

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2396 Session of
2004

INTRODUCED BY GABIG, GEIST, DeWEESE, DENLINGER, HENNESSEY,
DALLY, PAYNE, KOTIK, TIGUE, HARRIS, MANDERINO, CRAHALLA, LEH,
CLYMER, BAKER, SAYLOR, HARHAI, PICKETT, CASORIO, GINGRICH,
BOYD AND R. MILLER, MARCH 8, 2004

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 8, 2004

AN ACT

1 Amending the act of November 24, 1998 (P.L.882, No.111),
2 entitled "An act providing for victims' rights; imposing
3 penalties; establishing remedies; establishing the Office of
4 Victim Advocate, the Bureau of Victims' Services, the
5 Victims' Services Advisory Committee, the State Offender
6 Supervision Fund and other funds; and making repeals,"
7 further providing for the definitions of "crime" and
8 "personal injury crime."

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

11 Section 1. The definitions of "crime" and "personal injury
12 crime" in section 103 of the act of November 24, 1998 (P.L.882,
13 No.111), known as the Crime Victims Act, amended June 28, 2002
14 (P.L.496, No.85), are amended to read:

15 Section 103. Definitions.

16 The following words and phrases when used in this act shall
17 have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 * * *

20 "Crime." An act which was committed:

1 (1) In this Commonwealth by a person, including a
2 juvenile, without regard to legal exemption or defense which
3 would constitute a crime under the following:

4 (i) [the] The act of April 14, 1972 (P.L.233,
5 No.64), known as The Controlled Substance, Drug, Device
6 and Cosmetic Act;

7 (ii) [18 Pa.C.S. (relating to crimes and offenses),
8 30 Pa.C.S. § 5502 (relating to operating watercraft under
9 influence of alcohol or controlled substance) or 5502.1
10 (relating to homicide by watercraft while operating under
11 influence) and 75 Pa.C.S. § 3731 (relating to driving
12 under influence of alcohol or controlled substance), 3732
13 (relating to homicide by vehicle), 3735 (relating to
14 homicide by vehicle while driving under influence),
15 3735.1 (relating to aggravated assault by vehicle while
16 driving under the influence) or 3742 (relating to
17 accidents involving death or personal injury); or]
18 18 Pa.C.S. (relating to crimes and offenses).

19 30 Pa.C.S. § 5502 (relating to operating watercraft under
20 influence of alcohol or controlled substance).

21 30 Pa.C.S. § 5502.1 (relating to homicide by watercraft
22 while operating under influence).

23 The former 75 Pa.C.S. § 3731 (relating to driving under
24 influence of alcohol or controlled substance).

25 75 Pa.C.S. § 3732 (relating to homicide by vehicle).

26 75 Pa.C.S. § 3735 (relating to homicide by vehicle while
27 driving under influence).

28 75 Pa.C.S. § 3735.1 (relating to aggravated assault by
29 vehicle while driving under the influence).

30 75 Pa.C.S. § 3742 (relating to accidents involving death

1 or personal injury).

2 75 Pa.C.S. Ch. 38 (relating to driving after imbibing
3 alcohol or utilizing drugs).

4 (iii) [the] The laws of the United States.

5 (2) Against a resident of this Commonwealth which would
6 be a crime under paragraph (1) but for its occurrence in a
7 location other than this Commonwealth.

8 (3) Against a resident of this Commonwealth which is an
9 act of international terrorism.

10 * * *

11 "Personal injury crime." An act, attempt or threat to commit
12 an act which would constitute a misdemeanor or felony under the
13 following:

14 18 Pa.C.S. Ch. 25 (relating to criminal homicide).

15 18 Pa.C.S. Ch. 27 (relating to assault).

16 18 Pa.C.S. Ch. 29 (relating to kidnapping).

17 18 Pa.C.S. Ch. 31 (relating to sexual offenses).

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

20 18 Pa.C.S. Ch. 37 (relating to robbery).

21 18 Pa.C.S. Ch. 49 Subch. B (relating to victim and
22 witness intimidation).

23 30 Pa.C.S. § 5502.1 (relating to homicide by watercraft
24 while operating under influence).

25 The former 75 Pa.C.S. § 3731 (relating to driving under
26 influence of alcohol or controlled substance) in cases
27 involving bodily injury.

28 75 Pa.C.S. § 3732 (relating to homicide by vehicle).

29 75 Pa.C.S. § 3735 (relating to homicide by vehicle while
30 driving under influence).

1 75 Pa.C.S. § 3735.1 (relating to aggravated assault by
2 vehicle while driving under the influence).

3 75 Pa.C.S. § 3742 (relating to accidents involving death
4 or personal injury).

5 75 Pa.C.S. Ch. 38 (relating to driving after imbibing
6 alcohol or utilizing drugs) in cases involving bodily injury.

7 The term includes violations of any protective order issued as a
8 result of an act related to domestic violence.

9 * * *

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