

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 579 Session of 2015

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

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, MARCH 15, 2016

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:

1 "Family." This term shall have the same meaning as in
2 section 103 of the act of November 24, 1998 (P.L.882, No.111),
3 known as the Crime Victims Act.

4 "Victim." This term shall have the same meaning as "direct
5 victim" in [section 103 of the act of November 24, 1998
6 (P.L.882, No.111), known as the Crime Victims Act] 44 Pa.C.S. §
7 8103 (relating to definitions).

8 § 7508.1. Substance Abuse Education and Demand Reduction Fund.

9 * * *

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

18 * * *

19 § 9401. Definitions.

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

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

25 "Office of Victim Advocate." The Office of Victim Advocate
26 established under [section 302 of the act of November 24, 1998
27 (P.L.882, No.111), known as the Crimes Victims Act] 44 Pa.C.S. §
28 7501 (relating to Office of Victim Advocate).

29 § 9402. Office of Victim Advocate.

30 The Office of Victim Advocate has the power and duty to

1 represent and advocate for the interests of individual crime
2 victims in accordance with [section 302 of the Crime Victims
3 Act] 44 Pa.C.S. Ch. 75 (relating to victim advocate), and
4 advocate for the interests of crime victims generally, including
5 the victims of crimes committed by juveniles.

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

7 § 3711. Limitation on possession of firearms.

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

13 (1) 44 Pa.C.S. Ch. 73 Subch. C (relating to deputy
14 sheriffs' education and training).

15 (1.1) 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal
16 police education and training).

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

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

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

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

26 § 6702. Definitions.

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

30 "Actual address." A residential address, school address or

1 work address of an individual.

2 "Law enforcement agency." A police department of a city,
3 borough, incorporated town or township, the Pennsylvania State
4 Police, district attorneys' offices and the Office of Attorney
5 General.

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

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

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

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

19 "Victim of sexual assault." A victim of an offense
20 enumerated in 18 Pa.C.S. §§ 3121 (relating to rape), 4302
21 (relating to incest), 6312 (relating to sexual abuse of
22 children), 6318 (relating to unlawful contact with minor) and
23 6320 (relating to sexual exploitation of children).

24 "Victim of stalking." A victim of an offense enumerated in
25 18 Pa.C.S. § 2709.1 (relating to stalking).

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

28 § 2152. Composition of commission.

29 * * *

30 (a.1) Ex officio members.--The Secretary of Corrections, the

1 victim advocate appointed under [section 301 of the act of
2 November 24, 1998 (P.L.882, No.111), known as the Crime Victims
3 Act] 44 Pa.C.S. § 7502 (relating to victim advocate), and the
4 chairman of the board, during their tenure in their respective
5 positions, shall serve as ex officio nonvoting members of the
6 commission.

7 * * *

8 § 4402. 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 "Administrative proceeding." Any proceeding other than a
13 judicial proceeding, the outcome of which is required to be
14 based on a record or documentation prescribed by law or in which
15 law or regulation is particularized in application to
16 individuals. The term includes an appeal as defined in 2 Pa.C.S.
17 § 101 (relating to definitions).

18 "Certified interpreter." A person who:

19 (1) is readily able to interpret; and

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

25 "Court Administrator." The Court Administrator of
26 Pennsylvania.

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

30 "Direct victim." A direct victim as defined in [section 103

1 of the act of November 24, 1998 (P.L.882, No.111), known as the
2 Crime Victims Act] 44 Pa.C.S. § 8103 (relating to definitions).

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

4 "Interpret." Either one of the following:

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

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

19 "Interpreter." Includes both a certified interpreter and an
20 otherwise qualified interpreter.

21 "Judicial proceeding." An action, appeal or proceeding in
22 any court of this Commonwealth.

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

27 "Otherwise qualified interpreter." A person who:

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

30 (i) is readily able to interpret; and

1 (ii) has read, understands and agrees to abide by
2 the code of professional conduct for court interpreters
3 for persons with limited English proficiency as
4 established by the Court Administrator in accordance with
5 Subchapter B.

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

8 (i) is readily able to interpret;

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

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

16 "Person who is deaf." A principal party in interest or a
17 witness who is deaf.

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

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

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

30 "Transliteration." To convey spoken or written English in an

1 English-based sign system and the process of conveying an
2 English-based sign system in spoken or written English.

3 "Witness." A person who testifies in a judicial proceeding.
4 § 9777. Transfer of inmates in need of medical treatment.

5 * * *

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

21 * * *

22 § 9799.26. Victim notification.

23 * * *

24 (b) Individual not determined to be sexually violent
25 predator or sexually violent delinquent child.--If an individual
26 is not determined to be a sexually violent predator or a
27 sexually violent delinquent child, the victim shall be notified
28 in accordance with [section 201 of the act of November 24, 1998
29 (P.L.882, No.111), known as the Crime Victims Act] 44 Pa.C.S. §
30 8201 (relating to rights).

1 * * *

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

3 Chapter

4 1. General Provisions

5 CHAPTER 1

6 GENERAL PROVISIONS

7 Sec.

8 101. Short title of title.

9 § 101. Short title of title.

10 This title shall be known and may be cited as the Law and
11 Justice Code.

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

13 PART III

14 [INCARCERATION] ADMINISTRATION OF LAW AND JUSTICE

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

16 CHAPTER 31

17 PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

18 Sec.

19 3101. Definitions.

20 3102. Pennsylvania Commission on Crime and Delinquency.

21 3103. Powers and duties of commission.

22 3104. Duties of commission relative to criminal statistics.

23 3105. Duties of public agencies and officers in reporting
24 criminal statistics.

25 3106. Juvenile Justice and Delinquency Prevention Committee.

26 3107. (Reserved).

27 3108. Justice reinvestment grants.

28 3109. Cooperation by other departments.

29 § 3101. Definitions.

30 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Commission." The Pennsylvania Commission on Crime and
4 Delinquency.

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

7 "Innovative policing." The term shall include all of the
8 following:

9 (1) Activities to obtain accreditation of municipal
10 police departments.

11 (2) Online training of law enforcement officers.

12 (3) County and regional law enforcement data-sharing
13 initiatives.

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

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

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

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

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

1 recidivism risk reduction incentive minimum sentence imposed.

2 § 3102. Pennsylvania Commission on Crime and Delinquency.

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

6 (b) Composition.--The commission shall consist of the
7 following members:

8 (1) The Attorney General.

9 (2) A justice of the Supreme Court of Pennsylvania or a
10 judge of the Superior Court of Pennsylvania.

11 (3) The Court Administrator of Pennsylvania.

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

13 (5) The Commissioner of Pennsylvania State Police.

14 (6) The chairman of the Appropriations Committee of the
15 Senate and the chairman of the Appropriations Committee of
16 the House of Representatives OR THEIR DESIGNEES. <--

17 (7) The chairman of the Juvenile Justice and Delinquency
18 Prevention Committee.

19 (8) Four members of the General Assembly OR THEIR <--
20 DESIGNEES, of whom one shall be designated by, and serve at
21 the pleasure of, the President pro tempore of the Senate, one
22 by the Minority Leader of the Senate, one by the Speaker of
23 the House of Representatives and one by the Minority Leader
24 of the House of Representatives.

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

1 agency and one representative of county commissioners.

2 (10) The Secretary of Corrections.

3 (11) The Victim Advocate.

4 (12) The Secretary of Human Services.

5 (13) The Secretary of Education.

6 (14) The Secretary of Health.

7 (15) The Chairman of the Pennsylvania Board of Probation
8 and Parole.

9 (16) The Executive Director of the Juvenile Court
10 Judges' Commission.

11 (17) The Executive Director of the Pennsylvania
12 Commission on Sentencing.

13 (18) The Secretary of Drug and Alcohol Programs.

14 (19) The chairmen of the advisory committees established
15 in the commission.

16 (20) Such additional members appointed by the Governor
17 as are necessary to implement programs authorized by Federal
18 and State law.

19 (c) Judicial appointments.--

20 (1) The member required to be a judge of a court of
21 common pleas shall be appointed by the Chief Justice.

22 (2) The member required to be a justice of the Supreme
23 Court of Pennsylvania or a judge of the Superior Court of
24 Pennsylvania shall be appointed by the Chief Justice.

25 (3) If the Court Administrator cannot serve as a member,
26 the Chief Justice shall appoint another appropriate judicial
27 administrative officer of the State to serve as that member.

