

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 15

Session of  
2005

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INTRODUCED BY DiGIROLAMO, BAKER, BOYD, CALTAGIRONE, CAWLEY,  
CLYMER, CRAHALLA, GEIST, GEORGE, GINGRICH, GOOD, GOODMAN,  
GRELL, HARPER, HARRIS, JAMES, KAUFFMAN, KIRKLAND, LEDERER,  
MUNDY, NICKOL, O'NEILL, PHILLIPS, PICKETT, RAYMOND,  
E. Z. TAYLOR, WATSON, YOUNGBLOOD AND THOMAS, AUGUST 24, 2005

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AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, NOVEMBER 22, 2005

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## AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of  
2 the Pennsylvania Consolidated Statutes, further providing for  
3 the Substance Abuse Education and Demand Reduction Fund and  
4 for penalties.

5 The General Assembly finds and declares as follows:

6 (1) Driving under the influence of alcohol or a  
7 controlled substance is a crime with thousands of victims in  
8 this Commonwealth.

9 (2) Evidence exists that victim impact panels are  
10 effective in reducing offender recidivism and restoring  
11 balance to victims' lives in driving under the influence  
12 cases.

13 (3) The purpose of this act is to recognize the value of  
14 victim impact panels at reducing offender recidivism and  
15 addressing victims' issues, to encourage counties to  
16 implement the panels and to establish a coordinating  
17 committee to provide standardized guidance for the panels.

1       The General Assembly of the Commonwealth of Pennsylvania  
2 hereby enacts as follows:

3       Section 1. Section 7508.1(f)(1) of Title 18 of the  
4 Pennsylvania Consolidated Statutes is amended to read:

5   § 7508.1. Substance Abuse Education and Demand Reduction Fund.

6       \* \* \*

7       (f) Grants.--Notwithstanding any other provision of law, the  
8 commission shall, upon written application and subsequent  
9 approval, use moneys received under this section to award grants  
10 to eligible organizations in the following manner:

11       (1) [No] (i) Subject to the provisions of subparagraph  
12 (ii), no more than 45% of grant moneys awarded annually  
13 shall go to programs to provide research-based approaches  
14 to prevention, intervention, training, treatment and  
15 education services to reduce substance abuse and  
16 Statewide programs to assist families in accessing such  
17 services.

18       (ii) Up to 20% of grant moneys awarded under this  
19 paragraph may be used to:

20               (A) Assist in the start-up of victim impact  
21 panel programs under 75 Pa.C.S. § 3804(f.1) (relating  
22 to penalties).

23               (B) Study the impact outcome and benefits of  
24 victim impact panels within this Commonwealth,  
25 including the impact of victim impact panels on  
26 driving under the influence recidivism and their  
27 impact on the well-being of participating victims.

28               (C) Provide assistance for the ongoing operation  
29 of victim impact panels.

30       \* \* \*

Section 2. Section 3804 of Title 75 is amended by adding a subsection to read:

§ 3804. Penalties.

\* \* \*

(f.1) Victim impact panels.--

(1) In addition to any other penalty imposed under this section, the court may order a person who violates section 3802 to attend a victim impact panel program.

(2) A victim impact panel program shall provide a nonconfrontational forum for driving under the influence crash victims, their family members, their friends or other pertinent persons to speak to driving under the influence offenders about the impact of the crash on victims' lives and on the lives of families, friends and neighbors.

(3) A victim impact panel shall be administrated through the local office of probation and parole or other office as the court shall determine and shall be operated in consultation with the Mothers Against Drunk Driving-Pennsylvania State Organization.

(4) A victim impact panel program may assess a reasonable participation fee to achieve program self-sufficiency but may not operate for profit. The department shall establish an acceptable range of fees.

(5) The department shall develop standards and incentives to encourage counties to establish victim impact panel programs. In developing these standards, the department shall establish and chair a coordinating committee among pertinent agencies and organizations, including the Department of Health, the Pennsylvania Commission on Crime and Delinquency, the Office of Victim Advocate, the

1 Administrative Office of Pennsylvania Courts, county  
2 officials and, the Mothers Against Drunk Driving-Pennsylvania <—  
3 State Organization AND THE PENNSYLVANIA DUI ASSOCIATION. The <—  
4 standards shall address items including all of the following:

5 (i) Prototype design and structure standards for  
6 victim impact panels.

7 (ii) Training standards and curricula for  
8 presenters, facilitators and administrators.

9 (iii) Operations policy and guidelines manual.

10 (iv) Evaluation standards, design and structure  
11 allowing for the tracking and analysis of recidivism  
12 data.

13 (v) Standards for counseling and debriefing  
14 activities for victim presenters.

15 (vi) Standards for reimbursing reasonable costs to  
16 victims for participation in panels.

17 (vii) Assistance to counties through coordinating  
18 potential Federal and State funding streams to carry out  
19 this subsection and to assist counties as may be needed.

20 \* \* \*

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