

CRIME VICTIMS ACT - OMNIBUS AMENDMENTS

Act of Jul. 11, 2022, P.L. 775, No. 77

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HB 2464

AN ACT

Amending the act of November 24, 1998 (P.L.882, No.111), entitled "An act 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," in preliminary provisions, further providing for definitions; in crime victims, further providing for rights, for responsibilities of victims of crime under basic bill of rights, for responsibilities of State and local law enforcement agencies, for responsibilities of prosecutor's office, for responsibilities of department, local correctional facilities and board and for responsibilities of juvenile probation office and providing for legal standing; in administration, further providing for office, for powers and duties of victim advocate and for powers and duties of Office of Victims' Services; in compensation, further providing for persons eligible for compensation, providing for counseling services for victims of sexual abuse and further providing for filing of claims for compensation, for minimum allowable claim, for determination of claims, for emergency awards, for awards and for confidentiality of records; in services, further providing for eligibility of victims; in financial matters, further providing for costs and for costs for offender supervision programs; in enforcement, further providing for subrogation and for revictimization relief; transferring money from the Crime Victim's Compensation Fund; providing for applicability; and making a related repeal.

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

Section 1. The definitions of "board," "crime," "intervenor," "local law enforcement agency," "loss of earnings," "out-of-pocket loss," "personal injury crime" and "victim advocate" in section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, are amended and the section is amended by adding definitions to read:

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:

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"Board." The Pennsylvania [Board of Probation and] Parole Board.

"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.

* * *

"Counseling services." A mental health therapy performed by or under the supervision of a mental health care provider.

"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.

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"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.

* * *

"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.

* * *

"Law enforcement officer." A peace officer as defined in 18 Pa.C.S. § 501 (relating to definitions).

* * *

"Local law enforcement agency." A police department of a city, borough, incorporated town or township **or campus police.**

"Loss of earnings." [Includes] **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, [court-ordered child support or court-ordered spousal] **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.**

"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.**

"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.

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"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.

"Personal injury crime." An act, attempt [or threat], **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. § 3742 (relating to accidents involving death or personal injury).]

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 [as a result of an act related to domestic violence.] **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).**

"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.

* * *

"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).

* * *

"Victim advocate." The victim advocate in the Office of Victim Advocate within the [Pennsylvania Board of Probation and Parole] department.

Section 2. Section 201(4), (5.2), (7), (8), (8.1), (9), (11) and (13) of the act are amended and the section is amended by adding a paragraph to read:

Section 201. Rights.

Victims of crime have the following rights:

* * *

(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).

* * *

(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.

* * *

(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.

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(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.

(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.

(8.1) 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 reaprehension 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.

(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.

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(11) To have assistance in the preparation of, submission of and follow-up on financial assistance claims to the [bureau] **Office of Victims' Services**.

* * *

(13) Upon the request of the victim of a personal injury **rights** crime, to be notified of the termination of the courts' jurisdiction.

Section 3. Sections 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f) and 216(b) and (d) of the act are amended to read:

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

[A] **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.

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

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(b) Notice.--

(1) [Law enforcement agencies shall within 48 hours of reporting give notice to the direct victim or, if appropriate, a member of the direct victim's family of the availability of crime victims' compensation. The notice required under this subsection shall be in writing and in a manner and form developed by the Office of Victims' Services.] **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 provide basic information on the rights and services available for crime victims. The information shall be in writing and shall be provided to the victim within 24 hours of the law enforcement agency's first contact with the victim in a manner and form to be developed by the Office of Victims' Services.] **Law enforcement agencies shall be responsible for ensuring that officers provide the notification required under paragraph (1).**

(c) Application.--[The written notification provided for in subsection (b)(1) shall be accompanied by one copy of the application form for crime victims' compensation. Application forms shall be supplied by the Office of Victims' Services to law enforcement agencies. A record of the date of notification shall be maintained by the law enforcement agency.] The Office of Victims' Services shall [maintain a mailing list of all local law enforcement agencies] **make the written information under subsection (b)(1) available on the office's publicly accessible Internet website** and provide law enforcement agencies [with forms by which they can order additional claim forms] **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.

(e) [Forms.--The form developed by the Office of Victims' Services shall be attached to the police report and shall include a victim checkoff signifying that the information has been provided to the crime victim.] **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.

(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.

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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.**

(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.

