

## AMENDMENTS TO SENATE BILL NO. 1072

Sponsor: SENATOR HUGHES

Printer's No. 1527

1 Amend Bill, page 1, lines 1 through 22, by striking out all  
2 of said lines and inserting  
3 Amending the act of November 24, 1998 (P.L.882, No.111),  
4 entitled "An act providing for victims' rights; imposing  
5 penalties; establishing remedies; establishing the Office of  
6 Victim Advocate, the Bureau of Victims' Services, the  
7 Victims' Services Advisory Committee, the State Offender  
8 Supervision Fund and other funds; and making repeals," in  
9 preliminary provisions, further providing for definitions; in  
10 crime victims, further providing for rights, for  
11 responsibilities of victims of crime under basic bill of  
12 rights, for responsibilities of State and local law  
13 enforcement agencies and for responsibilities of prosecutor's  
14 office; in administration, further providing for office, for  
15 powers and duties of victim advocate and for powers and  
16 duties of Office of Victims' Services; in compensation,  
17 further providing for persons eligible for compensation, for  
18 filing of claims for compensation, for minimum allowable  
19 claim, for determination of claims, for emergency awards, for  
20 awards and for confidentiality of records; in services,  
21 further providing for eligibility of victims; in financial  
22 matters, further providing for costs and for costs for  
23 offender supervision programs; and, in enforcement, further  
24 providing for subrogation.

25 Amend Bill, page 1, lines 25 through 28; pages 2 through 24,  
26 lines 1 through 30; page 25, lines 1 through 3; by striking out  
27 all of said lines on said pages and inserting

28 Section 1. The definitions of "crime," "family,"  
29 "intervenor," "local law enforcement agency," "loss of  
30 earnings," "out-of-pocket loss" and "personal injury crime" in  
31 section 103 of the act of November 24, 1998 (P.L.882, No.111),  
32 known as the Crime Victims Act, are amended and the section is  
33 amended by adding definitions to read:  
34 Section 103. Definitions.

35 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 \* \* \*

4 "Campus police." As defined in section 302 of the act of  
5 November 29, 2004 (P.L.1383, No.180), known as the Uniform Crime  
6 Reporting Act.

7 \* \* \*

8 "Crime." An act which was committed:

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

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

15 (ii) 18 Pa.C.S. (relating to crimes and offenses).

16 30 Pa.C.S. § 5502 (relating to operating  
17 watercraft under influence of alcohol or controlled  
18 substance).

19 30 Pa.C.S. § 5502.1 (relating to homicide by  
20 watercraft while operating under influence).

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

23 75 Pa.C.S. § 3732 (relating to homicide by  
24 vehicle).

25 75 Pa.C.S. § 3732.1 (relating to aggravated  
26 assault by vehicle).

27 75 Pa.C.S. § 3733 (relating to fleeing or  
28 attempting to elude police officer).

29 75 Pa.C.S. § 3734 (relating to driving without  
30 lights to avoid identification or arrest).

31 75 Pa.C.S. § 3735 (relating to homicide by  
32 vehicle while driving under influence).

33 75 Pa.C.S. § 3735.1 (relating to aggravated  
34 assault by vehicle while driving under the  
35 influence).

36 75 Pa.C.S. § 3742 (relating to accidents  
37 involving death or personal injury).

38 75 Pa.C.S. § 3742.1 (relating to accidents  
39 involving death or personal injury while not properly  
40 licensed) if the nature and circumstances of the  
41 offense committed are substantially similar to an  
42 offense under 75 Pa.C.S. § 3742.

43 75 Pa.C.S. Ch. 38 (relating to driving after  
44 imbibing alcohol or utilizing drugs).

45 (iii) The laws of the United States.

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

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

51 \* \* \*

1 "Family." When used in reference to an individual:

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

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

6 (3) anyone residing in the same household with that  
7 individual.

8 "Financial support." Includes the loss of court-ordered child  
9 or spousal support payments if the victim is deprived of money  
10 as a direct result of a crime.

