
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 60 Session of
2021

INTRODUCED BY COX, ROWE, RYAN, WHEELAND AND ZIMMERMAN,
MARCH 16, 2021

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 16, 2021

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 and to crimes victims; and making editorial
8 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) 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal
12 police education and training).

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

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

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

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

22 § 6702. Definitions.

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

26 "Actual address." A residential address, school address or
27 work address of an individual.

28 "Law enforcement agency." A police department of a city,
29 borough, incorporated town or township, the Pennsylvania State
30 Police, district attorneys' offices and the Office of Attorney

1 General.

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

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

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

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

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

20 "Victim of stalking." A victim of an offense enumerated in
21 18 Pa.C.S. § 2709.1 (relating to stalking).

22 Section 4. Sections 2152(b), 4402, 9777(c) and 9799.26(b) of
23 Title 42 are amended to read:

24 § 2152. Composition of commission.

25 * * *

26 (b) Ex officio members.--The Secretary of Corrections, the
27 victim advocate appointed under 44 Pa.C.S. § 7502 (relating to
28 victim advocate) and the chairperson of the board, during their
29 tenure in their respective positions, shall serve as ex officio
30 nonvoting members of the commission.

1 * * *

2 § 4402. Definitions.

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

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

12 "Certified interpreter." A person who:

13 (1) is readily able to interpret; and

14 (2) is certified by the Court Administrator in
15 accordance with either Subchapter B (relating to court
16 interpreters for persons with limited English proficiency) or
17 Subchapter C (relating to court interpreters for persons who
18 are deaf).

19 "Court Administrator." The Court Administrator of
20 Pennsylvania.

21 "Deaf." An impairment of hearing or speech which creates an
22 inability to understand or communicate the spoken English
23 language.

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

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

28 "Interpret." Either one of the following:

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

1 to convey spoken and written English into the language of the
2 person with limited English proficiency and to convey oral
3 and written statements by the person with limited English
4 proficiency into spoken English.

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

13 "Interpreter." Includes both a certified interpreter and an
14 otherwise qualified interpreter.

15 "Judicial proceeding." An action, appeal or proceeding in
16 any court of this Commonwealth.

17 "Limited ability to speak or understand English." The
18 ability to speak exclusively or primarily a language other than
19 English and the inability to sufficiently speak or understand
20 English.

21 "Otherwise qualified interpreter." A person who:

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

24 (i) is readily able to interpret; and

25 (ii) has read, understands and agrees to abide by
26 the code of professional conduct for court interpreters
27 for persons with limited English proficiency as
28 established by the Court Administrator in accordance with
29 Subchapter B.

30 (2) For purposes of Subchapter C (relating to court

1 interpreters for persons who are deaf):

2 (i) is readily able to interpret;

3 (ii) is certified by the National Association of the
4 Deaf, the Registry of Interpreters for the Deaf or
5 similar registry; and

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

10 "Person who is deaf." A principal party in interest or a
11 witness who is deaf.

12 "Person with limited English proficiency." A principal party
13 in interest or a witness, who has limited ability to speak or
14 understand English.

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

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

24 "Transliteration." To convey spoken or written English in an
25 English-based sign system and the process of conveying an
26 English-based sign system in spoken or written English.

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

28 § 9777. Transfer of inmates in need of medical treatment.

29 * * *

30 (c) Service.--Any petition filed under this section shall be

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

15 * * *

16 § 9799.26. Victim notification.

17 * * *

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

25 * * *

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

27 Chapter

28 1. General Provisions

29 CHAPTER 1

30 GENERAL PROVISIONS

1 Sec.

2 101. Short title of title.

3 § 101. Short title of title.

4 This title shall be known and may be cited as the Law and
5 Justice Code.

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

7 PART III

8 [INCARCERATION] ADMINISTRATION OF LAW AND JUSTICE

9 Section 7. Title 44 is amended by adding chapters to read:

10 CHAPTER 31

11 PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

12 Sec.

13 3101. Definitions.

14 3102. Pennsylvania Commission on Crime and Delinquency.

15 3103. Powers and duties of commission.

16 3104. Duties of commission relative to criminal statistics.

17 3105. Duties of public agencies and officers in reporting
18 criminal statistics.

19 3106. Juvenile Justice and Delinquency Prevention Committee.

20 3107. (Reserved).

21 3108. (Reserved).

