
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 579 Session of
2015

INTRODUCED BY GREENLEAF, BLAKE, SCHWANK, BOSCOLA, WILLIAMS,
VULAKOVICH, BROWNE, RAFFERTY AND PILEGGI, MARCH 2, 2015

REFERRED TO JUDICIARY, MARCH 2, 2015

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 22 (Detectives and
2 Private Police), 23 (Domestic Relations), 42 (Judiciary and
3 Judicial Procedure), 44 (Law and Justice) and 61 (Prisons and
4 Parole) of the Pennsylvania Consolidated Statutes, in general
5 provisions, providing for short title of title; codifying
6 provisions relating to the Pennsylvania Commission on Crime
7 and Delinquency, to sheriffs and to crimes victims; and
8 making editorial changes and related repeals.

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

11 Section 1. Sections 4957(d), 7508.1(e), 9401 and 9402 of
12 Title 18 of the Pennsylvania Consolidated Statutes are amended
13 to read:

14 § 4957. Protection of employment of crime victims, family
15 members of victims and witnesses.

16 * * *

17 (d) Definitions.--As used in this section, the following
18 words and phrases shall have the meanings given to them in this
19 subsection:

20 "Family." This term shall have the same meaning as in
21 section 103 of the act of November 24, 1998 (P.L.882, No.111),

1 known as the Crime Victims Act.

2 "Victim." This term shall have the same meaning as "direct
3 victim" in [section 103 of the act of November 24, 1998
4 (P.L.882, No.111), known as the Crime Victims Act] 44 Pa.C.S. §
5 8103 (relating to definitions).

6 § 7508.1. Substance Abuse Education and Demand Reduction Fund.

7 * * *

8 (e) Application.--All costs provided for in this section
9 shall be in addition to and not in lieu of any fine authorized
10 by law or required to be imposed under [the act of November 24,
11 1998 (P.L.882, No.111), known as the Crime Victims Act] 44
12 Pa.C.S. Pt. V (relating to victim services), or any other law.
13 Nothing in this section shall be construed to affect, suspend or
14 diminish any other criminal sanction, penalty or property
15 forfeiture permitted by law.

16 * * *

17 § 9401. Definitions.

18 The following words and phrases when used in this chapter
19 shall have the meanings given to them in this section unless the
20 context clearly indicates otherwise:

21 ["Crime Victims Act." The act of November 24, 1998 (P.L.882,
22 No.111), known as the Crime Victims Act.]

23 "Office of Victim Advocate." The Office of Victim Advocate
24 established under [section 302 of the act of November 24, 1998
25 (P.L.882, No.111), known as the Crimes Victims Act] 44 Pa.C.S. §
26 7501 (relating to Office of Victim Advocate).

27 § 9402. Office of Victim Advocate.

28 The Office of Victim Advocate has the power and duty to
29 represent and advocate for the interests of individual crime
30 victims in accordance with [section 302 of the Crime Victims

1 Act] 44 Pa.C.S. Ch. 75 (relating to victim advocate), and
2 advocate for the interests of crime victims generally, including
3 the victims of crimes committed by juveniles.

4 Section 2. Section 3711 of Title 22 is amended to read:

5 § 3711. Limitation on possession of firearms.

6 No individual appointed as a humane society police officer
7 shall carry, possess or use a firearm in the performance of that
8 individual's duties unless that individual holds a current and
9 valid certification in the use and handling of firearms pursuant
10 to at least one of the following:

11 (1) 44 Pa.C.S. Ch. 73 Subch. C (relating to deputy
12 sheriffs' education and training).

13 (1.1) 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal
14 police education and training).

15 (2) The act of October 10, 1974 (P.L.705, No.235), known
16 as the Lethal Weapons Training Act.

17 [(3) The act of February 9, 1984 (P.L.3, No.2), known as
18 the Deputy Sheriffs' Education and Training Act.]

19 (4) Any other firearms program that has been determined
20 by the Commissioner of the Pennsylvania State Police to be of
21 sufficient scope and duration as to provide the participant
22 with basic training in the use and handling of firearms.

23 Section 3. Section 6702 of Title 23 is amended to read:

24 § 6702. Definitions.

25 The following words and phrases when used in this chapter
26 shall have the meanings given to them in this section unless the
27 context clearly indicates otherwise:

28 "Actual address." A residential address, school address or
29 work address of an individual.

30 "Law enforcement agency." A police department of a city,

1 borough, incorporated town or township, the Pennsylvania State
2 Police, district attorneys' offices and the Office of Attorney
3 General.

4 "Office of Victim Advocate." The office established under
5 [section 301 of the act of November 24, 1998 (P.L.882, No.111),
6 known as the Crime Victims Act,] 44 Pa.C.S. § 7501 (relating to
7 Office of Victim Advocate) that is responsible for the address
8 confidentiality program pursuant to this chapter.

9 "Program participant." A person certified by the Office of
10 Victim Advocate as eligible to participate in the address
11 confidentiality program established by this chapter.

12 "Substitute address." The official address of the Office of
13 Victim Advocate or a confidential address designated by the
14 Office of Victim Advocate.

15 "Victim of domestic violence." A person who is a victim as
16 defined by section 6102 (relating to definitions).

17 "Victim of sexual assault." A victim of an offense
18 enumerated in 18 Pa.C.S. §§ 3121 (relating to rape), 4302
19 (relating to incest), 6312 (relating to sexual abuse of
20 children), 6318 (relating to unlawful contact with minor) and
21 6320 (relating to sexual exploitation of children).

22 "Victim of stalking." A victim of an offense enumerated in
23 18 Pa.C.S. § 2709.1 (relating to stalking).

24 Section 4. Sections 2152(a.1), 4402, 9777(c) and 9799.26(b)
25 of Title 42 are amended to read:

26 § 2152. Composition of commission.

27 * * *

28 (a.1) Ex officio members.--The Secretary of Corrections, the
29 victim advocate appointed under [section 301 of the act of
30 November 24, 1998 (P.L.882, No.111), known as the Crime Victims

1 Act] 44 Pa.C.S. § 7502 (relating to victim advocate), and the
2 chairman of the board, during their tenure in their respective
3 positions, shall serve as ex officio nonvoting members of the
4 commission.

5 * * *

6 § 4402. Definitions.

7 The following words and phrases when used in this chapter
8 shall have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 "Administrative proceeding." Any proceeding other than a
11 judicial proceeding, the outcome of which is required to be
12 based on a record or documentation prescribed by law or in which
13 law or regulation is particularized in application to
14 individuals. The term includes an appeal as defined in 2 Pa.C.S.
15 § 101 (relating to definitions).

16 "Certified interpreter." A person who:

17 (1) is readily able to interpret; and

18 (2) is certified by the Court Administrator in
19 accordance with either Subchapter B (relating to court
20 interpreters for persons with limited English proficiency) or
21 Subchapter C (relating to court interpreters for persons who
22 are deaf).

23 "Court Administrator." The Court Administrator of
24 Pennsylvania.

25 "Deaf." An impairment of hearing or speech which creates an
26 inability to understand or communicate the spoken English
27 language.

28 "Direct victim." A direct victim as defined in [section 103
29 of the act of November 24, 1998 (P.L.882, No.111), known as the
30 Crime Victims Act] 44 Pa.C.S. § 8103 (relating to definitions).

1 "Immediate family member." A spouse, parent or child.

2 "Interpret." Either one of the following:

3 (1) For purposes of Subchapter B (relating to court
4 interpreters for persons with limited English proficiency),
5 to convey spoken and written English into the language of the
6 person with limited English proficiency and to convey oral
7 and written statements by the person with limited English
8 proficiency into spoken English.

9 (2) For purposes of Subchapter C (relating to court
10 interpreters for persons who are deaf), to convey spoken
11 English in a manner understood by the person who is deaf
12 through, but not limited to, American Sign Language and
13 transliteration or the use of computer-aided real-time
14 captioning (CART) or similar procedure, and to convey the
15 communications made by the person who is deaf into spoken
16 English.

17 "Interpreter." Includes both a certified interpreter and an
18 otherwise qualified interpreter.

19 "Judicial proceeding." An action, appeal or proceeding in
20 any court of this Commonwealth.

21 "Limited ability to speak or understand English." The
22 ability to speak exclusively or primarily a language other than
23 English and the inability to sufficiently speak or understand
24 English.

25 "Otherwise qualified interpreter." A person who:

26 (1) For purposes of Subchapter B (relating to court
27 interpreters for persons with limited English proficiency):

28 (i) is readily able to interpret; and

29 (ii) has read, understands and agrees to abide by

30 the code of professional conduct for court interpreters

1 for persons with limited English proficiency as
2 established by the Court Administrator in accordance with
3 Subchapter B.

4 (2) For purposes of Subchapter C (relating to court
5 interpreters for persons who are deaf):

6 (i) is readily able to interpret;

7 (ii) is certified by the National Association of the
8 Deaf, the Registry of Interpreters for the Deaf or
9 similar registry; and

10 (iii) has read, understands and agrees to abide by
11 the code of professional conduct for court interpreters
12 for persons who are deaf as established by the Court
13 Administrator in accordance with Subchapter C.

14 "Person who is deaf." A principal party in interest or a
15 witness who is deaf.

16 "Person with limited English proficiency." A principal party
17 in interest or a witness, who has limited ability to speak or
18 understand English.

19 "Presiding judicial officer." Includes a judicial officer as
20 defined in section 102 (relating to definitions).

21 "Principal party in interest." A person involved in a
22 judicial proceeding who is a named party, defendant or direct
23 victim in a criminal proceeding or proceeding, pursuant to
24 Chapter 63 (relating to juvenile matters), will be bound by the
25 decision or action or is foreclosed from pursuing that person's
26 rights by the decision or action which may be taken in the
27 judicial proceeding.

28 "Transliteration." To convey spoken or written English in an
29 English-based sign system and the process of conveying an
30 English-based sign system in spoken or written English.

1 "Witness." A person who testifies in a judicial proceeding.

2 § 9777. Transfer of inmates in need of medical treatment.

3 * * *

4 (c) Service.--Any petition filed under this section shall be
5 served on each agency representing the Commonwealth at each
6 proceeding which resulted in an order by which the inmate is
7 committed or detained and to the correctional institution or
8 institution responsible for housing the inmate. Each party shall
9 have an opportunity to object and be heard as to the petition
10 for alternative placement, the circumstances of placement, the
11 conditions of return or any other relevant issue. The court
12 shall ensure that any crime victim entitled to notification
13 under [section 201(7) or (8) of the act of November 24, 1998
14 (P.L.882, No.111), known as the Crime Victims Act] 44 Pa.C.S. §
15 8201(7) or (8) (relating to rights), has been given notice and
16 the opportunity to be heard on the petition. All parties served
17 or notified under this subsection shall receive a copy of the
18 final order adjudicating the petition.

19 * * *

20 § 9799.26. Victim notification.

21 * * *

22 (b) Individual not determined to be sexually violent
23 predator or sexually violent delinquent child.--If an individual
24 is not determined to be a sexually violent predator or a
25 sexually violent delinquent child, the victim shall be notified
26 in accordance with [section 201 of the act of November 24, 1998
27 (P.L.882, No.111), known as the Crime Victims Act] 44 Pa.C.S. §
28 8201 (relating to rights).

29 * * *

30 Section 5. Title 44 is amended by adding a chapter to read:

1 Chapter

2 1. General Provisions

3 CHAPTER 1

4 GENERAL PROVISIONS

5 Sec.

6 101. Short title of title.

7 § 101. Short title of title.

8 This title shall be known and may be cited as the Law and
9 Justice Code.

10 Section 6. Part III heading of Title 44 is amended to read:

11 PART III

12 [INCARCERATION] ADMINISTRATION OF LAW AND JUSTICE

13 Section 7. Title 44 is amended by adding a chapter to read:

14 CHAPTER 31

15 PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

16 Sec.

17 3101. Definitions.

18 3102. Pennsylvania Commission on Crime and Delinquency.

19 3103. Powers and duties of commission.

20 3104. Duties of commission relative to criminal statistics.

21 3105. Duties of public agencies and officers in reporting
22 criminal statistics.

23 3106. Juvenile Justice and Delinquency Prevention Committee.

24 3107. (Reserved).

25 3108. Justice reinvestment grants.

26 3109. Cooperation by other departments.

27 § 3101. Definitions.

28 The following words and phrases when used in this chapter
29 shall have the meanings given to them in this section unless the
30 context clearly indicates otherwise:

1 "Commission." The Pennsylvania Commission on Crime and
2 Delinquency.

3 "Fund." The Justice Reinvestment Fund established under
4 section 3108 (relating to justice reinvestment grants).

5 "Innovative policing." The term shall include all of the
6 following:

7 (1) Activities to obtain accreditation of municipal
8 police departments.

9 (2) Online training of law enforcement officers.

10 (3) County and regional law enforcement data-sharing
11 initiatives.

12 (4) Strategies to combat crime and gang activity,
13 including intervention, enforcement, technology, analytical
14 capacity and community policing.

15 "Mid-minimum offender." An offender who at the time of
16 sentencing has at least one but not more than two years
17 remaining to be served to reach the offender's minimum sentence,
18 including any applicable recidivism risk reduction incentive
19 minimum sentence imposed.

20 "Offender diversion." Evidence-based strategies to reduce
21 the number of short-minimum and mid-minimum offenders committed
22 to the Department of Corrections.

23 "Private citizen." An individual who is not an elected or
24 appointed official in a branch of government of the United
25 States, the Commonwealth or a political subdivision.

26 "Short-minimum offender." An offender who at the time of
27 sentencing has less than one year remaining to be served to
28 reach the offender's minimum sentence, including any applicable
29 recidivism risk reduction incentive minimum sentence imposed.

30 § 3102. Pennsylvania Commission on Crime and Delinquency.

1 (a) Establishment.--The Pennsylvania Commission on Crime and
2 Delinquency is established as an administrative commission in
3 the Governor's Office.

4 (b) Composition.--The commission shall consist of the
5 following members:

6 (1) The Attorney General.

7 (2) A justice of the Supreme Court of Pennsylvania or a
8 judge of the Superior Court of Pennsylvania.

9 (3) The Court Administrator of Pennsylvania.

10 (4) A judge of a court of common pleas.

11 (5) The Commissioner of Pennsylvania State Police.

12 (6) The chairman of the Appropriations Committee of the
13 Senate and the chairman of the Appropriations Committee of
14 the House of Representatives.

15 (7) The chairman of the Juvenile Justice and Delinquency
16 Prevention Committee.

17 (8) Four members of the General Assembly, of whom one
18 shall be designated by, and serve at the pleasure of, the
19 President pro tempore of the Senate, one by the Minority
20 Leader of the Senate, one by the Speaker of the House of
21 Representatives and one by the Minority Leader of the House
22 of Representatives.

23 (9) Seven members appointed by the Governor, one
24 representative of local law enforcement agencies, one
25 representative of local correctional facilities, one
26 representative of local elected officials, one district
27 attorney representative, one representative of county
28 sheriffs, one representative of a local victims' service
29 agency and one representative of county commissioners.

30 (10) The Secretary of Corrections.

- 1 (11) The Victim Advocate.
- 2 (12) The Secretary of Human Services.
- 3 (13) The Secretary of Education.
- 4 (14) The Secretary of Health.
- 5 (15) The Chairman of the Pennsylvania Board of Probation
6 and Parole.
- 7 (16) The Executive Director of the Juvenile Court
8 Judges' Commission.
- 9 (17) The Executive Director of the Pennsylvania
10 Commission on Sentencing.
- 11 (18) The Secretary of Drug and Alcohol Programs.
- 12 (19) The chairmen of the advisory committees established
13 in the commission.
- 14 (20) Such additional members appointed by the Governor
15 as are necessary to implement programs authorized by Federal
16 and State law.
- 17 (c) Judicial appointments.--
- 18 (1) The member required to be a judge of a court of
19 common pleas shall be appointed by the Chief Justice.
- 20 (2) The member required to be a justice of the Supreme
21 Court of Pennsylvania or a judge of the Superior Court of
22 Pennsylvania shall be appointed by the Chief Justice.
- 23 (3) If the Court Administrator cannot serve as a member,
24 the Chief Justice shall appoint another appropriate judicial
25 administrative officer of the State to serve as that member.
- 26 (d) Term of office.--
- 27 (1) Members appointed under subsection (b) (9) and (20)
28 shall serve for a four-year term and may be appointed for no
29 more than one additional consecutive term. The terms of those
30 members who serve by virtue of the public office they hold

1 shall be concurrent with their service in the office from
2 which they derive their membership.

3 (2) The term of the chairman of the Juvenile Justice and
4 Delinquency Prevention Committee shall be concurrent with the
5 person's service as chairman of that committee.

6 (e) Vacancies.--Should any member cease to be an officer or
7 employee of the agency that the person is appointed to
8 represent, the person's membership on the commission shall
9 terminate immediately and a new member shall be appointed in the
10 same manner as the person's predecessor to fill the unexpired
11 portion of a term. Other vacancies occurring, except those by
12 the expiration of a term, shall be filled for the balance of the
13 unexpired term in the same manner as the original appointment.

14 (f) Chairman.--The chairman shall be chosen by the Governor
15 and shall serve at the pleasure of the Governor. A vice chairman
16 shall be designated by the chairman and shall preside at
17 meetings in the absence of the chairman.

18 (g) Quorum.--A majority of the members shall constitute a
19 quorum and a vote of the majority of the members present shall
20 be sufficient for all actions.

