

AMENDMENTS TO HOUSE BILL NO. 2464

Sponsor: SENATOR BARTOLOTTA

Printer's No. 2978

1 Amend Bill, page 1, lines 6 and 7, by striking out "in crime
2 victims," and inserting
3 in preliminary provisions, further providing for definitions;
4 in crime victims, further providing for rights, for
5 responsibilities of victims of crime under basic bill of
6 rights, for responsibilities of State and local law
7 enforcement agencies, for responsibilities of prosecutor's
8 office, for responsibilities of department, local
9 correctional facilities and board and for responsibilities of
10 juvenile probation office and

11 Amend Bill, page 1, line 7, by striking out the period after
12 "standing" and inserting

13 ; in administration, further providing for office, for powers
14 and duties of victim advocate and for powers and duties of
15 Office of Victims' Services; in compensation, further
16 providing for persons eligible for compensation, providing
17 for counseling services for victims of sexual abuse and
18 further providing for filing of claims for compensation, for
19 minimum allowable claim, for determination of claims, for
20 emergency awards, for awards and for confidentiality of
21 records; in services, further providing for eligibility of
22 victims; in financial matters, further providing for costs
23 and for costs for offender supervision programs; in
24 enforcement, further providing for subrogation and for
25 revictimization relief; transferring money from the Crime
26 Victim's Compensation Fund; providing for applicability; and
27 making a related repeal.

28 Amend Bill, page 1, lines 10 through 12, by striking out all
29 of said lines and inserting

30 Section 1. The definitions of "board," "crime,"
31 "intervenor," "local law enforcement agency," "loss of
32 earnings," "out-of-pocket loss," "personal injury crime" and
33 "victim advocate" in section 103 of the act of November 24, 1998
34 (P.L.882, No.111), known as the Crime Victims Act, are amended

1 and the section is amended by adding definitions to read:
2 Section 103. Definitions.

3 The following words and phrases when used in this act shall
4 have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

6 * * *

7 "Board." The Pennsylvania [Board of Probation and] Parole
8 Board.

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

12 * * *

13 "Counseling services." A mental health therapy performed by
14 or under the supervision of a mental health care provider.

15 "Crime." An act which was committed:

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

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

22 (ii) 18 Pa.C.S. (relating to crimes and offenses).
23 30 Pa.C.S. § 5502 (relating to operating
24 watercraft under influence of alcohol or controlled
25 substance).

26 30 Pa.C.S. § 5502.1 (relating to homicide by
27 watercraft while operating under influence).

28 30 Pa.C.S. § 5502.2 (relating to homicide by
29 watercraft).

30 30 Pa.C.S. § 5502.3 (relating to aggravated
31 assault by watercraft while operating under
32 influence).

33 30 Pa.C.S. § 5502.4 (relating to aggravated
34 assault by watercraft).

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

37 75 Pa.C.S. § 3732 (relating to homicide by
38 vehicle).

39 75 Pa.C.S. § 3732.1 (relating to aggravated
40 assault by vehicle).

41 75 Pa.C.S. § 3733 (relating to fleeing or
42 attempting to elude police officer).

43 75 Pa.C.S. § 3734 (relating to driving without
44 lights to avoid identification or arrest).

45 75 Pa.C.S. § 3735 (relating to homicide by
46 vehicle while driving under influence).

47 75 Pa.C.S. § 3735.1 (relating to aggravated
48 assault by vehicle while driving under the
49 influence).

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

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

6 75 Pa.C.S. Ch. 38 (relating to driving after
7 imbibing alcohol or utilizing drugs).

8 (iii) The laws of the United States.

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

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

14 * * *

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

18 * * *

19 "Intervenor." An individual, including a law enforcement
20 officer who is injured in the performance of the individual's
21 duties, who goes to the aid of another and suffers physical or
22 mental injury or death as a direct result of acting not
23 recklessly to prevent the commission of a crime, to lawfully
24 apprehend a person reasonably suspected of having committed such
25 crime or to aid the victim of such crime.

26 * * *

27 "Law enforcement officer." A peace officer as defined in 18
28 Pa.C.S. § 501 (relating to definitions).

29 * * *

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

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

42 "Loss of support." The loss of verifiable financial support
43 the direct victim would have contributed to surviving dependents
44 that is lost due to the death of the direct victim as a direct
45 result of a crime.

46 "Mental health care provider." Any of the following:

47 (1) A psychiatrist.

48 (2) An individual licensed under the act of March 23,
49 1972 (P.L.136, No.52), known as the Professional
50 Psychologists Practice Act.

51 (3) A licensed professional counselor as defined in

1 section 3 of the act of July 9, 1987 (P.L.220, No.39), known
2 as the Social Workers, Marriage and Family Therapists and
3 Professional Counselors Act.

4 (4) A licensed social worker as defined in section 3 of
5 the Social Workers, Marriage and Family Therapists and
6 Professional Counselors Act.

