

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 395

Session of
1979

INTRODUCED BY LOEPER, O'PAKE, GREENLEAF AND BELL, MARCH 6, 1979

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 14, 1979

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 employes 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 employes of certain departments, boards and
20 commissions shall be determined," providing for certain
21 notification responsibilities of local law enforcement
22 agencies, ~~and~~ providing for an exception to CREDITS AGAINST <—
23 CLAIMS AND TO the minimum allowable claim AND CHANGING AN <—
24 EFFECTIVE DATE.

25 The General Assembly of the Commonwealth of Pennsylvania
26 hereby enacts as follows:

27 Section 1. Section 477, act of April 9, 1929 (P.L.177,
28 No.175), known as "The Administrative Code of 1929," amended

1 December 10, 1976 (P.L.1305, No.287), is amended by adding a
2 definition to read:

3 Section 477. Definitions.--So far as it relates to the crime
4 victim's compensation provisions, the following terms shall be
5 defined as:

6 * * *

7 "Local law enforcement agency" means a police department of a
8 city, borough, incorporated town or township.

9 * * *

10 Section 2. Section 477.5 AND SUBSECTION (E) OF SECTION 477.9 <—
11 of the act, ~~amended~~ ADDED July 9, 1976 (P.L.574, No.139), ~~is~~ ARE <—
12 amended to read:

13 Section 477.5. Minimum Allowable Claim.--(a) No award shall
14 be made on a claim unless the claimant has incurred a minimum
15 out-of-pocket loss of one hundred dollars (\$100) or has lost at
16 least two continuous weeks' earnings or support.

17 (b) The requirements of subsection (a) shall not apply where
18 the victim was sixty (60) years of age or older at the time the
19 crime occurred.

20 SECTION 477.9. AWARDS.--* * * <—

21 (E) [ANY] EXCEPT FOR CLAIMS INVOLVING DISMEMBERMENT OR LOSS
22 OF AN EYE, ANY AWARD MADE PURSUANT TO THIS ACT SHALL BE REDUCED
23 BY THE AMOUNT OF ANY PAYMENTS RECEIVED OR TO BE RECEIVED BY THE
24 CLAIMANT AS A RESULT OF THE INJURY (I) FROM OR ON BEHALF OF THE
25 PERSON WHO COMMITTED THE CRIME, (II) UNDER ANY INSURANCE
26 PROGRAMS INCLUDING THOSE MANDATED BY LAW, (III) UNDER ANY
27 CONTRACT OF INSURANCE WHEREIN THE CLAIMANT IS THE INSURED
28 BENEFICIARY, (IV) FROM PUBLIC FUNDS, OR (V) AS AN EMERGENCY
29 AWARD PURSUANT TO SECTION 477.8 OF THIS ACT.

30 * * *

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1 SECTION 3. SECTION 477.16 OF THE ACT, ADDED DECEMBER 10,
2 1976 (P.L.1305, NO.287), IS AMENDED TO READ:

3 SECTION 477.16. EFFECTIVE DATE.--THE PROVISIONS OF SECTIONS
4 477 THROUGH 477.15, INCLUSIVE, OF THIS ACT SHALL BE DEEMED TO BE
5 IN EFFECT AS OF [OCTOBER 29, 1976] OCTOBER 25, 1976
6 NOTWITHSTANDING PRIOR PROVISIONS TO THE CONTRARY. CLAIMS SHALL
7 BE ACCEPTED FOR CRIMES COMMITTED ON OR SUBSEQUENT TO SUCH DATE.

8 Section 4. The act is amended by adding a section to read:

9 Section 477.17. Responsibilities of Local Law Enforcement
10 Agencies.--(a) All local law enforcement agencies shall insure
11 that all of its officers and employees are familiar with crime
12 victim's compensation as provided for in sections 477 through
13 477.17 of this act. Instruction concerning crime victim's
14 compensation shall be made a part of the training curriculum for
15 all trainee officers.

16 (b) Local law enforcement agencies shall advise the victims
17 of crimes reported to it of the availability of crime victim's
18 compensation as provided by this act. THE TERM "VICTIM" AS USED
19 IN THIS SUBSECTION SHALL BE A VICTIM AS DEFINED BY THIS ACT. The
20 notice required under this subsection shall be in writing and
21 shall include the following paragraph:

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22 "If you have sustained physical injury as a direct result
23 of a crime of violence, or are legally dependent for support
24 upon a person who has sustained physical injury or death as a
25 direct result of a crime of violence, or, in the event of a
26 death caused by a crime of violence, you have legally assumed
27 or voluntarily paid the medical or burial expenses incurred
28 as a direct result thereof, you may qualify for
29 indemnification by the State of Pennsylvania for the out-of-
30 pocket wages, medical or burial expenses which you have

1 incurred as a result of the crime. Claims must be filed with
2 the Crime Victim's Compensation Board for the State of
3 Pennsylvania. For further information regarding this program,
4 please contact:

5 (Name, business address and telephone
6 number of the local law enforcement
7 agency)

8 or

9 Crime Victim's Compensation Board
10 Department of Justice

11 ~~1910 Paxton Street~~

12 Harrisburg, Pennsylvania ~~17104~~

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13 Important: The statute provides that, absent certain
14 extenuating circumstances, a claimant has one year from the
15 date of the crime to file his claim with the Crime Victim's
16 Compensation Board."

17 (c) The written notification provided for in subsection (b)
18 shall be accompanied by three copies of the application form for
19 crime victim's compensation. These forms shall be supplied by
20 the Crime Victim's Compensation Board to all local law
21 enforcement agencies. The record of the date and address of all
22 letters of notification shall be maintained by every local law
23 enforcement agency.

24 (d) Any officer of a local law enforcement agency whose
25 duties include the investigation of crimes may notify victims or
26 their families of the availability of compensation under this
27 act by giving them a card or sheet bearing the paragraph as
28 quoted in subsection (b) above. A record of such personal notice
29 shall be maintained by the local law enforcement agency.

30 (e) In municipalities which do not have a local law

1 enforcement agency, the board shall by rule establish procedures
2 whereby it, together with the State Police, shall give the
3 notice to victims of crimes as provided in this section.

4 Section 4 5. This act shall take effect immediately except <—
5 that the notice requirements of section 477.17 (b), (c) and (d)
6 shall take effect in three months.