

CRIME VICTIMS ACT
Act of Nov. 24, 1998, P.L. 882, No. 111
AN ACT

Cl. 44

Providing for victims' rights; imposing penalties; establishing remedies; establishing the Office of Victim Advocate, the Bureau of Victims' Services, the Victims' Services Advisory Committee, the State Offender Supervision Fund and other funds; and making repeals.

TABLE OF CONTENTS

Chapter 1. Preliminary Provisions

Section 101. Short title.
Section 102. Legislative intent.
Section 103. Definitions.

Chapter 2. Crime Victims

Subchapter A. Bill of Rights

Section 201. Rights.

Subchapter B. Responsibilities

Section 211. Responsibilities of victims of crime under basic bill of rights.
Section 212. Responsibilities of State and local law enforcement agencies.
Section 213. Responsibilities of prosecutor's office.
Section 214. Responsibilities of department, local correctional facilities and board.
Section 215. Responsibilities of Department of Public Welfare and mental health institutions under basic bill of rights.
Section 216. Responsibilities of juvenile probation office.

Subchapter C. Legal Standing

Section 231. Crime victims.
Section 232. Construction.
Section 233. Commonwealth waiver.

Chapter 3. Administration

Subchapter A. Victim Advocate

Section 301. Office.
Section 302. Powers and duties of victim advocate.

Subchapter B. Bureau of Victims' Services

Section 311. Office of Victims' Services.
Section 312. Powers and duties of Office of Victims' Services.

Subchapter C. Committee

Section 321. Committee.
Section 322. Powers and duties of committee.

Chapter 5. Parole Advocacy

Section 501. Preparole notification to victim.
Section 502. Petitions to deny parole upon expiration of
 minimum sentence.

Chapter 7. Compensation

Section 701. Persons eligible for compensation.
Section 701.1. Counseling services for victims of sexual abuse.
Section 702. Filing of claims for compensation.
Section 703. Minimum allowable claim.
Section 704. Determination of claims.
Section 705. Judicial review.
Section 706. Emergency awards.
Section 707. Awards.
Section 708. Manner of payment.
Section 709. Confidentiality of records.
Section 710. Responsibilities of employers, service providers
 and insurance companies.

Chapter 9. Services

Section 901. Eligibility of victims.
Section 902. Establishment of basic services for victims of
 crime.
Section 903. Grant program for services.

Chapter 11. Financial Matters

Section 1101. Costs.
Section 1102. Costs for offender supervision programs.

Chapter 13. Enforcement

Section 1301. Subrogation.
Section 1302. Restitution.
Section 1302.1. State income tax intercept.
Section 1303. Penalty.
Section 1304. Revictimization relief.

Chapter 51. Miscellaneous Provisions

Section 5101. Effect on legal actions.
Section 5102. Continuation of existing law.
Section 5103. Repeals.
Section 5104. Effective date.

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

CHAPTER 1 PRELIMINARY PROVISIONS

Section 101. Short title.

This act shall be known and may be cited as the Crime Victims
Act.

Section 102. Legislative intent.

The General Assembly finds and declares as follows:

(1) In recognition of the civic and moral duty of
victims of crime to fully and voluntarily cooperate with law
enforcement and prosecutorial agencies and in further
recognition of the continuing importance of victim

cooperation to State and local law enforcement efforts and the general effectiveness and well-being of the criminal justice system of this Commonwealth, all victims of crime are to be treated with dignity, respect, courtesy and sensitivity.

(2) The rights extended to victims of crime in Chapter 2 are to be honored and protected by law enforcement agencies, prosecutors and judges in a manner no less vigorous than the protections afforded criminal defendants.

Section 103. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Adult." Any of the following:

(1) An individual charged with a crime who is 18 years of age or older.

(2) An individual who is subject to criminal court jurisdiction following the transfer of a case to criminal proceedings.

(3) An individual who is subject to criminal court jurisdiction after having been charged with a crime excluded from the definition of "delinquent act" pursuant to 42 Pa.C.S. § 6302 "delinquent act" (2)(i), (ii), (iii) or (v) (relating to definitions).

"Board." The Pennsylvania Parole Board. (Def. amended July 11, 2022, P.L.775, No.77)

"Campus police." As defined in section 302 of the act of November 29, 2004 (P.L.1383, No.180), known as the Uniform Crime Reporting Act. (Def. added July 11, 2022, P.L.775, No.77)

"Claimant." The person filing a claim under Chapter 7.

"Commission." The Pennsylvania Commission on Crime and Delinquency.

"Committee." The Victims' Services Advisory Committee established in section 321.

"Counseling services." A mental health therapy performed by or under the supervision of a mental health care provider. (Def. added July 11, 2022, P.L.775, No.77)

"Crime." An act which was committed:

(1) In this Commonwealth by a person, including a juvenile, without regard to legal exemption or defense which would constitute a crime under the following:

(i) The act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(ii) 18 Pa.C.S. (relating to crimes and offenses).
30 Pa.C.S. § 5502 (relating to operating watercraft under influence of alcohol or controlled substance).

30 Pa.C.S. § 5502.1 (relating to homicide by watercraft while operating under influence).

30 Pa.C.S. § 5502.2 (relating to homicide by watercraft).

30 Pa.C.S. § 5502.3 (relating to aggravated assault by watercraft while operating under influence).

30 Pa.C.S. § 5502.4 (relating to aggravated assault by watercraft).

The former 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance).

75 Pa.C.S. § 3732 (relating to homicide by vehicle).

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).

75 Pa.C.S. § 3734 (relating to driving without lights to avoid identification or arrest).

75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under influence).

75 Pa.C.S. § 3735.1 (relating to aggravated assault by vehicle while driving under the influence).

75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury).

75 Pa.C.S. § 3742.1 (relating to accidents involving death or personal injury while not properly licensed) if the nature and circumstances of the offense committed are substantially similar to an offense under 75 Pa.C.S. § 3742.

75 Pa.C.S. Ch. 38 (relating to driving after imbibing alcohol or utilizing drugs).

(iii) The laws of the United States.

(2) Against a resident of this Commonwealth which would be a crime under paragraph (1) but for its occurrence in a location other than this Commonwealth.

(3) Against a resident of this Commonwealth which is an act of international terrorism.

(Def. amended July 11, 2022, P.L.775, No.77)

"Department." The Department of Corrections of the Commonwealth.

"Direct victim." An individual against whom a crime has been committed or attempted and who as a direct result of the criminal act or attempt suffers physical or mental injury, death or the loss of earnings under this act. The term shall not include the alleged offender. The term includes a resident of this Commonwealth against whom an act has been committed or attempted which otherwise would constitute a crime as defined in this act but for its occurrence in a location other than this Commonwealth and for which the individual would otherwise be compensated by the crime victim compensation program of the location where the act occurred but for the ineligibility of such program under the provisions of the Victims of Crime Act of 1984 (Public Law 98-473, 42 U.S.C. § 10601 et seq.).

"Dispositional proceeding." A proceeding which occurs in open common pleas court which potentially could dispose of the case. The term includes Accelerated Rehabilitative Disposition, pleas, trial and sentence.

"Diversionary program." A program which is used to divert the defendant to an alternative form of disposition under the Pennsylvania Rules of Criminal Procedure or statutory authority. The term includes dispositions authorized by Rules 160, 176 and 314 of the Pennsylvania Rules of Criminal Procedure and sections 17 and 18 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

"Family." When used in reference to an individual:

(1) anyone related to that individual within the third degree of consanguinity or affinity;

(2) anyone maintaining a common-law relationship with that individual; or

(3) anyone residing in the same household with that individual.

"Financial support." Includes the loss of court-ordered child or spousal support payments if the victim is deprived of

money as a direct result of a crime. (Def. added July 11, 2022, P.L.775, No.77)

"Injury." Includes physical or mental damages incurred as a direct result of the crime and aggravation of existing injuries if additional losses can be attributed to the direct result of the crime.

"International terrorism." Activities which meet all of the following:

(1) Involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any state or that would be a criminal violation if committed within the jurisdiction of the United States or of any state.

(2) Appear to be intended:

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(3) Occur primarily outside of the territorial jurisdiction of the United States or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce or the locale in which their perpetrators operate or seek asylum.

"Intervenor." An individual, including a law enforcement officer who is injured in the performance of the individual's duties, who goes to the aid of another and suffers physical or mental injury or death as a direct result of acting not recklessly to prevent the commission of a crime, to lawfully apprehend a person reasonably suspected of having committed such crime or to aid the victim of such crime. (Def. amended July 11, 2022, P.L.775, No.77)

"Juvenile." An individual who is alleged or has been determined to be a "delinquent child" as defined in 42 Pa.C.S. § 6302 (relating to definitions).

"Law enforcement agency." The Pennsylvania State Police and a local law enforcement agency.

"Law enforcement officer." A peace officer as defined in 18 Pa.C.S. § 501 (relating to definitions). (Def. added July 11, 2022, P.L.775, No.77)

"Local correctional facility." A jail, prison or detention facility operated by a county or jointly by more than one county and used for the confinement of individuals for safe custody. The term does not include any facility used for the detention or confinement of juveniles.

"Local law enforcement agency." A police department of a city, borough, incorporated town or township or campus police. (Def. amended July 11, 2022, P.L.775, No.77)

"Loss of earnings." An economic loss resulting from an injury or death to a victim of a crime or an intervenor that has not been and will not be reimbursed from any other source. The term includes the loss of the cash equivalent of one month's worth of Social Security, railroad retirement, pension plan, retirement plan, disability, veteran's retirement, loss of support payments if the payments are the primary source of the victim's income or other similar benefit, and the victim or intervenor is deprived of money as a direct result of a crime. (Def. amended July 11, 2022, P.L.775, No.77)

"Loss of support." The loss of verifiable financial support the direct victim would have contributed to surviving dependents

that is lost due to the death of the direct victim as a direct result of a crime. (Def. added July 11, 2022, P.L.775, No.77)

"Mental health care provider." Any of the following:

- (1) A psychiatrist.
- (2) An individual licensed under the act of March 23, 1972 (P.L.136, No.52), known as the Professional Psychologists Practice Act.
- (3) A licensed professional counselor as defined in section 3 of the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act.

- (4) A licensed social worker as defined in section 3 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act.

(Def. added July 11, 2022, P.L.775, No.77)

"Office." The Office of Victim Advocate established in section 302.

"Office of Victims' Services." The Office of Victims' Services in the Pennsylvania Commission on Crime and Delinquency.

"Out-of-pocket loss." The term includes the following losses which shall be reimbursed at a rate set by the Office of Victims' Services:

- (1) expenses for unreimbursed and unreimbursable expenses or indebtedness incurred for medical care, nonmedical remedial care and treatment as approved by the Office of Victims' Services or other services;
- (2) expenses for counseling, prosthetic devices, wheelchairs, canes, walkers, hearing aids, eyeglasses or other corrective lenses or dental devices reasonably necessary as a result of the crime upon which the claim is based and for which the claimant either has paid or is liable;
- (3) expenses related to the reasonable and necessary costs of cleaning the crime scene of a private residence or privately owned motor vehicle. "Cleaning" means to remove or attempt to remove stains or blood caused by the crime or other dirt or debris caused by the processing of the crime scene;
- (4) expenses resulting from the temporary or permanent relocation of a direct victim and individuals residing in the household of the direct victim due to the incident forming the basis of the victim's claim when there is an immediate need to protect the safety and health of the victim and individuals residing in the household, as verified by a medical provider, human services provider or law enforcement;
- (5) expenses for physical examinations and materials used to obtain evidence; or
- (6) other reasonable expenses which are deemed necessary as a direct result of the criminal incident.