21 (h) Termination of appointment.--Three consecutive unexcused
22 absences from regular meetings, except for temporary illness, or
23 failure to attend at least 50% of the regularly called meetings
24 in any calendar year shall be considered cause for termination
25 of appointment.

26 (i) Compensation and expenses.--Members who are not
27 Commonwealth officers or State, county or municipal employees
28 shall be paid \$75 a day for attendance at any official meeting.
29 Reasonable expenses incurred by members shall be allowed and
30 paid upon the presentation of itemized vouchers for the

1 expenses.

2 (j) Executive director.--An executive director shall be
3 appointed by the Governor after consultation with the members of
4 the commission. The executive director shall be paid such
5 compensation as the Executive Board may determine.

6 (k) Employees.--The executive director may employ such
7 personnel and contract for such consulting services as may be
8 necessary and authorized to carry out the purposes of this
9 chapter. Staff of the commission, other than the executive
10 director, shall be employed in accordance with and subject to
11 the provisions of the act of August 5, 1941 (P.L.752, No.286),
12 known as the Civil Service Act.

13 (l) (Reserved).

14 (m) Meetings.--All meetings of the commission and of its
15 advisory committees, at which formal action is taken, shall
16 conform to 65 Pa.C.S. Ch. 7 (relating to open meetings).

17 (n) Records.--The commission and any advisory committee
18 established for the purposes of this chapter shall provide for
19 public access to all records relating to its functions under
20 this chapter, except such records as are required to be kept
21 confidential by any provision of Federal or State law.

22 (o) State Criminal Justice Council.--The commission is
23 designated as the State Criminal Justice Council for the
24 purposes of the Omnibus Crime Control and Safe Streets Act of
25 1968 (Public Law 90-351, 82 Stat. 197) and the Juvenile Justice
26 and Delinquency Prevention Act of 1974 (Public Law 93-415, 88
27 Stat. 1109).

28 § 3103. Powers and duties of commission.

29 The commission shall have the power and its duty shall be:

30 (1) To prepare and at least once every two years update

1 a comprehensive juvenile justice plan on behalf of the
2 Commonwealth based on an analysis of the Commonwealth's needs
3 and problems, including juvenile delinquency prevention.

4 (2) To apply for, contract for, receive, allocate,
5 disburse and account for funds, grants-in-aid, grants of
6 services and property, real and personal, particularly those
7 funds made available under the Juvenile Justice and
8 Delinquency Prevention Act of 1974 (Public Law 93-415, 88
9 Stat. 1109).

10 (3) To receive applications for financial assistance
11 from State agencies, units of general local government and
12 combinations thereof, private nonprofit organizations and
13 other proper applicants, and to disburse available Federal
14 and State funds to such applicants in accordance with the
15 provisions of applicable statutes and regulations and in
16 conformity with the comprehensive plan.

17 (4) To establish such fund accounting, auditing,
18 monitoring and evaluation procedures as may be necessary to
19 assure fiscal control, proper management and disbursement of
20 grant funds, including the requirements of supporting records
21 being submitted to the disbursing agency by persons requiring
22 reimbursement, and to establish such procedures as may be
23 necessary to assure compliance with nondiscrimination
24 requirements.

25 (5) To audit the records of recipients of financial
26 assistance and of their contractors and, for the purpose of
27 such audits, to have access to all pertinent records required
28 to be kept by recipients of financial assistance and by their
29 contractors. The commission shall have the power to subpoena
30 witnesses and records in the execution of its auditing

1 responsibilities and, upon certification to it of failure to
2 obey any such subpoena, the Pennsylvania Supreme Court is
3 empowered after hearing to enter, when proper, an
4 adjudication of contempt and such other order as the
5 circumstances require.

6 (6) To monitor and evaluate program effectiveness,
7 funded in whole or in part by the Commonwealth through the
8 commission aimed at reducing or preventing crime and
9 delinquency and improving the administration of justice as
10 deemed appropriate.

11 (6.1) To define and collaborate with all State agencies
12 on planning and programming related to juvenile delinquency
13 prevention and the reduction and prevention of violence by
14 and against children.

15 (6.2) To design and promote comprehensive research-based
16 initiatives to assist communities and community-based
17 organizations in reducing risk to and promoting the positive
18 development of children and in preventing juvenile
19 delinquency and youth violence.

20 (7) To define, develop and coordinate programs and
21 projects and establish priorities for crime prevention and
22 for improvement in law enforcement, criminal justice and
23 juvenile justice throughout this Commonwealth.

24 (8) (Reserved).

25 (9) To cooperate with and render technical assistance to
26 the General Assembly or a standing committee of the General
27 Assembly, State agencies, units of general local government
28 and public and private agencies relating to the improvement
29 of the criminal and juvenile justice system, including the
30 implementation of special conferences or workshops relating

1 to special issues or professional improvement of criminal
2 justice organizations.

3 (10) To establish, and the chairman of the commission to
4 appoint, such subcommittees as it deems proper.

5 (11) To submit an annual report to the Governor and the
6 General Assembly concerning its work during the preceding
7 fiscal year. Other studies, evaluations and reports may be
8 submitted to the Governor or the General Assembly as deemed
9 appropriate.

10 (12) To promulgate such rules and regulations as the
11 commission deems necessary for the proper administration of
12 this chapter.

13 (13) To promote coordination in the development and
14 implementation of programs to improve criminal justice and
15 juvenile justice services throughout the Commonwealth.

16 (14) To advise and assist the executive and legislative
17 branches of State government, upon their request, in
18 developing policies, plans, programs and budgets for
19 improving the coordination, administration and effectiveness
20 of the criminal and juvenile justice systems.

21 (15) To prepare special reports and studies of criminal
22 justice issues upon the request of the Governor or the
23 General Assembly or a standing committee of the General
24 Assembly.

25 (16) To design and to coordinate the development and to
26 oversee the implementation of an information system to record
27 transactions and to analyze trends within the Commonwealth's
28 criminal justice system.

29 (17) (Reserved).

30 (18) To establish advisory committees, in addition to

1 those provided for under this chapter, as it deems advisable,
2 except that only the commission may set policy or take other
3 official action. Members of advisory committees shall serve
4 without compensation but may be reimbursed for necessary
5 travel and other expenses in accordance with applicable law
6 and regulations.

7 (19) To establish within the commission, a safe school
8 advocate for the school district of the first class under
9 section 1310-A of the act of March 10, 1949 (P.L.30, No.14),
10 known as the Public School Code of 1949.

11 § 3104. Duties of commission relative to criminal statistics.

12 The commission shall have the power and its duty shall be:

13 (1) To obtain statistical data necessary from all
14 persons and agencies listed in section 3105 (relating to
15 duties of public agencies and officers in reporting criminal
16 statistics) and from any other appropriate source.

17 (2) (Reserved).

18 (3) To request the form and content of records which
19 must be kept by such persons and agencies in order to ensure
20 the correct reporting of statistical data to the commission.

21 (4) To instruct such persons and agencies in the
22 collection and use of such statistical data and in the
23 reporting of statistical data to the commission.

24 (5) To process, tabulate, analyze and interpret the
25 statistical data obtained from such persons and agencies to
26 evaluate the effectiveness of grant awards.

27 (6) To supply, at their request, to Federal bureaus or
28 departments engaged in the collection of national criminal
29 statistics data they need from this Commonwealth.

30 (7) (Reserved).

1 (8) To assist or advise in a statistical and research
2 capacity as requested by the Department of Corrections, the
3 Pennsylvania Board of Probation and Parole, the Pennsylvania
4 State Police, the Juvenile Court Judges' Commission and the
5 Court Administrator.

6 (9) To give adequate interpretation of such statistics
7 and so to present the information that it may be of value in
8 guiding the policies of the commission and of those in charge
9 of the apprehension, prosecution and treatment of the
10 criminals and delinquents or concerned with the present state
11 of crime and delinquency. The report shall include statistics
12 which are comparable with national uniform criminal
13 statistics published by Federal bureaus or departments
14 heretofore mentioned.

15 (10) To seek and utilize all available Federal funds and
16 establish new programs as well as undertake a continuous
17 analysis of future data needs.

18 § 3105. Duties of public agencies and officers in reporting
19 criminal statistics.

20 Each Commonwealth agency and person in charge of the
21 apprehension, prosecution and treatment of the criminals and
22 delinquents, when requested by the commission, shall:

23 (1) Install and maintain records and recording systems
24 needed for the correct reporting of statistical data required
25 by the commission.

26 (2) Report statistical data to the commission at such
27 times and in such manner as the commission prescribes.

28 (3) Give to the staff of the commission access to
29 statistical data for the purpose of carrying out the duties
30 of the commission relative to criminal statistics.

1 § 3106. Juvenile Justice and Delinquency Prevention Committee.

2 (a) Establishment.--The Juvenile Justice and Delinquency
3 Prevention Committee is established within the commission.

4 (a.1) Composition.--The members of the committee shall be
5 appointed by the Governor and shall include:

6 (1) The Executive Director of the Juvenile Court Judges'
7 Commission.

8 (2) Representatives of units of local government, law
9 enforcement and juvenile justice agency probation personnel,
10 juvenile court judges, public and private agencies and
11 organizations concerned with delinquency prevention or
12 treatment and services to delinquency prevention or treatment
13 and services to dependent children, community-based
14 prevention in-treatment programs, organizations concerned
15 with the quality of juvenile justice or that utilize
16 volunteers to work with delinquent or dependent children,
17 businesses employing youth, youth workers involved with
18 alternative youth programs, persons with special experience
19 and competence in addressing the problem of school violence
20 and vandalism and the problem of learning disabilities and
21 representatives of public agencies concerned with special
22 education.

23 (a.2) Term.--Members shall serve a four-year term and may be
24 appointed for no more than one additional consecutive term.

25 (b) Number and qualifications.--

26 (1) The committee shall consist of no less than 15
27 members or more than 33 members, all of whom shall have had
28 training or experience in juvenile justice.

29 (2) A majority of the members shall not be full-time
30 employees of the Federal, State or local governments.

1 (3) At least one-fifth of the membership shall be less
2 than 24 years of age at the time of appointment. At least
3 three of those members of the committee shall have been or
4 are currently under the jurisdiction of the juvenile justice
5 system.

6 (c) Conditions of appointment.--The committee and its
7 members are subject to the same limitations and conditions
8 imposed upon the commission as prescribed in section 3102(d),
9 (e), (h), (i), (m) and (n) (relating to Pennsylvania Commission
10 on Crime and Delinquency).

11 (d) Quorum.--A majority of the members shall constitute a
12 quorum, and a vote of the majority of the members present shall
13 be sufficient for all actions.

14 (e) Chairman.--

15 (1) The Governor shall appoint a chairman from among the
16 members of the committee who shall serve at the pleasure of
17 the Governor.

18 (2) A vice chairman shall be designated by the chairman
19 and preside at meetings in the absence of the chairman.

20 (3) The committee shall meet at the call of the
21 chairman, but not less than four times a year.

22 (f) Powers and duties.--The Juvenile Justice and Delinquency
23 Prevention Committee shall:

24 (1) Serve in an advisory capacity to the commission
25 through the committee's participation in the development of
26 that part of the commission's comprehensive plan relating to
27 juvenile justice and delinquency prevention.

28 (2) Perform those functions related to the direct
29 approval and disbursement of financial assistance in an
30 advisory capacity only, but the advisory committee shall have

1 the opportunity to review and comment on such applications
2 within 30 days after receipt of the application from the
3 commission.

4 (3) Advise the commission on the definition, development
5 and correlation of programs and projects and the
6 establishment of priorities for juvenile justice and
7 delinquency prevention.

8 (4) Develop standards, methods and procedures for
9 evaluating and monitoring services for delinquent and
10 dependent children.

11 (5) Upon request, provide assistance and advice to the
12 commission on any other matters relating to juvenile justice
13 and delinquency prevention.

14 (6) Submit to the Governor and the General Assembly such
15 reports as may be required by Federal law.

16 (7) Advise the commission in defining and collaborating
17 with all State agencies on planning and programming related
18 to juvenile delinquency prevention and the reduction and
19 prevention of violence by and against children.

20 (8) Advise and assist the commission in designing and
21 promoting comprehensive research-based initiatives to assist
22 communities and community-based organizations in reducing
23 risk to and promoting the positive development of children
24 and in preventing juvenile delinquency and youth violence.

25 (g) Staff support.--Staff support shall be made available to
26 the committee by the executive director in order to adequately
27 perform the duties provided for under this section.

28 § 3107. (Reserved).

29 § 3108. Justice reinvestment grants.

30 (a) Justice Reinvestment Fund.--The Justice Reinvestment

1 Fund is established within the State Treasury to support
2 programs and activities to improve the delivery of criminal
3 justice services within this Commonwealth.

4 (b) Savings assessment.--For fiscal years 2013-2014 through
5 2017-2018, the Office of the Budget shall develop a formula to
6 calculate the amount of savings to the Department of Corrections
7 in the prior fiscal year. The calculation may include all of the
8 following:

9 (1) The reduction in prison population because of the
10 diversion to counties of mid-minimum and short-minimum
11 offenders.

12 (2) The elimination of prerelease programs and the
13 improved efficiencies in the parole system directly resulting
14 from the act of July 5, 2012 (P.L.1050, No.122), entitled "An
15 act amending Titles 18 (Crimes and Offenses), 42 (Judiciary
16 and Judicial Procedure) and 61 (Prisons and Parole) of the
17 Pennsylvania Consolidated Statutes, in burglary and other
18 criminal intrusion, further providing for the offense of
19 burglary; in other offenses, further providing for drug
20 trafficking sentencing and penalties; in Pennsylvania
21 Commission on Sentencing, further providing for powers and
22 duties and for publication of guidelines; in sentencing,
23 further providing for sentences for second and subsequent
24 offenses; in sentencing, providing for sentencing for certain
25 paroled offenders; in sentencing, further providing for
26 sentencing generally, for disposition under guilty but
27 mentally ill, for partial confinement, for total confinement
28 and for proceedings and location; in sentencing, providing
29 for court-imposed sanctions for offenders violating
30 probation; in county intermediate punishment, further

1 providing for definitions and for programs; in correctional
2 institutions administration, further providing for drug
3 distribution definitions; in inmate confinement visitation,
4 further providing for Gubernatorial visitors, for official
5 visitors and for rights of official visitors; in inmate
6 confinement prerelease plans, further providing for
7 establishment of prerelease centers, for prerelease plan for
8 inmates, for regulations and for compensation of inmates; in
9 inmate confinement motivational boot camps, further providing
10 for definitions and for selection of inmate participants; in
11 inmate confinement State intermediate punishment, further
12 providing for definitions and for referral to State
13 intermediate punishment program; in inmate confinement
14 recidivism risk reduction incentive, further providing for
15 definitions; in inmate confinement community corrections
16 facilities, further providing for definitions; in inmate
17 confinement, providing for safe community reentry and for
18 community corrections centers and community corrections
19 facilities; in probation and parole administration, further
20 providing for certain offenders residing in group-based
21 homes, for administrative powers over parolees, for general
22 court criteria for parole, for parole power, for parole
23 violation and for parole procedure; in probation and parole
24 administration, providing for early parole subject to Federal
25 order; making a related repeal; and abrogating regulations."

26 (c) Deposit.--

27 (1) In fiscal year 2013-2014, 75% of the amounts
28 determined to be savings under subsection (b) are hereby
29 appropriated to the fund.

30 (2) In fiscal year 2014-2015, the amounts determined to

1 be savings under subsection (b) are hereby appropriated to
2 the fund in an amount not to exceed \$21,000,000.

3 (d) Distributions.--For fiscal years 2013-2014 and 2014-
4 2015, the money in the fund shall be transferred as follows:

5 (1) The sum of \$1,000,000 shall be distributed to the
6 commission. At least 25% of the money under this paragraph
7 shall be used for a Statewide automated victim information
8 and notification system, 25% shall be used for victim service
9 automated data collection and reporting projects and the
10 balance of the money under this paragraph shall be used for
11 programs for victims of juvenile offenders.

12 (2) The sum of \$400,000 shall be distributed to the
13 Pennsylvania Commission on Sentencing to establish models for
14 risk assessment under 42 Pa.C.S. § 2154.7 (relating to
15 adoption of risk assessment instrument).

16 (3) Following distribution under paragraphs (1) and (2),
17 the remaining money in the fund shall be distributed as
18 follows:

19 (i) Forty-three percent to the commission to provide
20 grants for innovative policing.

21 (ii) Twenty-one percent to the Department of
22 Corrections to implement contracts with counties for
23 offender diversion for mid-minimum offenders and short-
24 minimum offenders.

25 (iii) Twenty-six percent to the commission for
26 grants, in consultation with the Pennsylvania Board of
27 Probation and Parole, for county probation improvement,
28 to include the reduction of offenders on probation who
29 violate the terms of their supervision.

30 (iv) Six percent to the board for costs related to

1 streamlining the State parole process.

2 (v) Four percent to the department to support the
3 coordinated implementation by the board and the
4 department of the program under 61 Pa.C.S. Ch. 49
5 (relating to safe community reentry), including the
6 outreach to and use of community organizations and other
7 nonprofit and for-profit entities.

8 (e) Appropriation.--Beginning in fiscal year 2013-2014, if
9 county participation in the program under subsection (d) (3) (ii)
10 exceeds the amount authorized, the General Assembly may
11 appropriate additional money to the fund for offender diversion
12 for mid-minimum offenders and short-minimum offenders.