22 3109. Cooperation by other departments.

23 § 3101. Definitions.

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

27 "Commission." The Pennsylvania Commission on Crime and
28 Delinquency.

29 "Innovative policing." The term shall include all of the
30 following:

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

3 (2) Online training of law enforcement officers.

4 (3) County and regional law enforcement data-sharing
5 initiatives.

6 (4) Strategies to combat crime and gang activity,
7 including intervention, enforcement, technology, analytical
8 capacity and community policing.

9 "Mid-minimum offender." An offender who at the time of
10 sentencing has at least one but not more than two years
11 remaining to be served to reach the offender's minimum sentence,
12 including any applicable recidivism risk reduction incentive
13 minimum sentence imposed.

14 "Offender diversion." Evidence-based strategies to reduce
15 the number of short-minimum offenders and mid-minimum offenders
16 committed to the Department of Corrections.

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

21 § 3102. Pennsylvania Commission on Crime and Delinquency.

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

25 (b) Composition.--The commission shall consist of the
26 following members:

27 (1) The Attorney General.

28 (2) A justice of the Supreme Court of Pennsylvania or a
29 judge of the Superior Court of Pennsylvania.

30 (3) The Court Administrator of Pennsylvania.

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

2 (5) The Commissioner of Pennsylvania State Police.

3 (6) The chairman of the Appropriations Committee of the
4 Senate and the chairman of the Appropriations Committee of
5 the House of Representatives or their designees.

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

8 (8) Four members of the General Assembly or their
9 designees, of whom one shall be designated by, and serve at
10 the pleasure of, the President pro tempore of the Senate, one
11 by the Minority Leader of the Senate, one by the Speaker of
12 the House of Representatives and one by the Minority Leader
13 of the House of Representatives.

14 (9) Seven members appointed by the Governor, one
15 representative of local law enforcement agencies, one
16 representative of local correctional facilities, one
17 representative of local elected officials, one district
18 attorney representative, one representative of county
19 sheriffs, one representative of a local victims' service
20 agency and one representative of county commissioners.

21 (10) The Secretary of Corrections.

22 (11) The Victim Advocate.

23 (12) The Secretary of Human Services.

24 (13) The Secretary of Education.

25 (14) The Secretary of Health.

26 (15) The Chairman of the Pennsylvania Board of Probation
27 and Parole.

28 (16) The Executive Director of the Juvenile Court
29 Judges' Commission.

30 (17) The Executive Director of the Pennsylvania

1 Commission on Sentencing.

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

3 (19) The chairmen of the advisory committees established
4 in the commission.

5 (20) Additional members appointed by the Governor as
6 necessary to implement programs authorized by Federal and
7 State law.

8 (c) Judicial appointments.--

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

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

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

17 (d) Term of office.--

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

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

27 (e) Vacancies.--Should any member cease to be an officer or
28 employee of the agency that the person is appointed to
29 represent, the person's membership on the commission shall
30 terminate immediately and a new member shall be appointed in the

1 same manner as the person's predecessor to fill the unexpired
2 portion of a term. Other vacancies occurring, except those by
3 the expiration of a term, shall be filled for the balance of the
4 unexpired term in the same manner as the original appointment.

5 (f) Chairman.--The chairman shall be chosen by the Governor
6 and shall serve at the pleasure of the Governor. A vice chairman
7 shall be designated by the chairman and shall preside at
8 meetings in the absence of the chairman.

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

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

17 (i) Compensation and expenses.--Members who are not
18 Commonwealth officers or State, county or municipal employees
19 shall be paid \$75 a day for attendance at any official meeting.
20 Reasonable expenses incurred by members shall be allowed and
21 paid upon the presentation of itemized vouchers for the
22 expenses.

23 (j) Executive director.--An executive director shall be
24 appointed by the Governor after consultation with the members of
25 the commission. The executive director shall be paid
26 compensation as the Executive Board may determine.

27 (k) Employees.--The executive director may employ personnel
28 and contract for consulting services as may be necessary and
29 authorized to carry out the purposes of this chapter. Staff of
30 the commission, other than the executive director, shall be

1 employed in classified service under 71 Pa.C.S. Pt. III
2 (relating to civil service reform).

3 (l) (Reserved).

