AMENDMENTS TO SENATE BILL NO. 502

Sponsor: REPRESENTATIVE KAUFFMAN

Printer's No. 693

Amend Bill, page 1, line 14, by inserting after "Services;" in parole advocacy, further providing for preparole notification to victim and for petitions to deny parole upon expiration of minimum sentence;

Amend Bill, page 1, line 25, by striking out ""family,""

Amend Bill, page 3, lines 27 through 30; page 4, lines 1 through 3; by striking out all of said lines on said pages

Amend Bill, page 6, line 9, by inserting a bracket before "or"

Amend Bill, page 6, line 9, by inserting after "threat" **]**, solicitation or conspiracy

Amend Bill, page 6, by inserting between lines 13 and 14

18 Pa.C.S. Ch. 28 (relating to antihazing).

Amend Bill, page 6, by inserting between lines 14 and 15

18 Pa.C.S. Ch. 30 (relating to human trafficking).

Amend Bill, page 6, by inserting between lines 20 and 21

18 Pa.C.S. § 5131 (relating to recruiting criminal gang members).
18 Pa.C.S. § 6312 (relating to sexual abuse of children).
18 Pa.C.S. § 6318 (relating to unlawful contact with minor).
18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

Amend Bill, page 11, line 18, by striking out "301(c)" and inserting

301(a) and (c)

Amend Bill, page 11, line 18, by striking out "is" and inserting

are

Amend Bill, page 11, line 19, by striking out "a subsection" and inserting

subsections

Amend Bill, page 11, by inserting between lines 20 and 21

(a) Establishment.--There is established within the [board] department the Office of Victim Advocate to represent the interests of crime victims before the board or department. The office shall operate under the direction of the victim advocate as provided in this section. The office shall function independently of the department regarding all of the office's decision-making functions, as well as any other powers and duties specified in law.

Amend Bill, page 11, line 23, by inserting a bracket before "the" where it occurs the first time

Amend Bill, page 11, line 23, by inserting after "board"

] office space provided by the department

Amend Bill, page 11, line 24, by inserting a bracket before "available"

Amend Bill, page 11, line 26, by inserting a bracket after "Board."

Amend Bill, page 11, lines 26 through 30, by striking out "The home address of an" in line 26 and all of lines 27 through 30 and inserting

furnished by the department. Legal counsel for the office shall be appointed in accordance with the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act. The home address of an employee of the office shall not be considered a public record under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(d) Procedure for removal.--

(1) The victim advocate may be removed for cause by the Governor, by and with the advice and consent of a majority of the members of the Senate.

(2) During a recess of the Senate, the Governor may suspend the victim advocate for cause, and before suspension, the Governor shall furnish to the victim advocate a statement in writing of the reasons for the proposed suspension. The suspension shall operate and be effective only until the adjournment of the next session of the Senate following the suspension.

(e) Disclosure and confidentiality.--

Amend Bill, page 14, by inserting between lines 23 and 24

Section 6.1. Sections 501(a) and (b) and 502(b) of the act are amended to read:

Section 501. Preparole notification to victim.

(a) Persons to be notified.--No later than 90 days prior to the parole date of an offender, the victim advocate shall notify the victim of the offense for which the offender was sentenced, the [parent or] parents and any legal guardian of a victim who is a minor or a member of the family if the victim is incapable of communicating or has died and shall provide the appropriate person or persons with an opportunity each to submit a preparole statement expressing concerns or recommendations regarding the parole or parole supervision of the offender.

(b) Enrollment.--A victim [or] and any member of the family who intends to submit a preparole statement regarding the parole or parole supervision of the offender is responsible for notifying the victim advocate of the victim's or family member's intent [to submit a preparole statement regarding the parole or parole supervision of the offender]. The notice shall include a mailing address or change of address notification.

* * *

Section 502. Petitions to deny parole upon expiration of minimum sentence.

* * *

(b) Appearance.--The victim [or] and the victim's representative shall be permitted to appear in person and provide testimony before the panel or the majority of those board members charged with making the parole release decision or, in the alternative, the victim's [or] and victim's representative's testimony may be presented by electronic means as provided by the board. The testimony of a victim [or] and victim's representative shall be confidential. Records maintained by the department and the board pertaining to victims shall be kept separate from other records, and these victim records, including current address, telephone number and any other personal information of the victim and family members, shall be deemed confidential.

* * *

Amend Bill, page 18, line 28, by striking out "(a.1)(2)" and inserting

(a.1)

Amend Bill, page 19, line 26, by striking out all of said line and inserting

(1) Withdrawn, unless the Office of [Victim] Victims' Services finds the withdrawal to have been justified, consistent with regulations of the Office of [Victim] Victims' Services.

Amend Bill, page 20, line 15, by striking out ". An award may not" and inserting

and as provided for in the Pennsylvania Rules of Civil Procedure. In no case may an award

Amend Bill, page 22, line 17, by striking out "prior to January 2, 2005,"

Amend Bill, page 24, line 3, by striking out "and" and inserting a comma

Amend Bill, page 24, line 3, by inserting after "901"

and 1101(b)

Amend Bill, page 24, lines 22 and 23, by striking out all of said lines

Amend Bill, page 24, lines 27 through 30; page 25, lines 1 through 5; by striking out all of said lines on said pages and inserting

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

(2) There is established a special nonlapsing fund, known as the Victim Witness Services Fund. This fund shall be used by the commission for victim-witness services and technical assistance in nonvictim compensation-related areas in accordance with this section. Twenty-five dollars of the costs imposed under subsection (a)(1) and (2) plus 70% of the costs imposed under subsection (a)(1) and (2) which exceed

$60 shall be paid into this fund.]

(3) The Crime Victim Services and Compensation Fund is established as a special nonlapsing fund. The fund shall be used by the Office of Victims' Services for payment to claimants, victim-witness services and technical assistance.

(4) Costs imposed under subsection (a) shall be paid into the Crime Victim Services and Compensation Fund except that 70% of any costs which exceed $60 shall be paid into a local victim services fund, established and administered by the county treasurer of each county. The county treasurer shall disperse money from a local victim services fund at the discretion of the county district attorney. The money in the local victim services fund shall be used only for victim services. Each county treasurer shall by August 31 of each year provide the commission with an annual statement which fully reflects all collections deposited into and expenditures from the local victim services fund for the preceding fiscal year. The commission, as advised by the Victim Services Advisory Committee, shall develop guidelines for the administration of the local victim services funds.

Amend Bill, page 25, line 7, by striking out "12" and inserting

11

Amend Bill, page 27, line 14, by striking out all of said line and inserting

Section 12. All money in the Crime Victim's Compensation Fund and the Victim Witness Services Fund shall be transferred to the Crime Victim Services and Compensation Fund.

Section 13. This act shall take effect as follows:

(1) The following shall take effect on July 1, 2020:

(i) The addition of section 1011(b)(3) and (4) of the act.

(ii) The repeal of section 1011(b)(1) and (2) of the act.

(iii) Section 12 of this act.

(2) The remainder of the act shall take effect in 60 days.