11 \* \* \*

12 "Intervenor." An individual who goes to the aid of another  
13 and suffers physical or mental injury or death as a direct  
14 result of acting not recklessly to prevent the commission of a  
15 crime, to lawfully apprehend a person reasonably suspected of  
16 having committed such crime or to aid the victim of such crime.  
17 The term shall not include an enforcement officer or  
18 investigator injured in the performance of his or her duties,  
19 eligible for benefits under the act of June 28, 1935 (P.L.477,  
20 No.193), referred to as the Enforcement Officer Disability  
21 Benefits Law, or under the act of June 2, 1915 (P.L.736,  
22 No.338), known as the Workers' Compensation Act.

23 \* \* \*

24 "Local law enforcement agency." A police department of a  
25 city, borough, incorporated town or township or campus police.

26 "Loss of earnings." [Includes] An economic loss resulting  
27 from an injury or death to a victim of a crime that has not been  
28 and will not be reimbursed from any other source. The term  
29 includes the loss of the cash equivalent of one month's worth of  
30 Social Security, railroad retirement, pension plan, retirement  
31 plan, disability, veteran's retirement, [court-ordered child  
32 support or court-ordered spousal] loss of support payments if  
33 the payments are the primary source of the victim's income or  
34 other similar benefit, and the victim is deprived of money as a  
35 direct result of a crime.

36 "Loss of support." The loss of verifiable financial support  
37 the direct victim would have contributed to surviving dependents  
38 that is lost due to the death of the direct victim as a direct  
39 result of a crime.

40 \* \* \*

41 "Out-of-pocket loss." The term includes the following losses  
42 which shall be reimbursed at a rate set by the Office of  
43 Victims' Services:

44 (1) expenses for unreimbursed and unreimbursable  
45 expenses or indebtedness incurred for medical care,  
46 nonmedical remedial care and treatment as approved by the  
47 Office of Victims' Services or other services;

48 (2) expenses for counseling, prosthetic devices,  
49 wheelchairs, canes, walkers, hearing aids, eyeglasses or  
50 other corrective lenses or dental devices reasonably  
51 necessary as a result of the crime upon which the claim is

1 based and for which the claimant either has paid or is  
2 liable;

3 (3) expenses related to the reasonable and necessary  
4 costs of cleaning the crime scene of a private residence or  
5 privately owned motor vehicle. "Cleaning" means to remove or  
6 attempt to remove stains or blood caused by the crime or  
7 other dirt or debris caused by the processing of the crime  
8 scene;

9 (4) expenses resulting from the temporary or permanent  
10 relocation of a direct victim and individuals residing in the  
11 household of the direct victim due to the incident forming  
12 the basis of the victim's claim when there is an immediate  
13 need to protect the safety and health of the victim and  
14 individuals residing in the household, as verified by a  
15 medical provider, human services provider or law enforcement;

16 (5) expenses for physical examinations and materials  
17 used to obtain evidence; or

18 (6) other reasonable expenses which are deemed necessary  
19 as a direct result of the criminal incident.

20 Except as otherwise provided, the term does not include property  
21 damage or pain and suffering.

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

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

26 18 Pa.C.S. Ch. 27 (relating to assault).

27 18 Pa.C.S. Ch. 29 (relating to kidnapping).

28 18 Pa.C.S. Ch. 31 (relating to sexual offenses).

29 18 Pa.C.S. § 3301 (relating to arson and related  
30 offenses).

31 18 Pa.C.S. Ch. 37 (relating to robbery).

32 18 Pa.C.S. Ch. 49 Subch. B (relating to victim and  
33 witness intimidation).

34 30 Pa.C.S. § 5502.1 (relating to homicide by watercraft  
35 while operating under influence).

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

39 75 Pa.C.S. § 3732 (relating to homicide by vehicle).

40 75 Pa.C.S. § 3732.1 (relating to aggravated assault by  
41 vehicle).

42 75 Pa.C.S. § 3733 (relating to fleeing or attempting to  
43 elude police officer).

44 75 Pa.C.S. § 3734 (relating to driving without lights to  
45 avoid identification or arrest).

46 75 Pa.C.S. § 3735 (relating to homicide by vehicle while  
47 driving under influence).

48 75 Pa.C.S. § 3735.1 (relating to aggravated assault by  
49 vehicle while driving under the influence).

50 75 Pa.C.S. § 3742 (relating to accidents involving death  
51 or personal injury).

1       75 Pa.C.S. § 3742.1 (relating to accidents involving  
2       death or personal injury while not properly licensed) if the  
3       nature and circumstances of the offense committed are  
4       substantially similar to an offense under 75 Pa.C.S. § 3742.

