

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 897 Session of
2017

INTRODUCED BY STEFANO, BOSCOLA, BROWNE, MENSCH, RAFFERTY,
EICHELBERGER, FOLMER, MARTIN, WAGNER AND AUMENT,
SEPTEMBER 25, 2017

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 9, 2018

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in authorized disposition of offenders, further
4 providing for restitution for injuries to person or property;
5 and, in sentencing, further providing for victim impact
6 statements.

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

9 Section 1. Section 1106(a), (b), (c)(1), (g) and (h) of
10 Title 18 of the Pennsylvania Consolidated Statutes are amended
11 to read:

12 § 1106. Restitution for injuries to person or property.

13 (a) General rule.--Upon conviction for any crime wherein:

14 (1) property of a victim has been stolen, converted or
15 otherwise unlawfully obtained, or its value substantially
16 decreased as a direct result of the crime[, or wherein]; or

17 (2) the victim, if an individual, suffered personal
18 injury directly resulting from the crime,

1 the offender shall be sentenced to make restitution in addition
2 to the punishment prescribed therefor.

3 (b) Condition of probation or parole.--Whenever restitution
4 has been ordered pursuant to subsection (a) and the offender has
5 been placed on probation or parole, [his] the offender's
6 compliance with such order may be made a condition of such
7 probation or parole.

8 (c) Mandatory restitution.--

9 (1) The court shall order full restitution:

10 (i) Regardless of the current financial resources of
11 the defendant, so as to provide the victim with the
12 fullest compensation for the loss. The court shall not
13 reduce a restitution award by any amount that the victim
14 has received from the Crime Victim's Compensation Board
15 or other [governmental] government agency but shall order
16 the defendant to pay any restitution ordered for loss
17 previously compensated by the board to the Crime Victim's
18 Compensation Fund or other designated account when the
19 claim involves a government agency in addition to or in
20 place of the board. The court shall not reduce a
21 restitution award by any amount that the victim has
22 received from an insurance company but shall order the
23 defendant to pay any restitution ordered for loss
24 previously compensated by an insurance company to the
25 insurance company.

26 (ii) If restitution to more than one [person] victim
27 is set at the same time, the court shall set priorities
28 of payment. However, when establishing priorities, the
29 court shall order payment in the following order:

30 (A) [The victim] Any individual.

1 (A.1) Any affected government agency.

2 (B) The Crime Victim's Compensation Board.

3 (C) Any other government agency which has
4 provided reimbursement to the victim as a result of
5 the defendant's criminal conduct.

6 (D) Any insurance company which has provided
7 reimbursement to the victim as a result of the
8 defendant's criminal conduct.

9 (E) ANY ESTATE OR TESTAMENTARY TRUST. <--

10 ~~(E)~~ (F) Any business entity organized as a <--
11 nonprofit or not-for-profit entity.

12 ~~(F)~~ (G) Any other business entity. <--

13 * * *

14 (g) Preservation of private remedies.--No judgment or order
15 of restitution shall debar the [owner of the property or the
16 victim who sustained personal injury] victim, by appropriate
17 action, to recover from the offender as otherwise provided by
18 law, provided that any civil award shall be reduced by the
19 amount paid under the criminal judgment.

20 (h) Definitions.--As used in this section, the following
21 words and phrases shall have the meanings given to them in this
22 subsection:

23 "Affected government agency." The Commonwealth, a political
24 subdivision or local authority that has sustained injury to
25 property.

26 "Business entity." A domestic or foreign:

27 (1) business corporation;

28 (2) nonprofit corporation;

29 (3) general partnership;

30 (4) limited partnership;

- 1 (5) limited liability company;
- 2 (6) unincorporated nonprofit association;
- 3 (7) professional association; or
- 4 (8) business trust, common law business trust or
- 5 statutory trust.

6 "Crime." Any offense punishable under this title or by a
7 magisterial district judge.

8 "Injury to property." Loss of real or personal property,
9 including negotiable instruments, or decrease in its value,
10 directly resulting from the crime.

11 "INSURANCE COMPANY." AN ENTITY THAT COMPENSATES A VICTIM FOR <--
12 LOSS UNDER AN INSURANCE CONTRACT.

13 "INSURANCE CONTRACT." A CONTRACT GOVERNED BY THE INSURANCE
14 LAWS OF THE STATE IN WHICH IT WAS ISSUED OR A PLAN OF BENEFITS
15 SPONSORED BY AN EMPLOYER OR EMPLOYEE ORGANIZATION.

16 "Offender." Any person who has been found guilty of any
17 crime.

18 "Personal injury." Actual bodily harm, including pregnancy,
19 directly resulting from the crime.

20 "Property." Any real or personal property, including
21 currency and negotiable instruments, of the victim.

22 "Restitution." The return of the property of the victim or
23 payments in cash or the equivalent thereof pursuant to an order
24 of the court.

25 "Victim." As defined in section [479.1 of the act of April
26 9, 1929 (P.L.177, No.175), known as The Administrative Code of
27 1929] 103 of the act of November 24, 1998 (P.L.882, No.111),
28 known as the Crime Victims Act. The term includes an affected
29 government agency, the Crime Victim's Compensation Fund, if
30 compensation has been paid by the Crime Victim's Compensation

1 Fund to the victim [and], any insurance company that has
2 compensated the victim for loss under an insurance contract and
3 any business entity.

4 Section 2. Section 9738(b) of Title 42 is amended to read:
5 § 9738. Victim impact statements.

6 * * *

7 (b) Definition.--As used in this section, the term "victim"
8 shall mean a "victim" as defined in:

9 (1) [section 103 of the act of November 24, 1998
10 (P.L.882, No.111), known as the Crime Victims Act] 18 Pa.C.S.
11 § 1106 (relating to restitution for injuries to person or
12 property); or

13 (2) 18 Pa.C.S. § 3001 (relating to definitions).

14 Section 3. This act shall take effect immediately.