

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1072 Session of 2018

INTRODUCED BY GREENLEAF, LEACH, HUGHES, SCHWANK, YUDICHAK AND BROWNE, MARCH 12, 2018

AS AMENDED ON SECOND CONSIDERATION, MARCH 26, 2018

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 ~~preliminary provisions, further providing for definitions; in~~
8 ~~crime victims, further providing for rights, for~~
9 ~~responsibilities of victims of crime under basic bill of~~
10 ~~rights, for responsibilities of State and local law~~
11 ~~enforcement agencies and for responsibilities of prosecutor's~~
12 ~~office; in administration, further providing for office, for~~
13 ~~powers and duties of victim advocate and for powers and~~
14 ~~duties of Office of Victims' Services; in compensation,~~
15 ~~further providing for persons eligible for compensation, for~~
16 ~~filing of claims for compensation, for minimum allowable~~
17 ~~claim, for determination of claims, for emergency awards, for~~
18 ~~awards and for confidentiality of records; in services,~~
19 ~~further providing for eligibility of victims; in financial~~
20 ~~matters, further providing for costs and for costs for~~
21 ~~offender supervision programs; and, in enforcement, further~~
22 ~~providing for subrogation.~~

23 AMENDING THE ACT OF NOVEMBER 24, 1998 (P.L.882, NO.111), <--
24 ENTITLED "AN ACT PROVIDING FOR VICTIMS' RIGHTS; IMPOSING
25 PENALTIES; ESTABLISHING REMEDIES; ESTABLISHING THE OFFICE OF
26 VICTIM ADVOCATE, THE BUREAU OF VICTIMS' SERVICES, THE
27 VICTIMS' SERVICES ADVISORY COMMITTEE, THE STATE OFFENDER
28 SUPERVISION FUND AND OTHER FUNDS; AND MAKING REPEALS," IN
29 PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR DEFINITIONS; IN
30 CRIME VICTIMS, FURTHER PROVIDING FOR RIGHTS, FOR
31 RESPONSIBILITIES OF VICTIMS OF CRIME UNDER BASIC BILL OF
32 RIGHTS, FOR RESPONSIBILITIES OF STATE AND LOCAL LAW
33 ENFORCEMENT AGENCIES AND FOR RESPONSIBILITIES OF PROSECUTOR'S
34 OFFICE; IN ADMINISTRATION, FURTHER PROVIDING FOR OFFICE, FOR

1 POWERS AND DUTIES OF VICTIM ADVOCATE AND FOR POWERS AND
2 DUTIES OF OFFICE OF VICTIMS' SERVICES; IN COMPENSATION,
3 FURTHER PROVIDING FOR PERSONS ELIGIBLE FOR COMPENSATION, FOR
4 FILING OF CLAIMS FOR COMPENSATION, FOR MINIMUM ALLOWABLE
5 CLAIM, FOR DETERMINATION OF CLAIMS, FOR EMERGENCY AWARDS, FOR
6 AWARDS AND FOR CONFIDENTIALITY OF RECORDS; IN SERVICES,
7 FURTHER PROVIDING FOR ELIGIBILITY OF VICTIMS; IN FINANCIAL
8 MATTERS, FURTHER PROVIDING FOR COSTS AND FOR COSTS FOR
9 OFFENDER SUPERVISION PROGRAMS; AND, IN ENFORCEMENT, FURTHER
10 PROVIDING FOR SUBROGATION.

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

13 ~~Section 1. The definitions of "board," "crime," "family,"~~ <--
14 ~~"loss of earnings," "out of pocket loss" and "personal injury~~
15 ~~crime" in section 103 of the act of November 24, 1998 (P.L.882,~~
16 ~~No.111), known as the Crime Victims Act, are amended and the~~
17 ~~section is amended by adding a definition to read:~~

18 ~~Section 103. Definitions.~~

19 ~~The following words and phrases when used in this act shall~~
20 ~~have the meanings given to them in this section unless the~~
21 ~~context clearly indicates otherwise:~~

22 ~~* * *~~

23 ~~"Board." The Pennsylvania [Board of Probation and] Parole~~
24 ~~Board.~~

25 ~~* * *~~

26 ~~"Crime." An act which was committed:~~

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

30 ~~(i) The act of April 14, 1972 (P.L.233, No.64),~~
31 ~~known as The Controlled Substance, Drug, Device and~~
32 ~~Cosmetic Act.~~

33 ~~(ii)~~

34 ~~18 Pa.C.S. (relating to crimes and offenses).~~

35 ~~30 Pa.C.S. § 5502 (relating to operating~~

1 ~~watercraft under influence of alcohol or controlled~~
2 ~~substance).~~

3 ~~30 Pa.C.S. § 5502.1 (relating to homicide by~~
4 ~~watercraft while operating under influence).~~

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

7 ~~75 Pa.C.S. § 3732 (relating to homicide by~~
8 ~~vehicle).~~

9 ~~75 Pa.C.S. § 3735 (relating to homicide by~~
10 ~~vehicle while driving under influence).~~

11 ~~75 Pa.C.S. § 3735.1 (relating to aggravated~~
12 ~~assault by vehicle while driving under the~~
13 ~~influence).~~

14 ~~75 Pa.C.S. § 3742 (relating to accidents~~
15 ~~involving death or personal injury).~~

16 ~~75 Pa.C.S. § 3742.1 (relating to accidents~~
17 ~~involving death or personal injury while not properly~~
18 ~~licensed) when the nature and circumstances of the~~
19 ~~offense committed are substantially similar to an~~
20 ~~offense under 75 Pa.C.S. § 3742.~~

21 ~~75 Pa.C.S. Ch. 38 (relating to driving after~~
22 ~~imbibing alcohol or utilizing drugs).~~

23 ~~(iii) The laws of the United States.~~

24 ~~(2) Against a resident of this Commonwealth which would~~
25 ~~be a crime under paragraph (1) but for its occurrence in a~~
26 ~~location other than this Commonwealth.~~

27 ~~(3) Against a resident of this Commonwealth which is an~~
28 ~~act of international terrorism.~~

29 ~~* * *~~

30 ~~"Family." When used in reference to an individual:~~

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

3 ~~(2) anyone maintaining a common law relationship with-~~
4 ~~that individual prior to January 1, 2005; or~~

5 ~~(3) anyone residing in the same household with that-~~
6 ~~individual.~~

7 ~~* * *~~

8 ~~"Loss of earnings." [Includes] An economic loss or expense~~
9 ~~resulting from an injury or death to a victim of crime that has~~
10 ~~not been and will not be reimbursed from another source. The~~
11 ~~term includes the loss of the cash equivalent of one month's-~~
12 ~~worth of Social Security, railroad retirement, pension plan,~~
13 ~~retirement plan, disability, veteran's retirement, [court-~~
14 ~~ordered child support or court ordered spousal] loss of support~~
15 ~~[payments] if the [payments are] support is the primary source-~~
16 ~~of the victim's income or other similar benefit and the victim-~~
17 ~~is deprived of money as a direct result of a crime.~~

18 ~~"Loss of support." The loss of verifiable financial support~~
19 ~~the direct victim would have contributed to surviving dependents~~
20 ~~that is lost due to the death of the direct victim as a result~~
21 ~~of a crime. The term includes the loss of court ordered child~~
22 ~~support or court ordered spousal support payments if the~~
23 ~~payments are the primary source of the victim's income and the~~
24 ~~victim is deprived of money as a direct result of a crime.~~

25 ~~* * *~~

26 ~~"Out of pocket loss." The term includes the following losses-~~
27 ~~which shall be reimbursed at a rate set by the Office of-~~
28 ~~Victims' Services:~~

29 ~~(1) expenses for unreimbursed and unreimbursable-~~
30 ~~expenses or indebtedness incurred for medical care,~~

1 ~~nonmedical remedial care and treatment as approved by the~~
2 ~~Office of Victims' Services or other services;~~

3 ~~(2) expenses for counseling, prosthetic devices,~~
4 ~~wheelchairs, canes, walkers, hearing aids, eyeglasses or~~
5 ~~other corrective lenses or dental devices reasonably~~
6 ~~necessary as a result of the crime upon which the claim is~~
7 ~~based and for which the claimant either has paid or is~~
8 ~~liable;~~

9 ~~(3) expenses related to the reasonable and necessary~~
10 ~~costs of cleaning the crime scene of a private residence or~~
11 ~~privately owned motor vehicle. "Cleaning" means to remove or~~
12 ~~attempt to remove stains or blood caused by the crime or~~
13 ~~other dirt or debris caused by the processing of the crime~~
14 ~~scene;~~

15 ~~(4) expenses resulting from the temporary or permanent~~
16 ~~relocation of a direct victim and individuals residing in the~~
17 ~~household of the direct victim due to the incident forming~~
18 ~~the basis of the victim's claim when there is an immediate~~
19 ~~need to protect the safety and health of the victim and~~
20 ~~individuals residing in the household, as verified by a~~
21 ~~medical provider, human services provider or law enforcement;~~

22 ~~(5) expenses for physical examinations and materials~~
23 ~~used to obtain evidence; or~~

24 ~~(6) other reasonable expenses which are deemed necessary~~
25 ~~as a direct result of the criminal incident.~~

26 ~~Except as otherwise provided, the term does not include property~~
27 ~~damage or pain and suffering.~~

28 ~~"Personal injury crime." An act, attempt or threat to commit~~
29 ~~an act which would constitute a misdemeanor or felony under the~~
30 ~~following:~~

1 ~~18 Pa.C.S. Ch. 25 (relating to criminal homicide).~~

2 ~~18 Pa.C.S. Ch. 27 (relating to assault).~~

3 ~~18 Pa.C.S. Ch. 29 (relating to kidnapping).~~

4 ~~18 Pa.C.S. Ch. 31 (relating to sexual offenses).~~

5 ~~18 Pa.C.S. § 3301 (relating to arson and related~~
6 ~~offenses).~~

7 ~~18 Pa.C.S. Ch. 37 (relating to robbery).~~

8 ~~18 Pa.C.S. Ch. 49 Subch. B (relating to victim and~~
9 ~~witness intimidation).~~

10 ~~30 Pa.C.S. § 5502.1 (relating to homicide by watercraft~~
11 ~~while operating under influence).~~

12 ~~The former 75 Pa.C.S. § 3731 (relating to driving under~~
13 ~~influence of alcohol or controlled substance) in cases~~
14 ~~involving bodily injury.~~

15 ~~75 Pa.C.S. § 3732 (relating to homicide by vehicle).~~

16 ~~75 Pa.C.S. § 3735 (relating to homicide by vehicle while~~
17 ~~driving under influence).~~

18 ~~75 Pa.C.S. § 3735.1 (relating to aggravated assault by~~
19 ~~vehicle while driving under the influence).~~

20 ~~75 Pa.C.S. § 3742 (relating to accidents involving death~~
21 ~~or personal injury).~~

22 ~~75 Pa.C.S. § 3742.1 (relating to accidents involving~~
23 ~~death or personal injury while not properly licensed) when~~
24 ~~the nature and circumstances of the offense committed are~~
25 ~~substantially similar to an offense under 75 Pa.C.S. § 3742.~~

26 ~~75 Pa.C.S. Ch. 38 (relating to driving after imbibing~~
27 ~~alcohol or utilizing drugs) in cases involving bodily injury.~~

28 ~~The term includes violations of any protective order issued as a~~
29 ~~result of an act related to domestic violence.~~

30 ~~* * *~~

1 ~~Section 2. Section 201(7) and (11) of the act are amended~~
2 ~~and the section is amended by adding a paragraph to read:~~

3 ~~Section 201. Rights.~~

4 ~~Victims of crime have the following rights:~~

5 ~~* * *~~

6 ~~(1.1) If eligible to apply, to be notified of the~~
7 ~~Address Confidentiality Program under 23 Pa.C.S. § 6703~~
8 ~~(relating to Address Confidentiality Program).~~

9 ~~* * *~~

10 ~~(7) In personal injury crimes where the adult is~~
11 ~~sentenced to a State correctional facility, to be:~~

12 ~~(i) given the opportunity to provide prior comment~~
13 ~~on and to receive State postsentencing release decisions,~~
14 ~~including work release, furlough, parole, pardon or~~
15 ~~community treatment center placement;~~

16 ~~(ii) provided immediate notice of an escape of the~~
17 ~~adult and of subsequent apprehension; and~~

18 ~~(iii) given the opportunity to receive notice of and~~
19 ~~to provide prior comment on a recommendation sought by~~
20 ~~the Department of Corrections that the offender~~
21 ~~participate in a motivational boot camp pursuant to the~~
22 ~~Motivational Boot Camp Act[.] or that the offender~~
23 ~~participate in the State drug treatment program under 61~~
24 ~~Pa.C.S. § 4105 (relating to State drug treatment~~
25 ~~program).~~

26 ~~* * *~~

27 ~~(11) To have assistance in the preparation of,~~
28 ~~submission of and follow up on financial assistance claims to~~
29 ~~the [bureau] Office of Victims' Services.~~

30 ~~* * *~~

1 ~~Section 3. Sections 211, 212(b), (c) and (e) and 213(a), (d)~~
2 ~~and (g) of the act are amended to read:~~

3 ~~Section 211. Responsibilities of victims of crime under basic~~
4 ~~bill of rights.~~