5       75 Pa.C.S. Ch. 38 (relating to driving after imbibing  
6       alcohol or utilizing drugs) in cases involving bodily injury.  
7       The term includes violations of any protective order issued as a  
8       result of an act related to domestic violence.

9       \* \* \*

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

12       Section 201. Rights.

13       Victims of crime have the following rights:

14       \* \* \*

15       (1.1) If eligible to apply, to be notified of the  
16       Address Confidentiality Program under 23 Pa.C.S. Ch. 67  
17       (relating to domestic and sexual violence victim address  
18       confidentiality).

19       \* \* \*

20       (11) To have assistance in the preparation of,  
21       submission of and follow-up on financial assistance claims to  
22       the [bureau] Office of Victims' Services.

23       \* \* \*

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

26       Section 211. Responsibilities of victims of crime under basic  
27       bill of rights.

28       [A] Except as provided for victims enrolled in the Address  
29       Confidentiality Program under 23 Pa.C.S. Ch. 67 (relating to  
30       domestic and sexual violence victim address confidentiality), a  
31       victim shall provide a valid address and telephone number and  
32       any other required information to all agencies responsible for  
33       providing information and notice to the victim. The victim shall  
34       be responsible for providing timely notice of any changes in the  
35       status of the information. The information provided shall not be  
36       disclosed to any person other than a law enforcement agency,  
37       corrections agency or prosecutor's office without the prior  
38       written consent of the victim.

39       Section 212. Responsibilities of State and local law  
40       enforcement agencies.

41       \* \* \*

42       (b) Notice.--

43       (1) [Law enforcement agencies shall within 48 hours of  
44       reporting give notice to the direct victim or, if  
45       appropriate, a member of the direct victim's family of the  
46       availability of crime victims' compensation. The notice  
47       required under this subsection shall be in writing and in a  
48       manner and form developed by the Office of Victims'  
49       Services.] The law enforcement officer responding to or  
50       investigating an incident shall provide basic information on  
51       the rights and services available for crime victims and the

1 availability of crime victims' compensation to the direct  
2 victim or, if appropriate, a member of the direct victim's  
3 family. The information shall be provided when the officer  
4 has first contact with the victim or as soon as reasonably  
5 possible. The information required under this subsection  
6 shall be in a written notice in a manner or form developed by  
7 the Office of Victims' Services.

8 (2) [Law enforcement agencies shall provide basic  
9 information on the rights and services available for crime  
10 victims. The information shall be in writing and shall be  
11 provided to the victim within 24 hours of the law enforcement  
12 agency's first contact with the victim in a manner and form  
13 to be developed by the Office of Victims' Services.] Law  
14 enforcement agencies shall be responsible for ensuring that  
15 officers provide the notification required under subsection  
16 (b) (1).

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

29 (e) [Forms.--The form developed by the Office of Victims'  
30 Services shall be attached to the police report and shall  
31 include a victim checkoff signifying that the information has  
32 been provided to the crime victim.] Confirmation.--The law  
33 enforcement officer responding to or investigating an incident  
34 shall indicate on the police report that the information  
35 required under subsection (b) was provided to the victim.

36 \* \* \*

37 Section 213. Responsibilities of prosecutor's office.

38 (a) Forms.--The prosecutor's office shall provide the victim  
39 of a personal injury crime with all forms developed pursuant to  
40 sections 214 and 215 with exception to State cases whereupon the  
41 victim advocate shall provide all necessary forms.

42 \* \* \*

43 [(d) Release.--In a personal injury crime, the prosecutor's  
44 office shall provide notice of the opportunity to submit input  
45 into State correctional release decisions, to receive notice of  
46 any release of an adult from a State or local correctional  
47 facility and to receive notice of the commitment to a mental  
48 health institution from a State or local correctional  
49 institution.]

50 (d) Release.--The following shall apply:

51 (1) In a personal injury crime, the prosecutor's office

1 shall provide the victim advocate with victim information on  
2 all personal injury cases when a State sentence is imposed:

3 (i) so the victim advocate may provide notice of  
4 opportunity to submit input into State correctional  
5 release decisions;

6 (ii) to provide notice of any release of an adult  
7 from a State correctional facility; and

8 (iii) to provide notice of the commitment to a  
9 mental health institution from a State correctional  
10 institution.