28 (d) Term of office.--

29 (1) Members appointed under subsection (b) (9) and (20)
30 shall serve for a four-year term and may be appointed for no

1 more than one additional consecutive term. The terms of those
2 members who serve by virtue of the public office they hold
3 shall be concurrent with their service in the office from
4 which they derive their membership.

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

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

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

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

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

28 (i) Compensation and expenses.--Members who are not
29 Commonwealth officers or State, county or municipal employees
30 shall be paid \$75 a day for attendance at any official meeting.

1 Reasonable expenses incurred by members shall be allowed and
2 paid upon the presentation of itemized vouchers for the
3 expenses.

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

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

15 (l) (Reserved).

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

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

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

30 § 3103. Powers and duties of commission.

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

2 (1) To prepare and at least once every two years update
3 a comprehensive juvenile justice plan on behalf of the
4 Commonwealth based on an analysis of the Commonwealth's needs
5 and problems, including juvenile delinquency prevention.

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

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

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

27 (5) To audit the records of recipients of financial
28 assistance and of their contractors and, for the purpose of
29 such audits, to have access to all pertinent records required
30 to be kept by recipients of financial assistance and by their

1 contractors. The commission shall have the power to subpoena
2 witnesses and records in the execution of its auditing
3 responsibilities and, upon certification to it of failure to
4 obey any such subpoena, the Pennsylvania Supreme Court is
5 empowered after hearing to enter, when proper, an
6 adjudication of contempt and such other order as the
7 circumstances require.

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

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

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

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

26 (8) (Reserved).

27 (9) To cooperate with and render technical assistance to
28 the General Assembly or a standing committee of the General
29 Assembly, State agencies, units of general local government
30 and public and private agencies relating to the improvement

1 of the criminal and juvenile justice system, including the
2 implementation of special conferences or workshops relating
3 to special issues or professional improvement of criminal
4 justice organizations.

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

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

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

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

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

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

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

1 (17) (Reserved).

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

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

13 § 3104. Duties of commission relative to criminal statistics.

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

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

19 (2) (Reserved).

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

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

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

29 (6) To supply, at their request, to Federal bureaus or
30 departments engaged in the collection of national criminal

1 statistics data they need from this Commonwealth.

2 (7) (Reserved).

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

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

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

20 § 3105. Duties of public agencies and officers in reporting
21 criminal statistics.

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

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

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

30 (3) Give to the staff of the commission access to

1 statistical data for the purpose of carrying out the duties
2 of the commission relative to criminal statistics.

3 § 3106. Juvenile Justice and Delinquency Prevention Committee.

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

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

8 (1) The Executive Director of the Juvenile Court Judges'
9 Commission.

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

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

27 (b) Number and qualifications.--

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

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

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

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

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

16 (e) Chairman.--

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

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

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

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

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

30 (2) Perform those functions related to the direct

1 approval and disbursement of financial assistance in an
2 advisory capacity only, but the advisory committee shall have
3 the opportunity to review and comment on such applications
4 within 30 days after receipt of the application from the
5 commission.

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

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

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

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

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

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

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

30 § 3107. (Reserved).

1 § 3108. Justice reinvestment grants.

2 (a) Justice Reinvestment Fund.--The Justice Reinvestment
3 Fund is established within the State Treasury to support
4 programs and activities to improve the delivery of criminal
5 justice services within this Commonwealth.

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

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

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

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

28 (c) Deposit.--

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

1 appropriated to the fund.

2 (2) In fiscal year 2014-2015, the amounts determined to
3 be savings under subsection (b) are hereby appropriated to
4 the fund in an amount not to exceed \$21,000,000.

5 (d) Distributions.--For fiscal years 2013-2014 and 2014-
6 2015, the money in the fund shall be transferred as follows:

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

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

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

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

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

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

1 violate the terms of their supervision.

2 (iv) Six percent to the board for costs related to
3 streamlining the State parole process.

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

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

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

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

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

30 (i) Expiration.--This section shall expire July 15, 2018.

1 § 3109. Cooperation by other departments.

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

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

10 PART IV

11 OTHER OFFICERS AND

12 OFFICIALS

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

14 CHAPTER 73

15 SHERIFFS AND DEPUTY SHERIFFS

16 Subchapter

17 A. General Provisions (Reserved)

18 B. (Reserved)

19 C. Sheriff and Deputy Sheriff Education and Training

20 SUBCHAPTER A

21 GENERAL PROVISIONS

22 (Reserved)

23 SUBCHAPTER B

24 (Reserved)

25 SUBCHAPTER C

26 SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING

27 Sec.

28 7321. Scope of subchapter.

29 7322. Definitions.

30 7323. The Sheriff and Deputy Sheriff Education and Training

1 Board.

2 7324. Powers and duties of the board.

3 7325. Training program.

4 7326. Continuing education.

5 7327. Sheriff training requirement.

6 7328. Deputy sheriff requirement.

7 7329. Revocation of certification.

8 7330. Sheriff and Deputy Sheriff Education and Training

9 Account.

10 7331. Reimbursement to counties.

11 § 7321. Scope of subchapter.

12 This subchapter provides for sheriff and deputy sheriff
13 education and training.

14 § 7322. Definitions.

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

18 "Account." The Sheriff and Deputy Sheriff Education and
19 Training Account.

20 "Board." The Sheriff and Deputy Sheriff Education and
21 Training Board.

22 "Commission." The Pennsylvania Commission on Crime and
23 Delinquency.

24 § 7323. The Sheriff and Deputy Sheriff Education and Training
25 Board.

26 (a) Establishment.--The Sheriff and Deputy Sheriff Education
27 and Training Board is established within the commission.

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

30 (1) The Attorney General.

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

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

5 (4) Three individuals from different counties with a
6 minimum of eight years' experience each as a deputy sheriff.
7 One of the three shall be currently employed in the capacity
8 of deputy sheriff with the rank of sergeant or deputy
9 sheriff.

10 (5) One educator qualified in the field of curriculum
11 design.

12 (6) One county commissioner.

13 (c) Appointments and terms.--All members of the board, other
14 than the Attorney General, who shall be a permanent member,
15 shall be appointed by the Governor for a period of three years.
16 Any member of the board shall cease to be a member of the board
17 immediately upon termination of service in the position by which
18 that person was eligible for membership or appointed as a member
19 of the board.

20 (d) Vacancies.--A member appointed to fill a vacancy created
21 by any reason other than expiration of a term shall be appointed
22 for the unexpired term of the member who the appointee succeeds
23 in the same manner as the original appointment.

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

28 (f) Removal.--Members of the board, other than the Attorney
29 General, may be removed by the Governor for good cause upon
30 written notice from the Governor specifically stating the cause

1 for removal.

2 (g) Chair.--The members of the board shall elect a chair
3 from among the members to serve for a period of one year. A
4 chair may be elected to serve successive terms.

5 (h) Meetings and quorum.--The board shall meet at least four
6 times each year. Special meetings may be called by the chair of
7 the board or upon written request of three members. A quorum
8 shall consist of five members.

9 § 7324. Powers and duties of the board.

10 The board, with the review and approval of the commission,
11 shall:

12 (1) Establish, implement and administer the Sheriff and
13 Deputy Sheriff Education and Training Program according to
14 the minimum requirements set forth in this subchapter.

15 (2) Establish, implement and administer requirements for
16 the minimum courses of study and training for sheriffs and
17 deputy sheriffs.

18 (3) Establish, implement and administer requirements for
19 courses of study and in-service training for sheriffs holding
20 office and deputy sheriffs appointed prior to August 9, 1984.

21 (4) Establish, implement and administer requirements for
22 a continuing education program for all sheriffs and deputy
23 sheriffs concerning subjects the board may deem necessary and
24 appropriate for the continued education and training of
25 sheriffs and deputy sheriffs.

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

29 (6) Establish the minimum qualifications for instructors
30 and certify instructors.

1 (7) Consult and cooperate with universities, colleges,
2 law schools, community colleges and institutes for the
3 development of specialized courses for sheriffs and deputy
4 sheriffs.

5 (8) Promote the most efficient and economical program
6 for sheriff and deputy sheriff training by utilizing existing
7 facilities, programs and qualified State and local personnel.

8 (9) Certify sheriffs and deputy sheriffs who have
9 satisfactorily completed the basic education and training
10 requirements of this subchapter and issue appropriate
11 certificates to them.

12 (10) Revoke the certification of sheriffs and deputy
13 sheriffs in accordance with section 7329 (relating to
14 revocation of certification).

