

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILLNo. **1072** Session of
2018

INTRODUCED BY GREENLEAF, LEACH, HUGHES, SCHWANK, YUDICHAK,
BROWNE AND STREET, MARCH 12, 2018

SENATOR BROWNE, APPROPRIATIONS, RE-REPORTED AS AMENDED,
APRIL 16, 2018

AN ACT

1 Amending the act of November 24, 1998 (P.L.882, No.111),
2 entitled "An act providing for victims' rights; imposing
3 penalties; establishing remedies; establishing the Office of
4 Victim Advocate, the Bureau of Victims' Services, the
5 Victims' Services Advisory Committee, the State Offender
6 Supervision Fund and other funds; and making repeals," in
7 preliminary provisions, further providing for definitions; in
8 crime victims, further providing for rights, for
9 responsibilities of victims of crime under basic bill of
10 rights, for responsibilities of State and local law
11 enforcement agencies and for responsibilities of prosecutor's
12 office; in administration, further providing for office, for
13 powers and duties of victim advocate and for powers and
14 duties of Office of Victims' Services; in compensation,
15 further providing for persons eligible for compensation, for
16 filing of claims for compensation, for minimum allowable
17 claim, for determination of claims, for emergency awards, for
18 awards and for confidentiality of records; in services,
19 further providing for eligibility of victims; in financial
20 matters, further providing for costs and for costs for
21 offender supervision programs; and, in enforcement, further
22 providing for subrogation.

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

25 Section 1. The definitions of "crime," "family,"
26 "intervenor," "local law enforcement agency," "loss of
27 earnings," "out-of-pocket loss" and "personal injury crime" in

1 section 103 of the act of November 24, 1998 (P.L.882, No.111),
2 known as the Crime Victims Act, are amended and the section is
3 amended by adding definitions to read:

4 Section 103. Definitions.

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

8 * * *

9 "Campus police." As defined in section 302 of the act of
10 November 29, 2004 (P.L.1383, No.180), known as the Uniform Crime
11 Reporting Act.

12 * * *

13 "Crime." An act which was committed:

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

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

20 (ii) 18 Pa.C.S. (relating to crimes and offenses).
21 30 Pa.C.S. § 5502 (relating to operating
22 watercraft under influence of alcohol or controlled
23 substance).

24 30 Pa.C.S. § 5502.1 (relating to homicide by
25 watercraft while operating under influence).

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

28 75 Pa.C.S. § 3732 (relating to homicide by
29 vehicle).

30 75 Pa.C.S. § 3732.1 (relating to aggravated

1 assault by vehicle).

2 75 Pa.C.S. § 3733 (relating to fleeing or
3 attempting to elude police officer).

4 75 Pa.C.S. § 3734 (relating to driving without
5 lights to avoid identification or arrest).

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

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

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

13 75 Pa.C.S. § 3742.1 (relating to accidents
14 involving death or personal injury while not properly
15 licensed) if the nature and circumstances of the
16 offense committed are substantially similar to an
17 offense under 75 Pa.C.S. § 3742.

18 75 Pa.C.S. Ch. 38 (relating to driving after
19 imbibing alcohol or utilizing drugs).

20 (iii) The laws of the United States.

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

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

26 * * *

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

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

30 (2) anyone maintaining a common-law relationship prior

1 to January 2, 2005, with that individual; or

2 (3) anyone residing in the same household with that
3 individual.

4 "Financial support." Includes the loss of court-ordered child
5 or spousal support payments if the victim is deprived of money
6 as a direct result of a crime.

7 * * *

8 "Intervenor." An individual who goes to the aid of another
9 and suffers physical or mental injury or death as a direct
10 result of acting not recklessly to prevent the commission of a
11 crime, to lawfully apprehend a person reasonably suspected of
12 having committed such crime or to aid the victim of such crime.
13 The term shall not include an enforcement officer or
14 investigator injured in the performance of his or her duties,
15 eligible for benefits under the act of June 28, 1935 (P.L.477,
16 No.193), referred to as the Enforcement Officer Disability
17 Benefits Law, or under the act of June 2, 1915 (P.L.736,
18 No.338), known as the Workers' Compensation Act.

