
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 90

Session of
1991

INTRODUCED BY RITTER, KOSINSKI, BLAUM, DeWEESE, CALTAGIRONE,
JOSEPHS, HAGARTY, ADOLPH, ANGSTADT, ARGALL, BATTISTO, BILLOW,
BISHOP, BUNT, CAPPABIANCA, COHEN, FOX, FREEMAN, GAMBLE,
GEIST, GODSHALL, GRUITZA, HARLEY, HARPER, HAYDEN, HECKLER,
ITKIN, JAMES, KASUNIC, KUKOVICH, LAUGHLIN, LINTON, MAIALE,
MARKOSEK, MELIO, MIHALICH, MRKONIC, OLASZ, PISTELLA,
RICHARDSON, RUDY, SAURMAN, D. W. SNYDER, G. SNYDER, STETLER,
STURLA, TANGRETTI, E. Z. TAYLOR, TELEK, TIGUE, TRELLO,
VAN HORNE, VEON, WAMBACH, WOGAN, WOZNIAK, LEVDANSKY,
ROBINSON, MAYERNIK, TRICH, STEELMAN, PESCI, ARNOLD, MUNDY,
SEMMELE, JAROLIN, FLICK, DALEY, FAJT, PICCOLA AND BUTKOVITZ,
FEBRUARY 6, 1991

SENATOR LINCOLN, RULES AND EXECUTIVE NOMINATIONS, IN SENATE, RE-
REPORTED AS AMENDED, NOVEMBER 25, 1992

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employees in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employees of certain departments, boards and
20 commissions shall be determined," further providing for the
21 rights of crime victims AND THE WATER SUPPLY.

<—

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

3 ~~Section 1. Sections 479.1 and 479.3 of the act of April 9,~~ <—
4 ~~1929 (P.L.177, No.175), known as The Administrative Code of~~
5 ~~1929, added June 30, 1984 (P.L.458, No.96), are amended to read:~~

6 ~~Section 479.1. Definitions. The following words and phrases~~
7 ~~when used in sections 479 through 479.5 shall have the meanings~~
8 ~~given to them in this section unless the context clearly~~
9 ~~indicates otherwise:~~

10 ~~"Board" means the Pennsylvania Board of Probation and Parole.~~

11 ~~"Commission" means the Pennsylvania Commission on Crime and~~
12 ~~Delinquency.~~

13 ~~"Crime" means an act [committed in this Commonwealth which,~~
14 ~~if committed by a mentally competent, criminally responsible~~
15 ~~adult who had no legal exemption or defense, would constitute a~~
16 ~~crime as defined in and proscribed by Title 18 of the~~
17 ~~Pennsylvania Consolidated Statutes (relating to crimes and~~
18 ~~offenses) or enumerated in the act of April 14, 1972 (P.L.233,~~
19 ~~No.64), known as "The Controlled Substance, Drug, Device and~~
20 ~~Cosmetic Act." No act involving the operation of a motor vehicle~~
21 ~~which results in injury shall constitute a crime for the purpose~~
22 ~~of this act unless the injury was intentionally inflicted~~
23 ~~through the use of a motor vehicle.] committed in this~~
24 ~~Commonwealth by a person without regard to legal exemption or~~
25 ~~defense, which would constitute a crime under 18 Pa.C.S.~~
26 ~~(relating to crimes and offenses), 30 Pa.C.S. § 5502 (relating~~
27 ~~to operating watercraft under influence of alcohol or controlled~~
28 ~~substance) or 5502.1 (relating to homicide by watercraft while~~
29 ~~operating under influence) or 75 Pa.C.S. § 3731 (relating to~~
30 ~~driving under influence of alcohol or controlled substance) or~~

~~3735 (relating to homicide by vehicle while driving under
influence).~~

~~"Dispositional proceeding" means any proceeding which occurs
in open common pleas court which potentially could dispose of
the case, including, but not limited to, Accelerated
Rehabilitative Disposition, pleas, trial and sentence.~~

~~"Family" means when used in reference to a person:~~

~~(1) anyone related to that person within the third degree of
consanguinity or affinity;~~

~~(2) anyone maintaining a common law relationship with that
person; or~~

~~(3) anyone residing in the same household with that person.~~

~~["Feloniously assaultive crime" means an act committed in
this Commonwealth which, if it had been committed by a mentally
competent, criminally responsible adult who had no legal
exemption or defense, would constitute a felony as defined in
and proscribed by Chapter 25, 27, 29, 31 or 37 of Title 18 of
the Pennsylvania Consolidated Statutes (relating to crimes and
offenses). No act involving the operation of a motor vehicle
which results in injury shall constitute a feloniously
assaultive crime for the purpose of this act unless the injury
was intentionally inflicted through the use of a motor vehicle.]~~

~~"Law enforcement agency" means the Pennsylvania State Police
and municipal police departments.~~

~~"Minor judiciary" means district justices, Philadelphia
Municipal Court and Pittsburgh Magistrate Court.~~

~~"Personal injury crime" means an act, attempt or threat to
commit an act, which would constitute a misdemeanor or felony as
defined in and prescribed by the following:~~

~~18 Pa.C.S. Ch. 25 (relating to criminal homicide).~~

~~18 Pa.C.S. Ch. 27 (relating to assault).~~

~~18 Pa.C.S. Ch. 29 (relating to kidnapping).~~

~~18 Pa.C.S. Ch. 31 (relating to sexual offenses).~~

~~18 Pa.C.S. Ch. 37 (relating to robbery).~~

~~18 Pa.C.S. Ch. 49 Subch. B (relating to victim and
witness intimidation).~~

~~18 Pa.C.S. § 3301 (relating to arson and related
offenses).~~

~~75 Pa.C.S. § 3735 (relating to homicide by vehicle while
driving under influence).~~

