

## AMENDMENTS TO SENATE BILL NO. 708

Sponsor: REPRESENTATIVE KAUFFMAN

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1 Amend Bill, page 1, line 12, by inserting after "office"

2 , for responsibilities of department, local correctional  
3 facilities and board

4 Amend Bill, page 1, line 17, by inserting after

5 "compensation,"

6 providing for counseling services for victims of sexual abuse  
7 and further providing

8 Amend Bill, page 1, line 22, by striking out "and,"

9 Amend Bill, page 1, line 24, by inserting after "RELIEF"

10 ; transferring money from the Crime Victim's Compensation Fund;  
11 providing for applicability; and making a related repeal

12 Amend Bill, page 1, line 27, by inserting after "of"

13 "board,"

14 Amend Bill, page 2, line 1, by striking out "loss" and" and  
15 inserting

16 loss,"

17 Amend Bill, page 2, line 1, by inserting after "crime"

18 and "victim advocate"

19 Amend Bill, page 2, by inserting between lines 9 and 10

20 "Board." The Pennsylvania [Board of Probation and] Parole  
21 Board.

22 Amend Bill, page 2, by inserting between lines 13 and 14

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

25 Amend Bill, page 2, by inserting between lines 26 and 27

26 30 Pa.C.S. § 5502.2 (relating to homicide by

1           watercraft).

2           30 Pa.C.S. § 5502.3 (relating to aggravated  
3           assault by watercraft while operating under  
4           influence).

5           30 Pa.C.S. § 5502.4 (relating to aggravated  
6           assault by watercraft).

7       Amend Bill, page 4, by inserting between lines 9 and 10

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

10       \* \* \*

11       Amend Bill, page 4, by inserting between lines 25 and 26

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

13           (1) A psychiatrist.

14           (2) An individual licensed under the act of March 23,  
15           1972 (P.L.136, No.52), known as the Professional  
16           Psychologists Practice Act.

17           (3) A licensed professional counselor as defined in  
18           section 3 of the act of July 9, 1987 (P.L.220, No.39), known  
19           as the Social Workers, Marriage and Family Therapists and  
20           Professional Counselors Act.

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

24       Amend Bill, page 6, by inserting between lines 4 and 5

25       18 Pa.C.S. § 2803 (relating to aggravated hazing).

26       Amend Bill, page 6, by inserting between lines 21 and 22

27       30 Pa.C.S. § 5502.2 (relating to homicide by watercraft).

28       30 Pa.C.S. § 5502.3 (relating to aggravated assault by  
29       watercraft while operating under influence).

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

32       Amend Bill, page 7, by inserting between lines 1 and 2

33       75 Pa.C.S. § 3732.1 (relating to aggravated assault by  
34       vehicle).

35       Amend Bill, page 7, line 6, by inserting a bracket before

36       "75"

37       Amend Bill, page 7, line 7, by inserting a bracket after

38       "injury)."

39       Amend Bill, page 7, line 14, by inserting a bracket before

1 "as"

2 Amend Bill, page 7, line 15, by inserting after "violence."

3 ] under 23 Pa.C.S. Ch. 61 (relating to protection from abuse) or  
4 42 Pa.C.S. Ch. 62A (relating to protection of victims of sexual  
5 violence or intimidation) or a similar protective order issued  
6 outside this Commonwealth.

7 Amend Bill, page 7, line 18, by striking out "AN" and  
8 inserting

9 A personal injury crime or an

10 Amend Bill, page 7, lines 21 through 30; page 8, line 1; by  
11 striking out all of said lines on said pages

12 Amend Bill, page 8, lines 4 through 16, by striking out all  
13 of said lines

14 Amend Bill, page 8, lines 21 through 24, by striking out all  
15 of said lines

16 Amend Bill, page 9, lines 1 through 6, by striking out all of  
17 said lines

18 Amend Bill, page 9, by inserting between lines 7 and 8

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

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

24 Section 3012 (relating to involuntary servitude) as it  
25 relates to sexual servitude.

26 Section 3121 (relating to rape).

27 Section 3122.1 (relating to statutory sexual assault).

28 Section 3123 (relating to involuntary deviate sexual  
29 intercourse).

30 Section 3124.1 (relating to sexual assault).

31 Section 3124.2 (relating to institutional sexual  
32 assault).

33 Section 3125 (relating to aggravated indecent assault).

34 Section 3126 (relating to indecent assault).

35 Section 3127 (relating to indecent exposure).

36 Section 3133 (relating to sexual extortion),

37 Section 4302 (relating to incest).

1       Section 6312 (relating to sexual abuse of children).  
2       Section 6320 (relating to sexual exploitation of  
3       children).

4       \* \* \*

5       "Victim advocate." The victim advocate in the Office of  
6       Victim Advocate within the [Pennsylvania Board of Probation and  
7       Parole] department.