13 (f) Additional distributions.--For fiscal years 2015-2016
14 through 2017-2018, 25% of the amount determined to be savings
15 under subsection (b) shall be deposited in the fund and
16 appropriated by the General Assembly for activities related to
17 sentencing, victim services, contracts for offender diversion,
18 innovative policing, community reentry programs or probation and
19 county parole improvement.

20 (g) Restriction.--Grants awarded under this section shall be
21 annual grants and shall be used to supplement and not supplant
22 existing funding, including funding provided by county
23 governments and grant-in-aid under 61 Pa.C.S. § 6133(c)
24 (relating to probation services).

25 (h) Criteria.--The commission, in consultation with the
26 board, shall adopt criteria for the award of grants by the
27 commission under this section.

28 (i) Expiration.--This section shall expire July 15, 2018.
29 § 3109. Cooperation by other departments.

30 The various administrative departments, boards and

1 commissions shall cooperate so far as practicable with the
2 commission in the performance of its duties under this chapter,
3 except as provided in sections 3104 (relating to duties of
4 commission relative to criminal statistics) and 3105 (relating
5 to duties of public agencies and officers in reporting criminal
6 statistics).

7 Section 8. Part IV heading of Title 44 is amended to read:

8 PART IV
9 OTHER OFFICERS AND
10 OFFICIALS

11 Section 9. Title 44 is amended by adding chapters to read:

12 CHAPTER 73
13 SHERIFFS AND DEPUTY SHERIFFS

14 Subchapter

15 A. General Provisions (Reserved)
16 B. (Reserved)
17 C. Deputy Sheriffs' Education and Training

18 SUBCHAPTER A
19 GENERAL PROVISIONS
20 (RESERVED)

21 SUBCHAPTER B
22 (RESERVED)

23 SUBCHAPTER C
24 DEPUTY SHERIFFS' EDUCATION AND TRAINING

25 Sec.

26 7321. Scope of subchapter.

27 7322. Definitions.

28 7323. The Deputy Sheriffs' Education and Training Board.

29 7324. Powers and duties of the board.

30 7325. Training program.

1 7326. Continuing education.

2 7327. Training requirement.

3 7328. Deputy Sheriffs' Education and Training Account.

4 7329. Reimbursement to counties.

5 § 7321. Scope of subchapter.

6 This subchapter provides for deputy sheriffs' education and
7 training.

8 § 7322. Definitions.

9 The following words and phrases when used in this subchapter
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Account." The Deputy Sheriffs' Education and Training
13 Account.

14 "Board." The Deputy Sheriffs' Education and Training Board.

15 "Commission." The Pennsylvania Commission on Crime and
16 Delinquency.

17 § 7323. The Deputy Sheriffs' Education and Training Board.

18 (a) Establishment.--The Deputy Sheriffs' Education and
19 Training Board is established within the commission.

20 (b) Composition.--The board shall be composed of the
21 following members:

22 (1) The Attorney General.

23 (2) Two judges of the courts of common pleas from
24 different counties.

25 (3) Two sheriffs or chief deputies from different
26 counties with a minimum of six years' experience as a sheriff
27 or chief deputy.

28 (4) Three individuals from different counties with a
29 minimum of eight years' experience each as a deputy sheriff.
30 One of the three shall be currently employed in the capacity

1 of deputy sheriff with the rank of sergeant or deputy
2 sheriff.

3 (5) One educator qualified in the field of curriculum
4 design.

5 (6) One county commissioner.

6 (c) Appointments and terms.--All members of the board, other
7 than the Attorney General, who shall be a permanent member,
8 shall be appointed by the Governor for a period of three years.
9 Any member of the board shall cease to be a member of said board
10 immediately upon termination of service in the position by which
11 that person was eligible for membership or appointed as a member
12 of the board.

13 (d) Vacancies.--A member appointed to fill a vacancy created
14 by any reason other than expiration of a term shall be appointed
15 for the unexpired term of the member whom he is to succeed in
16 the same manner as the original appointment.

17 (e) Expenses.--The members of the board shall serve without
18 compensation but shall be reimbursed the necessary and actual
19 expenses incurred in attending the meetings of the board and in
20 the performance of their duties under this subchapter.

21 (f) Removal.--Members of the board, other than the Attorney
22 General, may be removed by the Governor for good cause upon
23 written notice from the Governor specifically stating the cause
24 for removal.

25 (g) Chairman.--The members of the board shall elect a
26 chairman from among the members to serve for a period of one
27 year. A chairman may be elected to serve successive terms.

28 (h) Meetings and quorum.--The board shall meet at least four
29 times each year. Special meetings may be called by the chairman
30 of the board or upon written request of three members. A quorum

1 shall consist of five members.

2 § 7324. Powers and duties of the board.

3 The board, with the review and approval of the commission,
4 shall:

5 (1) Establish, implement and administer the Deputy
6 Sheriffs' Education and Training Program according to the
7 minimum requirements set forth in this subchapter.

8 (2) Establish, implement and administer requirements for
9 the minimum courses of study and training for deputy
10 sheriffs.

11 (3) Establish, implement and administer requirements for
12 courses of study and in-service training for deputy sheriffs
13 appointed prior to August 9, 1984.

14 (4) Establish, implement and administer requirements for
15 a continuing education program for all deputy sheriffs
16 concerning subjects the board may deem necessary and
17 appropriate for the continued education and training of
18 deputy sheriffs.

19 (5) Approve or revoke the approval of any school which
20 may be utilized to comply with the educational and training
21 requirements of this subchapter.

22 (6) Establish the minimum qualifications for instructors
23 and certify instructors.

24 (7) Consult and cooperate with universities, colleges,
25 law schools, community colleges and institutes for the
26 development of specialized courses for deputy sheriffs.

27 (8) Promote the most efficient and economical program
28 for deputy sheriffs' training by utilizing existing
29 facilities, programs and qualified State and local personnel.

30 (9) Certify deputy sheriffs who have satisfactorily

1 completed the basic education and training requirements of
2 this act and issue appropriate certificates to them.

3 (10) Make rules and regulations and perform other duties
4 as may be reasonably necessary or appropriate to administer
5 the education and training program for deputy sheriffs.

6 (11) Make an annual report to the Governor and to the
7 General Assembly concerning:

8 (i) The administration of the Deputy Sheriffs'
9 Education and Training Program.

10 (ii) The activities of the board.

11 (iii) The costs of the program.

12 § 7325. Training program.

13 The Deputy Sheriffs' Education and Training Program shall
14 include appropriate training for not less than 160 hours which
15 content and hours of instruction shall be determined by the
16 board, subject to the review and approval of the commission.

17 § 7326. Continuing education.

18 The board, with the review and approval of the commission,
19 shall establish a continuing education program for all deputy
20 sheriffs, which shall include not less than 20 hours of
21 continuing education every two years, concerning subjects the
22 board may deem necessary and appropriate for the continued
23 education and training of deputy sheriffs.

24 § 7327. Training requirement.

25 (a) Diploma.--No person shall be employed or appointed as a
26 deputy sheriff unless the person is a high school graduate or
27 has received a secondary school diploma on the basis of general
28 education development (GED).

29 (b) Prior education, training or experience.--The board,
30 with the review and approval of the commission, may reduce the

1 hours of education and training required in section 7325
2 (relating to training program) for those deputy sheriffs
3 required to receive education and training who, because of prior
4 education, training or experience, have acquired knowledge or
5 skill equivalent to that provided by the program.

6 (c) Time period.--Any new deputy hired by the sheriff after
7 July 1, 1985, shall have one year in which to complete his or
8 her training.

9 (d) Continuing education.--Any full-time or part-time deputy
10 sheriff who fails to meet and fails to be certified as having
11 met the requirements for continuing education established by the
12 board, with the review and approval of the commission, shall be
13 ineligible to receive any salary, compensation or other
14 consideration or thing of value for the performance of his
15 duties as a deputy sheriff.

16 (e) Penalty.--Any official of any county who orders,
17 authorizes or pays a salary or compensation or other
18 consideration or thing of value to any person in violation of
19 this section commits a summary offense and shall, upon
20 conviction, be sentenced to pay a maximum fine of \$500 or to
21 imprisonment for a term not to exceed 30 days.

22 § 7328. Deputy Sheriffs' Education and Training Account.

23 (a) Establishment.--The Deputy Sheriffs' Education and
24 Training Account is established as a special restricted receipts
25 account within the General Fund for the purpose of financing
26 training program expenses, the costs of administering the
27 program, reimbursements to counties and all other costs
28 associated with the activities of the board and the
29 implementation of this chapter.

30 (b) Surcharge.--A surcharge shall be assessed on each fee

1 collected by the sheriff of every county upon acceptance for
2 each service required for any complaint, summons, writ or other
3 legal paper required to be served or posted by the sheriff. The
4 amount of the surcharge shall be \$10.

5 (b.1) Surcharge in counties of first and second class.--

6 (1) In counties of the first and second class, a
7 surcharge shall be collected by the prothonotary of that
8 county for each defendant named in a document filed to
9 commence an action under Pa.R.C.P. No.1007, except when
10 service is made by a competent adult in the actions listed in
11 Pa.R.C.P. Nos.400(b) and 400.1(c).

12 (2) One dollar of the surcharge shall be retained by the
13 prothonotary to cover administrative costs incurred by
14 collecting the surcharge and to support any technology and
15 automation improvements or upgrades for the prothonotary, and
16 the balance shall be transmitted semiannually to the State
17 Treasurer for deposit into the account. The amount of the
18 surcharge shall be \$11.

19 (c) Disposition of moneys collected.--The moneys collected
20 under subsection (b) shall be forwarded semiannually by the
21 sheriff of an individual county to the State Treasurer for
22 deposit into the account. All moneys received by the State
23 Treasurer in excess of the amount necessary to cover the costs
24 and expenses of the training program shall be transferred from
25 the special restricted receipts account to the General Fund of
26 the Commonwealth on an annual basis with such reserve maintained
27 as will be adequate to assure the continued operation of the
28 Deputy Sheriffs' Education and Training Program.

29 (d) Disbursements.--Disbursements from the account shall be
30 made by the commission.

1 (e) Audit.--The Auditor General shall conduct an audit of
2 the account as the Auditor General may deem necessary or
3 advisable from time to time but no less often than once every
4 three years.

5 § 7329. Reimbursement to counties.

6 Each county shall pay the ordinary and necessary living and
7 travel expenses and the regular salary of its deputy sheriffs
8 while attending approved schools. The commission shall provide
9 for reimbursement to each county of 100% of the regular salaries
10 of its deputy sheriffs and 100% of the ordinary and necessary
11 living and travel expenses incurred by its deputy sheriffs while
12 attending certified deputy sheriffs' basic training or
13 continuing education schools if the county adheres to the
14 training standards required by this chapter and established by
15 the board with the review and approval of the commission. The
16 commission shall provide for 100% of the tuition incurred by
17 deputy sheriffs while attending certified deputy sheriffs' basic
18 training or continuing education schools.

19 CHAPTER 75

20 VICTIM ADVOCATE

21 Sec.

22 7501. Office of Victim Advocate.

23 7502. Victim advocate.

24 7503. Powers and duties of victim advocate.

25 7511. Preparole notification to victim.

26 7512. Petitions to deny parole upon expiration of minimum
27 sentence.

28 § 7501. Office of Victim Advocate.

29 (a) Establishment.--The Office of Victim Advocate is
30 established within the Pennsylvania Board of Probation and

1 Parole to represent the interests of crime victims before the
2 board or Department of Corrections. The office shall operate
3 under the direction of the victim advocate as provided in this
4 chapter.

5 (b) Service and employees.--The victim advocate shall
6 operate from the central office of the board with such clerical,
7 technical and professional staff as may be available within the
8 budget of the board. The compensation of employees of the office
9 shall be set by the Executive Board.

10 § 7502. Victim advocate.

11 (a) Appointment.--The victim advocate shall be appointed by
12 the Governor, by and with the consent of a majority of all of
13 the members of the Senate.

14 (b) Qualifications.--The victim advocate must be an
15 individual who:

16 (1) By reason of training and experience is qualified to
17 represent the interests of individual crime victims before
18 the Pennsylvania Board of Probation and Parole.

19 (2) Has at least six years of professional experience in
20 victim advocacy, social work or related areas, including one
21 year in a supervisory or administrative capacity, and a
22 bachelor's degree. Any equivalent combination of experience
23 and training shall be acceptable.

24 (c) Term of office.--

25 (1) The victim advocate shall hold office for a term of
26 six years and until a successor shall have been duly
27 appointed and qualified but in no event more than 90 days
28 beyond the expiration of the appointed term.

29 (2) A vacancy occurring for any reason shall be filled
30 in the manner provided by section 8 of Article IV of the

1 Constitution of Pennsylvania for the remainder of the term.
2 Whenever the victim advocate's term expires, that position
3 shall be immediately deemed a vacancy, and the Governor shall
4 nominate a person to fill that position within 90 days of the
5 date of expiration even if the victim advocate continues in
6 office.

7 (d) Compensation.--Compensation shall be set by the
8 Executive Board as defined by the act of April 9, 1929 (P.L.177,
9 No.175), known as The Administrative Code of 1929.

10 § 7503. Powers and duties of victim advocate.

11 The victim advocate has the following powers and duties:

12 (1) To represent the interests of individual crime
13 victims before the Pennsylvania Board of Probation and
14 Parole, Department of Corrections or hearing examiner.

15 (2) To supervise the victim notification duties
16 presently conducted by the board.

17 (3) To assist in and coordinate the preparation of
18 testimony by the crime victims as provided in sections
19 7511(c) (relating to preparole notification to victim) and
20 7512 (relating to petitions to deny parole upon expiration of
21 minimum sentence) or the submission of oral, written or
22 videotaped comments by crime victims prior to a release
23 decision.

24 (4) To represent the interests of a crime victim under
25 section 7512.

26 (5) To act as a liaison with the victim notification
27 program director in the department to coordinate victim
28 notification and services for the department and the board.

29 The victim advocate may address the interests of all victims
30 before the board, department or hearing examiner concerning

1 any issues determined appropriate by the victim advocate.

2 § 7511. Preparole notification to victim.

3 (a) Persons to be notified.--No later than 90 days prior to
4 the parole date of an offender, the victim advocate shall notify
5 the victim of the offense for which the offender was sentenced,
6 the parent or legal guardian of a victim who is a minor or a
7 member of the family if the victim is incapable of communicating
8 or has died and shall provide the appropriate person with an
9 opportunity to submit a preparole statement expressing concerns
10 or recommendations regarding the parole or parole supervision of
11 the offender.

12 (b) Enrollment.--A victim or member of the family shall
13 notify the victim advocate of the victim's or family member's
14 intent to submit a preparole statement regarding the parole or
15 parole supervision of the offender. The notice shall include a
16 mailing address or change of address notification.

17 (c) Procedure.--

18 (1) The victim advocate shall notify the person at the
19 person's last known mailing address.

20 (2) The person shall submit the oral, written or
21 videotaped preparole statement to the victim advocate within
22 30 days of the date of notice.

23 (3) The preparole statement shall be considered by the
24 Pennsylvania Board of Probation and Parole during preparation
25 of the parole plan.

26 § 7512. Petitions to deny parole upon expiration of minimum
27 sentence.

28 (a) Petition.--Upon the request of a victim who has notified
29 the board in writing of the victim's desire to have input and
30 make comment prior to a parole release decision, the victim

1 advocate shall petition the Pennsylvania Board of Probation and
2 Parole:

3 (1) as to the special conditions of release which may be
4 imposed; or

5 (2) that the offender should not be paroled based upon
6 the statement that the victim submitted under section 7511
7 (relating to preparole notification to victim).

8 (b) Appearance.--

9 (1) The victim or the victim's representative shall be
10 permitted to appear in person and provide testimony before
11 the panel or the majority of those Pennsylvania Board of
12 Probation and Parole members charged with making the parole
13 release decision or, in the alternative, the victim's or
14 victim's representative's testimony may be presented by
15 electronic means as provided by the board.

16 (2) The testimony of a victim or victim's representative
17 shall be confidential. Records maintained by the Department
18 of Corrections and the board pertaining to victims shall be
19 kept separate from other records, and these victim records,
20 including current address, telephone number and any other
21 personal information of the victim and family members, shall
22 be deemed confidential.

23 (c) Action.--The Pennsylvania Board of Probation and Parole,
24 upon petition and after an interview, may do any of the
25 following:

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

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

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

4 (ii) the interests of the Commonwealth would
5 otherwise be injured.

6 (d) Notice.--The Pennsylvania Board of Probation and Parole
7 shall notify the victim of its decision prior to a release of
8 the offender.

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

16 Section 10. Title 44 is amended by adding a part to read:

17 PART V

18 VICTIM SERVICES

19 Chapter

20 81. Preliminary Provisions

21 82. Crime Victims

22 83. Administration

23 85. (Reserved)

24 87. Compensation

25 89. Services

26 91. Financial Matters

27 93. Enforcement

28 95. Miscellaneous Provisions

29 CHAPTER 81

30 PRELIMINARY PROVISIONS

1 Sec.

2 8101. Short title of part.

3 8102. Legislative intent.

4 8103. Definitions.

5 § 8101. Short title of part.

6 This part shall be known and may be cited as the Crime
7 Victims Act.

8 § 8102. Legislative intent.

9 The General Assembly finds and declares as follows:

10 (1) In recognition of the civic and moral duty of
11 victims of crime to fully and voluntarily cooperate with law
12 enforcement and prosecutorial agencies and in further
13 recognition of the continuing importance of victim
14 cooperation to State and local law enforcement efforts and
15 the general effectiveness and well-being of the criminal
16 justice system of this Commonwealth, all victims of crime are
17 to be treated with dignity, respect, courtesy and
18 sensitivity.

