
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1492 Session of
2019

INTRODUCED BY COX, GILLEN, GROVE, HELM AND MILLARD,
SEPTEMBER 12, 2019

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 12, 2019

AN ACT

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

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

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

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

16 * * *

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

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

1 known as the Crime Victims Act.

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

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

7 * * *

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

16 * * *

17 § 9401. Definitions.

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

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

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

27 § 9402. Office of Victim Advocate.

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

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

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

5 § 3711. Limitation on possession of firearms.

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

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

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

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

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

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

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

24 § 6702. Definitions.

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

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

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

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

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

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

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

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

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

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

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

26 § 2152. Composition of commission.

27 * * *

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

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

5 * * *

6 § 4402. Definitions.

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

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

16 "Certified interpreter." A person who:

17 (1) is readily able to interpret; and

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

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

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

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

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

2 "Interpret." Either one of the following:

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

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

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

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

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

25 "Otherwise qualified interpreter." A person who:

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

28 (i) is readily able to interpret; and

29 (ii) has read, understands and agrees to abide by
30 the code of professional conduct for court interpreters

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

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

6 (i) is readily able to interpret;

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

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

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

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

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

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

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

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

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

3 * * *

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

19 * * *

20 § 9799.26. Victim notification.

21 * * *

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

29 * * *

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

1 Chapter

2 1. General Provisions

3 CHAPTER 1

4 GENERAL PROVISIONS

5 Sec.

6 101. Short title of title.

7 § 101. Short title of title.

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

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

11 PART III

12 [INCARCERATION] ADMINISTRATION OF LAW AND JUSTICE

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

14 CHAPTER 31

15 PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

16 Sec.

17 3101. Definitions.

18 3102. Pennsylvania Commission on Crime and Delinquency.

19 3103. Powers and duties of commission.

20 3104. Duties of commission relative to criminal statistics.

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

23 3106. Juvenile Justice and Delinquency Prevention Committee.

24 3107. (Reserved).

25 3108. Justice reinvestment grants.

26 3109. Cooperation by other departments.

27 § 3101. Definitions.

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

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

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

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

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

9 (2) Online training of law enforcement officers.

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

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

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

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

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

27 § 3102. Pennsylvania Commission on Crime and Delinquency.

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

1 (b) Composition.--The commission shall consist of the
2 following members:

3 (1) The Attorney General.

4 (2) A justice of the Supreme Court of Pennsylvania or a
5 judge of the Superior Court of Pennsylvania.

6 (3) The Court Administrator of Pennsylvania.

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

8 (5) The Commissioner of Pennsylvania State Police.

9 (6) The chairman of the Appropriations Committee of the
10 Senate and the chairman of the Appropriations Committee of
11 the House of Representatives or their designees.

12 (7) The chairman of the Juvenile Justice and Delinquency
13 Prevention Committee.

14 (8) Four members of the General Assembly or their
15 designees, of whom one shall be designated by, and serve at
16 the pleasure of, the President pro tempore of the Senate, one
17 by the Minority Leader of the Senate, one by the Speaker of
18 the House of Representatives and one by the Minority Leader
19 of the House of Representatives.

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

27 (10) The Secretary of Corrections.

28 (11) The Victim Advocate.

29 (12) The Secretary of Human Services.

30 (13) The Secretary of Education.

1 (14) The Secretary of Health.

2 (15) The Chairman of the Pennsylvania Board of Probation
3 and Parole.

4 (16) The Executive Director of the Juvenile Court
5 Judges' Commission.

6 (17) The Executive Director of the Pennsylvania
7 Commission on Sentencing.

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

9 (19) The chairmen of the advisory committees established
10 in the commission.

11 (20) Additional members appointed by the Governor as
12 necessary to implement programs authorized by Federal and
13 State law.

14 (c) Judicial appointments.--

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

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

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

23 (d) Term of office.--

24 (1) Members appointed under subsection (b) (9) and (20)
25 shall serve for a four-year term and may be appointed for no
26 more than one additional consecutive term. The terms of those
27 members who serve by virtue of the public office they hold
28 shall be concurrent with their service in the office from
29 which they derive their membership.

30 (2) The term of the chairman of the Juvenile Justice and

1 Delinquency Prevention Committee shall be concurrent with the
2 person's service as chairman of that committee.

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

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

15 (g) Quorum.--A majority of the members shall constitute a
16 quorum and a vote of the majority of the members present shall
17 be sufficient for all actions.

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

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

29 (j) Executive director.--An executive director shall be
30 appointed by the Governor after consultation with the members of

1 the commission. The executive director shall be paid
2 compensation as the Executive Board may determine.

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

10 (l) (Reserved).

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

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

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

25 § 3103. Powers and duties of commission.

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

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

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

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

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

22 (5) To audit the records of recipients of financial
23 assistance and of their contractors and, for the purpose of
24 the audits, to have access to all pertinent records required
25 to be kept by recipients of financial assistance and by their
26 contractors. The commission shall have the power to subpoena
27 witnesses and records in the execution of its auditing
28 responsibilities and, upon certification to it of failure to
29 obey any such subpoena, the Pennsylvania Supreme Court is
30 empowered after hearing to enter, when proper, an

1 adjudication of contempt and other order as the circumstances
2 require.

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

8 (6.1) To define and collaborate with all State agencies
9 on planning and programming related to juvenile delinquency
10 prevention and the reduction and prevention of violence by
11 and against children.

12 (6.2) To design and promote comprehensive research-based
13 initiatives to assist communities and community-based
14 organizations in reducing risk to and promoting the positive
15 development of children and in preventing juvenile
16 delinquency and youth violence.

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

21 (8) (Reserved).

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

30 (10) To establish, and the chairman of the commission to

1 appoint, subcommittees as it deems proper.

2 (11) To submit an annual report to the Governor and the
3 General Assembly concerning the commission's work during the
4 preceding fiscal year. Other studies, evaluations and reports
5 may be submitted to the Governor or the General Assembly as
6 deemed appropriate.

7 (12) To promulgate rules and regulations as the
8 commission deems necessary for the proper administration of
9 this chapter.

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

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

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

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

26 (17) (Reserved).

27 (18) To establish advisory committees, in addition to
28 those provided for under this chapter, as it deems advisable,
29 except that only the commission may set policy or take other
30 official action. Members of advisory committees shall serve

1 without compensation but may be reimbursed for necessary
2 travel and other expenses in accordance with applicable law
3 and regulations.

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

8 § 3104. Duties of commission relative to criminal statistics.

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

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

14 (2) (Reserved).

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

18 (4) To instruct persons and agencies in the collection
19 and use of statistical data and in the reporting of
20 statistical data to the commission.

21 (5) To process, tabulate, analyze and interpret the
22 statistical data obtained from persons and agencies to
23 evaluate the effectiveness of grant awards.

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

27 (7) (Reserved).

28 (8) To assist or advise in a statistical and research
29 capacity as requested by the Department of Corrections, the
30 Pennsylvania Board of Probation and Parole, the Pennsylvania

1 State Police, the Juvenile Court Judges' Commission and the
2 Court Administrator.

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

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

15 § 3105. Duties of public agencies and officers in reporting
16 criminal statistics.

17 Each Commonwealth agency and person in charge of the
18 apprehension, prosecution and treatment of criminals and
19 delinquents, when requested by the commission, shall:

20 (1) Install and maintain records and recording systems
21 needed for the correct reporting of statistical data required
22 by the commission.

23 (2) Report statistical data to the commission at times
24 and in the manner prescribed by the commission.

25 (3) Give to the staff of the commission access to
26 statistical data for the purpose of carrying out the duties
27 of the commission relative to criminal statistics.

28 § 3106. Juvenile Justice and Delinquency Prevention Committee.

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

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

3 (1) The Executive Director of the Juvenile Court Judges'
4 Commission.

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

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

22 (b) Number and qualifications.--

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

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

28 (3) At least one-fifth of the membership shall be less
29 than 24 years of age at the time of appointment. At least
30 three of those members of the committee shall have been or

1 are currently under the jurisdiction of the juvenile justice
2 system.

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

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

11 (e) Chairman.--

12 (1) The Governor shall appoint a chairman from among the
13 members of the committee who shall serve at the pleasure of
14 the Governor.

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

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

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

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

25 (2) Perform those functions related to the direct
26 approval and disbursement of financial assistance in an
27 advisory capacity only, but the advisory committee shall have
28 the opportunity to review and comment on the applications
29 within 30 days after receipt of the application from the
30 commission.

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

5 (4) Develop standards, methods and procedures for
6 evaluating and monitoring services for delinquent and
7 dependent children.

8 (5) Upon request, provide assistance and advice to the
9 commission on any other matters relating to juvenile justice
10 and delinquency prevention.

11 (6) Submit to the Governor and the General Assembly
12 reports as may be required by Federal law.

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

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

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

25 § 3107. (Reserved).

26 § 3108. Justice reinvestment grants.

27 (a) Justice Reinvestment Fund.--The Justice Reinvestment
28 Fund is established within the State Treasury to support
29 programs and activities to improve the delivery of criminal
30 justice services within this Commonwealth.

1 (b) Savings assessment.--For fiscal years 2013-2014 through
2 2017-2018, the Office of the Budget shall develop a formula to
3 calculate the amount of savings to the Department of Corrections
4 in the prior fiscal year. The calculation may include all of the
5 following:

6 (1) The reduction in prison population because of the
7 diversion to counties of mid-minimum offenders and short-
8 minimum offenders.