15 (11) Reinstate previously revoked certifications of
16 sheriffs and deputy sheriffs where the board finds that the
17 circumstances which led to the revocation of certification
18 are no longer an impediment to certification.

19 (12) Make rules and regulations and perform other duties
20 as may be reasonably necessary or appropriate to administer
21 this subchapter.

22 (13) Make an annual report to the Governor and to the
23 General Assembly concerning:

24 (i) The administration of the Sheriff and Deputy
25 Sheriff Education and Training Program.

26 (ii) The activities of the board.

27 (iii) The costs of the program.

28 § 7325. Training program.

29 The Sheriff and Deputy Sheriff Education and Training Program
30 shall include appropriate training for not less than 160 hours

1 which content and hours of instruction shall be determined by
2 the board, subject to the review and approval of the commission.
3 § 7326. Continuing education.

4 The board, with the review and approval of the commission,
5 shall establish a continuing education program for all sheriffs
6 and deputy sheriffs, which shall include not less than 20 hours
7 of continuing education every two years, concerning subjects the
8 board may deem necessary and appropriate for the continued
9 education and training of sheriffs and deputy sheriffs.

10 § 7327. Sheriff training requirement.

11 (a) Certification required.--

12 (1) It shall be the duty of any sheriff elected after
13 the effective date of this section and not holding
14 certification as either a deputy sheriff or sheriff on the
15 first Monday in January next following the election, during
16 the sheriff's term of office:

17 (i) To obtain the education and training as provided
18 in section 7325 (relating to training program), subject
19 to any reduction in hours as provided in subsection (c).

20 (ii) To meet the requirements for continuing
21 education after certification.

22 (iii) To obtain reinstatement of a previously
23 revoked certification, if applicable.

24 (2) In the case of a county which has adopted a home
25 rule charter which provides for the appointment of the
26 sheriff, a sheriff appointed after the effective date of this
27 section shall obtain certification under this section within
28 18 months of appointment.

29 (b) Continuing education.--Every sheriff shall, while in
30 office, meet the requirements for continuing education

1 established by the board, with the review and approval of the
2 commission.

3 (c) Prior education, training or experience.--The board,
4 with the review and approval of the commission, shall have the
5 authority and the discretion to reduce the hours of education
6 and training required in section 7325 for those sheriffs
7 required to receive education and training who, because of prior
8 education, training or experience, have acquired knowledge or
9 skill equivalent to that provided by the program.

10 (d) Sheriffs in office.--Any sheriff holding office on the
11 effective date of this section shall be deemed to have satisfied
12 the requirements for training under section 7325 and shall
13 receive certification from the board. From the date of the
14 certification under this subsection, sheriffs shall be subject
15 to continuing education as provided in subsection (b).

16 (e) Ineligibility.--Any sheriff failing to receive and
17 maintain certification as provided in this section shall be
18 ineligible to be on the ballot for the office of sheriff for any
19 term subsequent to that referred to in subsection (a).

20 (f) Vacancies.--

21 (1) Any person appointed to fill a vacancy in the office
22 of sheriff shall be certified or, in the alternative, obtain
23 and maintain certification during the term for which the
24 person is appointed in accordance with subsection (a). Any
25 person appointed to fill a vacancy in the office of sheriff
26 who does not fulfill the requirements of subsection (a) shall
27 be ineligible for subsequent election as provided in
28 subsection (e).

29 (2) No person appointed to fill a vacancy in the office
30 of sheriff where the balance of the unexpired term is less

1 than one year shall be subject to the requirements of
2 paragraph (1). However, a person who is elected to a term as
3 sheriff immediately following the person's previously
4 appointed term of less than one year is subject to the
5 requirements of subsection (a).

6 (g) Purpose and legislative intent.--It is hereby declared
7 to be a public policy of this Commonwealth that sheriffs receive
8 and maintain education and training equivalent to that required
9 by law of deputy sheriffs in order to preserve the safety of
10 county facilities, employees and residents. It is further
11 declared that a newly elected sheriff have an opportunity to
12 satisfy the requirements of this act during the sheriff's first
13 term, notwithstanding past training and experience.

14 § 7328. Deputy sheriff training requirement.

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

19 (b) Prior education, training or experience.--The board,
20 with the review and approval of the commission, may reduce the
21 hours of education and training required in section 7325
22 (relating to training program) for those deputy sheriffs
23 required to receive education and training who, because of prior
24 education, training or experience, have acquired knowledge or
25 skill equivalent to that provided by the program.

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

29 (d) Continuing education.--Any full-time or part-time deputy
30 sheriff who fails to meet and fails to be certified as having

1 met the requirements for continuing education established by the
2 board, with the review and approval of the commission, shall be
3 ineligible to receive any salary, compensation or other
4 consideration or thing of value for the performance of his or
5 her duties as a deputy sheriff.

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

12 § 7329. Revocation of certification.

13 (a) Revocation of deputy sheriff certification.--The board
14 shall revoke the certification of any deputy sheriff for one or
15 more of the following:

16 (1) Conviction for a felony or misdemeanor of the first
17 or second degree.

18 (2) Where the board determines the person was dismissed
19 for cause from employment as a deputy sheriff.

20 (3) Where the board determines the person is physically
21 or psychologically unfit to perform the duties of the office.

22 (4) Where the board determines the person has committed
23 misconduct which makes the person unfit to perform the duties
24 of the office, including:

25 (i) Submission to the board of a document that the
26 deputy knows contains false information, including
27 fraudulent application.

28 (ii) Cheating on board examinations or skill tests.

29 (b) Revocation of sheriff certification.--The board shall
30 revoke the certification of a sheriff only after the sheriff is

1 removed from office. Nothing in this act shall be interpreted as
2 providing grounds for removal of a sheriff from office, except
3 as provided for by Article VI of the Constitution of
4 Pennsylvania.

5 (c) Notification by sheriff.--In the case of a deputy
6 sheriff, it shall be the responsibility of the sheriff to notify
7 the board within 15 days of the occurrence of an event described
8 under subsection (a).

9 (d) Notification by county commissioners.--In the case of a
10 sheriff, it shall be the responsibility of the county
11 commissioners to notify the board within 15 days of a sheriff's
12 removal from office.

13 (e) Regulations.--The board shall establish, with the
14 approval of the commission, regulations providing for the
15 following:

16 (1) Notice of a revocation and the right of sheriffs and
17 deputy sheriffs to request a hearing.

18 (2) Standards and guidelines for application for
19 recertification following revocation.

20 § 7330. Sheriff and Deputy Sheriff Education and Training
21 Account.

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

29 (b) Surcharge.--A surcharge shall be assessed on each fee
30 collected by the sheriff of every county upon acceptance for

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

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

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

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

18 (c) Disposition of moneys collected.--The moneys collected
19 under subsection (b) shall be forwarded semiannually by the
20 sheriff of an individual county to the State Treasurer for
21 deposit into the account and used exclusively to cover the costs
22 and expenses of the Sheriff and Deputy Sheriff Education and
23 Training Program.

24 (d) Disbursements.--Disbursements from the account shall be
25 made by the commission.

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

30 § 7331. Reimbursement to counties.

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

16 CHAPTER 75

17 VICTIM ADVOCATE

18 Sec.

19 7501. Office of Victim Advocate.

20 7502. Victim advocate.

21 7503. Powers and duties of victim advocate.

22 7511. Preparole notification to victim.

23 7512. Petitions to deny parole upon expiration of minimum
24 sentence.

25 § 7501. Office of Victim Advocate.

26 (a) Establishment.--The Office of Victim Advocate is
27 established within the Pennsylvania Board of Probation and
28 Parole to represent the interests of crime victims before the
29 board or Department of Corrections. The office shall operate
30 under the direction of the victim advocate as provided in this

1 chapter.

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

7 § 7502. Victim advocate.

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

11 (b) Qualifications.--The victim advocate must be an
12 individual who:

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

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

21 (c) Term of office.--

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

26 (2) A vacancy occurring for any reason shall be filled
27 in the manner provided by section 8 of Article IV of the
28 Constitution of Pennsylvania for the remainder of the term.
29 Whenever the victim advocate's term expires, that position
30 shall be immediately deemed a vacancy, and the Governor shall

1 nominate a person to fill that position within 90 days of the
2 date of expiration even if the victim advocate continues in
3 office.

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

7 § 7503. Powers and duties of victim advocate.

