

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Monday, April 8, 2019

[Senate Bill 372](#) (Scavello) would amend Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes to modernize the History Code regarding property on loan, state archives, and Commonwealth records. The changes to the Code would:

- Remove the requirement for the Historical and Museum Commission (HMC) to issue an annual report on the operation of the Conservation Center;
- Provide for the sale or disposition of abandoned property on loan to the commission;
- Give the HMC the power and duty to administer the State Archives which will be the official repository for the permanent and historically valuable public records of the Commonwealth;
- Provide the commission with the authority to demand the return of Commonwealth archival records, petitioning the court if necessary, if the removal of the record from Commonwealth possession was not authorized;
- Provide access to public records 75 years or older unless prohibited by law;
- Increase the maximum period during which the HMC could enter into a lease from five years to 25 years; and
- Remove historic properties no longer under HMC jurisdiction. **[Passed: 46-0.](#)**

[Senate Resolution 66](#) (Martin) designates the week of April 7 through 13, 2019 as “Local Government Week” and April 10, 2019 as “Local Government Day” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[Senate Resolution 67](#) (Hughes) recognizes the month of April 2019 as “Jazz Appreciation Month” in Pennsylvania and the contributions of Nat King Cole for defying racial prejudices and bringing jazz to audiences worldwide. **[Adopted by Voice Vote.](#)**

[Senate Resolution 68](#) (Mensch) designates the week of April 7 through 13, 2019 as “Crime Victims’ Rights Week” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[Senate Resolution 69](#) (Fontana) recognizes the week of April 7 through 13, 2019 as “National Library Week” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[Senate Resolution 70](#) (Browne) recognizes April 8 through 12, 2019 as the “Week of the Young Child” in Pennsylvania. **[Adopted by Voice Vote.](#)**

Tuesday, April 9, 2019

[Senate Bill 144](#) (Martin) would amend the Public School Code to add an article establishing the Keystone Telepresence Education Grant Program to provide grants to intermediate units for the purchase of telepresence equipment and related support services for the educational support of homebound students. The Department of Education would be required to develop guidelines for the program. An intermediate unit could apply for a grant by submitting one annual application to the Department. The Secretary of Education would determine grant awards based on the program guidelines. The Department would use up to \$300,000 annually of undistributed funds not expended, encumbered or committed from appropriations for grants and subsidies made to the Department to award grants. The funds would be transferred by the Secretary of the Budget to a restricted account as necessary to award grants and, when transferred, would be appropriated for the program.

An intermediate unit could not receive an annual grant allocation that exceeds 10 percent of the funds available for the program. An intermediate unit would be required to develop an internal policy for the use of telepresence equipment and related support services prior to applying for a grant. A grant could be used, in part, to secure technical, mechanical and training support related to the use of the equipment. An intermediate unit could not charge a school or other entity within the unit for the use of the equipment when it is used to support the educational needs of a homebound student. An intermediate unit would have to submit a report to the Department detailing all expenditures related to the use of the grant. Nothing in the article could be construed to require or create an entitlement to telepresence equipment as a component of an individualized education plan for any student in the Commonwealth. **Passed: 47-0.**

[Senate Bill 425](#) (Langerholc) would amend the Crime Victims Act to grant crime victims the right not to be excluded from any criminal or juvenile proceeding unless the court determines that the victim's testimony would be materially altered if the victim heard other testimony at the proceeding. Before making such a determination, the court would have to make every effort to permit the fullest attendance possible by the victim. The court would be required to clearly state on the record the reason for any exclusion. **Passed: 47-0.**

[Senate Bill 431](#) (Langerholc) would amend Title 18 (Crimes and Offenses) to expand the Rape Shield Law by providing that in criminal trials for the offenses delineated in the legislation, evidence of past sexual victimization and allegations of past sexual victimization would be excluded as evidence. In the event the defendant wants to offer such evidence at trial, the defense would have to file a motion and offer proof to the court. **Passed: 47-0.**

[Senate Bill 469](#) (Laughlin) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to permit an out-of-court statement made by an individual with an intellectual disability or autism, who is a victim or witness with respect to certain criminal offenses, to be admissible in any criminal or civil proceeding if:

- The court finds that the evidence is relevant and that the time, content and circumstances of the statement provide sufficient indication of reliability;

- The individual has an intellectual disability or autism; and
- The individual either testifies at the proceeding or is unavailable as a witness.