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

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

23 (c) Deposit.--

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

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

30 (d) Distributions.--For fiscal years 2013-2014 and 2014-

1 2015, the money in the fund shall be transferred as follows:

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

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

13 (3) Following distribution under paragraphs (1) and (2),
14 the remaining money in the fund shall be distributed as
15 follows:

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

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

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

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

29 (v) Four percent to the department to support the
30 coordinated implementation by the board and the

1 department of the program under 61 Pa.C.S. Ch. 49
2 (relating to safe community reentry), including the
3 outreach to and use of community organizations and other
4 nonprofit and for-profit entities.

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

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

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

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

25 (i) Expiration.--This section shall expire July 15, 2018.
26 § 3109. Cooperation by other departments.

27 The various administrative departments, boards and
28 commissions shall cooperate so far as practicable with the
29 commission in the performance of its duties under this chapter,
30 except as provided in sections 3104 (relating to duties of

1 commission relative to criminal statistics) and 3105 (relating
2 to duties of public agencies and officers in reporting criminal
3 statistics).

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

5 PART IV
6 OTHER OFFICERS AND
7 OFFICIALS

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

9 CHAPTER 73
10 SHERIFFS AND DEPUTY SHERIFFS

11 Subchapter

12 A. General Provisions (Reserved)

13 B. (Reserved)

14 C. Sheriff and Deputy Sheriff Education and Training

15 SUBCHAPTER A

16 GENERAL PROVISIONS

17 (Reserved)

18 SUBCHAPTER B

19 (Reserved)

20 SUBCHAPTER C

21 SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING

22 Sec.

23 7321. Scope of subchapter.

24 7322. Definitions.

25 7323. The Sheriff and Deputy Sheriff Education and Training

26 Board.

27 7324. Powers and duties of board.

28 7325. Training program.

29 7326. Continuing education.

30 7327. Sheriff training requirement.

1 7328. Deputy sheriff training requirement.

2 7329. Revocation of certification.

3 7330. Sheriff and Deputy Sheriff Education and Training
4 Account.

5 7331. Reimbursement to counties.

6 § 7321. Scope of subchapter.

7 This subchapter provides for sheriff and deputy sheriff
8 education and training.

9 § 7322. Definitions.

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

13 "Account." The Sheriff and Deputy Sheriff Education and
14 Training Account.

15 "Board." The Sheriff and Deputy Sheriff Education and
16 Training Board.

17 "Commission." The Pennsylvania Commission on Crime and
18 Delinquency.

19 § 7323. The Sheriff and Deputy Sheriff Education and Training
20 Board.

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

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

25 (1) The Attorney General.

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

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

30 (4) Three individuals from different counties with a

1 minimum of eight years' experience each as a deputy sheriff.
2 One of the three shall be currently employed in the capacity
3 of deputy sheriff with the rank of sergeant or deputy
4 sheriff.

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

7 (6) One county commissioner.

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

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

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

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

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

30 (h) Meetings and quorum.--The board shall meet at least four

1 times each year. Special meetings may be called by the chair of
2 the board or upon written request of three members. A quorum
3 shall consist of five members.

4 § 7324. Powers and duties of board.

5 The board, with the review and approval of the commission,
6 shall:

7 (1) Establish, implement and administer the Sheriff and
8 Deputy Sheriff Education and Training Program according to
9 the minimum requirements specified in this subchapter.

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

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

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

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

24 (6) Establish the minimum qualifications for instructors
25 and certify instructors.

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

30 (8) Promote the most efficient and economical program

1 for sheriff and deputy sheriff training by utilizing existing
2 facilities, programs and qualified State and local personnel.

3 (9) Certify sheriffs and deputy sheriffs who have
4 satisfactorily completed the basic education and training
5 requirements of this subchapter and issue appropriate
6 certificates to them.

7 (10) Revoke the certification of sheriffs and deputy
8 sheriffs in accordance with section 7329 (relating to
9 revocation of certification).

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

14 (12) Make rules and regulations and perform other duties
15 as may be reasonably necessary or appropriate to administer
16 this subchapter.

17 (13) Make an annual report to the Governor and to the
18 General Assembly concerning:

19 (i) The administration of the Sheriff and Deputy
20 Sheriff Education and Training Program.

21 (ii) The activities of the board.

22 (iii) The costs of the program.

23 § 7325. Training program.

24 The Sheriff and Deputy Sheriff Education and Training Program
25 shall include appropriate training for not less than 160 hours
26 which content and hours of instruction shall be determined by
27 the board, subject to the review and approval of the commission.

28 § 7326. Continuing education.

29 The board, with the review and approval of the commission,
30 shall establish a continuing education program for all sheriffs

1 and deputy sheriffs, which shall include not less than 20 hours
2 of continuing education every two years, concerning subjects the
3 board may deem necessary and appropriate for the continued
4 education and training of sheriffs and deputy sheriffs.

5 § 7327. Sheriff training requirement.

6 (a) Certification required.--

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

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

15 (ii) To meet the requirements for continuing
16 education after certification.

17 (iii) To obtain reinstatement of a previously
18 revoked certification, if applicable.

19 (2) In the case of a county which has adopted a home
20 rule charter which provides for the appointment of the
21 sheriff, a sheriff appointed after the effective date of this
22 section shall obtain certification under this section within
23 18 months of appointment.

24 (b) Continuing education.--Every sheriff shall, while in
25 office, meet the requirements for continuing education
26 established by the board, with the review and approval of the
27 commission.

28 (c) Prior education, training or experience.--The board,
29 with the review and approval of the commission, shall have the
30 authority and the discretion to reduce the hours of education

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

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

11 (e) Ineligibility.--Any sheriff failing to receive and
12 maintain certification as provided in this section shall be
13 ineligible to be on the ballot for the office of sheriff for any
14 term subsequent to that under subsection (a).

15 (f) Vacancies.--

16 (1) Any person appointed to fill a vacancy in the office
17 of sheriff shall be certified or, in the alternative, obtain
18 and maintain certification during the term for which the
19 person is appointed under subsection (a). Any person
20 appointed to fill a vacancy in the office of sheriff who does
21 not fulfill the requirements of subsection (a) shall be
22 ineligible for subsequent election as provided under
23 subsection (e).

24 (2) No person appointed to fill a vacancy in the office
25 of sheriff where the balance of the unexpired term is less
26 than one year shall be subject to the requirements of
27 paragraph (1). However, a person who is elected to a term as
28 sheriff immediately following the person's previously
29 appointed term of less than one year is subject to the
30 requirements under subsection (a).

1 (g) Purpose and legislative intent.--It is the public policy
2 of this Commonwealth that:

3 (1) Sheriffs receive and maintain education and training
4 equivalent to that required by law of deputy sheriffs in
5 order to preserve the safety of county facilities, employees
6 and residents.

7 (2) A newly elected sheriff should have an opportunity
8 to satisfy the requirements of this chapter during the
9 sheriff's first term, notwithstanding past training and
10 experience.

11 § 7328. Deputy sheriff training requirement.

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

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

23 (c) Time period.--Any new deputy hired by the sheriff shall
24 have one year in which to complete training.

25 (d) Continuing education.--Any full-time or part-time deputy
26 sheriff who fails to meet and fails to be certified as having
27 met the requirements for continuing education established by the
28 board, with the review and approval of the commission, shall be
29 ineligible to receive any salary, compensation or other
30 consideration or thing of value for the performance of duties as

1 a deputy sheriff.

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

8 § 7329. Revocation of certification.

9 (a) Revocation of deputy sheriff certification.--The board
10 shall revoke the certification of any deputy sheriff for one or
11 more of the following:

12 (1) Conviction for a felony or misdemeanor of the first
13 or second degree.

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

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

18 (4) Where the board determines the person has committed
19 misconduct which makes the person unfit to perform the duties
20 of the office, including:

21 (i) Submission to the board of a document that the
22 deputy knows contains false information, including
23 fraudulent application.

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

25 (b) Revocation of sheriff certification.--The board shall
26 revoke the certification of a sheriff only after the sheriff is
27 removed from office. Nothing in this chapter shall be
28 interpreted as providing grounds for removal of a sheriff from
29 office, except as provided under Article VI of the Constitution
30 of Pennsylvania.

1 (c) Notification by sheriff.--In the case of a deputy
2 sheriff, it shall be the responsibility of the sheriff to notify
3 the board within 15 days of the occurrence of an event described
4 under subsection (a).

5 (d) Notification by county commissioners.--In the case of a
6 sheriff, it shall be the responsibility of the county
7 commissioners to notify the board within 15 days of a sheriff's
8 removal from office.

9 (e) Regulations.--The board shall establish, with the
10 approval of the commission, regulations providing for the
11 following:

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

14 (2) Standards and guidelines for application for
15 recertification following revocation.

16 § 7330. Sheriff and Deputy Sheriff Education and Training
17 Account.

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

25 (b) Surcharge.--A surcharge shall be assessed on each fee
26 collected by the sheriff of every county upon acceptance for
27 each service required for any complaint, summons, writ or other
28 legal paper required to be served or posted by the sheriff. The
29 amount of the surcharge shall be \$10.

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

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

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

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

20 (d) Disbursements.--Disbursements from the account shall be
21 made by the commission.

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

26 § 7331. Reimbursement to counties.