8 The victim advocate has the following powers and duties:

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

12 (2) To supervise the victim notification duties
13 presently conducted by the board.

14 (3) To assist in and coordinate the preparation of
15 testimony by the crime victims as provided in sections
16 7511(c) (relating to preparole notification to victim) and
17 7512 (relating to petitions to deny parole upon expiration of
18 minimum sentence) or the submission of oral, written or
19 videotaped comments by crime victims prior to a release
20 decision.

21 (4) To represent the interests of a crime victim under
22 section 7512.

23 (5) To act as a liaison with the victim notification
24 program director in the department to coordinate victim
25 notification and services for the department and the board.

26 The victim advocate may address the interests of all victims
27 before the board, department or hearing examiner concerning
28 any issues determined appropriate by the victim advocate.

29 § 7511. Preparole notification to victim.

30 (a) Persons to be notified.--No later than 90 days prior to

1 the parole date of an offender, the victim advocate shall notify
2 the victim of the offense for which the offender was sentenced,
3 the parent or legal guardian of a victim who is a minor or a
4 member of the family if the victim is incapable of communicating
5 or has died and shall provide the appropriate person with an
6 opportunity to submit a preparole statement expressing concerns
7 or recommendations regarding the parole or parole supervision of
8 the offender.

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

14 (c) Procedure.--

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

17 (2) The person shall submit the oral, written or
18 videotaped preparole statement to the victim advocate within
19 30 days of the date of notice.

20 (3) The preparole statement shall be considered by the
21 Pennsylvania Board of Probation and Parole during preparation
22 of the parole plan.

23 § 7512. Petitions to deny parole upon expiration of minimum
24 sentence.

25 (a) Petition.--Upon the request of a victim who has notified
26 the board in writing of the victim's desire to have input and
27 make comment prior to a parole release decision, the victim
28 advocate shall petition the Pennsylvania Board of Probation and
29 Parole:

30 (1) as to the special conditions of release which may be

1 imposed; or

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

5 (b) Appearance.--

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

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

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

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

26 (2) Order that the offender not be paroled if the board
27 finds that:

28 (i) the offender would pose a risk or danger to the
29 victim or the family of the victim, if the offender were
30 released on parole; or

1 (ii) the interests of the Commonwealth would
2 otherwise be injured.

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

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

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

14 PART V

15 VICTIM SERVICES

16 Chapter

17 81. Preliminary Provisions

18 82. Crime Victims

19 83. Administration

20 85. (Reserved)

21 87. Compensation

22 89. Services

23 91. Financial Matters

24 93. Enforcement

25 95. Miscellaneous Provisions

26 CHAPTER 81

27 PRELIMINARY PROVISIONS

28 Sec.

29 8101. Short title of part.

30 8102. Legislative intent.

1 8103. Definitions.

2 § 8101. Short title of part.

3 This part shall be known and may be cited as the Crime
4 Victims Act.

5 § 8102. Legislative intent.

6 The General Assembly finds and declares as follows:

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

16 (2) The rights extended to victims of crime in Chapter
17 82 (relating to crime victims) are to be honored and
18 protected by law enforcement agencies, prosecutors and judges
19 in a manner no less vigorous than the protections afforded
20 criminal defendants.

21 § 8103. Definitions.

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

25 "Adult." Any of the following:

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

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

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

6 "Board." The Pennsylvania Board of Probation and Parole.
7 "Chief administrator." As defined in 61 Pa.C.S. § 102
8 (relating to definitions).

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

11 "Commission." The Pennsylvania Commission on Crime and
12 Delinquency.

13 "Committee." The Victims' Services Advisory Committee
14 established in section 8321 (relating to Victims' Services
15 Advisory Committee).

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

18 "County correctional institution." As defined in 61 Pa.C.S.
19 § 102 (relating to definitions). The term does not include a
20 facility used for the detention or confinement of juveniles.

21 "Crime." An act which was committed:

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

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

28 (ii) Any provision of:
29 18 Pa.C.S. (relating to crimes and offenses).
30 30 Pa.C.S. § 5502 (relating to operating

1 watercraft under influence of alcohol or controlled
2 substance).

3 30 Pa.C.S. § 5502.1 (relating to homicide by
4 watercraft while operating under influence).

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

7 75 Pa.C.S. § 3732 (relating to homicide by
8 vehicle).

9 75 Pa.C.S. § 3735 (relating to homicide by
10 vehicle while driving under influence).

11 75 Pa.C.S. § 3735.1 (relating to aggravated
12 assault by vehicle while driving under the
13 influence).

14 75 Pa.C.S. § 3742 (relating to accidents
15 involving death or personal injury).

16 75 Pa.C.S. Ch. 38 (relating to driving after
17 imbibing alcohol or utilizing drugs).

18 (iii) The laws of the United States.

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

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

24 "Department." The Department of Corrections of the
25 Commonwealth.

26 "Direct victim." An individual against whom a crime has been
27 committed or attempted and who as a direct result of the
28 criminal act or attempt suffers physical or mental injury, death
29 or the loss of earnings under this part. The term shall not
30 include the alleged offender. The term includes a resident of

1 this Commonwealth against whom an act has been committed or
2 attempted which otherwise would constitute a crime as defined in
3 this part but for its occurrence in a location other than this
4 Commonwealth and for which the individual would otherwise be
5 compensated by the crime victim compensation program of the
6 location where the act occurred but for the ineligibility of
7 such program under the provisions of the Victims of Crime Act of
8 1984 (Public Law 98-473, 42 U.S.C. § 10601 et seq.).

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

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

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

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

23 (2) anyone maintaining a common-law relationship with
24 the individual; or

25 (3) anyone residing in the same household with the
26 individual.

27 "Injury." Includes physical or mental damages incurred as a
28 direct result of a crime and aggravation of existing injuries if
29 additional losses can be attributed to the direct result of a
30 crime.

1 "International terrorism." Activities which meet all of the
2 following:

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

8 (2) Appear to be intended:

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

10 (ii) to influence the policy of a government by
11 intimidation or coercion; or

12 (iii) to affect the conduct of a government by
13 assassination or kidnapping.

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

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

25 "Juvenile." An individual who is alleged or has been
26 determined to be a "delinquent child" as defined in 42 Pa.C.S. §
27 6302 (relating to definitions).

28 "Law enforcement agency." The Pennsylvania State Police and
29 a local law enforcement agency.

30 "Local law enforcement agency." A police department of a

1 city, borough, incorporated town or township.

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

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

11 "Office of Victims' Services." The Office of Victims'
12 Services in the Pennsylvania Commission on Crime and
13 Delinquency.

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

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

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

27 (3) Expenses related to the reasonable and necessary
28 costs of cleaning a crime scene of a private residence.

29 "Cleaning" means to remove or attempt to remove stains or
30 blood caused by a crime or other dirt or debris caused by the

1 processing of a crime scene.

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

9 (5) Expenses for physical examinations and materials
10 used to obtain evidence.

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

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

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

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

19 18 Pa.C.S. Ch. 27 (relating to assault).

20 18 Pa.C.S. Ch. 29 (relating to kidnapping).

21 18 Pa.C.S. Ch. 31 (relating to sexual offenses).

22 18 Pa.C.S. § 3301 (relating to arson and related
23 offenses).

24 18 Pa.C.S. Ch. 37 (relating to robbery).

25 18 Pa.C.S. Ch. 49 Subch. B (relating to victim and
26 witness intimidation).

27 30 Pa.C.S. § 5502.1 (relating to homicide by watercraft
28 while operating under influence).

29 The former 75 Pa.C.S. § 3731 (relating to driving under
30 influence of alcohol or controlled substance) in cases

1 involving bodily injury.

2 75 Pa.C.S. § 3732 (relating to homicide by vehicle).

3 75 Pa.C.S. § 3735 (relating to homicide by vehicle while
4 driving under influence).

5 75 Pa.C.S. § 3735.1 (relating to aggravated assault by
6 vehicle while driving under the influence).

7 75 Pa.C.S. § 3742 (relating to accidents involving death
8 or personal injury).

9 75 Pa.C.S. Ch. 38 (relating to driving after imbibing
10 alcohol or utilizing drugs) in cases involving bodily injury.
11 The term includes violations of any protective order issued as a
12 result of an act related to domestic violence.

13 "Preadjudication disposition." Any of the following:

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

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

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

24 "State correctional institution." As defined in 61 Pa.C.S. §
25 102 (relating to definitions).

