

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 162 Session of
1991

INTRODUCED BY PICCOLA, HAGARTY AND HECKLER, JANUARY 29, 1991

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 29, 1991

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 employes 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 employes of certain departments, boards and
 20 commissions shall be determined," further providing for the
 21 rights of crime victims.

22 The General Assembly of the Commonwealth of Pennsylvania

23 hereby enacts as follows:

24 Section 1. The definitions of "crime," "feloniously
 25 assaultive crime" and "victim" in section 479.1 of the act of
 26 April 9, 1929 (P.L.177, No.175), known as The Administrative
 27 Code of 1929, added June 30, 1984 (P.L.458, No.96), are amended

1 and the section is amended by adding a definition to read:

2 Section 479.1. Definitions.--The following words and phrases
3 when used in sections 479 through 479.5 shall have the meanings
4 given to them in this section unless the context clearly
5 indicates otherwise:

6 * * *

7 "Crime" means an act [committed in this Commonwealth which,
8 if committed by a mentally competent, criminally responsible
9 adult who had no legal exemption or defense, would constitute a
10 crime as defined in and proscribed by Title 18 of the
11 Pennsylvania Consolidated Statutes (relating to crimes and
12 offenses) or enumerated in the act of April 14, 1972 (P.L.233,
13 No.64), known as "The Controlled Substance, Drug, Device and
14 Cosmetic Act." No act involving the operation of a motor vehicle
15 which results in injury shall constitute a crime for the purpose
16 of this act unless the injury was intentionally inflicted
17 through the use of a motor vehicle.], which was committed in
18 this Commonwealth by a person without regard to legal exemption
19 or defense and which would constitute a crime under 18 Pa.C.S.
20 (relating to crimes and offenses), 30 Pa.C.S. § 5502 (relating
21 to operating watercraft under influence of alcohol or controlled
22 substance) or 5502.1 (relating to homicide by watercraft while
23 operating under influence) and 75 Pa.C.S. § 3731 (relating to
24 driving under influence of alcohol or controlled substance or
25 3735 (relating to homicide by vehicle while driving under
26 influence).

27 * * *

28 ["Feloniously assaultive crime" means an act committed in
29 this Commonwealth which, if it had been committed by a mentally
30 competent, criminally responsible adult who had no legal

1 exemption or defense, would constitute a felony as defined in
2 and proscribed by Chapter 25, 27, 29, 31 or 37 of Title 18 of
3 the Pennsylvania Consolidated Statutes (relating to crimes and
4 offenses). No act involving the operation of a motor vehicle
5 which results in injury shall constitute a feloniously
6 assaultive crime for the purpose of this act unless the injury
7 was intentionally inflicted through the use of a motor vehicle.]

8 "Personal injury crime" means an act, attempt or threat to
9 commit an act, which would constitute a misdemeanor or felony as
10 defined in and proscribed in any of the following chapter of
11 Title 18 of the Pennsylvania Consolidated Statutes:

12 (1) Chapter 25 (relating to criminal homicide).

13 (2) Chapter 27 (relating to assault).

14 (3) Chapter 29 (relating to kidnapping).

15 (4) Chapter 31 (relating to sexual offenses).

16 (5) Chapter 37 (relating to robbery).

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

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

21 (2) A parent or legal guardian of a child so victimized.

22 (3) The immediate family member of a homicide victim.

23 Section 2. Section 479.3 of the act, added June 30, 1984
24 (P.L.458, No.96), is amended to read:

25 Section 479.3. Basic Bill of Rights for Victims.--Victims of
26 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 (1) To receive basic information concerning the services
11 available for victims of crime.

12 (2) To be protected from harm and threats of harm arising
13 out of their cooperating with law enforcement and prosecution
14 efforts.

15 (3) To be notified of the significant actions within the
16 criminal justice system pertaining to their case including the
17 arrest of the suspect; the charges filed; and the disposition
18 and sentence of the defendant.

19 (4) To be present at all critical stages of criminal
20 proceedings, in a manner which preserves the constitutional
21 rights of the accused.

22 (5) To provide input to the disposition and sentence of the
23 defendant to include the submission of a victim impact statement
24 detailing the physical, psychological and economic effects of
25 the crime on the victim and the victim's family.