5 ~~{A} Except as provided for victims enrolled in the Address~~
6 ~~Confidentiality Program under 23 Pa.C.S. § 6703 (relating to~~
7 ~~Address Confidentiality Program), a victim shall provide a valid~~
8 ~~address and telephone number and any other required information~~
9 ~~to all agencies responsible for providing information and notice~~
10 ~~to the victim. The victim shall be responsible for providing~~
11 ~~timely notice of any changes in the status of the information.~~
12 ~~The information provided shall not be disclosed to any person~~
13 ~~other than a law enforcement agency, corrections agency or~~
14 ~~prosecutor's office without the prior written consent of the~~
15 ~~victim.~~

16 ~~Section 212. Responsibilities of State and local law~~
17 ~~enforcement agencies.~~

18 ~~* * *~~

19 ~~(b) Notice.—~~

20 ~~{(1) Law enforcement agencies shall within 48 hours of~~
21 ~~reporting give notice to the direct victim or, if~~
22 ~~appropriate, a member of the direct victim's family of the~~
23 ~~availability of crime victims' compensation. The notice~~
24 ~~required under this subsection shall be in writing and in a~~
25 ~~manner and form developed by the Office of Victims' Services.~~

26 ~~{(2) Law enforcement agencies shall provide basic~~
27 ~~information on the rights and services available for crime~~
28 ~~victims. The information shall be in writing and shall be~~
29 ~~provided to the victim within 24 hours of the law enforcement~~
30 ~~agency's first contact with the victim in a manner and form~~

1 ~~to be developed by the Office of Victims' Services.]~~

2 ~~(3) The law enforcement officer responding to or~~
3 ~~investigating an incident shall provide basic information on~~
4 ~~the rights and services available for victims and the~~
5 ~~availability of victims' compensation to the victim or a~~
6 ~~member of the victim's family. The information shall be~~
7 ~~provided when the officer has first contact with the victim~~
8 ~~or as soon as reasonably possible. The information required~~
9 ~~under this subsection shall be in a manner and form developed~~
10 ~~by the Office of Victims' Services.~~

11 ~~(4) Law enforcement agencies shall be responsible for~~
12 ~~providing the notification required under paragraph (3)~~
13 ~~within 48 hours of the reporting of the crime if the law~~
14 ~~enforcement officer does not provide the notification~~
15 ~~required under paragraph (3).~~

16 ~~(c) Application. [The written notification provided for in~~
17 ~~subsection (b) (1) shall be accompanied by one copy of the~~
18 ~~application form for crime victims' compensation. Application~~
19 ~~forms shall be supplied by the Office of Victims' Services to~~
20 ~~law enforcement agencies. A record of the date of notification~~
21 ~~shall be maintained by the law enforcement agency.] The Office~~
22 ~~of Victims' Services shall maintain a mailing list of all local~~
23 ~~law enforcement agencies and provide law enforcement agencies~~
24 ~~with forms by which they can order [additional] claim forms. The~~
25 ~~Office of Victims' Services shall also provide updates to law~~
26 ~~enforcement agencies on changes which affect their~~
27 ~~responsibilities under this act.~~

28 ~~(e) [Forms. The form developed by the Office of Victims'~~
29 ~~Services shall be attached to the police report and shall~~
30 ~~include a victim checkoff signifying that the information has~~

1 ~~been provided to the crime victim.] Confirmation. The law~~
2 ~~enforcement officer responding to or investigating an incident~~
3 ~~shall indicate the reason for not providing the information~~
4 ~~under subsection (b) if the information required under~~
5 ~~subsection (b) was not provided to the victim.~~

6 * * *

7 ~~Section 213. Responsibilities of prosecutor's office.~~

8 ~~(a) Forms. The prosecutor's office shall provide the victim~~
9 ~~of a personal injury crime with all forms developed pursuant to~~
10 ~~sections 214 and 215, unless forms are provided directly by the~~
11 ~~victim advocate.~~

12 * * *

13 ~~(d) Release. In a personal injury crime, the prosecutor's~~
14 ~~office shall provide the victim advocate with victim information~~
15 ~~when a State sentence is imposed so that the victim advocate may~~
16 ~~provide notice of the opportunity to submit input into State~~
17 ~~correctional release decisions, to receive notice of any release~~
18 ~~of an adult from a State [or local] correctional facility and to~~
19 ~~receive notice of the commitment to a mental health institution~~
20 ~~from a State [or local] correctional institution. The~~
21 ~~prosecutor's office shall provide notice to the victim of the~~
22 ~~opportunity to receive notice of the release of an adult from a~~
23 ~~local correctional facility and to receive notice of the~~
24 ~~commitment to a mental health institution from a local~~
25 ~~correctional institution.~~

26 * * *

27 ~~(g) Assistance. The prosecutor's office shall provide~~
28 ~~assistance to the victim in all of the following:~~

29 ~~(1) Preparation of statements under section 201(5).~~

30 ~~(2) Preparation of, submission of and follow up on~~

1 ~~financial assistance claims filed with the [bureau.] Office~~
2 ~~of Victims' Services.~~

3 ~~(3) Notification to the victim advocate on behalf of the~~
4 ~~victim for personal injury crimes where the offender is~~
5 ~~sentenced to a State correctional facility.~~

6 * * *

7 Section 4. ~~Section 301(a) and (c) of the act are amended and~~
8 ~~the section is amended by adding a subsection to read:~~

9 Section 301. ~~Office.~~

10 ~~(a) Establishment. There is established [within the board]~~
11 ~~the Office of Victim Advocate, a criminal justice agency, to~~
12 ~~represent and advocate for the interests of crime victims~~
13 ~~{before the board or department}. The office shall operate under~~
14 ~~the direction of the victim advocate as provided in this~~
15 ~~section.~~

16 * * *

17 ~~(c) Service and employees. The victim advocate shall~~
18 ~~operate from the central office of the board with such clerical,~~
19 ~~technical and professional staff as may be available within the~~
20 ~~budget of the board. The compensation of employees of the office~~
21 ~~shall be set by the Executive Board. The home address of an~~
22 ~~employee of the Office of Victim Advocate shall not be~~
23 ~~considered a public record under the act of February 14, 2008~~
24 ~~(P.L.6, No.3), known as the Right to Know Law.~~

25 ~~(d) Disclosure and confidentiality.~~

26 ~~(1) All records pertaining to the victim in the~~
27 ~~possession of or maintained by the Office of Victim Advocate,~~
28 ~~including information regarding a victim's current contact~~
29 ~~information and any other information or record relating to a~~
30 ~~victim, are private, confidential and privileged and the~~

~~property of the Office of Victim Advocate, and shall not be subject to the provisions of the Right To Know Law. Records of the Office of Victim Advocate shall not be subject to subpoena or discovery, introduced into evidence in any judicial or administrative proceedings or released to the inmate, parolee or probationer.~~

~~(2) Unless a victim waives the privilege in a signed writing prior to testimony or disclosure, an employee of the Office of the Victim Advocate shall not be competent nor permitted to testify or to otherwise disclose confidential communications made to or by the employee of the Office of Victim Advocate. The privilege shall terminate upon the death of the victim. Neither the employee of the Office of Victim Advocate nor the victim shall waive the privilege of confidential communications by reporting facts of physical or sexual assault under 23 Pa.C.S. Ch. 63 (relating to child protective services), a Federal or State mandatory reporting statute or a local mandatory reporting ordinance.~~

~~Section 5. Section 302 of the act is amended by adding paragraphs to read:~~

~~Section 302. Powers and duties of victim advocate.~~

~~The victim advocate has the following powers and duties:~~

~~* * *~~

~~(6) To ensure eligible victims are informed of the Address Confidentiality Program under 23 Pa.C.S. § 6703 (relating to Address Confidentiality Program)~~

~~(7) To advocate for the interests of victims generally, including the victims of crimes committed by juveniles.~~

~~Section 6. Section 312(3) of the act is amended to read:~~

~~Section 312. Powers and duties of Office of Victims' Services.~~

1 ~~The Office of Victims' Services, subject to approval of the~~
2 ~~commission, has the following powers and duties:~~

3 * * *

4 ~~(3) To adopt, promulgate, amend and rescind suitable~~
5 ~~rules and regulations to carry out the provisions and~~
6 ~~purposes of Chapter 7. These regulations shall provide for~~
7 ~~the following:~~

8 ~~(i) The approval of attorney fees for representation~~
9 ~~before the Office of Victims' Services, a hearing~~
10 ~~examiner or before the Commonwealth Court upon judicial~~
11 ~~review under section 705. Awards of the attorney fees~~
12 ~~shall be in addition to awards made to direct victims or~~
13 ~~claimants. Awards of attorney fees shall in no case~~
14 ~~exceed 15% of the award to the direct victim or [victims]~~
15 ~~claimants. It shall be unlawful for an attorney to~~
16 ~~contract for or receive any sum larger than the amount~~
17 ~~allowed. [Regulations under this paragraph shall include~~
18 ~~policies,]~~

19 ~~(ii) Policies, procedures and standards of review~~
20 ~~regarding claims for compensation[; approval].~~

21 ~~(iii) Approval or denial of claims, including~~
22 ~~contributory conduct by direct victims[; verification].~~

23 ~~(iv) Verification of information and documents[;~~
24 ~~prioritization].~~

25 ~~(v) Prioritization of review[; and all].~~

26 ~~(vi) All other matters related to the processing of~~
27 ~~claims.~~

28 * * *

29 ~~Section 7. Section 701(a) of the act is amended by adding~~
30 ~~paragraphs to read:~~

1 ~~Section 701. Persons eligible for compensation.~~

2 ~~(a) General rule. Except as otherwise provided in this act,~~
3 ~~the following persons shall be eligible for compensation:~~

4 ~~* * *~~

5 ~~(7) Hospitals or other licensed health care providers~~
6 ~~under section 707(h).~~

7 ~~(8) A person eligible for counseling under this chapter.~~

8 ~~* * *~~

9 ~~Section 8. Sections 702(b), (b.1) and (c), 703, 704(b) (1)~~
10 ~~and (e) and 706(a) (1) and (b) of the act are amended to read:~~

11 ~~Section 702. Filing of claims for compensation.~~

12 ~~* * *~~

13 ~~(b) Time.~~

14 ~~(1) Except as set forth in paragraph (2), a claim must~~
15 ~~be filed not later than [two] three years after the discovery~~
16 ~~of the occurrence of the crime upon which the claim is based~~
17 ~~or not later than [two] three years after the death of the~~
18 ~~direct victim or intervenor as a result of the crime or the~~
19 ~~discovery and identification of the body of a murder victim.~~

20 ~~(2) Exceptions shall be as follows:~~

21 ~~(ii) If a direct victim is under 18 years of age at~~
22 ~~the time of the occurrence of the crime and the alleged~~
23 ~~offender is the direct victim's parent or a person~~
24 ~~responsible for the direct victim's welfare, an~~
25 ~~individual residing in the same home as the direct victim~~
26 ~~or a paramour of the direct victim's parent, all of the~~
27 ~~following shall apply:~~

28 ~~(A) The limitation period under this subsection~~
29 ~~is tolled until the direct victim reaches 21 years of~~
30 ~~age.~~

1 ~~(B) The limitation period shall run until the~~
2 ~~later of:~~

3 ~~(I) the end of the limitation period for the~~
4 ~~offense as set forth in 42 Pa.C.S. Ch. 55 Subch.~~
5 ~~C (relating to criminal proceedings); or~~

6 ~~(II) the end of the limitation period under~~
7 ~~paragraph (1).~~

8 ~~(ii.1) If a direct victim is under 18 years of age~~
9 ~~at the time of the occurrence of the crime and the direct~~
10 ~~victim is seeking reimbursement for counseling services~~
11 ~~only, all of the following shall apply:~~

12 ~~(A) The limitation period under this subsection~~
13 ~~is tolled until the direct victim reaches 21 years of~~
14 ~~age.~~

15 ~~(B) The limitation period shall run until the~~
16 ~~later of:~~

17 ~~(I) the end of the limitation period for the~~
18 ~~offense as set forth in 42 Pa.C.S. Ch. 55 Subch.~~
19 ~~C; or~~

20 ~~(II) the end of the limitation period under~~
21 ~~paragraph (1).~~

22 ~~(iii) The Office of Victims' Services may find good~~
23 ~~cause to accept a claim beyond the three year limitation~~
24 ~~when one of the following circumstances exists:~~

25 ~~(A) The direct victim, intervenor or claimant is~~
26 ~~mentally or physically incapacitated.~~

27 ~~(B) The victim is a minor.~~

28 ~~(C) There is a fear of retaliation.~~

29 ~~(D) The occurrence of the crime is not readily~~
30 ~~apparent.~~

1 ~~(E) Other circumstances when good cause is shown~~
2 ~~by the claimant.~~

3 ~~(b.1) Returned claims. If a claim has been filed but~~
4 ~~subsequently returned to the claimant for correction or for~~
5 ~~additional verification or information, the date the claim was~~
6 ~~first received by the [bureau] Office of Victims' Services shall~~
7 ~~be the permanent filing date for purposes of subsection (b). The~~
8 ~~correction or additional verification or information must be~~
9 ~~filed within a period of time established by the Office of~~
10 ~~Victims' Services.~~

11 ~~(c) Manner. Claims must be filed with the [bureau] Office~~
12 ~~of Victims' Services in person, by mail or by any electronic~~
13 ~~means authorized by the Office of Victims' Services.~~