19 * * *

20 "Local law enforcement agency." A police department of a
21 city, borough, incorporated town or township or campus police.

22 "Loss of earnings." [Includes] An economic loss resulting
23 from an injury or death to a victim of a crime that has not been
24 and will not be reimbursed from any other source. The term
25 includes the loss of the cash equivalent of one month's worth of
26 Social Security, railroad retirement, pension plan, retirement
27 plan, disability, veteran's retirement, [court-ordered child
28 support or court-ordered spousal] loss of support payments if
29 the payments are the primary source of the victim's income or
30 other similar benefit, and the victim is deprived of money as a

1 direct result of a crime.

2 "Loss of support." The loss of verifiable financial support
3 the direct victim would have contributed to surviving dependents
4 that is lost due to the death of the direct victim as a direct
5 result of a crime.

6 * * *

7 "Out-of-pocket loss." The term includes the following losses
8 which shall be reimbursed at a rate set by the Office of
9 Victims' Services:

10 (1) expenses for unreimbursed and unreimbursable
11 expenses or indebtedness incurred for medical care,
12 nonmedical remedial care and treatment as approved by the
13 Office of Victims' Services or other services;

14 (2) expenses for counseling, prosthetic devices,
15 wheelchairs, canes, walkers, hearing aids, eyeglasses or
16 other corrective lenses or dental devices reasonably
17 necessary as a result of the crime upon which the claim is
18 based and for which the claimant either has paid or is
19 liable;

20 (3) expenses related to the reasonable and necessary
21 costs of cleaning the crime scene of a private residence or
22 privately owned motor vehicle. "Cleaning" means to remove or
23 attempt to remove stains or blood caused by the crime or
24 other dirt or debris caused by the processing of the crime
25 scene;

26 (4) expenses resulting from the temporary or permanent
27 relocation of a direct victim and individuals residing in the
28 household of the direct victim due to the incident forming
29 the basis of the victim's claim when there is an immediate
30 need to protect the safety and health of the victim and

1 individuals residing in the household, as verified by a
2 medical provider, human services provider or law enforcement;

3 (5) expenses for physical examinations and materials
4 used to obtain evidence; or

5 (6) other reasonable expenses which are deemed necessary
6 as a direct result of the criminal incident.

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

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

12 18 Pa.C.S. Ch. 25 (relating to criminal homicide).

13 18 Pa.C.S. Ch. 27 (relating to assault).

14 18 Pa.C.S. Ch. 29 (relating to kidnapping).

15 18 Pa.C.S. Ch. 31 (relating to sexual offenses).

16 18 Pa.C.S. § 3301 (relating to arson and related
17 offenses).

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

19 18 Pa.C.S. Ch. 49 Subch. B (relating to victim and
20 witness intimidation).

21 30 Pa.C.S. § 5502.1 (relating to homicide by watercraft
22 while operating under influence).

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

26 75 Pa.C.S. § 3732 (relating to homicide by vehicle).

27 75 Pa.C.S. § 3732.1 (relating to aggravated assault by
28 vehicle).

29 75 Pa.C.S. § 3733 (relating to fleeing or attempting to
30 elude police officer).

1 75 Pa.C.S. § 3734 (relating to driving without lights to
2 avoid identification or arrest).

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. § 3742.1 (relating to accidents involving
10 death or personal injury while not properly licensed) if the
11 nature and circumstances of the offense committed are
12 substantially similar to an offense under 75 Pa.C.S. § 3742.

13 75 Pa.C.S. Ch. 38 (relating to driving after imbibing
14 alcohol or utilizing drugs) in cases involving bodily injury.
15 The term includes violations of any protective order issued as a
16 result of an act related to domestic violence.

