

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 523

PRINTER NO. 550

AMOUNT

\$390,525 Annual Costs

FUND

General Fund
State Offender Supervision Fund

DATE INTRODUCED

March 16, 2017

PRIME SPONSOR

Senator Greenleaf

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 523 amends the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act (Act), making technical changes related to the consolidation of the Pennsylvania Department of Corrections and the Pennsylvania Board of Probation and Parole into a single state agency titled the "Department of Criminal Justice."

This legislation does all of the following:

- Makes a technical change that changes the name of The Pennsylvania Board of Probation and Parole to the "The Pennsylvania Parole Board" (Board);
- Makes a technical change that changes the name of The Department of Corrections to "The Department of Criminal Justice" (Department);
- Makes certain changes that clarifies that the Office of Victim Advocate (Office) will reside within the newly created Department of Criminal Justice, but will function as an independent criminal justice agency within the Department instead of the Board of Probation and Parole;
- Requires the Department to provide office space and clerical, technical and professional staff;
- Requires the Department to appoint legal counsel to the Office under the Commonwealth Attorney's Act;
- Provides that the Victim Advocate may be removed for cause by the Governor, by and with the advice and consent of a majority of the members of the Senate. In addition, it establishes a process by which the Governor may suspend the Victim Advocate for cause during a recess of the Senate;
- Provides that each report, record or other information in the possession of or maintained by the Office, including the home addresses of employees of the Office shall:
 - 1) Be confidential and privileged;
 - 2) Not be subject to subpoena or discovery;

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

- 3) Not be subject to the Right-to-Know Law;
 - 4) Be used for no purpose other than to advocate for the interests of crime victims; and
 - 5) Except as provided by law, not be introduced into evidence in a judicial or administrative proceeding.
- Prohibits anyone with access to such reports, records or other information from disclosing their contents or testifying in a judicial or administrative proceeding without the written consent of the direct victim or intervenor, or, if the direct victim or intervenor is deceased, the Victim Advocate. This section shall not be construed to preclude or limit introduction of contents of a report, record, or other information in an investigation, prosecution or judicial proceeding enforcing section 1303 (establishing penalties for individuals asserting a false claim under the Act), or in communicating with the prosecutor's office regarding restitution; and
 - Makes technical changes to clarify that the State Offender Supervision Fund shall be administered by the Department, rather than the Board.

This act shall take effect in one year.

FISCAL IMPACT:

This legislation simply makes technical changes to the Crime Victims Act needed as a result of the merger of the Pennsylvania Board of Probation and Parole and the Pennsylvania Department of Corrections.

Section 301(c) requires the Department to appoint legal counsel to the Office. The annual salary and benefits costs for a Chief Counsel and Executive Assistant are estimated to be \$390,525. This estimate was obtained by using the legal staff of the Pennsylvania Historical Museum Commission as a comparison.

The other provisions of this legislation will have no adverse fiscal impact on Commonwealth funds.