14 ~~Section 703. Minimum allowable claim.~~

15 ~~(a) General rule. Except as set forth in subsection (b), no~~
16 ~~award shall be made on a claim unless the claimant has incurred~~
17 ~~an aggregate minimum out of pocket loss, loss of earnings or~~
18 ~~loss of support of [~~\$100~~] \$50.~~

19 ~~(b) Exception. Subsection (a) shall not apply if the direct~~
20 ~~victim or claimant was 60 years of age or older at the time the~~
21 ~~crime occurred.~~

22 ~~Section 704. Determination of claims.~~

23 ~~* * *~~

24 ~~(b) Review.~~

25 ~~(1) The Office of Victims' Services shall review the~~
26 ~~claim and all supporting documents and investigate the~~
27 ~~validity of the claim. The investigation shall include an~~
28 ~~examination of police, court and official records and reports~~
29 ~~concerning the crime and may include an examination of~~
30 ~~medical and hospital reports relating to the injury upon~~

1 ~~which the claim is based. The Office of Victims' Services is~~
2 ~~designated a criminal justice agency for that purpose. The~~
3 ~~Office of Victims' Services may not request or review~~
4 ~~counseling notes of mental health service providers. The~~
5 ~~Office of Victims' Services shall request an assessment from~~
6 ~~the mental health service provider as to the extent the~~
7 ~~service provided is needed as a direct result of the crime.~~

8 * * *

9 ~~(e) Records. The Office of Victims' Services shall maintain~~
10 ~~complete records and histories on all claims filed, supplemental~~
11 ~~awards paid to claimants, claims status and third party~~
12 ~~entitlements and recoveries in accordance with the commission's~~
13 ~~established records retention schedule.~~

14 ~~Section 706. Emergency awards.~~

15 ~~(a) Authorization. Notwithstanding the provisions of~~
16 ~~sections 704 and 707, if it appears to the Office of Victims'~~
17 ~~Services that the claim is one with respect to which an award~~
18 ~~probably will be made and that undue hardship will result to the~~
19 ~~claimant if immediate payment is not made, the Office of~~
20 ~~Victims' Services may make an emergency award to the claimant~~
21 ~~pending a final decision in the case. The following shall apply:~~

22 ~~(1) The total amount of the emergency award shall not~~
23 ~~exceed [\$1,500 per claim or at] a rate set by the Office of~~
24 ~~Victims' Services.~~

25 * * *

26 ~~(b) Reconsideration. The Office of Victims' Services may~~
27 ~~reconsider an emergency award at any time prior to the final~~
28 ~~decision in the case and increase previous orders for emergency~~
29 ~~compensation up to the overall limit of [\$1,500 per claim or at]~~
30 ~~a rate set by the Office of Victims' Services.~~

1 ~~***~~

2 ~~Section 9. Section 707(a)(3), (a.1)(2) and (b)(1), (2) and~~
3 ~~(4) of the act are amended and the section is amended by adding~~
4 ~~subsections to read:~~

5 ~~Section 707. Awards.~~

6 ~~(a) Requirements. No award shall be made unless it is~~
7 ~~determined by a preponderance of the evidence that:~~

8 ~~***~~

9 ~~(3) The crime was promptly reported to the proper~~
10 ~~authorities. In no case may an award be made if the record~~
11 ~~shows that the report was made more than 72 hours after the~~
12 ~~discovery of the occurrence of the crime unless:~~

13 ~~(i) the victim is under 18 years of age at the time~~
14 ~~of the occurrence of the crime and the alleged offender~~
15 ~~is the victim's parent or a person responsible for the~~
16 ~~victim's welfare, an individual residing in the same home~~
17 ~~as the victim or a paramour of the victim's parent; or~~

18 ~~(ii) the Office of Victims' Services finds the delay~~
19 ~~to have been justified, consistent with bureau~~
20 ~~regulations.~~

21 ~~***~~

22 ~~(a.1) Protection from abuse. A claimant who satisfies the~~
23 ~~eligibility requirements of subsection (a)(1), (2) and (4) may~~
24 ~~satisfy the eligibility requirement under subsection (a)(3) for~~
25 ~~reporting a crime to the proper authorities by commencing an~~
26 ~~action brought in accordance with 23 Pa.C.S. Ch. 61 (relating to~~
27 ~~protection from abuse) and as provided for in the Pennsylvania~~
28 ~~Rules of Civil Procedure. In no case may an award be made if the~~
29 ~~record shows that the petition was:~~

30 ~~***~~

1 ~~(2) Filed more than 72 hours after the discovery of the~~
2 ~~occurrence of the criminal conduct leading to the~~
3 ~~commencement of the action, unless:~~

4 ~~(i) the victim is under 18 years of age at the time~~
5 ~~of the occurrence of the criminal conduct and the alleged~~
6 ~~offender is the victim's parent or a person responsible~~
7 ~~for the victim's welfare, an individual residing in the~~
8 ~~same home as the victim or a paramour of the victim's~~
9 ~~parent; or~~

10 ~~(ii) the Office of Victim Services finds the delay~~
11 ~~to have been justified, consistent with regulations of~~
12 ~~the Office of Victim Services.~~

13 ~~(a.2) Sexual violence and intimidation orders. A claimant~~
14 ~~who satisfies the eligibility requirements of subsection (a)(1),~~
15 ~~(2) and (4) may satisfy the eligibility requirement under~~
16 ~~subsection (a)(3) for reporting a crime to the proper~~
17 ~~authorities by commencing an action brought in accordance with~~
18 ~~42 Pa.C.S. Ch. 62A (relating to protection of victims of sexual~~
19 ~~violence or intimidation). In no case may an award be made if~~
20 ~~the record shows that the petition was:~~

21 ~~(1) Withdrawn, unless the Office of Victims' Services~~
22 ~~finds the withdrawal to have been justified, consistent with~~
23 ~~regulations of the Office of Victims' Services.~~

24 ~~(2) Filed more than 72 hours after the discovery of the~~
25 ~~occurrence of the criminal conduct leading to the~~
26 ~~commencement of the action, unless:~~

27 ~~(i) the victim is under 18 years of age at the time~~
28 ~~of the occurrence of the criminal conduct and the alleged~~
29 ~~offender is the victim's parent or a person responsible~~
30 ~~for the victim's welfare, an individual residing in the~~

~~same home as the victim or a paramour of the victim's
parent; or~~

~~(ii) the Office of Victims' Services finds the delay
to have been justified, consistent with regulations of
the Office of Victims' Services.~~

~~(b) Amount.—~~

~~(1) Any award made under this chapter shall be
contingent upon available funds and in an amount not
exceeding out of pocket loss, together with loss of past,
present or future earnings or support resulting from such
injury. In no case shall the total amount of an award exceed
\$35,000 except for payment of the following:~~

~~(i) counseling, the maximum amount of which shall be
in accordance with paragraph (4.1);~~

~~(ii) forensic rape examination and medications
directly related to the sexual assault or rape, the
amount of which shall not exceed \$1,000; or~~

~~(iii) reasonable and necessary costs of cleaning the
crime scene of a private residence or privately owned
motor vehicle, the amount of which shall not exceed \$500.~~

~~(2) An award made for loss of earnings or loss of
support shall, unless reduced pursuant to other provisions of
this chapter, be in an amount equal to the actual loss
sustained. The following shall apply:~~

~~(i) No such award shall exceed the average weekly
wage for all persons covered by the act of December 5,
1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the
Unemployment Compensation Law, in this Commonwealth as
determined annually by the Department of Labor and
Industry for each week of lost earnings or support.~~

1 ~~(ii) Except as set forth in subparagraph (iii), the~~
2 ~~aggregate award for the loss shall not exceed \$15,000.~~

3 ~~(iii) In the case of death of a direct victim or~~
4 ~~intervenor, the aggregate award shall not exceed \$20,000.~~

5 ~~* * *~~

6 ~~(4) An award for counseling performed by or under the~~
7 ~~supervision of a psychiatrist, psychologist, licensed~~
8 ~~professional counselor or licensed social worker and~~
9 ~~reimbursement of associated transportation costs subject to~~
10 ~~the provisions of paragraph (4.1) may be made to:~~

11 ~~(i) a direct victim;~~

12 ~~(ii) an individual responsible for the direct~~
13 ~~victim's welfare;~~

14 ~~(iii) an intervenor or individual who is physically~~
15 ~~present at the crime scene and witnesses a violent crime;~~

16 ~~(iv) in the case of a homicide, an individual who~~
17 ~~discovers the body;~~

18 ~~(v) anyone related to the direct victim within the~~
19 ~~second degree of consanguinity or affinity;~~

20 ~~(vi) anyone maintaining a common law relationship~~
21 ~~prior to January 1, 2005, with the direct victim;~~

22 ~~(vii) anyone residing in the same household with the~~
23 ~~direct victim; or~~

24 ~~(viii) anyone engaged to be married to the direct~~
25 ~~victim.~~

26 ~~* * *~~

27 ~~(c.1) Special provision for counseling. No victim under the~~
28 ~~age of 18 who is a victim of a sexual offense shall be required~~
29 ~~to use insurance or a health and welfare program benefit,~~
30 ~~including those mandated by law, for counseling services if the~~

1 ~~claimant requests insurance not be billed.~~

2 * * *

3 Section 10. Sections 709(a) and 901 of the act are amended
4 to read:

5 Section 709. Confidentiality of records.

6 (a) General rule. All reports, records or other information
7 obtained or produced by the [bureau] Office of Victims' Services
8 during the processing or investigation of a claim shall be
9 confidential and privileged, shall not be subject to subpoena or
10 discovery, shall be used for no purpose other than the
11 processing of a claim and, except as otherwise provided by law
12 or as provided in this section, shall not be introduced into
13 evidence in any judicial or administrative proceeding.

14 * * *

15 Section 901. Eligibility of victims.

16 A victim has the rights and is eligible for the services
17 under sections 201 and 902 only if the victim reported the crime
18 to law enforcement authorities without unreasonable delay after
19 ~~[its occurrence or discovery]~~ the occurrence of the crime or the
20 discovery of the occurrence of the crime, unless the victim had
21 a reasonable excuse not to do so.

22 Section 11. Section 1101(b) of the act is amended by adding
23 a paragraph to read:

24 Section 1101. Costs.

25 * * *

26 (b) Disposition.

27 * * *

28 ~~(3) Effective July 1, 2018, the special nonlapsing funds~~
29 established in subsection (b) (1) and (2) are merged into a
30 single special nonlapsing fund, known as the Crime Victim

1 ~~Services and Compensation Fund. The fund shall be used by the~~
2 ~~Office of Victims' Services for payment to claimants, for~~
3 ~~victim witness services and for technical assistance. All~~
4 ~~costs imposed under subsection (a) shall be paid into the~~
5 ~~fund.~~

6 * * *

7 Section 12. ~~Sections 1102(a), (b), (c) and (d) and 1301(b)~~
8 ~~of the act are amended to read:~~

9 Section 1102. ~~Costs for offender supervision programs.~~

10 ~~(a) County fund. The county treasurer of each county shall~~
11 ~~establish and administer a [county offender supervision fund]~~
12 ~~County Supervision Fee Restricted Receipts Account consisting of~~
13 ~~the fees collected under this section. The county treasurer~~
14 ~~shall disperse money from this [fund] account only at the~~
15 ~~discretion of the president judge of the court of common pleas.~~
16 ~~The money in this [fund] account shall be used to pay the~~
17 ~~salaries and employee benefits of all probation and parole~~
18 ~~personnel employed by the county probation and parole department~~
19 ~~and the operational expenses of that department. Money from this~~
20 ~~[fund] account shall be used to supplement Federal, State or~~
21 ~~county appropriations for the county adult probation and parole~~
22 ~~department. The president judge shall by August 31 provide the~~
23 ~~[board] commission with an annual statement [which] that fully~~
24 ~~reflects all collections deposited into and expenditures from~~
25 ~~the [offender supervision fund] County Supervision Fee~~
26 ~~Restricted Receipts Account for the preceding fiscal year. The~~
27 ~~[board] commission shall promulgate regulations to provide for~~
28 ~~the permanent administration of this program, as advised by the~~
29 ~~County Adult Probation and Parole Advisory Committee.~~

30 ~~(b) State fund. There is established a State Offender~~

1 ~~Supervision Fund to be administered by the board and comprised~~
2 ~~of the supervision fees collected by the board under [this~~
3 ~~section] subsection (d). The money in this fund shall be used to~~
4 ~~supplement the Federal or State funds appropriated for the~~
5 ~~improvement of [adult probation services] State parole~~
6 ~~supervision.~~

7 ~~(c) Court. The court shall impose as a condition of~~
8 ~~supervision a monthly supervision fee of at least \$25 on any~~
9 ~~offender placed on probation, parole, accelerated rehabilitative~~
10 ~~disposition, probation without verdict or intermediate~~
11 ~~punishment unless the court finds that the fee should be~~
12 ~~reduced, waived or deferred based on the offender's present~~
13 ~~inability to pay. [Of the fee collected, 50%] All of the fees~~
14 ~~shall be deposited into the County [Offender Supervision Fund]~~
15 ~~Supervision Fee Restricted Receipts Account established in each~~
16 ~~county pursuant to this section[, and the remaining 50% shall be~~
17 ~~deposited into the State Offender Supervision Fund established~~
18 ~~pursuant to this section]. All funds within the account shall be~~
19 ~~accounted for consistent with the budget, accounting,~~
20 ~~contracting, procurement, audit, salary board and other relevant~~
21 ~~provisions of the act of August 9, 1955 (P.L.323, No.130), known~~
22 ~~as The County Code, and may be subject to audit by the Auditor~~
23 ~~General under section 401(d) of the act of April 9, 1929~~
24 ~~(P.L.343, No.176), known as The Fiscal Code.~~

25 ~~(d) Board. The board shall impose as a condition of~~
26 ~~supervision a monthly supervision fee of at least \$25 on any~~
27 ~~offender under the board's supervision unless the board finds~~
28 ~~that such fee should be reduced, waived or deferred based on the~~
29 ~~offender's present inability to pay. All fees collected shall be~~
30 ~~deposited into the State Offender Supervision Fund [~~established~~~~

1 ~~under subsection (b)]~~.

