

## AMENDMENTS TO HOUSE BILL NO. 276

Sponsor: REPRESENTATIVE D. MILLER

Printer's No. 284

1 Amend Bill, page 1, prior passage line, by striking out "J.R.  
2 2018-1" and inserting

3 NONE

4 Amend Bill, page 1, lines 8 through 14; page 2, lines 1  
5 through 30; page 3, lines 1 through 12; by striking out all of  
6 said lines on said pages and inserting

7 § 9.1. Rights of victims of crime.

8 (a) To secure for victims justice and due process throughout  
9 the criminal and juvenile justice systems, a victim shall have  
10 the following rights:

11 (1) The right to due process and to be treated with fairness  
12 and respect for the victim's dignity.

13 (2) The right to be reasonably protected and free from  
14 intimidation, harassment and abuse from the accused and a person  
15 acting on behalf of the accused.

16 (3) The right to have the safety and welfare of the victim  
17 and the victim's family considered when setting bail or making  
18 release decisions.

19 (4) The right, upon request, to privacy, which includes the  
20 right to refuse an interview, deposition or other discovery  
21 request, and to set reasonable conditions on the conduct of the  
22 interaction to which the victim consents.

23 (5) The right, upon request, to reasonable, accurate and  
24 timely notice of, and to be present at, each proceeding  
25 involving the criminal or delinquent conduct, including release,  
26 plea, sentencing, adjudication and disposition, and each  
27 proceeding during which a right of the victim is implicated.

28 (6) The right to be heard in each proceeding involving  
29 release, plea, sentencing, adjudication, disposition or parole,  
30 and each proceeding during which a right of the victim is  
31 implicated.

32 (7) The right, upon request, to confer with the attorney for  
33 the government.

34 (8) The right to provide information regarding the impact of  
35 the offender's conduct on the victim and the victim's family to

1 the individual responsible for conducting a pre-sentence or  
2 disposition investigation or compiling a pre-sentence  
3 investigation report or plan of disposition, and to have the  
4 information considered in a sentencing or disposition  
5 recommendation.

6 (9) The right, upon request, to receive a copy of each pre-  
7 sentence report or plan of disposition, and each other report or  
8 record relevant to the exercise of a victim's right, except for  
9 the portions made confidential by law.

10 (10) The right, upon request, to the prompt return of the  
11 victim's property if no longer needed as evidence in the case.

12 (11) The right to full and timely restitution in each case  
13 and from each offender for all losses suffered by the victim as  
14 a result of the criminal conduct and as provided by law for all  
15 losses suffered as a result of delinquent conduct.

16 (12) The right to proceedings free from unreasonable delay  
17 and to a prompt and final conclusion of the case and related  
18 post-judgment proceedings.

19 (13) The right, upon request, to be informed of the  
20 conviction, adjudication, sentence, disposition, place and time  
21 of incarceration, detention or other disposition of the  
22 offender, each scheduled release date of the offender, and the  
23 release of or the escape by the offender from custody.

24 (14) The right, upon request, to be informed in a timely  
25 manner of each post-judgment process and procedure, to  
26 participate in the processes and procedures, to provide  
27 information to the release authority to be considered before a  
28 release decision is made and to be notified of each release  
29 decision regarding the offender. A parole authority shall extend  
30 the right to be heard to each person harmed by the offender.

31 (15) The right, upon request, to be informed in a timely  
32 manner of pardon and expungement procedures, to provide  
33 information to the Governor, the court, a pardon board and other  
34 authority in the procedures, to have the information considered  
35 before a pardon or expungement decision is made, and to be  
36 notified of the decision in advance of a release of the  
37 offender.

38 (16) The right to be informed of the rights under this  
39 section and to be informed that a victim can seek the advice of  
40 an attorney with respect to the victim's rights. The information  
41 shall be made available to the general public and provided to  
42 each crime victim.

43 (b) The victim or the attorney for the government upon  
44 request of the victim may assert in a trial or appellate court,  
45 or before another authority, with jurisdiction over the case,  
46 and have enforced, the rights under this section and any other  
47 right afforded to the victim by law. This section shall not  
48 grant the victim party status or create a cause of action for  
49 compensation or damages against the Commonwealth or a political  
50 subdivision of the Commonwealth, or against an officer, employee  
51 or agent of the Commonwealth or a political subdivision of the

1 Commonwealth, or an officer or employee of the court.

2 (c) The granting of the rights under this section to a  
3 victim shall ensure that the victim has a meaningful role  
4 throughout the criminal and juvenile justice systems and may not  
5 be construed to deny or disparage other rights possessed by a  
6 victim. The Legislature may enact substantive and procedural  
7 laws to further define, implement, preserve and protect the  
8 rights guaranteed to a victim under this section.

9 (d) As used in this section, the term "victim" means a  
10 person against whom a crime or delinquent act is committed or,  
11 for a victim who is killed or incapacitated as a result of the  
12 crime or delinquent act, a person who is directly harmed by the  
13 commission of the offense or act. The term does not include the  
14 accused or a person whom the court finds would not act in the  
15 best interests of a deceased, incompetent, minor or  
16 incapacitated victim.