
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **323**

Session of
1961

INTRODUCED BY MESSRS. WEINER AND SEYLER,
FEBRUARY 28, 1961.

REFERRED TO COMMITTEE ON JUDICIARY GENERAL,
FEBRUARY 28, 1961.

AN ACT

Providing for the exclusion in criminal proceedings of illegally obtained evidence and establishing a procedure for the suppression and return of such evidence

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

1 Section 1 No evidence obtained in violation of any provision of
2 the Constitution or laws of the United States or of this Commonwealth
3 shall be admitted in evidence in any criminal proceeding

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill. Underlining indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

1 Section 2 A person aggrieved by the obtaining of evidence in viola-
2 tion of any provision of the Constitution or laws of the United States
3 or this Commonwealth may move in the court of quarter sessions of
4 the county in which the evidence was seized for either (1) the sup-
5 pression of the use of the evidence or (2) the return of the evidence or
6 both The court shall receive evidence on any issue of fact necessary to
7 the decision of the motion If the motion is granted the evidence shall
8 not be used in any criminal proceeding and shall be restored to its law-
9 ful owner unless otherwise subject to lawful detention The motion to
10 suppress evidence may also be made in the county where the criminal
11 proceeding is to be had The motion shall be made before trial or hear-
12 ing unless opportunity therefor did not exist or the defendant was not
13 aware of the grounds for the motion but the court in its discretion may
14 entertain the motion at the trial or hearing

15 Section 3 This act shall take effect immediately

We certify that this bill has passed the Senate and the House of Representatives.

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Chief Clerk, Senate

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President pro tempore, Senate

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Speaker, House of Representatives

Approved The day of A. D. 1901.

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Governor