27 Each county shall pay the ordinary and necessary living and
28 travel expenses and the regular salary of the county's sheriff
29 and deputy sheriffs while attending approved schools. The
30 commission shall provide for reimbursement to each county of

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

12 CHAPTER 75

13 VICTIM ADVOCATE

14 Sec.

15 7501. Office of Victim Advocate.

16 7502. Victim advocate.

17 7503. Powers and duties of victim advocate.

18 7504. Parole notification to victim.

19 7505. Petition to deny parole upon expiration of minimum
20 sentence.

21 § 7501. Office of Victim Advocate.

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

28 (b) Service and employees.--The victim advocate shall
29 operate from the central office of the board with clerical,
30 technical and professional staff as may be available within the

1 budget of the board. The compensation of employees of the office
2 of the board shall be set by the Executive Board.

3 § 7502. Victim advocate.

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

7 (b) Qualifications.--The victim advocate must be an
8 individual who:

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

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

17 (c) Term of office.--

18 (1) The victim advocate shall hold office for a term of
19 six years and until a successor shall have been duly
20 appointed and qualified but no more than 90 days beyond the
21 expiration of the appointed term.

22 (2) A vacancy occurring for any reason shall be filled
23 in the manner provided by section 8 of Article IV of the
24 Constitution of Pennsylvania for the remainder of the term.
25 Whenever the victim advocate's term expires, that position
26 shall be immediately deemed a vacancy, and the Governor shall
27 nominate a person to fill the position within 90 days of the
28 date of expiration even if the victim advocate continues in
29 office.

30 (d) Compensation.--Compensation shall be set by the

1 Executive Board as defined by the act of April 9, 1929 (P.L.177,
2 No.175), known as The Administrative Code of 1929.

3 § 7503. Powers and duties of victim advocate.

4 The victim advocate has the following powers and duties:

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

8 (2) To supervise the victim notification duties
9 presently conducted by the board.

10 (3) To assist in and coordinate the preparation of
11 testimony by the crime victims as provided under sections
12 7504(c) (relating to preparole notification to victim) and
13 7505 (relating to petition to deny parole upon expiration of
14 minimum sentence) or the submission of oral, written or
15 videotaped comments by crime victims prior to a release
16 decision.

17 (4) To represent the interests of a crime victim under
18 section 7505.

19 (5) To act as a liaison with the victim notification
20 program director in the department to coordinate victim
21 notification and services for the department and the board.

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

25 § 7504. Preparole notification to victim.

26 (a) Persons to be notified.--No later than 90 days prior to
27 the parole date of an offender, the victim advocate shall notify
28 the victim of the offense for which the offender was sentenced,
29 the parent or legal guardian of a victim who is a minor or a
30 member of the family if the victim is incapable of communicating

1 or has died and shall provide the appropriate person with an
2 opportunity to submit a preparole statement expressing concerns
3 or recommendations regarding the parole or parole supervision of
4 the offender.

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

10 (c) Procedure.--

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

13 (2) The person shall submit the oral, written or
14 videotaped preparole statement to the victim advocate within
15 30 days of the date of notice.

16 (3) The preparole statement shall be considered by the
17 Pennsylvania Board of Probation and Parole during preparation
18 of the parole plan.

19 § 7505. Petition to deny parole upon expiration of minimum
20 sentence.

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

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

28 (2) that the offender should not be paroled based upon
29 the statement that the victim submitted under section 7504
30 (relating to preparole notification to victim).

1 (b) Appearance.--

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

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

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

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

22 (2) Order that the offender not be paroled if the board
23 finds that:

24 (i) the offender would pose a risk or danger to the
25 victim or the family of the victim, if the offender were
26 released on parole; or

27 (ii) the interests of the Commonwealth would
28 otherwise be injured.

29 (d) Notice.--The Pennsylvania Board of Probation and Parole
30 shall notify the victim of its decision prior to a release of

1 the offender.

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

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

10 PART V

11 VICTIM SERVICES

12 Chapter

13 81. Preliminary Provisions

14 82. Crime Victims

15 83. Administration

16 85. (Reserved)

17 87. Compensation

18 89. Services

19 91. Financial Matters

20 93. Enforcement

21 95. Miscellaneous Provisions

22 CHAPTER 81

23 PRELIMINARY PROVISIONS

24 Sec.

25 8101. Scope of part.

26 8102. Legislative intent.

27 8103. Definitions.

28 § 8101. Scope of part.

29 This part relates to crime victims.

30 § 8102. Legislative intent.

1 The General Assembly finds and declares as follows:

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

11 (2) The rights extended to victims of crime in Chapter
12 82 (relating to crime victims) are to be honored and
13 protected by law enforcement agencies, prosecutors and judges
14 in a manner no less vigorous than the protections afforded
15 criminal defendants.

16 § 8103. Definitions.

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

20 "Adult." Any of the following:

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

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

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

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

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

6 "Cleaning." To remove or attempt to remove stains or blood
7 caused by a crime or other dirt or debris caused by the
8 processing of a crime scene.

9 "Commission." The Pennsylvania Commission on Crime and
10 Delinquency.

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

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

16 "County correctional institution." As defined in 61 Pa.C.S.
17 § 102 (relating to definitions). The term does not include a
18 facility used for the detention or confinement of juveniles.

19 "Crime." An act which was committed:

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

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

26 (ii) Any provision of:
27 18 Pa.C.S. (relating to crimes and offenses).

28 30 Pa.C.S. § 5502 (relating to operating
29 watercraft under influence of alcohol or controlled
30 substance).

1 30 Pa.C.S. § 5502.1 (relating to homicide by
2 watercraft while operating under influence).

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

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

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

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

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

14 75 Pa.C.S. Ch. 38 (relating to driving after
15 imbibing alcohol or utilizing drugs).

16 (iii) The laws of the United States.

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

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

22 "Department." The Department of Corrections of the
23 Commonwealth.

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

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

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

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

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

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

21 (2) anyone maintaining a common-law relationship with
22 the individual; or

23 (3) anyone residing in the same household with the
24 individual.

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

29 "International terrorism." Activities which meet all of the
30 following:

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

6 (2) Appear to be intended:

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

8 (ii) to influence the policy of a government by
9 intimidation or coercion; or

10 (iii) to affect the conduct of a government by
11 assassination or kidnapping.

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

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

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

26 "Law enforcement agency." The Pennsylvania State Police or a
27 local law enforcement agency.

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

30 "Loss of earnings." Includes the loss of the cash equivalent

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

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

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

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

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

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

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

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

1 need to protect the safety and health of the victim and
2 individuals residing in the household, as verified by a
3 medical provider, human services provider or law enforcement.

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

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

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

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

13 18 Pa.C.S. Ch. 25 (relating to criminal homicide).

14 18 Pa.C.S. Ch. 27 (relating to assault).

15 18 Pa.C.S. Ch. 29 (relating to kidnapping).

16 18 Pa.C.S. Ch. 31 (relating to sexual offenses).

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

19 18 Pa.C.S. Ch. 37 (relating to robbery).

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

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

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

27 75 Pa.C.S. § 3732 (relating to homicide by vehicle).

28 75 Pa.C.S. § 3735 (relating to homicide by vehicle while
29 driving under influence).

30 75 Pa.C.S. § 3735.1 (relating to aggravated assault by

1 vehicle while driving under the influence).

2 75 Pa.C.S. § 3742 (relating to accidents involving death
3 or personal injury).

4 75 Pa.C.S. Ch. 38 (relating to driving after imbibing
5 alcohol or utilizing drugs) in cases involving bodily injury.

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

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

10 "State correctional institution." As defined in 61 Pa.C.S. §
11 102 (relating to definitions).

12 "Victim." The term means the following:

13 (1) A direct victim.

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

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

21 Chapter 25 (relating to criminal homicide).

22 Section 2702 (relating to aggravated assault).

23 Section 3121 (relating to rape).

24 (4) A family member of a homicide victim, including
25 stepbrothers or stepsisters, stepchildren, stepparents or a
26 fiance, one of whom is to be identified to receive
27 communication as provided for in this part, except where the
28 family member is the alleged offender.

29 "Victim advocate." The victim advocate in the Office of
30 Victim Advocate within the Pennsylvania Board of Probation and

1 Parole.

2 CHAPTER 82

3 CRIME VICTIMS

4 Subchapter

5 A. Bill of Rights

6 B. Responsibilities

7 SUBCHAPTER A

8 BILL OF RIGHTS

9 Sec.

10 8201. Rights.

11 § 8201. Rights.

12 Victims of crime have the following rights:

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

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

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

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

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

27 (iv) Immediate notification of an adult offender's
28 pretrial escape from a local correctional facility and of
29 the offender's subsequent apprehension.

30 (3) To be accompanied at all criminal and all juvenile

1 proceedings in accordance with 42 Pa.C.S. § 6336 (relating to
2 conduct of hearings) by a family member, a victim advocate or
3 other person providing assistance or support.

4 (4) In cases involving a personal injury crime or
5 burglary, to submit prior comment to the prosecutor's office
6 or juvenile probation office, as appropriate to the
7 circumstances of the case, on the potential reduction or
8 dropping of any charge or changing of a plea in a criminal or
9 delinquency proceeding, or, diversion of any case, including
10 an informal adjustment or consent decree.

11 (5) To have opportunity to offer prior comment on the
12 sentencing of a defendant or the disposition of a delinquent
13 child, to include the submission of a written and oral victim
14 impact statement detailing the physical, psychological and
15 economic effects of the crime on the victim and the victim's
16 family. The written statement shall be included in any
17 predisposition or presentence report submitted to the court.
18 Victim-impact statements shall be considered by a court when
19 determining the disposition of a juvenile or sentence of an
20 adult.

