

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 934

Session of  
1981

---

INTRODUCED BY WHITE, DAWIDA, COCHRAN, PISTELLA, LEHR, PENDLETON,  
MAIALE, WACHOB, EARLEY, COHEN, MCINTYRE, VAN HORNE, GEIST,  
MICHLOVIC, PETRARCA, SIEMINSKI, EVANS, BELFANTI, KUKOVICH,  
HOEFFEL, MICOZZIE AND WAMBACH, MARCH 17, 1981

---

---

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 17, 1981

---

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employees in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employees of certain departments, boards and  
20 commissions shall be determined," providing for the  
21 establishment and operation of an administrative office under  
22 the Attorney General to be known as the Pennsylvania Office  
23 on Crime Victims; imposing powers and duties; authorizing  
24 certain advisory boards and establishing a funding method for  
25 the expenses of such office.

26 The General Assembly of the Commonwealth of Pennsylvania

27 hereby enacts as follows:

28 Section 1. The act of April 9, 1929 (P.L.177, No.175), known

1 as "The Administrative Code of 1929," is amended by adding  
2 sections to read:

3 Section 479. Definitions Applicable to the Office on Crime  
4 Victims.--Insofar as the provisions of this act relate to the  
5 Office on Crime Victims, the following words and phrases when  
6 used in such provisions shall have the meanings given to them in  
7 this section:

8 "Crime." Any act committed in Pennsylvania which, if  
9 committed by a mentally competent responsible adult who had no  
10 legal exemption or defense, would constitute a crime as defined  
11 in and prescribed by Title 18 of the Pennsylvania Consolidated  
12 Statutes (relating to crimes and offenses) or any other penal  
13 laws of the Commonwealth. Except for an injury that is the  
14 result of an intentional act, no other act involving the  
15 operation of a motor vehicle which results in injury shall  
16 constitute a crime for purposes of these provisions.

17 "Domestic violence." The occurrence of one or more of the  
18 following acts between family or household members who reside  
19 together:

20 (i) Attempting to cause or intentionally, knowingly or  
21 recklessly causing bodily injury or serious bodily injury with  
22 or without a deadly weapon.

23 (ii) Placing by physical menace another in fear of imminent  
24 serious bodily injury.

25 (iii) Sexually abusing minor children as defined pursuant to  
26 the act of November 26, 1975 (P.L.438, No.124), known as the  
27 "Child Protective Services Law."

28 "Domestic violence program." A shelter or hotline  
29 organization which has as a primary program the provision of  
30 direct services including but not limited to advocacy,

counseling, information, referrals or shelter facilities for victims of domestic violence.

"Office." The Office on Crime Victims which shall be an administrative office established pursuant to section 479.1 which shall be under the Attorney General and shall be responsible for coordinating programs and obtaining reliable and permanent sources of funds for domestic violence, rape crisis and victim-witness programs.

"Rape crisis program." An organization which has as its primary program the provision of direct services to victims of sexual assault including, but not limited to, crisis intervention, information and referral and accompaniment through the medical, police and judicial system. The organization may also conduct educational programs on rape and sexual assaults on a community basis.

"Victim-witness program." A public or nonprofit private organization which deals with victims and witnesses of crimes and does not have as its primary purpose the prosecution or defense of persons charged with criminal acts. Such programs shall be designed to insure that their needs are served by offering assistance with problems which arise as a result of being a victim or witness to a crime. The direct services provided relate to but are not limited to social service referrals, reception centers, witness notification and appearance alert, information regarding restitution and compensation, witness intimidation, escort service, transportation and parking services, and employer intervention.

Section 479.1. Office on Crime Victims.--(a) There is hereby created an administrative office under the jurisdiction of the Attorney General which shall be known as the Office on

Crime Victims. The office shall be governed by a board of seven members who shall be appointed on a nonpartisan basis.

(b) The members of the governing board of the office shall be selected as follows:

(1) one member, who shall be an administrator or provider of a rape crisis program, shall be appointed by the Attorney General;

(2) one member, who shall be an administrator or provider of a domestic violence program, shall be appointed by the Attorney General;

(3) one member, who shall be an administrator or provider of a victim-witness program, shall be appointed by the Attorney General;

(4) one member, who shall not be an administrator or provider of a rape crisis, domestic violence, or victim-witness program, shall be appointed by the Governor;

(5) one member shall be the Secretary of the Department of Public Welfare;

(6) one member, who shall be a member of the House of Representatives, shall be appointed by the Speaker; and

(7) one member, who shall be a member of the Senate, shall be appointed by the President pro tempore of the Senate.

(c) Except for the member from the House of Representatives who shall serve a two-year term, all other members of the governing board shall serve for a three-year term of office and may be reappointed for no more than one consecutive term of office. Of the members initially appointed by the Attorney General, one shall serve for a term of one year, one shall serve for a term of two years and one shall serve for a term of three years.

1     (d) Whenever any member ceases to be an officer or employe  
2 of the organization, office, or public body the member is  
3 appointed to represent, the membership on the governing board  
4 shall terminate immediately and the appointing power shall fill  
5 the vacancy for the unexpired portion of the term. All other  
6 vacancies shall be filled by the appointing power for the  
7 balance of the unexpired term.