~~"Prosecutor's office" means the Office of Attorney General
and the office of a district attorney of a county.~~

~~"Victim" means [a person against whom a crime is being or has
been perpetrated or attempted.] any of the following:~~

~~(1) A person against whom a crime is being or has been
perpetrated or attempted.~~

~~(2) A parent or legal guardian of a child so victimized,
except when the parent or legal guardian of the child is the
alleged offender.~~

~~(3) A family member of a homicide victim, including
stepbrothers or stepsisters, stepchildren, stepparents or a
fiance, one of whom to be identified to receive communication as
provided for in this act.~~

~~Section 479.3. Basic Bill of Rights for Victims. Victims of
crime have the following rights:~~

~~[(1) To have included in any presentence report information
concerning the effect that the crime committed by the defendant
has had upon the victim, including any physical or psychological
harm or financial loss suffered by the victim, to the extent
that such information is available from the victim or other~~

1 ~~sources.~~

2 ~~(2) To have restitution ordered as a condition of probation~~
3 ~~whenever feasible.~~

4 ~~(3) Upon request of the victim of a feloniously assaultive~~
5 ~~crime, to be promptly informed by the district attorney whenever~~
6 ~~the assailant is to be released on parole, furlough or any other~~
7 ~~form of supervised or unsupervised release from full~~
8 ~~incarceration.]~~

9 ~~(1) To receive basic information concerning the services~~
10 ~~available for victims of crime, including information concerning~~
11 ~~social services such as community based victim services, grief~~
12 ~~counseling, rape crisis or domestic violence services.~~

13 ~~(2) To be protected from harm and threats of harm arising~~
14 ~~from their cooperation with law enforcement and prosecution~~
15 ~~efforts, including a waiting area during common pleas court~~
16 ~~proceedings separate from the defendants and families and~~
17 ~~friends of defendants. In proceedings before the minor~~
18 ~~judiciary, a seating area separate from the defendants shall be~~
19 ~~provided.~~

20 ~~(3) To be notified of significant actions within the~~
21 ~~criminal justice system pertaining to their case.~~

22 ~~(4) To be given notice of all substantive public criminal~~
23 ~~proceedings and to be accompanied at such proceedings by a~~
24 ~~family member, victim advocate or other person for purposes of~~
25 ~~emotional support.~~

26 ~~(5) In cases involving personal injury crimes, burglary or~~
27 ~~violations of 75 Pa.C.S. § 3731 (relating to driving under~~
28 ~~influence of alcohol or controlled substance), to provide prior~~
29 ~~comment to the prosecutor's office on the reduction or dropping~~
30 ~~of any charge prior to the entry of a plea.~~

~~(6) To have opportunity to offer prior comment on the sentencing of a defendant, and also including the submission of a written or oral victim impact statement detailing the physical, psychological and economic effects of the crime on the victim and the victim's family.~~

~~(7) To be restored, to the extent possible, to the precrime economic status through the provision of restitution, compensation as provided under the crime victims' compensation program pursuant to sections 477 through 477.19, and the expeditious return of property which is seized as evidence in the case when, in the judgment of the prosecutor, the evidence is no longer needed for prosecution of the case.~~

~~(8) In personal injury crimes, to be notified of the pretrial and presentence release of the defendant. In other crimes, to be notified of the manner in which this information may be obtained by the victim.~~

~~(9) In personal injury crimes where the offender is sentenced to a county correctional facility, to be notified sufficiently in advance of the release of the offender, including parole, pardon, work release, furlough, or community service and to be provided immediate notice of the escape of the offender.~~

~~(10) Where the offender is sentenced to a State correctional facility, to be given the opportunity to provide prior comment on State postsentencing release decisions, including work release, furlough, parole, pardon or community treatment center placement and to be provided immediate notice of an escape of the offender.~~

~~(11) In crimes involving child victims, to be advised of the rights and protections provided by child victims pursuant to the~~

~~provisions of 23 Pa.C.S. Ch. 63 (relating to child protective services) and 42 Pa.C.S. Ch. 59 Subch. D (relating to child victims and witnesses).~~

~~(12) To be notified of the opportunity to receive notice when an offender is committed to a mental health facility from a county prison or State correctional institution and the release, placement or escape of the offender from the mental health facility.~~

~~Section 2. The act is amended by adding sections to read:~~

~~Section 479.6. Responsibilities of Law Enforcement Agencies under Basic Bill of Rights. (a) All law enforcement agencies are responsible for providing basic information on services available for crime victims. The information shall be in writing and shall be provided to the victim within twenty four hours of the agency's first contact with the victim and shall include the following:~~

~~(1) An explanation of the victim's rights pursuant to the provisions of section 479.3 and responsibilities pursuant to the provisions of section 479.10.~~

~~(2) The telephone numbers of agencies which provide appropriate services, including community based victim service agencies, grief counselors, rape crisis centers and domestic violence programs.~~

~~(3) The procedures for dealing with victim or witness intimidation and harassment pursuant to 18 Pa.C.S. Ch. 49 Subch. B (relating to victim and witness intimidation) and domestic violence and child abuses under 23 Pa.C.S. Ch. 61 (relating to protection from abuse) and Ch. 63 (relating to child protective services).~~

~~(4) Notice of the availability of victim's compensation~~

~~pursuant to sections 477 through 477.19 and the agency which can
provide claims assistance.~~

~~(5) An orientation to the pretrial judicial process.~~

~~(6) In personal injury crimes, to be provided a form
pursuant to section 479.11(a).~~

~~(b) Within one year of the effective date of this section,
all law enforcement agencies shall prepare an attachment to or
revise the police report to provide for the victim's signature,
signifying that the information required in subsection (a) has
been provided to the crime victim in a timely manner.~~