11 (2) In a personal injury crime, the prosecutor's office  
12 shall provide notice of any release of an adult from a local  
13 correctional facility and provide notice of the commitment to  
14 a mental health institution from a local correctional  
15 institution.

16 \* \* \*

17 (g) Assistance.--The prosecutor's office shall provide  
18 assistance to the victim in all of the following:

19 (1) Preparation of statements under section 201(5).

20 (2) Preparation of, submission of and follow-up on  
21 financial assistance claims filed with the [bureau] Office of  
22 Victims' Services.

23 (3) Notification to the victim advocate on behalf of the  
24 victim for personal injury crimes if the offender is  
25 sentenced to a State correctional facility.

26 \* \* \*

27 Section 4. Section 301(c) of the act is amended and the  
28 section is amended by adding a subsection to read:  
29 Section 301. Office.

30 \* \* \*

31 (c) Service and employees.--The victim advocate shall  
32 operate from the central office of the board with such clerical,  
33 technical and professional staff as may be available within the  
34 budget of the board. The compensation of employees of the office  
35 shall be set by the Executive Board. The home address of an  
36 employee of the Office of Victim Advocate shall not be  
37 considered a public record under the act of February 14, 2008  
38 (P.L.6, No.3), known as the Right-to-Know Law.

39 (d) Disclosure and confidentiality.--

40 (1) Each record pertaining to the victim in the  
41 possession of or maintained by the Office of Victim Advocate,  
42 including information regarding a victim's current contact  
43 information and any other information or record relating to  
44 the victim, shall be private, confidential and privileged and  
45 the property of the Office of Victim Advocate and shall not  
46 be subject to the act of February 14, 2008 (P.L.6, No.3),  
47 known as the Right-to-Know Law. A record of the Office of  
48 Victim Advocate shall not be subject to subpoena or  
49 discovery, introduced into evidence in a judicial or  
50 administrative proceeding or released to the inmate, parolee  
51 or probationer.

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

13       Section 5. Section 302(5) of the act is amended and the  
14 section is amended by adding paragraphs to read:

15       Section 302. Powers and duties of victim advocate.

16       The victim advocate has the following powers and duties:

17       \* \* \*

18       (5) [To act as a liaison with the victim notification  
19 program director in the department to coordinate victim  
20 notification and services for the department and the board.]  
21 The victim advocate is authorized to address the interests of  
22 all victims before the board, department or hearing examiner  
23 concerning any issues determined appropriate by the victim  
24 advocate.

25       (6) To ensure eligible victims are informed of the  
26 Address Confidentiality Program under 23 Pa.C.S. Ch. 67  
27 (relating to domestic and sexual violence victim address  
28 confidentiality).

29       (7) To advocate for the interests of crime victims  
30 generally, including the victims of crimes committed by  
31 juveniles.

32       Section 6. Section 312(3) of the act is amended to read:  
33       Section 312. Powers and duties of Office of Victims' Services.

34       The Office of Victims' Services, subject to approval of the  
35 commission, has the following powers and duties:

36       \* \* \*

37       (3) [To adopt, promulgate, amend and rescind suitable  
38 rules and regulations to carry out the provisions and  
39 purposes of Chapter 7. These regulations shall provide for  
40 the approval of attorney fees for representation before the  
41 Office of Victims' Services, a hearing examiner or before the  
42 Commonwealth Court upon judicial review under section 705.  
43 Awards of the attorney fees shall be in addition to awards  
44 made to direct victims. Awards of attorney fees shall in no  
45 case exceed 15% of the award to the direct victim or victims.  
46 It shall be unlawful for an attorney to contract for or  
47 receive any sum larger than the amount allowed. Regulations  
48 under this paragraph shall include policies, procedures and  
49 standards of review regarding claims for compensation;  
50 approval or denial of claims, including contributory conduct  
51 by direct victims; verification of information and documents;



1 prioritization of review; and all other matters related to  
2 the processing.] To adopt, promulgate, amend and rescind  
3 suitable regulations to carry out the provisions and purposes  
4 of Chapter 7. The regulations shall provide for the  
5 following:

6 (i) The approval of attorney fees for representation  
7 before the Office of Victims' Services, a hearing  
8 examiner or before the Commonwealth Court upon judicial  
9 review under section 705. Awards of the attorney fees  
10 shall be in addition to awards made to direct victims or  
11 claimants. Awards of attorney fees may not exceed 15% of  
12 the award to the direct victim or claimants. It shall be  
13 unlawful for an attorney to contract for or receive a sum  
14 larger than the amount allowed under this subparagraph.