7 * * *

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

11 (1) expenses for unreimbursed and unreimbursable
12 expenses or indebtedness incurred for medical care,
13 nonmedical remedial care and treatment as approved by the
14 Office of Victims' Services or other services;

15 (2) expenses for counseling, prosthetic devices,
16 wheelchairs, canes, walkers, hearing aids, eyeglasses or
17 other corrective lenses or dental devices reasonably
18 necessary as a result of the crime upon which the claim is
19 based and for which the claimant either has paid or is
20 liable;

21 (3) expenses related to the reasonable and necessary
22 costs of cleaning the crime scene of a private residence or
23 privately owned motor vehicle. "Cleaning" means to remove or
24 attempt to remove stains or blood caused by the crime or
25 other dirt or debris caused by the processing of the crime
26 scene;

27 (4) expenses resulting from the temporary or permanent
28 relocation of a direct victim and individuals residing in the
29 household of the direct victim due to the incident forming
30 the basis of the victim's claim when there is an immediate
31 need to protect the safety and health of the victim and
32 individuals residing in the household, as verified by a
33 medical provider, human services provider or law enforcement;

34 (5) expenses for physical examinations and materials
35 used to obtain evidence; or

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

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

40 "Personal injury crime." An act, attempt [or threat],
41 solicitation or conspiracy to commit an act which would
42 constitute a misdemeanor or felony under the following:

43 18 Pa.C.S. Ch. 25 (relating to criminal homicide).

44 18 Pa.C.S. Ch. 27 (relating to assault).

45 18 Pa.C.S. § 2803 (relating to aggravated hazing).

46 18 Pa.C.S. Ch. 29 (relating to kidnapping).

47 18 Pa.C.S. Ch. 30 (relating to human trafficking).

48 18 Pa.C.S. Ch. 31 (relating to sexual offenses).

49 18 Pa.C.S. § 3301 (relating to arson and related
50 offenses).

51 18 Pa.C.S. Ch. 37 (relating to robbery).

1 18 Pa.C.S. Ch. 49 Subch. B (relating to victim and
2 witness intimidation).
3 18 Pa.C.S. § 6312 (relating to sexual abuse of children).
4 18 Pa.C.S. § 6318 (relating to unlawful contact with
5 minor).

6 18 Pa.C.S. § 6320 (relating to sexual exploitation of
7 children).

8 30 Pa.C.S. § 5502.1 (relating to homicide by watercraft
9 while operating under influence).

10 30 Pa.C.S. § 5502.2 (relating to homicide by watercraft).

11 30 Pa.C.S. § 5502.3 (relating to aggravated assault by
12 watercraft while operating under influence).

13 30 Pa.C.S. § 5502.4 (relating to aggravated assault by
14 watercraft).

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

18 75 Pa.C.S. § 3732 (relating to homicide by vehicle).

19 75 Pa.C.S. § 3732.1 (relating to aggravated assault by
20 vehicle).

21 75 Pa.C.S. § 3735 (relating to homicide by vehicle while
22 driving under influence).

23 75 Pa.C.S. § 3735.1 (relating to aggravated assault by
24 vehicle while driving under the influence).

25 [75 Pa.C.S. § 3742 (relating to accidents involving death
26 or personal injury).]

27 75 Pa.C.S. Ch. 38 (relating to driving after imbibing
28 alcohol or utilizing drugs) in cases involving bodily injury.
29 The term includes violations of any protective order issued [as
30 a result of an act related to domestic violence.] under 23
31 Pa.C.S. Ch. 61 (relating to protection from abuse) or 42 Pa.C.S.
32 Ch. 62A (relating to protection of victims of sexual violence or
33 intimidation) or a similar protective order issued outside this
34 Commonwealth. The term includes a crime of violence as defined
35 in 42 Pa.C.S. § 9714(g) (relating to sentences for second and
36 subsequent offenses).

37 "Personal injury rights crime." A personal injury crime or
38 an act, attempt, solicitation or conspiracy to commit an act
39 which would constitute a misdemeanor or felony under the
40 following:

41 18 Pa.C.S. § 2802 (relating to hazing), if graded as a
42 misdemeanor of the third degree.

43 18 Pa.C.S. § 5131 (relating to recruiting criminal gang
44 members).

45 75 Pa.C.S. § 3733 (relating to fleeing or attempting to
46 elude police officer).

47 75 Pa.C.S. § 3734 (relating to driving without lights to
48 avoid identification or arrest).

49 75 Pa.C.S. § 3742 (relating to accidents involving death
50 or personal injury).

51 75 Pa.C.S. § 3742.1 (relating to accidents involving

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

4 * * *

5 "Sexual abuse." Conduct which occurs in this Commonwealth
6 and would constitute an offense under any of the following
7 provisions of 18 Pa.C.S. (relating to crimes and offenses):

8 Section 3011(a)(1) or (2) and (b) (relating to
9 trafficking in individuals).

10 Section 3012 (relating to involuntary servitude) as it
11 relates to sexual servitude.

12 Section 3121 (relating to rape).

13 Section 3122.1 (relating to statutory sexual assault).

14 Section 3123 (relating to involuntary deviate sexual
15 intercourse).

16 Section 3124.1 (relating to sexual assault).

17 Section 3124.2 (relating to institutional sexual
18 assault).

19 Section 3125 (relating to aggravated indecent assault).

20 Section 3126 (relating to indecent assault).

21 Section 3127 (relating to indecent exposure).

22 Section 3133 (relating to sexual extortion),

23 Section 4302 (relating to incest).

24 Section 6312 (relating to sexual abuse of children).

25 Section 6320 (relating to sexual exploitation of
26 children).

27 * * *

28 "Victim advocate." The victim advocate in the Office of
29 Victim Advocate within the [Pennsylvania Board of Probation and
30 Parole] department.