~~(c) In personal injury crimes, law enforcement agencies
shall make reasonable efforts to notify the victims of the
arrest of the suspect as soon as possible, but not more than
eight hours after the preliminary arraignment.~~

~~(d) In personal injury crimes, all law enforcement agencies
and sheriffs, deputy sheriffs and constables are responsible for
immediately notifying the victim of an inmate's escape from the
custody of the law enforcement agency, sheriff, deputy sheriff
and constable.~~

~~Section 479.7. Responsibilities of Prosecutor's Office under
Basic Bill of Rights. (a) The prosecutor's office shall
coordinate the information provided to victims under sections
479.1 through 479.9.~~

~~(b) The prosecutor's office shall provide information to law
enforcement agencies concerning services available to victims in
the county, including community based victim services, grief
counseling, rape crisis or domestic violence services.~~

~~(c) The prosecutor's office shall coordinate the following
services for victims and witnesses of crime:~~

~~(1) An orientation to the court system including an~~

~~explanation of the process, and the role of the victim.~~

~~(2) Advance notice of at least forty eight hours of any dispositional proceedings scheduled and timely notice of continuances.~~

~~(3) Assistance with prior comment on the key decisions regarding disposition, including, but not limited to, the entry of a plea and sentence, including the submission of written or oral victim impact statements.~~

~~(4) A waiting area during common pleas court proceedings separate from the defendants and families and friends of the defendants. In proceedings before the minor judiciary, a seating area separate from the defendant shall be provided.~~

~~(5) Notice of the disposition and sentence of the defendant, including any sentence modifications. When the defendant is released from incarceration at the sentencing hearing, reasonable efforts shall be made to notify the victim as soon as possible when it involves a personal injury crime and the victim has given prior notice.~~

~~(6) Assistance with the preparation of, submission and follow up on financial assistance claims to the Crime Victim's Compensation Board and expeditious return of property when, in the judgment of the prosecutor, the evidence is no longer needed for prosecution of the case.~~

~~(7) Where the victim requests notice pursuant to sections 479.3(9), (10) and (12), the prosecutor's office shall provide the victim with the appropriate forms as provided in section 479.8 or 479.11 and the victim's responsibilities pursuant to section 479.10.~~

~~(8) Notice of the opportunity to receive notice when an offender is committed to a mental health institution from a~~

~~county prison or State correctional institution and the subsequent release and placement or escape of the offender.~~

~~(9) Services associated with the victim's or witness's ability to participate in the criminal justice process, including, to the extent of available resources, transportation, child care and employer or creditor intercession.~~

~~Section 479.8. Responsibilities of Department of Corrections and Pennsylvania Board of Probation and Parole. (a) Within one year of the effective date of this act, the Department of Corrections and the Pennsylvania Board of Probation and Parole shall develop standardized forms regarding victim notification pursuant to section 479.3(10). The form shall include the address where the form is to be sent.~~

~~(b) Where the department and board has received notice of a victim's desire to have input pursuant to section 479.3(10), the appropriate agency shall notify the victim sufficiently in advance of a pending release decision to extend an opportunity for prior comment.~~

~~(c) The victim's prior comment may be oral or written and shall be considered by the department or the board as to the advisability of release and any conditions of release which may be imposed.~~

~~(d) Where the department has received notice of a victim's desire to receive notification as provided for in section 479.3(10) regarding escape of the offender, the superintendent of the State correctional institution shall immediately notify the victim of the escape.~~

~~(e) Where the department has received notice of a victim's desire to receive notification as provided for in section 479.3(12), the superintendent of the State correctional~~

~~institution shall notify the victim of the commitment of the offender to a mental health facility and the location of the facility within twenty four hours of the commitment.~~

~~(f) All records maintained by the department and the board pertaining to victims shall be kept separate, and current address, telephone number and any other personal information of the victim and family members shall be deemed confidential.~~

~~(g) The department or the board shall notify the victim of the final decision rendered and relevant conditions imposed prior to the release of the offender.~~

~~Section 479.9. Responsibilities of Department of Public Welfare and Mental Health Institutions under Basic Bill of Rights. (a) Within one year of the effective date of this act, the Department of Public Welfare shall develop standardized forms, which shall include the address where the completed form is to be sent, for the receipt of notice from the victim concerning the victim's interest in discharge decisions and notification of an escape. Sufficient copies of the forms shall be provided to the office of the district attorney for distribution to victims upon court ordered commitment of the offender to a mental health institution in the State system.~~

~~(b) Where the Department of Public Welfare has received notice of a victim's desire to receive notification as provided for in section 479.3(12) regarding release, placement or escape of the offender, the Department of Public Welfare shall designate the appropriate official to notify the victim of the discharge of the offender from the mental health institution and the facility to which the offender was discharged within twenty four hours of the discharge. The Department of Public Welfare or the designated official shall immediately notify the victim of~~

~~an escape of the offender from the mental health institution.~~

~~Section 479.10. Responsibilities of Victims of Crime under Basic Bill of Rights. A victim shall provide a valid address and telephone number and any other information which facilitates contact to all agencies responsible for providing information and notice to the victim. The victim shall be responsible for providing timely notice of any changes in the status of such information. The information provided shall not be disclosed to any person other than a law enforcement agency, corrections agency or district attorney's office without the prior written consent of the victim.~~

~~Section 479.11. Responsibilities of President Judge of Court of Common Pleas under Basic Bill of Rights. The president judge shall adopt, by local rule, forms and procedures to provide for:~~

~~(1) Pretrial and presentence victim notification pursuant to section 479.3(8).~~

