

No. 2019-24

AN ACT

HB 504

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in sexual offenses, further providing for evidence of victim's sexual conduct.

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

Section 1. Section 3104 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 3104. Evidence of victim's sexual conduct.

(a) General rule.—Evidence of specific instances of the alleged victim's past sexual conduct, *past sexual victimization, allegations of past sexual victimization*, opinion evidence of the alleged victim's past sexual conduct, and reputation evidence of the alleged victim's past sexual conduct shall not be admissible in prosecutions [under this chapter] of any offense listed in subsection (c) except evidence of the alleged victim's past sexual conduct with the defendant where consent of the alleged victim is at issue and such evidence is otherwise admissible pursuant to the rules of evidence.

(b) Evidentiary proceedings.—A defendant who proposes to offer evidence of the alleged victim's past sexual conduct, *past sexual victimization, allegations of past sexual victimization, opinion evidence of the alleged victim's past sexual conduct and reputation evidence of the alleged victim's past sexual conduct* pursuant to subsection (a) shall file a written motion and offer of proof at the time of trial. If, at the time of trial, the court determines that the motion and offer of proof are sufficient on their faces, the court shall order an in camera hearing and shall make findings on the record as to the relevance and admissibility of the proposed evidence pursuant to the standards set forth in subsection (a).

(c) *Applicability.*—*This section shall apply to prosecutions of any of the following offenses, including conspiracy, attempt or solicitation to commit any of the following offenses, enumerated in this title:*

*Chapter 27 (relating to assault).*

*Chapter 29 (relating to kidnapping).*

*Chapter 30 (relating to human trafficking).*

*Chapter 31 (relating to sexual offenses).*

*Section 4302 (relating to incest).*

*Section 4304 (relating to endangering welfare of children), if the offense involved sexual contact with the victim.*

*Section 6301(a)(1)(ii) (relating to corruption of minors).*

*Section 6312(b) (relating to sexual abuse of children).*

*Section 6318 (relating to unlawful contact with minor).*

*Section 6320 (relating to sexual exploitation of children).*

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

APPROVED—The 28th day of June, A.D. 2019

TOM WOLF