Except as otherwise provided, the term does not include property damage or pain and suffering.

(Def. amended July 11, 2022, P.L.775, No.77)

"Personal injury crime." An act, attempt, solicitation or conspiracy to commit an act which would constitute a misdemeanor or felony under the following:

- 18 Pa.C.S. Ch. 25 (relating to criminal homicide).
- 18 Pa.C.S. Ch. 27 (relating to assault).
- 18 Pa.C.S. § 2803 (relating to aggravated hazing).
- 18 Pa.C.S. Ch. 29 (relating to kidnapping).
- 18 Pa.C.S. Ch. 30 (relating to human trafficking).
- 18 Pa.C.S. Ch. 31 (relating to sexual offenses).

18 Pa.C.S. § 3301 (relating to arson and related offenses).

18 Pa.C.S. Ch. 37 (relating to robbery).

18 Pa.C.S. Ch. 49 Subch. B (relating to victim and witness intimidation).

18 Pa.C.S. § 6312 (relating to sexual abuse of children).

18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

30 Pa.C.S. § 5502.1 (relating to homicide by watercraft while operating under influence).

30 Pa.C.S. § 5502.2 (relating to homicide by watercraft).

30 Pa.C.S. § 5502.3 (relating to aggravated assault by watercraft while operating under influence).

30 Pa.C.S. § 5502.4 (relating to aggravated assault by watercraft).

The former 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance) in cases involving bodily injury.

75 Pa.C.S. § 3732 (relating to homicide by vehicle).

75 Pa.C.S. § 3732.1 (relating to aggravated assault by vehicle).

75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under influence).

75 Pa.C.S. § 3735.1 (relating to aggravated assault by vehicle while driving under the influence).

75 Pa.C.S. Ch. 38 (relating to driving after imbibing alcohol or utilizing drugs) in cases involving bodily injury. The term includes violations of any protective order issued under 23 Pa.C.S. Ch. 61 (relating to protection from abuse) or 42 Pa.C.S. Ch. 62A (relating to protection of victims of sexual violence or intimidation) or a similar protective order issued outside this Commonwealth. The term includes a crime of violence as defined in 42 Pa.C.S. § 9714(g) (relating to sentences for second and subsequent offenses).

(Def. amended July 11, 2022, P.L.775, No.77)

"Personal injury rights crime." A personal injury crime or an act, attempt, solicitation or conspiracy to commit an act which would constitute a misdemeanor or felony under the following:

18 Pa.C.S. § 2802 (relating to hazing), if graded as a misdemeanor of the third degree.

18 Pa.C.S. § 5131 (relating to recruiting criminal gang members).

75 Pa.C.S. § 3733 (relating to fleeing or attempting to elude police officer).

75 Pa.C.S. § 3734 (relating to driving without lights to avoid identification or arrest).

75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury).

75 Pa.C.S. § 3742.1 (relating to accidents involving death or personal injury while not properly licensed) if the nature and circumstance of the offense committed are substantially similar to an offense under 75 Pa.C.S. § 3742. (Def. added July 11, 2022, P.L.775, No.77)

"Preadjudication disposition." Any of the following:

(1) Disposition of an adult without a trial. This paragraph includes accelerated rehabilitative disposition.

(2) Disposition of a juvenile prior to an adjudication of delinquency under 42 Pa.C.S. Ch. 63 (relating to juvenile matters), including informal adjustment as set forth in 42

Pa.C.S. § 6323 (relating to informal adjustment), and consent decree as set forth in 42 Pa.C.S. § 6340 (relating to consent decree).

"Prosecutor's office." The Office of Attorney General or the office of a district attorney of a county.

"Sexual abuse." Conduct which occurs in this Commonwealth and would constitute an offense under any of the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

Section 3011(a)(1) or (2) and (b) (relating to trafficking in individuals).

Section 3012 (relating to involuntary servitude) as it relates to sexual servitude.

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3124.2 (relating to institutional sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 3127 (relating to indecent exposure).

Section 3133 (relating to sexual extortion),

Section 4302 (relating to incest).

Section 6312 (relating to sexual abuse of children).

Section 6320 (relating to sexual exploitation of children).

(Def. added July 11, 2022, P.L.775, No.77)

"Victim." The term means the following:

(1) A direct victim.

(2) A parent or legal guardian of a child who is a direct victim, except when the parent or legal guardian of the child is the alleged offender.

(3) A minor child who is a material witness to any of the following crimes and offenses under 18 Pa.C.S. (relating to crimes and offenses) committed or attempted against a member of the child's family:

Chapter 25 (relating to criminal homicide).

Section 2702 (relating to aggravated assault).

Section 3121 (relating to rape).

(4) A family member of a homicide victim, including stepbrothers or stepsisters, stepchildren, stepparents or a fiancé, one of whom is to be identified to receive communication as provided for in this act, except where the family member is the alleged offender.

"Victim advocate." The victim advocate in the Office of Victim Advocate within the department. (Def. amended July 11, 2022, P.L.775, No.77)

(103 amended June 28, 2002, P.L.496, No.85)

Compiler's Note: Section 16 of Act 77 of 2022 provided that the amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) shall apply to claims where the crime occurred after the effective date

of section 16, except for claims for counseling services relating to sexual abuse under section 701.1.

CHAPTER 2
CRIME VICTIMS

SUBCHAPTER A
BILL OF RIGHTS

Section 201. Rights.

Victims of crime have the following rights:

(1) To receive basic information concerning the services available for victims of crime.

(1.1) If eligible to apply, to be notified of the Address Confidentiality Program under 23 Pa.C.S. Ch. 67 (relating to domestic and sexual violence victim address confidentiality). ((1.1) added July 11, 2022, P.L.775, No.77)

(2) To be notified of certain significant actions and proceedings within the criminal and juvenile justice systems pertaining to their case. This paragraph includes all of the following:

(i) Access to information regarding whether the juvenile was detained or released following arrest and whether a petition alleging delinquency has been filed.

(ii) Immediate notification of a juvenile's preadjudication escape from a detention center or shelter facility and of the juvenile's subsequent apprehension.

(iii) Access to information regarding the grant or denial of bail to an adult. The following apply:

(A) The arresting officer shall provide the name and contact information of the victim to the magisterial district court or the Philadelphia Municipal Court conducting the preliminary arraignment so that the victim may receive notice of any proceedings to modify bail conditions and exercise the opportunity to appear in accordance with paragraph (2.1)(iii).

(B) The contact information of the victim shall be transmitted by the magisterial district court or the Philadelphia Municipal Court with the transcript of the proceedings to the court of common pleas at the conclusion of the preliminary hearing so that the clerk of courts may notify the victim of any proceedings to modify bail and the victim may exercise the opportunity to appear in accordance with paragraph (2.1)(iii).

(C) Nothing in this subparagraph shall preclude the prosecutor from excusing the presence of the victim to proceed by colloquy or offer of proof in accordance with paragraph (2.1)(iii).

((iii) amended July 11, 2022, P.L.758, No.71)

(iv) Immediate notification of an adult offender's pretrial escape from a local correctional facility and of the offender's subsequent apprehension.

(2.1) To not be excluded from any criminal proceeding unless the court, based on the record before it, determines that testimony by the victim would be materially altered if the victim heard other testimony at the proceeding. The following apply:

(i) Before making a determination, the court shall make every effort to permit the fullest attendance

possible by the victim and shall consider reasonable alternatives to the exclusion of the victim.

(ii) The reason for any exclusion shall be clearly stated on the record.

(iii) The right not to be excluded under this paragraph shall afford the victim the right to offer comment regarding a defendant's bail conditions at the time that bail conditions are imposed or at any subsequent proceeding where bail conditions may be modified. The following apply:

(A) Nothing in this subparagraph shall be construed to preclude the prosecutor or arresting officer from presenting an offer of proof or colloquy in lieu of testimony by the victim.

(B) This subparagraph applies to the following offenses:

(I) A personal injury crime.

(II) A crime of violence, as defined in 42 Pa.C.S. § 9714(g) (relating to sentences for second and subsequent offenses).

(III) An offense under 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

(IV) An offense under 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

((2.1) amended July 11, 2022, P.L.758, No.71)

(3) To be accompanied at all criminal and all juvenile proceedings in accordance with 42 Pa.C.S. § 6336 (relating to conduct of hearings) by a family member, a victim advocate or other person providing assistance or support.

(4) In cases involving a personal injury rights crime or burglary, to submit prior comment to the prosecutor's office or juvenile probation office, as appropriate to the circumstances of the case, on the potential reduction or dropping of any charge or changing of a plea in a criminal or delinquency proceeding, or, diversion of any case, including an informal adjustment or consent decree. ((4) amended July 11, 2022, P.L.775, No.77)

(5) To have opportunity to offer prior comment on the sentencing of a defendant or the disposition of a delinquent child, to include the submission of a written and oral victim impact statement detailing the physical, psychological and economic effects of the crime on the victim and the victim's family. The written statement shall be included in any predisposition or presentence report submitted to the court. Victim-impact statements shall be considered by a court when determining the disposition of a juvenile or sentence of an adult.

(5.1) To have notice and to provide prior comment on a judicial recommendation that the defendant participate in a motivational boot camp pursuant to the act of December 19, 1990 (P.L.1391, No.215), known as the Motivational Boot Camp Act.

(5.2) Upon request of the victim of a personal injury rights crime, to have the opportunity to submit written comment or present oral testimony at a disposition review hearing, which comment or testimony shall be considered by the court when reviewing the disposition of the juvenile. ((5.2) amended July 11, 2022, P.L.775, No.77)

(6) To be restored, to the extent possible, to the precrime economic status through the provision of restitution, compensation and the expeditious return of property which is seized as evidence in the case when in the

judgment of the prosecutor the evidence is no longer needed for prosecution of the case.

(7) In personal injury rights crimes where the adult is sentenced to a State correctional facility, to be:

(i) given the opportunity to provide prior comment on and to receive State postsentencing release decisions, including work release, furlough, parole, pardon or community treatment center placement;

(ii) provided immediate notice of an escape of the adult and of subsequent apprehension; and

(iii) given the opportunity to receive notice of and to provide prior comment on a recommendation sought by the Department of Corrections that the offender participate in a motivational boot camp pursuant to the Motivational Boot Camp Act.

((7) amended July 11, 2022, P.L.775, No.77)

(8) In personal injury rights crimes where the adult is sentenced to a local correctional facility, to:

(i) receive notice of the date of the release of the adult, including work release, furlough, parole, release from a boot camp or community treatment center placement; and

(ii) be provided with immediate notice of an escape of the adult and of subsequent apprehension.

((8) amended July 11, 2022, P.L.775, No.77)

(8.1) If, upon the request of the victim of a personal injury rights crime committed by a juvenile, the juvenile is ordered to residential placement, a shelter facility or a detention center, to:

(i) Receive prior notice of the date of the release of the juvenile, including temporary leave or home pass.