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

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

12 (o) State Criminal Justice Council.--The commission is
13 designated as the State Criminal Justice Council for the
14 purposes of the Omnibus Crime Control and Safe Streets Act of
15 1968 (Public Law 90-351, 82 Stat. 197) and the Juvenile Justice
16 and Delinquency Prevention Act of 1974 (Public Law 93-415, 88
17 Stat. 1109).

18 § 3103. Powers and duties of commission.

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

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

24 (2) To apply for, contract for, receive, allocate,
25 disburse and account for funds, grants-in-aid, grants of
26 services and property, real and personal, particularly those
27 funds made available under the Juvenile Justice and
28 Delinquency Prevention Act of 1974 (Public Law 93-415, 88
29 Stat. 1109).

30 (3) To receive applications for financial assistance

1 from State agencies, units of general local government and
2 combinations thereof, private nonprofit organizations and
3 other proper applicants, and to disburse available Federal
4 and State funds to applicants in accordance with the
5 provisions of applicable statutes and regulations and in
6 conformity with the comprehensive plan.

7 (4) To establish fund accounting, auditing, monitoring
8 and evaluation procedures as necessary to assure fiscal
9 control, proper management and disbursement of grant funds,
10 including the requirements of supporting records being
11 submitted to the disbursing agency by persons requiring
12 reimbursement, and to establish procedures as may be
13 necessary to assure compliance with nondiscrimination
14 requirements.

15 (5) To audit the records of recipients of financial
16 assistance and of their contractors and, for the purpose of
17 the audits, to have access to all pertinent records required
18 to be kept by recipients of financial assistance and by their
19 contractors. The commission shall have the power to subpoena
20 witnesses and records in the execution of its auditing
21 responsibilities and, upon certification to it of failure to
22 obey any such subpoena, the Pennsylvania Supreme Court is
23 empowered after hearing to enter, when proper, an
24 adjudication of contempt and other order as the circumstances
25 require.

26 (6) To monitor and evaluate program effectiveness,
27 funded in whole or in part by the Commonwealth through the
28 commission aimed at reducing or preventing crime and
29 delinquency and improving the administration of justice as
30 deemed appropriate.

1 (6.1) To define and collaborate with all State agencies
2 on planning and programming related to juvenile delinquency
3 prevention and the reduction and prevention of violence by
4 and against children.

5 (6.2) To design and promote comprehensive research-based
6 initiatives to assist communities and community-based
7 organizations in reducing risk to and promoting the positive
8 development of children and in preventing juvenile
9 delinquency and youth violence.

10 (7) To define, develop and coordinate programs and
11 projects and establish priorities for crime prevention and
12 for improvement in law enforcement, criminal justice and
13 juvenile justice throughout this Commonwealth.

14 (8) (Reserved).

15 (9) To cooperate with and render technical assistance to
16 the General Assembly or a standing committee of the General
17 Assembly, State agencies, units of general local government
18 and public and private agencies relating to the improvement
19 of the criminal and juvenile justice system, including the
20 implementation of special conferences or workshops relating
21 to special issues or professional improvement of criminal
22 justice organizations.

23 (10) To establish, and the chairman of the commission to
24 appoint, subcommittees as it deems proper.

25 (11) To submit an annual report to the Governor and the
26 General Assembly concerning the commission's work during the
27 preceding fiscal year. Other studies, evaluations and reports
28 may be submitted to the Governor or the General Assembly as
29 deemed appropriate.

30 (12) To promulgate rules and regulations as the

1 commission deems necessary for the proper administration of
2 this chapter.

3 (13) To promote coordination in the development and
4 implementation of programs to improve criminal justice and
5 juvenile justice services throughout the Commonwealth.

6 (14) To advise and assist the executive and legislative
7 branches of State government, upon their request, in
8 developing policies, plans, programs and budgets for
9 improving the coordination, administration and effectiveness
10 of the criminal and juvenile justice systems.

11 (15) To prepare special reports and studies of criminal
12 justice issues upon the request of the Governor or the
13 General Assembly or a standing committee of the General
14 Assembly.

15 (16) To design and to coordinate the development and to
16 oversee the implementation of an information system to record
17 transactions and to analyze trends within the Commonwealth's
18 criminal justice system.

19 (17) (Reserved).

20 (18) To establish advisory committees, in addition to
21 those provided for under this chapter, as it deems advisable,
22 except that only the commission may set policy or take other
23 official action. Members of advisory committees shall serve
24 without compensation but may be reimbursed for necessary
25 travel and other expenses in accordance with applicable law
26 and regulations.

