from the Philadelphia district attorney's office—

The SPEAKER. The gentleman will yield.

Mr. O'Brien, we are on final passage.

Mr. O'BRIEN. Yes; I am getting to it. I am just acknowledging everybody that— All right. Thank you, Mr. Speaker. I will make it brief.

The purpose of this law is threefold: detection, which will give us the opportunity to match unknown suspect cases against known convicted offenders; identifying missing persons who were victims of natural disasters and unidentifiable bodies. There is the deterrent factor that is also inherent in this legislation, because the convicted offender will know that every time a sexual offense is committed, his DNA sample will be run through the data bank.

There is also an important exclusion in effect in the bill that we alluded to earlier. A suspect will either be included or excluded by his checking with the statewide data bank.

The scope and the category of offenders are only the most serious offenders – sex offenders, murderers, and felony stalkers.

It is important also to reemphasize that this legislation, hopefully, will enable law enforcement officials to apprehend an offender after his 1st or 2d subsequent offense rather than his 15th or 20th subsequent offense, and I ask for your support. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS–196

Adolph	Egolf	Lucyk	Santoni
Allen	Fairchild	Lynch	Sather
Argall	Fajt	Maitland	Saylor
Armstrong	Fargo	Major	Schroder
Baker	Farmer	Manderino	Schuler
Bard	Feese	Markosek	Scrimenti
Barley	Fichter	Marsico	Semmel
Battisto	Fleagle	Masland	Serafini
Bebko-Jones	Flick	Mayernik	Shaner
Belardi	Gamble	McCall	Sheehan
Belfanti	Gannon	McGeehan	Smith, B.
Birmelin	Geist	McGill	Smith, S. H.
Bishop	George	Melio	Snyder, D. W.
Blaum	Gigliotti	Merry	Staback
Boscola	Gladeck	Michlovic	Stairs
Boyes	Godshall	Micozzie	Steelman
Brown	Gordner	Mihalich	Steil
Browne	Gruitza	Miller	Stern
Bunt	Gruppo	Mundy	Stetler
Butkovitz	Habay	Nailor	Stish
Buxton	Haluska	Nickol	Strittmatter
Caltagirone	Hanna	O'Brien	Sturla
Cappabianca	Harhart	Olasz	Surra
Carn	Hasay	Oliver	Tangretti
Carone	Hennessey	Perzel	Taylor, E. Z.
Cawley	Herman	Pesci	Taylor, J.
Chadwick	Hershey	Petrone	Thomas
Civera	Hess	Pettit	Tigue
Clark	Horsey	Phillips	Trello
Clymer	Hutchinson	Piccola	Trich
Cohen, L. I.	Itkin	Pistella	True
Cohen, M.	Jadlowiec	Pitts	Tulli
Colafella	James	Platts	Vance
Colaizzo	Jarolin	Preston	Van Horne
Conti	Josephs	Ramos	Veon
Cornell	Kaiser	Raymond	Vitali
Corpora	Keller	Readshaw	Walko
Corrigan	Kenney	Reber	Waugh
Cowell	King	Reinard	Wogan
Curry	Kirkland	Richardson	Wozniak
Daley	Krebs	Rieger	Wright, D. R.
DeLuca	Kukovich	Roberts	Wright, M. N.
Dempsey	LaGrotta	Robinson	Yewcic
Dent	Laughlin	Roebuck	Youngblood
Dermody	Lawless	Rohrer	Zimmerman
DeWeese	Lederer	Rooney	Zug
DiGirolamo	Leh	Rubley	
Donatucci	Lescovitz	Rudy	Ryan,
Druce	Levdansky	Sainato	Speaker
Durham	Lloyd		

NAYS–0

NOT VOTING–0

EXCUSED–7

Coy	Nyce	Travaglio	Williams
Evans	Petrarca	Washington	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **SB 11, PN 65**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for rights of accused in criminal prosecutions.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Itkin.

Mr. ITKIN. Thank you, Mr. Speaker.

Passage of SB 11 today will make it clear once and for all that the legislature wants to take advantage of existing technology and allow children to testify through videotape or closed-circuit television. But the bill's language leaves a few questions unanswered, so I would like to get the legislature's intent on the record.

SB 11 does not define the word "child," which, as we all know, is a slippery term. Should a 13-year-old be shielded from an abuser in court the same as a 5-year-old? The Constitution and this proposed amendment do not say. This means that the legislature has a responsibility to define the term.

