

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1577 Session of
2000

INTRODUCED BY O'PAKE, COSTA, MUSTO, STAPLETON, TARTAGLIONE,
KUKOVICH, STOUT, WAGNER, DENT, SCHWARTZ, GERLACH, BELAN,
BOSCOLA AND HUGHES, OCTOBER 26, 2000

REFERRED TO JUDICIARY, OCTOBER 26, 2000

AN ACT

1 Amending the act of November 24, 1998 (P.L.882, No.111),
2 entitled "An act providing for victims' rights; imposing
3 penalties; establishing remedies; establishing the Office of
4 Victim Advocate, the Bureau of Victims' Services, the
5 Victims' Services Advisory Committee, the State Offender
6 Supervision Fund and other funds; and making repeals,"
7 further providing for the definition of "victim," for
8 membership and for powers and duties of the committee; and
9 making appropriations.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The definition of "victim" in section 103 of the
13 act of November 24, 1998 (P.L.882, No.111), known as the Crime
14 Victims Act, is amended to read:

15 Section 103. Definitions.

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

19 * * *

20 "Victim." The term means the following:

1 (1) A direct victim.

2 (2) A parent or legal guardian of a child who is a
3 direct victim, except when the parent or legal guardian of
4 the child is the alleged offender.

5 (2.1) A minor child who is a material witness to any of
6 the following crimes and offenses under 18 Pa.C.S. (relating
7 to crimes and offenses) committed or attempted against a
8 member of the child's family:

9 (i) Chapter 25 (relating to criminal homicide).

10 (ii) Section 2702 (relating to aggravated assault).

11 (iii) Section 3121 (relating to rape).

12 (3) A family member of a homicide victim, including
13 stepbrothers or stepsisters, stepchildren, stepparents or a
14 fiancée, one of whom is to be identified to receive
15 communication as provided for in this act, except where the
16 family member is the alleged offender.

17 * * *

18 Section 2. Sections 321(b)(7) and 322 of the act are amended
19 to read:

20 Section 321. Committee.

21 * * *

22 (b) Membership.--The committee shall consist of 15 members:

23 * * *

24 (7) Nine individuals appointed by the Governor.

25 Members under this paragraph must represent direct victims,
26 Statewide victims' coalitions, prosecution-based
27 victim/witness programs and other victim service or victim
28 advocacy organizations, the courts, members of local
29 government and other victims' organizations or organizations
30 involved in the coordination or delivery of services to

1 direct victims. At least one of the Governor's appointees
2 shall be a representative of a victims' services agency
3 working directly with children and at least one shall be a
4 district attorney.

5 * * *

6 Section 322. Powers and duties of committee.

7 The committee has the following powers and duties:

8 (1) To serve in an advisory capacity to the commission,
9 including the bureau, through the committee's participation
10 in the development of that part of the commission's plan
11 relating to direct victims' services and compensation.

12 (1.1) To advise the commission on the development of
13 direct services for children who are material witnesses to
14 the assault, murder or rape of a family member.

15 (2) To perform those functions related to the direct
16 approval and disbursement of financial assistance in an
17 advisory capacity only. The committee shall have the
18 opportunity to review and comment on applications other than
19 applications for claims for compensation pursuant to sections
20 702 and 706 within 30 days after receipt of the application
21 from the commission.

22 (3) To advise the commission on the definition,
23 development and correlation of programs and projects and the
24 establishment of priorities for direct victims' services and
25 compensation.

26 (4) To develop standards, methods and procedures for
27 evaluating and monitoring direct victims' services.

28 (5) Upon request, to provide assistance and advice to
29 the commission on any other matters relating to direct
30 victims' services and compensation.

1 (6) To receive staff support from the commission and the
2 bureau in order to adequately perform the duties provided for
3 in this section.

4 Section 3. (a) The sum of \$1,000,000 is appropriated to the
5 Commission on Crime and Delinquency to provide grants to
6 district attorneys for investigation and prosecution of crimes
7 against child victims and for ongoing training and hiring of law
8 enforcement personnel.

9 (b) The sum of \$1,000,000 is appropriated to the
10 Pennsylvania Commission on Crime and Delinquency to provide
11 grants to counties to improve the delivery and coordination of
12 mental health services to children who are direct victims. These
13 funds shall be used for the evaluation and treatment of children
14 who are direct victims during the investigation, treatment and
15 prosecution of the violence against them. Where possible, the
16 funds shall be awarded to multidisciplinary community-based
17 programs that are comprehensive service delivery models
18 incorporating a continuum of care aimed at meeting the physical
19 and emotional needs of children directly victimized by crime.

20 (c) The sum of \$1,000,000 is appropriated to the
21 Pennsylvania Commission on Crime and Delinquency to provide
22 grants to criminal justice agencies or community-based victim
23 service agencies to improve the availability of mental health
24 and court preparation services for children prior to and during
25 the child's testimony in criminal court proceedings.

26 Section 4. This act shall take effect in 60 days.