21 (5.1) To have notice and to provide prior comment on a
22 judicial recommendation that the defendant participate in a
23 motivational boot camp under 61 Pa.C.S. Ch. 39 (relating to
24 motivational boot camp).

25 (5.2) Upon request of the victim of a personal injury
26 crime, to have the opportunity to submit written comment or
27 present oral testimony at a disposition review hearing, which
28 comment or testimony shall be considered by the court when
29 reviewing the disposition of the juvenile.

30 (6) To be restored, to the extent possible, to the

1 precrime economic status through the provision of
2 restitution, compensation and the expeditious return of
3 property which is seized as evidence in the case, when in the
4 judgment of the prosecutor, the evidence is no longer needed
5 for prosecution of the case.

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

8 (i) given the opportunity to provide prior comment
9 on and to receive State postsentencing release decisions,
10 including work release, furlough, parole, pardon or
11 community treatment center placement;

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

14 (iii) given the opportunity to receive notice of and
15 to provide prior comment on a recommendation sought by
16 the Department of Corrections that the offender
17 participate in a motivational boot camp under 61 Pa.C.S.
18 Ch. 39.

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

21 (i) receive notice of the date of the release of the
22 adult, including work release, furlough, parole, release
23 from a boot camp or community treatment center placement;
24 and

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

27 (8.1) If, upon the request of the victim of a personal
28 injury crime committed by a juvenile, the juvenile is ordered
29 to residential placement, a shelter facility or a detention
30 center, to:

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

3 (ii) Be provided with:

4 (A) immediate notice of an escape of the
5 juvenile, including failure to return from temporary
6 leave or home pass; and

7 (B) immediate notice of reaprehension of the
8 juvenile.

9 (iii) Be provided with notice of transfer of a
10 juvenile who has been adjudicated delinquent from a
11 placement facility that is contrary to a previous court
12 order or placement plan approved at a disposition review
13 hearing and to have the opportunity to express a written
14 objection prior to the release or transfer of the
15 juvenile.

16 (9) If the adult is subject to an order under 23 Pa.C.S.
17 Ch. 61 (relating to protection from abuse) and is committed
18 to a county correctional institution for a violation of the
19 order or for a personal injury crime against a victim
20 protected by the order, to receive immediate notice of the
21 release of the adult on bail.

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

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

29 (12) To be notified of the details of the final
30 disposition of the case of a juvenile consistent with 42

1 Pa.C.S. § 6336(f).

2 (13) Upon the request of the victim of a personal injury
3 crime, to be notified of the termination of the court's
4 jurisdiction.

5 SUBCHAPTER B

6 RESPONSIBILITIES

7 Sec.

8 8211. Responsibilities of victims of crime under basic bill of
9 rights.

10 8212. Responsibilities of State and local law enforcement
11 agencies.

12 8213. Responsibilities of prosecutor's office.

13 8214. Responsibilities of department, county correctional
14 institutions and board.

15 8215. Responsibilities of Department of Human Services and
16 mental health institutions under basic bill of
17 rights.

18 8216. Responsibilities of juvenile probation office.

19 § 8211. Responsibilities of victims of crime under basic bill
20 of rights.

21 A victim shall provide a valid address and telephone number
22 and any other required information to all agencies responsible
23 for providing information and notice to the victim. The victim
24 shall provide timely notice of any changes in the status of the
25 information. The information provided shall not be disclosed to
26 any person other than a law enforcement agency, corrections
27 agency or prosecutor's office without the prior written consent
28 of the victim.

29 § 8212. Responsibilities of State and local law enforcement
30 agencies.

1 (a) Training.--A law enforcement agency shall ensure that
2 all of its officers and employees are familiar with crime
3 victims' compensation as provided for in Chapter 87 (relating to
4 compensation). Instruction concerning crime victims'
5 compensation shall be made a part of the training curriculum for
6 all trainee officers.

7 (b) Notice.--

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

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

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

1 responsibilities under this part.

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

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

7 (1) In a personal injury crime, the law enforcement
8 agency shall make reasonable efforts to notify the victim of
9 the arrest of the suspect and of the filing or forwarding of
10 a complaint relating to the crime as soon as possible. Unless
11 the victim cannot be located, notice of the arrest shall be
12 provided not more than 24 hours after the preliminary
13 arraignment. In a case alleging delinquency, notice of the
14 filing or forwarding of a complaint shall be provided not
15 more than 24 hours after the complaint has been filed or
16 forwarded to the juvenile probation office or district
17 attorney.

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

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

26 § 8213. Responsibilities of prosecutor's office.

27 (a) Forms.--The prosecutor's office shall provide the victim
28 of a personal injury crime with all forms developed under
29 sections 8214 (relating to responsibilities of department,
30 county correctional institutions and board) and 8215 (relating

1 to responsibilities of Department of Human Services and mental
2 health institutions under basic bill of rights).

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

9 (c) Sentencing.--The prosecutor's office shall provide
10 notice of the opportunity to offer prior comment on the
11 sentencing of an adult and disposition of a juvenile. The prior
12 comment includes the submission of oral and written victim
13 impact statements. The prosecutor's office shall assist a victim
14 who requests assistance to prepare this comment.

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

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

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

27 (1) Upon request of the victim, notice of the
28 disposition and sentence of an adult, including sentence
29 modifications.

30 (2) Upon request in a personal injury crime, reasonable

1 attempts to notify the victim as soon as possible when the
2 adult is released from incarceration at sentencing.

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

5 (4) Prior notice of delinquency adjudication hearings
6 unless the hearings are scheduled by the juvenile probation
7 office.

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

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

12 (7) Notice of the details of the final disposition of
13 the case consistent with 42 Pa.C.S. § 6336(f) (relating to
14 conduct of hearings) unless provided by the juvenile
15 probation office.

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

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

20 (2) Preparation of, submission of and follow-up on
21 financial assistance claims filed with the Office of Victims'
22 Services.

23 (h) Return of property.--The prosecutor's office shall
24 return to the victim any property seized as evidence if the
25 prosecutor's office determines that the evidence is no longer
26 needed for prosecution.

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

29 (a) Forms.--The department and the board shall develop
30 standardized forms regarding victim notification. The form shall

1 include the address where the form is to be sent. The department
2 shall develop a standardized form which may be used by county
3 correctional institutions. In the case of a county with victim-
4 witness coordinators, the county correctional institution shall
5 perform its responsibilities under this section in cooperation
6 with the county's victim-witness coordinator.

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

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

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

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

29 (f) Records.--Records maintained by the department, the
30 county correctional institution and the board pertaining to

1 victims shall be kept separate. Current address, telephone
2 number and any other personal information of the victim and
3 family members shall be deemed confidential.

4 (g) Release of offender.--The department, the county
5 correctional institution or the board shall notify the victim of
6 the final decision rendered, the date of any release and
7 relevant conditions imposed prior to the release of the
8 offender.

9 § 8215. Responsibilities of Department of Human Services and
10 mental health institutions under basic bill of
11 rights.

12 (a) Forms.--The Department of Human Services shall develop
13 standardized forms, which shall include the address where the
14 completed form is to be sent, for the receipt of notice from a
15 victim concerning the victim's interest in a discharge decision
16 and notification of an escape. Sufficient copies of the forms
17 shall be provided to the office of the district attorney for
18 distribution to victims upon court-ordered commitment of the
19 offender to a mental health institution in the State system.

20 (b) Designated staff.--If the Department of Human Services
21 has received notice of a victim's desire to receive notification
22 as provided under section 8201(10) (relating to rights)
23 regarding release, placement or escape of the offender, the
24 Department of Human Services shall designate the appropriate
25 official to notify the victim of the discharge of the offender
26 from the mental health institution and the facility to which the
27 offender was discharged within 24 hours of the discharge. The
28 Department of Human Services or the designated official shall
29 immediately notify the victim of an escape of the offender from
30 the mental health institution.

1 § 8216. Responsibilities of juvenile probation office.

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

4 (1) Prior notice of a delinquency adjudication hearing
5 unless the hearing has been scheduled by the prosecutor's
6 office.

7 (2) Notification of a disposition hearing.

8 (3) Notice of a juvenile's preadjudication escape from a
9 detention center or shelter facility and the juvenile's
10 subsequent apprehension.

11 (4) Upon request, notice of whether the juvenile
12 probation office has detained or released the juvenile
13 following arrest and whether a delinquency petition has been
14 filed.

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

19 (b) Additional notice in cases involving a personal injury
20 crime or burglary.--In a case involving a personal injury crime
21 or burglary, the juvenile probation office shall provide notice
22 and the opportunity to provide prior comment on the potential
23 reduction or dropping of a charge or diversion of a case,
24 including informal adjustment and consent decree, unless the
25 notice and opportunity is provided by the prosecutor's office.
26 Upon request, the victim shall also receive notification of a
27 review of disposition hearing.

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

29 (1) Offer the victim the opportunity to provide a
30 written victim impact statement to be considered in the

1 disposition of a case and included as part of any
2 predisposition report submitted to the court.

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

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

8 (1) Provide prior notice to the victim when a juvenile
9 who has been adjudicated delinquent and ordered into
10 residential placement or official detention will be granted
11 temporary leave, home pass or release.