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

1 § 3104. Duties of commission relative to criminal statistics.

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

3 (1) To obtain statistical data necessary from all
4 persons and agencies listed in section 3105 (relating to
5 duties of public agencies and officers in reporting criminal
6 statistics) and from any other appropriate source.

7 (2) (Reserved).

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

11 (4) To instruct persons and agencies in the collection
12 and use of statistical data and in the reporting of
13 statistical data to the commission.

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

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

20 (7) (Reserved).

21 (8) To assist or advise in a statistical and research
22 capacity as requested by the Department of Corrections, the
23 Pennsylvania Board of Probation and Parole, the Pennsylvania
24 State Police, the Juvenile Court Judges' Commission and the
25 Court Administrator.

26 (9) To give adequate interpretation of statistics and so
27 to present the information that may be of value in guiding
28 the policies of the commission and of those in charge of the
29 apprehension, prosecution and treatment of the criminals and
30 delinquents or concerned with the present state of crime and

1 delinquency. The report shall include statistics which are
2 comparable with national uniform criminal statistics
3 published by Federal bureaus or departments heretofore
4 mentioned.

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

8 § 3105. Duties of public agencies and officers in reporting
9 criminal statistics.

10 Each Commonwealth agency and person in charge of the
11 apprehension, prosecution and treatment of criminals and
12 delinquents, when requested by the commission, shall:

13 (1) Install and maintain records and recording systems
14 needed for the correct reporting of statistical data required
15 by the commission.

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

18 (3) Give to the staff of the commission access to
19 statistical data for the purpose of carrying out the duties
20 of the commission relative to criminal statistics.

21 § 3106. Juvenile Justice and Delinquency Prevention Committee.

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

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

26 (1) The Executive Director of the Juvenile Court Judges'
27 Commission.

28 (2) Representatives of units of local government, law
29 enforcement and juvenile justice agency probation personnel,
30 juvenile court judges, public and private agencies and

1 organizations concerned with delinquency prevention or
2 treatment and services to delinquency prevention or treatment
3 and services to dependent children, community-based
4 prevention in-treatment programs, organizations concerned
5 with the quality of juvenile justice or that utilize
6 volunteers to work with delinquent or dependent children,
7 businesses employing youth, youth workers involved with
8 alternative youth programs, persons with special experience
9 and competence in addressing the problem of school violence
10 and vandalism and the problem of learning disabilities and
11 representatives of public agencies concerned with special
12 education.

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

15 (b) Number and qualifications.--

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

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

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

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

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

4 (e) Chairman.--

5 (1) The Governor shall appoint a chairman from among the
6 members of the committee who shall serve at the pleasure of
7 the Governor.

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

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

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

14 (1) Serve in an advisory capacity to the commission
15 through the committee's participation in the development of
16 that part of the commission's comprehensive plan relating to
17 juvenile justice and delinquency prevention.

18 (2) Perform those functions related to the direct
19 approval and disbursement of financial assistance in an
20 advisory capacity only, but the advisory committee shall have
21 the opportunity to review and comment on the applications
22 within 30 days after receipt of the application from the
23 commission.

24 (3) Advise the commission on the definition, development
25 and correlation of programs and projects and the
26 establishment of priorities for juvenile justice and
27 delinquency prevention.

28 (4) Develop standards, methods and procedures for
29 evaluating and monitoring services for delinquent and
30 dependent children.

1 (5) Upon request, provide assistance and advice to the
2 commission on any other matters relating to juvenile justice
3 and delinquency prevention.

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

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

10 (8) Advise and assist the commission in designing and
11 promoting comprehensive research-based initiatives to assist
12 communities and community-based organizations in reducing
13 risk to and promoting the positive development of children
14 and preventing juvenile delinquency and youth violence.

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

18 § 3107. (Reserved).

19 § 3108. (Reserved).

20 § 3109. Cooperation by other departments.

21 The various administrative departments, boards and
22 commissions shall cooperate so far as practicable with the
23 commission in the performance of its duties under this chapter,
24 except as provided in sections 3104 (relating to duties of
25 commission relative to criminal statistics) and 3105 (relating
26 to duties of public agencies and officers in reporting criminal
27 statistics).