~~(2) Postsentencing notification pursuant to section 479.3(9).~~

~~(3) Victim notification of the commitment of an offender to a mental health facility pursuant to section 479.3(12).~~

~~Section 3. This act shall take effect as follows:~~

~~(1) The addition of section 479.3(8), (9) and (12) of the act shall take effect upon the promulgation of local rules pursuant to section 479.11 but no later than one year from the effective date of this act.~~

~~(2) Except as provided in paragraph (1), this act shall take effect in 180 days.~~

SECTION 1. SECTION 479.1 OF THE ACT OF APRIL 9, 1929
(P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929,
AMENDED OR ADDED JUNE 30, 1984 (P.L.458, NO.96) AND AUGUST 14,

<—

1 1991 (P.L.331, NO.35), IS AMENDED TO READ:

2 SECTION 479.1. DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES
3 WHEN USED IN SECTIONS 479 THROUGH ~~479.5~~ 479.11 SHALL HAVE THE <—
4 MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT
5 CLEARLY INDICATES OTHERWISE:

6 "BOARD" MEANS THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE.

7 "COMMISSION" MEANS THE PENNSYLVANIA COMMISSION ON CRIME AND
8 DELINQUENCY.

9 ["CRIME" MEANS AN ACT RESULTING IN INJURY, INCLUDING AN ACT
10 INTENTIONALLY INFLICTED THROUGH THE USE OF A MOTOR VEHICLE,
11 WHICH WAS COMMITTED BY A PERSON IN PENNSYLVANIA, WITHOUT REGARD
12 TO LEGAL EXEMPTION OR DEFENSE, WHICH WOULD CONSTITUTE A CRIME
13 ONLY AS DEFINED IN, PROSCRIBED BY OR ENUMERATED IN:

14 (1) 18 PA.C.S. (RELATING TO CRIMES AND OFFENSES), 30 PA.C.S.
15 § 5502 (RELATING TO OPERATING WATERCRAFT UNDER INFLUENCE OF
16 ALCOHOL OR CONTROLLED SUBSTANCE) OR 5502.1 (RELATING TO HOMICIDE
17 BY WATERCRAFT WHILE OPERATING UNDER INFLUENCE) AND 75 PA.C.S. §
18 3731 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR
19 CONTROLLED SUBSTANCE) OR 3735 (RELATING TO HOMICIDE BY VEHICLE
20 WHILE DRIVING UNDER INFLUENCE);

21 (2) THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS
22 "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT"; OR

23 (3) THE LAWS OF THE UNITED STATES.]

24 "CRIME" MEANS AN ACT COMMITTED IN THIS COMMONWEALTH BY A
25 PERSON, WITHOUT REGARD TO LEGAL EXEMPTION OR DEFENSE, WHICH
26 WOULD CONSTITUTE A CRIME UNDER 18 PA.C.S. (RELATING TO CRIMES
27 AND OFFENSES), 30 PA.C.S. § 5502 (RELATING TO OPERATING
28 WATERCRAFT UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE)
29 OR 5502.1 (RELATING TO HOMICIDE BY WATERCRAFT WHILE OPERATING
30 UNDER INFLUENCE) OR 75 PA.C.S. § 3731 (RELATING TO DRIVING

UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) OR 3735
(RELATING TO HOMICIDE BY VEHICLE WHILE DRIVING UNDER INFLUENCE).

"DISPOSITIONAL PROCEEDING" MEANS ANY PROCEEDING WHICH OCCURS
IN OPEN COMMON PLEAS COURT WHICH POTENTIALLY COULD DISPOSE OF
THE CASE, INCLUDING, BUT NOT LIMITED TO, ACCELERATED
REHABILITATIVE DISPOSITION, PLEAS, TRIAL AND SENTENCE.

"FAMILY" MEANS WHEN USED IN REFERENCE TO A PERSON:

(1) ANYONE RELATED TO THAT PERSON WITHIN THE THIRD DEGREE OF
CONSANGUINITY OR AFFINITY;

(2) ANYONE MAINTAINING A COMMON-LAW RELATIONSHIP WITH THAT
PERSON; OR

(3) ANYONE RESIDING IN THE SAME HOUSEHOLD WITH THAT PERSON.

["FELONIOUSLY ASSAULTIVE CRIME" MEANS AN ACT COMMITTED IN
THIS COMMONWEALTH WHICH, IF IT HAD BEEN COMMITTED BY A MENTALLY
COMPETENT, CRIMINALLY RESPONSIBLE ADULT WHO HAD NO LEGAL
EXEMPTION OR DEFENSE, WOULD CONSTITUTE A FELONY AS DEFINED IN
AND PROSCRIBED BY CHAPTER 25, 27, 29, 31 OR 37 OF TITLE 18 OF
THE PENNSYLVANIA CONSOLIDATED STATUTES (RELATING TO CRIMES AND
OFFENSES). NO ACT INVOLVING THE OPERATION OF A MOTOR VEHICLE
WHICH RESULTS IN INJURY SHALL CONSTITUTE A FELONIOUSLY
ASSAULTIVE CRIME FOR THE PURPOSE OF THIS ACT UNLESS THE INJURY
WAS INTENTIONALLY INFLICTED THROUGH THE USE OF A MOTOR VEHICLE.]

"LAW ENFORCEMENT AGENCY" MEANS THE PENNSYLVANIA STATE POLICE
AND MUNICIPAL POLICE DEPARTMENTS.

"PERSONAL INJURY CRIME" MEANS AN ACT, ATTEMPT OR THREAT TO
COMMIT AN ACT WHICH WOULD CONSTITUTE A MISDEMEANOR OR FELONY AS
DEFINED IN AND PRESCRIBED BY THE FOLLOWING:

18 PA.C.S. CH. 25 (RELATING TO CRIMINAL HOMICIDE).

18 PA.C.S. CH. 27 (RELATING TO ASSAULT).

18 PA.C.S. CH. 29 (RELATING TO KIDNAPPING).

1 18 PA.C.S. CH. 31 (RELATING TO SEXUAL OFFENSES).