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(d) Release.--[In a personal injury crime, the prosecutor's office shall provide notice of the opportunity to submit input into State correctional release decisions, to receive notice of any release of an adult from a State or local correctional facility and to receive notice of the commitment to a mental health institution from a State or local correctional institution.] **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.

(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.

(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.

(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 [bureau] **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.**

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

(a) Forms.--The [department and 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 [standardized] **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.

(b) Notice.--If the [department and board have] **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.

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(f) Records.--Records maintained by the department, the local correctional facility [and], 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.

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Section 216. Responsibilities of juvenile probation office.

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(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.

* * *

(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.

Section 4. Chapter 2 of the act is amended by adding a subchapter to read:

SUBCHAPTER C LEGAL STANDING

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.

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.

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.

Section 5. Section 301(a) and (c) of the act are amended and the section is amended by adding a subsection to read:

Section 301. Office.

(a) Establishment.--There is established within the [board] **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.

* * *

(c) Service and employees.--

(1) The victim advocate shall operate from [the central office of the board] **office space provided by the department** with such clerical, technical and professional staff as may be available within the budget of the [board] **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.

(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.

Section 6. Section 302(5) of the act is amended and the section is amended by adding paragraphs to read:

Section 302. Powers and duties of victim advocate.

The victim advocate has the following powers and duties:

* * *

(5) [To act as a liaison with the victim notification program director in the department to coordinate victim notification and services for the department and the board. The victim advocate is authorized to] **To address the interests of all victims before the board, department or hearing examiner concerning any issues determined appropriate by the victim advocate.**

(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).**

(7) **To advocate for the interests of crime victims generally, including the victims of crimes committed by juveniles.**

Section 7. Section 312(3) of the act is amended to read:
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:

* * *

(3) [To adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions and purposes of Chapter 7. These regulations shall provide for the approval of attorney fees for representation before the Office of Victims' Services, a hearing examiner or before the Commonwealth Court upon judicial review under section 705. Awards of the attorney fees shall be in addition to awards made to direct victims. Awards of attorney fees shall in no case exceed 15% of the award to the direct victim or victims. It shall be unlawful for an attorney to contract for or receive any sum larger than the amount allowed. Regulations under this paragraph shall include policies, procedures and standards of review regarding claims for compensation; approval or denial of claims, including contributory conduct by direct victims; verification of information and documents; prioritization of review; and all other matters related to the processing.] **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.**

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Section 8. Section 701(a) of the act is amended by adding paragraphs to read:

Section 701. Persons eligible for compensation.

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

* * *

(7) **Hospitals or other licensed health care providers under section 707(h).**

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

* * *

Section 9. The act is amended by adding a section to read:
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.**

Section 10. Sections 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e) and 706(a)(1) and (b) of the act are amended to read:

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:**

* * *

(b) **Time.--**

(1) **Except as set forth in paragraph (2), a claim must be filed not later than [two] **five** years after the discovery of the occurrence of the crime upon which the claim is based or not later than [two] **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.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.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.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 [bureau] **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.

(c) Manner.--Claims must be filed with the [bureau] **Office of Victims' Services** in person, by mail or by any electronic means authorized by the Office of Victims' Services.
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 [\$100] **\$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.

Section 704. Determination 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.

* * *

(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**.

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 [\$1,500 per claim or at] a rate set by 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 [\$1,500 per claim or at] a rate set by the Office of Victims' Services.

* * *

Section 11. Section 707(a)(3) and (4), (a.1), (b)(1), (2), (4) and (4.1), (f)(1) and (3) and (g) of the act are amended, subsection (f) is amended by adding a paragraph and the section is amended by adding a subsection to read:

Section 707. Awards.

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

* * *

(3) The crime was promptly reported to the proper authorities. [In no case may an award be made if the record shows that the report was made more than 72 hours after the occurrence of the crime unless:

(i) the victim is under 18 years of age at the time of the occurrence of the crime and the alleged offender is the victim's parent or a person responsible for the victim's welfare, an individual residing in the same home as the victim or a paramour of the victim's parent; or

(ii) the Office of Victims' Services finds the delay to have been justified, consistent with bureau regulations.]

(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.**

(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 [Victim] **Victims'** Services finds the withdrawal to have been justified, consistent with regulations of the Office of [Victim] **Victims'** Services.

(2) [Filed more than 72 hours after the occurrence of the criminal conduct leading to the commencement of the action, unless:

(i) the victim is under 18 years of age at the time of the occurrence of the criminal conduct and the alleged offender is the victim's parent or a person responsible for the victim's welfare, an individual residing in the same home as the victim or a paramour of the victim's parent; or

(ii) the Office of Victim Services finds the delay to have been justified, consistent with regulations of the Office of Victim Services.] (Reserved).