2 * * *

3 ~~Section 1301. Subrogation.~~

4 * * *

5 ~~(b) Excess. If an amount greater than that paid under~~
6 ~~Chapter 7 is recovered and collected in such an action, the~~
7 ~~Commonwealth shall pay the balance to the claimant. The Attorney~~
8 ~~General shall enforce any subrogation. A claimant who fails to~~
9 ~~notify the Office of Victims' Services of the receipt of funds~~
10 ~~from any other claim or award arising out of the crime shall~~
11 ~~forfeit and pay to the Commonwealth an amount equal to all~~
12 ~~awards paid by the [bureau] Office of Victims' Services to the~~
13 ~~claimant or on the claimant's behalf.~~

14 ~~Section 13. This act shall take effect in 60 days.~~

15 SECTION 1. THE DEFINITIONS OF "CRIME," "FAMILY,"
16 "INTERVENOR," "LOCAL LAW ENFORCEMENT AGENCY," "LOSS OF
17 EARNINGS," "OUT-OF-POCKET LOSS" AND "PERSONAL INJURY CRIME" IN
18 SECTION 103 OF THE ACT OF NOVEMBER 24, 1998 (P.L.882, NO.111),
19 KNOWN AS THE CRIME VICTIMS ACT, ARE AMENDED AND THE SECTION IS
20 AMENDED BY ADDING DEFINITIONS TO READ:

<--

21 SECTION 103. DEFINITIONS.

22 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
23 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
24 CONTEXT CLEARLY INDICATES OTHERWISE:

25 * * *

26 "CAMPUS POLICE." AS DEFINED IN SECTION 302 OF THE ACT OF
27 NOVEMBER 29, 2004 (P.L.1383, NO.180), KNOWN AS THE UNIFORM CRIME
28 REPORTING ACT.

29 * * *

30 "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 ACT OF APRIL 14, 1972 (P.L.233, NO.64),
5 KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND
6 COSMETIC ACT.

7 (II) 18 PA.C.S. (RELATING TO CRIMES AND OFFENSES).

8 30 PA.C.S. § 5502 (RELATING TO OPERATING
9 WATERCRAFT UNDER INFLUENCE OF ALCOHOL OR CONTROLLED
10 SUBSTANCE).

11 30 PA.C.S. § 5502.1 (RELATING TO HOMICIDE BY
12 WATERCRAFT WHILE OPERATING UNDER INFLUENCE).

13 THE FORMER 75 PA.C.S. § 3731 (RELATING TO DRIVING
14 UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE).

15 75 PA.C.S. § 3732 (RELATING TO HOMICIDE BY
16 VEHICLE).

17 75 PA.C.S. § 3732.1 (RELATING TO AGGRAVATED
18 ASSAULT BY VEHICLE).

19 75 PA.C.S. § 3733 (RELATING TO FLEEING OR
20 ATTEMPTING TO ELUDE POLICE OFFICER).

21 75 PA.C.S. § 3734 (RELATING TO DRIVING WITHOUT
22 LIGHTS TO AVOID IDENTIFICATION OR ARREST).

23 75 PA.C.S. § 3735 (RELATING TO HOMICIDE BY
24 VEHICLE WHILE DRIVING UNDER INFLUENCE).

25 75 PA.C.S. § 3735.1 (RELATING TO AGGRAVATED
26 ASSAULT BY VEHICLE WHILE DRIVING UNDER THE
27 INFLUENCE).

28 75 PA.C.S. § 3742 (RELATING TO ACCIDENTS
29 INVOLVING DEATH OR PERSONAL INJURY).

30 75 PA.C.S. § 3742.1 (RELATING TO ACCIDENTS

1 INVOLVING DEATH OR PERSONAL INJURY WHILE NOT PROPERLY
2 LICENSED) IF THE NATURE AND CIRCUMSTANCES OF THE
3 OFFENSE COMMITTED ARE SUBSTANTIALLY SIMILAR TO AN
4 OFFENSE UNDER 75 PA.C.S. § 3742.

5 75 PA.C.S. CH. 38 (RELATING TO DRIVING AFTER
6 IMBIBING ALCOHOL OR UTILIZING DRUGS).

7 (III) THE LAWS OF THE UNITED STATES.

8 (2) AGAINST A RESIDENT OF THIS COMMONWEALTH WHICH WOULD
9 BE A CRIME UNDER PARAGRAPH (1) BUT FOR ITS OCCURRENCE IN A
10 LOCATION OTHER THAN THIS COMMONWEALTH.

11 (3) AGAINST A RESIDENT OF THIS COMMONWEALTH WHICH IS AN
12 ACT OF INTERNATIONAL TERRORISM.

13 * * *

14 "FAMILY." WHEN USED IN REFERENCE TO AN INDIVIDUAL:

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

17 (2) ANYONE MAINTAINING A COMMON-LAW RELATIONSHIP PRIOR
18 TO JANUARY 2, 2005, WITH THAT INDIVIDUAL; OR

19 (3) ANYONE RESIDING IN THE SAME HOUSEHOLD WITH THAT
20 INDIVIDUAL.

21 "FINANCIAL SUPPORT." INCLUDES THE LOSS OF COURT-ORDERED CHILD
22 OR SPOUSAL SUPPORT PAYMENTS IF THE VICTIM IS DEPRIVED OF MONEY
23 AS A DIRECT RESULT OF A CRIME.

24 * * *

25 "INTERVENOR." AN INDIVIDUAL WHO GOES TO THE AID OF ANOTHER
26 AND SUFFERS PHYSICAL OR MENTAL INJURY OR DEATH AS A DIRECT
27 RESULT OF ACTING NOT RECKLESSLY TO PREVENT THE COMMISSION OF A
28 CRIME, TO LAWFULLY APPREHEND A PERSON REASONABLY SUSPECTED OF
29 HAVING COMMITTED SUCH CRIME OR TO AID THE VICTIM OF SUCH CRIME.
30 THE TERM SHALL NOT INCLUDE AN ENFORCEMENT OFFICER OR

1 INVESTIGATOR INJURED IN THE PERFORMANCE OF HIS OR HER DUTIES,
2 ELIGIBLE FOR BENEFITS UNDER THE ACT OF JUNE 28, 1935 (P.L.477,
3 NO.193), REFERRED TO AS THE ENFORCEMENT OFFICER DISABILITY
4 BENEFITS LAW, OR UNDER THE ACT OF JUNE 2, 1915 (P.L.736,
5 NO.338), KNOWN AS THE WORKERS' COMPENSATION ACT.

6 * * *

7 "LOCAL LAW ENFORCEMENT AGENCY." A POLICE DEPARTMENT OF A
8 CITY, BOROUGH, INCORPORATED TOWN OR TOWNSHIP OR CAMPUS POLICE.

9 "LOSS OF EARNINGS." [INCLUDES] AN ECONOMIC LOSS RESULTING
10 FROM AN INJURY OR DEATH TO A VICTIM OF A CRIME THAT HAS NOT BEEN
11 AND WILL NOT BE REIMBURSED FROM ANY OTHER SOURCE. THE TERM
12 INCLUDES THE LOSS OF THE CASH EQUIVALENT OF ONE MONTH'S WORTH OF
13 SOCIAL SECURITY, RAILROAD RETIREMENT, PENSION PLAN, RETIREMENT
14 PLAN, DISABILITY, VETERAN'S RETIREMENT, [COURT-ORDERED CHILD
15 SUPPORT OR COURT-ORDERED SPOUSAL] LOSS OF SUPPORT PAYMENTS IF
16 THE PAYMENTS ARE THE PRIMARY SOURCE OF THE VICTIM'S INCOME OR
17 OTHER SIMILAR BENEFIT, AND THE VICTIM IS DEPRIVED OF MONEY AS A
18 DIRECT RESULT OF A CRIME.

19 "LOSS OF SUPPORT." THE LOSS OF VERIFIABLE FINANCIAL SUPPORT
20 THE DIRECT VICTIM WOULD HAVE CONTRIBUTED TO SURVIVING DEPENDENTS
21 THAT IS LOST DUE TO THE DEATH OF THE DIRECT VICTIM AS A DIRECT
22 RESULT OF A CRIME.

23 * * *

24 "OUT-OF-POCKET LOSS." THE TERM INCLUDES THE FOLLOWING LOSSES
25 WHICH SHALL BE REIMBURSED AT A RATE SET BY THE OFFICE OF
26 VICTIMS' SERVICES:

27 (1) EXPENSES FOR UNREIMBURSED AND UNREIMBURSABLE
28 EXPENSES OR INDEBTEDNESS INCURRED FOR MEDICAL CARE,
29 NONMEDICAL REMEDIAL CARE AND TREATMENT AS APPROVED BY THE
30 OFFICE OF VICTIMS' SERVICES OR OTHER SERVICES;

1 (2) EXPENSES FOR COUNSELING, PROSTHETIC DEVICES,
2 WHEELCHAIRS, CANES, WALKERS, HEARING AIDS, EYEGLASSES OR
3 OTHER CORRECTIVE LENSES OR DENTAL DEVICES REASONABLY
4 NECESSARY AS A RESULT OF THE CRIME UPON WHICH THE CLAIM IS
5 BASED AND FOR WHICH THE CLAIMANT EITHER HAS PAID OR IS
6 LIABLE;

7 (3) EXPENSES RELATED TO THE REASONABLE AND NECESSARY
8 COSTS OF CLEANING THE CRIME SCENE OF A PRIVATE RESIDENCE OR
9 PRIVATELY OWNED MOTOR VEHICLE. "CLEANING" MEANS TO REMOVE OR
10 ATTEMPT TO REMOVE STAINS OR BLOOD CAUSED BY THE CRIME OR
11 OTHER DIRT OR DEBRIS CAUSED BY THE PROCESSING OF THE CRIME
12 SCENE;

13 (4) EXPENSES RESULTING FROM THE TEMPORARY OR PERMANENT
14 RELOCATION OF A DIRECT VICTIM AND INDIVIDUALS RESIDING IN THE
15 HOUSEHOLD OF THE DIRECT VICTIM DUE TO THE INCIDENT FORMING
16 THE BASIS OF THE VICTIM'S CLAIM WHEN THERE IS AN IMMEDIATE
17 NEED TO PROTECT THE SAFETY AND HEALTH OF THE VICTIM AND
18 INDIVIDUALS RESIDING IN THE HOUSEHOLD, AS VERIFIED BY A
19 MEDICAL PROVIDER, HUMAN SERVICES PROVIDER OR LAW ENFORCEMENT;

20 (5) EXPENSES FOR PHYSICAL EXAMINATIONS AND MATERIALS
21 USED TO OBTAIN EVIDENCE; OR

22 (6) OTHER REASONABLE EXPENSES WHICH ARE DEEMED NECESSARY
23 AS A DIRECT RESULT OF THE CRIMINAL INCIDENT.

24 EXCEPT AS OTHERWISE PROVIDED, THE TERM DOES NOT INCLUDE PROPERTY
25 DAMAGE OR PAIN AND SUFFERING.

26 "PERSONAL INJURY CRIME." AN ACT, ATTEMPT OR THREAT TO COMMIT
27 AN ACT WHICH WOULD CONSTITUTE A MISDEMEANOR OR FELONY UNDER THE
28 FOLLOWING:

29 18 PA.C.S. CH. 25 (RELATING TO CRIMINAL HOMICIDE).

30 18 PA.C.S. CH. 27 (RELATING TO ASSAULT).

1 18 PA.C.S. CH. 29 (RELATING TO KIDNAPPING) .

2 18 PA.C.S. CH. 31 (RELATING TO SEXUAL OFFENSES) .

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

5 18 PA.C.S. CH. 37 (RELATING TO ROBBERY) .

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

8 30 PA.C.S. § 5502.1 (RELATING TO HOMICIDE BY WATERCRAFT
9 WHILE OPERATING UNDER INFLUENCE) .

10 THE FORMER 75 PA.C.S. § 3731 (RELATING TO DRIVING UNDER
11 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) IN CASES
12 INVOLVING BODILY INJURY .

13 75 PA.C.S. § 3732 (RELATING TO HOMICIDE BY VEHICLE) .

14 75 PA.C.S. § 3732.1 (RELATING TO AGGRAVATED ASSAULT BY
15 VEHICLE) .

16 75 PA.C.S. § 3733 (RELATING TO FLEEING OR ATTEMPTING TO
17 ELUDE POLICE OFFICER) .