17 * * *

18 Section 2. Section 201(11) of the act is amended and the
19 section is amended by adding a paragraph to read:

20 Section 201. Rights.

21 Victims of crime have the following rights:

22 * * *

23 (1.1) If eligible to apply, to be notified of the
24 Address Confidentiality Program under 23 Pa.C.S. Ch. 67
25 (relating to domestic and sexual violence victim address
26 confidentiality).

27 * * *

28 (11) To have assistance in the preparation of,
29 submission of and follow-up on financial assistance claims to
30 the [bureau] Office of Victims' Services.

1 * * *

2 Section 3. Sections 211, 212(b), (c) and (e) and 213(a), (d)
3 and (g) of the act are amended to read:

4 Section 211. Responsibilities of victims of crime under basic
5 bill of rights.

6 [A] Except as provided for victims enrolled in the Address
7 Confidentiality Program under 23 Pa.C.S. Ch. 67 (relating to
8 domestic and sexual violence victim address confidentiality), a
9 victim shall provide a valid address and telephone number and
10 any other required information to all agencies responsible for
11 providing information and notice to the victim. The victim shall
12 be responsible for providing timely notice of any changes in the
13 status of the information. The information provided shall not be
14 disclosed to any person other than a law enforcement agency,
15 corrections agency or prosecutor's office without the prior
16 written consent of the victim.

17 Section 212. Responsibilities of State and local law
18 enforcement agencies.

19 * * *

20 (b) Notice.--

21 (1) [Law enforcement agencies shall within 48 hours of
22 reporting give notice to the direct victim or, if
23 appropriate, a member of the direct victim's family of the
24 availability of crime victims' compensation. The notice
25 required under this subsection shall be in writing and in a
26 manner and form developed by the Office of Victims'
27 Services.] The law enforcement officer responding to or
28 investigating an incident shall provide basic information on
29 the rights and services available for crime victims and the
30 availability of crime victims' compensation to the direct

1 victim or, if appropriate, a member of the direct victim's
2 family. The information shall be provided when the officer
3 has first contact with the victim or as soon as reasonably
4 possible. The information required under this subsection
5 shall be in a written notice in a manner or form developed by
6 the Office of Victims' Services.

7 (2) [Law enforcement agencies shall provide basic
8 information on the rights and services available for crime
9 victims. The information shall be in writing and shall be
10 provided to the victim within 24 hours of the law enforcement
11 agency's first contact with the victim in a manner and form
12 to be developed by the Office of Victims' Services.] Law
13 enforcement agencies shall be responsible for ensuring that
14 officers provide the notification required under subsection
15 (b) (1).

16 (c) Application.--[The written notification provided for in
17 subsection (b) (1) shall be accompanied by one copy of the
18 application form for crime victims' compensation. Application
19 forms shall be supplied by the Office of Victims' Services to
20 law enforcement agencies. A record of the date of notification
21 shall be maintained by the law enforcement agency.] The Office
22 of Victims' Services shall maintain a mailing list of all local
23 law enforcement agencies and provide law enforcement agencies
24 with forms by which they can order [additional] claim forms. The
25 Office of Victims' Services shall also provide updates to law
26 enforcement agencies on changes which affect their
27 responsibilities under this act.

28 (e) [Forms.--The form developed by the Office of Victims'
29 Services shall be attached to the police report and shall
30 include a victim checkoff signifying that the information has

1 been provided to the crime victim.] Confirmation.--The law
2 enforcement officer responding to or investigating an incident
3 shall indicate on the police report that the information
4 required under subsection (b) was provided to the victim.

5 * * *

6 Section 213. Responsibilities of prosecutor's office.

7 (a) Forms.--The prosecutor's office shall provide the victim
8 of a personal injury crime with all forms developed pursuant to
9 sections 214 and 215 with exception to State cases whereupon the
10 victim advocate shall provide all necessary forms.

