
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 303 Session of
2019

INTRODUCED BY K. WARD, MARTIN, BREWSTER, KEARNEY, TARTAGLIONE,
BROWNE AND COSTA, FEBRUARY 15, 2019

REFERRED TO JUDICIARY, FEBRUARY 15, 2019

AN ACT

1 Amending the act of November 24, 1998 (P.L.882, No.111),
2 entitled "An act providing for victims' rights; imposing
3 penalties; establishing remedies; establishing the Office of
4 Victim Advocate, the Bureau of Victims' Services, the
5 Victims' Services Advisory Committee, the State Offender
6 Supervision Fund and other funds; and making repeals," in
7 crime victims, further providing for responsibilities of
8 State and local law enforcement agencies and providing for
9 responsibilities of medical personnel; and, in compensation,
10 further providing for persons eligible for compensation and
11 for awards.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 212 of the act of November 24, 1998
15 (P.L.882, No.111), known as the Crime Victims Act, is amended by
16 adding a subsection to read:

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

19 * * *

20 (h) Release of identification.--

21 (1) Except as otherwise provided in paragraph (2), a law
22 enforcement agency shall make a reasonable effort to contact

1 a surviving family member of a direct victim of murder or
2 intervenor before publicly releasing the identification of
3 the direct victim or intervenor.

4 (2) A law enforcement agency may publicly release the
5 identification of a direct victim of murder or intervenor
6 without notification of the death to a surviving family
7 member if the release is necessary for the investigation of
8 the murder.

9 Section 2. The act is amended by adding a section to read:

10 Section 217. Responsibilities of medical personnel.

11 No medical personnel or employee of a health care facility
12 may release the identification of a direct victim of murder or
13 intervenor to any person, other than a law enforcement agency or
14 coroner, without the express consent of a health care agent
15 designated by the direct victim or intervenor under a health
16 care power of attorney or, if after making a reasonable effort
17 to identify and contact a health care agent for the direct
18 victim or intervenor it does not appear that a health care agent
19 was designated by the direct victim or intervenor, a surviving
20 family member of the direct victim or intervenor.

21 Section 3. Sections 701(a) and 707(b)(1) and (2) of the act
22 are amended to read:

23 Section 701. Persons eligible for compensation.

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

26 (1) A direct victim.

27 (2) An intervenor.

28 (3) A surviving spouse, parent [or], child, sibling,
29 grandparent or grandchild of a deceased direct victim or
30 intervenor and an individual for whom, as a minor, a deceased

1 direct victim or intervenor was appointed guardian.

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

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

7 * * *

8 Section 707. Awards.

9 * * *

10 (b) Amount.--

11 (1) Any award made under this chapter shall be in an
12 amount not exceeding out-of-pocket loss, together with loss
13 of past, present or future earnings or support resulting from
14 such injury or from attendance at a court proceeding as
15 provided in paragraph (2) (iv). In no case shall the total
16 amount of an award exceed \$35,000 except for payment of the
17 following:

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

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

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

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

30 (i) No such award shall exceed the average weekly

1 wage for all persons covered by the act of December 5,
2 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the
3 Unemployment Compensation Law, in this Commonwealth as
4 determined annually by the Department of Labor and
5 Industry for each week of lost earnings or support.

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

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

10 (iv) The award shall be made to any individual
11 related to a direct victim of murder within the second
12 degree of consanguinity or affinity for lost wages or
13 support resulting from attendance at a criminal court
14 proceeding relating to the murder of the direct victim,
15 including an individual for whom, as a minor, the direct
16 victim was appointed guardian.

17 * * *

18 Section 4. This act shall take effect in 60 days.