

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 219 Session of
2001

INTRODUCED BY M. BAKER, CLYMER, CORNELL, PHILLIPS, BARRAR,
BEBKO-JONES, BELARDI, BENNINGHOFF, CALTAGIRONE, CIVERA,
L. I. COHEN, DAILEY, EGOLF, FLICK, FRANKEL, GEIST, GEORGE,
HENNESSEY, LEDERER, MANN, ORIE, PETRONE, ROSS, SATHER,
SCRIMENTI, STABACK, STEELMAN, E. Z. TAYLOR, WASHINGTON,
WOJNAROSKI AND YEWCIC, JANUARY 25, 2001

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 4, 2001

AN ACT

1 Amending the act of November 24, 1998 (P.L.882, No.111),
2 entitled "An act providing for victims' rights; imposing
3 penalties; establishing remedies; establishing the Office of
4 Victim Advocate, the Bureau of Victims' Services, the
5 Victims' Services Advisory Committee, the State Offender
6 Supervision Fund and other funds; and making repeals,"
7 further providing for powers and duties of victim advocate,
8 for preparole notification to victim and for petitions to
9 deny parole upon expiration of minimum sentence.

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

12 Section 1. Sections 302, 501 and 502 of the act of November
13 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, are
14 amended to read:

15 Section 302. Powers and duties of victim advocate.

16 The victim advocate has the following powers and duties:

17 (1) To represent the interests of individual crime
18 victims before the board, department or hearing examiner.

19 (2) To supervise the victim notification duties

1 presently conducted by the board.

2 (3) To assist in and coordinate the preparation of
3 [oral] testimony by the crime victims as set forth in
4 sections 501(c) and 502 or the submission of ORAL, written or <—
5 videotaped comments by crime victims prior to a release
6 decision.

7 (4) To represent the interests of a crime victim under
8 section 502.

9 (5) To act as a liaison with the victim notification
10 program director in the department to coordinate victim
11 notification and services for the department and the board.

12 The victim advocate is authorized to address the interests of
13 all victims before the board, department or hearing examiner
14 concerning any issues determined appropriate by the victim
15 advocate.

16 Section 501. Parole notification to victim.

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

26 (b) Enrollment.--A victim or member of the family is
27 responsible for notifying the victim advocate of the victim's or
28 family member's intent to submit a parole statement regarding
29 the parole or parole supervision of the offender. The notice
30 shall include a mailing address or change of address

1 notification.

2 (c) Procedure.--The victim advocate shall notify the person
3 at the person's last known mailing address. The person shall
4 submit the ORAL, written or videotaped preparole statement to <—
5 the victim advocate within 30 days of the date of notice. The
6 preparole statement shall be considered by the board during
7 preparation of the parole plan.

8 Section 502. Petitions to deny parole upon expiration of
9 minimum sentence.

10 (a) Petition.--Upon the request of a victim who has notified
11 the board in writing of the victim's desire to have input and
12 make comment prior to a parole release decision, the victim
13 advocate shall either petition the board as to the special
14 conditions of release which may be imposed or that the offender
15 not be paroled based upon the statement that the victim
16 submitted under section 501.

17 (b) Appearance.--The victim or the victim's representative
18 shall be permitted to appear in person before the board or
19 hearing examiner or, in the alternative, the victim's testimony
20 may be presented by conference call. The testimony of a victim
21 before the board shall be confidential. Records maintained by
22 the department and the board pertaining to victims shall be kept
23 separate. Current address, telephone number and any other
24 personal information of the victim and family members shall be
25 deemed confidential.

26 (c) Action.--The board, upon petition and after an
27 interview, may do any of the following:

28 (1) Order that special conditions of parole be placed
29 upon the offender or the offender not be paroled based upon
30 the continuing effect of the crime on the victim.

1 (2) Order that the offender not be paroled if the board
2 finds that:

3 (i) the offender would pose a risk or danger to the
4 victim or the family of the victim if the offender were
5 released on parole; or

6 (ii) the interests of the Commonwealth would
7 otherwise be injured.

8 (d) Notice.--The board shall notify the victim of its
9 decision prior to a release of the offender.

10 (e) District attorney.--Notwithstanding any other statutory
11 provision, the office of the district attorney of the sentencing
12 county may notify a crime victim of a pending release decision
13 and act on the victim's behalf or on its own initiative to
14 submit comments and represent the interests of a crime victim
15 before the board prior to a release decision.

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