18 75 PA.C.S. § 3734 (RELATING TO DRIVING WITHOUT LIGHTS TO
19 AVOID IDENTIFICATION OR ARREST) .

20 75 PA.C.S. § 3735 (RELATING TO HOMICIDE BY VEHICLE WHILE
21 DRIVING UNDER INFLUENCE) .

22 75 PA.C.S. § 3735.1 (RELATING TO AGGRAVATED ASSAULT BY
23 VEHICLE WHILE DRIVING UNDER THE INFLUENCE) .

24 75 PA.C.S. § 3742 (RELATING TO ACCIDENTS INVOLVING DEATH
25 OR PERSONAL INJURY) .

26 75 PA.C.S. § 3742.1 (RELATING TO ACCIDENTS INVOLVING
27 DEATH OR PERSONAL INJURY WHILE NOT PROPERLY LICENSED) IF THE
28 NATURE AND CIRCUMSTANCES OF THE OFFENSE COMMITTED ARE
29 SUBSTANTIALLY SIMILAR TO AN OFFENSE UNDER 75 PA.C.S. § 3742 .

30 75 PA.C.S. CH. 38 (RELATING TO DRIVING AFTER IMBIBING

1 ALCOHOL OR UTILIZING DRUGS) IN CASES INVOLVING BODILY INJURY.
2 THE TERM INCLUDES VIOLATIONS OF ANY PROTECTIVE ORDER ISSUED AS A
3 RESULT OF AN ACT RELATED TO DOMESTIC VIOLENCE.

4 * * *

5 SECTION 2. SECTION 201(11) OF THE ACT IS AMENDED AND THE
6 SECTION IS AMENDED BY ADDING A PARAGRAPH TO READ:

7 SECTION 201. RIGHTS.

8 VICTIMS OF CRIME HAVE THE FOLLOWING RIGHTS:

9 * * *

10 (1.1) IF ELIGIBLE TO APPLY, TO BE NOTIFIED OF THE
11 ADDRESS CONFIDENTIALITY PROGRAM UNDER 23 PA.C.S. CH. 67
12 (RELATING TO DOMESTIC AND SEXUAL VIOLENCE VICTIM ADDRESS
13 CONFIDENTIALITY).

14 * * *

15 (11) TO HAVE ASSISTANCE IN THE PREPARATION OF,
16 SUBMISSION OF AND FOLLOW-UP ON FINANCIAL ASSISTANCE CLAIMS TO
17 THE [BUREAU] OFFICE OF VICTIMS' SERVICES.

18 * * *

19 SECTION 3. SECTIONS 211, 212(B), (C) AND (E) AND 213(A), (D)
20 AND (G) OF THE ACT ARE AMENDED TO READ:

21 SECTION 211. RESPONSIBILITIES OF VICTIMS OF CRIME UNDER BASIC
22 BILL OF RIGHTS.

23 [A] EXCEPT AS PROVIDED FOR VICTIMS ENROLLED IN THE ADDRESS
24 CONFIDENTIALITY PROGRAM UNDER 23 PA.C.S. CH. 67 (RELATING TO
25 DOMESTIC AND SEXUAL VIOLENCE VICTIM ADDRESS CONFIDENTIALITY), A
26 VICTIM SHALL PROVIDE A VALID ADDRESS AND TELEPHONE NUMBER AND
27 ANY OTHER REQUIRED INFORMATION TO ALL AGENCIES RESPONSIBLE FOR
28 PROVIDING INFORMATION AND NOTICE TO THE VICTIM. THE VICTIM SHALL
29 BE RESPONSIBLE FOR PROVIDING TIMELY NOTICE OF ANY CHANGES IN THE
30 STATUS OF THE INFORMATION. THE INFORMATION PROVIDED SHALL NOT BE

1 DISCLOSED TO ANY PERSON OTHER THAN A LAW ENFORCEMENT AGENCY,
2 CORRECTIONS AGENCY OR PROSECUTOR'S OFFICE WITHOUT THE PRIOR
3 WRITTEN CONSENT OF THE VICTIM.

4 SECTION 212. RESPONSIBILITIES OF STATE AND LOCAL LAW
5 ENFORCEMENT AGENCIES.

6 * * *

7 (B) NOTICE.--

8 (1) [LAW ENFORCEMENT AGENCIES SHALL WITHIN 48 HOURS OF
9 REPORTING GIVE NOTICE TO THE DIRECT VICTIM OR, IF
10 APPROPRIATE, A MEMBER OF THE DIRECT VICTIM'S FAMILY OF THE
11 AVAILABILITY OF CRIME VICTIMS' COMPENSATION. THE NOTICE
12 REQUIRED UNDER THIS SUBSECTION SHALL BE IN WRITING AND IN A
13 MANNER AND FORM DEVELOPED BY THE OFFICE OF VICTIMS'
14 SERVICES.] THE LAW ENFORCEMENT OFFICER RESPONDING TO OR
15 INVESTIGATING AN INCIDENT SHALL PROVIDE BASIC INFORMATION ON
16 THE RIGHTS AND SERVICES AVAILABLE FOR CRIME VICTIMS AND THE
17 AVAILABILITY OF CRIME VICTIMS' COMPENSATION TO THE DIRECT
18 VICTIM OR, IF APPROPRIATE, A MEMBER OF THE DIRECT VICTIM'S
19 FAMILY. THE INFORMATION SHALL BE PROVIDED WHEN THE OFFICER
20 HAS FIRST CONTACT WITH THE VICTIM OR AS SOON AS REASONABLY
21 POSSIBLE. THE INFORMATION REQUIRED UNDER THIS SUBSECTION
22 SHALL BE IN A WRITTEN NOTICE IN A MANNER OR FORM DEVELOPED BY
23 THE OFFICE OF VICTIMS' SERVICES.

24 (2) [LAW ENFORCEMENT AGENCIES SHALL PROVIDE BASIC
25 INFORMATION ON THE RIGHTS AND SERVICES AVAILABLE FOR CRIME
26 VICTIMS. THE INFORMATION SHALL BE IN WRITING AND SHALL BE
27 PROVIDED TO THE VICTIM WITHIN 24 HOURS OF THE LAW ENFORCEMENT
28 AGENCY'S FIRST CONTACT WITH THE VICTIM IN A MANNER AND FORM
29 TO BE DEVELOPED BY THE OFFICE OF VICTIMS' SERVICES.] LAW
30 ENFORCEMENT AGENCIES SHALL BE RESPONSIBLE FOR ENSURING THAT

1 OFFICERS PROVIDE THE NOTIFICATION REQUIRED UNDER SUBSECTION

2 (B) (1).

3 (C) APPLICATION.--[THE WRITTEN NOTIFICATION PROVIDED FOR IN
4 SUBSECTION (B) (1) SHALL BE ACCOMPANIED BY ONE COPY OF THE
5 APPLICATION FORM FOR CRIME VICTIMS' COMPENSATION. APPLICATION
6 FORMS SHALL BE SUPPLIED BY THE OFFICE OF VICTIMS' SERVICES TO
7 LAW ENFORCEMENT AGENCIES. A RECORD OF THE DATE OF NOTIFICATION
8 SHALL BE MAINTAINED BY THE LAW ENFORCEMENT AGENCY.] THE OFFICE
9 OF VICTIMS' SERVICES SHALL MAINTAIN A MAILING LIST OF ALL LOCAL
10 LAW ENFORCEMENT AGENCIES AND PROVIDE LAW ENFORCEMENT AGENCIES
11 WITH FORMS BY WHICH THEY CAN ORDER [ADDITIONAL] CLAIM FORMS. THE
12 OFFICE OF VICTIMS' SERVICES SHALL ALSO PROVIDE UPDATES TO LAW
13 ENFORCEMENT AGENCIES ON CHANGES WHICH AFFECT THEIR
14 RESPONSIBILITIES UNDER THIS ACT.

15 (E) [FORMS.--THE FORM DEVELOPED BY THE OFFICE OF VICTIMS'
16 SERVICES SHALL BE ATTACHED TO THE POLICE REPORT AND SHALL
17 INCLUDE A VICTIM CHECKOFF SIGNIFYING THAT THE INFORMATION HAS
18 BEEN PROVIDED TO THE CRIME VICTIM.] CONFIRMATION.--THE LAW
19 ENFORCEMENT OFFICER RESPONDING TO OR INVESTIGATING AN INCIDENT
20 SHALL INDICATE ON THE POLICE REPORT THAT THE INFORMATION
21 REQUIRED UNDER SUBSECTION (B) WAS PROVIDED TO THE VICTIM.

22 * * *

23 SECTION 213. RESPONSIBILITIES OF PROSECUTOR'S OFFICE.

24 (A) FORMS.--THE PROSECUTOR'S OFFICE SHALL PROVIDE THE VICTIM
25 OF A PERSONAL INJURY CRIME WITH ALL FORMS DEVELOPED PURSUANT TO
26 SECTIONS 214 AND 215 WITH EXCEPTION TO STATE CASES WHEREUPON THE
27 VICTIM ADVOCATE SHALL PROVIDE ALL NECESSARY FORMS.

28 * * *

29 [(D) RELEASE.--IN A PERSONAL INJURY CRIME, THE PROSECUTOR'S
30 OFFICE SHALL PROVIDE NOTICE OF THE OPPORTUNITY TO SUBMIT INPUT

1 INTO STATE CORRECTIONAL RELEASE DECISIONS, TO RECEIVE NOTICE OF
2 ANY RELEASE OF AN ADULT FROM A STATE OR LOCAL CORRECTIONAL
3 FACILITY AND TO RECEIVE NOTICE OF THE COMMITMENT TO A MENTAL
4 HEALTH INSTITUTION FROM A STATE OR LOCAL CORRECTIONAL
5 INSTITUTION.]

6 (D) RELEASE.--THE FOLLOWING SHALL APPLY:

7 (1) IN A PERSONAL INJURY CRIME, THE PROSECUTOR'S OFFICE
8 SHALL PROVIDE THE VICTIM ADVOCATE WITH VICTIM INFORMATION ON
9 ALL PERSONAL INJURY CASES WHEN A STATE SENTENCE IS IMPOSED:

10 (I) SO THE VICTIM ADVOCATE MAY PROVIDE NOTICE OF
11 OPPORTUNITY TO SUBMIT INPUT INTO STATE CORRECTIONAL
12 RELEASE DECISIONS;

13 (II) TO PROVIDE NOTICE OF ANY RELEASE OF AN ADULT
14 FROM A STATE CORRECTIONAL FACILITY; AND

15 (III) TO PROVIDE NOTICE OF THE COMMITMENT TO A
16 MENTAL HEALTH INSTITUTION FROM A STATE CORRECTIONAL
17 INSTITUTION.

18 (2) IN A PERSONAL INJURY CRIME, THE PROSECUTOR'S OFFICE
19 SHALL PROVIDE NOTICE OF ANY RELEASE OF AN ADULT FROM A LOCAL
20 CORRECTIONAL FACILITY AND PROVIDE NOTICE OF THE COMMITMENT TO
21 A MENTAL HEALTH INSTITUTION FROM A LOCAL CORRECTIONAL
22 INSTITUTION.

23 * * *

24 (G) ASSISTANCE.--THE PROSECUTOR'S OFFICE SHALL PROVIDE
25 ASSISTANCE TO THE VICTIM IN ALL OF THE FOLLOWING:

26 (1) PREPARATION OF STATEMENTS UNDER SECTION 201(5).

27 (2) PREPARATION OF, SUBMISSION OF AND FOLLOW-UP ON
28 FINANCIAL ASSISTANCE CLAIMS FILED WITH THE [BUREAU] OFFICE OF
29 VICTIMS' SERVICES.

30 (3) NOTIFICATION TO THE VICTIM ADVOCATE ON BEHALF OF THE

1 VICTIM FOR PERSONAL INJURY CRIMES IF THE OFFENDER IS
2 SENTENCED TO A STATE CORRECTIONAL FACILITY.

3 * * *

4 SECTION 4. SECTION 301(C) OF THE ACT IS AMENDED AND THE
5 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:
6 SECTION 301. OFFICE.

7 * * *

8 (C) SERVICE AND EMPLOYEES.--THE VICTIM ADVOCATE SHALL
9 OPERATE FROM THE CENTRAL OFFICE OF THE BOARD WITH SUCH CLERICAL,
10 TECHNICAL AND PROFESSIONAL STAFF AS MAY BE AVAILABLE WITHIN THE
11 BUDGET OF THE BOARD. THE COMPENSATION OF EMPLOYEES OF THE OFFICE
12 SHALL BE SET BY THE EXECUTIVE BOARD. THE HOME ADDRESS OF AN
13 EMPLOYEE OF THE OFFICE OF VICTIM ADVOCATE SHALL NOT BE
14 CONSIDERED A PUBLIC RECORD UNDER THE ACT OF FEBRUARY 14, 2008
15 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.

