



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1371

PRINTER'S NO. 2788

PRIME SPONSOR: Hohenstein

COST / (SAVINGS)

FUND	FY 2023/24	FY 2024/25
General Fund	\$0	\$0

SUMMARY:

Establishes the U Nonimmigrant Visa Act.

ANALYSIS:

House Bill 1371 is a freestanding act to establish and clarify the requirements and duties for certifying officials and agencies related to request processing timeframes, record keeping, language access, training, and victim notification for the U Visa application process.

The duties of a certifying agency, which is defined as the Pennsylvania State Police, a local law enforcement agency, a judicial office, a prosecutor's office, or an agency with criminal investigative jurisdiction in the agency's respective areas of expertise, include to:

- Respond to a certification form petition that is received by the certifying agency;
- In collaboration with a subject matter expert on certification forms and violence against immigrants, develop a protocol for a certification form petition and make the protocol publicly accessible to a victim of a qualifying criminal activity, the victim's legal representative, or other person upon request;
- Maintain a written record or an electronic record of a certification form petition and the response to the petition;
- Develop and implement the certifying agency's language access protocol for a non-English-speaking victim of a qualifying criminal activity; and
- Upon the receipt of the certification form by a petitioner or the petitioner's legal representative, authorize the certification form when the certifying official determines that the petitioner met the defined criteria in the legislation.

Section 3(a)(5) of the legislation establishes the criteria that must be met by the petitioner. The petitioner must have been the victim of a qualifying criminal activity, possess information about the qualifying criminal activity, and have been helpful or likely to be helpful to the certifying agency in the detection, investigation, or prosecution of the qualifying criminal activity. Section 3(b) clarifies the criteria that a certifying agency shall not consider. Section 3(c) details the information that a certifying agency should include on the certification form.

Section 4 of the legislation establishes that a certifying agency is required to process a petition no later than 30 days after the receipt of a certification form petition. This period may only be extended upon written agreement with the petitioner or the legal representative of the petitioner. A petitioner may request an expedited time frame (14 days) if they are able to establish any of the criteria in subsection a(i-iii). Subsection c establishes reporting requirements for the certifying agency. In the event that a certification form is denied, Section 6 of the legislation details the requirements for a provision of written notice to the petitioner.

Section 7 creates a training program for certifying agencies and certifying officials. The compulsory training program is required to include the following topics:

- The impacts of qualifying criminal activities on victims and their safety;
- Compliance with certification form protocols;
- The roles of certifying officials; and
- Collaboration with victim service and immigrant advocacy providers.

This legislation would take effect in 60 days upon enactment.

FISCAL IMPACT:

Enactment of this legislation is not expected to have a significant impact on Commonwealth funds. According to the Pennsylvania State Police, there will be minimal costs for the development of the protocol, posting the form and process on their public website, the administration of the process, and the retention of documentation.

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House Appropriations Committee (D)

DATE: March 26, 2024

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.