

THE GENERAL ASSEMBLY

Proposed Amendments to the Constitution of Pennsylvania

THE FOLLOWING ARE TRUE COPIES OF A JOINT RESOLUTION OF THE PENNSYLVANIA GENERAL ASSEMBLY REGARDING AMENDMENTS TO THE CONSTITUTION OF PENNSYLVANIA THAT WERE PROPOSED IN THE GENERAL ASSEMBLY DURING THE 2002 SESSION. THE PROPOSED AMENDMENTS WERE AGREED TO BY A MAJORITY OF THE MEMBERS ELECTED TO THE SENATE AND THE HOUSE OF REPRESENTATIVES. PURSUANT TO ARTICLE XI, SECTION 1 OF THE CONSTITUTION, THE SECRETARY OF THE COMMONWEALTH HAS CAUSED THE PROPOSED AMENDMENTS TO BE PUBLISHED HERE. WERE ANY OF THESE PROPOSED AMENDMENTS TO BE AGREED TO BY A MAJORITY OF THE SENATORS AND REPRESENTATIVES ELECTED TO THE GENERAL ASSEMBLY AT THE NOVEMBER 5, 2002 GENERAL ELECTION, THE PROPOSED AMENDMENTS SO APPROVED WOULD BE PUBLISHED AGAIN AND THEN SUBMITTED TO THE QUALIFIED ELECTORS OF PENNSYLVANIA FOR APPROVAL. IF APPROVED BY A MAJORITY OF THE ELECTORS VOTING ON IT, AN AMENDMENT WOULD BECOME PART OF THE CONSTITUTION.

IF AN AMENDMENT WERE APPROVED, THE WORDS UNDERLINED WOULD BE ADDED TO THE CONSTITUTION AND THE WORDS IN BRACKETS (E.G., [CONSTITUTION]) WOULD BE DELETED. ANYONE WHO NEEDS HELP READING THIS ADVERTISEMENT OR WHO NEEDS THE TEXT OF THE PROPOSED AMENDMENTS IN AN ALTERNATIVE FORMAT MAY CALL OR WRITE THE PENNSYLVANIA DEPARTMENT OF STATE, BUREAU OF COMMISSIONS, ELECTIONS AND LEGISLATION, ROOM 210 NORTH OFFICE BUILDING, HARRISBURG, PA 17120, (717) 787-5280.

C. MICHAEL WEAVER,
Secretary of the Commonwealth

JOINT RESOLUTION 2002-1

Proposing separate amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for rights of accused in criminal prosecutions and for judicial administration.

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

Section 1. The following separate amendments to the Constitution of Pennsylvania are proposed in accordance with Article XI:

(1) That section 9 of Article I be amended to read:

§ 9. Rights of accused in criminal prosecutions.

In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to [meet the witnesses face to face] be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to

give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land. The use of a suppressed voluntary admission or voluntary confession to impeach the credibility of a person may be permitted and shall not be construed as compelling a person to give evidence against himself.

(2) That section 10(c) of Article V be amended to read:

§ 10. Judicial administration.

* * *

(c) The Supreme Court shall have the power to prescribe general rules governing practice, procedure and the conduct of all courts, justices of the peace and all officers serving process or enforcing orders, judgments or decrees of any court or justice of the peace, including the power to provide for assignment and reassignment of classes of actions or classes of appeals among the several courts as the needs of justice shall require, and for admission to the bar and to practice law, and the administration of all courts and supervision of all officers of the Judicial Branch, if such rules are consistent with this Constitution and neither abridge, enlarge nor modify the substantive rights of any litigant, nor affect the right of the General Assembly to determine the jurisdiction of any court or justice of the peace, nor suspend nor alter any statute of limitation or repose. All laws shall be suspended to the extent that they are inconsistent with rules prescribed under these provisions. Notwithstanding the provisions of this section, the General Assembly may by statute provide for the manner of testimony of child victims or child material witnesses in criminal proceedings, including the use of videotaped depositions or testimony by closed-circuit television.

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Section 2. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall submit the proposed constitutional amendments under section 1 to the qualified electors of this Commonwealth as separate ballot questions at the first primary, general or municipal election occurring at least three months after the proposed constitutional amendments are passed by the General Assembly.

[Pa.B. Doc. No. 02-1586. Filed for public inspection September 13, 2002, 9:00 a.m.]