

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 492 Session of
2013

INTRODUCED BY VEREB, STEPHENS, BRIGGS, MARSICO, ADOLPH, BARRAR, BIZZARRO, BRADFORD, CHRISTIANA, CLYMER, CORBIN, D. COSTA, M. DALEY, DeLUCA, ELLIS, GINGRICH, GODSHALL, GROVE, HACKETT, HARPER, C. HARRIS, HEFFLEY, HESS, JAMES, KAMPF, KAUFFMAN, KILLION, KORTZ, LAWRENCE, LUCAS, MACKENZIE, MAHONEY, MAJOR, MARSHALL, MCGINNIS, MENTZER, MILLARD, MILLER, MURT, PAINTER, PYLE, REED, REGAN, ROCK, SACCONI, SANKEY, SAYLOR, SCAVELLO, SCHLOSSBERG, S. H. SMITH, STEVENSON, TALLMAN, TOEPEL, TURZAI, DEAN, M. K. KELLER, CALTAGIRONE, SWANGER, DENLINGER, MOUL, FARRY, MILNE AND ENGLISH, MARCH 11, 2013

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,
APRIL 9, 2013

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 petitions to deny parole upon
8 expiration of minimum sentence.

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

11 Section 1. Section 502(b) of the act of November 24, 1998
12 (P.L.882, No.111), known as the Crime Victims Act, amended
13 October 2, 2002 (P.L.839, No.121), is amended to read:

14 Section 502. Petitions to deny parole upon expiration of
15 minimum sentence.

16 * * *

1 ~~(b) Appearance. [The victim or the victim's representative] <--~~
2 ~~Notwithstanding any provision of 61 Pa.C.S. (relating to prisons~~
3 ~~and parole), the victim or the victim's representative, at his~~
4 ~~or her election, shall be permitted to appear in person before~~
5 ~~the board [or hearing examiner] or, in the alternative, the~~
6 ~~[victim's testimony may be presented by conference call] victim~~
7 ~~or victim's representative may elect to present testimony by~~
8 ~~electronic means as provided by the board. The testimony of a~~
9 ~~victim or victim's representative before the board shall be~~
10 ~~confidential. Records maintained by the department and the board~~
11 ~~pertaining to victims shall be kept separate. Current address,~~
12 ~~telephone number and any other personal information of the~~
13 ~~victim, victim's representative and family members shall be~~
14 ~~deemed confidential.~~

15 (B) APPEARANCE.--THE VICTIM OR THE VICTIM'S REPRESENTATIVE <--
16 SHALL BE PERMITTED TO APPEAR IN PERSON AND PROVIDE TESTIMONY
17 BEFORE THE [BOARD OR HEARING EXAMINER] PANEL OR THE MAJORITY OF
18 THOSE BOARD MEMBERS CHARGED WITH MAKING THE PAROLE RELEASE
19 DECISION OR, IN THE ALTERNATIVE, THE VICTIM'S OR VICTIM'S
20 REPRESENTATIVE'S TESTIMONY MAY BE PRESENTED BY [CONFERENCE CALL]
21 ELECTRONIC MEANS AS PROVIDED BY THE BOARD. THE TESTIMONY OF A
22 VICTIM [BEFORE THE BOARD] OR VICTIM'S REPRESENTATIVE SHALL BE
23 CONFIDENTIAL. RECORDS MAINTAINED BY THE DEPARTMENT AND THE BOARD
24 PERTAINING TO VICTIMS SHALL BE KEPT SEPARATE[. CURRENT] FROM
25 OTHER RECORDS AND THESE VICTIM RECORDS, INCLUDING CURRENT
26 ADDRESS, TELEPHONE NUMBER AND ANY OTHER PERSONAL INFORMATION OF
27 THE VICTIM AND FAMILY MEMBERS, SHALL BE DEEMED CONFIDENTIAL.

28 * * *

29 Section 2. This act shall take effect ~~in 60 days~~ SEPTEMBER <--
30 1, 2013, OR IMMEDIATELY, WHICHEVER IS LATER.