15 (ii) Policies, procedures and standards of review  
16 regarding claims for compensation.

17 (iii) Approval or denial of claims, including  
18 contributory conduct by direct victims.

19 (iv) Verification of information and documents.

20 (v) Prioritization of review.

21 (vi) All other matters related to the processing of  
22 claims.

23 \* \* \*

24 Section 7. Section 701(a) of the act is amended by adding  
25 paragraphs to read:

26 Section 701. Persons eligible for compensation.

27 (a) General rule.--Except as otherwise provided in this act,  
28 the following persons shall be eligible for compensation:

29 \* \* \*

30 (7) Hospitals or other licensed health care providers  
31 under section 707(h).

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

33 \* \* \*

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

36 Section 702. Filing of claims for compensation.

37 \* \* \*

38 (b) Time.--

39 (1) Except as set forth in paragraph (2), a claim must  
40 be filed not later than [two] three years after the discovery  
41 of the occurrence of the crime upon which the claim is based  
42 or not later than [two] three years after the death of the  
43 direct victim or intervenor as a result of the crime or the  
44 discovery and identification of the body of a murder victim.

45 (2) Exceptions shall be as follows:

46 (ii) If a direct victim is under 18 years of age at  
47 the time of the occurrence of the crime and the alleged  
48 offender is the direct victim's parent or a person  
49 responsible for the direct victim's welfare, an  
50 individual residing in the same home as the direct victim  
51 or a paramour of the direct victim's parent, all of the

following shall apply:

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

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

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

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

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

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

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

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

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

(iii) The Office of Victims' Services may find good cause to accept a claim beyond the limitation period under paragraph (1) if one of the following circumstances existed at the time of the occurrence of the crime or the discovery of the occurrence of the crime:

(A) The direct victim, intervenor or claimant was mentally or physically incapacitated.

(B) The victim was a minor.

(C) There was a fear of retaliation.

(D) The occurrence of the crime was not readily apparent.

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

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

(c) Manner.--Claims must be filed with the [bureau] Office of Victims' Services in person, by mail or by any electronic means authorized by the Office of Victims' Services. Section 703. Minimum allowable claim.

(a) General rule.--Except as set forth in subsection (b), no

1 award shall be made on a claim unless the claimant has incurred  
2 an aggregate minimum out-of-pocket loss, loss of earnings or  
3 loss of support of [\$100] \$50.

4 (b) Exception.--Subsection (a) shall not apply if the direct  
5 victim or claimant was 60 years of age or older at the time the  
6 crime occurred.

7 Section 704. Determination of claims.

8 \* \* \*

9 (b) Review.--

10 (1) The Office of Victims' Services shall review the  
11 claim and all supporting documents and investigate the  
12 validity of the claim. The investigation shall include an  
13 examination of police, court and official records and reports  
14 concerning the crime and may include an examination of  
15 medical and hospital reports relating to the injury upon  
16 which the claim is based. The Office of Victims' Services may  
17 not request or review counseling notes of mental health  
18 service providers. The Office of Victims' Services shall  
19 request an assessment from the mental health service provider  
20 as to the extent the service provided is needed as a direct  
21 result of the crime.

22 (2) Claims shall be investigated and determined,  
23 regardless of whether the alleged criminal has been  
24 apprehended, prosecuted or adjudicated for the crime in  
25 question.

26 \* \* \*

27 (e) Records.--The Office of Victims' Services shall maintain  
28 complete records and histories on all claims filed, supplemental  
29 awards paid to claimants, claims status and third-party  
30 entitlements and recoveries in accordance with the commission's  
31 established records retention schedule.

