

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 824

Session of
1983

INTRODUCED BY SWEET, HAGARTY, RAPPAPORT, LASHINGER, COY,
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LINTON, OLIVER, CARN, HARPER, BARBER, LESCOVITZ, DOMBROWSKI,
DALEY AND F. TAYLOR, APRIL 18, 1983

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
DECEMBER 7, 1983

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. Short title.

5 This act shall be known and may be cited as the Crime
6 Victim's Bill of Rights.

7 Section 2. Legislative intent.

8 In recognition of the civic and moral duty of victims of
9 crime to fully and voluntarily cooperate with law enforcement
10 and prosecutorial agencies, and in further recognition of the
11 continuing importance of victim cooperation to State and local
12 law enforcement efforts and the general effectiveness and well-
13 being of the criminal justice system of this Commonwealth, the

1 General Assembly declares its intent, in this act, to ensure
2 that all victims of crime are treated with dignity, respect,
3 courtesy and sensitivity; and that the rights extended in this
4 act to victims of crime are honored and protected by law
5 enforcement agencies, prosecutors and judges in a manner no less
6 vigorous than the protections afforded criminal defendants.

7 Section 3. Definitions.

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

11 "Commission." The Pennsylvania Commission on Crime and
12 Delinquency.

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

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

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

25 (2) anyone maintaining a common-law relationship with
26 that person; or

27 (3) anyone residing in the same household with that
28 person.

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

1 Section 4. Eligibility of victims.

2 A victim has the rights and is eligible for the services
3 under this act only if the victim reported the crime to law
4 enforcement authorities without unreasonable delay ~~within five~~ <—
5 ~~days of~~ AFTER its occurrence or discovery, unless the victim had <—
6 a reasonable excuse not to do so.

7 Section 5. Basic bill of rights for victims.

8 Victims of crimes have the following rights:

9 (1) To receive protection from harm and threats of harm
10 arising out of their cooperation with law enforcement and
11 prosecution efforts, and to be provided with information as
12 to the level of protection available. In furtherance of this
13 right, the court shall withhold the address of the victim and
14 any witness from the defendant unless it determines there is
15 a clear need to release it.

16 (2) To be informed of financial assistance and other
17 social services available as a result of being a victim of
18 crime, including information on how to apply for the
19 assistance and services.

20 (3) To be provided, whenever possible, a secure waiting
21 area during court proceedings that does not require them to
22 be in close proximity to defendants and families and friends
23 of defendants.

24 (4) To be notified by the appropriate official that a
25 court proceeding to which they have been subpoenaed will not
26 go on as scheduled, in order to save the person an
27 unnecessary trip to court.

28 (5) To have restitution ordered as a condition of
29 probation whenever feasible.

30 (6) To have included in any presentence report

1 information concerning the effect that the crime committed by
2 the defendant has had upon the victim including, but not
3 limited to, any physical or psychological harm or financial
4 loss suffered by the victim, to the extent that such
5 information is available from the victim or other sources.

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

9 (8) Upon request of the victim of a feloniously
10 assaultive crime, to be promptly informed of subsequent
11 events potentially affecting the victim's safety, including
12 parole, furlough or any other form of supervised or
13 unsupervised release from full incarceration.

14 (9) To have any stolen or other personal property
15 expeditiously returned by law enforcement agencies when no
16 longer needed as evidence. If feasible, all of the property,
17 except weapons, currency, contraband, property subject to
18 evidentiary analysis and property the ownership of which is
19 disputed, shall be returned to the person within ten days of
20 being taken.

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

24 Section 6. Services for victims.

25 The court of common pleas AND THE PHILADELPHIA MUNICIPAL
26 COURT shall insure that victims receive the following services:

27 (1) Court appearance notification services, including
28 cancellation of appearances.

29 (2) Referrals to available victim compensation and
30 social services programs.

1 (3) Escort and other transportation services related to
2 the investigation or prosecution of the case, if deemed
3 necessary and appropriate by the district attorney and
4 approved by the court of common pleas.

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

7 (5) Procedures for the timely and expedited return by
8 law enforcement officials of that personal property of
9 victims and witnesses which is held for prosecutorial
10 purposes.

11 (6) Protection services, if deemed necessary and
12 appropriate by the district attorney and approved by the
13 court.

14 (7) Family support services, including child and other
15 dependent care services, within available county resources
16 and those additional funds provided by the Commonwealth for
17 this purpose.

18 (8) Secure waiting facilities, providing witnesses and
19 victims separate quarters from those occupied by criminal
20 defendants.

21 Section 7. Responsibility for rights and services.

22 (a) Costs of providing rights and services.--The costs of
23 enforcing rights and providing services under this act shall be
24 paid for by each county, but the county is eligible to receive
25 reimbursement from the Commonwealth pursuant to subsection (b)
26 for the costs incurred in providing services. The commission
27 shall determine, pursuant to regulations issued under this act,
28 the level of services for which a county may be reimbursed.

29 (b) County reimbursement.--If the county seeks reimbursement
30 under subsection (a), the county shall submit a program plan to

1 the commission for approval. The county is eligible for
2 reimbursement under subsection (a) only if the commission has
3 approved the plan. The program plan shall describe the level of
4 services to victims that the county intends to provide; the
5 personnel or agencies responsible for related administrative
6 programs and individual services; proposed staffing for the
7 program, proposed education, training and experience
8 requirements for program staff and the staff of agencies
9 providing related administrative programs and individual
10 services; the county's budget for implementing the program and
11 other information the commission determines to be necessary. The
12 plan shall provide that the district attorney, local law
13 enforcement agencies and the courts shall make available to the
14 person or agency responsible for administering the program all
15 reports or files, except reports or files which are required by
16 statute to be kept confidential, if the reports or files are
17 required by the person or agency to carry out program
18 responsibilities. In August of each year, the county shall
19 submit a report to the commission on the operation of the plan,
20 including the enforcement of rights and the provision of
21 services under this act.

22 (c) Annual reports.--The commission shall review and approve
23 the implementation and operation of programs and the annual
24 reports under this section. The commission may suspend or
25 terminate reimbursement if the county fails to comply with its
26 duties under this section.

27 Section 8. Effective date.

28 This act shall take effect July 1, 1984.