8     (e) The chairperson shall be chosen from among the members  
9 of the governing board by a majority vote of such board and  
10 shall serve for one year. The chairperson shall designate a  
11 vice-chairperson to preside at all meetings in the absence of  
12 the chairperson.

13     (f) Reasonable expenses incurred by the members for  
14 attendance at official meetings, not to exceed fifty dollars  
15 (\$50) per day, and mileage at the rate provided by law shall be  
16 allowed and paid upon presentation of an itemized voucher.

17     (g) Four members of the governing board shall constitute a  
18 quorum and a vote of the majority of the members present shall  
19 be sufficient for all actions.

20     Section 479.2. Powers and Duties of the Office on Crime  
21 Victims.--The office shall have the power, and its duty shall  
22 be:

23     (1) To appoint, by a majority vote of the members of the  
24 governing board, an executive director to direct the day to day  
25 operations of the office and to hire, with the approval of the  
26 governing board sufficient staff to conduct the operations of  
27 the office. The salaries of the executive director and staff  
28 shall be fixed by the governing body. Administrative costs,  
29 including salaries and all other operating expenses incurred by  
30 the Office on Crime Victims, shall not exceed an amount equal to

fifteen per centum (15%) of the total annual revenues available for distribution to the various programs by the Office on Crime Victims.

(2) To establish advisory committees to assist the governing board in the direction and operations of the office.

(3) To apply for, contract for, receive, allocate, disburse, and account for funds, grants-in-aid, grants of services and property, real and personal, as may be made available by the Federal Government and other sources.

(4) To receive applications for financial assistance from rape, domestic violence and victim-witness programs sponsored or operated by units of local government or private nonprofit organizations and to allocate available funds from the restricted revenue account to such applicants. Allocations under this section shall not exceed seventy-five per centum (75%) of the total amount determined by the governing board to be necessary for the operation of the particular program.

(5) To establish such fund accounting, auditing, monitoring, and evaluation procedures as may be necessary to assure fiscal control, program effectiveness and disbursement of grant funds, and to establish such procedures as may be necessary to assure compliance with State and Federal law.

(6) To cooperate with and render technical assistance to the General Assembly and standing committees of the General Assembly, State agencies, units of general local government and public and private agencies relating to victimization and its impact on the criminal justice system.

(7) To submit an annual report to the Governor, the Attorney General and the General Assembly describing in detail its work during the preceding fiscal year and to submit periodic reports

1 as required by the Attorney General.

2 (8) To promulgate such rules and regulations as the  
3 governing board deems necessary for the proper disbursement of  
4 funds pursuant to the provisions of this act relating to the  
5 Office on Crime Victims.

6 (9) To work in conjunction with law enforcement agencies and  
7 medical facilities in order to gather and analyze statistical  
8 information, and to require programs applying for assistance to  
9 prepare and submit appropriate statistical reports.

10 Section 479.3. Advisory Committees.--The governing board  
11 shall establish an advisory committee for each of the program  
12 areas: rape crisis, domestic violence and victim-witness. The  
13 membership of the committee shall represent, to the maximum  
14 extent feasible, diverse geographical locations and the  
15 population being served. Each committee shall have the duty to,  
16 among other things:

17 (1) Recommend, review and evaluate rules and regulations  
18 proposed by the office to implement the act.

19 (2) Recommend, review and evaluate standards for the  
20 providing of direct services to victims.

21 (3) Recommend the funding formula for allocation of funds to  
22 programs providing direct services or to the coordinating body  
23 of such programs.

24 Section 479.4. Funds.--(a) Where any person after the  
25 effective date of this act pleads guilty or nolo contendere to  
26 or is convicted of any crime as herein defined, there shall be  
27 imposed in addition to all other costs, an additional cost in  
28 the sum of ten dollars (\$10) for the purpose of funding the  
29 operation of this office. Under no condition shall a political  
30 subdivision be held liable for the payment of this sum of ten

1 dollars (\$10).

2 (b) Any funds specifically set aside to fund the Office on  
3 Crime Victims as prescribed by the General Assembly in the act  
4 of August 22, 1953 (P.L.1344, No.383), known as "The Marriage  
5 Law," or any other act on the same matter.

6 (c) All sums collected pursuant to subsection (a) and (b)  
7 shall be paid through the Department of Revenue to the State  
8 Treasurer and shall be deposited in a restricted revenue account  
9 created for this purpose and for the fiscal period July 1, 1981  
10 to June 30, 1982 are hereby specifically appropriated for  
11 purposes of funding the operation and grants of the Office on  
12 Crime Victims.

13 (d) For the fiscal period July 1, 1980 to June 30, 1981 and  
14 for each fiscal period thereafter, the General Assembly shall  
15 annually appropriate for the operations and programs of the  
16 Office on Crime Victims from the moneys available in the  
17 restricted revenue account established pursuant to subsection  
18 (c).

19 Section 2. This act shall take effect immediately but shall  
20 expire on June 30 following the fifth anniversary of the  
21 effective date, unless reenacted by the General Assembly of the  
22 Commonwealth of Pennsylvania.