12 (2) Notify the victim of a proposed release or transfer
13 of an adjudicated delinquent from placement that is contrary
14 to a previous court order or placement plan approved at a
15 disposition review hearing and shall extend the victim the
16 opportunity to provide a written objection prior to the
17 release or transfer of the juvenile from placement.

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

22 (4) Notify the victim of the termination of the juvenile
23 court jurisdiction.

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

26 CHAPTER 83

27 ADMINISTRATION

28 Subchapter

29 A. (Reserved)

30 B. Office of Victims' Services

1 C. Committee

2 SUBCHAPTER A

3 (Reserved)

4 SUBCHAPTER B

5 OFFICE OF VICTIMS' SERVICES

6 Sec.

7 8311. Office of Victims' Services.

8 8312. Powers and duties of Office of Victims' Services.

9 § 8311. Office of Victims' Services.

10 (a) Establishment.--The Office of Victims' Services is
11 established within the commission. The Office of Victims'
12 Services shall administer Chapter 87 (relating to compensation).
13 The Office of Victims' Services shall also dispose of all claims
14 for compensation filed under Chapter 87.

15 (b) Director.--A director of the Office of Victims' Services
16 shall be appointed by the chairman of the commission. The
17 director shall be paid compensation as the executive board may
18 determine.

19 (c) Staff.--The director of the Office of Victims' Services
20 may employ personnel and contract for services as necessary and
21 authorized to carry out the purposes of the Office of Victims'
22 Services.

23 § 8312. Powers and duties of Office of Victims' Services.

24 The Office of Victims' Services, subject to approval of the
25 commission, shall:

26 (1) Establish and maintain a principal office in or near
27 Harrisburg and other offices within this Commonwealth as it
28 may deem necessary.

29 (2) Appoint counsel, clerks, claims verifiers, hearing
30 officers and other employees and agents as it may deem

1 necessary, and fix their compensation within the limits
2 provided by law and prescribe their duties.

3 (3) Adopt, promulgate, amend and rescind suitable rules
4 and regulations to carry out the provisions and purposes of
5 Chapter 87 (relating to compensation). These regulations
6 shall provide for the approval of attorney fees for
7 representation before the Office of Victims' Services, a
8 hearing examiner or before Commonwealth Court upon judicial
9 review under section 8705 (relating to judicial review).
10 Awards of the attorney fees shall be in addition to awards
11 made to direct victims. Awards of attorney fees shall in no
12 case exceed 15% of the award to the direct victim or victims.
13 It shall be unlawful for an attorney to contract for or
14 receive any sum larger than the amount allowed. Regulations
15 under this paragraph shall include policies, procedures and
16 standards of review regarding claims for compensation;
17 approval or denial of claims, including contributory conduct
18 by direct victims; verification of information and documents;
19 prioritization of review; and all other matters related to
20 the processing.

21 (4) Request and review from law enforcement agencies and
22 from any other State or municipal department, agency or
23 public authority assistance and data as will enable the
24 Office of Victims' Services to carry out its powers and
25 duties.

26 (5) Determine all claims for awards filed with the
27 Office of Victims' Services under Chapter 87 and to
28 reinvestigate or reopen cases as the Office of Victims'
29 Services deems necessary.

30 (6) Direct medical examinations of direct victims.

1 (7) Appoint hearing officers authorized to administer
2 oaths or affirmations, examine any person under oath or
3 affirmation and issue subpoenas requiring attendance of
4 witnesses, testimony of witnesses and production of evidence.
5 Except where a claim is determined to be frivolous, a
6 claimant shall receive reimbursement at a rate to be
7 determined by the Office of Victims' Services for attending
8 hearings, regardless of the disposition of the claim.

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

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

13 (10) Arrange with the heads of other Commonwealth
14 agencies for the performance of any of its functions under
15 this chapter with or without reimbursement and, with the
16 approval of the Governor, delegate and authorize the
17 redelegation of any of its powers under this part.

18 (11) Establish a program to assure extensive and
19 continuing publicity of information regarding the
20 compensation provisions under Chapter 87. This information
21 shall include the right to file a claim, the scope of
22 coverage and procedures to be utilized incident to the claim.

23 (12) Administer the funds under section 9101(b)
24 (relating to costs) for the payment of claims filed under
25 Chapter 87 and for all reasonable and necessary
26 administrative expenses.

27 (13) Establish compensation limits and reimbursement
28 rates for the purpose of carrying out the provisions of
29 Chapter 87. The Office of Victims' Services shall transmit
30 notice of a schedule of the compensation limits and

1 reimbursement rates to the Legislative Reference Bureau for
2 publication in the Pennsylvania Bulletin, provided that the
3 Office of Victims' Services shall, within two years of
4 publication, promulgate a regulation stating the schedule of
5 compensation limits and reimbursement.

6 SUBCHAPTER C

7 COMMITTEE

8 Sec.

9 8321. Victims' Services Advisory Committee.

10 8322. Powers and duties of committee.

11 § 8321. Victims' Services Advisory Committee.

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

14 (b) Membership.--The committee shall consist of the
15 following members:

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

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

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

19 (4) The Commissioner of Pennsylvania State Police.

20 (5) The victim advocate.

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

22 (7) Nine individuals appointed by the Governor. Members
23 under this paragraph must represent direct victims, Statewide
24 victims' coalitions, prosecution-based victim/witness
25 programs and other victim service or victim advocacy
26 organizations, the courts, members of local government and
27 other victims' organizations or organizations involved in the
28 coordination or delivery of services to direct victims. At
29 least one of the Governor's appointees must be a
30 representative of a victims' services agency working directly

1 with children.

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

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

10 (e) Quorum.--A majority of the members shall constitute a
11 quorum. A vote of the majority of the members present shall be
12 sufficient for all actions.

13 (f) Chair.--The Governor shall appoint a chairperson from
14 among the members of the committee. The chairperson shall serve
15 at the pleasure of the Governor. A vice chairperson shall be
16 designated by the chairperson and preside at meetings in the
17 absence of the chairperson.

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

20 § 8322. Powers and duties of committee.

21 The committee shall:

22 (1) Serve in an advisory capacity to the commission,
23 including the Office of Victims' Services, through the
24 committee's participation in the development of that part of
25 the commission's plan relating to direct victims' services
26 and compensation.

27 (2) Advise the commission on the development of direct
28 services for minor children who are material witnesses to any
29 of the following crimes and offenses under 18 Pa.C.S.
30 (relating to crimes and offenses) committed or attempted

1 against a member of the child's family:

2 Chapter 25 (relating to criminal homicide).

3 Section 2702 (relating to aggravated assault).

4 Section 3121 (relating to rape).

5 (3) Perform those functions related to the direct
6 approval and disbursement of financial assistance in an
7 advisory capacity only. The committee shall have the
8 opportunity to review and comment on applications other than
9 applications for claims for compensation under sections 8702
10 (relating to filing of claims for compensation) and 8706
11 (relating to emergency awards) within 30 days after receipt
12 of the application from the commission.

13 (4) Advise the commission on the definition, development
14 and correlation of programs and projects and the
15 establishment of priorities for direct victims' services and
16 compensation.

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

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

22 (7) Receive staff support from the commission and the
23 Office of Victims' Services in order to adequately perform
24 the duties provided under this section.

25 CHAPTER 85

26 (Reserved)

27 CHAPTER 87

28 COMPENSATION

29 Sec.

30 8701. Persons eligible for compensation.

1 8702. Filing of claims for compensation.

2 8703. Minimum allowable claim.

3 8704. Determination of claims.

4 8705. Judicial review.

5 8706. Emergency awards.

6 8707. Awards.

7 8708. Manner of payment.

8 8709. Confidentiality of records.

9 8710. Responsibilities of employers, service providers and
10 insurance companies.

11 § 8701. Persons eligible for compensation.

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

14 (1) A direct victim.

15 (2) An intervenor.

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

18 (4) Another individual dependent for principal support
19 upon a deceased direct victim or intervenor.

20 (5) A person who assumes the obligation or pays for a
21 crime scene cleanup, funeral or burial expenses incurred as a
22 direct result of a crime.

23 (b) Exception.--

24 (1) A person or an accomplice of the person who is
25 criminally responsible for the crime upon which a claim is
26 based shall not be eligible to receive compensation with
27 respect to the claim.

28 (2) A member of the family of the individual who
29 committed the crime shall not be eligible for compensation if
30 the offender is living in the same household as the direct

1 victim and will substantially benefit from the award.

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

5 § 8702. Filing of claims for compensation.

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

10 (1) If the individual is a minor, the claim may be filed
11 by a parent or guardian. If the parent or guardian of a minor
12 who is eligible for compensation is unavailable or fails to
13 assume financial responsibility for the minor's care, a
14 person who assumes financial responsibility for services
15 eligible for compensation and who is not a provider of
16 services or an insurance company may file a claim on behalf
17 of the minor and may receive compensation for eligible
18 services provided to the minor.

19 (2) If the individual is mentally incompetent, the claim
20 may be filed by a guardian or legal representative. If the
21 guardian or legal representative of a mentally incompetent
22 individual who is eligible for compensation is unavailable or
23 fails to assume financial responsibility for the individual's
24 care, a person who assumes financial responsibility for
25 services eligible for compensation and who is not a provider
26 of services or an insurance company may file a claim on
27 behalf of the individual and may receive compensation for
28 eligible services provided to the individual.

29 (b) Time.--

30 (1) Except as specified in paragraph (2), a claim must

1 be filed not later than two years after the discovery of the
2 occurrence of the crime upon which the claim is based or not
3 later than two years after the death of the direct victim or
4 intervenor as a result of the crime or the discovery and
5 identification of the body of a murder victim.

