

MOTION OF THE COUNCIL OF ALLEGHENY COUNTY

Urging the voters of Allegheny County to thoroughly consider the impacts of and vote upon a referendum question amending Article I of the Constitution of the Commonwealth to incorporate a victim's bill of rights, colloquially known as Marsy's Law.

WHEREAS, in 2018, the Pennsylvania General Assembly passed SB1011, a bill which started the process of amending the Constitution of the Commonwealth in order to incorporate a victim's bill of rights, by a vote of 197-0 in the House of Representatives and 48-0 in the Senate; and

WHEREAS, in accordance with the procedural requirements governing amending the Constitution of the Commonwealth found in Article XI, Section 1, the General Assembly passed an identical HB276 in 2019 by a vote of 190-8 in the House of Representatives and 50-0 in the Senate; and

WHEREAS, per Article XI, Section 1, the passage of the bill in identical forms in two consecutive sessions of the Assembly authorizes the placement of the amendment on the ballot for approval by the Commonwealth's voters; and

WHEREAS, a referendum question authorizing the amendment of the Constitution of the Commonwealth will appear on the ballot at the November 2019 general election; and

WHEREAS, passage of the referendum question is the final step in the process of enacting the proposed amendment; and

WHEREAS, the amendment would establish new guaranteed rights under the Constitution of the Commonwealth, drafted as follows: To secure for victims justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following rights, as further provided and as defined by the General Assembly, which shall be protected in a manner no less vigorous than the rights afforded to the accused: to be treated with fairness and respect for the victim's safety, dignity and privacy; to have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the accused ; to reasonable and timely notice of and to be present at all public proceedings involving the criminal or delinquent conduct; to be notified of any pretrial disposition of the case; with the exception of grand jury proceedings, to be heard in any proceeding where a right of the victim is implicated, including, but not limited to, release, plea, sentencing, disposition, parole and pardon; to be notified of all parole procedures, to participate in the parole process, to provide information to be considered before the parole of the offender, and to be notified of the parole of the offender; to reasonable protection from the accused or any person acting on behalf of the accused; to reasonable notice of any release or escape of the accused; to refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused; full

and timely restitution from the person or entity convicted for the unlawful conduct; full and timely restitution as determined by the court in a juvenile delinquency proceeding; to the prompt return of property when no longer needed as evidence; to proceedings free from unreasonable delay and a prompt and final conclusion of the case and any related postconviction proceedings; to confer with the attorney for the government; and to be informed of all rights enumerated in this section; and

WHEREAS, Governor Tom Wolf, The Pennsylvania Chiefs of Police Association, Pennsylvania District Attorneys Association and the Allegheny County District Attorney are in support of the proposed amendment;

NOW THEREFORE, IT IS MOVED THAT THE COUNCIL OF ALLEGHENY COUNTY


Hereby urges the voters of Allegheny County to thoroughly consider the impacts of and vote upon a referendum question amending Article I of the Constitution of the Commonwealth to incorporate a victim's bill of rights, colloquially known as Marsy's Law.

PRIMARY SPONSOR: COUNCIL MEMBER DeMARCO

CO-SPONSORS: COUNCIL MEMBER MACEY


Enacted in Council, this 22nd day of October, 2019,

Council Agenda No. 11232-19.



John DeFazio
President of Council

Attest:



Jared Barker
Chief Clerk