31 Section 2. Section 201(4), (5.2), (7), (8), (8.1), (9), (11)
32 and (13) of the act are amended and the section is amended by
33 adding a paragraph to read:

34 Section 201. Rights.

35 Victims of crime have the following rights:

36 * * *

37 (1.1) If eligible to apply, to be notified of the
38 Address Confidentiality Program under 23 Pa.C.S. Ch. 67
39 (relating to domestic and sexual violence victim address
40 confidentiality).

41 * * *

42 (4) In cases involving a personal injury rights crime or
43 burglary, to submit prior comment to the prosecutor's office
44 or juvenile probation office, as appropriate to the
45 circumstances of the case, on the potential reduction or
46 dropping of any charge or changing of a plea in a criminal or
47 delinquency proceeding, or, diversion of any case, including
48 an informal adjustment or consent decree.

49 * * *

50 (5.2) Upon request of the victim of a personal injury
51 rights crime, to have the opportunity to submit written

1 comment or present oral testimony at a disposition review
2 hearing, which comment or testimony shall be considered by
3 the court when reviewing the disposition of the juvenile.

4 * * *

5 (7) In personal injury rights crimes where the adult is
6 sentenced to a State correctional facility, to be:

7 (i) given the opportunity to provide prior comment
8 on and to receive State postsentencing release decisions,
9 including work release, furlough, parole, pardon or
10 community treatment center placement;

11 (ii) provided immediate notice of an escape of the
12 adult and of subsequent apprehension; and

13 (iii) given the opportunity to receive notice of and
14 to provide prior comment on a recommendation sought by
15 the Department of Corrections that the offender
16 participate in a motivational boot camp pursuant to the
17 Motivational Boot Camp Act.

18 (8) In personal injury rights crimes where the adult is
19 sentenced to a local correctional facility, to:

20 (i) receive notice of the date of the release of the
21 adult, including work release, furlough, parole, release
22 from a boot camp or community treatment center placement;
23 and

24 (ii) be provided with immediate notice of an escape
25 of the adult and of subsequent apprehension.

26 (8.1) If, upon the request of the victim of a personal
27 injury rights crime committed by a juvenile, the juvenile is
28 ordered to residential placement, a shelter facility or a
29 detention center, to:

30 (i) Receive prior notice of the date of the release
31 of the juvenile, including temporary leave or home pass.

32 (ii) Be provided with:

33 (A) immediate notice of an escape of the
34 juvenile, including failure to return from temporary
35 leave or home pass; and

36 (B) immediate notice of reapprehension of the
37 juvenile.

38 (iii) Be provided with notice of transfer of a
39 juvenile who has been adjudicated delinquent from a
40 placement facility that is contrary to a previous court
41 order or placement plan approved at a disposition review
42 hearing and to have the opportunity to express a written
43 objection prior to the release or transfer of the
44 juvenile.

45 (9) If the adult is subject to an order under 23 Pa.C.S.
46 Ch. 61 (relating to protection from abuse) or 42 Pa.C.S. Ch.
47 62A (relating to protection of victims of sexual violence or
48 intimidation) and is committed to a local correctional
49 facility for a violation of the order or for a personal
50 injury rights crime against a victim protected by the order,
51 to receive immediate notice of the release of the adult on

1 bail.

2 * * *

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

6 * * *

7 (13) Upon the request of the victim of a personal injury
8 rights crime, to be notified of the termination of the
9 courts' jurisdiction.

10 Section 3. Sections 211, 212(b), (c), (e) and (f), 213(a),
11 (b), (d), (e), (f) and (g), 214(a), (b) and (f) and 216(b) and
12 (d) of the act are amended to read:

13 Section 211. Responsibilities of victims of crime under basic
14 bill of rights.

15 [A] Except as provided for victims enrolled in the Address
16 Confidentiality Program under 23 Pa.C.S. Ch. 67 (relating to
17 domestic and sexual violence victim address confidentiality), a
18 victim shall provide a valid address and telephone number and
19 any other required information to all agencies responsible for
20 providing information and notice to the victim. The victim shall
21 be responsible for providing timely notice of any changes in the
22 status of the information. The information provided shall not be
23 disclosed to any person other than a law enforcement agency,
24 corrections agency or prosecutor's office without the prior
25 written consent of the victim.

26 Section 212. Responsibilities of State and local law
27 enforcement agencies.

28 * * *

29 (b) Notice.--

30 (1) [Law enforcement agencies shall within 48 hours of
31 reporting give notice to the direct victim or, if
32 appropriate, a member of the direct victim's family of the
33 availability of crime victims' compensation. The notice
34 required under this subsection shall be in writing and in a
35 manner and form developed by the Office of Victims'
36 Services.] The law enforcement agency responding to or
37 investigating an incident shall provide basic information on
38 the rights and services available for crime victims and the
39 availability of crime victims' compensation to the direct
40 victim or, if appropriate, a member of the direct victim's
41 family. The information shall be provided when the agency has
42 first contact with the direct victim or, if appropriate, a
43 member of the direct victim's family or as soon as reasonably
44 possible. The information required under this subsection
45 shall be in a written notice in a manner or form developed by
46 the Office of Victims' Services.