26 "Victim." The term means the following:

27 (1) A direct victim.

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

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

5 Chapter 25 (relating to criminal homicide).

6 Section 2702 (relating to aggravated assault).

7 Section 3121 (relating to rape).

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

13 "Victim advocate." The victim advocate in the Office of
14 Victim Advocate within the Pennsylvania Board of Probation and
15 Parole.

16 CHAPTER 82

17 CRIME VICTIMS

18 Subchapter

19 A. Bill of Rights

20 B. Responsibilities

21 SUBCHAPTER A

22 BILL OF RIGHTS

23 Sec.

24 8201. Rights.

25 § 8201. Rights.

26 Victims of crime have the following rights:

27 (1) To receive basic information concerning the services
28 available for victims of crime.

29 (2) To be notified of certain significant actions and
30 proceedings within the criminal and juvenile justice systems

1 pertaining to their case. This paragraph includes all of the
2 following:

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

6 (ii) Immediate notification of a juvenile's
7 preadjudication escape from a detention center or shelter
8 facility and of the juvenile's subsequent apprehension.

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

11 (iv) Immediate notification of an adult offender's
12 pretrial escape from a local correctional facility and of
13 the offender's subsequent apprehension.

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

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

25 (5) To have opportunity to offer prior comment on the
26 sentencing of a defendant or the disposition of a delinquent
27 child, to include the submission of a written and oral victim
28 impact statement detailing the physical, psychological and
29 economic effects of the crime on the victim and the victim's
30 family. The written statement shall be included in any

1 predisposition or presentence report submitted to the court.
2 Victim-impact statements shall be considered by a court when
3 determining the disposition of a juvenile or sentence of an
4 adult.

5 (5.1) To have notice and to provide prior comment on a
6 judicial recommendation that the defendant participate in a
7 motivational boot camp under 61 Pa.C.S. Ch. 39 (relating to
8 motivational boot camp).

9 (5.2) Upon request of the victim of a personal injury
10 crime, to have the opportunity to submit written comment or
11 present oral testimony at a disposition review hearing, which
12 comment or testimony shall be considered by the court when
13 reviewing the disposition of the juvenile.

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

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

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

26 (ii) provided immediate notice of an escape of the
27 adult and of subsequent apprehension; and

28 (iii) given the opportunity to receive notice of and
29 to provide prior comment on a recommendation sought by
30 the Department of Corrections that the offender

1 participate in a motivational boot camp under 61 Pa.C.S.
2 Ch. 39.

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

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

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

11 (8.1) If, upon the request of the victim of a personal
12 injury crime committed by a juvenile, the juvenile is ordered
13 to residential placement, a shelter facility or a detention
14 center, to:

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

17 (ii) Be provided with:

18 (A) immediate notice of an escape of the
19 juvenile, including failure to return from temporary
20 leave or home pass; and

21 (B) immediate notice of reaprehension of the
22 juvenile.

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

30 (9) If the adult is subject to an order under 23 Pa.C.S.

1 Ch. 61 (relating to protection from abuse) and is committed
2 to a county correctional institution for a violation of the
3 order or for a personal injury crime against a victim
4 protected by the order, to receive immediate notice of the
5 release of the adult on bail.

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

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

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

16 (13) Upon the request of the victim of a personal injury
17 crime, to be notified of the termination of the court's
18 jurisdiction.

19 SUBCHAPTER B

20 RESPONSIBILITIES

21 Sec.

22 8211. Responsibilities of victims of crime under basic bill of
23 rights.

24 8212. Responsibilities of State and local law enforcement
25 agencies.

26 8213. Responsibilities of prosecutor's office.

27 8214. Responsibilities of department, county correctional
28 institutions and board.

29 8215. Responsibilities of Department of Human Services and
30 mental health institutions under basic bill of

1 rights.

2 8216. Responsibilities of juvenile probation office.

3 § 8211. Responsibilities of victims of crime under basic bill
4 of rights.

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

13 § 8212. Responsibilities of State and local law enforcement
14 agencies.

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

21 (b) Notice.--

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

28 (2) Law enforcement agencies shall provide basic
29 information on the rights and services available for crime
30 victims. The information shall be in writing and shall be

1 provided to the victim within 24 hours of the law enforcement
2 agency's first contact with the victim in a manner and form
3 to be developed by the Office of Victims' Services.

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

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

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

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

1 attorney.

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

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

10 § 8213. Responsibilities of prosecutor's office.

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

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

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

29 (d) Release.--In a personal injury crime, the prosecutor's
30 office shall provide notice of the opportunity to submit input

1 into State correctional release decisions, to receive notice of
2 any release of an adult from a correctional institution and to
3 receive notice of the commitment to a mental health institution
4 from a correctional institution.

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

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

11 (1) Upon request of the victim, notice of the
12 disposition and sentence of an adult, including sentence
13 modifications.

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

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

19 (4) Prior notice of delinquency adjudication hearings
20 unless such hearings are scheduled by the juvenile probation
21 office.

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

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

26 (7) Notice of the details of the final disposition of
27 the case consistent with 42 Pa.C.S. § 6336(f) (relating to
28 conduct of hearings) unless provided by the juvenile
29 probation office.

30 (g) Assistance.--The prosecutor's office shall provide

1 assistance to the victim in all of the following:

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

4 (2) Preparation of, submission of and follow-up on
5 financial assistance claims filed with the Office of Victims'
6 Services.

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

11 § 8214. Responsibilities of department, county correctional
12 institutions and board.

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

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

28 (c) Comment.--The victim's prior comment may be oral or
29 written and shall be considered by the department or the board
30 as to the advisability of release and any conditions of release

1 which may be imposed.

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

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

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

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

23 § 8215. Responsibilities of Department of Human Services and
24 mental health institutions under basic bill of
25 rights.

26 (a) Forms.--The Department of Human Services shall develop
27 standardized forms, which shall include the address where the
28 completed form is to be sent, for the receipt of notice from a
29 victim concerning the victim's interest in discharge decisions
30 and notification of an escape. Sufficient copies of the forms

1 shall be provided to the office of the district attorney for
2 distribution to victims upon court-ordered commitment of the
3 offender to a mental health institution in the State system.

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

15 § 8216. Responsibilities of juvenile probation office.

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

18 (1) Prior notice of a delinquency adjudication hearing
19 unless the hearing has been scheduled by the prosecutor's
20 office.

21 (2) Notification of a disposition hearing.

22 (3) Notice of a juvenile's preadjudication escape from a
23 detention center or shelter facility and of the juvenile's
24 subsequent apprehension.

25 (4) Upon request, notice of whether the juvenile
26 probation office has detained or released the juvenile
27 following arrest and whether a delinquency petition has been
28 filed.

29 (5) 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 prosecutor's
2 office.

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

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

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

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

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

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

26 (2) Notify the victim of a proposed release or transfer
27 of an adjudicated delinquent from placement that is contrary
28 to a previous court order or placement plan approved at a
29 disposition review hearing and shall extend the victim the
30 opportunity to provide a written objection prior to the

1 release or transfer of the juvenile from placement.

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

6 (4) Notify the victim of the termination of the juvenile
7 court jurisdiction.

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

10 CHAPTER 83

11 ADMINISTRATION

12 Subchapter

13 A. (Reserved)

14 B. Office of Victims' Services

15 C. Committee

16 SUBCHAPTER A

17 (RESERVED)

18 SUBCHAPTER B

19 OFFICE OF VICTIMS' SERVICES

20 Sec.

21 8311. Office of Victims' Services.

22 8312. Powers and duties of Office of Victims' Services.

23 § 8311. Office of Victims' Services.

24 (a) Establishment.--The Office of Victims' Services is
25 established within the commission. The Office of Victims'
26 Services shall administer Chapter 87 (relating to compensation).
27 The Office of Victims' Services shall also dispose of all claims
28 for compensation filed under Chapter 87.

29 (b) Director.--A director of the Office of Victims' Services
30 shall be appointed by the chairman of the commission. The

1 director shall be paid compensation as the executive board may
2 determine.

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

7 § 8312. Powers and duties of Office of Victims' Services.