11 * * *

12 [(d) Release.--In a personal injury crime, the prosecutor's
13 office shall provide notice of the opportunity to submit input
14 into State correctional release decisions, to receive notice of
15 any release of an adult from a State or local correctional
16 facility and to receive notice of the commitment to a mental
17 health institution from a State or local correctional
18 institution.]

19 (d) Release.--The following shall apply:

20 (1) In a personal injury crime, the prosecutor's office
21 shall provide the victim advocate with victim information on
22 all personal injury cases when a State sentence is imposed:

23 (i) so the victim advocate may provide notice of
24 opportunity to submit input into State correctional
25 release decisions;

26 (ii) to provide notice of any release of an adult
27 from a State correctional facility INSTITUTION; and <--

28 (iii) to provide notice of the commitment to a
29 mental health institution from a State correctional
30 institution.

1 (2) In a personal injury crime, the prosecutor's office
2 shall provide notice of any release of an adult from a local
3 correctional facility INSTITUTION and provide notice of the <--
4 commitment to a mental health institution from a local
5 correctional institution.

6 * * *

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

9 (1) Preparation of statements under section 201(5).

10 (2) Preparation of, submission of and follow-up on
11 financial assistance claims filed with the [bureau] Office of
12 Victims' Services.

13 (3) Notification to the victim advocate on behalf of the
14 victim for personal injury crimes if the offender is
15 sentenced to a State correctional facility INSTITUTION. <--

16 * * *

17 Section 4. Section 301(c) of the act is amended and the
18 section is amended by adding a subsection to read:

19 Section 301. Office.

20 * * *

21 (c) Service and employees.--The victim advocate shall
22 operate from the central office of the board with such clerical,
23 technical and professional staff as may be available within the
24 budget of the board. The compensation of employees of the office
25 shall be set by the Executive Board. The home address of an
26 employee of the Office of Victim Advocate shall not be
27 considered a public record under the act of February 14, 2008
28 (P.L.6, No.3), known as the Right-to-Know Law.

29 (d) Disclosure and confidentiality.--

30 (1) Each record pertaining to the victim in the

1 possession of or maintained by the Office of Victim Advocate,
2 including information regarding a victim's current contact
3 information and any other information or record relating to
4 the victim, shall be private, confidential and privileged and
5 the property of the Office of Victim Advocate and shall not
6 be subject to the act of February 14, 2008 (P.L.6, No.3),
7 known as the Right-to-Know Law. A record of the Office of
8 Victim Advocate shall not be subject to subpoena or
9 discovery, introduced into evidence in a judicial or
10 administrative proceeding or released to the inmate, parolee
11 or probationer.

12 (2) Unless a victim waives the privilege in a signed
13 writing prior to testimony or disclosure, an employee of the
14 Office of the Victim Advocate shall not be competent nor
15 permitted to testify or to otherwise disclose confidential
16 communications made to or by the employee of the Office of
17 Victim Advocate. The privilege shall terminate upon the death
18 of the victim. Neither the employee of the Office of Victim
19 Advocate nor the victim shall waive the privilege of
20 confidential communications by reporting facts of physical or
21 sexual assault under 23 Pa.C.S. Ch. 63 (relating to child
22 protective services), a Federal or State mandatory reporting
23 statute or a local mandatory reporting ordinance.

24 Section 5. Section 302(5) of the act is amended and the
25 section is amended by adding paragraphs to read:

26 Section 302. Powers and duties of victim advocate.

27 The victim advocate has the following powers and duties:

28 * * *

29 (5) [To act as a liaison with the victim notification
30 program director in the department to coordinate victim

1 notification and services for the department and the board.]

2 The victim advocate is authorized to address the interests of
3 all victims before the board, department or hearing examiner
4 concerning any issues determined appropriate by the victim
5 advocate.

