

## AMENDMENTS TO SENATE BILL NO. 708

Sponsor: SENATOR HAYWOOD

Printer's No. 806

1 Amend Bill, page 1, line 11, by striking out "and" and  
2 inserting a comma

3 Amend Bill, page 1, line 12, by inserting after "office"  
4 where it occurs the first time  
5 and for responsibilities of juvenile probation office

6 Amend Bill, page 1, line 22, by inserting after "subrogation"  
7 and for revictimization relief

8 Amend Bill, page 6, line 3, by striking out all of said line

9 Amend Bill, page 6, lines 12 and 13, by striking out all of  
10 said lines

11 Amend Bill, page 6, lines 25 through 30, by striking out all  
12 of said lines

13 Amend Bill, page 7, lines 7 through 10, by striking out all  
14 of said lines

15 Amend Bill, page 7, by inserting between lines 16 and 17

16 "Personal injury rights crime." An act, attempt,  
17 solicitation or conspiracy to commit an act which would  
18 constitute a misdemeanor or felony under the following:  
19 18 Pa.C.S. Ch. 25 (relating to criminal homicide).  
20 18 Pa.C.S. Ch. 27 (relating to assault).  
21 18 Pa.C.S. Ch. 28 (relating to antihazing).  
22 18 Pa.C.S. Ch. 29 (relating to kidnapping).  
23 18 Pa.C.S. Ch. 30 (relating to human trafficking).  
24 18 Pa.C.S. Ch. 31 (relating to sexual offenses).  
25 18 Pa.C.S. § 3301 (relating to arson and related  
26 offenses).

1       18 Pa.C.S. Ch. 37 (relating to robbery).  
2       18 Pa.C.S. Ch. 49 Subch. B (relating to victim and  
3 witness intimidation).  
4       18 Pa.C.S. § 5131 (relating to recruiting criminal gang  
5 members).  
6       18 Pa.C.S. § 6312 (relating to sexual abuse of children).  
7       18 Pa.C.S. § 6318 (relating to unlawful contact with  
8 minor).  
9       18 Pa.C.S. § 6320 (relating to sexual exploitation of  
10 children).  
11       30 Pa.C.S. § 5502.1 (relating to homicide by watercraft  
12 while operating under influence).  
13       The former 75 Pa.C.S. § 3731 (relating to driving under  
14 influence of alcohol or controlled substance) in cases  
15 involving bodily injury.  
16       75 Pa.C.S. § 3732 (relating to homicide by vehicle).  
17       75 Pa.C.S. § 3732.1 (relating to aggravated assault by  
18 vehicle).  
19       75 Pa.C.S. § 3733 (relating to fleeing or attempting to  
20 elude police officer).  
21       75 Pa.C.S. § 3734 (relating to driving without lights to  
22 avoid identification or arrest).  
23       75 Pa.C.S. § 3735 (relating to homicide by vehicle while  
24 driving under influence).  
25       75 Pa.C.S. § 3735.1 (relating to aggravated assault by  
26 vehicle while driving under the influence).  
27       75 Pa.C.S. § 3742 (relating to accidents involving death  
28 or personal injury).  
29       75 Pa.C.S. § 3742.1 (relating to accidents involving  
30 death or personal injury while not properly licensed) if the  
31 nature and circumstance of the offense committed are  
32 substantially similar to an offense under 75 Pa.C.S. § 3742.  
33       75 Pa.C.S. Ch. 38 (relating to driving after imbibing  
34 alcohol or utilizing drugs) in cases involving bodily injury.  
35 The term includes violations of any protective order issued as a  
36 result of an act related to domestic violence. The term includes  
37 a crime of violence as defined in 42 Pa.C.S. § 9714(g) (relating  
38 to sentences for second and subsequent offenses).

39       Amend Bill, page 7, line 18, by striking out "201(11)" and  
40 inserting

41       201(4), (5.2), (7), (8), (8.1), (9), (11) and (13)

42       Amend Bill, page 7, line 18, by striking out "is" and  
43 inserting

44       are

45       Amend Bill, page 7, by inserting between lines 27 and 28

46       (4) In cases involving a personal injury rights crime or

1 burglary, to submit prior comment to the prosecutor's office  
2 or juvenile probation office, as appropriate to the  
3 circumstances of the case, on the potential reduction or  
4 dropping of any charge or changing of a plea in a criminal or  
5 delinquency proceeding, or, diversion of any case, including  
6 an informal adjustment or consent decree.

7 \* \* \*

8 (5.2) Upon request of the victim of a personal injury  
9 rights crime, to have the opportunity to submit written  
10 comment or present oral testimony at a disposition review  
11 hearing, which comment or testimony shall be considered by  
12 the court when reviewing the disposition of the juvenile.