8 The Office of Victims' Services, subject to approval of the
9 commission, shall:

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

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

17 (3) Adopt, promulgate, amend and rescind suitable rules
18 and regulations to carry out the provisions and purposes of
19 Chapter 87 (relating to compensation). These regulations
20 shall provide for the approval of attorney fees for
21 representation before the Office of Victims' Services, a
22 hearing examiner or before Commonwealth Court upon judicial
23 review under section 8705 (relating to judicial review).
24 Awards of the attorney fees shall be in addition to awards
25 made to direct victims. Awards of attorney fees shall in no
26 case exceed 15% of the award to the direct victim or victims.
27 It shall be unlawful for an attorney to contract for or
28 receive any sum larger than the amount allowed. Regulations
29 under this paragraph shall include policies, procedures and
30 standards of review regarding claims for compensation;

1 approval or denial of claims, including contributory conduct
2 by direct victims; verification of information and documents;
3 prioritization of review; and all other matters related to
4 the processing.

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

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

14 (6) Direct medical examinations of direct victims.

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

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

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

27 (10) Arrange with the heads of other Commonwealth
28 agencies for the performance of any of its functions under
29 this act with or without reimbursement and, with the approval
30 of the Governor, delegate and authorize the redelegation of

1 any of its powers under this part.

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

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

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

19 SUBCHAPTER C

20 COMMITTEE

21 Sec.

22 8321. Victims' Services Advisory Committee.

23 8322. Powers and duties of committee.

24 § 8321. Victims' Services Advisory Committee.

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

27 (b) Membership.--The committee shall consist of the
28 following members:

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

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

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

2 (4) The Commissioner of Pennsylvania State Police.

3 (5) The victim advocate.

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

5 (7) Nine individuals appointed by the Governor. Members
6 under this paragraph must represent direct victims, Statewide
7 victims' coalitions, prosecution-based victim/witness
8 programs and other victim service or victim advocacy
9 organizations, the courts, members of local government and
10 other victims' organizations or organizations involved in the
11 coordination or delivery of services to direct victims. At
12 least one of the Governor's appointees must be a
13 representative of a victims' services agency working directly
14 with children.

15 (c) Terms.--A member under subsection (b)(1) through (5)
16 shall serve ex officio. A member under subsection (b)(6) or (7)
17 shall serve for a four-year term and may be appointed for no
18 more than one additional consecutive term.

19 (d) Restrictions.--The committee and its members are subject
20 to the same limitations and conditions imposed upon the
21 commission as prescribed in section 3102 (relating to
22 Pennsylvania Commission on Crime and Delinquency).

23 (e) Quorum.--A majority of the members shall constitute a
24 quorum. A vote of the majority of the members present shall be
25 sufficient for all actions.

26 (f) Chair.--The Governor shall appoint a chairperson from
27 among the members of the committee. The chairperson shall serve
28 at the pleasure of the Governor. A vice chairperson shall be
29 designated by the chairperson and preside at meetings in the
30 absence of the chairperson.

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

3 § 8322. Powers and duties of committee.

4 The committee shall:

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

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

15 Chapter 25 (relating to criminal homicide).

16 Section 2702 (relating to aggravated assault).

17 Section 3121 (relating to rape).

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

26 (4) Advise the commission on the definition, development
27 and correlation of programs and projects and the
28 establishment of priorities for direct victims' services and
29 compensation.

30 (5) Develop standards, methods and procedures for

1 evaluating and monitoring direct victims' services.

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

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

8 CHAPTER 85

9 (RESERVED)

10 CHAPTER 87

11 COMPENSATION

12 Sec.

13 8701. Persons eligible for compensation.

14 8702. Filing of claims for compensation.

15 8703. Minimum allowable claim.

16 8704. Determination of claims.

17 8705. Judicial review.

18 8706. Emergency awards.

19 8707. Awards.

20 8708. Manner of payment.

21 8709. Confidentiality of records.

22 8710. Responsibilities of employers, service providers and
23 insurance companies.

24 § 8701. Persons eligible for compensation.

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

27 (1) A direct victim.

28 (2) An intervenor.

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

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

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

6 (b) Exception.--

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

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

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

18 § 8702. Filing of claims for compensation.

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

23 (1) If the individual is a minor, the claim may be filed
24 by a parent or guardian. If the parent or guardian of a minor
25 who is eligible for compensation is unavailable or fails to
26 assume financial responsibility for the minor's care, a
27 person who assumes financial responsibility for services
28 eligible for compensation and who is not a provider of
29 services or an insurance company may file a claim on behalf
30 of the minor and may receive compensation for eligible

1 services provided to the minor.

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

12 (b) Time.--

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

19 (2) Exceptions shall be as follows:

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

27 (A) The limitation period under this subsection
28 is tolled until the direct victim reaches 21 years of
29 age.

30 (B) The limitation period shall run until the

1 later of:

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

5 (II) the end of the limitation period under
6 paragraph (1).

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

11 (A) The limitation period under this subsection
12 is tolled until the direct victim reaches 21 years of
13 age.

14 (B) The limitation period shall run until the
15 later of:

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

19 (II) the end of the limitation period under
20 paragraph (1).

21 (b.1) Returned claims.--

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

27 (2) The correction or additional verification or
28 information must be filed within a period of time established
29 by the Office of Victims' Services.

30 (c) Manner.--Claims must be filed with the Office of

1 Victims' Services in person, by mail or by any electronic means
2 authorized by the Office of Victims' Services.

3 § 8703. Minimum allowable claim.

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

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

11 § 8704. Determination of claims.

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

15 (b) Review.--

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

27 (2) Claims shall be investigated and determined,
28 regardless of whether the alleged criminal has been
29 apprehended, prosecuted or adjudicated for the crime in
30 question.

1 (c) Determination.--

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

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

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

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

18 § 8705. Judicial review.

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

25 § 8706. Emergency awards.

26 (a) Authorization.--Notwithstanding the provisions of
27 sections 8704 (relating to determination of claims) and 8707
28 (relating to awards), if it appears to the Office of Victims'
29 Services that the claim is one with respect to which an award
30 probably will be made and that undue hardship will result to the

1 claimant if immediate payment is not made, the Office of
2 Victims' Services may make an emergency award to the claimant
3 pending a final decision in the case. The following shall apply:

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

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

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

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

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

21 § 8707. Awards.

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

24 (1) A crime was committed.

25 (2) The person injured or killed was a direct victim or
26 intervenor.

27 (3) The crime was promptly reported to the proper
28 authorities. In no case may an award be made if the record
29 shows that the report was made more than 72 hours after the
30 occurrence of the crime unless:

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

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

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

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

22 (1) Withdrawn, unless the Office of Victims' Services
23 finds the withdrawal to have been justified, consistent with
24 the Office of Victims' Services regulations.

25 (2) Filed more than 72 hours after the occurrence of the
26 criminal conduct leading to the commencement of the action,
27 unless:

28 (i) the victim is under 18 years of age at the time
29 of the occurrence of the criminal conduct and the alleged
30 offender is the victim's parent or a person responsible

1 for the victim's welfare, an individual residing in the
2 same home as the victim or a paramour of the victim's
3 parent; or

4 (ii) the Office of Victims' Services finds the delay
5 to have been justified, consistent with regulations of
6 the Office of Victims' Services.

7 (b) Amount.--

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

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

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

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

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

25 (i) No such award shall exceed the average weekly
26 wage for all persons covered by the act of December 5,
27 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the
28 Unemployment Compensation Law, in this Commonwealth as
29 determined annually by the Department of Labor and
30 Industry for each week of lost earnings or support.

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

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

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

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

14 (i) a direct victim;

15 (ii) an individual responsible for the direct
16 victim's welfare;

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

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

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

23 (vi) anyone maintaining a common-law relationship
24 with the direct victim;

25 (vii) anyone residing in the same household with the
26 direct victim; or

27 (viii) anyone engaged to be married to the direct
28 victim.

29 (4.1) In the case of an award made pursuant to paragraph
30 (4), the following shall apply:

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

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

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

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

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

26 (d) Apportionment.--If there are two or more individuals
27 entitled to an award as a result of the death of a direct victim
28 or intervenor, the award shall be apportioned among the
29 claimants.

30 (e) Reduction.--Except as otherwise provided in this part,

1 an award made under this chapter shall be reduced by the amount
2 of any payments received or to be received by the claimant as a
3 result of the injury:

4 (1) from or on behalf of the individual who committed
5 the crime;

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

8 (3) under any contract of insurance in which the
9 claimant is the beneficiary;

10 (4) from public funds;

11 (5) as an emergency award under section 8706 (relating
12 to emergency awards);

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

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

18 (f) Direct victim responsibility.--

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

26 (2) If the crime involved is rape or sexual assault, the
27 conduct of the direct victim shall not be considered. If the
28 crime involved is related to domestic violence, the conduct
29 of the direct victim shall not be considered unless the
30 direct victim was the primary aggressor.