6 (6) To ensure eligible victims are informed of the
7 Address Confidentiality Program under 23 Pa.C.S. Ch. 67
8 (relating to domestic and sexual violence victim address
9 confidentiality).

10 (7) To advocate for the interests of crime victims
11 generally, including the victims of crimes committed by
12 juveniles.

13 Section 6. Section 312(3) of the act is amended to read:

14 Section 312. Powers and duties of Office of Victims' Services.

15 The Office of Victims' Services, subject to approval of the
16 commission, has the following powers and duties:

17 * * *

18 (3) [To adopt, promulgate, amend and rescind suitable
19 rules and regulations to carry out the provisions and
20 purposes of Chapter 7. These regulations shall provide for
21 the approval of attorney fees for representation before the
22 Office of Victims' Services, a hearing examiner or before the
23 Commonwealth Court upon judicial review under section 705.
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.] To adopt, promulgate, amend and rescind
5 suitable regulations to carry out the provisions and purposes
6 of Chapter 7. The regulations shall provide for the
7 following:

8 (i) The approval of attorney fees for representation
9 before the Office of Victims' Services, a hearing
10 examiner or before the Commonwealth Court upon judicial
11 review under section 705. Awards of the attorney fees
12 shall be in addition to awards made to direct victims or
13 claimants. Awards of attorney fees may not exceed 15% of
14 the award to the direct victim or claimants. It shall be
15 unlawful for an attorney to contract for or receive a sum
16 larger than the amount allowed under this subparagraph.

17 (ii) Policies, procedures and standards of review
18 regarding claims for compensation.

19 (iii) Approval or denial of claims, including
20 contributory conduct by direct victims.

21 (iv) Verification of information and documents.

22 (v) Prioritization of review.

23 (vi) All other matters related to the processing of
24 claims.

25 * * *

26 Section 7. Section 701(a) of the act is amended by adding
27 paragraphs to read:

28 Section 701. Persons eligible for compensation.

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

1 * * *

2 (7) Hospitals or other licensed health care providers
3 under section 707(h).

4 (8) A person eligible for counseling under this chapter.

5 * * *

6 Section 8. Sections 702(b), (b.1) and (c), 703, 704(b) and
7 (e) and 706(a) (1) and (b) of the act are amended to read:

8 Section 702. Filing of claims for compensation.

9 * * *

10 (b) Time.--

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

17 (2) Exceptions shall be as follows:

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

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

28 (B) The limitation period shall run until the
29 later of:

30 (I) the end of the limitation period for the

1 offense as set forth in 42 Pa.C.S. Ch. 55 Subch.
2 C (relating to criminal proceedings); or

3 (II) the end of the limitation period under
4 paragraph (1).

5 (ii.1) If a direct victim is under 18 years of age
6 at the time of the occurrence of the crime and the direct
7 victim is seeking reimbursement for counseling services
8 only, all of the following shall apply:

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

12 (B) The limitation period shall run until the
13 later of:

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

17 (II) the end of the limitation period under
18 paragraph (1).

19 (iii) The Office of Victims' Services may find good
20 cause to accept a claim beyond the limitation period
21 under paragraph (1) if one of the following circumstances
22 existed at the time of the occurrence of the crime or the
23 discovery of the occurrence of the crime:

24 (A) The direct victim, intervenor or claimant
25 was mentally or physically incapacitated.

26 (B) The victim was a minor.

27 (C) There was a fear of retaliation.

28 (D) The occurrence of the crime was not readily
29 apparent.

30 (E) Other circumstances when good cause is shown

1 by the claimant.

2 (b.1) Returned claims.--If a claim has been filed but
3 subsequently returned to the claimant for correction or for
4 additional verification or information, the date the claim was
5 first received by the [bureau] Office of Victims' Services shall
6 be the permanent filing date for purposes of subsection (b). The
7 correction or additional verification or information must be
8 filed within a period of time established by the Office of
9 Victims' Services.