2 18 PA.C.S. § 3301 (RELATING TO ARSON AND RELATED
3 OFFENSES).

4 18 PA.C.S. CH. 37 (RELATING TO ROBBERY).

5 18 PA.C.S. CH. 49 SUBCH. B (RELATING TO VICTIM AND
6 WITNESS INTIMIDATION).

7 75 PA.C.S. § 3735 (RELATING TO HOMICIDE BY VEHICLE WHILE
8 DRIVING UNDER INFLUENCE).

9 "PROSECUTOR'S OFFICE" MEANS THE OFFICE OF ATTORNEY GENERAL OR
10 THE OFFICE OF A DISTRICT ATTORNEY OF A COUNTY.

11 ["VICTIM" MEANS A PERSON AGAINST WHOM A CRIME IS BEING OR HAS
12 BEEN PERPETRATED OR ATTEMPTED.]

13 "VICTIM" MEANS ANY OF THE FOLLOWING:

14 (1) A PERSON AGAINST WHOM A CRIME IS BEING OR HAS BEEN
15 PERPETRATED OR ATTEMPTED.

16 (2) A PARENT OR LEGAL GUARDIAN OF A CHILD SO VICTIMIZED,
17 EXCEPT WHEN THE PARENT OR LEGAL GUARDIAN OF THE CHILD IS THE
18 ALLEGED OFFENDER.

19 (3) A FAMILY MEMBER OF A HOMICIDE VICTIM, INCLUDING
20 STEPBROTHERS OR STEPSISTERS, STEPCHILDREN, STEPPARENTS OR A
21 FIANCE, ONE OF WHOM IS TO BE IDENTIFIED TO RECEIVE COMMUNICATION
22 AS PROVIDED FOR IN THIS ACT.

23 SECTION 2. SECTION 479.3 OF THE ACT, AMENDED AUGUST 14, 1991
24 (P.L.331, NO.35), IS AMENDED TO READ:

25 SECTION 479.3. BASIC BILL OF RIGHTS FOR VICTIMS.--~~(A)~~ <—

26 VICTIMS OF CRIME HAVE THE FOLLOWING RIGHTS:

27 [(1) TO HAVE INCLUDED IN ANY PRESENTENCE REPORT INFORMATION
28 CONCERNING THE EFFECT THAT THE CRIME COMMITTED BY THE DEFENDANT
29 HAS HAD UPON THE VICTIM, INCLUDING ANY PHYSICAL OR PSYCHOLOGICAL
30 HARM OR FINANCIAL LOSS SUFFERED BY THE VICTIM, TO THE EXTENT

1 THAT SUCH INFORMATION IS AVAILABLE FROM THE VICTIM OR OTHER
2 SOURCES.

3 (2) TO HAVE RESTITUTION ORDERED AS A CONDITION OF PROBATION
4 WHENEVER FEASIBLE.

5 (3) UPON REQUEST OF THE VICTIM OF A FELONIOUSLY ASSAULTIVE
6 CRIME, TO BE PROMPTLY INFORMED BY THE DISTRICT ATTORNEY WHENEVER
7 THE ASSAILANT IS TO BE RELEASED ON PAROLE, FURLOUGH OR ANY OTHER
8 FORM OF SUPERVISED OR UNSUPERVISED RELEASE FROM FULL
9 INCARCERATION.

10 (4) TO HAVE ASSISTANCE IN THE PREPARATION OF, SUBMISSION OF
11 AND FOLLOW-UP ON FINANCIAL ASSISTANCE CLAIMS TO THE BOARD.]

12 (1) TO RECEIVE BASIC INFORMATION CONCERNING THE SERVICES
13 AVAILABLE FOR VICTIMS OF CRIME.

14 (2) TO BE NOTIFIED OF CERTAIN SIGNIFICANT ACTIONS AND
15 PROCEEDINGS WITHIN THE CRIMINAL JUSTICE SYSTEM PERTAINING TO
16 THEIR CASE, AS PROVIDED IN SECTIONS 479.6 THROUGH 479.9.

17 (3) TO BE ACCOMPANIED AT ALL PUBLIC CRIMINAL PROCEEDINGS BY
18 A FAMILY MEMBER, A VICTIM ADVOCATE OR ANOTHER PERSON.

19 (4) IN CASES INVOLVING PERSONAL INJURY CRIMES, BURGLARY OR
20 VIOLATIONS OF 75 PA.C.S. § 3731 (RELATING TO DRIVING UNDER
21 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) WHICH INVOLVE
22 BODILY INJURY, TO ~~PROVIDE~~ SUBMIT PRIOR COMMENT TO THE <—
23 PROSECUTOR'S OFFICE ON THE POTENTIAL REDUCTION OR DROPPING OF
24 ANY CHARGE PRIOR TO THE ENTRY OR CHANGING OF A PLEA. <—

25 (5) TO HAVE OPPORTUNITY TO OFFER PRIOR COMMENT ON THE
26 SENTENCING OF A DEFENDANT TO INCLUDE THE SUBMISSION OF A WRITTEN
27 VICTIM IMPACT STATEMENT DETAILING THE PHYSICAL, PSYCHOLOGICAL
28 AND ECONOMIC EFFECTS OF THE CRIME ON THE VICTIM AND THE VICTIM'S
29 FAMILY, WHICH STATEMENT SHALL BE CONSIDERED BY THE JUDGE WHEN
30 DETERMINING THE DEFENDANT'S SENTENCE.