6 (2) Exceptions shall be as follows:

7 (i) If a direct victim is under 18 years of age at
8 the time of the occurrence of the crime and the alleged
9 offender is the direct victim's parent or a person
10 responsible for the direct victim's welfare, an
11 individual residing in the same home as the direct victim
12 or a paramour of the direct victim's parent, all of the
13 following shall apply:

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

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

19 (I) the end of the limitation period for the
20 offense specified in 42 Pa.C.S. Ch. 55 Subch. C
21 (relating to criminal proceedings); or

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

24 (ii) If a direct victim is under 18 years of age at
25 the time of the occurrence of the crime and the direct
26 victim is seeking reimbursement for counseling services
27 only, all of the following shall apply:

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

1 (B) The limitation period shall run until the
2 later of:

3 (I) the end of the limitation period for the
4 offense specified in 42 Pa.C.S. Ch. 55 Subch. C;
5 or

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

8 (b.1) Returned claims.--

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

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

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

20 § 8703. Minimum allowable claim.

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

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

28 § 8704. Determination of claims.

29 (a) Processing.--The Office of Victims' Services shall
30 establish functional procedures for the intake, verification and

1 processing of claims.

2 (b) Review.--

3 (1) The Office of Victims' Services shall review the
4 claim and all supporting documents and investigate the
5 validity of the claim. The investigation shall include an
6 examination of police, court and official records and reports
7 concerning the crime, and an examination of medical and
8 hospital reports relating to the injury upon which the claim
9 is based. The Office of Victims' Services may not request or
10 review counseling notes of mental health service providers.
11 The Office of Victims' Services shall request an assessment
12 from the mental health service provider as to the extent the
13 service provided is needed as a direct result of the crime.

14 (2) Claims shall be investigated and determined,
15 regardless of whether the alleged criminal has been
16 apprehended, prosecuted or adjudicated for the crime in
17 question.

18 (c) Determination.--

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

23 (2) If the Office of Victims' Services is unable to
24 determine whether or not a claim is justified based upon the
25 supporting documents, it may direct a hearing before a
26 hearing examiner designated by the commission. At the
27 hearing, any relevant evidence not legally privileged shall
28 be admissible.

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

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

5 § 8705. Judicial review.

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

12 § 8706. Emergency awards.

13 (a) Authorization.--Notwithstanding the provisions of
14 sections 8704 (relating to determination of claims) and 8707
15 (relating to awards), if it appears to the Office of Victims'
16 Services that the claim is one with respect to which an award
17 probably will be made and that undue hardship will result to the
18 claimant if immediate payment is not made, the Office of
19 Victims' Services may make an emergency award to the claimant
20 pending a final decision in the case. The following shall apply:

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

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

26 (3) The excess of the amount of the emergency award over
27 the amount of the final award or the full amount of the
28 emergency award, if no final award is made, shall be repaid
29 by the claimant to the Office of Victims' Services.

30 (b) Reconsideration.--The Office of Victims' Services may

1 reconsider an emergency award at any time prior to the final
2 decision in the case and increase previous orders for emergency
3 compensation up to the overall limit of \$1,500 per claim or at a
4 rate set by the Office of Victims' Services.

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

8 § 8707. Awards.

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

11 (1) A crime was committed.

12 (2) The person injured or killed was a direct victim or
13 intervenor.

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

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

23 (ii) the Office of Victims' Services finds the delay
24 to have been justified, consistent with regulations of
25 the Office of Victims' Services.

26 (4) The direct victim, intervenor or claimant has fully
27 cooperated with all law enforcement agencies and the Office
28 of Victims' Services, unless the Office of Victims' Services
29 finds the noncompliance to have been justified consistent
30 with the Office of Victims' Services regulations.

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

9 (1) Withdrawn, unless the Office of Victims' Services
10 finds the withdrawal to have been justified, consistent with
11 the Office of Victims' Services regulations.

12 (2) Filed more than 72 hours after the occurrence of the
13 criminal conduct leading to the commencement of the action,
14 unless:

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

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

24 (b) Amount.--

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

30 (i) counseling, the maximum amount of which shall be

1 in accordance with paragraph (4.1);

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

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

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

12 (i) No award shall exceed the average weekly wage
13 for all persons covered by the act of December 5, 1936
14 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the
15 Unemployment Compensation Law, in this Commonwealth as
16 determined annually by the Department of Labor and
17 Industry for each week of lost earnings or support.

18 (ii) Except as specified in subparagraph (iii), the
19 aggregate award for the loss shall not exceed \$15,000.

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

22 (3) If an order of restitution has been entered on
23 behalf of the direct victim, those amounts actually collected
24 shall be applied first to property losses incidental to the
25 crime and secondly to personal injury losses as provided
26 under subsection (f).

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

- 1 (i) a direct victim;
2 (ii) an individual responsible for the direct
3 victim's welfare;
4 (iii) an individual who is physically present at the
5 crime scene and witnesses a violent crime;
6 (iv) in the case of a homicide, an individual who
7 discovers the body;
8 (v) anyone related to the direct victim within the
9 second degree of consanguinity or affinity;
10 (vi) anyone maintaining a common-law relationship
11 with the direct victim;
12 (vii) anyone residing in the same household with the
13 direct victim; or
14 (viii) anyone engaged to be married to the direct
15 victim.

16 (4.1) In the case of an award made under paragraph (4),
17 the following shall apply:

- 18 (i) The amount of an award under paragraph (4) (i)
19 shall not exceed \$5,000 where the direct victim is an
20 adult and shall not exceed \$10,000 where the direct
21 victim is a minor.
22 (ii) The amount of an award under paragraph (4) (ii),
23 (v), (vi), (vii) or (viii) shall not exceed \$2,500,
24 except in the case of a homicide, where the amount of the
25 award shall not exceed \$5,000.
26 (iii) The amount of an award under paragraph (4)
27 (iii) or (iv) shall not exceed \$1,500.

28 (5) An award for the reasonable and necessary costs for
29 the replacement of prosthetic devices, wheelchairs, canes,
30 walkers, hearing aids, eyeglasses or other corrective lenses,

1 dental devices or prescription medications damaged or stolen
2 as a result of the crime shall be at a rate set by the Office
3 of Victims' Services. Expenses for prosthetic devices,
4 wheelchairs, canes, walkers, hearing aids, eyeglasses or
5 other corrective lenses, dental devices or prescription
6 medications needed as a result of the crime shall be counted
7 against the \$35,000 award limitation.

8 (c) Public assistance.--Provisions of awards made pursuant
9 to a statute compensating or benefiting a direct victim or
10 claimant shall in no way affect the claimant's or direct
11 victim's eligibility for public assistance or any other Federal
12 or Commonwealth social benefit or assistance program.

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

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

21 (1) from or on behalf of the individual who committed
22 the crime;

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

25 (3) under any contract of insurance in which the
26 claimant is the beneficiary;

27 (4) from public funds;

28 (5) as an emergency award under section 8706 (relating
29 to emergency awards);

30 (6) under any pension program, including those providing

1 for disability or survivor's benefits; or

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

5 (f) Direct victim responsibility.--

6 (1) Except as specified in paragraphs (2) and (3), in
7 determining the amount of an award, the Office of Victims'
8 Services shall determine whether the direct victim or
9 intervenor, because of conduct, contributed to the infliction
10 of the injury. The Office of Victims' Services shall reduce
11 the amount or deny the claim altogether in accordance with
12 the determination.

13 (2) If the crime involved is rape or sexual assault, the
14 conduct of the direct victim shall not be considered. If the
15 crime involved is related to domestic violence, the conduct
16 of the direct victim shall not be considered unless the
17 direct victim was the primary aggressor.

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

21 (g) Intervenor responsibility.--In determining the amount of
22 an award to an intervenor, the Office of Victims' Services may
23 consider whether the intervenor, because of conduct, contributed
24 to the infliction of the injury. The Office of Victims' Services
25 shall reduce the amount or deny the claim altogether in
26 accordance with the determination.

27 (h) Forensic rape investigation.--

28 (1) A hospital or other licensed health care provider
29 may submit a claim for reimbursement for the cost of a
30 forensic rape examination if the cost is not covered by

1 insurance or the victim requests that the insurance carrier
2 not be billed. Upon filing of a claim, the Office of Victims'
3 Services shall promptly notify the prosecutor of the county
4 where the crime is alleged to have occurred. The
5 reimbursement, where applicable, shall be at a rate set by
6 the Office of Victims' Services.

7 (2) The cost of a forensic rape examination and the cost
8 of medications prescribed to the direct victim shall not be
9 charged to the victim.

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

12 § 8708. Manner of payment.

13 (a) Lump sum.--

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

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

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

22 (4) An award shall not be considered as compensation
23 taxable as income under Article III of the act of March 4,
24 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

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

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

1 (b) Medical expenses.--

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

6 (2) If the Office of Victims' Services accepts a claim,
7 the hospital or other licensed health care provider shall
8 accept payment as payment in full and may not attempt to
9 collect from the victim any amount exceeding the amount of
10 reimbursement made by the Office of Victims' Services.

11 § 8709. Confidentiality of records.

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

20 (b) Disclosure restricted.--Except as otherwise provided by
21 law, no person who has had access to a report, record or any
22 other information under this subsection shall disclose the
23 content of the report, record or other information or testify in
24 a judicial or administrative proceeding without the written
25 consent of the direct victim or intervenor or, if the direct
26 victim or intervenor is deceased, the claimant.