47 (2) [Law enforcement agencies shall provide basic
48 information on the rights and services available for crime
49 victims. The information shall be in writing and shall be
50 provided to the victim within 24 hours of the law enforcement
51 agency's first contact with the victim in a manner and form

1 to be developed by the Office of Victims' Services.] Law
2 enforcement agencies shall be responsible for ensuring that
3 officers provide the notification required under paragraph
4 (1).

5 (c) Application.--[The written notification provided for in
6 subsection (b)(1) shall be accompanied by one copy of the
7 application form for crime victims' compensation. Application
8 forms shall be supplied by the Office of Victims' Services to
9 law enforcement agencies. A record of the date of notification
10 shall be maintained by the law enforcement agency.] The Office
11 of Victims' Services shall [maintain a mailing list of all local
12 law enforcement agencies] make the written information under
13 subsection (b)(1) available on the office's publicly accessible
14 Internet website and provide law enforcement agencies [with
15 forms by which they can order additional claim forms] printed
16 notices and claim forms for crime victims' compensation. The
17 Office of Victims' Services shall also provide updates to law
18 enforcement agencies on changes which affect their
19 responsibilities under this act.

20 (e) [Forms.--The form developed by the Office of Victims'
21 Services shall be attached to the police report and shall
22 include a victim checkoff signifying that the information has
23 been provided to the crime victim.] Confirmation.--The law
24 enforcement agency responding to or investigating an incident
25 shall indicate on the police report that the information
26 required under subsection (b) was provided to the direct victim
27 or, if appropriate, a member of the direct victim's family.

28 (f) Notice in personal injury rights crimes.--

29 (1) In personal injury rights crimes, the law
30 enforcement agency shall make reasonable efforts to notify
31 the victim of the arrest of the suspect and of the filing or
32 forwarding of a complaint relating to the crime as soon as
33 possible. Unless the victim cannot be located, notice of the
34 arrest shall be provided not more than 24 hours after the
35 preliminary arraignment. In cases alleging delinquency,
36 notice of the filing or forwarding of a complaint shall be
37 provided not more than 24 hours after the complaint has been
38 filed or forwarded to the juvenile probation office or
39 district attorney.

40 (2) In personal injury rights crimes, a law enforcement
41 agency, sheriff, deputy sheriff or constable shall notify the
42 victim of an inmate's escape from the custody of the law
43 enforcement agency, sheriff, deputy sheriff or constable.

44 * * *

45 Section 213. Responsibilities of prosecutor's office.

46 (a) Forms.--The prosecutor's office shall provide the victim
47 of a personal injury rights crime with all forms developed
48 pursuant to sections 214 and 215 with the exception of cases
49 brought by the Attorney General, whereupon the victim advocate
50 shall provide all necessary forms.

51 (b) Pleading.--In a personal injury rights crime or

1 burglary, the prosecutor's office shall provide notice of and
2 offer the opportunity to submit prior comment on the potential
3 reduction or dropping of any charge or changing of a plea, a
4 diversion of any case, including informal adjustment and consent
5 decree, unless such notice is provided by the juvenile probation
6 office.

7 * * *

8 (d) Release.--[In a personal injury crime, the prosecutor's
9 office shall provide notice of the opportunity to submit input
10 into State correctional release decisions, to receive notice of
11 any release of an adult from a State or local correctional
12 facility and to receive notice of the commitment to a mental
13 health institution from a State or local correctional
14 institution.] The following shall apply:

15 (1) In a personal injury rights crime, the prosecutor's
16 office shall provide the victim advocate with victim
17 information on all personal injury cases when the offender is
18 sentenced to an institution operated by the department so the
19 victim advocate may provide notice to the victim of:

20 (i) the opportunity to submit input into State
21 correctional release decisions;

22 (ii) any release of an adult offender from a State
23 correctional institution; and

24 (iii) the commitment of the offender to a mental
25 health institution from a State correctional institution.

26 (2) In a personal injury rights crime, the prosecutor's
27 office shall provide notice of any release of an adult from a
28 local correctional institution and provide notice of the
29 commitment to a mental health institution from a local
30 correctional institution.

31 (3) Except as otherwise provided by law, in no case may
32 the victim advocate waive the confidentiality of a victim.

33 (e) Disposition.--In a personal injury rights crime, if the
34 prosecutor's office has advance notice of dispositional
35 proceeding, the prosecutor shall make reasonable efforts to
36 notify a victim of the time and place of the proceeding.

37 (f) Notice.--The prosecutor's office shall provide all of
38 the following to the victim:

39 (1) Upon request of the victim, notice of the
40 disposition and sentence of an adult, including sentence
41 modifications.

42 (2) Upon request in a personal injury rights crime,
43 reasonable attempts to notify the victim as soon as possible
44 when the adult is released from incarceration at sentencing.

45 (3) If the prosecutor's office is prosecuting a personal
46 injury rights crime, notice prior to the entry of a consent
47 decree.

48 (4) Prior notice of delinquency adjudication hearings
49 unless such hearings are scheduled by the juvenile probation
50 office.

51 (5) Notification of hearings related to the transfer of

1 a juvenile to and from criminal proceedings.

2 (6) Upon request in a personal injury rights crime,
3 notice of the filing, hearing or disposition of appeals.

4 (7) Notice of the details of the final disposition of
5 their case consistent with 42 Pa.C.S. § 6336(f) (relating to
6 conduct of hearings) unless provided by the juvenile
7 probation office.

