

No. 1989-100

AN ACT

SB 948

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the admissibility of certain out-of-court statements; and further providing for Statewide municipal police jurisdictions.

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

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 5985.1. Admissibility of certain statements.

(a) General rule.—An out-of-court statement made by a child victim or witness, who at the time the statement was made was 12 years of age or younger, describing indecent contact, sexual intercourse or deviate sexual intercourse performed with or on the child by another, not otherwise admissible by statute or rule of evidence, is admissible in evidence in any criminal proceeding if:

(1) The court finds, in an in camera hearing, that the evidence is relevant and that the time, content and circumstances of the statement provide sufficient indicia of reliability.

(2) The child either:

(i) testifies at the proceeding; or

(ii) is unavailable as a witness and there is corroborative evidence of the act.

(b) Notice required.—A statement otherwise admissible under subsection (a) shall not be received into evidence unless the proponent of the statement notifies the adverse party of the proponent's intention to offer the statement and the particulars of the statement sufficiently in advance of the proceeding at which the proponent intends to offer the statement into evidence to provide the adverse party with a fair opportunity to prepare to meet the statement.

Section 2. Section 8953(d) of Title 42 is amended to read:
§ 8953. Statewide municipal police jurisdiction.

* * *

(d) Immunities and benefits preserved.—Any municipal police officer who exercises any power or authority granted under this section, and the employing municipality of the police officer, shall have the same immunities from liability as would be applicable if the actions were performed within the territorial boundaries of the officer's primary jurisdiction and the police officer shall be entitled to the same benefits of employment as the officer would possess if acting solely within his primary jurisdiction. However, when any municipal police officer is responding to a request for aid or assistance from a State law enforcement officer pursuant to subsection (a)(3) for

purposes of workers' compensation and allocation of liability for any death, injury or damage he may cause in the performance of his requested duties, he shall be considered to be an employee of the Commonwealth. All costs incurred by any municipality in the defense of lawsuits arising from the performance of any requested duties shall be borne by the Commonwealth. The Commonwealth shall provide attorneys to defend any lawsuits arising under this section. For purposes of compensation, pension or indemnity fund rights and other rights and benefits to which he may be entitled, the municipal officer shall be considered to be performing his duties in his normal capacity as a municipal law enforcement officer. Nothing in this section shall be construed to restrict the authority of any municipality to limit the exercise of any power or authority conferred on its police by this section.

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Section 3. This act shall take effect in 60 days.

APPROVED—The 22nd day of December, A. D. 1989.

ROBERT P. CASEY