
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 851 Session of
2013

INTRODUCED BY DAVIS, ROZZI, SCHLOSSBERG, SANTARSIERO, MCGEEHAN,
D. COSTA, HARKINS, BROWNLEE, O'BRIEN, GINGRICH, NEUMAN,
COHEN, MATZIE, KINSEY, YOUNGBLOOD, KORTZ, THOMAS, DeLUCA,
MURT, GOODMAN AND GIBBONS, MARCH 11, 2013

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 11, 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 the Office of Victim Advocate and for
8 powers and duties of victim advocate.

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

11 Section 1. Section 301 of the act of November 24, 1998
12 (P.L.882, No.111), known as the Crime Victims Act, is amended to
13 read:

14 Section 301. Office.

15 (a) Establishment.--There is established within the board
16 the Office of Victim Advocate to represent and advocate for the
17 interests of crime victims [before the board or department]. The
18 office shall operate under the direction of the victim advocate
19 as provided in this section.

20 (b) Appointment.--The victim advocate must be an individual

1 who by reason of training and experience is qualified to
2 represent the interests of individual crime victims before the
3 board. The victim advocate shall be appointed by the Governor,
4 by and with the consent of a majority of all of the members of
5 the Senate. The victim advocate shall hold office for a term of
6 six years and until a successor shall have been duly appointed
7 and qualified but in no event more than 90 days beyond the
8 expiration of the appointed term. A vacancy occurring for any
9 reason shall be filled in the manner provided by section 8 of
10 Article IV of the Constitution of Pennsylvania for the remainder
11 of the term. Whenever the victim advocate's term expires, that
12 position shall be immediately deemed a vacancy, and the Governor
13 shall nominate a person to fill that position within 90 days of
14 the date of expiration even if the victim advocate continues in
15 office. To be eligible to be appointed by the Governor as victim
16 advocate, an individual must have at least six years of
17 professional experience in victim advocacy, social work or
18 related areas, including one year in a supervisory or
19 administrative capacity, and a bachelor's degree. Any equivalent
20 combination of experience and training shall be acceptable.
21 Compensation shall be set by the Executive Board as defined by
22 the act of April 9, 1929 (P.L.177, No.175), known as The
23 Administrative Code of 1929.

24 (c) Service and employees.--The victim advocate shall
25 operate from the central office of the board with such clerical,
26 technical and professional staff as may be available within the
27 budget of the board. The compensation of employees of the office
28 shall be set by the Executive Board.

29 Section 2. Section 302 of the act, amended October 2, 2002
30 (P.L.839, No.121), is amended to read:

1 Section 302. Powers and duties of victim advocate.

2 The victim advocate has the following powers and duties:

3 (1) To represent the interests of individual crime
4 victims before the board, department or hearing examiner and
5 before other government officials.

6 (2) To supervise the victim notification duties
7 presently conducted by the board.

8 (3) To assist in and coordinate the preparation of
9 testimony by the crime victims as set forth in sections
10 501(c) and 502 or the submission of oral, written or
11 videotaped comments by crime victims prior to a release
12 decision.

13 (4) To represent the interests of a crime victim under
14 section 502.

15 (5) To act as a liaison with the victim notification
16 program director in the department to coordinate victim
17 notification and services for the department and the board.
18 The victim advocate is authorized to address the interests of
19 all victims before the board, department or hearing examiner
20 concerning any issues determined appropriate by the victim
21 advocate.

22 (6) As determined by the victim advocate, to represent
23 and advocate for the interests of crime victims generally,
24 including the victims of juvenile crime.

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