8       Amend Bill, page 11, line 14, by inserting after "ABUSE)"

9       or 42 Pa.C.S. Ch. 62A (relating to protection of victims  
10      of sexual violence or intimidation)

11      Amend Bill, page 11, line 27, by striking out "and" where it  
12      occurs the third time and inserting a comma

13      Amend Bill, page 11, line 28, by inserting after "(g)"

14      , 214(a), (b) and (f)

15      Amend Bill, page 14, line 26, by inserting after "with"

16      the

17      Amend Bill, page 14, line 26, by striking out "to State  
18      cases" and inserting

19      of cases brought by the Attorney General

20      Amend Bill, page 15, lines 15 through 17, by striking out "a  
21      State" in line 15 and all of lines 16 and 17 and inserting

22              the offender is sentenced to an institution operated  
23              by the department so the victim advocate may provide  
24              notice to the victim of:

25              (i) the

26      Amend Bill, page 15, line 20, by striking out "to provide  
27      notice of any release of an adult" and inserting

28              any release of an adult offender

29      Amend Bill, page 15, line 22, by striking out "to provide  
30      notice of the commitment" and inserting

31              the commitment of the offender

32      Amend Bill, page 17, by inserting between lines 8 and 9  
33      Section 214. Responsibilities of department, local correctional  
34              facilities and board.

35      (a) Forms.--The [department and the] board shall develop  
36      standardized forms regarding victim notification. The form shall

1 include the address where the form is to be sent. The department  
2 shall develop a [standardized] standard form which may be used  
3 by local correctional facilities. In the case of counties with  
4 victim-witness coordinators, the local correctional facility  
5 shall perform its responsibilities under this section in  
6 cooperation with the county's victim-witness coordinator.

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

14 \* \* \*

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

20 \* \* \*

21 Amend Bill, page 18, line 13, by striking out "301(c)" and  
22 inserting

23 301(a) and (c)

24 Amend Bill, page 18, line 13, by striking out "is" and  
25 inserting

26 are

27 Amend Bill, page 18, by inserting between lines 15 and 16

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

36 Amend Bill, page 18, by inserting between lines 17 and 18

37 (1)

38 Amend Bill, page 18, line 18, by inserting a bracket before  
39 "the" where it occurs the first time

40 Amend Bill, page 18, line 18, by inserting after "board"

41 ] office space provided by the department

Amend Bill, page 18, line 20, by inserting a bracket before  
"board."

Amend Bill, page 18, line 20, by inserting after "board"  
] department

Amend Bill, page 18, line 21, by inserting after "Board."  
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.  
(2)

Amend Bill, page 22, by inserting between lines 1 and 2

Section 7.1. The act is amended by adding a section to read:  
Section 701.1. Counseling services for victims of sexual abuse.

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

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

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

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

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

Amend Bill, page 22, line 2, by striking out "702(b)" and  
inserting

702(a) introductory paragraph, (b)

Amend Bill, page 22, line 5, by striking out all of said line  
and inserting

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

\* \* \*

Amend Bill, page 22, by inserting between lines 13 and 14

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

3       Amend Bill, page 30, lines 22 and 23, by striking out all of  
4 said lines

5       Amend Bill, page 31, line 5, by striking out "and" where it  
6 occurs the first time and inserting a comma

7       Amend Bill, page 31, line 5, by inserting after "(d)"  
8 and (e) (1)

9       Amend Bill, page 33, line 28, by inserting a bracket before  
10 "board"

11       Amend Bill, page 33, line 28, by inserting after "board"  
12 ] department

13       Amend Bill, page 33, line 29, by inserting a bracket before  
14 "by"

15       Amend Bill, page 33, line 29, by inserting a bracket after  
16 "board"

17       Amend Bill, page 34, line 20, by inserting a bracket before  
18 "board's"

19       Amend Bill, page 34, line 20, by inserting after "board's"  
20 ] department's

21       Amend Bill, page 34, line 25, by striking out all of said  
22 line and inserting

23       (e) Continuation.--

24       (1) For offenders under supervision of a county  
25 probation department or the board as of [August 14, 1991] the  
26 day prior to the effective date of this section or under the  
27 supervision of the department, the fee shall automatically  
28 become a part of the supervision conditions as if the court  
29 or board had imposed it unless the court or board makes a  
30 finding that the offender is presently unable to pay.

31       \* \* \*

32       Amend Bill, page 35, by inserting between lines 24 and 25

Section 11.1. Repeals are as follows:

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

(2) 42 Pa.C.S. § 9730.3 is repealed.

Section 11.2. The remainder of the sum of \$5,000,000 transferred from the General Fund to the Crime Victim's Compensation Fund under section 8.2 of the act of November 26, 2019 (P.L.641, No.87), entitled "An act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, reforming remedies for victims of sexual abuse:

in limitation of time, further providing for six months limitation, for infancy, insanity or imprisonment, for no limitation applicable and for other offenses;

in matters affecting government units, further providing for exceptions to sovereign immunity, for limitations on damages in actions against Commonwealth parties, for exceptions to governmental immunity and for limitations on damages in actions against local parties;

in sentencing alternatives, providing for counseling services for victims of sexual abuse; and

transferring money from the General Fund into the Crime Victim's Compensation Fund," is transferred to the Crime Victim Services and Compensation Fund for the purpose of implementing this act.

Section 11.3. The amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a)(b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) of the act shall apply to claims where the crime occurred after the effective date of this section, except for claims for counseling services relating to sexual abuse under section 701.1 of the act.

Amend Bill, page 35, lines 27 and 28, by striking out all of line 27 and "(ii)" in line 28 and inserting

(i)

Amend Bill, page 35, by inserting between lines 29 and 30

(2) The amendment or addition of sections 103, 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1),



1 (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a),  
2 (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) of the  
3 act shall take effect in 60 days.

4 Amend Bill, page 35, line 30, by striking out "(2)" and  
5 inserting

6 (3)

7 Amend Bill, page 36, line 1, by striking out "SIX MONTHS" and  
8 inserting

9 270 days