26 (6) To be restored, to the extent possible, to the pre-crime
27 economic status through the provision of: restitution;
28 compensation as provided under the crime victim's compensation
29 program pursuant to sections 477 through 477.19 of this act; and
30 the expeditious return of property which is seized as evidence

1 in the case.

2 (7) In personal injury crimes, to be notified of the pre-
3 trail and pre-sentence release of the defendant.

4 (8) Upon request of the victim in personal injury crimes, to
5 be given an opportunity to provide input to county parole
6 decisions and State parole supervision decisions and to be
7 notified of such decisions and the escape of the offender.

8 Section 3. The act is amended by adding sections to read:

9 Section 479.6. Duties of Law Enforcement Agencies.--(a) All
10 law enforcement agencies are responsible for providing basic
11 information on services available for crime victims. Such
12 information shall include:

13 (1) the telephone numbers of agencies which provide
14 appropriate services including community-based victim service
15 agencies, rape crisis centers and domestic violence programs;

16 (2) the procedures for dealing with victim or witness
17 intimidation and harassment pursuant to 18 Pa.C.S. Ch. 49,
18 Subch. B (relating to victim and witness intimidation) and
19 domestic violence pursuant to 23 Pa.C.S. Ch. 68 (relating to
20 protection from abuse); and

21 (3) notice of the availability of victims compensation
22 pursuant to sections 477 through 477.19 and the agency which can
23 provide claims assistance.

24 (b) All law enforcement agencies are responsible for
25 notifying victims of the arrest of the suspect and of the
26 charges filed.

27 (c) In personal injury crimes, all law enforcement agencies
28 are responsible for notifying the victim of the defendant's pre-
29 trail release as well as of any conditions imposed.

30 (d) In personal injury crimes, all law enforcement agencies

1 are responsible for notifying the victim of an inmate's escape
2 from custody of the law enforcement agency.

3 (e) Within one year of the effective date of this act, all
4 law enforcement agencies shall revise the police report to
5 provide for a victim check-off signifying that the information
6 required in this section has been given.

7 Section 479.7. Duties of the Office of District Attorney.--

8 (a) The Office of the District Attorney shall have the
9 following duties:

10 (1) Coordinate the information provided to victims under
11 section 479 through 479.8 of this act.

12 (2) Provide information to law enforcement agencies
13 concerning services available to victims in the county.

14 (3) Coordination of the following services for victims and
15 witnesses of crime:

16 (i) An orientation to the court system including an
17 explanation of the process, and the role of the victim.

18 (ii) Advance notice of any dispositional proceedings
19 scheduled including notice of continuances.

20 (iii) Assistance with input to the key decisions regarding
21 disposition, sentence and release to include the submission of
22 victim impact statements.

23 (iv) A secure waiting area during judicial proceedings
24 separate from the defendants and families and friends of
25 defendants.

26 (v) Notice of the disposition and sentence of the defendant,
27 including any sentence modifications.

28 (vi) Assistance with victim compensation claims and return
29 of property.

30 (vii) Notice of the opportunity for victims of personal

1 injury crimes to provide input to, and to be notified of, county
2 parole decisions or State parole supervision decisions.

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

7 (b) When the victim of a personal injury crime requests an
8 opportunity to provide input to a county parole decision, or
9 State parole supervision decision, the office of the district
10 attorney shall instruct the victim to so notify the county adult
11 probation department or the Department of Corrections and insure
12 coordination of notice to the victim of the impending and actual
13 parole of the offender.

14 Section 479.8. Duties of State and Local Corrections Agencies -
15 Personal Injury Crimes.--(a) Upon the pre-trial release of a
16 defendant charged with a personal injury crime, the warden or
17 administrator of the county correctional facility shall provide
18 timely notice of the release to the police department of the
19 jurisdiction in which the offense was committed.

20 (b) Ninety days prior to the release of an offender on
21 parole, the Department of Corrections shall notify the victim of
22 the opportunity to submit a statement expressing concerns or
23 recommendations regarding parole supervision of the offender.

24 Section 4. This act shall take effect in 90 days.