27 (c) Construction.--This section shall not be construed to
28 preclude or limit introduction of the contents of a report,
29 record or other information in an appeal hearing before the
30 Office of Victims' Services or in an investigation, prosecution

1 or judicial proceeding enforcing section 9303 (relating to
2 penalty) or in communicating with the prosecutor's office
3 regarding restitution.

4 § 8710. Responsibilities of employers, service providers and
5 insurance companies.

6 (a) Response.--Employers, insurance companies or providers
7 of services to direct victims, intervenors or claimants,
8 including, but not limited to, doctors, hospitals and
9 counselors, shall respond in writing to the request by the
10 Office of Victims' Services for confirmation or other
11 information under this chapter within 30 days of receipt of the
12 request by the Office of Victims' Services.

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

16 (c) Enforcement.--The office of the district attorney of the
17 county in which the crime occurred and the Office of Victims'
18 Services shall be charged with enforcement of this section and
19 the collection of penalties, which may be given to local victim
20 service agencies or used for the enforcement and collection of
21 penalties under this section.

22 CHAPTER 89

23 SERVICES

24 Sec.

25 8901. Eligibility of victims.

26 8902. Establishment of basic services for victims of crime.

27 8903. Grant program for services.

28 § 8901. Eligibility of victims.

29 A victim has the rights and is eligible for the services
30 under sections 8201 (relating to rights) and 8902 (relating to

1 establishment of basic services for victims of crime) only if
2 the victim reported the crime to law enforcement authorities
3 without unreasonable delay after its occurrence or discovery,
4 unless the victim had a reasonable excuse not to do so.

5 § 8902. Establishment of basic services for victims of crime.

6 The commission shall provide technical assistance to and make
7 grants to district attorneys, other criminal justice agencies or
8 victim service agencies which provide crime victims with the
9 following services:

10 (1) Notification services, including all of the
11 following:

12 (i) Information concerning financial assistance and
13 other social services available as a result of being a
14 victim of crime.

15 (ii) Notification that a court proceeding to which
16 they have been subpoenaed will not be held as scheduled,
17 in order to save the victim an unnecessary trip to court.

18 (iii) Notification of the final disposition of the
19 case.

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

21 (i) Protection from harm and threats of harm arising
22 out of cooperation with law enforcement and prosecution
23 efforts.

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

27 (3) Procedures for the expedited return by law
28 enforcement officials of personal property of victims which
29 is held for prosecutorial purposes.

30 (4) Services related to the rights of victims under

1 Chapter 82 (relating to crime victims).

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

3 § 8903. Grant program for services.

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

8 (b) Regulations.--The commission shall promulgate
9 regulations necessary to ensure the cost-effective delivery of
10 victim services or victim and witness services consistent with
11 section 8902.

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

15 (d) Data.--A criminal justice agency that makes application
16 for awards under this section shall provide data in support of
17 the request as the commission requires. An agency that receives
18 an award shall provide the commission with reports as the
19 commission determines necessary to assess the agency's progress
20 in the development of victim services.

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

24 (1) The number of participating agencies and population
25 served.

26 (2) The extent of services provided.

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

28 (4) Recommendations for reform.

29 (f) Allocation.--In the allocation of funds for services
30 under section 8902, the commission shall consider the extent to

1 which crime victims' compensation claims assistance is made
2 available.

3 CHAPTER 91

4 FINANCIAL MATTERS

5 Sec.

6 9101. Costs.

7 9102. Costs for offender supervision programs.

8 § 9101. Costs.

9 (a) Imposition.--

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

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

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

21 (i) There is a consent decree.

22 (ii) There is an adjudication of delinquency.

23 (b) Disposition.--

24 (1) The Crime Victim's Compensation Fund is established
25 as a special nonlapsing fund in the State Treasury. The fund
26 shall be used by the Office of Victims' Services for payment
27 to claimants and technical assistance. Thirty-five dollars of
28 the costs imposed under subsection (a)(1) and (2) plus 30% of
29 the costs imposed under subsection (a)(1) which exceed \$60
30 shall be paid into the fund. All costs imposed under

1 subsection (a) (3) shall be paid into the fund.

2 (2) The Victim Witness Services Fund is established as a
3 special nonlapsing fund in the State Treasury. The fund shall
4 be used by the commission for victim-witness services and
5 technical assistance in nonvictim compensation-related areas
6 in accordance with this section. Twenty-five dollars of the
7 costs imposed under subsection (a) (1) and (2) plus 70% of the
8 costs imposed under subsection (a) (1) and (2) which exceed
9 \$60 shall be paid into the fund.

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

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

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

21 § 9102. Costs for offender supervision programs.

22 (a) County fund.--

23 (1) The county treasurer of each county shall establish
24 and administer a county offender supervision fund consisting
25 of the fees collected under this section. The county
26 treasurer shall disperse money from the fund only at the
27 discretion of the president judge of the court of common
28 pleas.

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

30 (i) Pay the salaries and employee benefits of all

1 probation and parole personnel employed by the county
2 probation and parole department and the operational
3 expenses of that department.

4 (ii) Supplement Federal, State or county
5 appropriations for the county adult probation and parole
6 department.

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

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

13 (b) State fund.--

14 (1) The State Offender Supervision Fund is established
15 in the State Treasury, and shall be administered by the board
16 and comprised of the supervision fees collected by the board
17 under this section.

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

21 (c) Court.--

22 (1) The court shall impose as a condition of supervision
23 a monthly supervision fee of at least \$25 on any offender
24 placed on probation, parole, accelerated rehabilitative
25 disposition, probation without verdict or intermediate
26 punishment, unless the court finds that the fee should be
27 reduced, waived or deferred based on the offender's present
28 inability to pay.

29 (2) Of the fee collected, 50% shall be deposited into
30 the county offender supervision fund established in each

1 county in subsection (a), and the remaining 50% shall be
2 deposited into the State Offender Supervision Fund
3 established in subsection (b).

4 (d) Board.--

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

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

12 (e) Continuation.--

13 (1) For offenders under supervision of a county
14 probation department or the board as of August 14, 1991, the
15 fee shall automatically become a part of the supervision
16 conditions as if the court or board had imposed it, unless
17 the court or board makes a finding that the offender is
18 presently unable to pay.

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

22 (i) The offender has diligently attempted but has
23 been unable to obtain employment that provides the
24 offender sufficient income to make payments.

25 (ii) The offender is a student in a school, a
26 college, a university or a course of vocational or
27 technical training designed to fit the student for
28 gainful employment.

29 (iii) The offender has an employment handicap as
30 determined by an examination acceptable to or ordered by

1 the court or board.

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

3 (v) The offender is responsible for the support of
4 dependents, and the payment of the assessment constitutes
5 an undue hardship on the offender.

6 (vi) Other extenuating circumstances as determined
7 by the court or board.

8 CHAPTER 93

9 ENFORCEMENT

10 Sec.

11 9301. Subrogation.

12 9302. Restitution.

13 9303. Penalty.

14 § 9301. Subrogation.

15 (a) General rule.--

16 (1) Payment of an award made under Chapter 87 (relating
17 to compensation) shall subrogate the Commonwealth, to the
18 extent of the payment, to any right of action against any
19 person accruing to the claimant, the direct victim or the
20 intervenor to recover losses resulting from the crime with
21 respect to which the award is made.

22 (2) The Commonwealth shall be entitled to bring an
23 action against the person causing or otherwise liable for the
24 personal injuries or death for which the payment was made.

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

28 (b) Excess.--

29 (1) If an amount greater than that paid under Chapter 87
30 is recovered and collected in the action, the Commonwealth

1 shall pay the balance to the claimant.

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

3 (3) A claimant who fails to notify the Office of
4 Victims' Services of the receipt of funds from any other
5 claim or award arising out of the crime shall forfeit and pay
6 to the Commonwealth an amount equal to all awards paid by the
7 Office of Victims' Services to the claimant or on the
8 claimant's behalf.

9 § 9302. Restitution.

10 To the extent that restitution is ordered either prior to or
11 subsequent to the making of an award by the Office of Victims'
12 Services, the restitution shall be paid to the Commonwealth to
13 the extent of the award by the Office of Victims' Services.

14 § 9303. Penalty.

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

20 CHAPTER 95

21 MISCELLANEOUS PROVISIONS

22 Sec.

23 9501. Effect on legal actions.

24 § 9501. Effect on legal actions.

25 Nothing in Chapters 75 (relating to victim advocate), 82
26 (relating to crime victims), 83 (relating to administration),
27 and 89 (relating to services) creates a cause of action or
28 defense in favor of any person arising out of the failure to
29 comply with any of these chapters.

30 Section 11. Sections 4104(e)(5) and (j), 4301, 4503,

1 6134.1(d) and 6308(c) of Title 61 are amended to read:

2 § 4104. Referral to State intermediate punishment program.

3 * * *

4 (e) Resentencing.--The department may make a written request
5 to the sentencing court that an offender who is otherwise
6 eligible but has not been referred for evaluation or originally
7 sentenced to State intermediate punishment be sentenced to State
8 intermediate punishment. The court may resentence the offender
9 to State intermediate punishment if all of the following apply:

10 * * *

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

16 * * *

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

21 § 4301. Definitions.

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

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

29 "Victim advocate." The victim advocate within the
30 Pennsylvania Board of Probation and Parole.

