

No. 1995-11 (SS1)

AN ACT

HB 10

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for conduct of hearings.

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

Section 1. Section 6336 of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

§ 6336. Conduct of hearings.

(a) General rule.—Hearings under this chapter shall be conducted by the court without a jury, in an informal but orderly manner, and separate from other proceedings not included in section 6303 (relating to scope of chapter).

(b) Functions of district attorney.—The district attorney, upon request of the court, shall present the evidence in support of the petition and otherwise conduct the proceedings on behalf of the Commonwealth.

(c) Record.—If requested by the party or ordered by the court the proceedings shall be recorded by appropriate means. If not so recorded, full minutes of the proceedings shall be kept by the court.

(d) Proceeding in camera.—Except in hearings to declare a person in contempt of court *and in hearings as specified in subsection (e)*, the general public shall be excluded from hearings under this chapter. Only the parties, their counsel, witnesses, the victim and counsel for the victim, other persons accompanying a party or a victim for his or her assistance, and any other person as the court finds have a proper interest in the proceeding or in the work of the court [may] *shall* be admitted by the court. The court may temporarily exclude the child from the hearing except while allegations of his delinquency are being heard.

(e) *Open proceedings.—The general public shall not be excluded from any hearings under this chapter:*

(1) *Pursuant to a petition alleging delinquency where the child was 14 years of age or older at the time of the alleged conduct and the alleged conduct would be considered a felony if committed by an adult.*

(2) *Pursuant to a petition alleging delinquency where the child was 12 years of age or older at the time of the alleged conduct and where the alleged conduct would have constituted one or more of the following offenses if committed by an adult:*

(i) *Murder.*

(ii) *Voluntary manslaughter.*

(iii) *Aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or*

(2) *(relating to aggravated assault).*

*(iv) Arson as defined in 18 Pa.C.S. § 3301(a)(1) (relating to arson and related offenses).*

*(v) Involuntary deviate sexual intercourse.*

*(vi) Kidnapping.*

*(vii) Rape.*

*(viii) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery).*

*(ix) Robbery of motor vehicle.*

*(x) Attempt or conspiracy to commit any of the offenses in this paragraph.*

*Notwithstanding anything in this subsection, the proceedings shall be closed upon and to the extent of any agreement between the child and the attorney for the Commonwealth.*

*(f) Discretion of court.—The court at any disposition proceeding under subsection (e) shall have discretion to maintain the confidentiality of mental health, medical or juvenile institutional documents or juvenile probation reports.*

Section 2. This act shall take effect in 60 days.

APPROVED—The 6th day of April, A.D. 1995.

THOMAS J. RIDGE