In order to make a finding that an individual is unavailable as a witness, the court would have to determine, based on evidence presented to it, that testimony by the individual as a witness will result in the individual suffering serious emotional distress that would substantially impact the individual's ability to reasonably communicate. If a court hears testimony in making a finding of unavailability, the defendant, the attorney for the defendant, and the attorney for the Commonwealth or, in the case of a civil proceeding, the attorney for the plaintiff, would have the right to be present. Any statement governed by this subchapter could not be received into evidence unless the proponent of the statement notifies the adverse party and provides certain detailed information about the statement. **Passed: 47-0.**

Senate Bill 479 (Baker) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to expand the list of offenses, as listed in the legislation, for which a court would be permitted to allow otherwise inadmissible out-of-court statements made by a child victim or witness who is 12 years of age or younger as evidence in certain criminal and civil court proceedings. **Passed: 47-0.**

Senate Resolution 71 (Tomlinson) designates the month of April 2019 as “Pennsylvania 8-1-1 Safe Digging Month.” **Adopted by Voice Vote.**

Senate Resolution 72 (Tomlinson) designates the week of April 22 through 26, 2019 as “Every Kid Healthy Week” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 73 (J. Ward) recognizes the week of April 14 through 20, 2019 as “National Osteopathic Medicine Week” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 74 (Dinniman) designates the month of May 2019 as “Lyme and Tick-borne Disease Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 75 (Santarsiero) recognizes the month of April 2019 as “World HIE Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 76 (Farnese) recognizes the month of April 2019 as “Donate Life Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 77 (Boscola) designates the month of April 2019 as “Pennsylvania Community College Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 78 (K. Ward) designates the month of April 2019 as “Distracted Driving Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 79 (Costa) recognizes April 17, 2019 as “World Hemophilia Day” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 80](#) (Tartaglione) designates the month of April 2019 as “Sexual Assault Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 81](#) (Scavello) designates April 8, 2019 as “Cushing’s Syndrome Awareness Day” in Pennsylvania. [Adopted by Voice Vote.](#)

Executive Session

Nominations to Various Boards and Commissions, including numerous Major General and Brigadier General appointments in the Pennsylvania Air National Guard and Pennsylvania Army National Guard. [Confirmed: 47-0.](#)

Wednesday, April 10, 2019

[Senate Bill 399](#) (Langerholc) would amend the Sexual Assault Testing and Evidence Collection Act to provide sexual assault victims with the right to a forensic examination and information relating to the examination. The legislation would add to the rights of sexual assault victims by providing:

- The right to a medical forensic examination free of charge;
- The right to have a rape kit or its probative contents preserved without charge for the duration of the maximum applicable statute of limitations (in cases where the victim has consented to the testing of evidence);
- The right to be informed in writing of policies governing the collection and preservation of rape kits;
- The right, upon written request, to receive written notification no later than 60 days before destruction of the evidence;
- The right to consult with a sexual assault counselor;
- The right to information concerning availability of protective orders and policies related to the enforcement of protective orders; and
- The right to information concerning the availability of, and eligibility for, victim compensation and restitution.

The measure would require the appropriate official with custody of the rape kit to collaborate with a sexual assault counselor to employ best practices when notifying a victim of pertinent information. The Attorney General, in consultation with the groups identified in the legislation, would be required to develop a standard protocol for notifying a victim about evidence relating to them. The legislation also would provide for anonymous reporters, update

certain definitions and clarify certain provisions related to the annual report by the State Police on backlogged sexual assault evidence. **Passed: 46-0.**

Senate Bill 441 (Phillips Hill) would designate the bridge carrying State Route 2087 over the East Branch Codorus Creek in York County as the Sgt. Christopher M. Wrinkle and Tosca Memorial Bridge. **Passed: 46-0.**

House Bill 264 (Mako) would amend Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to further provide for the fiscal procedures of a municipal authority. The legislation would require that all monies received by the treasurer, or other designated recipient of an authority, be deposited into a designated account. All funds collected would have to be remitted in the name of the authority or designated recipient and could not include the name of an individual. Additionally, the measure would require an authority to:

- Establish procedures to bill customers, collect payments, issue receipts, handle funds received and deposit money in an account or accounts managed by a designated depository; and
- Present its required annual audit and financial report at a meeting of the authority board, with a public discussion and an official vote of acceptance.

An additional provision would require an authority to file its annual report with the Department of Community and Economic Development no later than 180 days following the end of its fiscal year. **Passed: 46-0.**

Senate Resolution 82 (Costa) is a concurrent resolution designating April 10, 2019 as “Stronger Than Hate Day” in Pennsylvania. **Adopted by the General Assembly in Joint Session.**

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