

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1098 Session of  
1991

INTRODUCED BY WILLIAMS, DALEY, ROBINSON, LAUGHLIN, BISHOP,  
ITKIN, KOSINSKI, SALOOM, JOHNSON, HARPER, PESCI, DeLUCA,  
PISTELLA, MELIO, COHEN, TRELLO, COY, COLAFELLA, VEON,  
RICHARDSON, KRUSZEWSKI, THOMAS, LINTON AND MAIALE,  
APRIL 9, 1991

REFERRED TO COMMITTEE ON AGING AND YOUTH, APRIL 9, 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," providing for protection  
21 services for child victims and witnesses in cities of the  
22 first class; and authorizing grants for such services.

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

25 Section 1. The act of April 9, 1929 (P.L.177, No.175), known  
26 as The Administrative Code of 1929, is amended by adding a

1 section to read:

2 Section 479.4a. Child Victims and Witnesses; Protection  
3 Services.--(a) The General Assembly finds that it is necessary  
4 to provide child victims and witnesses, especially those in  
5 cities of the first class, with additional consideration and  
6 different treatment than that usually afforded to adults. The  
7 General Assembly intends, in this section, to provide these  
8 children with additional rights and protections during their  
9 involvement with the criminal justice or juvenile justice  
10 system.

11 (b) In addition to all rights afforded to victims and  
12 witnesses under sections 479.3 and 479.4 and services provided  
13 under 42 Pa.C.S. Ch. 59 Subch. D (relating to child victims and  
14 witnesses) cities of the first class are encouraged to provide  
15 additional protection services on behalf of children who are  
16 involved in criminal or delinquency proceedings as victims or  
17 witnesses. The additional protection may include any of the  
18 following:

19 (1) Relocation of the child to another school or another  
20 place of residence, provided that the consent of the parents or  
21 legal guardian of the child is obtained.

22 (2) Relocation and other protection of both the child and  
23 the immediate family of the child or persons otherwise closely  
24 associated with the child, if the family or person may also be  
25 endangered on account of the participation of the child victim  
26 or witness in a criminal or delinquency proceeding.

27 (3) Provision of personal protection, transportation costs,  
28 basic living expenses and other expenses or services deemed  
29 necessary to protect child victims or witnesses from harm or  
30 threats of harm.

1     (c) As used in this section, the term "child" or "children"  
2 means an individual or individuals under eighteen (18) years of  
3 age.

4     Section 2. Section 479.5 of the act, amended or added June  
5 30, 1984 (P.L.458, No.96) and December 11, 1986 (P.L.1490,  
6 No.155), is amended to read:

7     Section 479.5. Grant Program for Services.--(a) The  
8 commission shall have the authority to make grants to district  
9 attorneys and other criminal justice agencies for the provision  
10 of the services under [section 479.4] sections 479.4 and 479.4a.

11     (b) The commission shall promulgate such guidelines and  
12 regulations as are necessary to ensure the cost-effective  
13 delivery of victim services or victim and witness services  
14 consistent with [section 479.4] sections 479.4 and 479.4a.

15     (c) In determining grant awards, the commission shall  
16 promote broad-based participation by a maximum number of  
17 criminal justice agencies Statewide.

18     (d) All agencies which make application for awards under  
19 this section shall provide such data in support of their request  
20 as the commission shall require. Those agencies which receive  
21 awards shall provide the commission with such reports as the  
22 commission may determine are necessary to assess the agency's  
23 progress in the development of victim services.

24     (e) The commission shall submit an annual report to the  
25 General Assembly on the progress of services provided for in  
26 [section 479.4] sections 479.4 and 479.4a. The report shall  
27 include:

28     (1) The number of participating agencies and population  
29 served.

30     (2) The extent of services provided.

1       (3) Any impediments to the progress of the program.

2       (4) Recommendations for reform.

3       (f) In the allocation of funds for services under [section  
4 479.4] sections 479.4 and 479.4a, the commission shall consider  
5 the revenue collected by potential grant recipients under the  
6 penalty assessments authorized in section 477.15 of this act and  
7 section 1203 of the act of June 13, 1967 (P.L.31, No.21), known  
8 as the "Public Welfare Code," pertaining to domestic violence  
9 and rape crisis services.

10      Section 3. This act shall take effect immediately.