(ii) Be provided with:

(A) immediate notice of an escape of the juvenile, including failure to return from temporary leave or home pass; and

(B) immediate notice of reapprehension of the juvenile.

(iii) Be provided with notice of transfer of a juvenile who has been adjudicated delinquent from a placement facility that is contrary to a previous court order or placement plan approved at a disposition review hearing and to have the opportunity to express a written objection prior to the release or transfer of the juvenile.

((8.1) amended July 11, 2022, P.L.775, No.77)

(9) If the adult is subject to an order under 23 Pa.C.S. Ch. 61 (relating to protection from abuse) or 42 Pa.C.S. Ch. 62A (relating to protection of victims of sexual violence or intimidation) and is committed to a local correctional facility for a violation of the order or for a personal injury rights crime against a victim protected by the order, to receive immediate notice of the release of the adult on bail. ((9) amended July 11, 2022, P.L.775, No.77)

(10) To receive notice if an adult is committed to a mental health facility from a State correctional institution and notice of the discharge, transfer or escape of the adult from the mental health facility.

(11) To have assistance in the preparation of, submission of and follow-up on financial assistance claims to the Office of Victims' Services. ((11) amended July 11, 2022, P.L.775, No.77)

(12) To be notified of the details of the final disposition of the case of a juvenile consistent with 42 Pa.C.S. § 6336(f). ((12) amended June 28, 2019, P.L.213, No.23)

(13) Upon the request of the victim of a personal injury rights crime, to be notified of the termination of the courts' jurisdiction. ((13) amended July 11, 2022, P.L.775, No.77)

(201 amended June 28, 2002, P.L.496, No.85)

Compiler's Note: Section 16 of Act 77 of 2022 provided that the amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) shall apply to claims where the crime occurred after the effective date of section 16, except for claims for counseling services relating to sexual abuse under section 701.1.

SUBCHAPTER B RESPONSIBILITIES

Section 211. Responsibilities of victims of crime under basic bill of rights.

Except as provided for victims enrolled in the Address Confidentiality Program under 23 Pa.C.S. Ch. 67 (relating to domestic and sexual violence victim address confidentiality), a victim shall provide a valid address and telephone number and any other required information to all agencies responsible for providing information and notice to the victim. The victim shall be responsible for providing timely notice of any changes in the status of the information. The information provided shall not be disclosed to any person other than a law enforcement agency, corrections agency or prosecutor's office without the prior written consent of the victim.

(211 amended July 11, 2022, P.L.775, No.77)

Compiler's Note: Section 16 of Act 77 of 2022 provided that the amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) shall apply to claims where the crime occurred after the effective date of section 16, except for claims for counseling services relating to sexual abuse under section 701.1.

Section 212. Responsibilities of State and local law enforcement agencies.

(a) Training.--A law enforcement agency shall insure that all of its officers and employees are familiar with crime victims' compensation as provided for in Chapter 7. Instruction

concerning crime victims' compensation shall be made a part of the training curriculum for all trainee officers.

(b) Notice.--

(1) The law enforcement agency responding to or investigating an incident shall provide basic information on the rights and services available for crime victims and the availability of crime victims' compensation to the direct victim or, if appropriate, a member of the direct victim's family. The information shall be provided when the agency has first contact with the direct victim or, if appropriate, a member of the direct victim's family or as soon as reasonably possible. The information required under this subsection shall be in a written notice in a manner or form developed by the Office of Victims' Services.

(2) Law enforcement agencies shall be responsible for ensuring that officers provide the notification required under paragraph (1).

((b) amended July 11, 2022, P.L.775, No.77)

(c) Application.--The Office of Victims' Services shall make the written information under subsection (b)(1) available on the office's publicly accessible Internet website and provide law enforcement agencies printed notices and claim forms for crime victims' compensation. The Office of Victims' Services shall also provide updates to law enforcement agencies on changes which affect their responsibilities under this act.

((c) amended July 11, 2022, P.L.775, No.77)

(d) Information.--(Deleted by amendment).

(e) Confirmation.--The law enforcement agency responding to or investigating an incident shall indicate on the police report that the information required under subsection (b) was provided to the direct victim or, if appropriate, a member of the direct victim's family. ((e) amended July 11, 2022, P.L.775, No.77)

(f) Notice in personal injury rights crimes.--

(1) In personal injury rights crimes, the law enforcement agency shall make reasonable efforts to notify the victim of the arrest of the suspect and of the filing or forwarding of a complaint relating to the crime as soon as possible. Unless the victim cannot be located, notice of the arrest shall be provided not more than 24 hours after the preliminary arraignment. In cases alleging delinquency, notice of the filing or forwarding of a complaint shall be provided not more than 24 hours after the complaint has been filed or forwarded to the juvenile probation office or district attorney.

(2) In personal injury rights crimes, a law enforcement agency, sheriff, deputy sheriff or constable shall notify the victim of an inmate's escape from the custody of the law enforcement agency, sheriff, deputy sheriff or constable.

((f) amended July 11, 2022, P.L.775, No.77)

(g) Return of property.--The appropriate law enforcement agency shall return to the victim property seized as evidence if the prosecutor's office determines that the evidence is no longer needed for prosecution.

(212 amended June 28, 2002, P.L.496, No.85)

Compiler's Note: Section 16 of Act 77 of 2022 provided that the amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1,

702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b) (1) and (e), 706(a) (1) and (b), 707(a) (3) and (4), (a.1), (a.2), (b) (1), (2), (4) and (4.1), (f) (1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e) (1), 1301(b) and 1304(a) and (b) shall apply to claims where the crime occurred after the effective date of section 16, except for claims for counseling services relating to sexual abuse under section 701.1.

Section 213. Responsibilities of prosecutor's office.

(a) Forms.--The prosecutor's office shall provide the victim of a personal injury rights crime with all forms developed pursuant to sections 214 and 215 with the exception of cases brought by the Attorney General, whereupon the victim advocate shall provide all necessary forms. ((a) amended July 11, 2022, P.L.775, No.77)

(b) Pleading.--In a personal injury rights crime or burglary, the prosecutor's office shall provide notice of and offer the opportunity to submit prior comment on the potential reduction or dropping of any charge or changing of a plea, a diversion of any case, including informal adjustment and consent decree, unless such notice is provided by the juvenile probation office. ((b) amended July 11, 2022, P.L.775, No.77)

(c) Sentencing.--The prosecutor's office shall provide notice of the opportunity to offer prior comment on the sentencing of an adult and disposition of a juvenile. This prior comment includes the submission of oral and written victim impact statements. The prosecutor's office shall assist a victim who requests assistance to prepare this comment.

(d) Release.--The following shall apply:

(1) In a personal injury rights crime, the prosecutor's office shall provide the victim advocate with victim information on all personal injury cases when the offender is sentenced to an institution operated by the department so the victim advocate may provide notice to the victim of:

(i) the opportunity to submit input into State correctional release decisions;

(ii) any release of an adult offender from a State correctional institution; and

(iii) the commitment of the offender to a mental health institution from a State correctional institution.

(2) In a personal injury rights crime, the prosecutor's office shall provide notice of any release of an adult from a local correctional institution and provide notice of the commitment to a mental health institution from a local correctional institution.

(3) Except as otherwise provided by law, in no case may the victim advocate waive the confidentiality of a victim.

((d) amended July 11, 2022, P.L.775, No.77)

(e) Disposition.--In a personal injury rights crime, if the prosecutor's office has advance notice of dispositional proceeding, the prosecutor shall make reasonable efforts to notify a victim of the time and place of the proceeding. ((e) amended July 11, 2022, P.L.775, No.77)

(f) Notice.--The prosecutor's office shall provide all of the following to the victim:

(1) Upon request of the victim, notice of the disposition and sentence of an adult, including sentence modifications.

(2) Upon request in a personal injury rights crime, reasonable attempts to notify the victim as soon as possible when the adult is released from incarceration at sentencing.

(3) If the prosecutor's office is prosecuting a personal injury rights crime, notice prior to the entry of a consent decree.

(4) Prior notice of delinquency adjudication hearings unless such hearings are scheduled by the juvenile probation office.

(5) Notification of hearings related to the transfer of a juvenile to and from criminal proceedings.

(6) Upon request in a personal injury rights crime, notice of the filing, hearing or disposition of appeals.

(7) Notice of the details of the final disposition of their case consistent with 42 Pa.C.S. § 6336(f) (relating to conduct of hearings) unless provided by the juvenile probation office.

((f) amended July 11, 2022, P.L.775, No.77)

(g) Assistance.--The prosecutor's office shall provide assistance to the victim in all of the following:

(1) Preparation of statements under section 201(5).

(2) Preparation of, submission of and follow-up on financial assistance claims filed with the Office of Victims' Services.

(3) Notification to the victim advocate on behalf of the victim for personal injury rights crimes if the offender is sentenced to a State correctional institution.

((g) amended July 11, 2022, P.L.775, No.77)

(h) Return of property.--The prosecutor's office shall return to the victim any property seized as evidence if the prosecutor's office determines that the evidence is no longer needed for prosecution.

(213 amended Oct. 30, 2000, P.L.641, No.86)

Compiler's Note: Section 16 of Act 77 of 2022 provided that the amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) shall apply to claims where the crime occurred after the effective date of section 16, except for claims for counseling services relating to sexual abuse under section 701.1.

Section 214. Responsibilities of department, local correctional facilities and board.

(a) Forms.--The board shall develop standardized forms regarding victim notification. The form shall include the address where the form is to be sent. The department shall develop a standard form which may be used by local correctional facilities. In the case of counties with victim-witness coordinators, the local correctional facility shall perform its responsibilities under this section in cooperation with the county's victim-witness coordinator. ((a) amended July 11, 2022, P.L.775, No.77)

(b) Notice.--If the office has received notice of a victim's desire to have input under section 201(7), the appropriate agency shall notify the victim sufficiently in advance of a pending release decision to extend an opportunity for prior comment. The local correctional facility's notice to the victim

under section 201(9) shall occur immediately. ((b) amended July 11, 2022, P.L.775, No.77)

(c) Comment.--The victim's prior comment may be oral or written and shall be considered by the department or the board as to the advisability of release and any conditions of release which may be imposed.

(d) Escape notification.--If the department or local correctional facility has received notice of a victim's desire to receive notification regarding escape of the offender as provided for in section 201(8), the superintendent of the State correctional institution or warden of a local correctional facility shall immediately notify the victim of the escape.

(e) Mental health.--If the department or local correctional facility has received notice of a victim's desire to receive notification as provided for in section 201(10), the superintendent of the State correctional institution or warden of a local correctional facility shall notify the victim of the commitment of the offender to a mental health facility and the location of the facility within 24 hours of the commitment.

(f) Records.--Records maintained by the department, the local correctional facility, the board and the office pertaining to victims shall be kept separate. Current address, telephone number and any other personal information of the victim and family members shall be deemed confidential. ((f) amended July 11, 2022, P.L.775, No.77)

(g) Release of offender.--The department, the local correctional facility or the board shall notify the victim of the final decision rendered, the date of any release and relevant conditions imposed prior to the release of the offender.

