

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 14

Special Session No. 1 of
1995

INTRODUCED BY WILLIAMS, HECKLER, GREENLEAF, FISHER, LEMMOND,
SALVATORE, SHUMAKER, TILGHMAN, O'PAKE, PETERSON, JUBELIRER,
BODACK, LOEPER, MELLOW, GERLACH, MADIGAN, LAVALLE, WENGER,
BRIGHTBILL, CORMAN, HOLL, ARMSTRONG, BAKER, STOUT, STAPLETON,
MOWERY, PUNT, SHAFFER, RHOADES, MUSTO, STEWART, BELAN,
AFFLERBACH, ROBBINS, ULIANA, DELP, TOMLINSON, PORTERFIELD,
ANDREZESKI, KASUNIC, SCHWARTZ AND WAGNER, JANUARY 24, 1995

REFERRED TO JUDICIARY, JANUARY 24, 1995

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," further providing for
21 rights of crime victims and local correctional facilities.

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

24 Section 1. The definition of "personal injury crime" in
25 section 479.1 of the act of April 9, 1929 (P.L.177, No.175),

1 known as The Administrative Code of 1929, amended December 16,
2 1992 (P.L.1203, No.155), is amended and the section is amended
3 by adding a definition to read:

4 Section 479.1. Definitions.--The following words and phrases
5 when used in sections 479 through 479.11 shall have the meanings
6 given to them in this section unless the context clearly
7 indicates otherwise:

8 * * *

9 "Local correctional facility" means any jail, prison or
10 detention facility operated by a county or jointly by more than
11 one county and used for the confinement of persons for safe
12 custody. The term does not include any facility used for the
13 detention or confinement of juveniles.

14 "Personal injury crime" means an act, attempt or threat to
15 commit an act which would constitute a misdemeanor or felony as
16 defined in and prescribed by the following:

17 18 Pa.C.S. Ch. 25 (relating to criminal homicide).

18 18 Pa.C.S. Ch. 27 (relating to assault).

19 18 Pa.C.S. Ch. 29 (relating to kidnapping).

20 18 Pa.C.S. Ch. 31 (relating to sexual offenses).

21 18 Pa.C.S. § 3301 (relating to arson and related
22 offenses).

23 18 Pa.C.S. Ch. 37 (relating to robbery).

24 18 Pa.C.S. Ch. 49 Subch. B (relating to victim and
25 witness intimidation).

26 75 Pa.C.S. § 3735 (relating to homicide by vehicle while
27 driving under influence).

28 The term shall include violations of any protective order issued
29 as a result of an act related to domestic violence.

30 * * *

1 Section 2. Sections 479.3, 479.7(d) and 479.8 of the act,
2 amended or added December 16, 1992 (P.L.1203, No.155), are
3 amended to read:

4 Section 479.3. Basic Bill of Rights for Victims.--Victims of
5 crime have the following rights:

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

8 (2) To be notified of certain significant actions and
9 proceedings within the criminal justice system pertaining to
10 their case, as provided in sections 479.6 through 479.9.

11 (3) To be accompanied at all public criminal proceedings by
12 a family member, a victim advocate or another person.

13 (4) In cases involving personal injury crimes, burglary or
14 violations of 75 Pa.C.S. § 3731 (relating to driving under
15 influence of alcohol or controlled substance) which involve
16 bodily injury, to submit prior comment to the prosecutor's
17 office on the potential reduction or dropping of any charge or
18 changing of a plea.

19 (5) To have opportunity to offer prior comment on the
20 sentencing of a defendant to include the submission of a written
21 victim impact statement detailing the physical, psychological
22 and economic effects of the crime on the victim and the victim's
23 family, which statement shall be considered by the judge when
24 determining the defendant's sentence.

25 (6) To be restored, to the extent possible, to the precrime
26 economic status through the provision of restitution,
27 compensation as provided under the crime victims' compensation
28 program pursuant to sections 477 through 477.19 and the
29 expeditious return of property which is seized as evidence in
30 the case when, in the judgment of the prosecutor, the evidence

1 is no longer needed for prosecution of the case.

2 (7) In personal injury crimes where the offender is
3 sentenced to a State correctional facility, to be given the
4 opportunity to provide prior comment on and to receive State
5 postsentencing release decisions, including work release,
6 furlough, parole, pardon or community treatment center placement
7 and to be provided immediate notice of an escape of the
8 offender.

9 (7.1) In personal injury crimes where the offender is
10 sentenced to a local correctional facility, to receive notice of
11 the date of the release of the offender, including, but not
12 limited to, work release, furlough, parole or community
13 treatment center placement and to be provided with immediate
14 notice of an escape of the offender.

15 (8) To receive notice when an offender is committed to a
16 mental health facility from a State correctional institution and
17 of the discharge, transfer or escape of the offender from the
18 mental health facility.

19 (9) To have assistance in the preparation of, submission of
20 and follow-up on financial assistance claims to the Crime
21 Victim's Compensation Board.

22 Section 479.7. Responsibilities of Prosecutor's Office.--* *
23 *

24 (d) In personal injury crimes, the prosecutor's office shall
25 provide notice of the opportunity to submit input into State
26 correctional release decisions, to receive notice of any release
27 of an offender from a State or local correctional facility and
28 to receive notice of the commitment to a mental health
29 institution from a State or local correctional institution.

30 * * *

1 Section 479.8. Responsibilities of Department of
2 Corrections, Local Correctional Facilities and Board.--(a)
3 Within one year of the effective date of this act, the
4 Department of Corrections and the board shall develop
5 standardized forms regarding victim notification. The form shall
6 include the address where the form is to be sent. The Department
7 of Corrections shall develop a standardized form which may be
8 used by local correctional facilities.

9 (b) Where the department and board have received notice of a
10 victim's desire to have input pursuant to section 479.3(7), the
11 appropriate agency shall notify the victim sufficiently in
12 advance of a pending release decision to extend an opportunity
13 for prior comment.

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

18 (d) Where the department or local correctional facility has
19 received notice of a victim's desire to receive notification
20 regarding escape of the offender, the superintendent of the
21 State correctional institution or warden of a local correctional
22 facility shall immediately notify the victim of the escape.

23 (e) Where the department or local correctional facility has
24 received notice of a victim's desire to receive notification as
25 provided for in section 479.3(8), the superintendent of the
26 State correctional institution or warden of a local correctional
27 facility shall notify the victim of the commitment of the
28 offender to a mental health facility and the location of the
29 facility within twenty-four hours of the commitment.

30 (f) All records maintained by the department, local

1 correctional facility and the board pertaining to victims shall
2 be kept separate, and current address, telephone number and any
3 other personal information of the victim and family members
4 shall be deemed confidential.

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

9 Section 3. This act shall take effect in 90 days.