(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.

(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.

(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.

* * *

(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.

(4.1) 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.

* * *

(f) Direct victim responsibility.--

(1) Except as set forth in paragraphs (2) [and], (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 [shall] **may** reduce the amount or deny the claim altogether in accordance with the determination.

* * *

(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.**

(4) The conduct of the direct victim or intervenor shall not be considered for claims by eligible claimants for counseling.

(g) Intervenor responsibility.--In determining the amount of an award to an intervenor, the Office of Victims' Services [may] **shall** consider whether the intervenor, because of conduct, contributed to the infliction of the injury. The Office of Victims' Services [shall] **may** reduce the amount or deny the claim altogether in accordance with the determination.

* * *

Section 12. Sections 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e) (1), 1301(b) and 1304(a) and (b) of the act are amended to read:

Section 709. Confidentiality of records.

(a) General rule.--All reports, records or other information obtained or produced by the [bureau] **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.

* * *

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

[its] 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.

Section 1101. Costs.

* * *

(b) Disposition.--

[(1) There is established a special nonlapsing fund, known as the Crime Victim's Compensation Fund. This fund shall be used by the Office of Victims' Services for payment to claimants and technical assistance. Thirty-five dollars of the costs imposed under subsection (a)(1) and (2) plus 30% of the costs imposed under subsection (a)(1) which exceed \$60 shall be paid into this fund. All costs imposed under subsection (a)(3) shall be paid into this fund.

(2) There is established a special nonlapsing fund, known as the Victim Witness Services Fund. This fund shall be used by the commission for victim-witness services and technical assistance in nonvictim compensation-related areas in accordance with this section. Twenty-five dollars of the costs imposed under subsection (a)(1) and (2) plus 70% of the costs imposed under subsection (a)(1) and (2) which exceed \$60 shall be paid into this fund.]

(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.

* * *

Section 1102. Costs for offender supervision programs.

(a) County fund.--The county treasurer of each county shall establish and administer a [county offender supervision fund] **County Supervision Fee Restricted Receipts Account** consisting of the fees collected under this section. The county treasurer shall disperse money from this [fund] **account** only at the discretion of the president judge of the court of common pleas. The money in this [fund] **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 [fund] **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 [board] **commission** with an annual statement [which] **that** fully reflects all collections deposited into and expenditures from the [offender supervision fund] **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 [board] **commission** shall promulgate regulations to provide for the permanent administration of this program, **as advised by the County Adult Probation and Parole Advisory Committee.**

(b) State fund.--There is established a State Offender Supervision Fund to be administered by the [board] **department** and comprised of the supervision fees collected [by the board] under [this section] **subsection (d).** The money in this fund shall be used to supplement the Federal or State funds appropriated for the improvement of [adult probation services] **State parole supervision.**

(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. [Of the fee collected, 50%] **All of the fees** shall be deposited into the County [Offender Supervision Fund] **Supervision Fee Restricted Receipts Account** established in each county pursuant to this section[, and the remaining 50% shall be deposited into the State Offender Supervision Fund established 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.**

(d) Board.--The board shall impose as a condition of supervision a monthly supervision fee of at least \$25 on any offender under the [board's] **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 [established under subsection (b)].

(e) Continuation.--

(1) For offenders under supervision of a county probation department or the board as of [August 14, 1991] **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.

* * *

Section 1301. Subrogation.

* * *

(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 [bureau] **Office of Victims' Services** to the claimant or on the claimant's behalf.

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.

(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.

* * *

Section 13. 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 14. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of section 701.1 of the act.

(2) 42 Pa.C.S. § 9730.3 is repealed.

Section 15. 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 this act.

Section 16. 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) of the act shall apply to claims where the crime occurred after the effective date of this section, except for claims for counseling services relating to sexual abuse under section 701.1 of the act.

Section 17. This act shall take effect as follows:

(1) The following shall take effect immediately:

(i) Section 13 of this act.

(ii) The amendment of section 1101(b) of the act.

(iii) This section.

(2) The amendment or addition of sections 103, 231, 232, 233, 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, 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) of the act shall take effect in 60 days.

(3) The remainder of this act shall take effect in 270 days.

APPROVED--The 11th day of July, A.D. 2022.

TOM WOLF