We do not have to adopt any existing statute, retrofitting it to accommodate the constitutional language. Instead, we must adopt age parameters which best meet the purposes of the constitutional amendment.

Also, this proposed amendment does not address the question of oath-taking. Current practice allows children who do not understand the concept of oaths to at least demonstrate an understanding of the difference between truth and falsehood.

I have been told that under SB 11, this practice can continue. However, if a stronger definition is needed to bolster the constitutional amendment, then the General Assembly can do that in the future.

I am pleased that we are on the verge of sending this important bill to the Pennsylvania voters for final approval, and I urge my colleagues to vote in its favor.

I just felt that these few points needed to be made so that the people of Pennsylvania understand that ultimately we will address, the legislature will address, these two matters that I mentioned today, and consequently, I would like to reiterate my strong support for the bill and hope that we will have this passed by the people of Pennsylvania.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Berks, Mr. Leh.

Mr. LEH. Thank you, Mr. Speaker.

May I comment?

The SPEAKER. The gentleman is in order and may proceed.

Mr. LEH. Thank you, Mr. Speaker.

And I ask the House's indulgence just a little bit. I apologize. I have a lousy head cold. I am filled up with chemicals, and maybe that is why this does not quite make sense to me today.

Last session I did support this bill. However, it was not without its reservation. And I am just going to state, because the bill is simply enabling legislation, I only want to state that I am opposing it on principle only. Our Constitution, Article I, section 9, states very plainly, for good reason, that the accused must be faced by the accuser.

I think our forefathers were far wiser in wisdom and understanding than we are and there was a reason for that, and therefore, today I am going to vote in the negative on SB 11. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Montgomery, Mrs. Cohen.

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to speak in favor of this matter. We did vote in favor of it last year, the House did, and the Senate has done so last year and again this year. In order to have a constitutional amendment, we have to pass it in two separate sessions.

The importance of this matter is that the objections that were raised by the previous speakers can be dealt with in the specific legislation and the statute that we pass later, but we cannot do that until we have the constitutional amendment.

There have been instances where murders have been committed, where children have been abused, but because they are frightened and intimidated and are afraid to confront the people who have committed acts of violence against them, cases have been lost. Murderers have been walking the streets because child witnesses cower at having to confront them. There are so many safeguards that can be made in the law. The safeguards will be there for defendants and for prosecutors, but most important of all, for the children who are affected.

I urge my fellow Representatives to vote in favor of this. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I rise in opposition to SB 11. I think that the reasons against this bill need to be discussed, because what we are doing is taking a very serious step in eroding the constitutional provision to confront your witnesses face to face.

And I agree with the gentleman who said that our Founding Fathers in 1790 put those provisions in for very good reasons. Sure, it is important not to subject a child victim or a rape victim to unnecessary trauma, but I would submit to you that it is even more important that we insure that an innocent person is not wrongly convicted. I think that has to be paramount in our criminal justice system. I think we forget when we deal with these Crimes Code bills that last word, "justice." That is the key word here.

The reasons for this right to confront witnesses are numerous, but basically it is simply more difficult to lie when you are meeting the person about whom you are lying face to face. Additionally, when you are dealing with child witnesses, and I have dealt with them in my courtroom work, children are very suggestible, and many times it is only skillful cross-examination that reveals that suggestibility.

We have heard in the media after a spate of child molestation cases that many – and especially in domestic-relations-type cases – have turned out to be unfounded. I would submit to you that this right to cross-examine face to face is a tool in preventing any of us here from being subject to wrong accusations, and believe me, in this day and age, any of us can be subject to those type accusations.

I do not think that simply videotaping and broadcasting in the courtroom is adequate, and for a number of reasons. I think the whole demeanor of the courtroom, just as the solemnity and the ornamentation and the other procedures of this room keep us serious, impresses upon the witnesses who are new to this that this is a situation, especially children, where it is important to tell the truth.

I think, Mr. Speaker, that we are really going beyond the day-to-day bills that we pass when we make the Crimes Code tougher, when we are talking about changing the Constitution. I think it is very serious business, and I think that one adage that is basic to our legal system applies here, and that is, it is better to let 10 guilty people go free than to convict one innocent man, and I think that is what we will do, you are going to open the floodgates to that, if you pass SB 11. Thank you.

The SPEAKER. The Chair recognizes the lady from Montgomery, Mrs. Cohen.

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I can assure the last speaker, I think that all 203 of us have been sworn and do swear to uphold the Constitution of the Commonwealth of Pennsylvania as well as the United States, and because we do that, this bill in no way would affect our upholding those two Constitutions.