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

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

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

14 (3) Notification to the victim advocate on behalf of the
15 victim for personal injury rights crimes if the offender is
16 sentenced to a State correctional institution.

17 * * *

18 Section 214. Responsibilities of department, local correctional
19 facilities and board.

20 (a) Forms.--The [department and the] board shall develop
21 standardized forms regarding victim notification. The form shall
22 include the address where the form is to be sent. The department
23 shall develop a [standardized] standard form which may be used
24 by local correctional facilities. In the case of counties with
25 victim-witness coordinators, the local correctional facility
26 shall perform its responsibilities under this section in
27 cooperation with the county's victim-witness coordinator.

28 (b) Notice.--If the [department and board have] office has
29 received notice of a victim's desire to have input under section
30 201(7), the appropriate agency shall notify the victim
31 sufficiently in advance of a pending release decision to extend
32 an opportunity for prior comment. The local correctional
33 facility's notice to the victim under section 201(9) shall occur
34 immediately.

35 * * *

36 (f) Records.--Records maintained by the department, the
37 local correctional facility [and], the board and the office
38 pertaining to victims shall be kept separate. Current address,
39 telephone number and any other personal information of the
40 victim and family members shall be deemed confidential.

41 * * *

42 Section 216. Responsibilities of juvenile probation office.

43 * * *

44 (b) Additional notice in cases involving a personal injury
45 rights crime or burglary.--In cases involving a personal injury
46 rights crime or burglary, the juvenile probation office shall
47 provide notice and the opportunity to provide prior comment on
48 the potential reduction or dropping of a charge or diversion of
49 any case, including informal adjustment and consent decree,
50 unless such notice and opportunity is provided by the
51 prosecutor's office. Upon request, the victim shall also receive

1 notification of a review of disposition hearing.

2 * * *

3 (d) Postdisposition notice.--Upon the request of the victim
4 of a personal injury rights crime, the juvenile probation office
5 shall:

6 (1) Provide prior notice to the victim when an
7 adjudicated delinquent ordered into residential placement or
8 official detention will be granted temporary leave or home
9 pass or release.

10 (2) Notify the victim of a proposed release or transfer
11 of an adjudicated delinquent from placement that is contrary
12 to a previous court order or placement plan approved at a
13 disposition review hearing and shall extend the victim the
14 opportunity to provide a written objection prior to the
15 release or transfer of the juvenile from placement.

16 (3) Notify the victim immediately of a juvenile's escape
17 from official detention or failure to return from temporary
18 leave or home pass and of the juvenile's subsequent
19 apprehension.

20 (4) Notify the victim of the termination of the juvenile
21 court jurisdiction.

22 (5) Provide the opportunity to submit written comment
23 and of their right to provide oral testimony at a disposition
24 review hearing.

25 Section 4. Chapter 2 of the act is amended by adding a
26 subchapter to read:

27 Amend Bill, page 2, line 18, by striking out all of said line
28 and inserting

29 Section 5. Section 301(a) and (c) of the act are amended and
30 the section is amended by adding a subsection to read:

31 Section 301. Office.

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

40 * * *

41 (c) Service and employees.--The victim advocate shall:

42 (1) operate from [the central office of the board]
43 office space provided by the department with such clerical,
44 technical and professional staff as may be available within
45 the budget of the [board] department. The compensation of
46 employees of the office shall be set by the Executive Board.
47 Legal counsel for the office shall be appointed in accordance
48 with the act of October 15, 1980 (P.L.950, No.164), known as
49 the Commonwealth Attorneys Act.

1 (2) The home address of an employee of the office shall
2 not be considered a public record under the act of February
3 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.
4 Financial records and aggregated data, of and relating to the
5 office, as defined in the Right-to-Know Law, shall remain
6 subject to the Right-to-Know Law, provided that no record or
7 data identifying an individual victim may be released.

8 (d) Disclosure and confidentiality.--

9 (1) Each record pertaining to the victim in the
10 possession of or maintained by the office, including
11 information regarding a victim's current contact information
12 and any other information or record relating to the victim,
13 shall be private, confidential and privileged and the
14 property of the office and shall not be subject to access
15 under the Right-to-Know Law. A record of the office may not
16 be subject to subpoena or discovery, introduced into evidence
17 in a judicial or administrative proceeding or released to the
18 inmate, parolee or probationer.

19 (2) Unless a victim waives the privilege in a signed
20 writing prior to testimony or disclosure, an employee of the
21 office may not be competent nor permitted to testify or to
22 otherwise disclose confidential communications made to or by
23 the employee of the office. The privilege shall terminate
24 upon the death of the victim. Neither the employee of the
25 office nor the victim shall waive the privilege of
26 confidential communications by reporting facts of physical or
27 sexual assault under 23 Pa.C.S. Ch. 63 (relating to child
28 protective services), a Federal or State mandatory reporting
29 statute or a local mandatory reporting ordinance.

30 Section 6. Section 302(5) of the act is amended and the
31 section is amended by adding paragraphs to read:

32 Section 302. Powers and duties of victim advocate.

33 The victim advocate has the following powers and duties:

34 * * *

35 (5) [To act as a liaison with the victim notification
36 program director in the department to coordinate victim
37 notification and services for the department and the board.
38 The victim advocate is authorized to] To address the
39 interests of all victims before the board, department or
40 hearing examiner concerning any issues determined appropriate
41 by the victim advocate.