28 CHAPTER 75

29 VICTIM ADVOCATE

30 Sec.

1 7501. Office of Victim Advocate.

2 7502. Victim advocate.

3 7503. Powers and duties of victim advocate.

4 7504. Preparole notification to victim.

5 7505. Petition to deny parole upon expiration of minimum
6 sentence.

7 § 7501. Office of Victim Advocate.

8 (a) Establishment.--The Office of Victim Advocate is
9 established within the Pennsylvania Board of Probation and
10 Parole to represent the interests of crime victims before the
11 board or Department of Corrections. The office shall operate
12 under the direction of the victim advocate as provided under
13 this chapter.

14 (b) Service and employees.--The victim advocate shall
15 operate from the central office of the board with clerical,
16 technical and professional staff as may be available within the
17 budget of the board. The compensation of employees of the office
18 of the board shall be set by the Executive Board.

19 § 7502. Victim advocate.

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

23 (b) Qualifications.--The victim advocate must be an
24 individual who:

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

28 (2) Has at least six years of professional experience in
29 victim advocacy, social work or related areas, including one
30 year in a supervisory or administrative capacity, and a

1 bachelor's degree. Any equivalent combination of experience
2 and training shall be acceptable.

3 (c) Term of office.--

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

8 (2) A vacancy occurring for any reason shall be filled
9 in the manner provided by section 8 of Article IV of the
10 Constitution of Pennsylvania for the remainder of the term.
11 Whenever the victim advocate's term expires, that position
12 shall be immediately deemed a vacancy, and the Governor shall
13 nominate a person to fill the position within 90 days of the
14 date of expiration even if the victim advocate continues in
15 office.

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

19 § 7503. Powers and duties of victim advocate.

20 The victim advocate has the following powers and duties:

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

24 (2) To supervise the victim notification duties
25 presently conducted by the board.

26 (3) To assist in and coordinate the preparation of
27 testimony by the crime victims as provided under sections
28 7504(c) (relating to preparole notification to victim) and
29 7505 (relating to petition to deny parole upon expiration of
30 minimum sentence) or the submission of oral, written or

1 videotaped comments by crime victims prior to a release
2 decision.

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

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

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

11 § 7504. Preparole notification to victim.

12 (a) Persons to be notified.--No later than 90 days prior to
13 the parole date of an offender, the victim advocate shall notify
14 the victim of the offense for which the offender was sentenced,
15 the parent or legal guardian of a victim who is a minor or a
16 member of the family if the victim is incapable of communicating
17 or has died and shall provide the appropriate person with an
18 opportunity to submit a parole statement expressing concerns
19 or recommendations regarding the parole or parole supervision of
20 the offender.

21 (b) Enrollment.--A victim or member of the family shall
22 notify the victim advocate of the victim's or family member's
23 intent to submit a parole statement regarding the parole or
24 parole supervision of the offender. The notice shall include a
25 mailing address or change of address notification.

26 (c) Procedure.--

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

29 (2) The person shall submit the oral, written or
30 videotaped parole statement to the victim advocate within

1 30 days of the date of notice.

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

5 § 7505. Petition to deny parole upon expiration of minimum
6 sentence.

7 (a) Petition.--Upon the request of a victim who has notified
8 the board in writing of the victim's desire to have input and
9 make comment prior to a parole release decision, the victim
10 advocate shall petition the Pennsylvania Board of Probation and
11 Parole:

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

14 (2) that the offender should not be paroled based upon
15 the statement that the victim submitted under section 7504
16 (relating to preparole notification to victim).

17 (b) Appearance.--

18 (1) The victim or the victim's representative shall be
19 permitted to appear in person and provide testimony before
20 the panel or the majority of the Pennsylvania Board of
21 Probation and Parole members charged with making the parole
22 release decision or, in the alternative, the victim's or
23 victim's representative's testimony may be presented by
24 electronic means as provided by the board.

25 (2) The testimony of a victim or victim's representative
26 shall be confidential. Records maintained by the Department
27 of Corrections and the board pertaining to victims shall be
28 kept separate from other records, and these victim records,
29 including current address, telephone number and any other
30 personal information of the victim and family members, shall

1 be deemed confidential.

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

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

8 (2) Order that the offender not be paroled if the board
9 finds that:

10 (i) the offender would pose a risk or danger to the
11 victim or the family of the victim, if the offender were
12 released on parole; or

13 (ii) the interests of the Commonwealth would
14 otherwise be injured.

