

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 915

PRINTER NO. 1534

AMOUNT

No Additional Fiscal Impact

FUND

General Fund

DATE INTRODUCED

March 15, 2018

PRIME SPONSOR

Senator Greenleaf

DESCRIPTION

Senate Bill 915 amends the Post Conviction Relief Act under Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to provide for victim and witness outreach and to extend the time frame for the filing of certain post conviction relief petitions.

Chapter 95 of Title 42 is amended by adding a new Subchapter A.1 (Victim and Witness Outreach). Under this new subchapter, there is a new §9521 (Defense-initiated victim or witness outreach) that provides for the following:

- A person who engages in defense-initiated victim or witness outreach shall:
 - 1) Communicate in an honest manner without deception or misrepresentation; and
 - 2) Unambiguously provide the person's identity by name, the person's employer and, if applicable, the name of the defendant convicted of the crime.
- Defines "defense-initiated victim or witness outreach" as any effort by a criminal defendant's counsel to directly or indirectly contact a victim or witness or a parent, guardian or family member of a victim or witness on behalf of the criminal defendant or the criminal defendant's counsel through any of the following:
 - 1) A victim liaison;
 - 2) A victim outreach specialist;
 - 3) A social worker;
 - 4) An investigator; or
 - 5) Any other individual designated by the criminal defendant or the criminal defendant's counsel.

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

Under Subchapter B (Post Conviction Relief), the following sections are amended as follows:

- §9543 (a) (1) is amended by removing the requirements that the petitioner for post conviction relief must be currently incarcerated or on probation or parole for the crime; awaiting execution of a sentence of death for the crime; or serving a sentence which must expire before the person may commence serving the disputed sentence; and
- §9545 (b) (2) is amended by increasing the time period for filing a petition invoking an exception under §9545 (b) (1) from “within 60 days of the date the claim could have been presented” to “within one year of the date when the grounds for the exception were discovered or reasonably could have been discovered.”

This act shall take effect in 60 days.

FISCAL IMPACT:

Enactment of this legislation may result in additional post conviction relief petitions being filed in the county Courts of Common Pleas, although it is anticipated to be a minimal number of cases due to the limited scope of available relief from the legislation. Given the minimal number of additional petitions, it is anticipated that any additional workload can be accommodated within existing workload and funding levels available to the courts.

Therefore it is determined that enactment of this legislation will result in no additional fiscal impact to Commonwealth funds.