42 (6) To ensure that eligible victims are informed of the
43 Address Confidentiality Program under 23 Pa.C.S. Ch. 67
44 (relating to domestic and sexual violence victim address
45 confidentiality).

46 (7) To advocate for the interests of crime victims
47 generally, including the victims of crimes committed by
48 juveniles.

49 Section 7. Section 312(3) of the act is amended to read:
50 Section 312. Powers and duties of Office of Victims' Services.

51 The Office of Victims' Services, subject to approval of the

1 commission, has the following powers and duties:

2 * * *

3 (3) [To adopt, promulgate, amend and rescind suitable
4 rules and regulations to carry out the provisions and
5 purposes of Chapter 7. These regulations shall provide for
6 the approval of attorney fees for representation before the
7 Office of Victims' Services, a hearing examiner or before the
8 Commonwealth Court upon judicial review under section 705.
9 Awards of the attorney fees shall be in addition to awards
10 made to direct victims. Awards of attorney fees shall in no
11 case exceed 15% of the award to the direct victim or victims.
12 It shall be unlawful for an attorney to contract for or
13 receive any sum larger than the amount allowed. Regulations
14 under this paragraph shall include policies, procedures and
15 standards of review regarding claims for compensation;
16 approval or denial of claims, including contributory conduct
17 by direct victims; verification of information and documents;
18 prioritization of review; and all other matters related to
19 the processing.] To adopt, promulgate, amend and rescind
20 suitable regulations to carry out the provisions and purposes
21 of Chapter 7. The regulations shall provide for the
22 following:

23 (i) The approval of attorney fees for representation
24 before the Office of Victims' Services, a hearing
25 examiner or before Commonwealth Court upon judicial
26 review under section 705. Awards of the attorney fees
27 shall be in addition to awards made to direct victims or
28 claimants. Awards of attorney fees may not exceed 15% of
29 the award to the direct victim or claimants. It shall be
30 unlawful for an attorney to contract for or receive a sum
31 larger than the amount allowed under this subparagraph.

32 (ii) Policies, procedures and standards of review
33 regarding claims for compensation.

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

36 (iv) Verification of information and documents.

37 (v) Prioritization of review.

38 (vi) All other matters related to the processing of
39 claims.

40 * * *

41 Section 8. Section 701(a) of the act is amended by adding
42 paragraphs to read:

43 Section 701. Persons eligible for compensation.

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

46 * * *

47 (7) Hospitals or other licensed health care providers
48 under section 707(h).

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

50 * * *

51 Section 9. The act is amended by adding a section to read:

1 Section 701.1. Counseling services for victims of sexual abuse.

2 (a) Eligibility.--The Office of Victims' Services shall
3 provide funding for counseling services related to sexual abuse
4 for an individual who is a direct victim of sexual abuse.
5 Payment shall be made directly to the health care provider that
6 provides the services from funding provided for the
7 implementation of this section.

8 (b) Nonapplicability.--Eligibility shall not be affected by
9 an adverse determination under section 702(b) or 707(a) (3) or
10 (4). Notwithstanding any other provision of this act, a claimant
11 shall not be required to produce evidence other than a verified
12 or sworn statement to be eligible under subsection (a).

13 (c) Value of services.--The total value of services under
14 subsection (a) shall not exceed:

15 (1) Five thousand dollars if the individual was, at the
16 time of the abuse, 18 years of age or older.

17 (2) Ten thousand dollars if the individual was, at the
18 time of the abuse, under 18 years of age.

19 Section 10. Sections 702(a) introductory paragraph, (b),
20 (b.1) and (c), 703, 704(b) (1) and (e) and 706(a) (1) and (b) of
21 the act are amended to read:

22 Section 702. Filing of claims for compensation.

23 (a) General rule.--Except as otherwise provided in this act,
24 a claim for compensation may be filed by an individual eligible
25 for compensation as provided in section 701 or 701.1, or as
26 follows:

27 * * *

28 (b) Time.--

29 (1) Except as set forth in paragraph (2), a claim must
30 be filed not later than [two] five years after the discovery
31 of the occurrence of the crime upon which the claim is based
32 or not later than [two] five years after the death of the
33 direct victim or intervenor as a result of the crime or the
34 discovery and identification of the body of a murder victim.

35 (2) Exceptions shall be as follows:

36 (i.1) Claims for counseling services related to
37 sexual abuse under section 701.1.

38 (ii) If a direct victim is under 18 years of age at
39 the time of the occurrence of the crime and the alleged
40 offender is the direct victim's parent or a person
41 responsible for the direct victim's welfare, an
42 individual residing in the same home as the direct victim
43 or a paramour of the direct victim's parent, all of the
44 following shall apply:

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

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

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

1 C (relating to criminal proceedings); or
2 (II) the end of the limitation period under
3 paragraph (1).

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

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

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

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

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

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

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

25 (B) The victim was a minor.

26 (C) There was a fear of retaliation.