16 (D) DISCLOSURE AND CONFIDENTIALITY.--

17 (1) EACH RECORD PERTAINING TO THE VICTIM IN THE
18 POSSESSION OF OR MAINTAINED BY THE OFFICE OF VICTIM ADVOCATE,
19 INCLUDING INFORMATION REGARDING A VICTIM'S CURRENT CONTACT
20 INFORMATION AND ANY OTHER INFORMATION OR RECORD RELATING TO
21 THE VICTIM, SHALL BE PRIVATE, CONFIDENTIAL AND PRIVILEGED AND
22 THE PROPERTY OF THE OFFICE OF VICTIM ADVOCATE AND SHALL NOT
23 BE SUBJECT TO THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3),
24 KNOWN AS THE RIGHT-TO-KNOW LAW. A RECORD OF THE OFFICE OF
25 VICTIM ADVOCATE SHALL NOT BE SUBJECT TO SUBPOENA OR
26 DISCOVERY, INTRODUCED INTO EVIDENCE IN A JUDICIAL OR
27 ADMINISTRATIVE PROCEEDING OR RELEASED TO THE INMATE, PAROLEE
28 OR PROBATIONER.

29 (2) UNLESS A VICTIM WAIVES THE PRIVILEGE IN A SIGNED
30 WRITING PRIOR TO TESTIMONY OR DISCLOSURE, AN EMPLOYEE OF THE

1 OFFICE OF THE VICTIM ADVOCATE SHALL NOT BE COMPETENT NOR
2 PERMITTED TO TESTIFY OR TO OTHERWISE DISCLOSE CONFIDENTIAL
3 COMMUNICATIONS MADE TO OR BY THE EMPLOYEE OF THE OFFICE OF
4 VICTIM ADVOCATE. THE PRIVILEGE SHALL TERMINATE UPON THE DEATH
5 OF THE VICTIM. NEITHER THE EMPLOYEE OF THE OFFICE OF VICTIM
6 ADVOCATE NOR THE VICTIM SHALL WAIVE THE PRIVILEGE OF
7 CONFIDENTIAL COMMUNICATIONS BY REPORTING FACTS OF PHYSICAL OR
8 SEXUAL ASSAULT UNDER 23 PA.C.S. CH. 63 (RELATING TO CHILD
9 PROTECTIVE SERVICES), A FEDERAL OR STATE MANDATORY REPORTING
10 STATUTE OR A LOCAL MANDATORY REPORTING ORDINANCE.

11 SECTION 5. SECTION 302(5) OF THE ACT IS AMENDED AND THE
12 SECTION IS AMENDED BY ADDING PARAGRAPHS TO READ:

13 SECTION 302. POWERS AND DUTIES OF VICTIM ADVOCATE.

14 THE VICTIM ADVOCATE HAS THE FOLLOWING POWERS AND DUTIES:

15 * * *

16 (5) [TO ACT AS A LIAISON WITH THE VICTIM NOTIFICATION
17 PROGRAM DIRECTOR IN THE DEPARTMENT TO COORDINATE VICTIM
18 NOTIFICATION AND SERVICES FOR THE DEPARTMENT AND THE BOARD.]

19 THE VICTIM ADVOCATE IS AUTHORIZED TO ADDRESS THE INTERESTS OF
20 ALL VICTIMS BEFORE THE BOARD, DEPARTMENT OR HEARING EXAMINER
21 CONCERNING ANY ISSUES DETERMINED APPROPRIATE BY THE VICTIM
22 ADVOCATE.

23 (6) TO ENSURE ELIGIBLE VICTIMS ARE INFORMED OF THE
24 ADDRESS CONFIDENTIALITY PROGRAM UNDER 23 PA.C.S. CH. 67
25 (RELATING TO DOMESTIC AND SEXUAL VIOLENCE VICTIM ADDRESS
26 CONFIDENTIALITY).

27 (7) TO ADVOCATE FOR THE INTERESTS OF CRIME VICTIMS
28 GENERALLY, INCLUDING THE VICTIMS OF CRIMES COMMITTED BY
29 JUVENILES.

30 SECTION 6. SECTION 312(3) OF THE ACT IS AMENDED TO READ:

1 SECTION 312. POWERS AND DUTIES OF OFFICE OF VICTIMS' SERVICES.

2 THE OFFICE OF VICTIMS' SERVICES, SUBJECT TO APPROVAL OF THE
3 COMMISSION, HAS THE FOLLOWING POWERS AND DUTIES:

4 * * *

5 (3) [TO ADOPT, PROMULGATE, AMEND AND RESCIND SUITABLE
6 RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS AND
7 PURPOSES OF CHAPTER 7. THESE REGULATIONS SHALL PROVIDE FOR
8 THE APPROVAL OF ATTORNEY FEES FOR REPRESENTATION BEFORE THE
9 OFFICE OF VICTIMS' SERVICES, A HEARING EXAMINER OR BEFORE THE
10 COMMONWEALTH COURT UPON JUDICIAL REVIEW UNDER SECTION 705.
11 AWARDS OF THE ATTORNEY FEES SHALL BE IN ADDITION TO AWARDS
12 MADE TO DIRECT VICTIMS. AWARDS OF ATTORNEY FEES SHALL IN NO
13 CASE EXCEED 15% OF THE AWARD TO THE DIRECT VICTIM OR VICTIMS.
14 IT SHALL BE UNLAWFUL FOR AN ATTORNEY TO CONTRACT FOR OR
15 RECEIVE ANY SUM LARGER THAN THE AMOUNT ALLOWED. REGULATIONS
16 UNDER THIS PARAGRAPH SHALL INCLUDE POLICIES, PROCEDURES AND
17 STANDARDS OF REVIEW REGARDING CLAIMS FOR COMPENSATION;
18 APPROVAL OR DENIAL OF CLAIMS, INCLUDING CONTRIBUTORY CONDUCT
19 BY DIRECT VICTIMS; VERIFICATION OF INFORMATION AND DOCUMENTS;
20 PRIORITIZATION OF REVIEW; AND ALL OTHER MATTERS RELATED TO
21 THE PROCESSING.] TO ADOPT, PROMULGATE, AMEND AND RESCIND
22 SUITABLE REGULATIONS TO CARRY OUT THE PROVISIONS AND PURPOSES
23 OF CHAPTER 7. THE REGULATIONS SHALL PROVIDE FOR THE
24 FOLLOWING:

25 (I) THE APPROVAL OF ATTORNEY FEES FOR REPRESENTATION
26 BEFORE THE OFFICE OF VICTIMS' SERVICES, A HEARING
27 EXAMINER OR BEFORE THE COMMONWEALTH COURT UPON JUDICIAL
28 REVIEW UNDER SECTION 705. AWARDS OF THE ATTORNEY FEES
29 SHALL BE IN ADDITION TO AWARDS MADE TO DIRECT VICTIMS OR
30 CLAIMANTS. AWARDS OF ATTORNEY FEES MAY NOT EXCEED 15% OF

1 THE AWARD TO THE DIRECT VICTIM OR CLAIMANTS. IT SHALL BE
2 UNLAWFUL FOR AN ATTORNEY TO CONTRACT FOR OR RECEIVE A SUM
3 LARGER THAN THE AMOUNT ALLOWED UNDER THIS SUBPARAGRAPH.

4 (II) POLICIES, PROCEDURES AND STANDARDS OF REVIEW
5 REGARDING CLAIMS FOR COMPENSATION.

6 (III) APPROVAL OR DENIAL OF CLAIMS, INCLUDING
7 CONTRIBUTORY CONDUCT BY DIRECT VICTIMS.

8 (IV) VERIFICATION OF INFORMATION AND DOCUMENTS.

9 (V) PRIORITIZATION OF REVIEW.

10 (VI) ALL OTHER MATTERS RELATED TO THE PROCESSING OF
11 CLAIMS.

12 * * *

13 SECTION 7. SECTION 701(A) OF THE ACT IS AMENDED BY ADDING
14 PARAGRAPHS TO READ:

15 SECTION 701. PERSONS ELIGIBLE FOR COMPENSATION.

16 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED IN THIS ACT,
17 THE FOLLOWING PERSONS SHALL BE ELIGIBLE FOR COMPENSATION:

18 * * *

19 (7) HOSPITALS OR OTHER LICENSED HEALTH CARE PROVIDERS
20 UNDER SECTION 707(H).

21 (8) A PERSON ELIGIBLE FOR COUNSELING UNDER THIS CHAPTER.

22 * * *

23 SECTION 8. SECTIONS 702(B), (B.1) AND (C), 703, 704(B) AND
24 (E) AND 706(A) (1) AND (B) OF THE ACT ARE AMENDED TO READ:

25 SECTION 702. FILING OF CLAIMS FOR COMPENSATION.

26 * * *

27 (B) TIME.--

28 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), A CLAIM MUST
29 BE FILED NOT LATER THAN [TWO] THREE YEARS AFTER THE DISCOVERY
30 OF THE OCCURRENCE OF THE CRIME UPON WHICH THE CLAIM IS BASED

1 OR NOT LATER THAN [TWO] THREE YEARS AFTER THE DEATH OF THE
2 DIRECT VICTIM OR INTERVENOR AS A RESULT OF THE CRIME OR THE
3 DISCOVERY AND IDENTIFICATION OF THE BODY OF A MURDER VICTIM.

4 (2) EXCEPTIONS SHALL BE AS FOLLOWS:

5 (II) IF A DIRECT VICTIM IS UNDER 18 YEARS OF AGE AT
6 THE TIME OF THE OCCURRENCE OF THE CRIME AND THE ALLEGED
7 OFFENDER IS THE DIRECT VICTIM'S PARENT OR A PERSON
8 RESPONSIBLE FOR THE DIRECT VICTIM'S WELFARE, AN
9 INDIVIDUAL RESIDING IN THE SAME HOME AS THE DIRECT VICTIM
10 OR A PARAMOUR OF THE DIRECT VICTIM'S PARENT, ALL OF THE
11 FOLLOWING SHALL APPLY:

12 (A) THE LIMITATION PERIOD UNDER THIS SUBSECTION
13 IS TOLLED UNTIL THE DIRECT VICTIM REACHES 21 YEARS OF
14 AGE.

15 (B) THE LIMITATION PERIOD SHALL RUN UNTIL THE
16 LATER OF:

17 (I) THE END OF THE LIMITATION PERIOD FOR THE
18 OFFENSE AS SET FORTH IN 42 PA.C.S. CH. 55 SUBCH.
19 C (RELATING TO CRIMINAL PROCEEDINGS); OR

20 (II) THE END OF THE LIMITATION PERIOD UNDER
21 PARAGRAPH (1).

22 (II.1) IF A DIRECT VICTIM IS UNDER 18 YEARS OF AGE
23 AT THE TIME OF THE OCCURRENCE OF THE CRIME AND THE DIRECT
24 VICTIM IS SEEKING REIMBURSEMENT FOR COUNSELING SERVICES
25 ONLY, ALL OF THE FOLLOWING SHALL APPLY:

26 (A) THE LIMITATION PERIOD UNDER THIS SUBSECTION
27 IS TOLLED UNTIL THE DIRECT VICTIM REACHES 21 YEARS OF
28 AGE.

29 (B) THE LIMITATION PERIOD SHALL RUN UNTIL THE
30 LATER OF:

1 (I) THE END OF THE LIMITATION PERIOD FOR THE
2 OFFENSE AS SET FORTH IN 42 PA.C.S. CH. 55 SUBCH.
3 C; OR

4 (II) THE END OF THE LIMITATION PERIOD UNDER
5 PARAGRAPH (1) .

6 (III) THE OFFICE OF VICTIMS' SERVICES MAY FIND GOOD
7 CAUSE TO ACCEPT A CLAIM BEYOND THE LIMITATION PERIOD
8 UNDER PARAGRAPH (1) IF ONE OF THE FOLLOWING CIRCUMSTANCES
9 EXISTED AT THE TIME OF THE OCCURRENCE OF THE CRIME OR THE
10 DISCOVERY OF THE OCCURRENCE OF THE CRIME:

11 (A) THE DIRECT VICTIM, INTERVENOR OR CLAIMANT
12 WAS MENTALLY OR PHYSICALLY INCAPACITATED.

13 (B) THE VICTIM WAS A MINOR.

14 (C) THERE WAS A FEAR OF RETALIATION.

15 (D) THE OCCURRENCE OF THE CRIME WAS NOT READILY
16 APPARENT.

17 (E) OTHER CIRCUMSTANCES WHEN GOOD CAUSE IS SHOWN
18 BY THE CLAIMANT.

19 (B.1) RETURNED CLAIMS.--IF A CLAIM HAS BEEN FILED BUT
20 SUBSEQUENTLY RETURNED TO THE CLAIMANT FOR CORRECTION OR FOR
21 ADDITIONAL VERIFICATION OR INFORMATION, THE DATE THE CLAIM WAS
22 FIRST RECEIVED BY THE [BUREAU] OFFICE OF VICTIMS' SERVICES SHALL
23 BE THE PERMANENT FILING DATE FOR PURPOSES OF SUBSECTION (B). THE
24 CORRECTION OR ADDITIONAL VERIFICATION OR INFORMATION MUST BE
25 FILED WITHIN A PERIOD OF TIME ESTABLISHED BY THE OFFICE OF
26 VICTIMS' SERVICES.

27 (C) MANNER.--CLAIMS MUST BE FILED WITH THE [BUREAU] OFFICE
28 OF VICTIMS' SERVICES IN PERSON, BY MAIL OR BY ANY ELECTRONIC
29 MEANS AUTHORIZED BY THE OFFICE OF VICTIMS' SERVICES.
30 SECTION 703. MINIMUM ALLOWABLE CLAIM.