13 \* \* \*

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

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

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

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

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

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

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

35 (8.1) If, upon the request of the victim of a personal  
36 injury rights crime committed by a juvenile, the juvenile is  
37 ordered to residential placement, a shelter facility or a  
38 detention center, to:

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

41 (ii) Be provided with:

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

45 (B) immediate notice of reapprehension of the  
46 juvenile.

47 (iii) Be provided with notice of transfer of a  
48 juvenile who has been adjudicated delinquent from a  
49 placement facility that is contrary to a previous court  
50 order or placement plan approved at a disposition review  
51 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) 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.

\* \* \*

Amend Bill, page 8, by inserting between lines 1 and 2

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

Amend Bill, page 8, line 2, by striking out "and" where it occurs the first time and inserting a comma

Amend Bill, page 8, line 2, by inserting after "(e)"

and (f)

Amend Bill, page 8, line 2, by inserting after "213(a),"

(b),

Amend Bill, page 8, line 2, by inserting after "(d)"

, (e), (f)

Amend Bill, page 8, line 3, by inserting after "(g)"

and 216(b) and (d)

Amend Bill, page 10, by inserting between lines 9 and 10

(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.

Amend Bill, page 10, line 13, by inserting after "injury"

1       rights

2       Amend Bill, page 10, by inserting between lines 15 and 16

3       (b) Pleading.--In a personal injury rights crime or  
4 burglary, the prosecutor's office shall provide notice of and  
5 offer the opportunity to submit prior comment on the potential  
6 reduction or dropping of any charge or changing of a plea, a  
7 diversion of any case, including informal adjustment and consent  
8 decree, unless such notice is provided by the juvenile probation  
9 office.

10       Amend Bill, page 10, line 24, by inserting after "injury"

11       rights

12       Amend Bill, page 11, line 5, by inserting after "injury"

13       rights

14       Amend Bill, page 11, by inserting between lines 9 and 10

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

17       Amend Bill, page 11, line 10, by striking out all of said  
18 line and inserting

19       (e) Disposition.--In a personal injury rights crime, if the  
20 prosecutor's office has advance notice of dispositional  
21 proceeding, the prosecutor shall make reasonable efforts to  
22 notify a victim of the time and place of the proceeding.

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

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

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

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

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

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

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

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

1 Amend Bill, page 11, line 18, by inserting after "injury"

2 rights

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

4 Section 216. Responsibilities of juvenile probation office.

5 \* \* \*

6 (b) Additional notice in cases involving a personal injury  
7 rights crime or burglary.--In cases involving a personal injury  
8 rights crime or burglary, the juvenile probation office shall  
9 provide notice and the opportunity to provide prior comment on  
10 the potential reduction or dropping of a charge or diversion of  
11 any case, including informal adjustment and consent decree,  
12 unless such notice and opportunity is provided by the  
13 prosecutor's office. Upon request, the victim shall also receive  
14 notification of a review of disposition hearing.

15 \* \* \*

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

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

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

29 (3) Notify the victim immediately of a juvenile's escape  
30 from official detention or failure to return from temporary  
31 leave or home pass and of the juvenile's subsequent  
32 apprehension.

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

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

38 Amend Bill, page 12, line 2, by inserting after "Law."

39 Financial records and aggregated data, of and relating to  
40 the office, as defined in the Right-to-Know Law, shall remain  
41 subject to the Right-to-Know Law, provided that no record or  
42 data identifying an individual victim may be released.

43 Amend Bill, page 24, line 10, by striking out "and" where it  
44 occurs the second time and inserting a comma

1 Amend Bill, page 24, line 10, by inserting after "1301(b) "

2 and 1304(a) and (b)

3 Amend Bill, page 28, by inserting between lines 10 and 11

4 Section 1304. Revictimization relief.

5 (a) Action.--In addition to any other right of action and  
6 any other remedy provided by law, a victim of a personal injury  
7 rights crime may bring a civil action against an offender in any  
8 court of competent jurisdiction to obtain injunctive and other  
9 appropriate relief, including reasonable attorney fees and other  
10 costs associated with the litigation, for conduct which  
11 perpetuates the continuing effect of the crime on the victim.

12 (b) Redress on behalf of victim.--The district attorney of  
13 the county in which a personal injury rights crime took place or  
14 the Attorney General, after consulting with the district  
15 attorney, may institute a civil action against an offender for  
16 injunctive or other appropriate relief for conduct which  
17 perpetuates the continuing effect of the crime on the victim.

18 \* \* \*

19 Amend Bill, page 28, lines 19 and 20, by striking out "60  
20 days" and inserting

21 six months