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

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

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

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

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

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

50 Section 704. Determination of claims.

51 * * *

1 (b) Review.--

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

14 * * *

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

20 Section 706. Emergency awards.

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

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

31 * * *

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

37 * * *

38 Section 11. Section 707(a)(3) and (4), (a.1), (b)(1), (2),
39 (4) and (4.1), (f)(1) and (3) and (g) of the act are amended,
40 subsection (f) is amended by adding a paragraph and the section
41 is amended by adding a subsection to read:

42 Section 707. Awards.

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

45 * * *

46 (3) The crime was promptly reported to the proper
47 authorities. [In no case may an award be made if the record
48 shows that the report was made more than 72 hours after the
49 occurrence of the crime unless:

50 (i) the victim is under 18 years of age at the time
51 of the occurrence of the crime and the alleged offender

1 is the victim's parent or a person responsible for the
2 victim's welfare, an individual residing in the same home
3 as the victim or a paramour of the victim's parent; or
4 (ii) the Office of Victims' Services finds the delay
5 to have been justified, consistent with bureau
6 regulations.]

7 (4) The direct victim, intervenor or claimant has fully
8 cooperated with all law enforcement agencies and the Office
9 of Victims' Services, unless the Office of Victims' Services
10 finds the noncompliance to have been justified consistent
11 with the Office of Victims' Services regulations. The Office
12 of Victims' Services shall ensure that the regulations
13 relating to cooperation with all law enforcement agencies of
14 a direct victim, intervenor or claimant comply with all
15 applicable Federal laws and regulations.

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

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

28 (2) [Filed more than 72 hours after the occurrence of
29 the criminal conduct leading to the commencement of the
30 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.] (Reserved).

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) and as provided for in the
47 Pennsylvania Rules of Civil Procedure. An award may not be made
48 if the record shows that the petition was withdrawn, except if
49 the Office of Victims' Services finds the withdrawal to have
50 been justified, consistent with regulations of the Office of
51 Victims' Services.

1 (b) Amount.--

2 (1) Any award made under this chapter shall be
3 contingent upon funds being available and be in an amount not
4 exceeding out-of-pocket loss, together with loss of past,
5 present or future earnings or support resulting from such
6 injury. In no case shall the total amount of an award exceed
7 \$35,000 except for payment of the following:

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

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

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

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

20 (i) No such award shall exceed the average weekly
21 wage for all persons covered by the act of December 5,
22 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the
23 Unemployment Compensation Law, in this Commonwealth as
24 determined annually by the Department of Labor and
25 Industry for each week of lost earnings or support.

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

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

30 * * *

31 (4) An award for counseling performed by or under the
32 supervision of a psychiatrist, psychologist, licensed
33 professional counselor or licensed social worker and
34 reimbursement of associated transportation costs, subject to
35 the provisions of paragraph (4.1), may be made to:

36 (i) a direct victim;

37 (ii) an individual responsible for the direct
38 victim's welfare;

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

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

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

45 (vi) anyone maintaining a common-law relationship
46 with the direct victim;

47 (vii) anyone residing in the same household with the
48 direct victim; or

49 (viii) anyone engaged to be married to the direct
50 victim.

51 (4.1) In the case of an award made pursuant to paragraph

1 (4), the following shall apply:

2 (i) The amount of an award under paragraph (4) (i)
3 shall not exceed \$5,000 where the direct victim is an
4 adult and shall not exceed \$10,000 where the direct
5 victim is a minor. A minor who is a direct victim of a
6 sexual offense may request that the minor's primary
7 insurance carrier not be billed for counseling services
8 if the policy is held or administered by either the
9 alleged perpetrator of the crime against the direct
10 victim or an individual responsible for the minor's
11 welfare that is not supportive of counseling services.

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

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

18 * * *

19 (f) Direct victim responsibility.--

20 (1) Except as set forth in paragraphs (2) [and], (3) and
21 (4), in determining the amount of an award, the Office of
22 Victims' Services shall determine whether the direct victim
23 or intervenor, because of conduct, contributed to the
24 infliction of the injury. The Office of Victims' Services
25 [shall] may reduce the amount or deny the claim altogether in
26 accordance with the determination.

27 * * *

28 (3) If the crime involved is a homicide, the conduct of
29 the direct victim shall not be considered for claims by
30 eligible claimants for counseling[.] and funeral expenses.

31 (4) The conduct of the direct victim or intervenor shall
32 not be considered for claims by eligible claimants for
33 counseling.

34 (g) Intervenor responsibility.--In determining the amount of
35 an award to an intervenor, the Office of Victims' Services [may]
36 shall consider whether the intervenor, because of conduct,
37 contributed to the infliction of the injury. The Office of
38 Victims' Services [shall] may reduce the amount or deny the
39 claim altogether in accordance with the determination.

40 * * *

41 Section 12. Sections 709(a), 901, 1101(b), 1102(a), (b),
42 (c), (d) and (e) (1), 1301(b) and 1304(a) and (b) of the act are
43 amended to read:

44 Section 709. Confidentiality of records.

45 (a) General rule.--All reports, records or other information
46 obtained or produced by the [bureau] Office of Victims' Services
47 during the processing or investigation of a claim shall be
48 confidential and privileged, shall not be subject to subpoena or
49 discovery, shall be used for no purpose other than the
50 processing of a claim and, except as otherwise provided by law
51 or as provided in this section, shall not be introduced into

1 evidence in any judicial or administrative proceeding.

2 * * *

3 Section 901. Eligibility of victims.

4 A victim has the rights and is eligible for the services
5 under sections 201 and 902 only if the victim reported the crime
6 to law enforcement authorities without unreasonable delay after
7 [its] the occurrence of the crime or the discovery of the
8 occurrence of the crime, unless the victim had a reasonable
9 excuse not to do so.