Compiler's Note: Section 16 of Act 77 of 2022 provided that the amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) shall apply to claims where the crime occurred after the effective date of section 16, except for claims for counseling services relating to sexual abuse under section 701.1.

Section 215. Responsibilities of Department of Public Welfare and mental health institutions under basic bill of rights.

(a) Forms.--The Department of Public Welfare shall develop standardized forms, which shall include the address where the completed form is to be sent, for the receipt of notice from the victim concerning the victim's interest in discharge decisions and notification of an escape. Sufficient copies of the forms shall be provided to the office of the district attorney for distribution to victims upon court-ordered commitment of the offender to a mental health institution in the State system.

(b) Designated staff.--If the Department of Public Welfare has received notice of a victim's desire to receive notification as provided for in section 201(10) regarding release, placement or escape of the offender, the Department of Public Welfare shall designate the appropriate official to notify the victim

of the discharge of the offender from the mental health institution and the facility to which the offender was discharged within 24 hours of the discharge. The Department of Public Welfare or the designated official shall immediately notify the victim of an escape of the offender from the mental health institution.

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 216. Responsibilities of juvenile probation office.

(a) Notice.--The juvenile probation office shall provide the following to victims:

(1) Prior notice of delinquency adjudication hearings unless such hearings have been scheduled by the prosecutor's office.

(2) Notification of disposition hearings.

(3) Notice of a juvenile's preadjudication escape from a detention center or shelter facility and of the juvenile's subsequent apprehension.

(4) Upon request, notice of whether the juvenile probation office has detained or released the juvenile following arrest and whether a delinquency petition has been filed.

(5) Notice of the details of the final disposition of the case consistent with 42 Pa.C.S. § 6336(f) (relating to conduct of hearings) unless provided by the prosecutor's office.

(b) Additional notice in cases involving a personal injury rights crime or burglary.--In cases involving a personal injury rights crime or burglary, the juvenile probation office shall provide notice and the opportunity to provide prior comment on the potential reduction or dropping of a charge or diversion of any case, including informal adjustment and consent decree, unless such notice and opportunity is provided by the prosecutor's office. Upon request, the victim shall also receive notification of a review of disposition hearing. ((b) amended July 11, 2022, P.L.775, No.77)

(c) Dispositions.--The juvenile probation office shall:

(1) Offer the victim the opportunity to provide a written victim impact statement to be considered in the disposition of any case and included as part of any predisposition report submitted to the court.

(2) Notify the victim of the right to provide an oral victim impact statement at the time of disposition in cases of juveniles who have been adjudicated delinquent.

(d) Postdisposition notice.--Upon the request of the victim of a personal injury rights crime, the juvenile probation office shall:

(1) Provide prior notice to the victim when an adjudicated delinquent ordered into residential placement or official detention will be granted temporary leave or home pass or release.

(2) Notify the victim of a proposed release or transfer of an adjudicated delinquent from placement that is contrary to a previous court order or placement plan approved at a disposition review hearing and shall extend the victim the opportunity to provide a written objection prior to the release or transfer of the juvenile from placement.

(3) Notify the victim immediately of a juvenile's escape from official detention or failure to return from temporary

leave or home pass and of the juvenile's subsequent apprehension.

(4) Notify the victim of the termination of the juvenile court jurisdiction.

(5) Provide the opportunity to submit written comment and of their right to provide oral testimony at a disposition review hearing.

((d) amended July 11, 2022, P.L.775, No.77)

(216 added Oct. 30, 2000, P.L.641, No.86)

Compiler's Note: Section 16 of Act 77 of 2022 provided that the amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) shall apply to claims where the crime occurred after the effective date of section 16, except for claims for counseling services relating to sexual abuse under section 701.1.

SUBCHAPTER C

LEGAL STANDING

(Subch. added July 11, 2022, P.L.775, No.77)

Section 231. Crime victims.

A victim, or the Commonwealth upon request of a victim, shall have legal standing to assert and enforce a right enumerated in this act or any other right afforded to the victim by law in a trial or appellate court or before an official body with jurisdiction over the victim's case.

(231 added July 11, 2022, P.L.775, No.77)

Section 232. Construction.

This subchapter shall not:

(1) Grant party status to a victim.

(2) Provide grounds for an individual accused of a crime or act of delinquency to obtain any form of relief in the proceeding in which the individual is accused of a crime or act of delinquency.

(3) Create a cause of action for compensation or damages against the Commonwealth, a political subdivision, officer, employee or agent of the Commonwealth, a political subdivision or an officer or employee of a court.

(232 added July 11, 2022, P.L.775, No.77)

Section 233. Commonwealth waiver.

The Commonwealth may not assert on behalf of a victim that the victim has waived a right without a showing that the victim has knowingly agreed to the waiver.

(233 added July 11, 2022, P.L.775, No.77)

CHAPTER 3

ADMINISTRATION

SUBCHAPTER A

VICTIM ADVOCATE

Section 301. Office.

(a) Establishment.--There is established within the department the Office of Victim Advocate to represent the interests of crime victims before the board or department. The office shall operate under the direction of the victim advocate as provided in this section. The office shall function independently of the department regarding all of the office's decision-making functions, including other powers and duties specified in law. ((a) amended July 11, 2022, P.L.775, No.77)

(b) Appointment.--The victim advocate must be an individual who by reason of training and experience is qualified to represent the interests of individual crime victims before the board. The victim advocate shall be appointed by the Governor, by and with the consent of a majority of all of the members of the Senate. The victim advocate shall hold office for a term of six years and until a successor shall have been duly appointed and qualified but in no event more than 90 days beyond the expiration of the appointed term. A vacancy occurring for any reason shall be filled in the manner provided by section 8 of Article IV of the Constitution of Pennsylvania for the remainder of the term. Whenever the victim advocate's term expires, that position shall be immediately deemed a vacancy, and the Governor shall nominate a person to fill that position within 90 days of the date of expiration even if the victim advocate continues in office. To be eligible to be appointed by the Governor as victim advocate, an individual must have at least six years of professional experience in victim advocacy, social work or related areas, including one year in a supervisory or administrative capacity, and a bachelor's degree. Any equivalent combination of experience and training shall be acceptable. Compensation shall be set by the Executive Board as defined by the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(c) Service and employees.--

(1) The victim advocate shall operate from office space provided by the department with such clerical, technical and professional staff as may be available within the budget of the department. The compensation of employees of the office shall be set by the Executive Board. Legal counsel for the office shall be appointed in accordance with the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(2) The home address of an employee of the office shall not be considered a public record under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. Financial records and aggregated data, of and relating to the office, as defined in the Right-to-Know Law, shall remain subject to the Right-to-Know Law, provided that no record or data identifying an individual victim may be released.

((c) amended July 11, 2022, P.L.775, No.77)

(d) Disclosure and confidentiality.--

(1) Each record pertaining to the victim in the possession of or maintained by the office, including information regarding a victim's current contact information and any other information or record relating to the victim, shall be private, confidential and privileged and the property of the office and shall not be subject to access under the Right-to-Know Law. A record of the office may not be subject to subpoena or discovery, introduced into evidence in a judicial or administrative proceeding or released to the inmate, parolee or probationer.

(2) Unless a victim waives the privilege in a signed writing prior to testimony or disclosure, an employee of the

office may not be competent nor permitted to testify or to otherwise disclose confidential communications made to or by the employee of the office. The privilege shall terminate upon the death of the victim. Neither the employee of the office nor the victim shall waive the privilege of confidential communications by reporting facts of physical or sexual assault under 23 Pa.C.S. Ch. 63 (relating to child protective services), a Federal or State mandatory reporting statute or a local mandatory reporting ordinance.
((d) added July 11, 2022, P.L.775, No.77)

Compiler's Note: Section 16 of Act 77 of 2022 provided that the amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) shall apply to claims where the crime occurred after the effective date of section 16, except for claims for counseling services relating to sexual abuse under section 701.1.

Section 302. Powers and duties of victim advocate.

The victim advocate has the following powers and duties:

(1) To represent the interests of individual crime victims before the board, department or hearing examiner.

(2) To supervise the victim notification duties presently conducted by the board.

(3) To assist in and coordinate the preparation of testimony by the crime victims as set forth in sections 501(c) and 502 or the submission of oral, written or videotaped comments by crime victims prior to a release decision.

(4) To represent the interests of a crime victim under section 502.

(5) To address the interests of all victims before the board, department or hearing examiner concerning any issues determined appropriate by the victim advocate. ((5) amended July 11, 2022, P.L.775, No.77)

(6) To ensure that eligible victims are informed of the Address Confidentiality Program under 23 Pa.C.S. Ch. 67 (relating to domestic and sexual violence victim address confidentiality). ((6) added July 11, 2022, P.L.775, No.77)

(7) To advocate for the interests of crime victims generally, including the victims of crimes committed by juveniles. ((7) added July 11, 2022, P.L.775, No.77)

(302 amended Oct. 2, 2002, P.L.839, No.121)

Compiler's Note: Section 16 of Act 77 of 2022 provided that the amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) shall apply to

claims where the crime occurred after the effective date of section 16, except for claims for counseling services relating to sexual abuse under section 701.1.

SUBCHAPTER B
BUREAU OF VICTIMS' SERVICES

Section 311. Office of Victims' Services.

(a) Establishment.--There is established within the commission the Office of Victims' Services. The Office of Victims' Services shall be responsible for administering Chapter 7. The Office of Victims' Services shall also be responsible for the disposition of all claims for compensation filed under Chapter 7.

(b) Director.--A director of the Office of Victims' Services shall be appointed by the chairman of the commission. The director shall be paid compensation as the executive board may determine.

(c) Staff.--The director of the Office of Victims' Services may employ personnel and contract for services as necessary and authorized to carry out the purposes of the Office of Victims' Services.

(311 amended June 28, 2002, P.L.496, No.85)

Section 312. Powers and duties of Office of Victims' Services.

The Office of Victims' Services, subject to approval of the commission, has the following powers and duties:

(1) To establish and maintain a principal office in or near Harrisburg and such other offices within this Commonwealth as it may deem necessary.

(2) To appoint counsel, clerks, claims verifiers, hearing officers and other employees and agents as it may deem necessary, to fix their compensation within the limits provided by law and to prescribe their duties.

(3) To adopt, promulgate, amend and rescind suitable regulations to carry out the provisions and purposes of Chapter 7. The regulations shall provide for the following:

(i) The approval of attorney fees for representation before the Office of Victims' Services, a hearing examiner or before Commonwealth Court upon judicial review under section 705. Awards of the attorney fees shall be in addition to awards made to direct victims or claimants. Awards of attorney fees may not exceed 15% of the award to the direct victim or claimants. It shall be unlawful for an attorney to contract for or receive a sum larger than the amount allowed under this subparagraph.

(ii) Policies, procedures and standards of review regarding claims for compensation.

(iii) Approval or denial of claims, including contributory conduct by direct victims.

(iv) Verification of information and documents.

(v) Prioritization of review.

(vi) All other matters related to the processing of claims.

((3) amended July 11, 2022, P.L.775, No.77)

(4) To request and review from law enforcement agencies and from any other state or municipal department, agency or public authority assistance and data as will enable the Office of Victims' Services to carry out its powers and duties.