What we are aiming to do is to bring Pennsylvania into at least the 20th century. The Commonwealth of Pennsylvania is only one of very few States which disallows child videotaping. The important thing is that the law that will be drafted after we have approved the enabling legislation will indeed provide for all of the safeguards that our Constitutions worry about; that is, a judge will make an independent determination that the child will simply be too traumatized if he had to actually confront the defendant.

The defense counsel will be present. There will be opportunity to cross-examine the child. All of the safeguards will be there. The defendant will be able to watch the testimony and be in constant electronic communication with his attorney. All of the safeguards that our laws provide now will be present when the videotaping is allowed so that there need not be any worry on behalf of defendants. All of their rights will be protected.

I urge my fellow members to vote in favor of SB 11. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

Does the gentleman, Mr. Vitali, desire recognition for the second time on the subject?

Mr. VITALI. Just very briefly.

Two points, Mr. Speaker, one which I neglected to cover last time, and the second in response to Representative Cohen.

I think that in response to Representative Cohen with regard to potential safeguards in bills that may be enacted pursuant to this, I think that is pure speculation as to what may or may not, what safeguards may or may not, be in that legislation.

The political reality is that on this floor, we do not vote against Crimes Code bills no matter how ridiculous they might be. I do not subscribe to the theory that those bills in fact will be safeguarding those rights.

I think the second point that I neglected to make and the reason we need that face-to-face viewing, it goes to the essence of our jury system. The jury's prime function is to assess credibility. It has to look at a witness to assess whether that witness is telling the truth or not.

When you do that via videotape, when you do it through the lens of a camera, you are losing something essential. You are taking power away from the jury to see that person sitting just a few feet away from them, and you are preventing the jury from making that crucial assessment as to credibility. I think you lose that with this video presentation.

So as difficult as it may be upon victims of crimes, I think it is something that simply needs to be done in order to protect the other 60,000 people in your district whom you represent. I think you have to think of them. You have to think of people who potentially in your district can be falsely accused, and SB 11 takes something away from the rights of everyone in your district.

I therefore urge a "no" vote. Thank you.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS–187

Adolph	Druce	Lloyd	Sainato
Allen	Durham	Lucyk	Santoni
Argall	Egolf	Lynch	Sather
Armstrong	Fairchild	Maitland	Saylor
Baker	Fajt	Major	Schroder
Bard	Fargo	Manderino	Schuler
Barley	Farmer	Markosek	Scrimenti
Battisto	Feese	Marsico	Semmel
Bebko-Jones	Fichter	Masland	Serafini
Belardi	Fleagle	Mayernik	Shaner
Belfanti	Flick	McCall	Sheehan
Birmelin	Gamble	McGeehan	Smith, B.
Bishop	Gannon	McGill	Smith, S. H.
Blaum	Geist	Melio	Snyder, D. W.
Boscola	George	Merry	Staback
Boyes	Gigliotti	Michlovic	Stairs
Brown	Gladeck	Micozzie	Steelman
Browne	Godshall	Miller	Steil
Bunt	Gordner	Mundy	Stern
Butkovitz	Gruitza	Nailor	Stetler
Buxton	Gruppo	Nickol	Stish
Caltagirone	Habay	O'Brien	Strittmatter
Cappabianca	Haluska	Olasz	Sturla
Carn	Hanna	Oliver	Surra
Carone	Harhart	Perzel	Tangretti
Cawley	Hasay	Pesci	Taylor, E. Z.
Chadwick	Hennessey	Petrone	Taylor, J.
Civera	Herman	Pettit	Tigue
Clark	Hershey	Phillips	Trello
Clymer	Hess	Piccola	Trich
Cohen, L. I.	Hutchinson	Pistella	True
Cohen, M.	Itkin	Pitts	Tulli
Colafella	Jadlowiec	Platts	Vance
Colaizzo	James	Preston	Van Horne
Conti	Jarolin	Ramos	Walko
Cornell	Kaiser	Raymond	Waugh
Corpora	Keller	Readshaw	Wogan
Corrigan	Kenney	Reber	Wozniak
Cowell	King	Reinard	Wright, D. R.
Curry	Kirkland	Richardson	Wright, M. N.
Daley	Krebs	Rieger	Yewcic
DeLuca	Kukovich	Roberts	Youngblood
Dempsey	LaGrotta	Robinson	Zimmerman
Dent	Lawless	Roebuck	Zug
Dermody	Lederer	Rooney	
DeWeese	Lescovitz	Rubley	Ryan,
DiGirolamo	Levdansky	Rudy	Speaker
Donatucci			

NAYS–9

Horsey	Leh	Rohrer	Veon
Josephs	Mihalich	Thomas	Vitali
Laughlin			

NOT VOTING–0

EXCUSED–7

Coy	Nyce	Travaglio	Williams
Evans	Petrarca	Washington	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 14, PN 112**, entitled:

An Act creating the Office of Victim Advocate.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. The Chair has been requested to ask the gentleman, Mr. Piccola, to briefly explain the amendments inserted by the Senate.