19 (2) The rights extended to victims of crime in Chapter
20 82 (relating to crime victims) are to be honored and
21 protected by law enforcement agencies, prosecutors and judges
22 in a manner no less vigorous than the protections afforded
23 criminal defendants.

24 § 8103. Definitions.

25 The following words and phrases when used in this part shall
26 have the meanings given to them in this section unless the
27 context clearly indicates otherwise:

28 "Adult." Any of the following:

29 (1) An individual charged with a crime who is 18 years
30 of age or older.

1 (2) An individual who is subject to criminal court
2 jurisdiction following the transfer of a case to criminal
3 proceedings.

4 (3) An individual who is subject to criminal court
5 jurisdiction after having been charged with a crime excluded
6 from paragraph (2) (i), (ii), (iii) or (v) of the definition
7 of "delinquent act" under 42 Pa.C.S. § 6302 (relating to
8 definitions).

9 "Board." The Pennsylvania Board of Probation and Parole.

10 "Chief administrator." As defined in 61 Pa.C.S. § 102
11 (relating to definitions).

12 "Claimant." The person filing a claim under Chapter 87
13 (relating to compensation).

14 "Commission." The Pennsylvania Commission on Crime and
15 Delinquency.

16 "Committee." The Victims' Services Advisory Committee
17 established in section 8321 (relating to Victims' Services
18 Advisory Committee).

19 "Correctional institution." As defined in 61 Pa.C.S. § 102
20 (relating to definitions).

21 "County correctional institution." As defined in 61 Pa.C.S.
22 § 102 (relating to definitions). The term does not include a
23 facility used for the detention or confinement of juveniles.

24 "Crime." An act which was committed:

25 (1) In this Commonwealth by a person, including a
26 juvenile, without regard to legal exemption or defense which
27 would constitute a crime under the following:

28 (i) The act of April 14, 1972 (P.L.233, No.64),
29 known as The Controlled Substance, Drug, Device and
30 Cosmetic Act.

1 (ii) Any provision of:

2 18 Pa.C.S. (relating to crimes and offenses).

3 30 Pa.C.S. § 5502 (relating to operating
4 watercraft under influence of alcohol or controlled
5 substance).

6 30 Pa.C.S. § 5502.1 (relating to homicide by
7 watercraft while operating under influence).

8 The former 75 Pa.C.S. § 3731 (relating to driving
9 under influence of alcohol or controlled substance).

10 75 Pa.C.S. § 3732 (relating to homicide by
11 vehicle).

12 75 Pa.C.S. § 3735 (relating to homicide by
13 vehicle while driving under influence).

14 75 Pa.C.S. § 3735.1 (relating to aggravated
15 assault by vehicle while driving under the
16 influence).

17 75 Pa.C.S. § 3742 (relating to accidents
18 involving death or personal injury).

19 75 Pa.C.S. Ch. 38 (relating to driving after
20 imbibing alcohol or utilizing drugs).

21 (iii) The laws of the United States.

22 (2) Against a resident of this Commonwealth which would
23 be a crime under paragraph (1) but for its occurrence in a
24 location other than this Commonwealth.

25 (3) Against a resident of this Commonwealth which is an
26 act of international terrorism.

27 "Department." The Department of Corrections of the
28 Commonwealth.

29 "Direct victim." An individual against whom a crime has been
30 committed or attempted and who as a direct result of the

1 criminal act or attempt suffers physical or mental injury, death
2 or the loss of earnings under this part. The term shall not
3 include the alleged offender. The term includes a resident of
4 this Commonwealth against whom an act has been committed or
5 attempted which otherwise would constitute a crime as defined in
6 this part but for its occurrence in a location other than this
7 Commonwealth and for which the individual would otherwise be
8 compensated by the crime victim compensation program of the
9 location where the act occurred but for the ineligibility of
10 such program under the provisions of the Victims of Crime Act of
11 1984 (Public Law 98-473, 42 U.S.C. § 10601 et seq.).

12 "Dispositional proceeding." A proceeding which occurs in
13 open common pleas court which potentially could dispose of the
14 case. The term includes Accelerated Rehabilitative Disposition,
15 pleas, trial and sentence.

16 "Diversionary program." A program which is used to divert a
17 defendant to an alternative form of disposition under the
18 Pennsylvania Rules of Criminal Procedure or statutory authority.
19 The term includes dispositions authorized by Rules 160, 176 and
20 314 of the Pennsylvania Rules of Criminal Procedure and sections
21 17 and 18 of the act of April 14, 1972 (P.L.233, No.64), known
22 as The Controlled Substance, Drug, Device and Cosmetic Act.

23 "Family." When used in reference to an individual:

24 (1) anyone related to that individual within the third
25 degree of consanguinity or affinity;

26 (2) anyone maintaining a common-law relationship with
27 the individual; or

28 (3) anyone residing in the same household with the
29 individual.

30 "Injury." Includes physical or mental damages incurred as a

1 direct result of a crime and aggravation of existing injuries if
2 additional losses can be attributed to the direct result of a
3 crime.

4 "International terrorism." Activities which meet all of the
5 following:

6 (1) Involve violent acts or acts dangerous to human life
7 that are a violation of the criminal laws of the United
8 States or of any state or that would be a criminal violation
9 if committed within the jurisdiction of the United States or
10 of any state.

11 (2) Appear to be intended:

12 (i) to intimidate or coerce a civilian population;

13 (ii) to influence the policy of a government by
14 intimidation or coercion; or

15 (iii) to affect the conduct of a government by
16 assassination or kidnapping.

17 (3) Occur primarily outside of the territorial
18 jurisdiction of the United States or transcend national
19 boundaries in terms of the means by which they are
20 accomplished, the persons they appear intended to intimidate
21 or coerce or the locale in which their perpetrators operate
22 or seek asylum.

23 "Intervenor." An individual who goes to the aid of another
24 and suffers physical or mental injury or death as a direct
25 result of acting not recklessly to prevent the commission of a
26 crime, to lawfully apprehend a person reasonably suspected of
27 having committed such crime or to aid the victim of such crime.

28 "Juvenile." An individual who is alleged or has been
29 determined to be a "delinquent child" as defined in 42 Pa.C.S. §
30 6302 (relating to definitions).

1 "Law enforcement agency." The Pennsylvania State Police and
2 a local law enforcement agency.

3 "Local law enforcement agency." A police department of a
4 city, borough, incorporated town or township.

5 "Loss of earnings." Includes the loss of the cash equivalent
6 of one month's worth of Social Security, railroad retirement,
7 pension plan, retirement plan, disability, veteran's retirement,
8 court-ordered child support or court-ordered spousal support
9 payments if the payments are the primary source of a victim's
10 income and the victim is deprived of money as a direct result of
11 a crime.

12 "Office." The Office of Victim Advocate established in
13 section 7503 (relating to powers and duties of victim advocate).

14 "Office of Victims' Services." The Office of Victims'
15 Services in the Pennsylvania Commission on Crime and
16 Delinquency.

17 "Out-of-pocket loss." Any of the following losses which
18 shall be reimbursed at a rate set by the Office of Victims'
19 Services:

20 (1) Expenses for unreimbursed and unreimbursable
21 expenses or indebtedness incurred for medical care,
22 nonmedical remedial care and treatment as approved by the
23 Office of Victims' Services or other services.

24 (2) Expenses for counseling, prosthetic devices,
25 wheelchairs, canes, walkers, hearing aids, eyeglasses or
26 other corrective lenses or dental devices reasonably
27 necessary as a result of the crime upon which a claim is
28 based and for which the claimant either has paid or is
29 liable.

30 (3) Expenses related to the reasonable and necessary

1 costs of cleaning a crime scene of a private residence.
2 "Cleaning" means to remove or attempt to remove stains or
3 blood caused by a crime or other dirt or debris caused by the
4 processing of a crime scene.

5 (4) Expenses resulting from the temporary or permanent
6 relocation of a direct victim and individuals residing in the
7 household of the direct victim due to the incident forming
8 the basis of the victim's claim when there is an immediate
9 need to protect the safety and health of the victim and
10 individuals residing in the household, as verified by a
11 medical provider, human services provider or law enforcement.

12 (5) Expenses for physical examinations and materials
13 used to obtain evidence.

14 (6) Other reasonable expenses which are deemed necessary
15 as a direct result of the criminal incident.

16 Except as otherwise provided, the term does not include property
17 damage or pain and suffering.

18 "Personal injury crime." An act, attempt or threat to commit
19 an act which would constitute a misdemeanor or felony under the
20 following:

21 18 Pa.C.S. Ch. 25 (relating to criminal homicide).

22 18 Pa.C.S. Ch. 27 (relating to assault).

23 18 Pa.C.S. Ch. 29 (relating to kidnapping).

24 18 Pa.C.S. Ch. 31 (relating to sexual offenses).

25 18 Pa.C.S. § 3301 (relating to arson and related
26 offenses).

27 18 Pa.C.S. Ch. 37 (relating to robbery).

28 18 Pa.C.S. Ch. 49 Subch. B (relating to victim and
29 witness intimidation).

30 30 Pa.C.S. § 5502.1 (relating to homicide by watercraft

1 while operating under influence).

2 The former 75 Pa.C.S. § 3731 (relating to driving under
3 influence of alcohol or controlled substance) in cases
4 involving bodily injury.

5 75 Pa.C.S. § 3732 (relating to homicide by vehicle).

6 75 Pa.C.S. § 3735 (relating to homicide by vehicle while
7 driving under influence).

8 75 Pa.C.S. § 3735.1 (relating to aggravated assault by
9 vehicle while driving under the influence).

10 75 Pa.C.S. § 3742 (relating to accidents involving death
11 or personal injury).

12 75 Pa.C.S. Ch. 38 (relating to driving after imbibing
13 alcohol or utilizing drugs) in cases involving bodily injury.

14 The term includes violations of any protective order issued as a
15 result of an act related to domestic violence.

16 "Preadjudication disposition." Any of the following:

17 (1) Disposition of an adult without a trial. This
18 paragraph includes accelerated rehabilitative disposition.

19 (2) Disposition of a juvenile prior to an adjudication
20 of delinquency under 42 Pa.C.S. Ch. 63 (relating to juvenile
21 matters), including informal adjustment as set forth in 42
22 Pa.C.S. § 6323 (relating to informal adjustment), and consent
23 decree as set forth in 42 Pa.C.S. § 6340 (relating to consent
24 decree).

25 "Prosecutor's office." The Office of Attorney General or the
26 office of a district attorney of a county.

27 "State correctional institution." As defined in 61 Pa.C.S. §
28 102 (relating to definitions).

29 "Victim." The term means the following:

30 (1) A direct victim.

1 (2) A parent or legal guardian of a child who is a
2 direct victim, except when the parent or legal guardian of
3 the child is the alleged offender.

4 (3) A minor child who is a material witness to any of
5 the following crimes and offenses under 18 Pa.C.S. (relating
6 to crimes and offenses) committed or attempted against a
7 member of the child's family:

8 Chapter 25 (relating to criminal homicide).

9 Section 2702 (relating to aggravated assault).

10 Section 3121 (relating to rape).

11 (4) A family member of a homicide victim, including
12 stepbrothers or stepsisters, stepchildren, stepparents or a
13 fiance, one of whom is to be identified to receive
14 communication as provided for in this part, except where the
15 family member is the alleged offender.

16 "Victim advocate." The victim advocate in the Office of
17 Victim Advocate within the Pennsylvania Board of Probation and
18 Parole.

19 CHAPTER 82

20 CRIME VICTIMS

21 Subchapter

22 A. Bill of Rights

23 B. Responsibilities

24 SUBCHAPTER A

25 BILL OF RIGHTS

26 Sec.

27 8201. Rights.

28 § 8201. Rights.

29 Victims of crime have the following rights:

30 (1) To receive basic information concerning the services

1 available for victims of crime.

2 (2) To be notified of certain significant actions and
3 proceedings within the criminal and juvenile justice systems
4 pertaining to their case. This paragraph includes all of the
5 following:

6 (i) Access to information regarding whether the
7 juvenile was detained or released following arrest and
8 whether a petition alleging delinquency has been filed.

9 (ii) Immediate notification of a juvenile's
10 preadjudication escape from a detention center or shelter
11 facility and of the juvenile's subsequent apprehension.

12 (iii) Access to information regarding the grant or
13 denial of bail to an adult.

14 (iv) Immediate notification of an adult offender's
15 pretrial escape from a local correctional facility and of
16 the offender's subsequent apprehension.

17 (3) To be accompanied at all criminal and all juvenile
18 proceedings in accordance with 42 Pa.C.S. § 6336 (relating to
19 conduct of hearings) by a family member, a victim advocate or
20 other person providing assistance or support.

21 (4) In cases involving a personal injury crime or
22 burglary, to submit prior comment to the prosecutor's office
23 or juvenile probation office, as appropriate to the
24 circumstances of the case, on the potential reduction or
25 dropping of any charge or changing of a plea in a criminal or
26 delinquency proceeding, or, diversion of any case, including
27 an informal adjustment or consent decree.

28 (5) To have opportunity to offer prior comment on the
29 sentencing of a defendant or the disposition of a delinquent
30 child, to include the submission of a written and oral victim

1 impact statement detailing the physical, psychological and
2 economic effects of the crime on the victim and the victim's
3 family. The written statement shall be included in any
4 predisposition or presentence report submitted to the court.
5 Victim-impact statements shall be considered by a court when
6 determining the disposition of a juvenile or sentence of an
7 adult.

8 (5.1) To have notice and to provide prior comment on a
9 judicial recommendation that the defendant participate in a
10 motivational boot camp under 61 Pa.C.S. Ch. 39 (relating to
11 motivational boot camp).

12 (5.2) Upon request of the victim of a personal injury
13 crime, to have the opportunity to submit written comment or
14 present oral testimony at a disposition review hearing, which
15 comment or testimony shall be considered by the court when
16 reviewing the disposition of the juvenile.

17 (6) To be restored, to the extent possible, to the
18 precrime economic status through the provision of
19 restitution, compensation and the expeditious return of
20 property which is seized as evidence in the case when in the
21 judgment of the prosecutor the evidence is no longer needed
22 for prosecution of the case.

23 (7) In personal injury crimes where the adult is
24 sentenced to a State correctional institution, to be:

25 (i) given the opportunity to provide prior comment
26 on and to receive State postsentencing release decisions,
27 including work release, furlough, parole, pardon or
28 community treatment center placement;

29 (ii) provided immediate notice of an escape of the
30 adult and of subsequent apprehension; and

1 (iii) given the opportunity to receive notice of and
2 to provide prior comment on a recommendation sought by
3 the Department of Corrections that the offender
4 participate in a motivational boot camp under 61 Pa.C.S.
5 Ch. 39.

6 (8) In personal injury crimes where the adult is
7 sentenced to a local correctional institution, to:

8 (i) receive notice of the date of the release of the
9 adult, including work release, furlough, parole, release
10 from a boot camp or community treatment center placement;
11 and

12 (ii) be provided with immediate notice of an escape
13 of the adult and of subsequent apprehension.

14 (8.1) If, upon the request of the victim of a personal
15 injury crime committed by a juvenile, the juvenile is ordered
16 to residential placement, a shelter facility or a detention
17 center, to:

18 (i) Receive prior notice of the date of the release
19 of the juvenile, including temporary leave or home pass.

20 (ii) Be provided with:

21 (A) immediate notice of an escape of the
22 juvenile, including failure to return from temporary
23 leave or home pass; and

24 (B) immediate notice of reaprehension of the
25 juvenile.

26 (iii) Be provided with notice of transfer of a
27 juvenile who has been adjudicated delinquent from a
28 placement facility that is contrary to a previous court
29 order or placement plan approved at a disposition review
30 hearing and to have the opportunity to express a written

1 objection prior to the release or transfer of the
2 juvenile.

3 (9) If the adult is subject to an order under 23 Pa.C.S.
4 Ch. 61 (relating to protection from abuse) and is committed
5 to a county correctional institution for a violation of the
6 order or for a personal injury crime against a victim
7 protected by the order, to receive immediate notice of the
8 release of the adult on bail.

9 (10) To receive notice if an adult is committed to a
10 mental health institution from a State correctional
11 institution and notice of the discharge, transfer or escape
12 of the adult from the mental health institution.

13 (11) To have assistance in the preparation of,
14 submission of and follow-up on financial assistance claims to
15 the Office of Victims' Services.

16 (12) To be notified of the details of the final
17 disposition of the case of a juvenile consistent with 42
18 Pa.C.S. § 6336(f) (relating to conduct of hearings).

19 (13) Upon the request of the victim of a personal injury
20 crime, to be notified of the termination of the court's
21 jurisdiction.

22 SUBCHAPTER B

23 RESPONSIBILITIES

24 Sec.

25 8211. Responsibilities of victims of crime under basic bill of
26 rights.

27 8212. Responsibilities of State and local law enforcement
28 agencies.

29 8213. Responsibilities of prosecutor's office.

30 8214. Responsibilities of department, county correctional

1 institutions and board.

2 8215. Responsibilities of Department of Human Services and
3 mental health institutions under basic bill of
4 rights.

5 8216. Responsibilities of juvenile probation office.

6 § 8211. Responsibilities of victims of crime under basic bill
7 of rights.