10 Section 1101. Costs.

11 * * *

12 (b) Disposition.--

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

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

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

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

48 * * *

49 Section 1102. Costs for offender supervision programs.

50 (a) County fund.--The county treasurer of each county shall
51 establish and administer a [county offender supervision fund]

1 County Supervision Fee Restricted Receipts Account consisting of
2 the fees collected under this section. The county treasurer
3 shall disperse money from this [fund] account only at the
4 discretion of the president judge of the court of common pleas.
5 The money in this [fund] account shall be used to pay the
6 salaries and employee benefits of all probation and parole
7 personnel employed by the county probation and parole department
8 and the training and operational expenses of that department.
9 Money from this [fund] account shall be used to supplement
10 Federal, State or county appropriations for the county adult
11 probation and parole department. The president judge shall by
12 August 31 provide the [board] commission with an annual
13 statement [which] that fully reflects all collections deposited
14 into and expenditures from the [offender supervision fund]
15 County Supervision Fee Restricted Receipts Account for the
16 preceding fiscal year. The commission may randomly audit and
17 monitor account recipients to ensure the appropriate use of
18 funds and compliance with the provisions of this section. 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] department
24 and comprised of the supervision fees collected [by the board]
25 under [this section] subsection (d). The money in this fund
26 shall be used to supplement the Federal or State funds
27 appropriated for the improvement of [adult probation services]
28 State parole supervision.

29 (c) Court.--The court shall impose as a condition of
30 supervision a monthly supervision fee of at least \$25 on any
31 offender placed on probation, parole, accelerated rehabilitative
32 disposition, probation without verdict or intermediate
33 punishment unless the court finds that the fee should be
34 reduced, waived or deferred based on the offender's present
35 inability to pay. [Of the fee collected, 50%] All of the fees
36 shall be deposited into the County [Offender Supervision Fund]
37 Supervision Fee Restricted Receipts Account established in each
38 county pursuant to this section[, and the remaining 50% shall be
39 deposited into the State Offender Supervision Fund established
40 pursuant to this section]. In the discretion of the Auditor
41 General, but no less than once every three years, the Auditor
42 General shall conduct an audit of the account.

43 (d) Board.--The board shall impose as a condition of
44 supervision a monthly supervision fee of at least \$25 on any
45 offender under the [board's] department's supervision unless the
46 board finds that such fee should be reduced, waived or deferred
47 based on the offender's present inability to pay. All fees
48 collected shall be deposited into the State Offender Supervision
49 Fund [established under subsection (b)].

50 (e) Continuation.--

51 (1) For offenders under supervision of a county

1 probation department or the board as of [August 14, 1991] the
2 day prior to the effective date of this section or under the
3 supervision of the department, the fee shall automatically
4 become a part of the supervision conditions as if the court
5 or board had imposed it unless the court or board makes a
6 finding that the offender is presently unable to pay.

7 * * *

8 Section 1301. Subrogation.

9 * * *

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

19 Section 1304. Revictimization relief.

20 (a) Action.--In addition to any other right of action and
21 any other remedy provided by law, a victim of a personal injury
22 rights crime may bring a civil action against an offender in any
23 court of competent jurisdiction to obtain injunctive and other
24 appropriate relief, including reasonable attorney fees and other
25 costs associated with the litigation, for conduct which
26 perpetuates the continuing effect of the crime on the victim.

27 (b) Redress on behalf of victim.--The district attorney of
28 the county in which a personal injury rights crime took place or
29 the Attorney General, after consulting with the district
30 attorney, may institute a civil action against an offender for
31 injunctive or other appropriate relief for conduct which
32 perpetuates the continuing effect of the crime on the victim.

33 * * *

34 Section 13. All money in the Crime Victim's Compensation
35 Fund and the Victim Witness Services Fund shall be transferred
36 to the Crime Victim Services and Compensation Fund.

37 Section 14. Repeals are as follows:

38 (1) The General Assembly declares that the repeal under
39 paragraph (2) is necessary to effectuate the addition of
40 section 701.1 of the act.

41 (2) 42 Pa.C.S. § 9730.3 is repealed.

42 Section 15. The remainder of the sum transferred from the
43 General Fund to the Crime Victim's Compensation Fund under
44 section 8.2 of the act of November 26, 2019 (P.L.641, No.87), is
45 transferred to the Crime Victim Services and Compensation Fund
46 for the purpose of implementing this act.

47 Section 16. The amendment or addition of sections 103,
48 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211,
49 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g),
50 214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6)
51 and (7), 312(3), 701(a) (7) and (8), 701.1, 702(a) introductory

1 paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1)
2 and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and
3 (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b),
4 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b)
5 of the act shall apply to claims where the crime occurred after
6 the effective date of this section, except for claims for
7 counseling services relating to sexual abuse under section 701.1
8 of the act.

9 Section 17. This act shall take effect as follows:

10 (1) The following shall take effect immediately:

11 (i) Section 13 of this act.

12 (ii) The amendment of section 1101(b) of the act.

13 (iii) This section.

14 (2) The amendment or addition of sections 103, 231, 232,
15 233, 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory
16 paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)
17 (1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2),
18 (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901,
19 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and
20 (b) of the act shall take effect in 60 days.

21 (3) The remainder of this act shall take effect in 270
22 days.