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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 860 Session of 2015

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INTRODUCED BY GREENLEAF, YUDICHAK, EICHELBERGER, ARGALL AND HUGHES, MAY 29, 2015

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REFERRED TO JUDICIARY, MAY 29, 2015

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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," in  
7 preliminary provisions, further providing for definitions; in  
8 crime victims, further providing for responsibilities of  
9 department, local correctional facilities and board; in  
10 administration, further providing for office; and, in  
11 financial matters, further providing for costs for offender  
12 supervision programs.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. The definitions of "board," "department" and  
16 "victim advocate" in section 103 of the act of November 24, 1998  
17 (P.L.882, No.111), known as the Crime Victims Act, amended June  
18 28, 2002 (P.L.496, No.85), are amended to read:

19 Section 103. Definitions.

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

23 \* \* \*

1 "Board." The Pennsylvania [Board of Probation and] Parole  
2 Board.

3 \* \* \*

4 "Department." The Department of Corrections and  
5 Rehabilitation of the Commonwealth.

6 \* \* \*

7 "Victim advocate." The victim advocate in the Office of  
8 Victim Advocate within the [Pennsylvania Board of Probation and  
9 Parole] department.

10 Section 2. Sections 214(a), (b) and (f), 301(a) and (c) and  
11 1102 of the act are amended to read:

12 Section 214. Responsibilities of department, local correctional  
13 facilities and board.

14 (a) Forms.--The [department and the] board shall develop  
15 standardized forms regarding victim notification. The form shall  
16 include the address where the form is to be sent. The department  
17 shall develop a [standardized] standard form which may be used  
18 by local correctional facilities. In the case of counties with  
19 victim-witness coordinators, the local correctional facility  
20 shall perform its responsibilities under this section in  
21 cooperation with the county's victim-witness coordinator.

22 (b) Notice.--If the [department and board have] board has  
23 received notice of a victim's desire to have input under section  
24 201(7), the appropriate agency shall notify the victim  
25 sufficiently in advance of a pending release decision to extend  
26 an opportunity for prior comment. The local correctional  
27 facility's notice to the victim under section 201(9) shall occur  
28 immediately.

29 \* \* \*

30 (f) Records.--Records maintained by the department, the

1 local correctional facility [and], the board and the office  
2 pertaining to victims shall be kept separate. Current address,  
3 telephone number and any other personal information of the  
4 victim and family members shall be deemed confidential.

5 \* \* \*

6 Section 301. Office.

7 (a) Establishment.--There is established within the [board]  
8 department the Office of Victim Advocate to represent the  
9 interests of crime victims before the board or department. The  
10 office shall operate under the direction of the victim advocate  
11 as provided in this section.

12 \* \* \*

13 (c) Service and employees.--The victim advocate shall  
14 operate from [the central office of the board] office space  
15 provided by the department with such clerical, technical and  
16 professional staff as may be [available within the budget of the  
17 board] furnished by the department. [The compensation of  
18 employees of the office shall be set by the Executive Board.]  
19 Section 1102. Costs for offender supervision programs.

20 (a) County fund.--The county treasurer of each county shall  
21 establish and administer a county offender supervision fund  
22 consisting of the fees collected under this section. The county  
23 treasurer shall disperse money from this fund only at the  
24 discretion of the president judge of the court of common pleas.  
25 The money in this fund shall be used to pay the salaries and  
26 employee benefits of all probation and parole personnel employed  
27 by the county probation and parole department and the  
28 operational expenses of that department. Money from this fund  
29 shall be used to supplement Federal, State or county  
30 appropriations for the county adult probation and parole

1 department. The president judge shall by August 31 provide the  
2 [board] department with an annual statement which fully reflects  
3 all collections deposited into and expenditures from the  
4 offender supervision fund for the preceding fiscal year. The  
5 [board] department shall promulgate regulations to provide for  
6 the permanent administration of this program.

7 (b) State fund.--There is established a State Offender  
8 Supervision Fund to be administered by the [board] department  
9 and comprised of the supervision fees collected by the [board]  
10 department under this section. The money in this fund shall be  
11 used to supplement the Federal or State funds appropriated for  
12 the improvement of adult probation services.

13 (c) Court.--The court shall impose as a condition of  
14 supervision a monthly supervision fee of at least \$25 on any  
15 offender placed on probation, parole, accelerated rehabilitative  
16 disposition, probation without verdict or intermediate  
17 punishment unless the court finds that the fee should be  
18 reduced, waived or deferred based on the offender's present  
19 inability to pay. Of the fee collected, 50% shall be deposited  
20 into the County Offender Supervision Fund established in each  
21 county pursuant to this section, and the remaining 50% shall be  
22 deposited into the State Offender Supervision Fund established  
23 pursuant to this section.

24 (d) Board.--The board or the department shall impose as a  
25 condition of supervision a monthly supervision fee of at least  
26 \$25 on any offender under the [board's] department's supervision  
27 unless the board finds that such fee should be reduced, waived  
28 or deferred based on the offender's present inability to pay.  
29 All fees collected shall be deposited into the State Offender  
30 Supervision Fund established under subsection (b).

1 (e) Continuation.--

2 (1) For offenders under supervision of a county  
3 probation department or the board as of [August 14, 1991] the  
4 day prior to the effective date of this section or under the  
5 supervision of the department, the fee shall automatically  
6 become a part of the supervision conditions as if the court  
7 or board had imposed it unless the court or board makes a  
8 finding that the offender is presently unable to pay.

9 (2) The court or board may make a finding that the  
10 offender is unable to pay based on any of the following  
11 factors:

12 (i) The offender has diligently attempted but has  
13 been unable to obtain employment that provides the  
14 offender sufficient income to make such payments.

15 (ii) The offender is a student in a school, a  
16 college, a university or a course of vocational or  
17 technical training designed to fit the student for  
18 gainful employment.

19 (iii) The offender has an employment handicap as  
20 determined by an examination acceptable to or ordered by  
21 the court or board.

22 (iv) The offender's age prevents employment.

23 (v) The offender is responsible for the support of  
24 dependents, and the payment of the assessment constitutes  
25 an undue hardship on the offender.

26 (vi) Other extenuating circumstances as determined  
27 by the court or board.

28 Section 3. This act shall take effect in one year.