8 A victim shall provide a valid address and telephone number
9 and any other required information to all agencies responsible
10 for providing information and notice to the victim. The victim
11 shall provide timely notice of any changes in the status of the
12 information. The information provided shall not be disclosed to
13 any person other than a law enforcement agency, corrections
14 agency or prosecutor's office without the prior written consent
15 of the victim.

16 § 8212. Responsibilities of State and local law enforcement
17 agencies.

18 (a) Training.--A law enforcement agency shall ensure that
19 all of its officers and employees are familiar with crime
20 victims' compensation as provided for in Chapter 87 (relating to
21 compensation). Instruction concerning crime victims'
22 compensation shall be made a part of the training curriculum for
23 all trainee officers.

24 (b) Notice.--

25 (1) Law enforcement agencies shall within 48 hours of
26 reporting give notice to the direct victim or, if
27 appropriate, a member of the direct victim's family of the
28 availability of crime victims' compensation. The notice
29 required under this subsection shall be in writing and in a
30 manner and form developed by the Office of Victims' Services.

1 (2) Law enforcement agencies shall provide basic
2 information on the rights and services available for crime
3 victims. The information shall be in writing and shall be
4 provided to the victim within 24 hours of the law enforcement
5 agency's first contact with the victim in a manner and form
6 to be developed by the Office of Victims' Services.

7 (c) Application.--The written notification provided for in
8 subsection (b) (1) shall be accompanied by one copy of the
9 application form for crime victims' compensation. Application
10 forms shall be supplied by the Office of Victims' Services to
11 law enforcement agencies. A record of the date of notification
12 shall be maintained by the law enforcement agency. The Office of
13 Victims' Services shall maintain a mailing list of all local law
14 enforcement agencies and provide law enforcement agencies with
15 forms by which they can order additional claim forms. The Office
16 of Victims' Services shall also provide updates to law
17 enforcement agencies on changes which affect their
18 responsibilities under this part.

19 (d) Forms.--The form developed by the Office of Victims'
20 Services shall be attached to the police report and shall
21 include a victim checkoff signifying that the information has
22 been provided to the crime victim.

23 (e) Notice in personal injury crimes.--

24 (1) In a personal injury crime, the law enforcement
25 agency shall make reasonable efforts to notify the victim of
26 the arrest of the suspect and of the filing or forwarding of
27 a complaint relating to the crime as soon as possible. Unless
28 the victim cannot be located, notice of the arrest shall be
29 provided not more than 24 hours after the preliminary
30 arraignment. In a case alleging delinquency, notice of the

1 filing or forwarding of a complaint shall be provided not
2 more than 24 hours after the complaint has been filed or
3 forwarded to the juvenile probation office or district
4 attorney.

5 (2) In a personal injury crime, a law enforcement
6 agency, sheriff, deputy sheriff or constable shall notify the
7 victim of an inmate's escape from the custody of the law
8 enforcement agency, sheriff, deputy sheriff or constable.

9 (f) Return of property.--The appropriate law enforcement
10 agency shall return to the victim property seized as evidence if
11 the prosecutor's office determines that the evidence is no
12 longer needed for prosecution.

13 § 8213. Responsibilities of prosecutor's office.

14 (a) Forms.--The prosecutor's office shall provide the victim
15 of a personal injury crime with all forms developed under
16 sections 8214 (relating to responsibilities of department,
17 county correctional institutions and board) and 8215 (relating
18 to responsibilities of Department of Human Services and mental
19 health institutions under basic bill of rights).

20 (b) Pleading.--In a personal injury crime or burglary, the
21 prosecutor's office shall provide notice of and offer the
22 opportunity to submit prior comment on the potential reduction
23 or dropping of any charge or changing of a plea, a diversion of
24 any case, including informal adjustment and consent decree,
25 unless the notice is provided by the juvenile probation office.

26 (c) Sentencing.--The prosecutor's office shall provide
27 notice of the opportunity to offer prior comment on the
28 sentencing of an adult and disposition of a juvenile. The prior
29 comment includes the submission of oral and written victim
30 impact statements. The prosecutor's office shall assist a victim

1 who requests assistance to prepare this comment.

2 (d) Release.--In a personal injury crime, the prosecutor's
3 office shall provide notice of the opportunity to submit input
4 into State correctional release decisions, to receive notice of
5 any release of an adult from a correctional institution and to
6 receive notice of the commitment to a mental health institution
7 from a correctional institution.

8 (e) Disposition.--In a personal injury crime, if the
9 prosecutor's office has advance notice of dispositional
10 proceeding, the prosecutor shall make reasonable efforts to
11 notify a victim of the time and place of the proceeding.

12 (f) Notice.--The prosecutor's office shall provide all of
13 the following to the victim:

14 (1) Upon request of the victim, notice of the
15 disposition and sentence of an adult, including sentence
16 modifications.

17 (2) Upon request in a personal injury crime, reasonable
18 attempts to notify the victim as soon as possible when the
19 adult is released from incarceration at sentencing.

20 (3) If the prosecutor's office is prosecuting a personal
21 injury crime, notice prior to the entry of a consent decree.

22 (4) Prior notice of delinquency adjudication hearings
23 unless such hearings are scheduled by the juvenile probation
24 office.

25 (5) Notification of hearings related to the transfer of
26 a juvenile to and from criminal proceedings.

27 (6) Upon request in a personal injury crime, notice of
28 the filing, hearing or disposition of appeals.

29 (7) Notice of the details of the final disposition of
30 the case consistent with 42 Pa.C.S. § 6336(f) (relating to

1 conduct of hearings) unless provided by the juvenile
2 probation office.

3 (g) Assistance.--The prosecutor's office shall provide
4 assistance to the victim in all of the following:

5 (1) Preparation of statements under section 8201(5)
6 (relating to rights).

7 (2) Preparation of, submission of and follow-up on
8 financial assistance claims filed with the Office of Victims'
9 Services.

10 (h) Return of property.--The prosecutor's office shall
11 return to the victim any property seized as evidence if the
12 prosecutor's office determines that the evidence is no longer
13 needed for prosecution.

14 § 8214. Responsibilities of department, county correctional
15 institutions and board.

16 (a) Forms.--The department and the board shall develop
17 standardized forms regarding victim notification. The form shall
18 include the address where the form is to be sent. The department
19 shall develop a standardized form which may be used by county
20 correctional institutions. In the case of a county with victim-
21 witness coordinators, the county correctional institution shall
22 perform its responsibilities under this section in cooperation
23 with the county's victim-witness coordinator.

24 (b) Notice.--If the department and board have received
25 notice of a victim's desire to have input under section 8201(7)
26 (relating to rights), the appropriate agency shall notify the
27 victim sufficiently in advance of a pending release decision to
28 extend an opportunity for prior comment. The county correctional
29 institution's notice to the victim under section 8201(9) shall
30 occur immediately.

1 (c) Comment.--The victim's prior comment may be oral or
2 written and shall be considered by the department or the board
3 as to the advisability of release and any conditions of release
4 which may be imposed.

5 (d) Escape notification.--If the department or county
6 correctional institution has received notice of a victim's
7 desire to receive notification regarding escape of the offender
8 as provided for in section 8201(8), the chief administrator
9 shall immediately notify the victim of the escape.

10 (e) Mental health.--If the department or county correctional
11 institution has received notice of a victim's desire to receive
12 notification as provided for in section 8201(10), the chief
13 administrator shall notify the victim of the commitment of the
14 offender to a mental health institution and the location of the
15 facility within 24 hours of the commitment.

16 (f) Records.--Records maintained by the department, the
17 county correctional institution and the board pertaining to
18 victims shall be kept separate. Current address, telephone
19 number and any other personal information of the victim and
20 family members shall be deemed confidential.

21 (g) Release of offender.--The department, the county
22 correctional institution or the board shall notify the victim of
23 the final decision rendered, the date of any release and
24 relevant conditions imposed prior to the release of the
25 offender.

26 § 8215. Responsibilities of Department of Human Services and
27 mental health institutions under basic bill of
28 rights.

29 (a) Forms.--The Department of Human Services shall develop
30 standardized forms, which shall include the address where the

1 completed form is to be sent, for the receipt of notice from a
2 victim concerning the victim's interest in discharge decisions
3 and notification of an escape. Sufficient copies of the forms
4 shall be provided to the office of the district attorney for
5 distribution to victims upon court-ordered commitment of the
6 offender to a mental health institution in the State system.

7 (b) Designated staff.--If the Department of Human Services
8 has received notice of a victim's desire to receive notification
9 as provided for in section 8201(10) (relating to rights)
10 regarding release, placement or escape of the offender, the
11 Department of Human Services shall designate the appropriate
12 official to notify the victim of the discharge of the offender
13 from the mental health institution and the facility to which the
14 offender was discharged within 24 hours of the discharge. The
15 Department of Human Services or the designated official shall
16 immediately notify the victim of an escape of the offender from
17 the mental health institution.

18 § 8216. Responsibilities of juvenile probation office.

19 (a) Notice.--The juvenile probation office shall provide the
20 following to a victim:

21 (1) Prior notice of a delinquency adjudication hearing
22 unless the hearing has been scheduled by the prosecutor's
23 office.

24 (2) Notification of a disposition hearing.

25 (3) Notice of a juvenile's preadjudication escape from a
26 detention center or shelter facility and of the juvenile's
27 subsequent apprehension.

28 (4) Upon request, notice of whether the juvenile
29 probation office has detained or released the juvenile
30 following arrest and whether a delinquency petition has been

1 filed.

2 (5) Notice of the details of the final disposition of
3 the case consistent with 42 Pa.C.S. § 6336(f) (relating to
4 conduct of hearings) unless provided by the prosecutor's
5 office.

6 (b) Additional notice in cases involving a personal injury
7 crime or burglary.--In a case involving a personal injury crime
8 or burglary, the juvenile probation office shall provide notice
9 and the opportunity to provide prior comment on the potential
10 reduction or dropping of a charge or diversion of a case,
11 including informal adjustment and consent decree, unless such
12 notice and opportunity is provided by the prosecutor's office.
13 Upon request, the victim shall also receive notification of a
14 review of disposition hearing.

15 (c) Dispositions.--The juvenile probation office shall:

16 (1) Offer the victim the opportunity to provide a
17 written victim impact statement to be considered in the
18 disposition of a case and included as part of any
19 predisposition report submitted to the court.

20 (2) Notify the victim of the right to provide an oral
21 victim impact statement at the time of disposition in the
22 case of a juvenile who has been adjudicated delinquent.

23 (d) Postdisposition notice.--Upon the request of the victim
24 of a personal injury crime, the juvenile probation office shall:

25 (1) Provide prior notice to the victim when a juvenile
26 who has been adjudicated delinquent and ordered into
27 residential placement or official detention will be granted
28 temporary leave or home pass or release.

29 (2) Notify the victim of a proposed release or transfer
30 of an adjudicated delinquent from placement that is contrary

1 to a previous court order or placement plan approved at a
2 disposition review hearing and shall extend the victim the
3 opportunity to provide a written objection prior to the
4 release or transfer of the juvenile from placement.

5 (3) Notify the victim immediately of a juvenile's escape
6 from official detention or failure to return from temporary
7 leave or home pass and of the juvenile's subsequent
8 apprehension.

9 (4) Notify the victim of the termination of the juvenile
10 court jurisdiction.

11 (5) Provide the opportunity to submit written comment
12 and oral testimony at a disposition review hearing.

13 CHAPTER 83

14 ADMINISTRATION

15 Subchapter

16 A. (Reserved)

17 B. Office of Victims' Services

18 C. Committee

19 SUBCHAPTER A

20 (RESERVED)

21 SUBCHAPTER B

22 OFFICE OF VICTIMS' SERVICES

23 Sec.

24 8311. Office of Victims' Services.

25 8312. Powers and duties of Office of Victims' Services.

26 § 8311. Office of Victims' Services.

27 (a) Establishment.--The Office of Victims' Services is
28 established within the commission. The Office of Victims'
29 Services shall administer Chapter 87 (relating to compensation).
30 The Office of Victims' Services shall also dispose of all claims

1 for compensation filed under Chapter 87.

2 (b) Director.--A director of the Office of Victims' Services
3 shall be appointed by the chairman of the commission. The
4 director shall be paid compensation as the executive board may
5 determine.

6 (c) Staff.--The director of the Office of Victims' Services
7 may employ personnel and contract for services as necessary and
8 authorized to carry out the purposes of the Office of Victims'
9 Services.

10 § 8312. Powers and duties of Office of Victims' Services.

11 The Office of Victims' Services, subject to approval of the
12 commission, shall:

13 (1) Establish and maintain a principal office in or near
14 Harrisburg and such other offices within this Commonwealth as
15 it may deem necessary.

16 (2) Appoint counsel, clerks, claims verifiers, hearing
17 officers and other employees and agents as it may deem
18 necessary, to fix its compensation within the limits provided
19 by law and to prescribe its duties.

20 (3) Adopt, promulgate, amend and rescind suitable rules
21 and regulations to carry out the provisions and purposes of
22 Chapter 87 (relating to compensation). These regulations
23 shall provide for the approval of attorney fees for
24 representation before the Office of Victims' Services, a
25 hearing examiner or before Commonwealth Court upon judicial
26 review under section 8705 (relating to judicial review).
27 Awards of the attorney fees shall be in addition to awards
28 made to direct victims. Awards of attorney fees shall in no
29 case exceed 15% of the award to the direct victim or victims.
30 It shall be unlawful for an attorney to contract for or

1 receive any sum larger than the amount allowed. Regulations
2 under this paragraph shall include policies, procedures and
3 standards of review regarding claims for compensation;
4 approval or denial of claims, including contributory conduct
5 by direct victims; verification of information and documents;
6 prioritization of review; and all other matters related to
7 the processing.

8 (4) Request and review from law enforcement agencies and
9 from any other State or municipal department, agency or
10 public authority assistance and data as will enable the
11 Office of Victims' Services to carry out its powers and
12 duties.

13 (5) Determine all claims for awards filed with the
14 Office of Victims' Services under Chapter 87 and to
15 reinvestigate or reopen cases as the Office of Victims'
16 Services deems necessary.

17 (6) Direct medical examinations of direct victims.

18 (7) Appoint hearing officers authorized to administer
19 oaths or affirmations, examine any person under oath or
20 affirmation and issue subpoenas requiring attendance of
21 witnesses, testimony of witnesses and production of evidence.
22 Except where a claim is determined to be frivolous, a
23 claimant shall receive reimbursement at a rate to be
24 determined by the Office of Victims' Services for attending
25 hearings, regardless of the disposition of the claim.

26 (8) Take or cause to be taken affidavits or depositions
27 in or outside of this Commonwealth.

28 (9) Render each year to the Governor and to the General
29 Assembly a written report of its activities.

30 (10) Arrange with the heads of other Commonwealth

1 agencies for the performance of any of its functions under
2 this act with or without reimbursement and, with the approval
3 of the Governor, delegate and authorize the redelegation of
4 any of its powers under this part.

5 (11) Establish a program to assure extensive and
6 continuing publicity of information regarding the
7 compensation provisions under Chapter 87. This information
8 shall include the right to file a claim, the scope of
9 coverage and procedures to be utilized incident to the claim.

10 (12) Administer the funds under section 9101(b)
11 (relating to costs) for the payment of claims filed under
12 Chapter 87 and for all reasonable and necessary
13 administrative expenses.

14 (13) Establish compensation limits and reimbursement
15 rates for the purpose of carrying out the provisions of
16 Chapter 87. The Office of Victims' Services shall publish a
17 schedule of these compensation limits and reimbursement rates
18 in the Pennsylvania Bulletin, provided that the Office of
19 Victims' Services shall, within two years of such
20 publication, promulgate a regulation stating the schedule of
21 compensation limits and reimbursement.

22 SUBCHAPTER C

23 COMMITTEE

24 Sec.

25 8321. Victims' Services Advisory Committee.

26 8322. Powers and duties of committee.

27 § 8321. Victims' Services Advisory Committee.

28 (a) Establishment.--The Victims' Services Advisory Committee
29 is established within the commission.

30 (b) Membership.--The committee shall consist of the

1 following members:

2 (1) The Secretary of Aging or a designee.

3 (2) The Secretary of Corrections or a designee.

4 (3) The Secretary of Human Services or a designee.

5 (4) The Commissioner of Pennsylvania State Police.

6 (5) The victim advocate.

7 (6) A district attorney appointed by the Governor.

8 (7) Nine individuals appointed by the Governor. Members

9 under this paragraph must represent direct victims, Statewide

10 victims' coalitions, prosecution-based victim/witness

11 programs and other victim service or victim advocacy

12 organizations, the courts, members of local government and

13 other victims' organizations or organizations involved in the

14 coordination or delivery of services to direct victims. At

15 least one of the Governor's appointees must be a

16 representative of a victims' services agency working directly

17 with children.

18 (c) Terms.--A member under subsection (b) (1) through (5)

19 shall serve ex officio. A member under subsection (b) (6) or (7)

20 shall serve for a four-year term and may be appointed for no

21 more than one additional consecutive term.

22 (d) Restrictions.--The committee and its members are subject

23 to the same limitations and conditions imposed upon the

24 commission as prescribed in section 3102 (relating to

25 Pennsylvania Commission on Crime and Delinquency).

26 (e) Quorum.--A majority of the members shall constitute a

27 quorum. A vote of the majority of the members present shall be

28 sufficient for all actions.

29 (f) Chair.--The Governor shall appoint a chairperson from

30 among the members of the committee. The chairperson shall serve

1 at the pleasure of the Governor. A vice chairperson shall be
2 designated by the chairperson and preside at meetings in the
3 absence of the chairperson.

