

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1758 Session of
1997

INTRODUCED BY M. N. WRIGHT, SEPTEMBER 11, 1997

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 11, 1997

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," providing for civil actions
21 for crime victims.

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

24 Section 1. Section 479.11 of the act of April 9, 1929
25 (P.L.177, No.175), known as The Administrative Code of 1929,
26 added December 16, 1992 (P.L.1203, No.155), is amended to read:

27 [Section 479.11. Effect on Legal Actions.--Nothing in

1 sections 479 through 479.10 creates a cause of action or defense
2 in favor of any person arising out of the failure to comply with
3 any of the provisions of sections 479 through 479.10.]

4 Section 2. The act is amended by adding a section to read:

5 Section 479.12. Civil Action.--(a) Any victim aggrieved by
6 a violation of sections 479 through 479.10 in which the conduct
7 constituting the violation was engaged in with a knowing or
8 intentional state of mind may bring a civil action to recover
9 from the person or entity engaged in the violation such relief
10 as may be appropriate.

11 (b) In a civil action under this section, appropriate relief
12 shall include:

13 (1) Such preliminary and other equitable or declaratory
14 relief as may be appropriate.

15 (2) Damages under subsection (c).

16 (3) Reasonable attorney fees and other litigation costs
17 reasonably incurred.

18 (c) The court may assess as damages in a civil action under
19 this section the sum of the actual damages suffered by the
20 victim as a result of the violation, but in no case shall a
21 person be entitled to recover more than the sum of one thousand
22 dollars (\$1,000).

23 (d) A good faith reliance on a court warrant or order, or
24 actions necessary for the proper administration of the court or
25 justice, or a victim's failure to comply with section 479.10 is
26 a complete defense to any civil or criminal action brought under
27 this section or any other law.

28 (e) A civil action under this section must be commenced no
29 later than two years after the date upon which the victim first
30 discovered or had a reasonable opportunity to discover the

1 violation.

2 Section 3. This act shall take effect in 60 days.