1 (6) TO BE RESTORED, TO THE EXTENT POSSIBLE, TO THE PRECRIME
2 ECONOMIC STATUS THROUGH THE PROVISION OF RESTITUTION,
3 COMPENSATION AS PROVIDED UNDER THE CRIME VICTIMS' COMPENSATION
4 PROGRAM PURSUANT TO SECTIONS 477 THROUGH 477.19, AND THE
5 EXPEDITIOUS RETURN OF PROPERTY WHICH IS SEIZED AS EVIDENCE IN
6 THE CASE WHEN, IN THE JUDGMENT OF THE PROSECUTOR, THE EVIDENCE
7 IS NO LONGER NEEDED FOR PROSECUTION OF THE CASE.

8 (7) IN PERSONAL INJURY CRIMES WHERE THE OFFENDER IS
9 SENTENCED TO A STATE CORRECTIONAL FACILITY, TO BE GIVEN THE
10 OPPORTUNITY TO PROVIDE PRIOR COMMENT ON AND TO RECEIVE STATE
11 POSTSENTENCING RELEASE DECISIONS, INCLUDING WORK RELEASE,
12 FURLOUGH, PAROLE, PARDON OR COMMUNITY TREATMENT CENTER PLACEMENT
13 AND TO BE PROVIDED IMMEDIATE NOTICE OF AN ESCAPE OF THE
14 OFFENDER.

15 (8) TO RECEIVE NOTICE WHEN AN OFFENDER IS COMMITTED TO A
16 MENTAL HEALTH FACILITY FROM A STATE CORRECTIONAL INSTITUTION AND
17 OF THE DISCHARGE, TRANSFER OR ESCAPE OF THE OFFENDER FROM THE
18 MENTAL HEALTH FACILITY.

19 (9) TO HAVE ASSISTANCE IN THE PREPARATION OF, SUBMISSION OF
20 AND FOLLOW-UP ON FINANCIAL ASSISTANCE CLAIMS TO THE BOARD CRIME <—
21 VICTIM'S COMPENSATION BOARD.

22 ~~(B) THIS SECTION DOES NOT CREATE A CAUSE OF ACTION OR~~ <—
23 ~~DEFENSE IN FAVOR OF ANY PERSON ARISING OUT OF THE FAILURE TO~~
24 ~~ACCORD TO A VICTIM THE RIGHTS ENUMERATED IN SUBSECTION (A).~~

25 SECTION 3. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

26 SECTION 479.6. RESPONSIBILITIES OF LAW ENFORCEMENT AGENCIES
27 UNDER BASIC BILL OF RIGHTS.--(A) ALL LAW ENFORCEMENT AGENCIES
28 ARE RESPONSIBLE FOR PROVIDING BASIC INFORMATION ON SERVICES
29 AVAILABLE FOR CRIME VICTIMS. THE INFORMATION SHALL BE IN WRITING
30 AND SHALL BE PROVIDED TO THE VICTIM WITHIN TWENTY-FOUR HOURS OF

1 THE AGENCY'S FIRST CONTACT WITH THE VICTIM IN A FORM TO BE
2 DEVELOPED BY THE PENNSYLVANIA COMMISSION ON CRIME AND
3 DELINQUENCY WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ACT.

4 (B) THE FORM DEVELOPED BY THE PENNSYLVANIA COMMISSION ON
5 CRIME AND DELINQUENCY SHALL BE ATTACHED TO THE POLICE REPORT AND
6 INCLUDE A VICTIM CHECKOFF SIGNIFYING THAT THE INFORMATION HAS
7 BEEN PROVIDED TO THE CRIME VICTIM.

8 (C) IN PERSONAL INJURY CRIMES, LAW ENFORCEMENT AGENCIES
9 SHALL MAKE REASONABLE EFFORTS TO NOTIFY THE VICTIM OF THE ARREST
10 OF THE SUSPECT AS SOON AS POSSIBLE. UNLESS THE VICTIM CANNOT BE
11 LOCATED, NOTICE OF THE ARREST SHALL BE PROVIDED NOT MORE THAN
12 TWENTY-FOUR HOURS AFTER THE PRELIMINARY ARRAIGNMENT.

13 (D) IN PERSONAL INJURY CRIMES, ALL LAW ENFORCEMENT AGENCIES,
14 SHERIFFS, DEPUTY SHERIFFS AND CONSTABLES SHALL NOTIFY THE VICTIM
15 OF AN INMATE'S ESCAPE FROM THE CUSTODY OF THE LAW ENFORCEMENT
16 AGENCY, SHERIFF, DEPUTY SHERIFF OR CONSTABLE.

17 SECTION 479.7. RESPONSIBILITIES OF PROSECUTOR'S OFFICE.--(A)
18 THE PROSECUTOR'S OFFICE SHALL PROVIDE THE VICTIM OF A PERSONAL
19 INJURY CRIME WITH ALL FORMS DEVELOPED PURSUANT TO SECTIONS 479.8
20 AND 479.9.

21 ~~(B) IN PERSONAL INJURY CRIMES, THE PROSECUTOR'S OFFICE SHALL~~ <—
22 ~~PROVIDE NOTICE OF THE OPPORTUNITY TO PRESENT PRIOR COMMENT ON~~
23 ~~DISPOSITIONS, INCLUDING CHARGES, PLEAS AND SENTENCING, AND SHALL~~
24 ~~ASSIST A VICTIM WHO REQUESTS ASSISTANCE TO PREPARE THE INPUT.~~

25 (B) IN PERSONAL INJURY CRIMES, BURGLARY OR VIOLATIONS OF 75 <—
26 PA.C.S. § 3731 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL
27 OR CONTROLLED SUBSTANCE), THE PROSECUTOR'S OFFICE SHALL MAKE <—
28 REASONABLE EFFORTS TO PROVIDE NOTICE OF THE OPPORTUNITY TO
29 SUBMIT PRIOR COMMENT ON THE POTENTIAL REDUCTION OR DROPPING OF
30 ANY CHARGE OR CHANGING OF A PLEA IF THE VICTIM SO REQUESTS.