1 § 4503. Definitions.

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

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

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

10 "Eligible offender." A defendant or inmate convicted of a
11 criminal offense who will be committed to the custody of the
12 department and who meets all of the following eligibility
13 requirements:

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

16 (2) Has not been subject to a sentence the calculation
17 of which includes an enhancement for the use of a deadly
18 weapon as defined under law or the sentencing guidelines
19 promulgated by the Pennsylvania Commission on Sentencing or
20 the attorney for the Commonwealth has not demonstrated that
21 the defendant has been found guilty of or was convicted of an
22 offense involving a deadly weapon or offense under 18 Pa.C.S.
23 Ch. 61 (relating to firearms and other dangerous articles) or
24 the equivalent offense under the laws of the United States or
25 one of its territories or possessions, another state, the
26 District of Columbia, the Commonwealth of Puerto Rico or a
27 foreign nation.

28 (3) Has not been found guilty of or previously convicted
29 of or adjudicated delinquent for or an attempt or conspiracy
30 to commit a personal injury crime as defined under [section

1 103 of the act of November 24, 1998 (P.L.882, No.111), known
2 as the Crime Victims Act] 44 Pa.C.S. § 8103 (relating to
3 definitions), except for an offense under 18 Pa.C.S. § 2701
4 (relating to simple assault) when the offense is a
5 misdemeanor of the third degree, or an equivalent offense
6 under the laws of the United States or one of its territories
7 or possessions, another state, the District of Columbia, the
8 Commonwealth of Puerto Rico or a foreign nation.

9 (4) Has not been found guilty or previously convicted or
10 adjudicated delinquent for violating any of the following
11 provisions or an equivalent offense under the laws of the
12 United States or one of its territories or possessions,
13 another state, the District of Columbia, the Commonwealth of
14 Puerto Rico or a foreign nation:

15 18 Pa.C.S. § 4302(a) (relating to incest).

16 18 Pa.C.S. § 5901 (relating to open lewdness).

17 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet
18 child pornography).

19 Received a criminal sentence pursuant to 42 Pa.C.S. §
20 9712.1 (relating to sentences for certain drug offenses
21 committed with firearms).

22 Any offense for which registration is required under
23 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of
24 sexual offenders).

25 (5) Is not awaiting trial or sentencing for additional
26 criminal charges, if a conviction or sentence on the
27 additional charges would cause the defendant to become
28 ineligible under this definition.

29 (6) Has not been found guilty or previously convicted of
30 violating section 13(a)(14), (30) or (37) of the act of April

1 14, 1972 (P.L.233, No.64), known as The Controlled Substance,
2 Drug, Device and Cosmetic Act, where the sentence was imposed
3 pursuant to 18 Pa.C.S. § 7508(a)(1)(iii), (2)(iii), (3)(iii),
4 (4)(iii), (7)(iii) or (8)(iii) (relating to drug trafficking
5 sentencing and penalties).

6 "Program plan." An individualized plan recommended by the
7 department that contains approved treatment and other approved
8 programs designed to reduce recidivism risk of a specific
9 inmate.

10 § 6134.1. General criteria for parole by court.

11 * * *

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

15 "Personal injury crime." The term shall have the meaning
16 [set forth in section 103 of the act of November 24, 1998
17 (P.L.882, No.111), known as the Crime Victims Act] specified in
18 44 Pa.C.S. § 8103 (relating to definitions).

19 "Victim." The term shall mean, in addition to the meaning
20 [set forth in section 103 of the act of November 24, 1998
21 (P.L.882, No.111), known as the Crime Victims Act] specified in
22 44 Pa.C.S. § 8103 (relating to definitions), a member of the
23 victim's family if the victim is incapable of communicating or
24 has died.

25 § 6308. County Probation Officers' Firearm Education and
26 Training Fund.

27 * * *

28 (c) Other moneys to be used.--In addition to payment of
29 training expenses as prescribed under subsection (b), training
30 expenses may also be paid out of the county offender supervision

1 fund under [section 1102 of the act of November 24, 1998
2 (P.L.882, No.111), known as the Crime Victims Act,] 44 Pa.C.S. §
3 9102 (relating to costs for offender supervision programs) or
4 any other county fund.

5 * * *

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

10 (1) Except as otherwise provided in 44 Pa.C.S. Ch. 31,
11 all activities initiated under the Pennsylvania Commission on
12 Crime and Delinquency Law shall continue and remain in full
13 force and effect and may be completed under 44 Pa.C.S. Ch.
14 31. Resolutions, orders, regulations, rules and decisions
15 which were made under the Pennsylvania Commission on Crime
16 and Delinquency Law and which are in effect on the effective
17 date of this section shall remain in full force and effect
18 until revoked, vacated or modified under 44 Pa.C.S. Ch. 31.
19 Contracts, obligations and agreements entered into under the
20 Pennsylvania Commission on Crime and Delinquency Law are not
21 affected nor impaired by the repeal of the Pennsylvania
22 Commission on Crime and Delinquency Law.

23 (2) Except as specified in paragraphs (3) and (4), any
24 difference in language between 44 Pa.C.S. Ch. 31 and the
25 Pennsylvania Commission on Crime and Delinquency Law is
26 intended only to conform to the style of the Pennsylvania
27 Consolidated Statutes and is not intended to change or affect
28 the legislative intent, judicial construction or
29 administrative interpretation and implementation of the
30 Pennsylvania Commission on Crime and Delinquency Law.

1 (3) Paragraph (2) does not apply to 44 Pa.C.S. § 3102(b)
2 (6), (8) and (19).

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

6 (i) The definition of "targeted community" in
7 section 1 of the act.

8 (ii) Sections 3(6.3), (8) and (17), 4(2) and (7), 8,
9 10 and 11 of the act.

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

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

16 The following apply:

17 (1) Except as otherwise provided in 44 Pa.C.S. Ch. 73
18 Subch. C, all activities initiated under the Sheriff and
19 Deputy Sheriff Education and Training Act shall continue and
20 remain in full force and effect and may be completed under 44
21 Pa.C.S. Ch. 73 Subch. C. Resolutions, orders, regulations,
22 rules and decisions which were made under the Sheriff and
23 Deputy Sheriff Education and Training Act and which are in
24 effect on the effective date of this section shall remain in
25 full force and effect until revoked, vacated or modified
26 under 44 Pa.C.S. Ch. 73 Subch. C. Contracts, obligations and
27 agreements entered into under the Sheriff and Deputy Sheriff
28 Education and Training Act are not affected nor impaired by
29 the repeal of the Sheriff and Deputy Sheriff Education and
30 Training Act.

1 (2) Except as specified in paragraph (3), any difference
2 in language between 44 Pa.C.S. Ch. 73 Subch. C and the
3 Sheriff and Deputy Sheriff Education and Training Act is
4 intended only to conform to the style of the Pennsylvania
5 Consolidated Statutes and is not intended to change or affect
6 the legislative intent, judicial construction or
7 administrative interpretation and implementation of the
8 Sheriff and Deputy Sheriff Education and Training Act.

9 (3) The following provisions of the Sheriff and Deputy
10 Sheriff Education and Training Act are obsolete and excluded
11 from the addition of 44 Pa.C.S. Ch. 73 Subch. C:

12 (i) The exception for appointments upon the
13 effective date of the act under the first sentence of
14 section 3(c) and the first sentence of subsection (h) of
15 the act.

16 (ii) Section 7(a) under the first sentence of
17 subsection (c) of the act.

18 (iii) Section 8(b)(1) and (2) and (b.1)(1) and (2)
19 of the act.

20 (4) A reference in any other act or regulation to the
21 Sheriff and Deputy Sheriff Education and Training Act shall
22 be deemed to be a reference to 44 Pa.C.S. Ch. 73 Subch. C.
23 Section 14. The addition of 44 Pa.C.S. Chapter 75 and Part V
24 is a continuation of the act of November 24, 1998 (P.L.882,
25 No.111), known as the Crime Victims Act. The following apply:

26 (1) Except as otherwise provided in 44 Pa.C.S. Ch. 75
27 and Part V, all activities initiated under the Crime Victims
28 Act shall continue and remain in full force and effect and
29 may be completed under 44 Pa.C.S. Ch. 75 and Part V, as
30 applicable. Resolutions, orders, regulations, rules and

1 decisions which were made under the Crime Victims Act and
2 which are in effect on the effective date of this section
3 shall remain in full force and effect until revoked, vacated
4 or modified under 44 Pa.C.S. Ch. 75 and Part V, as
5 applicable. Contracts, obligations and agreements entered
6 into under the Crime Victims Act are not affected nor
7 impaired by the repeal of the Crime Victims Act.

8 (2) Any difference in language between 44 Pa.C.S. Ch. 75
9 and Part V and the Crime Victims Act is intended only to
10 conform to the style of the Pennsylvania Consolidated
11 Statutes and is not intended to change or affect the
12 legislative intent, judicial construction or administrative
13 interpretation and implementation of the Crime Victims Act.

14 (3) A reference in any other act or regulation to the
15 Crime Victims Act shall be deemed to be a reference to 44
16 Pa.C.S. Ch. 75 and Part V, as applicable.
17 Section 15. Repeals are as follows:

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

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

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

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

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

30 (iv) The act of December 21, 1998 (P.L.1187,

1 No.152), known as the Senior Citizen Advisory Committee
2 Act, is repealed.
3 Section 16. This act shall take effect in 60 days.