4 (g) Meeting.--The committee shall meet at the call of the
5 chair but no fewer than four times a year.

6 § 8322. Powers and duties of committee.

7 The committee shall:

8 (1) Serve in an advisory capacity to the commission,
9 including the Office of Victims' Services, through the
10 committee's participation in the development of that part of
11 the commission's plan relating to direct victims' services
12 and compensation.

13 (2) Advise the commission on the development of direct
14 services for minor children who are material witnesses to any
15 of the following crimes and offenses under 18 Pa.C.S.
16 (relating to crimes and offenses) committed or attempted
17 against a member of the child's family:

18 Chapter 25 (relating to criminal homicide).

19 Section 2702 (relating to aggravated assault).

20 Section 3121 (relating to rape).

21 (3) Perform those functions related to the direct
22 approval and disbursement of financial assistance in an
23 advisory capacity only. The committee shall have the
24 opportunity to review and comment on applications other than
25 applications for claims for compensation under sections 8702
26 (relating to filing of claims for compensation) and 8706
27 (relating to emergency awards) within 30 days after receipt
28 of the application from the commission.

29 (4) Advise the commission on the definition, development
30 and correlation of programs and projects and the

1 establishment of priorities for direct victims' services and
2 compensation.

3 (5) Develop standards, methods and procedures for
4 evaluating and monitoring direct victims' services.

5 (6) Upon request, provide assistance and advice to the
6 commission on any other matters relating to direct victims'
7 services and compensation.

8 (7) Receive staff support from the commission and the
9 Office of Victims' Services in order to adequately perform
10 the duties provided for in this section.

11 CHAPTER 85

12 (RESERVED)

13 CHAPTER 87

14 COMPENSATION

15 Sec.

16 8701. Persons eligible for compensation.

17 8702. Filing of claims for compensation.

18 8703. Minimum allowable claim.

19 8704. Determination of claims.

20 8705. Judicial review.

21 8706. Emergency awards.

22 8707. Awards.

23 8708. Manner of payment.

24 8709. Confidentiality of records.

25 8710. Responsibilities of employers, service providers and
26 insurance companies.

27 § 8701. Persons eligible for compensation.

28 (a) General rule.--Except as otherwise provided in this
29 part, the following persons shall be eligible for compensation:

30 (1) A direct victim.

1 (2) An intervenor.

2 (3) A surviving spouse, parent or child of a deceased
3 direct victim or intervenor.

4 (4) Any other individual dependent for principal support
5 upon a deceased direct victim or intervenor.

6 (5) Any person who assumes the obligation or who pays
7 for a crime scene cleanup, funeral or burial expenses
8 incurred as a direct result of a crime.

9 (b) Exception.--

10 (1) A person who is criminally responsible for the crime
11 upon which a claim is based or an accomplice of the person
12 shall not be eligible to receive compensation with respect to
13 the claim.

14 (2) A member of the family of the individual who
15 committed the crime shall not be eligible if the offender is
16 living in the same household as the direct victim and will
17 substantially benefit from the award.

18 (3) The Attorney General may at any time sue the
19 offender or the direct victim, or both, to recover the award
20 if the offender benefits from the award.

21 § 8702. Filing of claims for compensation.

22 (a) General rule.--Except as otherwise provided in this
23 part, a claim for compensation may be filed by an individual
24 eligible for compensation as provided in section 8701 (relating
25 to persons eligible for compensation) or as follows:

26 (1) If the individual is a minor, the claim may be filed
27 by a parent or guardian. If the parent or guardian of a minor
28 who is eligible for compensation is unavailable or fails to
29 assume financial responsibility for the minor's care, a
30 person who assumes financial responsibility for services

1 eligible for compensation and who is not a provider of
2 services or an insurance company may file a claim on behalf
3 of the minor and may receive compensation for eligible
4 services provided to the minor.

5 (2) If the individual is mentally incompetent, the claim
6 may be filed by a guardian or legal representative. If the
7 guardian or legal representative of a mentally incompetent
8 individual who is eligible for compensation is unavailable or
9 fails to assume financial responsibility for the individual's
10 care, a person who assumes financial responsibility for
11 services eligible for compensation and who is not a provider
12 of services or an insurance company may file a claim on
13 behalf of the individual and may receive compensation for
14 eligible services provided to the individual.

15 (b) Time.--

16 (1) Except as set forth in paragraph (2), a claim must
17 be filed not later than two years after the discovery of the
18 occurrence of the crime upon which the claim is based or not
19 later than two years after the death of the direct victim or
20 intervenor as a result of the crime or the discovery and
21 identification of the body of a murder victim.

22 (2) Exceptions shall be as follows:

23 (i) If a direct victim is under 18 years of age at
24 the time of the occurrence of the crime and the alleged
25 offender is the direct victim's parent or a person
26 responsible for the direct victim's welfare, an
27 individual residing in the same home as the direct victim
28 or a paramour of the direct victim's parent, all of the
29 following shall apply:

30 (A) The limitation period under this subsection

1 is tolled until the direct victim reaches 21 years of
2 age.

3 (B) The limitation period shall run until the
4 later of:

5 (I) the end of the limitation period for the
6 offense as set forth in 42 Pa.C.S. Ch. 55 Subch.
7 C (relating to criminal proceedings); or

8 (II) the end of the limitation period under
9 paragraph (1).

10 (ii) If a direct victim is under 18 years of age at
11 the time of the occurrence of the crime and the direct
12 victim is seeking reimbursement for counseling services
13 only, all of the following shall apply:

14 (A) The limitation period under this subsection
15 is tolled until the direct victim reaches 21 years of
16 age.

17 (B) The limitation period shall run until the
18 later of:

19 (I) the end of the limitation period for the
20 offense as set forth in 42 Pa.C.S. Ch. 55 Subch.
21 C; or

22 (II) the end of the limitation period under
23 paragraph (1).

24 (b.1) Returned claims.--

25 (1) If a claim has been filed but subsequently returned
26 to the claimant for correction or for additional verification
27 or information, the date the claim was first received by the
28 Office of Victims' Services shall be the permanent filing
29 date for purposes of subsection (b).

30 (2) The correction or additional verification or

1 information must be filed within a period of time established
2 by the Office of Victims' Services.

3 (c) Manner.--Claims must be filed with the Office of
4 Victims' Services in person, by mail or by any electronic means
5 authorized by the Office of Victims' Services.

6 § 8703. Minimum allowable claim.

7 (a) General rule.--Except as provided in subsection (b), no
8 award shall be made on a claim unless the claimant has incurred
9 an aggregate minimum out-of-pocket loss, loss of earnings or
10 loss of support of \$100.

11 (b) Exception.--Subsection (a) shall not apply if the direct
12 victim was 60 years of age or older at the time the crime
13 occurred.

14 § 8704. Determination of claims.

15 (a) Processing.--The Office of Victims' Services shall
16 establish functional procedures for the intake, verification and
17 processing of claims.

18 (b) Review.--

19 (1) The Office of Victims' Services shall review the
20 claim and all supporting documents and investigate the
21 validity of the claim. The investigation shall include an
22 examination of police, court and official records and reports
23 concerning the crime and an examination of medical and
24 hospital reports relating to the injury upon which the claim
25 is based. The Office of Victims' Services may not request or
26 review counseling notes of mental health service providers.
27 The Office of Victims' Services shall request an assessment
28 from the mental health service provider as to the extent the
29 service provided is needed as a direct result of the crime.

30 (2) Claims shall be investigated and determined,

1 regardless of whether the alleged criminal has been
2 apprehended, prosecuted or adjudicated for the crime in
3 question.

4 (c) Determination.--

5 (1) The Office of Victims' Services shall determine
6 whether to grant an award, increase or decrease an award or
7 deny the claim based on the supporting documents, the report
8 of the investigation and staff recommendations.

9 (2) If the Office of Victims' Services is unable to
10 determine whether or not a claim is justified based upon the
11 supporting documents, it may direct a hearing before a
12 hearing examiner designated by the commission. At the
13 hearing, any relevant evidence not legally privileged shall
14 be admissible.

15 (d) Notice.--The Office of Victims' Services shall promptly
16 notify the claimant of its final decision.

17 (e) Records.--The Office of Victims' Services shall maintain
18 complete records and histories on all claims filed, supplemental
19 awards paid to claimants, claims status and third-party
20 entitlements and recoveries.

21 § 8705. Judicial review.

22 Within 30 days after receipt of a copy of the report
23 containing a final decision of the Office of Victims' Services,
24 the claimant may appeal the final decision of the Office of
25 Victims' Services in the manner provided for appeals from
26 administrative agencies as provided in 2 Pa.C.S. Ch. 7 Subch. A
27 (relating to judicial review of Commonwealth agency action).

28 § 8706. Emergency awards.

29 (a) Authorization.--Notwithstanding the provisions of
30 sections 8704 (relating to determination of claims) and 8707

1 (relating to awards), if it appears to the Office of Victims'
2 Services that the claim is one with respect to which an award
3 probably will be made and that undue hardship will result to the
4 claimant if immediate payment is not made, the Office of
5 Victims' Services may make an emergency award to the claimant
6 pending a final decision in the case. The following shall apply:

7 (1) The total amount of the emergency award shall not
8 exceed \$1,500 per claim or at a rate set by the Office of
9 Victims' Services.

10 (2) The amount of the emergency award shall be deducted
11 from any final award made to the claimant.

12 (3) The excess of the amount of the emergency award over
13 the amount of the final award or the full amount of the
14 emergency award, if no final award is made, shall be repaid
15 by the claimant to the Office of Victims' Services.

16 (b) Reconsideration.--The Office of Victims' Services may
17 reconsider an emergency award at any time prior to the final
18 decision in the case and increase previous orders for emergency
19 compensation up to the overall limit of \$1,500 per claim or at a
20 rate set by the Office of Victims' Services.

21 (c) Compilation.--The Office of Victims' Services shall
22 compute the total number and amount of emergency awards given in
23 each fiscal year for inclusion in the annual report.

24 § 8707. Awards.

25 (a) Requirements.--No award shall be made unless it is
26 determined by a preponderance of the evidence that:

27 (1) A crime was committed.

28 (2) The person injured or killed was a direct victim or
29 intervenor.

30 (3) The crime was promptly reported to the proper

1 authorities. In no case may an award be made if the record
2 shows that the report was made more than 72 hours after the
3 occurrence of the crime unless:

4 (i) the victim is under 18 years of age at the time
5 of the occurrence of the crime and the alleged offender
6 is the victim's parent or a person responsible for the
7 victim's welfare, an individual residing in the same home
8 as the victim or a paramour of the victim's parent; or

9 (ii) the Office of Victims' Services finds the delay
10 to have been justified, consistent with regulations of
11 the Office of Victims' Services.

12 (4) The direct victim, intervenor or claimant has fully
13 cooperated with all law enforcement agencies and the Office
14 of Victims' Services, unless the Office of Victims' Services
15 finds the noncompliance to have been justified consistent
16 with the Office of Victims' Services regulations.

17 (a.1) Protection from abuse.--A claimant who satisfies the
18 eligibility requirements of subsection (a) (1), (2) and (4) may
19 satisfy the eligibility requirement under subsection (a) (3) for
20 reporting a crime to the proper authorities by commencing an
21 action brought in accordance with 23 Pa.C.S. Ch. 61 (relating to
22 protection from abuse) and as provided for in the Pennsylvania
23 Rules of Civil Procedure. In no case may an award be made if the
24 record shows that the petition was:

25 (1) Withdrawn, unless the Office of Victims' Services
26 finds the withdrawal to have been justified, consistent with
27 the Office of Victims' Services regulations.

28 (2) Filed more than 72 hours after the occurrence of the
29 criminal conduct leading to the commencement of the action,
30 unless:

1 (i) the victim is under 18 years of age at the time
2 of the occurrence of the criminal conduct and the alleged
3 offender is the victim's parent or a person responsible
4 for the victim's welfare, an individual residing in the
5 same home as the victim or a paramour of the victim's
6 parent; or

7 (ii) the Office of Victims' Services finds the delay
8 to have been justified, consistent with regulations of
9 the Office of Victims' Services.

10 (b) Amount.--

11 (1) Any award made under this chapter shall be in an
12 amount not exceeding out-of-pocket loss, together with loss
13 of past, present or future earnings or support resulting from
14 the injury. In no case shall the total amount of an award
15 exceed \$35,000 except for payment of the following:

16 (i) counseling, the maximum amount of which shall be
17 in accordance with paragraph (4.1);

18 (ii) forensic rape examination and medications
19 directly related to the sexual assault or rape, the
20 amount of which shall not exceed \$1,000; or

21 (iii) reasonable and necessary costs of cleaning the
22 crime scene of a private residence, the amount of which
23 shall not exceed \$500.

24 (2) An award made for loss of earnings or support shall,
25 unless reduced pursuant to other provisions of this chapter,
26 be in an amount equal to the actual loss sustained. The
27 following shall apply:

28 (i) No such award shall exceed the average weekly
29 wage for all persons covered by the act of December 5,
30 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the

1 Unemployment Compensation Law, in this Commonwealth as
2 determined annually by the Department of Labor and
3 Industry for each week of lost earnings or support.

4 (ii) Except as set forth in subparagraph (iii), the
5 aggregate award for the loss shall not exceed \$15,000.

6 (iii) In the case of death of a direct victim or
7 intervenor, the aggregate award shall not exceed \$20,000.

8 (3) If an order of restitution has been entered on
9 behalf of the direct victim, those amounts actually collected
10 shall be applied first to property losses incidental to the
11 crime and secondly to personal injury losses as provided in
12 subsection (f).

13 (4) An award for counseling performed by or under the
14 supervision of a psychiatrist, psychologist, licensed
15 professional counselor or licensed social worker and subject
16 to the provisions of paragraph (4.1) may be made to:

17 (i) a direct victim;

18 (ii) an individual responsible for the direct
19 victim's welfare;

20 (iii) an individual who is physically present at the
21 crime scene and witnesses a violent crime;

22 (iv) in the case of a homicide, an individual who
23 discovers the body;

24 (v) anyone related to the direct victim within the
25 second degree of consanguinity or affinity;

26 (vi) anyone maintaining a common-law relationship
27 with the direct victim;

28 (vii) anyone residing in the same household with the
29 direct victim; or

30 (viii) anyone engaged to be married to the direct

1 victim.

2 (4.1) In the case of an award made pursuant to paragraph
3 (4), the following shall apply:

4 (i) The amount of an award under paragraph (4) (i)
5 shall not exceed \$5,000 where the direct victim is an
6 adult and shall not exceed \$10,000 where the direct
7 victim is a minor.

8 (ii) The amount of an award under paragraph (4) (ii),
9 (v), (vi), (vii) or (viii) shall not exceed \$2,500,
10 except in the case of a homicide, where the amount of the
11 award shall not exceed \$5,000.

12 (iii) The amount of an award under paragraph (4)
13 (iii) or (iv) shall not exceed \$1,500.

14 (5) An award for the reasonable and necessary costs for
15 the replacement of prosthetic devices, wheelchairs, canes,
16 walkers, hearing aids, eyeglasses or other corrective lenses,
17 dental devices or prescription medications damaged or stolen
18 as a result of the crime shall be at a rate set by the Office
19 of Victims' Services. Expenses for prosthetic devices,
20 wheelchairs, canes, walkers, hearing aids, eyeglasses or
21 other corrective lenses, dental devices or prescription
22 medications needed as a result of the crime shall be counted
23 against the \$35,000 award limitation.

24 (c) Public assistance.--Provisions of awards made pursuant
25 to a statute compensating or benefiting a direct victim or
26 claimant shall in no way affect the claimant's or direct
27 victim's eligibility under public assistance or any other
28 Federal or Commonwealth social benefit or assistance program.

29 (d) Apportionment.--If there are two or more individuals
30 entitled to an award as a result of the death of a direct victim

1 or intervenor, the award shall be apportioned among the
2 claimants.

3 (e) Reduction.--Except as otherwise provided in this part,
4 an award made under this chapter shall be reduced by the amount
5 of any payments received or to be received by the claimant as a
6 result of the injury:

7 (1) from or on behalf of the individual who committed
8 the crime;

9 (2) under any insurance or health and welfare programs,
10 including those mandated by law;

11 (3) under any contract of insurance in which the
12 claimant is the beneficiary;

13 (4) from public funds;

14 (5) as an emergency award under section 8706 (relating
15 to emergency awards);

16 (6) under any pension program, including those providing
17 for disability or survivor's benefits; or

18 (7) under a settlement or award made by or on behalf of
19 a party alleged to be responsible in whole or in part for the
20 injury, without regard to the party's criminal culpability.

21 (f) Direct victim responsibility.--

22 (1) Except as set forth in paragraphs (2) and (3), in
23 determining the amount of an award, the Office of Victims'
24 Services shall determine whether the direct victim or
25 intervenor, because of conduct, contributed to the infliction
26 of the injury. The Office of Victims' Services shall reduce
27 the amount or deny the claim altogether in accordance with
28 the determination.

29 (2) If the crime involved is rape or sexual assault, the
30 conduct of the direct victim shall not be considered. If the

1 crime involved is related to domestic violence, the conduct
2 of the direct victim shall not be considered unless the
3 direct victim was the primary aggressor.

4 (3) If the crime involved is a homicide, the conduct of
5 the direct victim shall not be considered for claims by
6 eligible claimants for counseling.