(5) To determine all claims for awards filed with the Office of Victims' Services under Chapter 7 and to

reinvestigate or reopen cases as the Office of Victims' Services deems necessary.

(6) To direct medical examinations of direct victims.

(7) To appoint hearing officers authorized to administer oaths or affirmations, to examine any person under oath or affirmation and to issue subpoenas requiring attendance of witnesses, testimony of witnesses and production of evidence. Except where a claim is determined to be frivolous, claimants shall receive reimbursement at a rate to be determined by the Office of Victims' Services for attending hearings, regardless of the disposition of the claim.

(8) To take or cause to be taken affidavits or depositions in or outside of this Commonwealth.

(9) To render each year to the Governor and to the General Assembly a written report of its activities.

(10) To arrange with the heads of other Commonwealth agencies for the performance of any of its functions under this act with or without reimbursement and with the approval of the Governor to delegate and authorize the redelegation of any of its powers under this act.

(11) To establish a program to assure extensive and continuing publicity of information regarding the compensation provisions under Chapter 7. This information shall include the right to file a claim, the scope of coverage and procedures to be utilized incident thereto.

(12) To administer the funds under section 1101(b) for the payment of claims filed under Chapter 7 and for all reasonable and necessary administrative expenses.

(13) To establish compensation limits and reimbursement rates for the purpose of carrying out the provisions of Chapter 7. The Office of Victims' Services shall publish a schedule of these compensation limits and reimbursement rates in the Pennsylvania Bulletin provided that the Office of Victims' Services shall, within two years of such publication, promulgate a regulation setting forth the schedule of compensation limits and reimbursement.

(312 amended June 28, 2002, P.L.496, No.85)

Compiler's Note: Section 16 of Act 77 of 2022 provided that the amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) shall apply to claims where the crime occurred after the effective date of section 16, except for claims for counseling services relating to sexual abuse under section 701.1.

SUBCHAPTER C COMMITTEE

Section 321. Committee.

(a) Establishment.--There is established the Victims' Services Advisory Committee within the commission.

(b) Membership.--The committee shall consist of the following members:

(1) The Secretary of Aging or a designee.

- (2) The Secretary of Corrections or a designee.
- (3) The Secretary of Human Services or a designee.
- (4) The Commissioner of the Pennsylvania State Police or a designee.
- (5) The victim advocate.
- (6) A district attorney appointed by the Governor.
- (7) The following individuals appointed by the Governor, each of whom shall be or represent one of the following:
 - (i) A direct victim of crime representing female victims.
 - (ii) A direct victim of crime representing male victims.
 - (iii) An area agency on aging.
 - (iv) The Pennsylvania Coalition Against Domestic Violence.
 - (v) The Pennsylvania Coalition Against Rape.
 - (vi) The Pennsylvania Chapter of Children's Advocacy Centers and Multidisciplinary Teams.
 - (vii) The Pennsylvania Court Appointed Special Advocates Association.
 - (viii) A county children and youth agency.
 - (ix) A prosecution-based victim witness program.
 - (x) A victims' service or advocacy organization.
 - (xi) The courts.
 - (xii) County government.
 - (xiii) The executive director of the Juvenile Court Judges Commission.
 - (xiv) A children's advocacy center or victims' services agency working directly with children.
 - (xv) Local law enforcement.
 - (xvi) A mental health treatment provider or mental health advocate.
 - (xvii) A disabilities treatment provider or disabilities advocate.
 - (xviii) A victims' services agency working directly with victims of human trafficking.
 - (xix) A comprehensive victim service agency.

((b) amended Oct. 30, 2017, P.L.829, No.51)

(c) Terms.--A member under subsection (b)(1) through (5) shall serve ex officio. A member under subsection (b)(6) or (7) shall serve for a four-year term and may be appointed for no more than one additional consecutive term.

((c) carried without amendment Oct. 30, 2017, P.L.829, No.51)

(d) Restrictions.--The committee and its members are subject to the same limitations and conditions imposed upon the commission as prescribed in section 2 of the act of November 22, 1978 (P.L.1166, No.274), referred to as the Pennsylvania Commission on Crime and Delinquency Law.

(e) Quorum.--A majority of the members shall constitute a quorum. A vote of the majority of the members present shall be sufficient for all actions.

(f) Chair.--The Governor shall appoint a chairperson from among the members of the committee. The chairperson shall serve at the pleasure of the Governor. A vice chairperson shall be designated by the chairperson and preside at meetings in the absence of the chairperson.

(g) Meeting.--The committee shall meet at the call of the chair but no fewer than four times a year.

Section 322. Powers and duties of committee.

The committee has the following powers and duties:

- (1) To serve in an advisory capacity to the commission, including the Office of Victims' Services, through the

committee's participation in the development of that part of the commission's plan relating to direct victims' services and compensation. ((1) amended June 28, 2002, P.L.496, No.85)

(2) To advise the commission on the development of direct services for minor children who are material witnesses to any of the following crimes and offenses under 18 Pa.C.S. (relating to crimes and offenses) committed or attempted against a member of the child's family:

Chapter 25 (relating to criminal homicide).

Section 2702 (relating to aggravated assault).

Section 3121 (relating to rape).

(3) To perform those functions related to the direct approval and disbursement of financial assistance in an advisory capacity only. The committee shall have the opportunity to review and comment on applications other than applications for claims for compensation pursuant to sections 702 and 706 within 30 days after receipt of the application from the commission.

(4) To advise the commission on the definition, development and correlation of programs and projects and the establishment of priorities for direct victims' services and compensation.

(5) To develop standards, methods and procedures for evaluating and monitoring direct victims' services.

(6) Upon request, to provide assistance and advice to the commission on any other matters relating to direct victims' services and compensation.

(7) To receive staff support from the commission and the Office of Victims' Services in order to adequately perform the duties provided for in this section. ((7) amended June 28, 2002, P.L.496, No.85)

(322 amended Oct. 30, 2000, P.L.641, No.86)

CHAPTER 5 PAROLE ADVOCACY

Section 501. Preparole notification to victim.

(a) Persons to be notified.--No later than 90 days prior to the parole date of an offender, the victim advocate shall notify the victim of the offense for which the offender was sentenced, the parent or legal guardian of a victim who is a minor or a member of the family if the victim is incapable of communicating or has died and shall provide the appropriate person with an opportunity to submit a parole statement expressing concerns or recommendations regarding the parole or parole supervision of the offender.

(b) Enrollment.--A victim or member of the family is responsible for notifying the victim advocate of the victim's or family member's intent to submit a parole statement regarding the parole or parole supervision of the offender. The notice shall include a mailing address or change of address notification.

(c) Procedure.--The victim advocate shall notify the person at the person's last known mailing address. The person shall submit the oral, written or videotaped parole statement to the victim advocate within 30 days of the date of notice. The parole statement shall be considered by the board during preparation of the parole plan.

(501 amended Oct. 2, 2002, P.L.839, No.121)

Section 502. Petitions to deny parole upon expiration of minimum sentence.

(a) Petition.--Upon the request of a victim who has notified the board in writing of the victim's desire to have input and make comment prior to a parole release decision, the victim advocate shall either petition the board as to the special conditions of release which may be imposed or that the offender not be paroled based upon the statement that the victim submitted under section 501.

(b) Appearance.--The victim or the victim's representative shall be permitted to appear in person and provide testimony before the panel or the majority of those board members charged with making the parole release decision or, in the alternative, the victim's or victim's representative's testimony may be presented by electronic means as provided by the board. The testimony of a victim or victim's representative shall be confidential. Records maintained by the department and the board pertaining to victims shall be kept separate from other records, and these victim records, including current address, telephone number and any other personal information of the victim and family members, shall be deemed confidential. ((b) amended June 18, 2013, P.L.45, No.14)

(c) Action.--The board, upon petition and after an interview, may do any of the following:

(1) Order that special conditions of parole be placed upon the offender or the offender not be paroled based upon the continuing effect of the crime on the victim.

(2) Order that the offender not be paroled if the board finds that:

(i) the offender would pose a risk or danger to the victim or the family of the victim if the offender were released on parole; or

(ii) the interests of the Commonwealth would otherwise be injured.

(d) Notice.--The board shall notify the victim of its decision prior to a release of the offender.

(e) District attorney.--Notwithstanding any other statutory provision, the office of the district attorney of the sentencing county may notify a crime victim of a pending release decision and act on the victim's behalf or on its own initiative to submit comments and represent the interests of a crime victim before the board prior to a release decision.

(502 amended Oct. 2, 2002, P.L.839, No.121)

CHAPTER 7 COMPENSATION

Section 701. Persons eligible for compensation.

(a) General rule.--Except as otherwise provided in this act, the following persons shall be eligible for compensation:

(1) A direct victim.

(2) An intervenor.

(3) A surviving spouse, parent or child of a deceased direct victim or intervenor.

(4) Any other individual dependent for principal support upon a deceased direct victim or intervenor.

(5) ((5) deleted by amendment).

(6) Any person who assumes the obligation or who pays for the crime scene cleanup, funeral or burial expenses incurred as a direct result of the crime.

(7) Hospitals or other licensed health care providers under section 707(h). ((7) added July 11, 2022, P.L.775, No.77)

(8) A person eligible for counseling under this chapter.

((8) added July 11, 2022, P.L.775, No.77)

(b) Exception.--A person who is criminally responsible for the crime upon which a claim is based or an accomplice of the person shall not be eligible to receive compensation with respect to the claim. A member of the family of the individual who committed the crime shall not be eligible if the offender is living in the same household as the direct victim and will substantially benefit from the award. The Attorney General may at any time sue the offender or the direct victim, or both, to recover the award if the offender benefits from the award.

(701 amended June 28, 2002, P.L.496, No.85)

Compiler's Note: Section 16 of Act 77 of 2022 provided that the amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) shall apply to claims where the crime occurred after the effective date of section 16, except for claims for counseling services relating to sexual abuse under section 701.1.

Section 701.1. Counseling services for victims of sexual abuse.

(a) Eligibility.--The Office of Victims' Services shall provide funding for counseling services related to sexual abuse for an individual who is a direct victim of sexual abuse. Payment shall be made directly to the health care provider that provides the services from funding provided for the implementation of this section.

(b) Nonapplicability.--Eligibility shall not be affected by an adverse determination under section 702(b) or 707(a)(3) or (4). Notwithstanding any other provision of this act, a claimant shall not be required to produce evidence other than a verified or sworn statement to be eligible under subsection (a).

(c) Value of services.--The total value of services under subsection (a) shall not exceed:

(1) Five thousand dollars if the individual was, at the time of the abuse, 18 years of age or older.

(2) Ten thousand dollars if the individual was, at the time of the abuse, under 18 years of age.

(701.1 added July 11, 2022, P.L.775, No.77)

Compiler's Note: Section 16 of Act 77 of 2022 provided that the amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) shall apply to claims where the crime occurred after the effective date of section 16, except for claims for counseling services relating to sexual abuse under section 701.1.

Section 702. Filing of claims for compensation.

(a) General rule.--Except as otherwise provided in this act, a claim for compensation may be filed by an individual eligible for compensation as provided in section 701 or 701.1, or as follows: (Intro. par. amended July 11, 2022, P.L.775, No.77)

(1) If the individual is a minor, the claim may be filed by a parent or guardian. If the parent or guardian of a minor who is eligible for compensation is unavailable or fails to assume financial responsibility for the minor's care, a person who assumes financial responsibility for services eligible for compensation and who is not a provider of services or an insurance company may file a claim on behalf of the minor and may receive compensation for eligible services provided to the minor.

