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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 824

Session of  
1983

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INTRODUCED BY SWEET, HAGARTY, RAPPAPORT, LASHINGER, COY,  
O'DONNELL, MANDERINO, EVANS, MAIALE, HOEFFEL, WOGAN, KASUNIC,  
BURD, KUKOVICH, FATTAH, D. R. WRIGHT, WOZNIAK, BELFANTI,  
TRUMAN, WACHOB, CALTAGIRONE, GALLAGHER, WAMBACH, PISTELLA,  
KOSINSKI, RYBAK, KOWALYSHYN, MRKONIC, PHILLIPS, MORRIS,  
CAWLEY, TIGUE, MICHLOVIC, GEIST, PRATT, CIMINI, JOHNSON,  
DeLUCA, RICHARDSON, COLAFELLA, VAN HORNE, OLASZ, EVANS,  
LINTON, OLIVER, CARN, HARPER, BARBER, LESCOVITZ, DOMBROWSKI  
AND DALEY, APRIL 19, 1983

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REFERRED TO COMMITTEE ON JUDICIARY, APRIL 19, 1983

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AN ACT

1 Relating to the rights of victims of crime.

2 The General Assembly of the Commonwealth of Pennsylvania  
3 hereby enacts as follows:

4 Section 1. Legislative intent.

5 In recognition of the civic and moral duty of victims of  
6 crime to fully and voluntarily cooperate with law enforcement  
7 and prosecutorial agencies, and in further recognition of the  
8 continuing importance of victim cooperation to State and local  
9 law enforcement efforts and the general effectiveness and well-  
10 being of the criminal justice system of this Commonwealth, the  
11 General Assembly declares its intent, in this act, to ensure  
12 that all victims of crime are treated with dignity, respect,  
13 courtesy and sensitivity; and that the rights extended in this  
14 act to victims of crime are honored and protected by law

1 enforcement agencies, prosecutors and judges in a manner no less  
2 vigorous than the protections afforded criminal defendants.

3 Section 2. Definitions.

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

7 "Commission." The Pennsylvania Commission on Crime and  
8 Delinquency.

9 "Crime." An act committed in this Commonwealth which, if  
10 committed by a mentally competent, criminally responsible adult,  
11 who had no legal exemption or defense, would constitute a crime  
12 as defined in and proscribed by Title 18 of the Pennsylvania  
13 Consolidated Statutes (relating to crimes and offenses). No act  
14 involving the operation of a motor vehicle which results in  
15 injury shall constitute a crime for the purpose of this act  
16 unless the injury was intentionally inflicted through the use of  
17 a motor vehicle.

18 "Family." When used in reference to a person:

19 (1) anyone related to that person within the third  
20 degree of consanguinity or affinity;

21 (2) anyone maintaining a common-law relationship with  
22 that person; or

23 (3) anyone residing in the same household with that  
24 person.

25 "Victim." A person against whom a crime is being or has been  
26 perpetrated or attempted.

27 Section 3. Eligibility of victims.

28 A victim has the rights and is eligible for the services  
29 under this act only if the victim reported the crime to law  
30 enforcement authorities within five days of its occurrence or

1 discovery, unless the victim had a reasonable excuse not to do  
2 so.

3 Section 4. Basic bill of rights for victims.

4 Victims of crimes have the following rights:

5 (1) To receive protection from harm and threats of harm  
6 arising out of their cooperation with law enforcement and  
7 prosecution efforts, and to be provided with information as  
8 to the level of protection available.

9 (2) To be informed of financial assistance and other  
10 social services available as a result of being a victim of  
11 crime, including information on how to apply for the  
12 assistance and services.

13 (3) To be provided, whenever possible, a secure waiting  
14 area during court proceedings that does not require them to  
15 be in close proximity to defendants and families and friends  
16 of defendants.

17 (4) To be notified that a court proceeding to which they  
18 have been subpoenaed will not go on as scheduled, in order to  
19 save the person an unnecessary trip to court.

20 (5) To have restitution ordered as a condition of  
21 probation whenever feasible.

22 (6) To have included in any presentence report  
23 information concerning the effect that the crime committed by  
24 the defendant has had upon the victim including, but not  
25 limited to, any physical or psychological harm or financial  
26 loss suffered by the victim, to the extent that such  
27 information is available from the victim or other sources.

28 (7) Upon request of the victim, to be informed by local  
29 law enforcement agencies or the district attorney of the  
30 final disposition of the case.

1           (8) Upon request of the victim of a feloniously  
2 assaultive crime, to be promptly informed of subsequent  
3 events potentially affecting the victim's safety, including  
4 parole, furlough or any other form of supervised or  
5 unsupervised release from full incarceration.

6           (9) To have any stolen or other personal property  
7 expeditiously returned by law enforcement agencies when no  
8 longer needed as evidence. If feasible, all of the property,  
9 except weapons, currency, contraband, property subject to  
10 evidentiary analysis and property the ownership of which is  
11 disputed, shall be returned to the person within ten days of  
12 being taken.

13           (10) To have the family members of all homicide victims  
14 afforded all of these rights and analogous services, whether  
15 or not they are witnesses in any criminal proceedings.

16 Section 5. Services for victims.

17 Counties shall provide victims the following services:

18           (1) Court appearance notification services, including  
19 cancellation of appearances.

20           (2) Victim compensation and social services referrals.

21           (3) Escort and other transportation services related to  
22 the investigation or prosecution of the case, if necessary or  
23 advisable.

24           (4) Case progress notification services which may be  
25 combined with services under this act.

26           (5) Expedited return of property services.

27           (6) Protection services.

28           (7) Family support services, including child and other  
29 dependent care services.

30           (8) Waiting facilities.

1 Section 6. Responsibility for rights and services.

2 (a) Costs of providing rights and services.--The costs of  
3 enforcing rights and providing services under this act shall be  
4 paid for by each county, but the county is eligible to receive  
5 reimbursement from the Commonwealth for the costs incurred in  
6 providing services. For costs incurred on or after July 1, 1983,  
7 the county is eligible to receive funding from the Commonwealth  
8 for not more than 90% of the costs incurred in providing  
9 services. The commission shall determine, pursuant to  
10 regulations issued under this act, the level of services for  
11 which a county may be reimbursed.

12 (b) County reimbursement.--If the county seeks reimbursement  
13 under subsection (a), the county shall submit a program plan to  
14 the commission for approval. The county is eligible for  
15 reimbursement under subsection (a) only if the commission has  
16 approved the plan. The program plan shall describe the level of  
17 services to victims that the county intends to provide; the  
18 personnel or agencies responsible for related administrative  
19 programs and individual services; proposed staffing for the  
20 program, proposed education, training and experience  
21 requirements for program staff and the staff of agencies  
22 providing related administrative programs and individual  
23 services; the county's budget for implementing the program and  
24 other information the commission determines to be necessary. The  
25 plan shall provide that the district attorney, local law  
26 enforcement agencies and the courts shall make available to the  
27 person or agency responsible for administering the program all  
28 reports or files, except reports or files which are required by  
29 statute to be kept confidential, if the reports or files are  
30 required by the person or agency to carry out program

1 responsibilities. In August of each year, the county shall  
2 submit a report to the commission on the operation of the plan,  
3 including the enforcement of rights and the provision of  
4 services under this act.

5 (c) Annual reports.--The commission shall review and approve  
6 the implementation and operation of programs and the annual  
7 reports under this section. The commission may suspend or  
8 terminate reimbursement if the county fails to comply with its  
9 duties under this section.

10 Section 7. Effective date.

11 This act shall take effect in 60 days.