1 (A) GENERAL RULE.--EXCEPT AS SET FORTH IN SUBSECTION (B), NO
2 AWARD SHALL BE MADE ON A CLAIM UNLESS THE CLAIMANT HAS INCURRED
3 AN AGGREGATE MINIMUM OUT-OF-POCKET LOSS, LOSS OF EARNINGS OR
4 LOSS OF SUPPORT OF [\$100] \$50.

5 (B) EXCEPTION.--SUBSECTION (A) SHALL NOT APPLY IF THE DIRECT
6 VICTIM OR CLAIMANT WAS 60 YEARS OF AGE OR OLDER AT THE TIME THE
7 CRIME OCCURRED.

8 SECTION 704. DETERMINATION OF CLAIMS.

9 * * *

10 (B) REVIEW.--

11 (1) THE OFFICE OF VICTIMS' SERVICES SHALL REVIEW THE
12 CLAIM AND ALL SUPPORTING DOCUMENTS AND INVESTIGATE THE
13 VALIDITY OF THE CLAIM. THE INVESTIGATION SHALL INCLUDE AN
14 EXAMINATION OF POLICE, COURT AND OFFICIAL RECORDS AND REPORTS
15 CONCERNING THE CRIME AND MAY INCLUDE AN EXAMINATION OF
16 MEDICAL AND HOSPITAL REPORTS RELATING TO THE INJURY UPON
17 WHICH THE CLAIM IS BASED. THE OFFICE OF VICTIMS' SERVICES MAY
18 NOT REQUEST OR REVIEW COUNSELING NOTES OF MENTAL HEALTH
19 SERVICE PROVIDERS. THE OFFICE OF VICTIMS' SERVICES SHALL
20 REQUEST AN ASSESSMENT FROM THE MENTAL HEALTH SERVICE PROVIDER
21 AS TO THE EXTENT THE SERVICE PROVIDED IS NEEDED AS A DIRECT
22 RESULT OF THE CRIME.

23 (2) CLAIMS SHALL BE INVESTIGATED AND DETERMINED,
24 REGARDLESS OF WHETHER THE ALLEGED CRIMINAL HAS BEEN
25 APPREHENDED, PROSECUTED OR ADJUDICATED FOR THE CRIME IN
26 QUESTION.

27 * * *

28 (E) RECORDS.--THE OFFICE OF VICTIMS' SERVICES SHALL MAINTAIN
29 COMPLETE RECORDS AND HISTORIES ON ALL CLAIMS FILED, SUPPLEMENTAL
30 AWARDS PAID TO CLAIMANTS, CLAIMS STATUS AND THIRD-PARTY

1 ENTITLEMENTS AND RECOVERIES IN ACCORDANCE WITH THE COMMISSION'S
2 ESTABLISHED RECORDS RETENTION SCHEDULE.

3 SECTION 706. EMERGENCY AWARDS.

4 (A) AUTHORIZATION.--NOTWITHSTANDING THE PROVISIONS OF
5 SECTIONS 704 AND 707, IF IT APPEARS TO THE OFFICE OF VICTIMS'
6 SERVICES THAT THE CLAIM IS ONE WITH RESPECT TO WHICH AN AWARD
7 PROBABLY WILL BE MADE AND THAT UNDUE HARDSHIP WILL RESULT TO THE
8 CLAIMANT IF IMMEDIATE PAYMENT IS NOT MADE, THE OFFICE OF
9 VICTIMS' SERVICES MAY MAKE AN EMERGENCY AWARD TO THE CLAIMANT
10 PENDING A FINAL DECISION IN THE CASE. THE FOLLOWING SHALL APPLY:

11 (1) THE TOTAL AMOUNT OF THE EMERGENCY AWARD SHALL NOT
12 EXCEED [\$1,500 PER CLAIM OR AT] A RATE SET BY THE OFFICE OF
13 VICTIMS' SERVICES.

14 * * *

15 (B) RECONSIDERATION.--THE OFFICE OF VICTIMS' SERVICES MAY
16 RECONSIDER AN EMERGENCY AWARD AT ANY TIME PRIOR TO THE FINAL
17 DECISION IN THE CASE AND INCREASE PREVIOUS ORDERS FOR EMERGENCY
18 COMPENSATION UP TO THE OVERALL LIMIT OF [\$1,500 PER CLAIM OR AT]
19 A RATE SET BY THE OFFICE OF VICTIMS' SERVICES.

20 * * *

21 SECTION 9. SECTION 707(A)(3), (A.1)(2), (B)(1), (2), (4) AND
22 (4.1), (F)(1) AND (3) AND (G) OF THE ACT ARE AMENDED AND THE
23 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:
24 SECTION 707. AWARDS.

25 (A) REQUIREMENTS.--NO AWARD SHALL BE MADE UNLESS IT IS
26 DETERMINED BY A PREPONDERANCE OF THE EVIDENCE THAT:

27 * * *

28 (3) THE CRIME WAS PROMPTLY REPORTED TO THE PROPER
29 AUTHORITIES. IN NO CASE MAY AN AWARD BE MADE IF THE RECORD
30 SHOWS THAT THE REPORT WAS MADE MORE THAN 72 HOURS AFTER THE

1 DISCOVERY OF THE OCCURRENCE OF THE CRIME UNLESS:

2 (I) THE VICTIM IS UNDER 18 YEARS OF AGE AT THE TIME
3 OF THE OCCURRENCE OF THE CRIME AND THE ALLEGED OFFENDER
4 IS THE VICTIM'S PARENT OR A PERSON RESPONSIBLE FOR THE
5 VICTIM'S WELFARE, AN INDIVIDUAL RESIDING IN THE SAME HOME
6 AS THE VICTIM OR A PARAMOUR OF THE VICTIM'S PARENT; OR

7 (II) THE OFFICE OF VICTIMS' SERVICES FINDS THE DELAY
8 TO HAVE BEEN JUSTIFIED, CONSISTENT WITH BUREAU
9 REGULATIONS.

10 * * *

11 (A.1) PROTECTION FROM ABUSE.--A CLAIMANT WHO SATISFIES THE
12 ELIGIBILITY REQUIREMENTS OF SUBSECTION (A) (1), (2) AND (4) MAY
13 SATISFY THE ELIGIBILITY REQUIREMENT UNDER SUBSECTION (A) (3) FOR
14 REPORTING A CRIME TO THE PROPER AUTHORITIES BY COMMENCING AN
15 ACTION BROUGHT IN ACCORDANCE WITH 23 PA.C.S. CH. 61 (RELATING TO
16 PROTECTION FROM ABUSE) AND AS PROVIDED FOR IN THE PENNSYLVANIA
17 RULES OF CIVIL PROCEDURE. IN NO CASE MAY AN AWARD BE MADE IF THE
18 RECORD SHOWS THAT THE PETITION WAS:

19 * * *

20 (2) FILED MORE THAN 72 HOURS AFTER THE DISCOVERY OF THE
21 OCCURRENCE OF THE CRIMINAL CONDUCT LEADING TO THE
22 COMMENCEMENT OF THE ACTION, UNLESS:

23 (I) THE VICTIM IS UNDER 18 YEARS OF AGE AT THE TIME
24 OF THE OCCURRENCE OF THE CRIMINAL CONDUCT AND THE ALLEGED
25 OFFENDER IS THE VICTIM'S PARENT OR A PERSON RESPONSIBLE
26 FOR THE VICTIM'S WELFARE, AN INDIVIDUAL RESIDING IN THE
27 SAME HOME AS THE VICTIM OR A PARAMOUR OF THE VICTIM'S
28 PARENT; OR

29 (II) THE OFFICE OF VICTIM SERVICES FINDS THE DELAY
30 TO HAVE BEEN JUSTIFIED, CONSISTENT WITH REGULATIONS OF

1 THE OFFICE OF VICTIM SERVICES.

2 (A.2) SEXUAL VIOLENCE AND INTIMIDATION ORDERS.--A CLAIMANT
3 WHO SATISFIES THE ELIGIBILITY REQUIREMENTS OF SUBSECTION (A) (1),
4 (2) AND (4) MAY SATISFY THE ELIGIBILITY REQUIREMENT UNDER
5 SUBSECTION (A) (3) FOR REPORTING A CRIME TO THE PROPER
6 AUTHORITIES BY COMMENCING AN ACTION BROUGHT IN ACCORDANCE WITH
7 42 PA.C.S. CH. 62A (RELATING TO PROTECTION OF VICTIMS OF SEXUAL
8 VIOLENCE OR INTIMIDATION). AN AWARD MAY NOT BE MADE IF THE
9 RECORD SHOWS THAT THE PETITION WAS:

10 (1) WITHDRAWN, UNLESS THE OFFICE OF VICTIM SERVICES
11 FINDS THE WITHDRAWAL TO HAVE BEEN JUSTIFIED, CONSISTENT WITH
12 REGULATIONS OF THE OFFICE OF VICTIM SERVICES.

13 (2) FILED MORE THAN 72 HOURS AFTER THE DISCOVERY OF THE
14 OCCURRENCE OF THE CRIMINAL CONDUCT LEADING TO THE
15 COMMENCEMENT OF THE ACTION, EXCEPT IF:

16 (I) THE VICTIM IS UNDER 18 YEARS OF AGE AT THE TIME
17 OF THE OCCURRENCE OF THE CRIMINAL CONDUCT AND THE ALLEGED
18 OFFENDER IS THE VICTIM'S PARENT OR A PERSON RESPONSIBLE
19 FOR THE VICTIM'S WELFARE, AN INDIVIDUAL RESIDING IN THE
20 SAME HOME AS THE VICTIM OR A PARAMOUR OF THE VICTIM'S
21 PARENT; OR

22 (II) THE OFFICE OF VICTIM SERVICES FINDS THE DELAY TO
23 HAVE BEEN JUSTIFIED, CONSISTENT WITH REGULATIONS OF THE
24 OFFICE OF VICTIM SERVICES.

25 (B) AMOUNT.--

26 (1) ANY AWARD MADE UNDER THIS CHAPTER SHALL BE
27 CONTINGENT UPON FUNDS BEING AVAILABLE AND BE IN AN AMOUNT NOT
28 EXCEEDING OUT-OF-POCKET LOSS, TOGETHER WITH LOSS OF PAST,
29 PRESENT OR FUTURE EARNINGS OR SUPPORT RESULTING FROM SUCH
30 INJURY. IN NO CASE SHALL THE TOTAL AMOUNT OF AN AWARD EXCEED

1 \$35,000 EXCEPT FOR PAYMENT OF THE FOLLOWING:

2 (I) COUNSELING, THE MAXIMUM AMOUNT OF WHICH SHALL BE
3 IN ACCORDANCE WITH PARAGRAPH (4.1);

4 (II) FORENSIC RAPE EXAMINATION AND MEDICATIONS
5 DIRECTLY RELATED TO THE SEXUAL ASSAULT OR RAPE, THE
6 AMOUNT OF WHICH SHALL NOT EXCEED \$1,000; OR

7 (III) REASONABLE AND NECESSARY COSTS OF CLEANING THE
8 CRIME SCENE OF A PRIVATE RESIDENCE OR PRIVATELY OWNED
9 MOTOR VEHICLE, THE AMOUNT OF WHICH SHALL NOT EXCEED \$500.

10 (2) AN AWARD MADE FOR LOSS OF EARNINGS OR LOSS OF
11 SUPPORT SHALL, UNLESS REDUCED PURSUANT TO OTHER PROVISIONS OF
12 THIS CHAPTER, BE IN AN AMOUNT EQUAL TO THE ACTUAL LOSS
13 SUSTAINED. THE FOLLOWING SHALL APPLY:

14 (I) NO SUCH AWARD SHALL EXCEED THE AVERAGE WEEKLY
15 WAGE FOR ALL PERSONS COVERED BY THE ACT OF DECEMBER 5,
16 1936 (2ND SP.SESS., 1937 P.L.2897, NO.1), KNOWN AS THE
17 UNEMPLOYMENT COMPENSATION LAW, IN THIS COMMONWEALTH AS
18 DETERMINED ANNUALLY BY THE DEPARTMENT OF LABOR AND
19 INDUSTRY FOR EACH WEEK OF LOST EARNINGS OR SUPPORT.

20 (II) EXCEPT AS SET FORTH IN SUBPARAGRAPH (III), THE
21 AGGREGATE AWARD FOR THE LOSS SHALL NOT EXCEED \$15,000.

22 (III) IN THE CASE OF DEATH OF A DIRECT VICTIM OR
23 INTERVENOR, THE AGGREGATE AWARD SHALL NOT EXCEED \$20,000.

24 * * *

25 (4) AN AWARD FOR COUNSELING PERFORMED BY OR UNDER THE
26 SUPERVISION OF A PSYCHIATRIST, PSYCHOLOGIST, LICENSED
27 PROFESSIONAL COUNSELOR OR LICENSED SOCIAL WORKER AND
28 REIMBURSEMENT OF ASSOCIATED TRANSPORTATION COSTS, SUBJECT TO
29 THE PROVISIONS OF PARAGRAPH (4.1), MAY BE MADE TO:

30 (I) A DIRECT VICTIM;

1 (II) AN INDIVIDUAL RESPONSIBLE FOR THE DIRECT
2 VICTIM'S WELFARE;

3 (III) AN INTERVENOR OR INDIVIDUAL WHO IS PHYSICALLY
4 PRESENT AT THE CRIME SCENE AND WITNESSES A VIOLENT CRIME;

5 (IV) IN THE CASE OF A HOMICIDE, AN INDIVIDUAL WHO
6 DISCOVERS THE BODY;

7 (V) ANYONE RELATED TO THE DIRECT VICTIM WITHIN THE
8 SECOND DEGREE OF CONSANGUINITY OR AFFINITY;

9 (VI) ANYONE MAINTAINING A COMMON-LAW RELATIONSHIP
10 PRIOR TO JANUARY 2, 2005, WITH THE DIRECT VICTIM;

11 (VII) ANYONE RESIDING IN THE SAME HOUSEHOLD WITH THE
12 DIRECT VICTIM; OR

13 (VIII) ANYONE ENGAGED TO BE MARRIED TO THE DIRECT
14 VICTIM.