(2) If the individual is mentally incompetent, the claim may be filed by a guardian or legal representative. If the guardian or legal representative of a mentally incompetent individual who is eligible for compensation is unavailable or fails to assume financial responsibility for the individual's care, a person who assumes financial responsibility for services eligible for compensation and who is not a provider of services or an insurance company may file a claim on behalf of the individual and may receive compensation for eligible services provided to the individual.

(b) Time.--

(1) Except as set forth in paragraph (2), a claim must be filed not later than five years after the discovery of the occurrence of the crime upon which the claim is based or not later than five years after the death of the direct victim or intervenor as a result of the crime or the discovery and identification of the body of a murder victim.

(2) Exceptions shall be as follows:

(i) ((i) deleted by amendment).

(i.1) Claims for counseling services related to sexual abuse under section 701.1.

(ii) If a direct victim is under 18 years of age at the time of the occurrence of the crime and the alleged offender is the direct victim's parent or a person responsible for the direct victim's welfare, an individual residing in the same home as the direct victim or a paramour of the direct victim's parent, all of the following shall apply:

(A) The limitation period under this subsection is tolled until the direct victim reaches 21 years of age.

(B) The limitation period shall run until the later of:

(I) the end of the limitation period for the offense as set forth in 42 Pa.C.S. Ch. 55 Subch. C (relating to criminal proceedings); or

(II) the end of the limitation period under paragraph (1).

(ii.1) If a direct victim is under 18 years of age at the time of the occurrence of the crime and the direct victim is seeking reimbursement for counseling services only, all of the following shall apply:

(A) The limitation period under this subsection is tolled until the direct victim reaches 21 years of age.

(B) The limitation period shall run until the later of:

(I) the end of the limitation period for the offense as set forth in 42 Pa.C.S. Ch. 55 Subch. C; or

(II) the end of the limitation period under paragraph (1).

(iii) ((iii) deleted by amendment).

(iii.1) The Office of Victims' Services may find good cause to accept a claim beyond the limitation period under paragraph (1) if one of the following circumstances existed at the time of the occurrence of the crime or the discovery of the occurrence of the crime:

(A) The direct victim, intervenor or claimant was mentally or physically incapacitated.

(B) The victim was a minor.

(C) There was a fear of retaliation.

(D) The occurrence of the crime was not readily apparent.

(E) Other circumstances when good cause is shown by the claimant.

((b) amended July 11, 2022, P.L.775, No.77)

(b.1) Returned claims.--If a claim has been filed but subsequently returned to the claimant for correction or for additional verification or information, the date the claim was first received by the Office of Victims' Services shall be the permanent filing date for purposes of subsection (b). The correction or additional verification or information must be filed within a period of time established by the Office of Victims' Services. ((b.1) amended July 11, 2022, P.L.775, No.77)

(c) Manner.--Claims must be filed with the Office of Victims' Services in person, by mail or by any electronic means authorized by the Office of Victims' Services. ((c) amended July 11, 2022, P.L.775, No.77)

(702 amended June 28, 2002, P.L.496, No.85)

Compiler's Note: Section 16 of Act 77 of 2022 provided that the amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) shall apply to claims where the crime occurred after the effective date of section 16, except for claims for counseling services relating to sexual abuse under section 701.1.

Section 703. Minimum allowable claim.

(a) General rule.--Except as set forth in subsection (b), no award shall be made on a claim unless the claimant has incurred an aggregate minimum out-of-pocket loss, loss of earnings or loss of support of \$50.

(b) Exception.--Subsection (a) shall not apply if the direct victim or claimant was 60 years of age or older at the time the crime occurred.

(703 amended July 11, 2022, P.L.775, No.77)

Compiler's Note: Section 16 of Act 77 of 2022 provided that the amendment or addition of sections 103, 201(1.1), (4),

(5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) shall apply to claims where the crime occurred after the effective date of section 16, except for claims for counseling services relating to sexual abuse under section 701.1.

Section 704. Determination of claims.

(a) Processing.--The Office of Victims' Services shall establish functional procedures for the intake, verification and processing of claims.

(b) Review.--

(1) The Office of Victims' Services shall review the claim and all supporting documents and investigate the validity of the claim. The investigation shall include an examination of police, court and official records and reports concerning the crime and may include an examination of medical and hospital reports relating to the injury upon which the claim is based. The Office of Victims' Services may not request or review counseling notes of mental health service providers. The Office of Victims' Services shall request an assessment from the mental health service provider as to the extent the service provided is needed as a direct result of the crime. ((1) amended July 11, 2022, P.L.775, No.77)

(2) Claims shall be investigated and determined, regardless of whether the alleged criminal has been apprehended, prosecuted or adjudicated for the crime in question.

(c) Determination.--The Office of Victims' Services shall determine whether to grant an award, increase or decrease an award or deny the claim based on the supporting documents, the report of the investigation and staff recommendations. If the Office of Victims' Services is unable to determine if a claim is justified based upon the supporting documents, it may direct a hearing before a hearing examiner designated by the commission. At the hearing, any relevant evidence not legally privileged shall be admissible.

(d) Notice.--The Office of Victims' Services shall promptly notify the claimant of its final decision.

(e) Records.--The Office of Victims' Services shall maintain complete records and histories on all claims filed, supplemental awards paid to claimants, claims status and third-party entitlements and recoveries in accordance with the commission's established records retention schedule. ((e) amended July 11, 2022, P.L.775, No.77)

(704 amended June 28, 2002, P.L.496, No.85)

Compiler's Note: Section 16 of Act 77 of 2022 provided that the amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and

(4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) shall apply to claims where the crime occurred after the effective date of section 16, except for claims for counseling services relating to sexual abuse under section 701.1.

Section 705. Judicial review.

Within 30 days after receipt of a copy of the report containing a final decision of the Office of Victims' Services, the claimant may appeal the final decision of the Office of Victims' Services in the manner provided for appeals from administrative agencies as provided in 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

(705 amended June 28, 2002, P.L.496, No.85)

Section 706. Emergency awards.

(a) Authorization.--Notwithstanding the provisions of sections 704 and 707, if it appears to the Office of Victims' Services that the claim is one with respect to which an award probably will be made and that undue hardship will result to the claimant if immediate payment is not made, the Office of Victims' Services may make an emergency award to the claimant pending a final decision in the case. The following shall apply:

(1) The total amount of the emergency award shall not exceed a rate set by the Office of Victims' Services. ((1) amended July 11, 2022, P.L.775, No.77)

(2) The amount of the emergency award shall be deducted from any final award made to the claimant.

(3) The excess of the amount of the emergency award over the amount of the final award or the full amount of the emergency award if no final award is made shall be repaid by the claimant to the Office of Victims' Services.

(b) Reconsideration.--The Office of Victims' Services may reconsider an emergency award at any time prior to the final decision in the case and increase previous orders for emergency compensation up to the overall limit of a rate set by the Office of Victims' Services. ((b) amended July 11, 2022, P.L.775, No.77)

(c) Compilation.--The Office of Victims' Services shall compute the total number and amount of emergency awards given in each fiscal year for inclusion in the annual report.

(706 amended June 28, 2002, P.L.496, No.85)

Compiler's Note: Section 16 of Act 77 of 2022 provided that the amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) shall apply to claims where the crime occurred after the effective date of section 16, except for claims for counseling services relating to sexual abuse under section 701.1.

Section 707. Awards.

(a) Requirements.--No award shall be made unless it is determined by a preponderance of the evidence that:

(1) A crime was committed.

(2) The person injured or killed was a direct victim or intervenor.

(3) The crime was promptly reported to the proper authorities.

(i) ((i) deleted by amendment).

(ii) ((ii) deleted by amendment).

((3) amended July 11, 2022, P.L.775, No.77)

(4) The direct victim, intervenor or claimant has fully cooperated with all law enforcement agencies and the Office of Victims' Services, unless the Office of Victims' Services finds the noncompliance to have been justified consistent with the Office of Victims' Services regulations. The Office of Victims' Services shall ensure that the regulations relating to cooperation with all law enforcement agencies of a direct victim, intervenor or claimant comply with all applicable Federal laws and regulations. ((4) amended July 11, 2022, P.L.775, No.77)

(a.1) Protection from abuse.--A claimant who satisfies the eligibility requirements of subsection (a)(1), (2) and (4) may satisfy the eligibility requirement under subsection (a)(3) for reporting a crime to the proper authorities by commencing an action brought in accordance with 23 Pa.C.S. Ch. 61 (relating to protection from abuse) and as provided for in the Pennsylvania Rules of Civil Procedure. In no case may an award be made if the record shows that the petition was:

(1) Withdrawn, unless the Office of Victims' Services finds the withdrawal to have been justified, consistent with regulations of the Office of Victims' Services.

(2) (Reserved).

(i) ((i) deleted by amendment).

(ii) ((ii) deleted by amendment).

((a.1) amended July 11, 2022, P.L.775, No.77)

(a.2) Sexual violence and intimidation orders.--A claimant who satisfies the eligibility requirements of subsection (a)(1), (2) and (4) may satisfy the eligibility requirement under subsection (a)(3) for reporting a crime to the proper authorities by commencing an action brought in accordance with 42 Pa.C.S. Ch. 62A (relating to protection of victims of sexual violence or intimidation) and as provided for in the Pennsylvania Rules of Civil Procedure. An award may not be made if the record shows that the petition was withdrawn, except if the Office of Victims' Services finds the withdrawal to have been justified, consistent with regulations of the Office of Victims' Services. ((a.2) added July 11, 2022, P.L.775, No.77)

(b) Amount.--

(1) Any award made under this chapter shall be contingent upon funds being available and be in an amount not exceeding out-of-pocket loss, together with loss of past, present or future earnings or support resulting from such injury. In no case shall the total amount of an award exceed \$35,000 except for payment of the following:

(i) counseling, the maximum amount of which shall be in accordance with paragraph (4.1);

(ii) forensic rape examination and medications directly related to the sexual assault or rape, the amount of which shall not exceed \$1,000; or

(iii) reasonable and necessary costs of cleaning the crime scene of a private residence or privately owned motor vehicle, the amount of which shall not exceed \$500.

((1) amended July 11, 2022, P.L.775, No.77)

(2) An award made for loss of earnings or loss of support shall, unless reduced pursuant to other provisions of this chapter, be in an amount equal to the actual loss sustained. The following shall apply:

(i) No such award shall exceed the average weekly wage for all persons covered by the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, in this Commonwealth as determined annually by the Department of Labor and Industry for each week of lost earnings or support.

(ii) Except as set forth in subparagraph (iii), the aggregate award for the loss shall not exceed \$15,000.

(iii) In the case of death of a direct victim or intervenor, the aggregate award shall not exceed \$20,000.
(2) amended July 11, 2022, P.L.775, No.77)

(3) If an order of restitution has been entered on behalf of the direct victim, those amounts actually collected shall be applied first to property losses incident to the crime and secondly to personal injury losses as set forth in subsection (f).