1 (C) THE PROSECUTOR'S OFFICE SHALL PROVIDE NOTICE OF THE
2 OPPORTUNITY TO OFFER PRIOR COMMENT ON THE SENTENCING OF A
3 DEFENDANT TO INCLUDE THE SUBMISSION OF A WRITTEN VICTIM IMPACT
4 STATEMENT. THE PROSECUTOR'S OFFICE SHALL ASSIST A VICTIM WHO
5 REQUESTS ASSISTANCE TO PREPARE THE INPUT.

6 ~~(C)~~ (D) IN PERSONAL INJURY CRIMES, THE PROSECUTOR'S OFFICE <—
7 SHALL PROVIDE NOTICE OF THE OPPORTUNITY TO SUBMIT INPUT INTO
8 STATE CORRECTIONAL RELEASE DECISIONS AND TO RECEIVE NOTICE OF
9 THE COMMITMENT TO A MENTAL HEALTH INSTITUTION FROM A STATE
10 CORRECTIONAL INSTITUTION.

11 ~~(D)~~ (E) IN PERSONAL INJURY CRIMES WHEN THE PROSECUTOR'S <—
12 OFFICE HAS ADVANCE NOTICE OF ANY DISPOSITIONAL PROCEEDING, THE
13 PROSECUTOR SHALL MAKE REASONABLE EFFORTS TO NOTIFY A VICTIM WHO
14 HAS REQUESTED NOTICE OF THE TIME AND PLACE OF THE PROCEEDING.

15 ~~(E)~~ (F) WHEN THE VICTIM HAS SO REQUESTED, THE PROSECUTOR'S <—
16 OFFICE SHALL PROVIDE NOTICE OF THE DISPOSITION AND SENTENCE OF
17 THE DEFENDANT, INCLUDING ANY SENTENCE MODIFICATIONS. IN PERSONAL
18 INJURY CRIMES, WHEN THE VICTIM HAS SO REQUESTED, THE
19 PROSECUTOR'S OFFICE SHALL MAKE REASONABLE EFFORTS TO NOTIFY THE
20 VICTIM AS SOON AS POSSIBLE WHEN THE DEFENDANT IS RELEASED FROM
21 INCARCERATION AT SENTENCING.

22 ~~(F)~~ (G) THE PROSECUTOR'S OFFICE SHALL PROVIDE ASSISTANCE TO <—
23 THE VICTIM IN THE PREPARATION OF, SUBMISSION OF AND FOLLOW-UP ON
24 FINANCIAL ASSISTANCE CLAIMS FILED WITH THE BOARD CRIME VICTIM'S <—
25 COMPENSATION BOARD.

26 SECTION 479.8. RESPONSIBILITIES OF DEPARTMENT OF CORRECTIONS
27 AND PENNSYLVANIA BOARD OF PROBATION AND PAROLE BOARD.--(A) <—
28 WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ACT, THE
29 DEPARTMENT OF CORRECTIONS AND THE PENNSYLVANIA BOARD OF <—
30 PROBATION AND PAROLE BOARD SHALL DEVELOP STANDARDIZED FORMS <—

1 REGARDING VICTIM NOTIFICATION. THE FORM SHALL INCLUDE THE
2 ADDRESS WHERE THE FORM IS TO BE SENT.

3 (B) WHERE THE DEPARTMENT AND BOARD HAVE RECEIVED NOTICE OF A
4 VICTIM'S DESIRE TO HAVE INPUT PURSUANT TO SECTION 479.3(7), THE
5 APPROPRIATE AGENCY SHALL NOTIFY THE VICTIM SUFFICIENTLY IN
6 ADVANCE OF A PENDING RELEASE DECISION TO EXTEND AN OPPORTUNITY
7 FOR PRIOR COMMENT.

8 (C) THE VICTIM'S PRIOR COMMENT MAY BE ORAL OR WRITTEN AND
9 SHALL BE CONSIDERED BY THE DEPARTMENT OR THE BOARD AS TO THE
10 ADVISABILITY OF RELEASE AND ANY CONDITIONS OF RELEASE WHICH MAY
11 BE IMPOSED.

12 (D) WHERE THE DEPARTMENT HAS RECEIVED NOTICE OF A VICTIM'S
13 DESIRE TO RECEIVE NOTIFICATION REGARDING ESCAPE OF THE OFFENDER,
14 THE SUPERINTENDENT OF THE STATE CORRECTIONAL INSTITUTION SHALL
15 IMMEDIATELY NOTIFY THE VICTIM OF THE ESCAPE.

16 (E) WHERE THE DEPARTMENT HAS RECEIVED NOTICE OF A VICTIM'S
17 DESIRE TO RECEIVE NOTIFICATION AS PROVIDED FOR IN SECTION
18 479.3(8), THE SUPERINTENDENT OF THE STATE CORRECTIONAL
19 INSTITUTION SHALL NOTIFY THE VICTIM OF THE COMMITMENT OF THE
20 OFFENDER TO A MENTAL HEALTH FACILITY AND THE LOCATION OF THE
21 FACILITY WITHIN TWENTY-FOUR HOURS OF THE COMMITMENT.

