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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 971 Session of  
2017

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INTRODUCED BY MASSER, CALTAGIRONE, JAMES, MILLARD, ROZZI,  
NEILSON, WARD, D. COSTA AND GILLEN, MARCH 27, 2017

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 27, 2017

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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," in  
7 crime victims, further providing for rights; in  
8 administration, further providing for office and for powers  
9 and duties of victim advocate; and, in financial matters,  
10 further providing for costs.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. Section 201 of the act of November 24, 1998  
14 (P.L.882, No.111), known as the Crime Victims Act, is amended by  
15 adding a paragraph to read:

16 Section 201. Rights.

17 Victims of crime have the following rights:

18 \* \* \*

19 (1.1) To be notified of the Address Confidentiality  
20 Program established under 23 Pa.C.S. § 6703 (relating to  
21 Address Confidentiality Program) if eligible to participate  
22 in the program under 23 Pa.C.S. § 6704 (relating to persons

1 eligible to apply).

2 \* \* \*

3 Section 2. Section 301(a) of the act is amended to read:

4 Section 301. Office.

5 (a) Establishment.--There is established within the board  
6 the Office of Victim Advocate to represent the interests of  
7 crime victims in accordance with 18 Pa.C.S. § 9402 (relating to  
8 Office of Victim Advocate) and before the board or department.

9 The office shall operate under the direction of the victim  
10 advocate as provided in this section.

11 \* \* \*

12 Section 3. Section 302 of the act is amended by adding  
13 paragraphs to read:

14 Section 302. Powers and duties of victim advocate.

15 The victim advocate has the following powers and duties:

16 \* \* \*

17 (1.1) To advocate for the interests of crime victims  
18 generally, including the victims of crimes committed by  
19 juveniles as set forth in 18 Pa.C.S. § 9402 (relating to  
20 Office of Victim Advocate).

21 \* \* \*

22 (6) To ensure crime victims are notified of the Address  
23 Confidentiality Program established under 23 Pa.C.S. § 6703  
24 (relating to Address Confidentiality Program) if eligible to  
25 participate in the program under 23 Pa.C.S. § 6704 (relating  
26 to persons eligible to apply).

27 Section 4. Section 1101 of the act is amended to read:

28 Section 1101. Costs.

29 (a) Imposition.--

30 (1) A person who pleads guilty or nolo contendere or who

1 is convicted of a crime shall, in addition to costs imposed  
2 under 42 Pa.C.S. § 3571(c) (relating to Commonwealth portion  
3 of fines, etc.), pay costs of at least [\$60] \$110 and may be  
4 sentenced to pay additional costs in an amount up to the  
5 statutory maximum monetary penalty for the offense committed.

6 (2) A person placed in a diversionary program shall pay  
7 costs of at least [\$60] \$110 in addition to costs imposed  
8 pursuant to 42 Pa.C.S. § 3571(c).

9 (3) A juvenile shall pay costs of at least [\$25] \$35 if  
10 any of the following apply to the case:

11 (i) There is a consent decree.

12 (ii) There is an adjudication of delinquency.

13 (b) Disposition.--

14 (1) There is established a special nonlapsing fund,  
15 known as the Crime Victim's Compensation Fund. This fund  
16 shall be used by the Office of Victims' Services for payment  
17 to claimants and technical assistance. [Thirty-five] Fifty-  
18 five dollars of the costs imposed under subsection (a)(1) and  
19 (2) plus 30% of the costs imposed under subsection (a)(1)  
20 which exceed [\$60] \$110 shall be paid into this fund. All  
21 costs imposed under subsection (a)(3) shall be paid into this  
22 fund.

23 (2) There is established a special nonlapsing fund,  
24 known as the Victim Witness Services Fund. This fund shall be  
25 used by the commission for victim-witness services and  
26 technical assistance in nonvictim compensation-related areas  
27 in accordance with this section. [Twenty-five] Fifty-five  
28 dollars of the costs imposed under subsection (a)(1) and (2)  
29 plus 70% of the costs imposed under subsection (a)(1) and (2)  
30 which exceed [\$60] \$110 shall be paid into this fund.

1 (c) Payment.--This cost shall be imposed notwithstanding any  
2 statutory provision to the contrary.

3 (d) Mandamus.--The district attorney, the Office of Victims'  
4 Services, the commission or any victim shall have standing to  
5 seek a mandamus order requiring the county to collect the costs  
6 imposed by this section.

7 (e) Court order.--No court order shall be necessary in order  
8 for the defendant to incur liability for costs under this  
9 section. Costs under this section must be paid in order for the  
10 defendant to be eligible for probation, parole or accelerated  
11 rehabilitative disposition.

12 Section 5. This act shall take effect in 60 days.