Mr. PICCOLA. Thank you, Mr. Speaker.

The Senate made some very minor changes to the bill.

First, it moved the definition of "family" from page 4 to the definition section on page 2. It made some editorial changes with respect to gender references. It also made a change on page 2, changing "advice and consent" to simply the consent of the Senate. And finally, on page 3, it again made an editorial change referencing the board, and when the advocate would continue to remain on the board, they would remain "in office" rather than on the board.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Will the House concur in Senate amendments?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS–196

Adolph	Egolf	Lucyk	Santoni
Allen	Fairchild	Lynch	Sather
Argall	Fajt	Maitland	Saylor
Armstrong	Fargo	Major	Schroder
Baker	Farmer	Manderino	Schuler
Bard	Feese	Markosek	Scrimenti
Barley	Fichter	Marsico	Semmel
Battisto	Fleagle	Masland	Serafini
Bebko-Jones	Flick	Mayernik	Shaner
Belardi	Gamble	McCall	Sheehan
Belfanti	Gannon	McGeehan	Smith, B.
Birmelin	Geist	McGill	Smith, S. H.
Bishop	George	Melio	Snyder, D. W.
Blaum	Gigliotti	Merry	Staback
Boscola	Gladeck	Michlovic	Stairs
Boyes	Godshall	Micozzie	Steelman
Brown	Gordner	Mihalich	Steil
Browne	Gruitza	Miller	Stern
Bunt	Gruppo	Mundy	Stetler
Butkovitz	Habay	Nailor	Stish
Buxton	Haluska	Nickol	Strittmatter
Caltagirone	Hanna	O'Brien	Sturla
Cappabianca	Harhart	Olasz	Surra
Carn	Hasay	Oliver	Tangretti
Carone	Hennessey	Perzel	Taylor, E. Z.
Cawley	Herman	Pesci	Taylor, J.
Chadwick	Hershey	Petrone	Thomas
Civera	Hess	Pettit	Tigue
Clark	Horsey	Phillips	Trello
Clymer	Hutchinson	Piccola	Trich
Cohen, L. I.	Itkin	Pistella	True
Cohen, M.	Jadlowiec	Pitts	Tulli
Colafella	James	Platts	Vance
Colaizzo	Jarolin	Preston	Van Ho
Conti	Josephs	Ramos	Veon
Cornell	Kaiser	Raymond	Vitali
Corpora	Keller	Readshaw	Walko
Corrigan	Kenney	Reber	Waugh
Cowell	King	Reinard	Wogan
Curry	Kirkland	Richardson	Woznial
Daley	Krebs	Rieger	Wright,
DeLuca	Kukovich	Roberts	Wright,
Dempsey	LaGrotta	Robinson	Yewcic
Dent	Laughlin	Roebuck	Youngb
Dermody	Lawless	Rohrer	Zimmer
DeWeese	Lederer	Rooney	Zug
DiGirolamo	Leh	Rubley	
Donatucci	Lescovitz	Rudy	Ryan,
Druce	Levdansky	Sainato	Speak
Durham	Lloyd		

NAYS–0

NOT VOTING–0

EXCUSED–7

Coy	Nyce	Travaglio	William
Evans	Petrarca	Washington	

The majority required by the Constitution having vot affirmative, the question was determined in the affirmativ amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been pre presentation to the Governor, and the same being correct was publicly read as follows:

HB 14, PN 112

An Act creating the Office of Victim Advocate.

Whereupon, the Speaker, in the presence of the House, s same.

ADJOURNMENT

The SPEAKER. Does the majority leader or minority le any further business in special session? Are there any furth of committee in special session? Announcements or corr the record in special session? The Chair hears none.

The Chair recognizes the gentleman from Allegheny, M

Mr. WALKO. Mr. Speaker, I move that the special s now adjourn until Tuesday, March 14, 1995, at 11:05 a. unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?

Motion was agreed to, and at 4:15 p.m., e.s.t., th adjourned.