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

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

10 (h) Forensic rape investigation.--

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

20 (2) The cost of a forensic rape examination and the cost
21 of medications prescribed to the direct victim shall not be
22 charged to the victim.

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

25 § 8708. Manner of payment.

26 (a) Lump sum.--

27 (1) The award shall be paid in a lump sum, except that,
28 in the case of death or protracted disability, the award may
29 provide for periodic payments.

30 (2) No award made under this chapter shall be subject to

1 execution or attachment other than for expenses resulting
2 from the injury which is the basis for the claim.

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

5 (4) An award shall not be considered as compensation
6 taxable as income under Article III of the act of March 4,
7 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

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

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

14 (b) Medical expenses.--

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

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

24 § 8709. Confidentiality of records.

25 (a) General rule.--All reports, records or other information
26 obtained or produced by the Office of Victims' Services during
27 the processing or investigation of a claim shall be confidential
28 and privileged, shall not be subject to subpoena or discovery,
29 shall be used for no purpose other than the processing of a
30 claim and, except as otherwise provided by law or as provided in

1 this section, shall not be introduced into evidence in any
2 judicial or administrative proceeding.

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

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

17 § 8710. Responsibilities of employers, service providers and
18 insurance companies.

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

26 (b) Penalty.--Any person who fails to respond to a request
27 under subsection (a) shall be subject to a penalty of not more
28 than \$50 per day, up to and including the date of compliance.

29 (c) Enforcement.--The office of the district attorney of the
30 county in which the crime occurred and the Office of Victims'

1 Services shall be charged with enforcement of this section and
2 the collection of penalties, which may be given to local victim
3 service agencies or used for the enforcement and collection of
4 penalties under this section.

5 CHAPTER 89

6 SERVICES

7 Sec.

8 8901. Eligibility of victims.

9 8902. Establishment of basic services for victims of crime.

10 8903. Grant program for services.

11 § 8901. Eligibility of victims.

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

18 § 8902. Establishment of basic services for victims of crime.

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

23 (1) Notification services, including all of the
24 following:

25 (i) Information concerning financial assistance and
26 other social services available as a result of being a
27 victim of crime.

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

1 (iii) Notification of the final disposition of the
2 case.

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

4 (i) Protection from harm and threats of harm arising
5 out of cooperation with law enforcement and prosecution
6 efforts.

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

10 (3) Procedures for the expedited return by law
11 enforcement officials of personal property of victims which
12 is held for prosecutorial purposes.

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

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

16 § 8903. Grant program for services.

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

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

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

28 (d) Data.--An agency that makes application for awards under
29 this section shall provide data in support of the request as the
30 commission requires. An agency that receives an award shall

1 provide the commission with reports as the commission determines
2 necessary to assess the agency's progress in the development of
3 victim services.

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

7 (1) The number of participating agencies and population
8 served.

9 (2) The extent of services provided.

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

11 (4) Recommendations for reform.

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

16 CHAPTER 91

17 FINANCIAL MATTERS

18 Sec.

19 9101. Costs.

20 9102. Costs for offender supervision programs.

21 § 9101. Costs.

22 (a) Imposition.--

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

29 (2) A person placed in a diversionary program shall pay
30 costs of at least \$60 in addition to costs imposed pursuant

1 to 42 Pa.C.S. § 3571(c).

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

4 (i) There is a consent decree.

5 (ii) There is an adjudication of delinquency.

6 (b) Disposition.--

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

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

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

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

29 (e) Court order.--No court order shall be necessary in order
30 for the defendant to incur liability for costs under this

1 section. Costs under this section must be paid in order for the
2 defendant to be eligible for probation, parole or accelerated
3 rehabilitative disposition.

4 § 9102. Costs for offender supervision programs.

5 (a) County fund.--

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

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

13 (i) Pay the salaries and employee benefits of all
14 probation and parole personnel employed by the county
15 probation and parole department and the operational
16 expenses of that department.

17 (ii) Supplement Federal, State or county
18 appropriations for the county adult probation and parole
19 department.

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

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

26 (b) State fund.--

27 (1) The State Offender Supervision Fund is established
28 in the State Treasury, and shall be administered by the board
29 and comprised of the supervision fees collected by the board
30 under this section.

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

4 (c) Court.--

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

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

17 (d) Board.--

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

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

25 (e) Continuation.--

26 (1) For offenders under supervision of a county
27 probation department or the board as of August 14, 1991, the
28 fee shall automatically become a part of the supervision
29 conditions as if the court or board had imposed it, unless
30 the court or board makes a finding that the offender is

1 presently unable to pay.

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

5 (i) The offender has diligently attempted but has
6 been unable to obtain employment that provides the
7 offender sufficient income to make such payments.

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

12 (iii) The offender has an employment handicap as
13 determined by an examination acceptable to or ordered by
14 the court or board.

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

16 (v) The offender is responsible for the support of
17 dependents, and the payment of the assessment constitutes
18 an undue hardship on the offender.

19 (vi) Other extenuating circumstances as determined
20 by the court or board.

21 CHAPTER 93

22 ENFORCEMENT

23 Sec.

24 9301. Subrogation.

25 9302. Restitution.

26 9303. Penalty.

27 § 9301. Subrogation.

28 (a) General rule.--

29 (1) Payment of an award made under Chapter 87 (relating
30 to compensation) shall subrogate the Commonwealth, to the

1 extent of the payment, to any right of action against any
2 person accruing to the claimant, the direct victim or the
3 intervenor to recover losses resulting from the crime with
4 respect to which the award is made.

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

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

12 (b) Excess.--

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

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

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

23 § 9302. Restitution.

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

28 § 9303. Penalty.

29 An individual who asserts a false claim under Chapter 87
30 (relating to compensation) commits a misdemeanor of the third

1 degree and shall, upon conviction, forfeit any benefit and
2 reimburse and repay the Commonwealth for payments received or
3 paid on the individual's behalf under Chapter 87.

4 CHAPTER 95

5 MISCELLANEOUS PROVISIONS

6 Sec.

7 9501. Effect on legal actions.

8 § 9501. Effect on legal actions.

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

14 Section 11. Sections 4104(e)(5) and (j), 4301, 4503,
15 6134.1(d) and 6308(c) of Title 61 are amended to read:

16 § 4104. Referral to State intermediate punishment program.

17 * * *

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

24 * * *

25 (5) The court has otherwise complied with all other
26 requirements for the imposition of sentence including victim
27 notification under [the act of November 24, 1998 (P.L.882,
28 No. 111), known as the Crime Victims Act] 44 Pa.C.S. Pt. V
29 (relating to victim services).

30 * * *

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

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

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

13 "Victim advocate." The victim advocate within the
14 Pennsylvania Board of Probation and Parole.
15 § 4503. Definitions.

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

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

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

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

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

30 (2) Has not been subject to a sentence the calculation

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

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

23 (4) Has not been found guilty or previously convicted or
24 adjudicated delinquent for violating any of the following
25 provisions or an equivalent offense under the laws of the
26 United States or one of its territories or possessions,
27 another state, the District of Columbia, the Commonwealth of
28 Puerto Rico or a foreign nation:

29 18 Pa.C.S. § 4302(a) (relating to incest).

30 18 Pa.C.S. § 5901 (relating to open lewdness).

1 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet
2 child pornography).

3 Received a criminal sentence pursuant to 42 Pa.C.S. §
4 9712.1 (relating to sentences for certain drug offenses
5 committed with firearms).

6 Any offense for which registration is required under
7 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of
8 sexual offenders).

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

13 (6) Has not been found guilty or previously convicted of
14 violating section 13(a)(14), (30) or (37) of the act of April
15 14, 1972 (P.L.233, No.64), known as The Controlled Substance,
16 Drug, Device and Cosmetic Act, where the sentence was imposed
17 pursuant to 18 Pa.C.S. § 7508(a)(1)(iii), (2)(iii), (3)(iii),
18 (4)(iii), (7)(iii) or (8)(iii) (relating to drug trafficking
19 sentencing and penalties).

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

24 § 6134.1. General criteria for parole by court.

25 * * *

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

29 "Personal injury crime." The term shall have the meaning set
30 forth in [section 103 of the act of November 24, 1998 (P.L.882,

1 No.111), known as the Crime Victims Act] 44 Pa.C.S. § 8103
2 (relating to definitions).

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

8 § 6308. County Probation Officers' Firearm Education and
9 Training Fund.

