

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 2396 Session of  
2004

INTRODUCED BY GABIG, GEIST, DeWEESE, DENLINGER, HENNESSEY,  
DALLY, PAYNE, KOTIK, TIGUE, HARRIS, MANDERINO, CRAHALLA, LEH,  
CLYMER, BAKER, SAYLOR, HARHAI, PICKETT, CASORIO, GINGRICH,  
BOYD, R. MILLER, TRUE, MARSICO, B. SMITH, WEBER, YOUNGBLOOD  
AND WASHINGTON, MARCH 8, 2004

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 4, 2004

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 definitions of "crime" and  
8 "personal injury ~~crime.~~" CRIME" AND FOR FILING OF CLAIMS FOR <—  
9 COMPENSATION.

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

12 Section 1. The definitions of "crime" and "personal injury  
13 crime" in section 103 of the act of November 24, 1998 (P.L.882,  
14 No.111), known as the Crime Victims Act, amended June 28, 2002  
15 (P.L.496, No.85), are amended to read:

16 Section 103. Definitions.

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

1 \* \* \*

2 "Crime." An act which was committed:

3 (1) In this Commonwealth by a person, including a  
4 juvenile, without regard to legal exemption or defense which  
5 would constitute a crime under the following:

6 (i) [the] The act of April 14, 1972 (P.L.233,  
7 No.64), known as The Controlled Substance, Drug, Device  
8 and Cosmetic Act;

9 (ii) [18 Pa.C.S. (relating to crimes and offenses),  
10 30 Pa.C.S. § 5502 (relating to operating watercraft under  
11 influence of alcohol or controlled substance) or 5502.1  
12 (relating to homicide by watercraft while operating under  
13 influence) and 75 Pa.C.S. § 3731 (relating to driving  
14 under influence of alcohol or controlled substance), 3732  
15 (relating to homicide by vehicle), 3735 (relating to  
16 homicide by vehicle while driving under influence),  
17 3735.1 (relating to aggravated assault by vehicle while  
18 driving under the influence) or 3742 (relating to  
19 accidents involving death or personal injury); or]  
20 18 Pa.C.S. (relating to crimes and offenses).

21 30 Pa.C.S. § 5502 (relating to operating watercraft under  
22 influence of alcohol or controlled substance).

23 30 Pa.C.S. § 5502.1 (relating to homicide by watercraft  
24 while operating under influence).

25 The former 75 Pa.C.S. § 3731 (relating to driving under  
26 influence of alcohol or controlled substance).

27 75 Pa.C.S. § 3732 (relating to homicide by vehicle).

28 75 Pa.C.S. § 3735 (relating to homicide by vehicle while  
29 driving under influence).

30 75 Pa.C.S. § 3735.1 (relating to aggravated assault by

1 vehicle while driving under the influence).

2 75 Pa.C.S. § 3742 (relating to accidents involving death  
3 or personal injury).

4 75 Pa.C.S. Ch. 38 (relating to driving after imbibing  
5 alcohol or utilizing drugs).

6 (iii) [the] The laws of the United States.

7 (2) Against a resident of this Commonwealth which would  
8 be a crime under paragraph (1) but for its occurrence in a  
9 location other than this Commonwealth.

10 (3) Against a resident of this Commonwealth which is an  
11 act of international terrorism.

12 \* \* \*

13 "Personal injury crime." An act, attempt or threat to commit  
14 an act which would constitute a misdemeanor or felony under the  
15 following:

16 18 Pa.C.S. Ch. 25 (relating to criminal homicide).

17 18 Pa.C.S. Ch. 27 (relating to assault).

18 18 Pa.C.S. Ch. 29 (relating to kidnapping).

19 18 Pa.C.S. Ch. 31 (relating to sexual offenses).

20 18 Pa.C.S. § 3301 (relating to arson and related  
21 offenses).

22 18 Pa.C.S. Ch. 37 (relating to robbery).

23 18 Pa.C.S. Ch. 49 Subch. B (relating to victim and  
24 witness intimidation).

25 30 Pa.C.S. § 5502.1 (relating to homicide by watercraft  
26 while operating under influence).

27 The former 75 Pa.C.S. § 3731 (relating to driving under  
28 influence of alcohol or controlled substance) in cases  
29 involving bodily injury.

30 75 Pa.C.S. § 3732 (relating to homicide by vehicle).

1           75 Pa.C.S. § 3735 (relating to homicide by vehicle while  
2 driving under influence).

3           75 Pa.C.S. § 3735.1 (relating to aggravated assault by  
4 vehicle while driving under the influence).

5           75 Pa.C.S. § 3742 (relating to accidents involving death  
6 or personal injury).

7           75 Pa.C.S. Ch. 38 (relating to driving after imbibing  
8 alcohol or utilizing drugs) in cases involving bodily injury.

9 The term includes violations of any protective order issued as a  
10 result of an act related to domestic violence.

11       \* \* \*

12       SECTION 2.   SECTION 702(B)(1) OF THE ACT, AMENDED JUNE 28,  
13 2002 (P.L.496, NO.85), IS AMENDED TO READ:

14 SECTION 702.   FILING OF CLAIMS FOR COMPENSATION.

15       \* \* \*

16       (B)   TIME.--

17           (1)   EXCEPT AS SET FORTH IN PARAGRAPH (2), A CLAIM MUST  
18 BE FILED NOT LATER THAN TWO YEARS AFTER THE DISCOVERY OF THE  
19 OCCURRENCE OF THE CRIME UPON WHICH THE CLAIM IS BASED OR NOT  
20 LATER THAN TWO YEARS AFTER THE DEATH OF THE DIRECT VICTIM OR  
21 INTERVENOR AS A RESULT OF THE CRIME OR THE DISCOVERY AND  
22 IDENTIFICATION OF THE BODY OF A MURDER VICTIM.

23       \* \* \*

24       Section ~~2~~ 3.   This act shall take effect in 60 days.