(4) An award for counseling performed by or under the supervision of a psychiatrist, psychologist, licensed professional counselor or licensed social worker and reimbursement of associated transportation costs, subject to the provisions of paragraph (4.1), may be made to:

(i) a direct victim;

(ii) an individual responsible for the direct victim's welfare;

(iii) an intervenor or individual who is physically present at the crime scene and witnesses a violent crime;

(iv) in the case of a homicide, an individual who discovers the body;

(v) anyone related to the direct victim within the second degree of consanguinity or affinity;

(vi) anyone maintaining a common-law relationship with the direct victim;

(vii) anyone residing in the same household with the direct victim; or

(viii) anyone engaged to be married to the direct victim.

((4) amended July 11, 2022, P.L.775, No.77)

(4.1) In the case of an award made pursuant to paragraph (4), the following shall apply:

(i) The amount of an award under paragraph (4)(i) shall not exceed \$5,000 where the direct victim is an adult and shall not exceed \$10,000 where the direct victim is a minor. A minor who is a direct victim of a sexual offense may request that the minor's primary insurance carrier not be billed for counseling services if the policy is held or administered by either the alleged perpetrator of the crime against the direct victim or an individual responsible for the minor's welfare that is not supportive of counseling services.

(ii) The amount of an award under paragraph (4)(ii), (v), (vi), (vii) or (viii) shall not exceed \$2,500 except in the case of a homicide whereby the amount of this award shall not exceed \$5,000.

(iii) The amount of an award under paragraph (4)(iii) or (iv) shall not exceed \$1,500.

((4.1) amended July 11, 2022, P.L.775, No.77)

(5) An award for the reasonable and necessary costs for the replacement of prosthetic devices, wheelchairs, canes, walkers, hearing aids, eyeglasses or other corrective lenses, dental devices or prescription medications damaged or stolen as a result of the crime shall be at a rate set by the Office of Victims' Services. Expenses for prosthetic devices,

wheelchairs, canes, walkers, hearing aids, eyeglasses or other corrective lenses, dental devices or prescription medications needed as a result of the crime shall be counted against the \$35,000 award limitation.

(c) Public assistance.--Provisions of awards made pursuant to a statute compensating or benefiting a direct victim or claimant shall in no way affect the claimant's or direct victim's eligibility under public assistance or any other Federal or Commonwealth social benefit or assistance program.

(d) Apportionment.--If there are two or more individuals entitled to an award as a result of the death of a direct victim or intervenor, the award shall be apportioned among the claimants.

(e) Reduction.--Except as otherwise provided in this act, an award made under this chapter shall be reduced by the amount of any payments received or to be received by the claimant as a result of the injury:

(1) from or on behalf of the individual who committed the crime;

(2) under any insurance or health and welfare programs, including those mandated by law;

(3) under any contract of insurance wherein the claimant is the beneficiary;

(4) from public funds;

(5) as an emergency award under section 706;

(6) under any pension program, including those providing for disability or survivor's benefits; or

(7) under a settlement or award made by or on behalf of a party alleged to be responsible in whole or in part for the injury, without regard to the party's criminal culpability.

(f) Direct victim responsibility.--

(1) Except as set forth in paragraphs (2), (3) and (4), in determining the amount of an award, the Office of Victims' Services shall determine whether the direct victim or intervenor, because of conduct, contributed to the infliction of the injury. The Office of Victims' Services may reduce the amount or deny the claim altogether in accordance with the determination. ((1) amended July 11, 2022, P.L.775, No.77)

(2) If the crime involved is rape or sexual assault, the conduct of the direct victim shall not be considered. If the crime involved is related to domestic violence, the conduct of the direct victim shall not be considered unless the direct victim was the primary aggressor.

(3) If the crime involved is a homicide, the conduct of the direct victim shall not be considered for claims by eligible claimants for counseling and funeral expenses. ((3) amended July 11, 2022, P.L.775, No.77)

(4) The conduct of the direct victim or intervenor shall not be considered for claims by eligible claimants for counseling. ((4) added July 11, 2022, P.L.775, No.77)

(g) Intervenor responsibility.--In determining the amount of an award to an intervenor, the Office of Victims' Services shall consider whether the intervenor, because of conduct, contributed to the infliction of the injury. The Office of Victims' Services may reduce the amount or deny the claim altogether in accordance with the determination. ((g) amended July 11, 2022, P.L.775, No.77)

(h) Forensic rape investigation.--

(1) A hospital or other licensed health care provider may submit a claim for reimbursement for the cost of a

forensic rape examination if the cost is not covered by insurance or if the victim requests that the insurance carrier not be billed. Upon filing of a claim, the Office of Victims' Services shall promptly notify the prosecutor of the county where the crime is alleged to have occurred. The reimbursement, where applicable, shall be at a rate set by the Office of Victims' Services.

(2) The cost of a forensic rape examination and the cost of medications prescribed to the direct victim shall not be charged to the victim.

(3) A sexual assault or rape victim need not be an applicant for any other compensation under this chapter.
(707 amended June 28, 2002, P.L.496, No.85)

Compiler's Note: Section 16 of Act 77 of 2022 provided that the amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) shall apply to claims where the crime occurred after the effective date of section 16, except for claims for counseling services relating to sexual abuse under section 701.1.

Section 708. Manner of payment.

(a) Lump sum.--The award shall be paid in a lump sum, except that, in the case of death or protracted disability, the award may provide for periodic payments. No award made under this chapter shall be subject to execution or attachment other than for expenses resulting from the injury which is the basis for the claim. All awards shall be paid by or under the authority of the State Treasurer. An award shall not be considered as compensation taxable as income under Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971. The Office of Victims' Services shall reconsider at least annually every award being paid in installments. The Office of Victims' Services may reconsider a claim at any time and modify or rescind previous orders for compensation based upon a change in financial circumstances of a direct victim or one or more surviving dependents.

(b) Medical expenses.--Medical expenses, except as otherwise provided, shall be paid to a hospital or other licensed health care provider on behalf of the victim at a rate set by the Office of Victims' Services. If the Office of Victims' Services accepts a claim, the hospital or other licensed health care provider shall accept such payment as payment in full and may not attempt to collect from the victim any amount exceeding the amount of reimbursement made by the Office of Victims' Services.

(708 amended June 28, 2002, P.L.496, No.85)

Section 709. Confidentiality of records.

(a) General rule.--All reports, records or other information obtained or produced by the Office of Victims' Services during the processing or investigation of a claim shall be confidential and privileged, shall not be subject to subpoena or discovery, shall be used for no purpose other than the processing of a claim and, except as otherwise provided by law or as provided in this section, shall not be introduced into evidence in any

judicial or administrative proceeding. ((a) amended July 11, 2022, P.L.775, No.77)

(b) Disclosure restricted.--Except as otherwise provided by law, no person who has had access to a report, record or any other information under this subsection shall disclose the content of such a report, record or other information or testify 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 claimant.

(c) Construction.--This section shall not be construed to preclude or limit introduction of the contents of a report, record or other information in an appeal hearing before the Office of Victims' Services or in an investigation, prosecution or judicial proceeding enforcing section 1303 or in communicating with the prosecutor's office regarding restitution.

(709 amended June 28, 2002, P.L.496, No.85)

Compiler's Note: Section 16 of Act 77 of 2022 provided that the amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) shall apply to claims where the crime occurred after the effective date of section 16, except for claims for counseling services relating to sexual abuse under section 701.1.

Section 710. Responsibilities of employers, service providers and insurance companies.

(a) Response.--Employers, insurance companies or providers of services to direct victims, intervenors or claimants, including, but not limited to, doctors, hospitals and counselors, shall respond in writing to the Office of Victims' Services' request for confirmation or other information under this chapter within 30 days of receipt of the Office of Victims' Services' request.

(b) Penalty.--Any person who fails to respond to a request under subsection (a) shall be subject to a penalty of not more than \$50 per day, up to and including the date of compliance.

(c) Enforcement.--The office of the district attorney of the county in which the crime occurred and the Office of Victims' Services shall be charged with enforcement of this section and the collection of penalties, which may be given to local victim service agencies or used for the enforcement and collection of penalties under this section.

(710 amended June 28, 2002, P.L.496, No.85)

CHAPTER 9 SERVICES

Section 901. Eligibility of victims.

A victim has the rights and is eligible for the services under sections 201 and 902 only if the victim reported the crime to law enforcement authorities without unreasonable delay after the occurrence of the crime or the discovery of the occurrence of the crime, unless the victim had a reasonable excuse not to do so.

Compiler's Note: Section 16 of Act 77 of 2022 provided that the amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) shall apply to claims where the crime occurred after the effective date of section 16, except for claims for counseling services relating to sexual abuse under section 701.1.

Section 902. Establishment of basic services for victims of crime.

The commission shall provide technical assistance to and make grants to district attorneys, other criminal justice agencies or victim service agencies which provide crime victims with the following services:

(1) Notification services, including all of the following:

(i) Information concerning financial assistance and other social services available as a result of being a victim of crime.

(ii) Notification that a court proceeding to which they have been subpoenaed will not go on as scheduled, in order to save the victim an unnecessary trip to court.

(iii) Notification of the final disposition of the case.

(2) Protection services, including all of the following:

(i) Protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts.

(ii) A secure waiting area during court proceedings which does not require them to be in close proximity to defendants and families and friends of defendants.

(3) Procedures for the expedited return by law enforcement officials of personal property of victims which is held for prosecutorial purposes.

(4) Services related to the rights of victims under Chapter 2.

(5) Other services as defined by the commission.

(902 amended June 28, 2002, P.L.496, No.85)

Section 903. Grant program for services.

(a) Authority.--The commission has the authority to make grants to district attorneys and other criminal justice agencies for the provision of the services under section 902.

(b) Regulations.--The commission shall promulgate regulations necessary to ensure the cost-effective delivery of victim services or victim and witness services consistent with section 902.

(c) Participation.--In determining grant awards, the commission shall promote broad-based participation by a maximum number of criminal justice agencies Statewide.

(d) Data.--An agency which makes application for awards under this section shall provide data in support of the request as the commission requires. An agency which receives an award shall provide the commission with reports as the commission

determines necessary to assess the agency's progress in the development of victim services.

(e) Report.--The commission shall submit an annual report to the General Assembly on the progress of services provided for in section 902. The report shall include:

- (1) The number of participating agencies and population served.
- (2) The extent of services provided.
- (3) Any impediments to the progress of the program.
- (4) Recommendations for reform.

(f) Allocation.--In the allocation of funds for services under section 902, the commission shall consider the revenue collected by potential grant recipients under the penalty assessments authorized in section 1203 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, pertaining to domestic violence and rape crisis services and the extent to which crime victims' compensation claims assistance is made available.

Compiler's Note: The short title of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, referred to in this section, was amended by the act of December 28, 2015 (P.L.500, No.92). The amended short title is now the Human Services Code.

CHAPTER 11 FINANCIAL MATTERS

Section 1101. Costs.

(a) Imposition.--

(1) A person who pleads guilty or nolo contendere or who is convicted of a crime shall, in addition to costs imposed under 42 Pa.C.S. § 3571(c) (relating to Commonwealth portion of fines, etc.), pay costs of at least \$60 and may be sentenced to pay additional costs in an amount up to the statutory maximum monetary penalty for the offense committed.