7 (g) Intervenor responsibility.--In determining the amount of
8 an award to an intervenor, the Office of Victims' Services may
9 consider whether the intervenor, because of conduct, contributed
10 to the infliction of the injury. The Office of Victims' Services
11 shall reduce the amount or deny the claim altogether in
12 accordance with the determination.

13 (h) Forensic rape investigation.--

14 (1) A hospital or other licensed health care provider
15 may submit a claim for reimbursement for the cost of a
16 forensic rape examination if the cost is not covered by
17 insurance or the victim requests that the insurance carrier
18 not be billed. Upon filing of a claim, the Office of Victims'
19 Services shall promptly notify the prosecutor of the county
20 where the crime is alleged to have occurred. The
21 reimbursement, where applicable, shall be at a rate set by
22 the Office of Victims' Services.

23 (2) The cost of a forensic rape examination and the cost
24 of medications prescribed to the direct victim shall not be
25 charged to the victim.

26 (3) A sexual assault or rape victim need not be an
27 applicant for any other compensation under this chapter.

28 § 8708. Manner of payment.

29 (a) Lump sum.--

30 (1) The award shall be paid in a lump sum, except that,

1 in the case of death or protracted disability, the award may
2 provide for periodic payments.

3 (2) No award made under this chapter shall be subject to
4 execution or attachment other than for expenses resulting
5 from the injury which is the basis for the claim.

6 (3) All awards shall be paid by or under the authority
7 of the State Treasurer.

8 (4) An award shall not be considered as compensation
9 taxable as income under Article III of the act of March 4,
10 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

11 (5) The Office of Victims' Services shall reconsider at
12 least annually every award being paid in installments.

13 (6) The Office of Victims' Services may reconsider a
14 claim at any time and modify or rescind previous orders for
15 compensation based upon a change in financial circumstances
16 of a direct victim or one or more surviving dependents.

17 (b) Medical expenses.--

18 (1) Medical expenses, except as otherwise provided,
19 shall be paid to a hospital or other licensed health care
20 provider on behalf of the victim at a rate set by the Office
21 of Victims' Services.

22 (2) If the Office of Victims' Services accepts a claim,
23 the hospital or other licensed health care provider shall
24 accept such payment as payment in full and may not attempt to
25 collect from the victim any amount exceeding the amount of
26 reimbursement made by the Office of Victims' Services.

27 § 8709. Confidentiality of records.

28 (a) General rule.--All reports, records or other information
29 obtained or produced by the Office of Victims' Services during
30 the processing or investigation of a claim shall be confidential

1 and privileged, shall not be subject to subpoena or discovery,
2 shall be used for no purpose other than the processing of a
3 claim and, except as otherwise provided by law or as provided in
4 this section, shall not be introduced into evidence in any
5 judicial or administrative proceeding.

6 (b) Disclosure restricted.--Except as otherwise provided by
7 law, no person who has had access to a report, record or any
8 other information under this subsection shall disclose the
9 content of the report, record or other information or testify in
10 a judicial or administrative proceeding without the written
11 consent of the direct victim or intervenor or, if the direct
12 victim or intervenor is deceased, the claimant.

13 (c) Construction.--This section shall not be construed to
14 preclude or limit introduction of the contents of a report,
15 record or other information in an appeal hearing before the
16 Office of Victims' Services or in an investigation, prosecution
17 or judicial proceeding enforcing section 9303 (relating to
18 penalty) or in communicating with the prosecutor's office
19 regarding restitution.

20 § 8710. Responsibilities of employers, service providers and
21 insurance companies.

22 (a) Response.--Employers, insurance companies or providers
23 of services to direct victims, intervenors or claimants,
24 including, but not limited to, doctors, hospitals and
25 counselors, shall respond in writing to the request by the
26 Office of Victims' Services for confirmation or other
27 information under this chapter within 30 days of receipt of the
28 request by the Office of Victims' Services.

29 (b) Penalty.--Any person who fails to respond to a request
30 under subsection (a) shall be subject to a penalty of not more

1 than \$50 per day, up to and including the date of compliance.

2 (c) Enforcement.--The office of the district attorney of the
3 county in which the crime occurred and the Office of Victims'
4 Services shall be charged with enforcement of this section and
5 the collection of penalties, which may be given to local victim
6 service agencies or used for the enforcement and collection of
7 penalties under this section.

8 CHAPTER 89

9 SERVICES

10 Sec.

11 8901. Eligibility of victims.

12 8902. Establishment of basic services for victims of crime.

13 8903. Grant program for services.

14 § 8901. Eligibility of victims.

15 A victim has the rights and is eligible for the services
16 under sections 8201 (relating to rights) and 8902 (relating to
17 establishment of basic services for victims of crime) only if
18 the victim reported the crime to law enforcement authorities
19 without unreasonable delay after its occurrence or discovery,
20 unless the victim had a reasonable excuse not to do so.

21 § 8902. Establishment of basic services for victims of crime.

22 The commission shall provide technical assistance to and make
23 grants to district attorneys, other criminal justice agencies or
24 victim service agencies which provide crime victims with the
25 following services:

26 (1) Notification services, including all of the
27 following:

28 (i) Information concerning financial assistance and
29 other social services available as a result of being a
30 victim of crime.

1 (ii) Notification that a court proceeding to which
2 they have been subpoenaed will not go on as scheduled, in
3 order to save the victim an unnecessary trip to court.

4 (iii) Notification of the final disposition of the
5 case.

6 (2) Protection services, including all of the following:

7 (i) Protection from harm and threats of harm arising
8 out of cooperation with law enforcement and prosecution
9 efforts.

10 (ii) A secure waiting area during court proceedings
11 which does not require them to be in close proximity to
12 defendants and families and friends of defendants.

13 (3) Procedures for the expedited return by law
14 enforcement officials of personal property of victims which
15 is held for prosecutorial purposes.

16 (4) Services related to the rights of victims under
17 Chapter 82 (relating to crime victims).

18 (5) Other services as defined by the commission.

19 § 8903. Grant program for services.

20 (a) Authority.--The commission may make grants to district
21 attorneys and other criminal justice agencies for the provision
22 of the services under section 8902 (relating to establishment of
23 basic services for victims of crime).

24 (b) Regulations.--The commission shall promulgate
25 regulations necessary to ensure the cost-effective delivery of
26 victim services or victim and witness services consistent with
27 section 8902.

28 (c) Participation.--In determining grant awards, the
29 commission shall promote broad-based participation by a maximum
30 number of criminal justice agencies Statewide.

1 (d) Data.--An agency that makes application for awards under
2 this section shall provide data in support of the request as the
3 commission requires. An agency that receives an award shall
4 provide the commission with reports as the commission determines
5 necessary to assess the agency's progress in the development of
6 victim services.

7 (e) Report.--The commission shall submit an annual report to
8 the General Assembly on the progress of services provided for in
9 section 8902. The report shall include:

10 (1) The number of participating agencies and population
11 served.

12 (2) The extent of services provided.

13 (3) Any impediments to the progress of the program.

14 (4) Recommendations for reform.

15 (f) Allocation.--In the allocation of funds for services
16 under section 8902, the commission shall consider the extent to
17 which crime victims' compensation claims assistance is made
18 available.

19 CHAPTER 91

20 FINANCIAL MATTERS

21 Sec.

22 9101. Costs.

23 9102. Costs for offender supervision programs.

24 § 9101. Costs.

25 (a) Imposition.--

26 (1) A person who pleads guilty or nolo contendere or who
27 is convicted of a crime shall, in addition to costs imposed
28 under 42 Pa.C.S. § 3571(c) (relating to Commonwealth portion
29 of fines, etc.), pay costs of at least \$60 and may be
30 sentenced to pay additional costs in an amount up to the

1 statutory maximum monetary penalty for the offense committed.

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

5 (3) A juvenile shall pay costs of at least \$25 if any of
6 the following apply to the case:

7 (i) There is a consent decree.

8 (ii) There is an adjudication of delinquency.

9 (b) Disposition.--

10 (1) The Crime Victim's Compensation Fund is established
11 as a special nonlapsing fund in the State Treasury. The fund
12 shall be used by the Office of Victims' Services for payment
13 to claimants and technical assistance. Thirty-five dollars of
14 the costs imposed under subsection (a)(1) and (2) plus 30% of
15 the costs imposed under subsection (a)(1) which exceed \$60
16 shall be paid into the fund. All costs imposed under
17 subsection (a)(3) shall be paid into the fund.

18 (2) The Victim Witness Services Fund is established as a
19 special nonlapsing fund in the State Treasury. The fund shall
20 be used by the commission for victim-witness services and
21 technical assistance in nonvictim compensation-related areas
22 in accordance with this section. Twenty-five dollars of the
23 costs imposed under subsection (a)(1) and (2) plus 70% of the
24 costs imposed under subsection (a)(1) and (2) which exceed
25 \$60 shall be paid into the fund.

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

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

1 imposed by this section.

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

7 § 9102. Costs for offender supervision programs.

8 (a) County fund.--

9 (1) The county treasurer of each county shall establish
10 and administer a county offender supervision fund consisting
11 of the fees collected under this section. The county
12 treasurer shall disperse money from the fund only at the
13 discretion of the president judge of the court of common
14 pleas.

15 (2) The money in the fund shall be used to:

16 (i) Pay the salaries and employee benefits of all
17 probation and parole personnel employed by the county
18 probation and parole department and the operational
19 expenses of that department.

20 (ii) Supplement Federal, State or county
21 appropriations for the county adult probation and parole
22 department.

23 (3) The president judge shall by August 31 provide the
24 board with an annual statement which fully reflects all
25 collections deposited into and expenditures from the fund for
26 the preceding fiscal year.

27 (4) The board shall promulgate regulations to provide
28 for the permanent administration of this program.

29 (b) State fund.--

30 (1) The State Offender Supervision Fund is established

1 in the State Treasury, and shall be administered by the board
2 and comprised of the supervision fees collected by the board
3 under this section.

4 (2) The money in the fund shall be used to supplement
5 the Federal or State funds appropriated for the improvement
6 of adult probation services.

7 (c) Court.--

8 (1) The court shall impose as a condition of supervision
9 a monthly supervision fee of at least \$25 on any offender
10 placed on probation, parole, accelerated rehabilitative
11 disposition, probation without verdict or intermediate
12 punishment, unless the court finds that the fee should be
13 reduced, waived or deferred based on the offender's present
14 inability to pay.

15 (2) Of the fee collected, 50% shall be deposited into
16 the county offender supervision fund established in each
17 county in subsection (a), and the remaining 50% shall be
18 deposited into the State Offender Supervision Fund
19 established in subsection (b).

20 (d) Board.--

21 (1) The board shall impose as a condition of supervision
22 a monthly supervision fee of at least \$25 on any offender
23 under the board's supervision, unless the board finds that
24 the fee should be reduced, waived or deferred based on the
25 offender's present inability to pay.

26 (2) All fees collected shall be deposited into the State
27 Offender Supervision Fund established in subsection (b).

28 (e) Continuation.--

29 (1) For offenders under supervision of a county
30 probation department or the board as of August 14, 1991, the

1 fee shall automatically become a part of the supervision
2 conditions as if the court or board had imposed it, unless
3 the court or board makes a finding that the offender is
4 presently unable to pay.

5 (2) The court or board may make a finding that the
6 offender is unable to pay based on any of the following
7 factors:

8 (i) The offender has diligently attempted but has
9 been unable to obtain employment that provides the
10 offender sufficient income to make such payments.

11 (ii) The offender is a student in a school, a
12 college, a university or a course of vocational or
13 technical training designed to fit the student for
14 gainful employment.

15 (iii) The offender has an employment handicap as
16 determined by an examination acceptable to or ordered by
17 the court or board.

18 (iv) The offender's age prevents employment.

19 (v) The offender is responsible for the support of
20 dependents, and the payment of the assessment constitutes
21 an undue hardship on the offender.

22 (vi) Other extenuating circumstances as determined
23 by the court or board.

24 CHAPTER 93

25 ENFORCEMENT

26 Sec.

27 9301. Subrogation.

28 9302. Restitution.

29 9303. Penalty.

30 § 9301. Subrogation.

1 (a) General rule.--

2 (1) Payment of an award made under Chapter 87 (relating
3 to compensation) shall subrogate the Commonwealth, to the
4 extent of the payment, to any right of action against any
5 person accruing to the claimant, the direct victim or the
6 intervenor to recover losses resulting from the crime with
7 respect to which the award is made.

8 (2) In such a case, the Commonwealth shall be entitled
9 to bring an action against the person causing or otherwise
10 liable for the personal injuries or death for which the
11 payment was made.

12 (3) Money recovered under this section shall be
13 deposited in the Crime Victim's Compensation Fund established
14 in section 9101(b)(1) (relating to costs).

15 (b) Excess.--

16 (1) If an amount greater than that paid under Chapter 87
17 is recovered and collected in such an action, the
18 Commonwealth shall pay the balance to the claimant.

19 (2) The Attorney General shall enforce any subrogation.

20 (3) A claimant who fails to notify the Office of
21 Victims' Services of the receipt of funds from any other
22 claim or award arising out of the crime shall forfeit and pay
23 to the Commonwealth an amount equal to all awards paid by the
24 Office of Victims' Services to the claimant or on the
25 claimant's behalf.

26 § 9302. Restitution.

27 To the extent that restitution is ordered either prior to or
28 subsequent to the making of an award by the Office of Victims'
29 Services, the restitution shall be paid to the Commonwealth to
30 the extent of the award by the Office of Victims' Services.

1 § 9303. Penalty.

2 An individual who asserts a false claim under Chapter 87
3 (relating to compensation) commits a misdemeanor of the third
4 degree and shall, upon conviction, forfeit any benefit and
5 reimburse and repay the Commonwealth for payments received or
6 paid on the individual's behalf under Chapter 87.

7 CHAPTER 95

8 MISCELLANEOUS PROVISIONS

9 Sec.

10 9501. Effect on legal actions.

11 § 9501. Effect on legal actions.

12 Nothing in Chapters 75 (relating to victim advocate), 82
13 (relating to crime victims), 83 (relating to administration),
14 and 89 (relating to services) creates a cause of action or
15 defense in favor of any person arising out of the failure to
16 comply with any of these chapters.

17 Section 11. Sections 4104(e) (5) and (j), 4301, 4503,
18 6134.1(d) and 6308(c) of Title 61 are amended to read:

19 § 4104. Referral to State intermediate punishment program.

20 * * *

21 (e) Resentencing.--The department may make a written request
22 to the sentencing court that an offender who is otherwise
23 eligible but has not been referred for evaluation or originally
24 sentenced to State intermediate punishment be sentenced to State
25 intermediate punishment. The court may resentence the offender
26 to State intermediate punishment if all of the following apply:

27 * * *

28 (5) The court has otherwise complied with all other
29 requirements for the imposition of sentence including victim
30 notification under [the act of November 24, 1998 (P.L.882,

1 No. 111), known as the Crime Victims Act] 44 Pa.C.S. Pt. V
2 (relating to victim services).

3 * * *

4 (j) Definitions.--As used in this section, the term
5 "personal injury crime" shall be defined as in [section 103 of
6 the act of November 24, 1998 (P.L.882, No.111), known as the
7 Crime Victims Act] 44 Pa.C.S. § 8103 (relating to definitions).
8 § 4301. Definitions.

9 The following words and phrases when used in this chapter
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Victim." The term shall have the same meaning given to it
13 in [section 103 of the act of November 24, 1998 (P.L.882,
14 No.111), known as the Crime Victims Act] 44 Pa.C.S. § 8103
15 (relating to definitions).

16 "Victim advocate." The victim advocate within the
17 Pennsylvania Board of Probation and Parole.
18 § 4503. Definitions.

19 The following words and phrases when used in this chapter
20 shall have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

22 "Court." The trial judge exercising sentencing jurisdiction
23 over an eligible offender under this chapter or the president
24 judge or the president judge's designee if the original trial
25 judge is no longer serving as a judge of the sentencing court.

26 "Defendant." An individual charged with a criminal offense.

27 "Eligible offender." A defendant or inmate convicted of a
28 criminal offense who will be committed to the custody of the
29 department and who meets all of the following eligibility
30 requirements:

1 (1) Does not demonstrate a history of present or past
2 violent behavior.

3 (2) Has not been subject to a sentence the calculation
4 of which includes an enhancement for the use of a deadly
5 weapon as defined under law or the sentencing guidelines
6 promulgated by the Pennsylvania Commission on Sentencing or
7 the attorney for the Commonwealth has not demonstrated that
8 the defendant has been found guilty of or was convicted of an
9 offense involving a deadly weapon or offense under 18 Pa.C.S.
10 Ch. 61 (relating to firearms and other dangerous articles) or
11 the equivalent offense under the laws of the United States or
12 one of its territories or possessions, another state, the
13 District of Columbia, the Commonwealth of Puerto Rico or a
14 foreign nation.

15 (3) Has not been found guilty of or previously convicted
16 of or adjudicated delinquent for or an attempt or conspiracy
17 to commit a personal injury crime as defined under [section
18 103 of the act of November 24, 1998 (P.L.882, No.111), known
19 as the Crime Victims Act] 44 Pa.C.S. § 8103 (relating to
20 definitions), except for an offense under 18 Pa.C.S. § 2701
21 (relating to simple assault) when the offense is a
22 misdemeanor of the third degree, or an equivalent offense
23 under the laws of the United States or one of its territories
24 or possessions, another state, the District of Columbia, the
25 Commonwealth of Puerto Rico or a foreign nation.