22 (F) ALL RECORDS MAINTAINED BY THE DEPARTMENT AND THE BOARD
23 PERTAINING TO VICTIMS SHALL BE KEPT SEPARATE, AND CURRENT
24 ADDRESS, TELEPHONE NUMBER AND ANY OTHER PERSONAL INFORMATION OF
25 THE VICTIM AND FAMILY MEMBERS SHALL BE DEEMED CONFIDENTIAL.

26 (G) THE DEPARTMENT OR THE BOARD SHALL NOTIFY THE VICTIM OF
27 THE FINAL DECISION RENDERED AND RELEVANT CONDITIONS IMPOSED
28 PRIOR TO THE RELEASE OF THE OFFENDER.

29 SECTION 479.9. RESPONSIBILITIES OF DEPARTMENT OF PUBLIC
30 WELFARE AND MENTAL HEALTH INSTITUTIONS UNDER BASIC BILL OF

1 RIGHTS.--(A) WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ACT,
2 THE DEPARTMENT OF PUBLIC WELFARE SHALL DEVELOP STANDARDIZED
3 FORMS, WHICH SHALL INCLUDE THE ADDRESS WHERE THE COMPLETED FORM
4 IS TO BE SENT, FOR THE RECEIPT OF NOTICE FROM THE VICTIM
5 CONCERNING THE VICTIM'S INTEREST IN DISCHARGE DECISIONS AND
6 NOTIFICATION OF AN ESCAPE. SUFFICIENT COPIES OF THE FORMS SHALL
7 BE PROVIDED TO THE OFFICE OF THE DISTRICT ATTORNEY FOR
8 DISTRIBUTION TO VICTIMS UPON COURT-ORDERED COMMITMENT OF THE
9 OFFENDER TO A MENTAL HEALTH INSTITUTION IN THE STATE SYSTEM.

10 (B) WHERE THE DEPARTMENT OF PUBLIC WELFARE HAS RECEIVED
11 NOTICE OF A VICTIM'S DESIRE TO RECEIVE NOTIFICATION AS PROVIDED
12 FOR IN SECTION 479.3(8) REGARDING RELEASE, PLACEMENT OR ESCAPE
13 OF THE OFFENDER, THE DEPARTMENT OF PUBLIC WELFARE SHALL
14 DESIGNATE THE APPROPRIATE OFFICIAL TO NOTIFY THE VICTIM OF THE
15 DISCHARGE OF THE OFFENDER FROM THE MENTAL HEALTH INSTITUTION AND
16 THE FACILITY TO WHICH THE OFFENDER WAS DISCHARGED WITHIN TWENTY-
17 FOUR HOURS OF THE DISCHARGE. THE DEPARTMENT OF PUBLIC WELFARE OR
18 THE DESIGNATED OFFICIAL SHALL IMMEDIATELY NOTIFY THE VICTIM OF
19 AN ESCAPE OF THE OFFENDER FROM THE MENTAL HEALTH INSTITUTION.

20 SECTION 479.10. RESPONSIBILITIES OF VICTIMS OF CRIME UNDER
21 BASIC BILL OF RIGHTS.--A VICTIM SHALL PROVIDE A VALID ADDRESS
22 AND TELEPHONE NUMBER AND ANY OTHER REQUIRED INFORMATION TO ALL
23 AGENCIES RESPONSIBLE FOR PROVIDING INFORMATION AND NOTICE TO THE
24 VICTIM. THE VICTIM SHALL BE RESPONSIBLE FOR PROVIDING TIMELY
25 NOTICE OF ANY CHANGES IN THE STATUS OF SUCH INFORMATION. THE
26 INFORMATION PROVIDED SHALL NOT BE DISCLOSED TO ANY PERSON OTHER
27 THAN A LAW ENFORCEMENT AGENCY, CORRECTIONS AGENCY OR
28 PROSECUTOR'S OFFICE WITHOUT THE PRIOR WRITTEN CONSENT OF THE
29 VICTIM.

30 SECTION 479.11. EFFECT ON LEGAL ACTIONS.--NOTHING IN

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1 SECTIONS 479 THROUGH 479.10 CREATES A CAUSE OF ACTION OR DEFENSE
2 IN FAVOR OF ANY PERSON ARISING OUT OF THE FAILURE TO COMPLY WITH
3 ANY OF THE PROVISIONS OF SECTIONS 479 THROUGH 479.10.

4 SECTION 4. SECTION 1918-A OF THE ACT IS AMENDED BY ADDING A <—
5 CLAUSE TO READ:

6 SECTION 1918-A. WATER SUPPLY.--THE DEPARTMENT OF
7 ENVIRONMENTAL RESOURCES SHALL HAVE THE POWER AND ITS DUTY SHALL
8 BE:

9 * * *

10 (6) TO AUTHORIZE, IF REQUESTED, PUBLIC WATER SYSTEMS SERVING
11 THIRTY OR FEWER RESIDENTS WITH NITRATE CONCENTRATIONS WHICH
12 EXCEED MAXIMUM CONTAINMENT LEVELS ESTABLISHED PURSUANT TO THE
13 SAFE DRINKING WATER ACT (PUBLIC LAW 93-523, 21 U.S.C. § 349 AND
14 42 U.S.C. §§ 201 AND 300F ET SEQ.), TO PROVIDE BOTTLED WATER FOR
15 CONSUMPTION PURPOSES AS A TEMPORARY OR PERMANENT TREATMENT
16 TECHNIQUE IN LIEU OF REQUIRING NITRATE REMOVAL OR TREATMENT
17 SYSTEMS. THE PUBLIC WATER SYSTEM SHALL BE RESPONSIBLE FOR
18 ENFORCING THE USE OF BOTTLED WATER FOR CONSUMPTION WITHIN THE
19 SYSTEM.

20 SECTION 4 5. THIS ACT SHALL TAKE EFFECT IN 180 DAYS. <—