(2) A person placed in a diversionary program shall pay costs of at least \$60 in addition to costs imposed pursuant to 42 Pa.C.S. § 3571(c).

(3) A juvenile shall pay costs of at least \$25 if any of the following apply to the case:

(i) There is a consent decree.

(ii) There is an adjudication of delinquency.

((a) amended June 28, 2002, P.L.496, No.85)

(b) Disposition.--

(1) ((1) deleted by amendment).

(2) ((2) deleted by amendment).

(3) The Crime Victim Services and Compensation Fund is established as a special nonlapsing fund. The fund shall be used by the Office of Victims' Services for payment to claimants, victim-witness services and technical assistance.

(4) Costs imposed under subsection (a) shall be paid into the Crime Victim Services and Compensation Fund except that 70% of any costs which exceed \$60 shall be paid into a local victim services fund, established and administered by the county treasurer of each county. The county treasurer shall disperse money from a local victim services fund at the discretion of the county district attorney. The money in the local victim services fund shall be used only for victim services. Each county treasurer shall by August 31 of each year provide the commission with an annual statement which fully reflects all collections deposited into and

expenditures from the local victim services fund for the preceding fiscal year. The commission, as advised by the Victim Services Advisory Committee, shall develop guidelines for the administration of the local victim services funds.

((b) amended July 11, 2022, P.L.775, No.77)

(c) Payment.--This cost shall be imposed notwithstanding any statutory provision to the contrary.

(d) Mandamus.--The district attorney, the Office of Victims' Services, the commission or any victim shall have standing to seek a mandamus order requiring the county to collect the costs imposed by this section. ((d) amended June 28, 2002, P.L.496, No.85)

(e) Court order.--No court order shall be necessary in order for the defendant to incur liability for costs under this section. Costs under this section must be paid in order for the defendant to be eligible for probation, parole or accelerated rehabilitative disposition.

(1101 amended Oct. 30, 2000, P.L.641, No.86)

Compiler's Note: Section 13 of Act 77 of 2022 provided that all money in the Crime Victim's Compensation Fund and the Victim Witness Services Fund shall be transferred to the Crime Victim Services and Compensation Fund.

Section 15 of Act 77 of 2022 provided that the remainder of the sum transferred from the General Fund to the Crime Victim's Compensation Fund under section 8.2 of the act of November 26, 2019 (P.L.641, No.87), is transferred to the Crime Victim Services and Compensation Fund for the purpose of implementing Act 77.

Section 16 of Act 77 of 2022 provided that the amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) shall apply to claims where the crime occurred after the effective date of section 16, except for claims for counseling services relating to sexual abuse under section 701.1.

Section 1102. Costs for offender supervision programs.

(a) County fund.--The county treasurer of each county shall establish and administer a County Supervision Fee Restricted Receipts Account consisting of the fees collected under this section. The county treasurer shall disperse money from this account only at the discretion of the president judge of the court of common pleas. The money in this account shall be used to pay the salaries and employee benefits of all probation and parole personnel employed by the county probation and parole department and the training and operational expenses of that department. Money from this account shall be used to supplement Federal, State or county appropriations for the county adult probation and parole department. The president judge shall by August 31 provide the commission with an annual statement that fully reflects all collections deposited into and expenditures from the County Supervision Fee Restricted Receipts Account for the preceding fiscal year. The commission may randomly audit and monitor account recipients to ensure the appropriate use of funds and compliance with the provisions of this section.

The commission shall promulgate regulations to provide for the permanent administration of this program, as advised by the County Adult Probation and Parole Advisory Committee. ((a) amended July 11, 2022, P.L.775, No.77)

(b) State fund.--There is established a State Offender Supervision Fund to be administered by the department and comprised of the supervision fees collected under subsection (d). The money in this fund shall be used to supplement the Federal or State funds appropriated for the improvement of State parole supervision. ((b) amended July 11, 2022, P.L.775, No.77)

(c) Court.--The court shall impose as a condition of supervision a monthly supervision fee of at least \$25 on any offender placed on probation, parole, accelerated rehabilitative disposition, probation without verdict or intermediate punishment unless the court finds that the fee should be reduced, waived or deferred based on the offender's present inability to pay. All of the fees shall be deposited into the County Supervision Fee Restricted Receipts Account established in each county pursuant to this section. In the discretion of the Auditor General, but no less than once every three years, the Auditor General shall conduct an audit of the account. ((c) amended July 11, 2022, P.L.775, No.77)

(d) Board.--The board shall impose as a condition of supervision a monthly supervision fee of at least \$25 on any offender under the department's supervision unless the board finds that such fee should be reduced, waived or deferred based on the offender's present inability to pay. All fees collected shall be deposited into the State Offender Supervision Fund. ((d) amended July 11, 2022, P.L.775, No.77)

(e) Continuation.--

(1) For offenders under supervision of a county probation department or the board as of the day prior to the effective date of this section or under the supervision of the department, the fee shall automatically become a part of the supervision conditions as if the court or board had imposed it unless the court or board makes a finding that the offender is presently unable to pay. ((1) amended July 11, 2022, P.L.775, No.77)

(2) The court or board may make a finding that the offender is unable to pay based on any of the following factors:

(i) The offender has diligently attempted but has been unable to obtain employment that provides the offender sufficient income to make such payments.

(ii) The offender is a student in a school, a college, a university or a course of vocational or technical training designed to fit the student for gainful employment.

(iii) The offender has an employment handicap as determined by an examination acceptable to or ordered by the court or board.

(iv) The offender's age prevents employment.

(v) The offender is responsible for the support of dependents, and the payment of the assessment constitutes an undue hardship on the offender.

(vi) Other extenuating circumstances as determined by the court or board.

Compiler's Note: Section 16 of Act 77 of 2022 provided that the amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g),

214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) shall apply to claims where the crime occurred after the effective date of section 16, except for claims for counseling services relating to sexual abuse under section 701.1.

CHAPTER 13 ENFORCEMENT

Section 1301. Subrogation.

(a) General rule.--Payment of an award made under Chapter 7 shall subrogate the Commonwealth, to the extent of the payment, to any right of action against any person accruing to the claimant, the direct victim or the intervenor to recover losses resulting from the crime with respect to which the award is made. In such a case, the Commonwealth shall be entitled to bring an action against the person causing or otherwise liable for the personal injuries or death for which the payment was made. Money recovered under this section shall be deposited in the Crime Victim's Compensation Fund established in section 1101(b)(1).

(b) Excess.--If an amount greater than that paid under Chapter 7 is recovered and collected in such an action, the Commonwealth shall pay the balance to the claimant. The Attorney General shall enforce any subrogation. A claimant who fails to notify the Office of Victims' Services of the receipt of funds from any other claim or award arising out of the crime shall forfeit and pay to the Commonwealth an amount equal to all awards paid by the Office of Victims' Services to the claimant or on the claimant's behalf. ((b) amended July 11, 2022, P.L.775, No.77)

Compiler's Note: Section 16 of Act 77 of 2022 provided that the amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) shall apply to claims where the crime occurred after the effective date of section 16, except for claims for counseling services relating to sexual abuse under section 701.1.

Section 1302. Restitution.

To the extent that restitution is ordered either prior to or subsequent to the making of an award by the Office of Victims' Services, the restitution shall be paid to the Commonwealth to the extent of the award by the Office of Victims' Services.

(1302 amended June 28, 2002, P.L.496, No.85)

Section 1302.1. State income tax intercept.

(a) Duty of Department of Revenue.--In the case of any taxpayer due to receive a refund of a payment of tax under Article III of the act of March 4, 1971 (P.L.6, No.2), known

as the Tax Reform Code of 1971, the Department of Revenue shall deduct from the refund the amount of any court-ordered obligation arising from a criminal prosecution or proceeding, pay the amount deducted to the clerk of court for the county in which the order was entered, notify the taxpayer of a payment made under this section and pay any amount remaining to the taxpayer.

(b) Priority.--A deduction under subsection (a) shall be given priority after any deduction for delinquent Pennsylvania State income tax obligations or delinquent support under 23 Pa.C.S. § 4307 (relating to State income tax intercept).

(c) Administrative fee.--The Department of Revenue may determine and set a fee to cover the actual costs to administer this section and may deduct the calculated amount from the refund subject to a deduction under this section.

(d) Report.--The Department of Revenue shall annually report to the Pennsylvania Commission on Crime and Delinquency, the Finance Committee of the Senate and the Finance Committee of the House of Representatives the amount of court-ordered obligations collected under this section.

(e) Duty of the Administrative Office of Pennsylvania Courts.--The Administrative Office of Pennsylvania Courts shall provide the Department of Revenue with the information necessary to fulfill its duties under subsection (a).

(1302.1 added July 20, 2016, P.L.828, No.93)
Section 1303. Penalty.

An individual who asserts a false claim under Chapter 7 commits a misdemeanor of the third degree and shall, upon conviction, forfeit any benefit and reimburse and repay the Commonwealth for payments received or paid on the individual's behalf under Chapter 7.

Section 1304. Revictimization relief.

(a) Action.--In addition to any other right of action and any other remedy provided by law, a victim of a personal injury rights crime may bring a civil action against an offender in any court of competent jurisdiction to obtain injunctive and other appropriate relief, including reasonable attorney fees and other costs associated with the litigation, for conduct which perpetuates the continuing effect of the crime on the victim. ((a) amended July 11, 2022, P.L.775, No.77)

(b) Redress on behalf of victim.--The district attorney of the county in which a personal injury rights crime took place or the Attorney General, after consulting with the district attorney, may institute a civil action against an offender for injunctive or other appropriate relief for conduct which perpetuates the continuing effect of the crime on the victim. ((b) amended July 11, 2022, P.L.775, No.77)

(c) Injunctive relief.--Upon a showing of cause for the issuance of injunctive relief, a court may issue special, preliminary, permanent or any other injunctive relief as may be appropriate under this section.

(d) Definition.--As used in this section, the term "conduct which perpetuates the continuing effect of the crime on the victim" includes conduct which causes a temporary or permanent state of mental anguish.

(1304 added Oct. 22, 2014, P.L.2521, No.150)

Compiler's Note: Section 16 of Act 77 of 2022 provided that the amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f), 216(b) and (d), 301(a) and (c),

302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) shall apply to claims where the crime occurred after the effective date of section 16, except for claims for counseling services relating to sexual abuse under section 701.1.

CHAPTER 51 MISCELLANEOUS PROVISIONS

Section 5101. Effect on legal actions.

Nothing in Chapters 2, 3, 5 and 9 creates a cause of action or defense in favor of any person arising out of the failure to comply with any of these chapters.

Section 5102. Continuation of existing law.

This act is a codification of the statutory provisions repealed in section 5103 and, except where clearly different from current law, shall be deemed to be a continuation of prior law. Funds, programs, regulations and Commonwealth agencies governed by the repealed provisions shall be deemed continued by this act.

Section 5103. Repeals.

The following acts and parts of acts are repealed:

Sections 477 through 477.17, 477.19 through 477.22 and 479 through 479.11 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Act of March 21, 1995 (1st Sp.Sess., P.L.980, No.8), known as the Victim Advocate Law.

Section 5104. Effective date.

This act shall take effect immediately.