26 (4) Has not been found guilty or previously convicted or
27 adjudicated delinquent for violating any of the following
28 provisions or an equivalent offense under the laws of the
29 United States or one of its territories or possessions,
30 another state, the District of Columbia, the Commonwealth of

1 Puerto Rico or a foreign nation:

2 18 Pa.C.S. § 4302(a) (relating to incest).

3 18 Pa.C.S. § 5901 (relating to open lewdness).

4 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet
5 child pornography).

6 Received a criminal sentence pursuant to 42 Pa.C.S. §
7 9712.1 (relating to sentences for certain drug offenses
8 committed with firearms).

9 Any offense for which registration is required under
10 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of
11 sexual offenders).

12 (5) Is not awaiting trial or sentencing for additional
13 criminal charges, if a conviction or sentence on the
14 additional charges would cause the defendant to become
15 ineligible under this definition.

16 (6) Has not been found guilty or previously convicted of
17 violating section 13(a)(14), (30) or (37) of the act of April
18 14, 1972 (P.L.233, No.64), known as The Controlled Substance,
19 Drug, Device and Cosmetic Act, where the sentence was imposed
20 pursuant to 18 Pa.C.S. § 7508(a)(1)(iii), (2)(iii), (3)(iii),
21 (4)(iii), (7)(iii) or (8)(iii) (relating to drug trafficking
22 sentencing and penalties).

23 "Program plan." An individualized plan recommended by the
24 department that contains approved treatment and other approved
25 programs designed to reduce recidivism risk of a specific
26 inmate.

27 § 6134.1. General criteria for parole by court.

28 * * *

29 (d) Definitions.--As used in this section, the following
30 words and phrases shall have the meanings given to them in this

1 subsection:

2 "Personal injury crime." The term shall have the meaning set
3 forth in [section 103 of the act of November 24, 1998 (P.L.882,
4 No.111), known as the Crime Victims Act] 44 Pa.C.S. § 8103
5 (relating to definitions).

6 "Victim." The term shall mean, in addition to the meaning
7 set forth in [section 103 of the act of November 24, 1998
8 (P.L.882, No.111), known as the Crime Victims Act] 44 Pa.C.S. §
9 8103 (relating to definitions), a member of the victim's family
10 if the victim is incapable of communicating or has died.

11 § 6308. County Probation Officers' Firearm Education and
12 Training Fund.

13 * * *

14 (c) Other moneys to be used.--In addition to payment of
15 training expenses as prescribed under subsection (b), training
16 expenses may also be paid out of the county offender supervision
17 fund under [section 1102 of the act of November 24, 1998
18 (P.L.882, No.111), known as the Crime Victims Act,] 44 Pa.C.S. §
19 9102 (relating to costs for offender supervision programs) or
20 any other county fund.

21 * * *

22 Section 12. The addition of 44 Pa.C.S. Ch. 31 is a
23 continuation of the act of November 22, 1978 (P.L.1166, No.274),
24 referred to as the Pennsylvania Commission on Crime and
25 Delinquency Law. The following apply:

26 (1) Except as otherwise provided in 44 Pa.C.S. Ch. 31,
27 all activities initiated under the Pennsylvania Commission on
28 Crime and Delinquency Law shall continue and remain in full
29 force and effect and may be completed under 44 Pa.C.S. Ch.
30 31. Resolutions, orders, regulations, rules and decisions

1 which were made under the Pennsylvania Commission on Crime
2 and Delinquency Law and which are in effect on the effective
3 date of this section shall remain in full force and effect
4 until revoked, vacated or modified under 44 Pa.C.S. Ch. 31.
5 Contracts, obligations and agreements entered into under the
6 Pennsylvania Commission on Crime and Delinquency Law are not
7 affected nor impaired by the repeal of the Pennsylvania
8 Commission on Crime and Delinquency Law.

9 (2) Except as set forth in paragraphs (3) and (4), any
10 difference in language between 44 Pa.C.S. Ch. 31 and the
11 Pennsylvania Commission on Crime and Delinquency Law is
12 intended only to conform to the style of the Pennsylvania
13 Consolidated Statutes and is not intended to change or affect
14 the legislative intent, judicial construction or
15 administrative interpretation and implementation of the
16 Pennsylvania Commission on Crime and Delinquency Law.

17 (3) Paragraph (2) does not apply to 44 Pa.C.S. § 3102(b)
18 (19).

19 (4) The following provisions of the Pennsylvania
20 Commission on Crime and Delinquency Law are obsolete and
21 excluded from the addition of 44 Pa.C.S. Ch. 31:

22 (i) The definition of "targeted community" in
23 section 1 of the act.

24 (ii) Sections 3(6.3), (8) and (17), 4(2) and (7), 8,
25 10 and 11 of the act.

26 (5) A reference in any other act or regulation to the
27 Pennsylvania Commission on Crime and Delinquency Law shall be
28 deemed to be a reference to 44 Pa.C.S. Ch. 31.

29 Section 13. The addition of 44 Pa.C.S. Ch. 73 Subch. C is a
30 continuation of the act of February 9, 1984 (P.L.3, No.2), known

1 as the Deputy Sheriffs' Education and Training Act. The
2 following apply:

3 (1) Except as otherwise provided in 44 Pa.C.S. Ch. 73
4 Subch. C, all activities initiated under the Deputy Sheriffs'
5 Education and Training Act shall continue and remain in full
6 force and effect and may be completed under 44 Pa.C.S. Ch. 73
7 Subch. C. Resolutions, orders, regulations, rules and
8 decisions which were made under the Deputy Sheriffs'
9 Education and Training Act and which are in effect on the
10 effective date of this section shall remain in full force and
11 effect until revoked, vacated or modified under 44 Pa.C.S.
12 Ch. 73 Subch. C. Contracts, obligations and agreements
13 entered into under the Deputy Sheriffs' Education and
14 Training Act are not affected nor impaired by the repeal of
15 the Deputy Sheriffs' Education and Training Act.

16 (2) Except as set forth in paragraph (3), any difference
17 in language between 44 Pa.C.S. Ch. 73 Subch. C and the Deputy
18 Sheriffs' Education and Training Act is intended only to
19 conform to the style of the Pennsylvania Consolidated
20 Statutes and is not intended to change or affect the
21 legislative intent, judicial construction or administrative
22 interpretation and implementation of the Deputy Sheriffs'
23 Education and Training Act.

24 (3) The following provisions of the Deputy Sheriffs'
25 Education and Training Act are obsolete and excluded from the
26 addition of 44 Pa.C.S. Ch. 73 Subch. C:

27 (i) The exception for appointments upon the
28 effective date of the act as contained in the first
29 sentence of section 3(c) and the first sentence of
30 subsection (h) of the act.

1 (ii) Section 7(a) and the first sentence of
2 subsection (c) of the act.

3 (iii) Section 8(b)(1) and (2) and (b.1)(1) and (2)
4 of the act.

5 (4) A reference in any other act or regulation to the
6 Deputy Sheriffs' Education and Training Act shall be deemed
7 to be a reference to 44 Pa.C.S. Ch. 73 Subch. C.

8 Section 14. The addition of 44 Pa.C.S. Chapter 75 and Part V
9 is a continuation of the act of November 24, 1998 (P.L.882,
10 No.111), known as the Crime Victims Act. The following apply:

11 (1) Except as otherwise provided in 44 Pa.C.S. Ch. 75
12 and Part V, all activities initiated under the Crime Victims
13 Act shall continue and remain in full force and effect and
14 may be completed under 44 Pa.C.S. Ch. 75 and Part V, as
15 applicable. Resolutions, orders, regulations, rules and
16 decisions which were made under the Crime Victims Act and
17 which are in effect on the effective date of this section
18 shall remain in full force and effect until revoked, vacated
19 or modified under 44 Pa.C.S. Ch. 75 and Part V, as
20 applicable. Contracts, obligations and agreements entered
21 into under the Crime Victims Act are not affected nor
22 impaired by the repeal of the Crime Victims Act.

23 (2) Any difference in language between 44 Pa.C.S. Ch. 75
24 and Part V and the Crime Victims Act is intended only to
25 conform to the style of the Pennsylvania Consolidated
26 Statutes and is not intended to change or affect the
27 legislative intent, judicial construction or administrative
28 interpretation and implementation of the Crime Victims Act.

29 (3) A reference in any other act or regulation to the
30 Crime Victims Act shall be deemed to be a reference to 44

1 Pa.C.S. Ch. 75 and Part V, as applicable.

2 Section 15. Repeals are as follows:

3 (1) The General Assembly finds that the repeals under
4 paragraph (2) are necessary to effectuate this act.

5 (2) The following acts and parts of acts are repealed to
6 the extent specified:

7 (i) The act of November 22, 1978 (P.L.1166, No.274),
8 referred to as the Pennsylvania Commission on Crime and
9 Delinquency Law, is repealed.

10 (ii) The act of February 9, 1984 (P.L.3, No.2),
11 known as the Deputy Sheriffs' Education and Training Act,
12 is repealed.

13 (iii) The act of November 24, 1998 (P.L.882,
14 No.111), known as the Crime Victims Act, is repealed.

15 (iv) The act of December 21, 1998 (P.L.1187,
16 No.152), known as the Senior Citizen Advisory Committee
17 Act, is repealed.

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

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SOURCE NOTES

The source notes for this act are as follows:

Repealed Act	Section	Unofficial Citation	Superseding Provision of Title 44 (unless otherwise noted)
None	n/a	n/a	101 (new)
1978, November 22 (P.L.1166, No.274)	1	71 P.S. § 1190.21	3101 (def. of "targeted community" repealed as obsolete)
1978, November 22 (P.L.1166, No.274)	2	71 P.S. § 1190.22	3102 ((b) (19) is new)
1978, November 22 (P.L.1166, No.274)	3	71 P.S. § 1190.23	3103 para. (6.3), (8) and (17) repealed as obsolete; para. (19) is new)
1978, November 22 (P.L.1166, No.274)	4	71 P.S. § 1190.24	3104 (para. (2) and (7) repealed as obsolete)
1978, November 22 (P.L.1166, No.274)	5	71 P.S. § 1190.25	3105
1978, November 22 (P.L.1166, No.274)	6	71 P.S. § 1190.26	3106
1978, November 22 (P.L.1166, No.274)	7	Repealed 2012, October 25 (P.L.1607, No.196)	3107 (reserved)

1	(P.L.1166, No.274)	7.1	Repealed 2012,	None
2			October 25	
3			(P.L.1607, No.196)	
4	1978, November 22			
5	(P.L.1166, No.274)	7.2	Repealed 2012,	None
6			October 25	
7			(P.L.1607, No.196)	
8	1978, November 22			
9	(P.L.1166, No.274)	8	71 P.S. § 1190.28	Repealed as obsolete
10	1978, November 22			
11	(P.L.1166, No.274)	8.1	71 P.S. § 1190.28a	3108
12	1978, November 22			
13	(P.L.1166, No.274)	9	71 P.S. § 1190.29	3109
14	1978, November 22			
15	(P.L.1166, No.274)	10	71 P.S. § 1190.30	Repealed as obsolete
16	1978, November 22			
17	(P.L.1166, No.274)	11	71 P.S. § 1190.31	Repealed as obsolete
18	1978, November 22			
19	(P.L.1166, No.274)	12	Repealed 1982,	None
20			December 16	
21			(P.L.1355, No.310)	
22	1978, November 22			
23	(P.L.1166, No.274)	13	71 P.S. § 1190.33	Repealed as obsolete
24	1978, November 22			
25	(P.L.1166, No.274)	14	n/a	Repealed as obsolete
26			(Effective date)	
27	1984, February 9			
28	(P.L.3, No.2)	1	71 P.S. § 2101	7321
29	1984, February 9			
30	(P.L.3, No.2)	2	71 P.S. § 2102	7322

1	1984, February 9			
2	(P.L.3, No.2)	3	71 P.S. § 2103	7323 (part of
3				subsection (c), (g)
4				and (h) repealed as
5				obsolete)
6	1984, February 9			
7	(P.L.3, No.2)	4	71 P.S. § 2104	7324
8	1984, February 9			
9	(P.L.3, No.2)	5	71 P.S. § 2105	7325
10	1984, February 9			
11	(P.L.3, No.2)	6	71 P.S. § 2106	7326
12	1984, February 9			
13	(P.L.3, No.2)	7	71 P.S. § 2107	7327 (subsection (a)
14				and (c) first sentence
15				repealed as obsolete)
16	1984, February 9			
17	(P.L.3, No.2)	8	71 P.S. § 2108	7328 (part of
18				subsections (b) and
19				(b.1) repealed as
20				obsolete)
21	1984, February 9			
22	(P.L.3, No.2)	9	71 P.S. § 2109	7329
23	1984, February 9			
24	(P.L.3, No.2)	10	n/a	Repealed as obsolete
25			(Effective date)	
26	1998, November 24			
27	(P.L.882, No.111)	101	18 P.S. § 11.101	8101
28	1998, November 24			
29	(P.L.882, No.111)	102	18 P.S. § 11.102	8102
30	1998, November 24			

1	(P.L.882, No.111)	103	18 P.S. § 11.103	8103 (several
2				definitions are new;
3				def. of "local
4				correctional
5				institution" repealed
6				as obsolete)
7	1998, November 24			
8	(P.L.882, No.111)	201	18 P.S. § 11.201	8201
9	1998, November 24			
10	(P.L.882, No.111)	201	18 P.S. § 11.201	8201
11	1998, November 24			
12	(P.L.882, No.111)	211	18 P.S. § 11.211	8211
13	1998, November 24			
14	(P.L.882, No.111)	212	18 P.S. § 11.212	8212
15	1998, November 24			
16	(P.L.882, No.111)	213	18 P.S. § 11.213	8213
17	1998, November 24			
18	(P.L.882, No.111)	214	18 P.S. § 11.214	8214
19	1998, November 24			
20	(P.L.882, No.111)	215	18 P.S. § 11.215	8215
21	1998, November 24			
22	(P.L.882, No.111)	216	18 P.S. § 11.216	8216
23	1998, November 24	301	18 P.S. § 11.301	7501(a) and (b)
24	(P.L.882, No.111)	(a)	(a) and (c)	
25		(c)		
26	1998, November 24	301	18 P.S. §	7502
27	(P.L.882, No.111)	(b)	11.301(b)	
28	1998, November 24	302	18 P.S. § 11.302	7503
29	(P.L.882, No.111)		n/a	Chapter 83
30	n/a			Subchapter A

1					(Reserved)
2	1998, November 24				
3	(P.L.882, No.111)	311	18 P.S. § 11.311		8311
4	1998, November 24				
5	(P.L.882, No.111)	312	18 P.S. § 11.312		8312
6	1998, November 24				
7	(P.L.882, No.111)	321	18 P.S. § 11.321		8321
8	1998, November 24				
9	(P.L.882, No.111)	322	18 P.S. § 11.322		8322
10	1998, November 24				
11	(P.L.882, No.111)	501	18 P.S. § 11.501		7511
12	1998, November 24				
13	(P.L.882, No.111)	502	18 P.S. § 11.502		7512
14	1998, November 24				
15	(P.L.882, No.111)	701	18 P.S. § 11.701		8701
16	1998, November 24				
17	(P.L.882, No.111)	702	18 P.S. § 11.702	8702 ((b) (2) (i) and	
18				(ii) replace (b) (2)	
19				(ii) and (ii.1))	
20	n/a		n/a	Chapter 85	
21				(Reserved)	
22	1998, November 24				
23	(P.L.882, No.111)	703	18 P.S. § 11.703		8703
24	1998, November 24				
25	(P.L.882, No.111)	704	18 P.S. § 11.704		8704
26	1998, November 24				
27	(P.L.882, No.111)	705	18 P.S. § 11.705		8705
28	1998, November 24				
29	(P.L.882, No.111)	706	18 P.S. § 11.706		8706
30	1998, November 24				

1	(P.L.882, No.111)	707	18 P.S. § 11.707	8707
2	1998, November 24			
3	(P.L.882, No.111)	708	18 P.S. § 11.708	8708
4	1998, November 24			
5	(P.L.882, No.111)	709	18 P.S. § 11.709	8709
6	1998, November 24			
7	(P.L.882, No.111)	710	18 P.S. § 11.710	8710
8	1998, November 24			
9	(P.L.882, No.111)	901	18 P.S. § 11.901	8901
10	1998, November 24			
11	(P.L.882, No.111)	902	18 P.S. § 11.902	8902
12	1998, November 24			
13	(P.L.882, No.111)	903	18 P.S. § 11.903	8903 (part of
14				subsection (f)
15				repealed as obsolete)
16	1998, November 24			
17	(P.L.882, No.111)	1101	18 P.S. § 11.1101	9101
18	1998, November 24			
19	(P.L.882, No.111)	1102	18 P.S. § 11.1102	9102
20	1998, November 24			
21	(P.L.882, No.111)	1301	18 P.S. § 11.1301	9301
22	1998, November 24			
23	(P.L.882, No.111)	1302	18 P.S. § 11.1302	9302
24	1998, November 24			
25	(P.L.882, No.111)	1303	18 P.S. § 11.1303	9303
26	1998, November 24			
27	(P.L.882, No.111)	5101	18 P.S. § 11.5101	9501
28	1998, November 24			
29	(P.L.882, No.111)	5102	18 P.S. § 11.5102	9502
30	1998, November 24			

1	(P.L.882, No.111)	5103	n/a	Repealed as obsolete
2			(Repeals)	
3	1998, November 24			
4	(P.L.882, No.111)	5104	n/a	Repealed as obsolete
5			(Effective date)	