15 (4.1) IN THE CASE OF AN AWARD MADE PURSUANT TO PARAGRAPH
16 (4), THE FOLLOWING SHALL APPLY:

17 (I) THE AMOUNT OF AN AWARD UNDER PARAGRAPH (4) (I)
18 SHALL NOT EXCEED \$5,000 WHERE THE DIRECT VICTIM IS AN
19 ADULT AND SHALL NOT EXCEED \$10,000 WHERE THE DIRECT
20 VICTIM IS A MINOR. A MINOR WHO IS A DIRECT VICTIM OF A
21 SEXUAL OFFENSE MAY REQUEST THAT THE MINOR'S PRIMARY
22 INSURANCE CARRIER NOT BE BILLED FOR COUNSELING SERVICES
23 IF THE POLICY IS HELD OR ADMINISTERED BY EITHER THE
24 ALLEGED PERPETRATOR OF THE CRIME AGAINST THE DIRECT
25 VICTIM OR AN INDIVIDUAL RESPONSIBLE FOR THE MINOR'S
26 WELFARE THAT IS NOT SUPPORTIVE OF COUNSELING SERVICES.

27 (II) THE AMOUNT OF AN AWARD UNDER PARAGRAPH (4) (II),
28 (V), (VI), (VII) OR (VIII) SHALL NOT EXCEED \$2,500 EXCEPT
29 IN THE CASE OF A HOMICIDE WHEREBY THE AMOUNT OF THIS
30 AWARD SHALL NOT EXCEED \$5,000.

1 (III) THE AMOUNT OF AN AWARD UNDER PARAGRAPH (4)

2 (III) OR (IV) SHALL NOT EXCEED \$1,500.

3 * * *

4 (F) DIRECT VICTIM RESPONSIBILITY.--

5 (1) EXCEPT AS SET FORTH IN PARAGRAPHS (2) AND (3), IN
6 DETERMINING THE AMOUNT OF AN AWARD, THE OFFICE OF VICTIMS'
7 SERVICES SHALL DETERMINE WHETHER THE DIRECT VICTIM OR
8 INTERVENOR, BECAUSE OF CONDUCT, CONTRIBUTED TO THE INFLECTION
9 OF THE INJURY. THE OFFICE OF VICTIMS' SERVICES [SHALL] MAY
10 REDUCE THE AMOUNT OR DENY THE CLAIM ALTOGETHER IN ACCORDANCE
11 WITH THE DETERMINATION.

12 * * *

13 (3) IF THE CRIME INVOLVED IS A HOMICIDE, THE CONDUCT OF
14 THE DIRECT VICTIM SHALL NOT BE CONSIDERED FOR CLAIMS BY
15 ELIGIBLE CLAIMANTS FOR COUNSELING[.] AND FUNERAL EXPENSES.
16 FUNERAL EXPENSES ELIGIBILITY, IF THE CONDUCT OF THE DIRECT
17 VICTIM IS A FACTOR, SHALL BE DEPENDENT UPON THE AVAILABILITY
18 OF FUNDING.

19 (G) INTERVENOR RESPONSIBILITY.--IN DETERMINING THE AMOUNT OF
20 AN AWARD TO AN INTERVENOR, THE OFFICE OF VICTIMS' SERVICES [MAY]
21 SHALL CONSIDER WHETHER THE INTERVENOR, BECAUSE OF CONDUCT,
22 CONTRIBUTED TO THE INFLECTION OF THE INJURY. THE OFFICE OF
23 VICTIMS' SERVICES [SHALL] MAY REDUCE THE AMOUNT OR DENY THE
24 CLAIM ALTOGETHER IN ACCORDANCE WITH THE DETERMINATION.

25 * * *

26 SECTION 10. SECTIONS 709(A) AND 901 OF THE ACT ARE AMENDED
27 TO READ:

28 SECTION 709. CONFIDENTIALITY OF RECORDS.

29 (A) GENERAL RULE.--ALL REPORTS, RECORDS OR OTHER INFORMATION
30 OBTAINED OR PRODUCED BY THE [BUREAU] OFFICE OF VICTIMS' SERVICES

1 DURING THE PROCESSING OR INVESTIGATION OF A CLAIM SHALL BE
2 CONFIDENTIAL AND PRIVILEGED, SHALL NOT BE SUBJECT TO SUBPOENA OR
3 DISCOVERY, SHALL BE USED FOR NO PURPOSE OTHER THAN THE
4 PROCESSING OF A CLAIM AND, EXCEPT AS OTHERWISE PROVIDED BY LAW
5 OR AS PROVIDED IN THIS SECTION, SHALL NOT BE INTRODUCED INTO
6 EVIDENCE IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING.

7 * * *

8 SECTION 901. ELIGIBILITY OF VICTIMS.

9 A VICTIM HAS THE RIGHTS AND IS ELIGIBLE FOR THE SERVICES
10 UNDER SECTIONS 201 AND 902 ONLY IF THE VICTIM REPORTED THE CRIME
11 TO LAW ENFORCEMENT AUTHORITIES WITHOUT UNREASONABLE DELAY AFTER
12 [ITS] THE OCCURRENCE OF THE CRIME OR THE DISCOVERY OF THE
13 OCCURRENCE OF THE CRIME, UNLESS THE VICTIM HAD A REASONABLE
14 EXCUSE NOT TO DO SO.

15 SECTION 11. SECTION 1101(B) IS AMENDED BY ADDING A PARAGRAPH
16 TO READ:

17 SECTION 1101. COSTS.

18 * * *

19 (B) DISPOSITION.--

20 * * *

21 (3) BEGINNING JULY 1, 2018, THE SPECIAL NONLAPSING FUNDS
22 ESTABLISHED UNDER SUBSECTION (B) (1) AND (2) SHALL BE MERGED
23 INTO A SINGLE SPECIAL NONLAPSING FUND, KNOWN AS THE CRIME
24 VICTIM SERVICES AND COMPENSATION FUND. THE FUND SHALL BE USED
25 BY THE OFFICE OF VICTIMS' SERVICES FOR PAYMENT TO CLAIMANTS,
26 VICTIM-WITNESS SERVICES AND TECHNICAL ASSISTANCE. COSTS
27 IMPOSED UNDER SUBSECTION (A) SHALL BE PAID INTO THE FUND.

28 * * *

29 SECTION 12. SECTIONS 1102(A), (B), (C) AND (D) AND 1301(B)
30 OF THE ACT ARE AMENDED TO READ:

1 SECTION 1102. COSTS FOR OFFENDER SUPERVISION PROGRAMS.

2 (A) COUNTY FUND.--THE COUNTY TREASURER OF EACH COUNTY SHALL
3 ESTABLISH AND ADMINISTER A [COUNTY OFFENDER SUPERVISION FUND]
4 COUNTY SUPERVISION FEE RESTRICTED RECEIPTS ACCOUNT CONSISTING OF
5 THE FEES COLLECTED UNDER THIS SECTION. THE COUNTY TREASURER
6 SHALL DISPERSE MONEY FROM THIS [FUND] ACCOUNT ONLY AT THE
7 DISCRETION OF THE PRESIDENT JUDGE OF THE COURT OF COMMON PLEAS.
8 THE MONEY IN THIS [FUND] ACCOUNT SHALL BE USED TO PAY THE
9 SALARIES AND EMPLOYEE BENEFITS OF ALL PROBATION AND PAROLE
10 PERSONNEL EMPLOYED BY THE COUNTY PROBATION AND PAROLE DEPARTMENT
11 AND THE OPERATIONAL EXPENSES OF THAT DEPARTMENT. MONEY FROM THIS
12 [FUND] ACCOUNT SHALL BE USED TO SUPPLEMENT FEDERAL, STATE OR
13 COUNTY APPROPRIATIONS FOR THE COUNTY ADULT PROBATION AND PAROLE
14 DEPARTMENT. THE PRESIDENT JUDGE SHALL BY AUGUST 31 PROVIDE THE
15 [BOARD] COMMISSION WITH AN ANNUAL STATEMENT [WHICH] THAT FULLY
16 REFLECTS ALL COLLECTIONS DEPOSITED INTO AND EXPENDITURES FROM
17 THE [OFFENDER SUPERVISION FUND] COUNTY SUPERVISION FEE
18 RESTRICTED RECEIPTS ACCOUNT FOR THE PRECEDING FISCAL YEAR. THE
19 [BOARD] COMMISSION SHALL PROMULGATE REGULATIONS TO PROVIDE FOR
20 THE PERMANENT ADMINISTRATION OF THIS PROGRAM, AS ADVISED BY THE
21 COUNTY ADULT PROBATION AND PAROLE ADVISORY COMMITTEE.

22 (B) STATE FUND.--THERE IS ESTABLISHED A STATE OFFENDER
23 SUPERVISION FUND TO BE ADMINISTERED BY THE BOARD AND COMPRISED
24 OF THE SUPERVISION FEES COLLECTED BY THE BOARD UNDER [THIS
25 SECTION] SUBSECTION (D). THE MONEY IN THIS FUND SHALL BE USED TO
26 SUPPLEMENT THE FEDERAL OR STATE FUNDS APPROPRIATED FOR THE
27 IMPROVEMENT OF [ADULT PROBATION SERVICES] STATE PAROLE
28 SUPERVISION.

29 (C) COURT.--THE COURT SHALL IMPOSE AS A CONDITION OF
30 SUPERVISION A MONTHLY SUPERVISION FEE OF AT LEAST \$25 ON ANY

1 OFFENDER PLACED ON PROBATION, PAROLE, ACCELERATED REHABILITATIVE
2 DISPOSITION, PROBATION WITHOUT VERDICT OR INTERMEDIATE
3 PUNISHMENT UNLESS THE COURT FINDS THAT THE FEE SHOULD BE
4 REDUCED, WAIVED OR DEFERRED BASED ON THE OFFENDER'S PRESENT
5 INABILITY TO PAY. [OF THE FEE COLLECTED, 50%] ALL OF THE FEES
6 SHALL BE DEPOSITED INTO THE COUNTY [OFFENDER SUPERVISION FUND]
7 SUPERVISION FEE RESTRICTED RECEIPTS ACCOUNT ESTABLISHED IN EACH
8 COUNTY PURSUANT TO THIS SECTION[, AND THE REMAINING 50% SHALL BE
9 DEPOSITED INTO THE STATE OFFENDER SUPERVISION FUND ESTABLISHED
10 PURSUANT TO THIS SECTION]. ALL FUNDS WITHIN THE ACCOUNT SHALL BE
11 ACCOUNTED FOR CONSISTENT WITH THE BUDGET, ACCOUNTING,
12 CONTRACTING, PROCUREMENT, AUDIT, SALARY BOARD AND OTHER RELEVANT
13 PROVISIONS OF THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130), KNOWN
14 AS THE COUNTY CODE, AND MAY BE SUBJECT TO AUDIT BY THE AUDITOR
15 GENERAL UNDER SECTION 401(D) OF THE ACT OF APRIL 9, 1929
16 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE.

17 (D) BOARD.--THE BOARD SHALL IMPOSE AS A CONDITION OF
18 SUPERVISION A MONTHLY SUPERVISION FEE OF AT LEAST \$25 ON ANY
19 OFFENDER UNDER THE BOARD'S SUPERVISION UNLESS THE BOARD FINDS
20 THAT SUCH FEE SHOULD BE REDUCED, WAIVED OR DEFERRED BASED ON THE
21 OFFENDER'S PRESENT INABILITY TO PAY. ALL FEES COLLECTED SHALL BE
22 DEPOSITED INTO THE STATE OFFENDER SUPERVISION FUND [ESTABLISHED
23 UNDER SUBSECTION (B)].

24 * * *

25 SECTION 1301. SUBROGATION.

26 * * *

27 (B) EXCESS.--IF AN AMOUNT GREATER THAN THAT PAID UNDER
28 CHAPTER 7 IS RECOVERED AND COLLECTED IN SUCH AN ACTION, THE
29 COMMONWEALTH SHALL PAY THE BALANCE TO THE CLAIMANT. THE ATTORNEY
30 GENERAL SHALL ENFORCE ANY SUBROGATION. A CLAIMANT WHO FAILS TO

1 NOTIFY THE OFFICE OF VICTIMS' SERVICES OF THE RECEIPT OF FUNDS
2 FROM ANY OTHER CLAIM OR AWARD ARISING OUT OF THE CRIME SHALL
3 FORFEIT AND PAY TO THE COMMONWEALTH AN AMOUNT EQUAL TO ALL
4 AWARDS PAID BY THE [BUREAU] OFFICE OF VICTIMS' SERVICES TO THE
5 CLAIMANT OR ON THE CLAIMANT'S BEHALF.

6 SECTION 13. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.