32 Section 706. Emergency awards.

33 (a) Authorization.--Notwithstanding the provisions of  
34 sections 704 and 707, if it appears to the Office of Victims'  
35 Services that the claim is one with respect to which an award  
36 probably will be made and that undue hardship will result to the  
37 claimant if immediate payment is not made, the Office of  
38 Victims' Services may make an emergency award to the claimant  
39 pending a final decision in the case. The following shall apply:

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

43 \* \* \*

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

49 \* \* \*

50 Section 9. Section 707(a)(3), (a.1)(2), (b)(1), (2), (4) and  
51 (4.1), (f)(1) and (3) and (g) of the act are amended and the

1 section is amended by adding a subsection to read:

2 Section 707. Awards.

3 (a) Requirements.--No award shall be made unless it is  
4 determined by a preponderance of the evidence that:

5 \* \* \*

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

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

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

18 \* \* \*

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

27 \* \* \*

28 (2) Filed more than 72 hours after the discovery of the  
29 occurrence of the criminal conduct leading to the  
30 commencement of the action, unless:

31 (i) the victim is under 18 years of age at the time  
32 of the occurrence of the criminal conduct and the alleged  
33 offender is the victim's parent or a person responsible  
34 for the victim's welfare, an individual residing in the  
35 same home as the victim or a paramour of the victim's  
36 parent; or

37 (ii) the Office of Victim Services finds the delay  
38 to have been justified, consistent with regulations of  
39 the Office of Victim Services.

40 (a.2) Sexual violence and intimidation orders.--A claimant  
41 who satisfies the eligibility requirements of subsection (a)(1),  
42 (2) and (4) may satisfy the eligibility requirement under  
43 subsection (a)(3) for reporting a crime to the proper  
44 authorities by commencing an action brought in accordance with  
45 42 Pa.C.S. Ch. 62A (relating to protection of victims of sexual  
46 violence or intimidation). An award may not be made if the  
47 record shows that the petition was:

48 (1) Withdrawn, unless the Office of Victim Services  
49 finds the withdrawal to have been justified, consistent with  
50 regulations of the Office of Victim Services.

51 (2) Filed more than 72 hours after the discovery of the

1 occurrence of the criminal conduct leading to the  
2 commencement of the action, except if:

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

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

12 (b) Amount.--

13 (1) Any award made under this chapter shall be  
14 contingent upon funds being available and be in an amount not  
15 exceeding out-of-pocket loss, together with loss of past,  
16 present or future earnings or support resulting from such  
17 injury. In no case shall the total amount of an award exceed  
18 \$35,000 except for payment of the following:

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

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

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

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

31 (i) No such award shall exceed the average weekly  
32 wage for all persons covered by the act of December 5,  
33 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the  
34 Unemployment Compensation Law, in this Commonwealth as  
35 determined annually by the Department of Labor and  
36 Industry for each week of lost earnings or support.

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

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

41 \* \* \*

42 (4) An award for counseling performed by or under the  
43 supervision of a psychiatrist, psychologist, licensed  
44 professional counselor or licensed social worker and  
45 reimbursement of associated transportation costs, subject to  
46 the provisions of paragraph (4.1), may be made to:

47 (i) a direct victim;

48 (ii) an individual responsible for the direct  
49 victim's welfare;

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

1 (iv) in the case of a homicide, an individual who  
2 discovers the body;

3 (v) anyone related to the direct victim within the  
4 second degree of consanguinity or affinity;

5 (vi) anyone maintaining a common-law relationship  
6 prior to January 2, 2005, with the direct victim;

7 (vii) anyone residing in the same household with the  
8 direct victim; or

9 (viii) anyone engaged to be married to the direct  
10 victim.

11 (4.1) In the case of an award made pursuant to paragraph  
12 (4), the following shall apply:

13 (i) The amount of an award under paragraph (4)(i)  
14 shall not exceed \$5,000 where the direct victim is an  
15 adult and shall not exceed \$10,000 where the direct  
16 victim is a minor. A minor who is a direct victim of a  
17 sexual offense may request that the minor's primary  
18 insurance carrier not be billed for counseling services  
19 if the policy is held or administered by either the  
20 alleged perpetrator of the crime against the direct  
21 victim or an individual responsible for the minor's  
22 welfare that is not supportive of counseling services.

23 (ii) The amount of an award under paragraph (4)(ii),  
24 (v), (vi), (vii) or (viii) shall not exceed \$2,500 except  
25 in the case of a homicide whereby the amount of this  
26 award shall not exceed \$5,000.

27 (iii) The amount of an award under paragraph (4)  
28 (iii) or (iv) shall not exceed \$1,500.