10 (c) Manner.--Claims must be filed with the [bureau] Office
11 of Victims' Services in person, by mail or by any electronic
12 means authorized by the Office of Victims' Services.

13 Section 703. Minimum allowable claim.

14 (a) General rule.--Except as set forth in subsection (b), no
15 award shall be made on a claim unless the claimant has incurred
16 an aggregate minimum out-of-pocket loss, loss of earnings or
17 loss of support of [\$100] \$50.

18 (b) Exception.--Subsection (a) shall not apply if the direct
19 victim or claimant was 60 years of age or older at the time the
20 crime occurred.

21 Section 704. Determination of claims.

22 * * *

23 (b) Review.--

24 (1) The Office of Victims' Services shall review the
25 claim and all supporting documents and investigate the
26 validity of the claim. The investigation shall include an
27 examination of police, court and official records and reports
28 concerning the crime and may include an examination of
29 medical and hospital reports relating to the injury upon
30 which the claim is based. The Office of Victims' Services may

1 not request or review counseling notes of mental health
2 service providers. The Office of Victims' Services shall
3 request an assessment from the mental health service provider
4 as to the extent the service provided is needed as a direct
5 result of the crime.

6 (2) Claims shall be investigated and determined,
7 regardless of whether the alleged criminal has been
8 apprehended, prosecuted or adjudicated for the crime in
9 question.

10 * * *

11 (e) Records.--The Office of Victims' Services shall maintain
12 complete records and histories on all claims filed, supplemental
13 awards paid to claimants, claims status and third-party
14 entitlements and recoveries in accordance with the commission's
15 established records retention schedule.

16 Section 706. Emergency awards.

17 (a) Authorization.--Notwithstanding the provisions of
18 sections 704 and 707, if it appears to the Office of Victims'
19 Services that the claim is one with respect to which an award
20 probably will be made and that undue hardship will result to the
21 claimant if immediate payment is not made, the Office of
22 Victims' Services may make an emergency award to the claimant
23 pending a final decision in the case. The following shall apply:

24 (1) The total amount of the emergency award shall not
25 exceed [\$1,500 per claim or at] a rate set by the Office of
26 Victims' Services.

27 * * *

28 (b) Reconsideration.--The Office of Victims' Services may
29 reconsider an emergency award at any time prior to the final
30 decision in the case and increase previous orders for emergency

1 compensation up to the overall limit of [\$1,500 per claim or at]
2 a rate set by the Office of Victims' Services.

3 * * *

4 Section 9. Section 707(a)(3), (a.1)(2), (b)(1), (2), (4) and
5 (4.1), (f)(1) and (3) and (g) of the act are amended and the
6 section is amended by adding a subsection to read:

7 Section 707. Awards.

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

10 * * *

11 (3) The crime was promptly reported to the proper
12 authorities. In no case may an award be made if the record
13 shows that the report was made more than 72 hours after the
14 discovery of the occurrence of the crime unless:

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

20 (ii) the Office of Victims' Services finds the delay
21 to have been justified, consistent with bureau
22 regulations.

23 * * *

24 (a.1) Protection from abuse.--A claimant who satisfies the
25 eligibility requirements of subsection (a)(1), (2) and (4) may
26 satisfy the eligibility requirement under subsection (a)(3) for
27 reporting a crime to the proper authorities by commencing an
28 action brought in accordance with 23 Pa.C.S. Ch. 61 (relating to
29 protection from abuse) and as provided for in the Pennsylvania
30 Rules of Civil Procedure. In no case may an award be made if the

1 record shows that the petition was:

2 * * *

3 (2) Filed more than 72 hours after the discovery of the
4 occurrence of the criminal conduct leading to the
5 commencement of the action, unless:

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

12 (ii) the Office of [Victim] VICTIMS' Services finds <--
13 the delay to have been justified, consistent with
14 regulations of the Office of [Victim] VICTIMS' Services. <--

15 (a.2) Sexual violence and intimidation orders.--A claimant
16 who satisfies the eligibility requirements of subsection (a)(1),
17 (2) and (4) may satisfy the eligibility requirement under
18 subsection (a)(3) for reporting a crime to the proper
19 authorities by commencing an action brought in accordance with
20 42 Pa.C.S. Ch. 62A (relating to protection of victims of sexual
21 violence or intimidation). An award may not be made if the
22 record shows that the petition was:

23 (1) Withdrawn, unless the Office of Victim VICTIMS' <--
24 Services finds the withdrawal to have been justified,
25 consistent with regulations of the Office of Victim VICTIMS' <--
26 Services.

27 (2) Filed more than 72 hours after the discovery of the
28 occurrence of the criminal conduct leading to the
29 commencement of the action, except if:

30 (i) the victim is under 18 years of age at the time

1 of the occurrence of the criminal conduct and the alleged
2 offender is the victim's parent or a person responsible
3 for the victim's welfare, an individual residing in the
4 same home as the victim or a paramour of the victim's
5 parent; or

6 (ii) the Office of ~~Victim~~ VICTIMS' Services finds the <--
7 delay to have been justified, consistent with regulations
8 of the Office of ~~Victim~~ VICTIMS' Services. <--

9 (b) Amount.--

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

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

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

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

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

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

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

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

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

8 * * *

9 (4) An award for counseling performed by or under the
10 supervision of a psychiatrist, psychologist, licensed
11 professional counselor or licensed social worker and
12 reimbursement of associated transportation costs, subject to
13 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 intervenor or individual who is physically
18 present at the 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 prior to January 2, 2005, 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. A minor who is a direct victim of a
5 sexual offense may request that the minor's primary
6 insurance carrier not be billed for counseling services
7 if the policy is held or administered by either the
8 alleged perpetrator of the crime against the direct
9 victim or an individual responsible for the minor's
10 welfare that is not supportive of counseling services.

11 (ii) The amount of an award under paragraph (4) (ii),
12 (v), (vi), (vii) or (viii) shall not exceed \$2,500 except
13 in the case of a homicide whereby the amount of this
14 award shall not exceed \$5,000.

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

17 * * *

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] may
24 reduce the amount or deny the claim altogether in accordance
25 with the determination.

26 * * *

27 (3) If the crime involved is a homicide, the conduct of
28 the direct victim shall not be considered for claims by
29 eligible claimants for counseling[.] and funeral expenses.
30 Funeral expenses eligibility, if the conduct of the direct

1 victim is a factor, shall be dependent upon the availability
2 of funding.

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

9 * * *

10 Section 10. Sections 709(a) and 901 of the act are amended
11 to read:

12 Section 709. Confidentiality of records.

13 (a) General rule.--All reports, records or other information
14 obtained or produced by the [bureau] Office of Victims' Services
15 during the processing or investigation of a claim shall be
16 confidential and privileged, shall not be subject to subpoena or
17 discovery, shall be used for no purpose other than the
18 processing of a claim and, except as otherwise provided by law
19 or as provided in this section, shall not be introduced into
20 evidence in any judicial or administrative proceeding.

21 * * *

22 Section 901. Eligibility of victims.

23 A victim has the rights and is eligible for the services
24 under sections 201 and 902 only if the victim reported the crime
25 to law enforcement authorities without unreasonable delay after
26 [its] the occurrence of the crime or the discovery of the
27 occurrence of the crime, unless the victim had a reasonable
28 excuse not to do so.

