

CRIMES CODE (18 PA.C.S.) AND JUDICIAL CODE (42 PA.C.S.) -
RESTITUTION FOR INJURIES TO PERSON OR PROPERTY AND VICTIM IMPACT
STATEMENTS

Act of Oct. 24, 2018, P.L. 891, No. 145

Cl. 18

Session of 2018

No. 2018-145

SB 897

AN ACT

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in authorized disposition of offenders, further providing for restitution for injuries to person or property; and, in sentencing, further providing for victim impact statements.

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

Section 1. Section 1106(a), (b), (c)(1), (g) and (h) of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

§ 1106. Restitution for injuries to person or property.

(a) General rule.--Upon conviction for any crime wherein:

(1) property **of a victim** has been stolen, converted or otherwise unlawfully obtained, or its value substantially decreased as a direct result of the crime[, or wherein]; **or**

(2) the victim, **if an individual**, suffered personal injury directly resulting from the crime, the offender shall be sentenced to make restitution in addition to the punishment prescribed therefor.

(b) Condition of probation or parole.--Whenever restitution has been ordered pursuant to subsection (a) and the offender has been placed on probation or parole, [his] **the offender's** compliance with such order may be made a condition of such probation or parole.

(c) Mandatory restitution.--

(1) The court shall order full restitution:

(i) Regardless of the current financial resources of the defendant, so as to provide the victim with the fullest compensation for the loss. The court shall not reduce a restitution award by any amount that the victim has received from the Crime Victim's Compensation Board or other [governmental] **government** agency but shall order the defendant to pay any restitution ordered for loss previously compensated by the board to the Crime Victim's Compensation Fund or other designated account when the claim involves a government agency in addition to or in place of the board. The court shall not reduce a restitution award by any amount that the victim has received from an insurance company but shall order the defendant to pay any restitution ordered for loss previously compensated by an insurance company to the insurance company.

(ii) If restitution to more than one [person] **victim** is set at the same time, the court shall set priorities of payment. However, when establishing priorities, the court shall order payment in the following order:

(A) [The victim] **Any individual**.

(A.1) Any affected government agency.

(B) The Crime Victim's Compensation Board.

(C) Any other government agency which has provided reimbursement to the victim as a result of the defendant's criminal conduct.

(D) Any insurance company which has provided reimbursement to the victim as a result of the defendant's criminal conduct.

(E) Any estate or testamentary trust.

(F) Any business entity organized as a nonprofit or not-for-profit entity.

(G) Any other business entity.

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(g) Preservation of private remedies.--No judgment or order of restitution shall debar the [owner of the property or the victim who sustained personal injury] **victim**, by appropriate action, to recover from the offender as otherwise provided by law, provided that any civil award shall be reduced by the amount paid under the criminal judgment.

(h) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Affected government agency." The Commonwealth, a political subdivision or local authority that has sustained injury to property.

"Business entity." A domestic or foreign:

- (1) **business corporation;**
- (2) **nonprofit corporation;**
- (3) **general partnership;**
- (4) **limited partnership;**
- (5) **limited liability company;**
- (6) **unincorporated nonprofit association;**
- (7) **professional association; or**
- (8) **business trust, common law business trust or statutory trust.**

"Crime." Any offense punishable under this title or by a magisterial district judge.

"Injury to property." Loss of real or personal property, including negotiable instruments, or decrease in its value, directly resulting from the crime.

"Insurance company." An entity that compensates a victim for loss under an insurance contract.

"Insurance contract." A contract governed by the insurance laws of the state in which it was issued or a plan of benefits sponsored by an employer or employee organization.

"Offender." Any person who has been found guilty of any crime.

"Personal injury." Actual bodily harm, including pregnancy, directly resulting from the crime.

"Property." Any real or personal property, including currency and negotiable instruments, of the victim.

"Restitution." The return of the property of the victim or payments in cash or the equivalent thereof pursuant to an order of the court.

"Victim." As defined in section [479.1 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929] 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act. The term includes an affected government agency, the Crime Victim's Compensation Fund, if compensation has been paid by the Crime Victim's Compensation Fund to the victim [and], any insurance company that has

compensated the victim for loss under an insurance contract **and any business entity.**

Section 2. Section 9738(b) of Title 42 is amended to read:
§ 9738. Victim impact statements.

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(b) Definition.--As used in this section, the term "victim" shall mean a "victim" as defined in:

(1) [section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act] **18 Pa.C.S. § 1106 (relating to restitution for injuries to person or property);** or

(2) 18 Pa.C.S. § 3001 (relating to definitions).

Section 3. This act shall take effect immediately.

APPROVED--The 24th day of October, A.D. 2018.

TOM WOLF