29 \* \* \*

30 (f) Direct victim responsibility.--

31 (1) Except as set forth in paragraphs (2) and (3), in  
32 determining the amount of an award, the Office of Victims'  
33 Services shall determine whether the direct victim or  
34 intervenor, because of conduct, contributed to the infliction  
35 of the injury. The Office of Victims' Services [shall] may  
36 reduce the amount or deny the claim altogether in accordance  
37 with the determination.

38 \* \* \*

39 (3) If the crime involved is a homicide, the conduct of  
40 the direct victim shall not be considered for claims by  
41 eligible claimants for counseling[.] and funeral expenses.  
42 Funeral expenses eligibility, if the conduct of the direct  
43 victim is a factor, shall be dependent upon the availability  
44 of funding.

45 (g) Intervenor responsibility.--In determining the amount of  
46 an award to an intervenor, the Office of Victims' Services [may]  
47 shall consider whether the intervenor, because of conduct,  
48 contributed to the infliction of the injury. The Office of  
49 Victims' Services [shall] may reduce the amount or deny the  
50 claim altogether in accordance with the determination.

51 \* \* \*

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

3 Section 709. Confidentiality of records.

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

12 \* \* \*

13 Section 901. Eligibility of victims.

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

20 Section 11. Section 1101(b) is amended by adding a paragraph  
21 to read:

22 Section 1101. Costs.

23 \* \* \*

24 (b) Disposition.--

25 \* \* \*

26 (3) Beginning July 1, 2018, the special nonlapsing funds  
27 established under subsection (b)(1) and (2) shall be merged  
28 into a single special nonlapsing fund, known as the Crime  
29 Victim Services and Compensation Fund. The fund shall be used  
30 by the Office of Victims' Services for payment to claimants,  
31 victim-witness services and technical assistance. Costs  
32 imposed under subsection (a) shall be paid into the fund.

33 \* \* \*

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

36 Section 1102. Costs for offender supervision programs.

37 (a) County fund.--The county treasurer of each county shall  
38 establish and administer a [county offender supervision fund]  
39 County Supervision Fee Restricted Receipts Account consisting of  
40 the fees collected under this section. The county treasurer  
41 shall disperse money from this [fund] account only at the  
42 discretion of the president judge of the court of common pleas.  
43 The money in this [fund] account shall be used to pay the  
44 salaries and employee benefits of all probation and parole  
45 personnel employed by the county probation and parole department  
46 and the operational expenses of that department. Money from this  
47 [fund] account shall be used to supplement Federal, State or  
48 county appropriations for the county adult probation and parole  
49 department. The president judge shall by August 31 provide the  
50 [board] commission with an annual statement [which] that fully  
51 reflects all collections deposited into and expenditures from

1 the [offender supervision fund] County Supervision Fee  
2 Restricted Receipts Account for the preceding fiscal year. The  
3 [board] commission shall promulgate regulations to provide for  
4 the permanent administration of this program, as advised by the  
5 County Adult Probation and Parole Advisory Committee.

6 (b) State fund.--There is established a State Offender  
7 Supervision Fund to be administered by the board and comprised  
8 of the supervision fees collected by the board under [this  
9 section] subsection (d). The money in this fund shall be used to  
10 supplement the Federal or State funds appropriated for the  
11 improvement of [adult probation services] State parole  
12 supervision.

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

31 (d) Board.--The board shall impose as a condition of  
32 supervision a monthly supervision fee of at least \$25 on any  
33 offender under the board's supervision unless the board finds  
34 that such fee should be reduced, waived or deferred based on the  
35 offender's present inability to pay. All fees collected shall be  
36 deposited into the State Offender Supervision Fund [established  
37 under subsection (b)].

38 \* \* \*

39 Section 1301. Subrogation.

40 \* \* \*

41 (b) Excess.--If an amount greater than that paid under  
42 Chapter 7 is recovered and collected in such an action, the  
43 Commonwealth shall pay the balance to the claimant. The Attorney  
44 General shall enforce any subrogation. A claimant who fails to  
45 notify the Office of Victims' Services of the receipt of funds  
46 from any other claim or award arising out of the crime shall  
47 forfeit and pay to the Commonwealth an amount equal to all  
48 awards paid by the [bureau] Office of Victims' Services to the  
49 claimant or on the claimant's behalf.

50 Section 13. This act shall take effect in 60 days.