29 Section 11. Section 1101(b) OF THE ACT is amended by adding <--
30 a paragraph to read:

1 Section 1101. Costs.

2 * * *

3 (b) Disposition.--

4 * * *

5 (3) Beginning July 1, 2018, the special nonlapsing funds
6 established under subsection (b)(1) and (2) shall be merged
7 into a single special nonlapsing fund, known as the Crime
8 Victim Services and Compensation Fund. The fund shall be used
9 by the Office of Victims' Services for payment to claimants,
10 victim-witness services and technical assistance. Costs
11 imposed under subsection (a) shall be paid into the fund.

12 * * *

13 Section 12. Sections 1102(a), (b), (c) and (d) and 1301(b)
14 of the act are amended to read:

15 Section 1102. Costs for offender supervision programs.

16 (a) County fund.--The county treasurer of each county shall
17 establish and administer a [county offender supervision fund]
18 County Supervision Fee Restricted Receipts Account consisting of
19 the fees collected under this section. The county treasurer
20 shall disperse money from this [fund] account only at the
21 discretion of the president judge of the court of common pleas.
22 The money in this [fund] account shall be used to pay the
23 salaries and employee benefits of all probation and parole
24 personnel employed by the county probation and parole department
25 and the operational expenses of that department. Money from this
26 [fund] account shall be used to supplement Federal, State or
27 county appropriations for the county adult probation and parole
28 department. The president judge shall by August 31 provide the
29 [board] commission with an annual statement [which] that fully
30 reflects all collections deposited into and expenditures from

1 the [offender supervision fund] County Supervision Fee
2 Restricted Receipts Account for the preceding fiscal year. The
3 [board] commission shall promulgate regulations to provide for
4 the permanent administration of this program, as advised by the
5 County Adult Probation and Parole Advisory Committee.

6 (b) State fund.--There is established a State Offender
7 Supervision Fund to be administered by the board and comprised
8 of the supervision fees collected by the board under [this
9 section] subsection (d). The money in this fund shall be used to
10 supplement the Federal or State funds appropriated for the
11 improvement of [adult probation services] State parole
12 supervision.

13 (c) Court.--The court shall impose as a condition of
14 supervision a monthly supervision fee of at least \$25 on any
15 offender placed on probation, parole, accelerated rehabilitative
16 disposition, probation without verdict or intermediate
17 punishment unless the court finds that the fee should be
18 reduced, waived or deferred based on the offender's present
19 inability to pay. [Of the fee collected, 50%] All of the fees
20 shall be deposited into the County [Offender Supervision Fund]
21 Supervision Fee Restricted Receipts Account established in each
22 county pursuant to this section[, and the remaining 50% shall be
23 deposited into the State Offender Supervision Fund established
24 pursuant to this section]. All funds within the account shall be
25 accounted for consistent with the budget, accounting,
26 contracting, procurement, audit, salary board and other relevant
27 provisions of the act of August 9, 1955 (P.L.323, No.130), known
28 as The County Code, and may be subject to audit by the Auditor
29 General under section 401(d) of the act of April 9, 1929
30 (P.L.343, No.176), known as The Fiscal Code.

1 (d) Board.--The board shall impose as a condition of
2 supervision a monthly supervision fee of at least \$25 on any
3 offender under the board's supervision unless the board finds
4 that such fee should be reduced, waived or deferred based on the
5 offender's present inability to pay. All fees collected shall be
6 deposited into the State Offender Supervision Fund [established
7 under subsection (b)].

8 * * *

9 Section 1301. Subrogation.

10 * * *

11 (b) Excess.--If an amount greater than that paid under
12 Chapter 7 is recovered and collected in such an action, the
13 Commonwealth shall pay the balance to the claimant. The Attorney
14 General shall enforce any subrogation. A claimant who fails to
15 notify the Office of Victims' Services of the receipt of funds
16 from any other claim or award arising out of the crime shall
17 forfeit and pay to the Commonwealth an amount equal to all
18 awards paid by the [bureau] Office of Victims' Services to the
19 claimant or on the claimant's behalf.

20 Section 13. This act shall take effect in 60 days.