

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 708

PRINTER NO. 900

AMOUNT

See Fiscal Impact

FUND

Crime Victims Compensation Fund
Victim Witness Services Fund

DATE INTRODUCED

May 25, 2021

PRIME SPONSOR

Senator Bartolotta

DESCRIPTION

Senate Bill 708 amends the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, to better provide information and compensation to victims.

This legislation updates the definitions in the act, adding notice of the Address Confidentiality Program and providing a right to notice of placement in the state drug offender treatment program. The bill would shift the burden of notifying the victim of his or her rights from a law enforcement agency to the individual officer and adds to the prosecutor’s duties to provide notification on behalf of the victim to the Office of Victim Advocate.

For victim compensation, the bill changes the statute of limitations for making a claim from 2 to 3 years, allows for a good faith extension and decreases the minimum loss from \$100 to \$50. It grants flexibility in the amount of emergency awards, adds eligibility for recipients of sexual violence and intimidation orders, adds crime scene clean-up for vehicles and excuses victims under 18 from the requirement to use insurance. It clarifies the reporting requirement to be eligible for compensation and merges the Crime Victims Compensation Fund and Victim Witness Services Fund into a single, non-lapsing fund, known as the Crime Victim Services and Compensation Fund.

Specifically, this legislation provides for all of the following in the Crime Victims Act:

- Adds the following offenses as an eligible crime:
 - 75 Pa.C.S. § 3732.1 (relating to aggravated assault by vehicle);
 - 75 Pa.C.S. § 3733 (relating to fleeing or attempting to elude police officer); and
 - 75 Pa.C.S. § 3734 (relating to driving without lights to avoid identification or arrest).

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- Adds 75 Pa.C.S. § 3742.1 (relating to accidents involving death or personal injury while not properly licensed) as an eligible crime if the nature and circumstances of the offense committed are substantially similar to an offense under 75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury);
- Adds law enforcement officers as “intervenor;”
- Allows for a privately-owned motor vehicle to be covered by crime scene cleaning expenses;
- Extends the filing deadline to five years;
- Narrows the cooperation requirement;
- Reduces the minimum out-of-pocket loss to \$50;
- Covers funeral expenses, barring consideration of the conduct of the direct victim or intervenor; and
- Bars consideration of the conduct of the direct victim or intervenor for counseling expenses.

The amendment to section 1101 (b) of the Crime Victims Act (relating to disposition) takes effect immediately. The remainder of the amendments to the act shall take effect in six months.

FISCAL IMPACT:

Provisions of the bill may increase the number of claims filed with the Office of Victims Services at the Pennsylvania Commission on Crime and Delinquency, with all funds being dispersed through the Crime Victims Compensation Fund and the Victim Witness Services Fund. Under this legislation, these funds will be merged to form a new, non-lapsing fund known as the Crime Victim Services and Compensation Fund. The following chart shows the average annual revenues, expenditures and year-end fund balances for both funds during the period of FY 2017-18 through FY 2019-20.

Fund	Revenue	Expenditures	Fund Balance
Crime Victims Compensation Fund:	\$8.9 Million	\$10.3 Million	\$5.1 Million
Victim Witness Services Fund:	\$5.7 Million	\$5.8 Million	\$3.7 Million
Total:	\$14.6 Million	\$16.1 Million	\$8.8 Million

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These funds are derived from the collection of certain court costs. Historically, there are more funds being expended from the funds than revenue being produced annually. With the additional claims that may be filed with the enactment of this legislation, the victim assistance programs may become unsustainable in future years.

There were a total of 8,369 claims filed in FY 2019-20, which were paid at an average of about \$1,484 per claim. Based on information provided by the Commission on Crime and Delinquency, enactment of the provisions in this legislation may result in estimated costs of \$1,510,148.

The federal Crime Victims Fund was established by the Victims of Crime Act of 1984 (VOCA) and serves as a major funding source for victim services throughout the country. The VOCA reimbursement for these additional costs is estimated to be \$906,089. Therefore, enactment of this legislation may result in an additional fiscal impact to the Crime Victims Compensation Fund and the Victim Witness Services Fund in the amount of \$604,059