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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 772 Session of 2015

INTRODUCED BY MASSER, STEPHENS, DAVIDSON, DAVIS, SCHLOSSBERG, GOODMAN, A. HARRIS, GILLEN, MURT AND ROZZI, MARCH 10, 2015

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 10, 2015

AN ACT

Amending the act of November 24, 1998 (P.L.882, No.111), entitled "An act providing for victims' rights; imposing penalties; establishing remedies; establishing the Office of Victim Advocate, the Bureau of Victims' Services, the Victims' Services Advisory Committee, the State Offender Supervision Fund and other funds; and making repeals," in crime victims, further providing for rights; in administration, further providing for office and for powers and duties of victim advocate; and, in financial matters, further providing for costs.

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

Section 1. Section 201 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, is amended by adding a paragraph to read:

Section 201. Rights.

Victims of crime have the following rights:

* * *

(1.1) To be notified of the Address Confidentiality Program established under 23 Pa.C.S. § 6703 (relating to Address Confidentiality Program) if eligible to participate in the program under 23 Pa.C.S. § 6704 (relating to persons

eligible to apply).

* * *

Section 2. Section 301(a) of the act is amended to read:

Section 301. Office.

(a) Establishment.--There is established within the board the Office of Victim Advocate to represent the interests of crime victims in accordance with 18 Pa.C.S. § 9402 (relating to Office of Victim Advocate) and before the board or department. The office shall operate under the direction of the victim advocate as provided in this section.

* * *

Section 3. Section 302 of the act is amended by adding paragraphs to read:

Section 302. Powers and duties of victim advocate.

The victim advocate has the following powers and duties:

* * *

(1.1) To advocate for the interests of crime victims generally, including the victims of crimes committed by juveniles as set forth in 18 Pa.C.S. § 9402 (relating to Office of Victim Advocate).

* * *

(6) To ensure crime victims are notified of the Address Confidentiality Program established under 23 Pa.C.S. § 6703 (relating to Address Confidentiality Program) if eligible to participate in the program under 23 Pa.C.S. § 6704 (relating to persons eligible to apply).

Section 4. Section 1101 of the act, amended October 30, 2000 (P.L.641, No.86) and June 28, 2002 (P.L.496, No.85), is amended to read:

Section 1101. Costs.

(a) Imposition.--

(1) A person who pleads guilty or nolo contendere or who is convicted of a crime shall, in addition to costs imposed under 42 Pa.C.S. § 3571(c) (relating to Commonwealth portion of fines, etc.), pay costs of at least [$60] $110 and may be sentenced to pay additional costs in an amount up to the statutory maximum monetary penalty for the offense committed.

(2) A person placed in a diversionary program shall pay costs of at least [$60] $110 in addition to costs imposed pursuant to 42 Pa.C.S. § 3571(c).

(3) A juvenile shall pay costs of at least [$25] $35 if any of the following apply to the case:

(i) There is a consent decree.

(ii) There is an adjudication of delinquency.

(b) Disposition.--

(1) There is established a special nonlapsing fund, known as the Crime Victim's Compensation Fund. This fund shall be used by the Office of Victims' Services for payment to claimants and technical assistance. [Thirty-five] Fifty-five dollars of the costs imposed under subsection (a)(1) and (2) plus 30% of the costs imposed under subsection (a)(1) which exceed [$60] $110 shall be paid into this fund. All costs imposed under subsection (a)(3) shall be paid into this fund.

(2) There is established a special nonlapsing fund, known as the Victim Witness Services Fund. This fund shall be used by the commission for victim-witness services and technical assistance in nonvictim compensation-related areas in accordance with this section. [Twenty-five] Fifty-five dollars of the costs imposed under subsection (a)(1) and (2)

plus 70% of the costs imposed under subsection (a)(1) and (2) which exceed [$60] $110 shall be paid into this fund.

(c) Payment.--This cost shall be imposed notwithstanding any statutory provision to the contrary.

(d) Mandamus.--The district attorney, the Office of Victims' Services, the commission or any victim shall have standing to seek a mandamus order requiring the county to collect the costs imposed by this section.

(e) Court order.--No court order shall be necessary in order for the defendant to incur liability for costs under this section. Costs under this section must be paid in order for the defendant to be eligible for probation, parole or accelerated rehabilitative disposition.

Section 5. This act shall take effect in 60 days.