10 * * *

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

18 * * *

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

23 (1) Except as otherwise provided in 44 Pa.C.S. Ch. 31,
24 all activities initiated under the Pennsylvania Commission on
25 Crime and Delinquency Law shall continue and remain in full
26 force and effect and may be completed under 44 Pa.C.S. Ch.
27 31. Resolutions, orders, regulations, rules and decisions
28 which were made under the Pennsylvania Commission on Crime
29 and Delinquency Law and which are in effect on the effective
30 date of this section shall remain in full force and effect

1 until revoked, vacated or modified under 44 Pa.C.S. Ch. 31.
2 Contracts, obligations and agreements entered into under the
3 Pennsylvania Commission on Crime and Delinquency Law are not
4 affected nor impaired by the repeal of the Pennsylvania
5 Commission on Crime and Delinquency Law.

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

14 (3) Paragraph (2) does not apply to 44 Pa.C.S. § ~~3102(b)~~ <--
15 ~~(19)~~ 3102(B)(6), (8) AND (19). <--

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

19 (i) The definition of "targeted community" in
20 section 1 of the act.

21 (ii) Sections 3(6.3), (8) and (17), 4(2) and (7), 8,
22 10 and 11 of the act.

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

26 Section 13. The addition of 44 Pa.C.S. Ch. 73 Subch. C is a
27 continuation of the act of February 9, 1984 (P.L.3, No.2), known
28 as the Sheriff and Deputy Sheriff Education and Training Act.
29 The following apply:

30 (1) Except as otherwise provided in 44 Pa.C.S. Ch. 73

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

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

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

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

28 (ii) Section 7(a) and the first sentence of
29 subsection (c) of the act.

30 (iii) Section 8(b)(1) and (2) and (b.1)(1) and (2)

1 of the act.

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

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

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

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

26 (3) A reference in any other act or regulation to the
27 Crime Victims Act shall be deemed to be a reference to 44
28 Pa.C.S. Ch. 75 and Part V, as applicable.

29 Section 15. Repeals are as follows:

30 (1) The General Assembly finds that the repeals under

1 paragraph (2) are necessary to effectuate this act.

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

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

7 (ii) The act of February 9, 1984 (P.L.3, No.2),
8 known as the Sheriff and Deputy Sheriff Education and
9 Training Act, is repealed.

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

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

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

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2	1984, February 9			
3	(P.L.3, No.2)	2	71 P.S. § 2102	7322
4	1984, February 9			
5	(P.L.3, No.2)	3	71 P.S. § 2103	7323 (part of
6				subsection (c), (g)
7				and (h) repealed as
8				obsolete)
9	1984, February 9			
10	(P.L.3, No.2)	4	71 P.S. § 2104	7324
11	1984, February 9			
12	(P.L.3, No.2)	5	71 P.S. § 2105	7325
13	1984, February 9			
14	(P.L.3, No.2)	6	71 P.S. § 2106	7326
15	1984, February 9			
16	(P.L.3, No.2)	7	71 P.S. § 2107	7327 (subsection (a)
17				and (c) first sentence
18				repealed as obsolete)
19	1984, February 9			
20	(P.L.3, No.2)	8	71 P.S. § 2108	7328 (part of
21				subsections (b) and
22				(b.1) repealed as
23				obsolete)
24	1984, February 9			
25	(P.L.3, No.2)	9	71 P.S. § 2109	7329
26	1984, February 9			
27	(P.L.3, No.2)	10	n/a	Repealed as obsolete
28			(Effective date)	
29	1998, November 24			
30	(P.L.882, No.111)	101	18 P.S. § 11.101	8101

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2	1998, November 24				
3	(P.L.882, No.111)	102	18 P.S. § 11.102		8102
4	1998, November 24				
5	(P.L.882, No.111)	103	18 P.S. § 11.103		8103 (several
6					definitions are new;
7					def. of "local
8					correctional
9					institution" repealed
10					as obsolete)
11	1998, November 24				
12	(P.L.882, No.111)	201	18 P.S. § 11.201		8201
13	1998, November 24				
14	(P.L.882, No.111)	201	18 P.S. § 11.201		8201
15	1998, November 24				
16	(P.L.882, No.111)	211	18 P.S. § 11.211		8211
17	1998, November 24				
18	(P.L.882, No.111)	212	18 P.S. § 11.212		8212
19	1998, November 24				
20	(P.L.882, No.111)	213	18 P.S. § 11.213		8213
21	1998, November 24				
22	(P.L.882, No.111)	214	18 P.S. § 11.214		8214
23	1998, November 24				
24	(P.L.882, No.111)	215	18 P.S. § 11.215		8215
25	1998, November 24				
26	(P.L.882, No.111)	216	18 P.S. § 11.216		8216
27	1998, November 24	301	18 P.S. § 11.301		7501(a) and (b)
28	(P.L.882, No.111)	(a)	(a) and (c)		
29		(c)			
30	1998, November 24	301	18 P.S. §		7502

1	(P.L.882, No.111)	(b)		11.301 (b)	
2	1998, November 24	302	18	P.S. § 11.302	7503
3	(P.L.882, No.111)			n/a	Chapter 83
4	n/a				Subchapter A
5					(Reserved)
6	1998, November 24				
7	(P.L.882, No.111)	311	18	P.S. § 11.311	8311
8	1998, November 24				
9	(P.L.882, No.111)	312	18	P.S. § 11.312	8312
10	1998, November 24				
11	(P.L.882, No.111)	321	18	P.S. § 11.321	8321
12	1998, November 24				
13	(P.L.882, No.111)	322	18	P.S. § 11.322	8322
14	1998, November 24				
15	(P.L.882, No.111)	501	18	P.S. § 11.501	7511
16	1998, November 24				
17	(P.L.882, No.111)	502	18	P.S. § 11.502	7512
18	1998, November 24				
19	(P.L.882, No.111)	701	18	P.S. § 11.701	8701
20	1998, November 24				
21	(P.L.882, No.111)	702	18	P.S. § 11.702	8702 ((b) (2) (i) and
22					(ii) replace (b) (2)
23					(ii) and (ii.1))
24	n/a			n/a	Chapter 85
25					(Reserved)
26	1998, November 24				
27	(P.L.882, No.111)	703	18	P.S. § 11.703	8703
28	1998, November 24				
29	(P.L.882, No.111)	704	18	P.S. § 11.704	8704
30	1998, November 24				

1	(P.L.882, No.111)	705	18 P.S. § 11.705	8705
2	1998, November 24			
3	(P.L.882, No.111)	706	18 P.S. § 11.706	8706
4	1998, November 24			
5	(P.L.882, No.111)	707	18 P.S. § 11.707	8707
6	1998, November 24			
7	(P.L.882, No.111)	708	18 P.S. § 11.708	8708
8	1998, November 24			
9	(P.L.882, No.111)	709	18 P.S. § 11.709	8709
10	1998, November 24			
11	(P.L.882, No.111)	710	18 P.S. § 11.710	8710
12	1998, November 24			
13	(P.L.882, No.111)	901	18 P.S. § 11.901	8901
14	1998, November 24			
15	(P.L.882, No.111)	902	18 P.S. § 11.902	8902
16	1998, November 24			
17	(P.L.882, No.111)	903	18 P.S. § 11.903	8903 (part of
18				subsection (f)
19				repealed as obsolete)
20	1998, November 24			
21	(P.L.882, No.111)	1101	18 P.S. § 11.1101	9101
22	1998, November 24			
23	(P.L.882, No.111)	1102	18 P.S. § 11.1102	9102
24	1998, November 24			
25	(P.L.882, No.111)	1301	18 P.S. § 11.1301	9301
26	1998, November 24			
27	(P.L.882, No.111)	1302	18 P.S. § 11.1302	9302
28	1998, November 24			
29	(P.L.882, No.111)	1303	18 P.S. § 11.1303	9303
30	1998, November 24			

1	(P.L.882, No.111)	5101	18 P.S. § 11.5101	9501
2	1998, November 24			
3	(P.L.882, No.111)	5102	18 P.S. § 11.5102	9502
4	1998, November 24			
5	(P.L.882, No.111)	5103	n/a	Repealed as obsolete
6	(Repeals)			
7	1998, November 24			
8	(P.L.882, No.111)	5104	n/a	Repealed as obsolete
9	(Effective date)			