

## AMENDMENTS TO SENATE BILL NO. 502

Sponsor: REPRESENTATIVE KAUFFMAN

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1 Amend Bill, page 1, line 14, by inserting after "Services;"  
2 in parole advocacy, further providing for preparole  
3 notification to victim and for petitions to deny parole upon  
4 expiration of minimum sentence;

5 Amend Bill, page 1, line 25, by striking out "'family,'"

6 Amend Bill, page 3, lines 27 through 30; page 4, lines 1  
7 through 3; by striking out all of said lines on said pages

8 Amend Bill, page 6, line 9, by inserting a bracket before  
9 "or"

10 Amend Bill, page 6, line 9, by inserting after "threat"  
11 1, solicitation or conspiracy

12 Amend Bill, page 6, by inserting between lines 13 and 14  
13 18 Pa.C.S. Ch. 28 (relating to antihazing).

14 Amend Bill, page 6, by inserting between lines 14 and 15  
15 18 Pa.C.S. Ch. 30 (relating to human trafficking).

16 Amend Bill, page 6, by inserting between lines 20 and 21  
17 18 Pa.C.S. § 5131 (relating to recruiting criminal gang  
18 members).

19 18 Pa.C.S. § 6312 (relating to sexual abuse of children).  
20 18 Pa.C.S. § 6318 (relating to unlawful contact with  
21 minor).

22 18 Pa.C.S. § 6320 (relating to sexual exploitation of  
23 children).

24 Amend Bill, page 11, line 18, by striking out "301(c)" and  
25 inserting

26 301(a) and (c)

Amend Bill, page 11, line 18, by striking out "is" and inserting

are

Amend Bill, page 11, line 19, by striking out "a subsection" and inserting

subsections

Amend Bill, page 11, by inserting between lines 20 and 21

(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, as well as any other powers and duties specified in law.

Amend Bill, page 11, line 23, by inserting a bracket before "the" where it occurs the first time

Amend Bill, page 11, line 23, by inserting after "board"

] office space provided by the department

Amend Bill, page 11, line 24, by inserting a bracket before "available"

Amend Bill, page 11, line 26, by inserting a bracket after "Board."

Amend Bill, page 11, lines 26 through 30, by striking out "The home address of an" in line 26 and all of lines 27 through 30 and inserting

furnished by the department. 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. 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.

(d) Procedure for removal.--

(1) The victim advocate may be removed for cause by the Governor, by and with the advice and consent of a majority of the members of the Senate.

1       (2) During a recess of the Senate, the Governor may  
2       suspend the victim advocate for cause, and before suspension,  
3       the Governor shall furnish to the victim advocate a statement  
4       in writing of the reasons for the proposed suspension. The  
5       suspension shall operate and be effective only until the  
6       adjournment of the next session of the Senate following the  
7       suspension.

8       (e) Disclosure and confidentiality.--

9       Amend Bill, page 14, by inserting between lines 23 and 24

10       Section 6.1. Sections 501(a) and (b) and 502(b) of the act  
11       are amended to read:

12       Section 501. Preparole notification to victim.

13       (a) Persons to be notified.--No later than 90 days prior to  
14       the parole date of an offender, the victim advocate shall notify  
15       the victim of the offense for which the offender was sentenced,  
16       the [parent or] parents and any legal guardian of a victim who  
17       is a minor or a member of the family if the victim is incapable  
18       of communicating or has died and shall provide the appropriate  
19       person or persons with an opportunity each to submit a preparole  
20       statement expressing concerns or recommendations regarding the  
21       parole or parole supervision of the offender.

22       (b) Enrollment.--A victim [or] and any member of the family  
23       who intends to submit a preparole statement regarding the parole  
24       or parole supervision of the offender is responsible for  
25       notifying the victim advocate of the victim's or family member's  
26       intent [to submit a preparole statement regarding the parole or  
27       parole supervision of the offender]. The notice shall include a  
28       mailing address or change of address notification.

29       \* \* \*

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

32       \* \* \*

33       (b) Appearance.--The victim [or] and the victim's  
34       representative shall be permitted to appear in person and  
35       provide testimony before the panel or the majority of those  
36       board members charged with making the parole release decision  
37       or, in the alternative, the victim's [or] and victim's  
38       representative's testimony may be presented by electronic means  
39       as provided by the board. The testimony of a victim [or] and  
40       victim's representative shall be confidential. Records  
41       maintained by the department and the board pertaining to victims  
42       shall be kept separate from other records, and these victim  
43       records, including current address, telephone number and any  
44       other personal information of the victim and family members,  
45       shall be deemed confidential.

46       \* \* \*

47       Amend Bill, page 18, line 28, by striking out "(a.1)(2)" and  
48       inserting

1 (a.1)

2 Amend Bill, page 19, line 26, by striking out all of said  
3 line and inserting

4 (1) Withdrawn, unless the Office of [Victim] Victims'  
5 Services finds the withdrawal to have been justified,  
6 consistent with regulations of the Office of [Victim]  
7 Victims' Services.

8 Amend Bill, page 20, line 15, by striking out ". An award may  
9 not" and inserting

10 and as provided for in the Pennsylvania Rules of Civil  
11 Procedure. In no case may an award

12 Amend Bill, page 22, line 17, by striking out "prior to  
13 January 2, 2005,"

14 Amend Bill, page 24, line 3, by striking out "and" and  
15 inserting a comma

16 Amend Bill, page 24, line 3, by inserting after "901"  
17 and 1101(b)

18 Amend Bill, page 24, lines 22 and 23, by striking out all of  
19 said lines

20 Amend Bill, page 24, lines 27 through 30; page 25, lines 1  
21 through 5; by striking out all of said lines on said pages and  
22 inserting

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

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

1 \$60 shall be paid into this fund.]

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

6 (4) Costs imposed under subsection (a) shall be paid  
7 into the Crime Victim Services and Compensation Fund except  
8 that 70% of any costs which exceed \$60 shall be paid into a  
9 local victim services fund, established and administered by  
10 the county treasurer of each county. The county treasurer  
11 shall disperse money from a local victim services fund at the  
12 discretion of the county district attorney. The money in the  
13 local victim services fund shall be used only for victim  
14 services. Each county treasurer shall by August 31 of each  
15 year provide the commission with an annual statement which  
16 fully reflects all collections deposited into and  
17 expenditures from the local victim services fund for the  
18 preceding fiscal year. The commission, as advised by the  
19 Victim Services Advisory Committee, shall develop guidelines  
20 for the administration of the local victim services funds.

21 Amend Bill, page 25, line 7, by striking out "12" and

22 inserting

23 11

24 Amend Bill, page 27, line 14, by striking out all of said

25 line and inserting

26 Section 12. All money in the Crime Victim's Compensation  
27 Fund and the Victim Witness Services Fund shall be transferred  
28 to the Crime Victim Services and Compensation Fund.

29 Section 13. This act shall take effect as follows:

30 (1) The following shall take effect on July 1, 2020:

31 (i) The addition of section 1011(b) (3) and (4) of  
32 the act.

33 (ii) The repeal of section 1011(b) (1) and (2) of the  
34 act.

35 (iii) Section 12 of this act.

36 (2) The remainder of the act shall take effect in 60  
37 days.