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

18 (e) District attorney.--Notwithstanding any other statutory
19 provision, the office of the district attorney of the sentencing
20 county may notify a crime victim of a pending release decision
21 and act on the victim's behalf or on its own initiative to
22 submit comments and represent the interests of a crime victim
23 before the Pennsylvania Board of Probation and Parole prior to a
24 release decision.

25 Section 8. Title 44 is amended by adding a part to read:

26 PART V

27 VICTIM SERVICES

28 Chapter

29 81. Preliminary Provisions

30 82. Crime Victims

- 1 83. Administration
- 2 85. (Reserved)
- 3 87. Compensation
- 4 89. Services
- 5 91. Financial Matters
- 6 93. Enforcement
- 7 95. Miscellaneous Provisions

8 CHAPTER 81

9 PRELIMINARY PROVISIONS

10 Sec.

11 8101. Scope of part.

12 8102. Legislative intent.

13 8103. Definitions.

14 § 8101. Scope of part.

15 This part relates to crime victims.

16 § 8102. Legislative intent.

17 The General Assembly finds and declares as follows:

18 (1) In recognition of the civic and moral duty of
19 victims of crime to fully and voluntarily cooperate with law
20 enforcement and prosecutorial agencies and in further
21 recognition of the continuing importance of victim
22 cooperation to State and local law enforcement efforts and
23 the general effectiveness and well-being of the criminal
24 justice system of this Commonwealth, all victims of crime are
25 to be treated with dignity, respect, courtesy and
26 sensitivity.

27 (2) The rights extended to victims of crime in Chapter
28 82 (relating to crime victims) are to be honored and
29 protected by law enforcement agencies, prosecutors and judges
30 in a manner no less vigorous than the protections afforded

1 criminal defendants.

2 § 8103. Definitions.

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

6 "Adult." Any of the following:

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

9 (2) An individual who is subject to criminal court
10 jurisdiction following the transfer of a case to criminal
11 proceedings.

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

17 "Board." The Pennsylvania Board of Probation and Parole.

18 "Chief administrator." As defined in 61 Pa.C.S. § 102
19 (relating to definitions).

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

22 "Cleaning." To remove or attempt to remove stains or blood
23 caused by a crime or other dirt or debris caused by the
24 processing of a crime scene.

25 "Commission." The Pennsylvania Commission on Crime and
26 Delinquency.

27 "Committee." The Victims' Services Advisory Committee
28 established in section 8321 (relating to Victims' Services
29 Advisory Committee).

30 "Correctional institution." As defined in 61 Pa.C.S. § 102

1 (relating to definitions).

2 "County correctional institution." As defined in 61 Pa.C.S.
3 § 102 (relating to definitions). The term does not include a
4 facility used for the detention or confinement of juveniles.

5 "Crime." An act which was committed:

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

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

12 (ii) Any provision of:
13 18 Pa.C.S. (relating to crimes and offenses).
14 30 Pa.C.S. § 5502 (relating to operating
15 watercraft under influence of alcohol or controlled
16 substance).

17 30 Pa.C.S. § 5502.1 (relating to homicide by
18 watercraft while operating under influence).

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

21 75 Pa.C.S. § 3732 (relating to homicide by
22 vehicle).

23 75 Pa.C.S. § 3735 (relating to homicide by
24 vehicle while driving under influence).

25 75 Pa.C.S. § 3735.1 (relating to aggravated
26 assault by vehicle while driving under the
27 influence).

28 75 Pa.C.S. § 3742 (relating to accidents
29 involving death or personal injury).

30 75 Pa.C.S. Ch. 38 (relating to driving after

1 imbibing alcohol or utilizing drugs).

2 (iii) The laws of the United States.

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

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

8 "Department." The Department of Corrections of the
9 Commonwealth.

10 "Direct victim." An individual against whom a crime has been
11 committed or attempted and who as a direct result of the
12 criminal act or attempt suffers physical or mental injury, death
13 or the loss of earnings under this part. The term shall not
14 include the alleged offender. The term includes a resident of
15 this Commonwealth against whom an act has been committed or
16 attempted which otherwise would constitute a crime as defined in
17 this part but for its occurrence in a location other than this
18 Commonwealth and for which the individual would otherwise be
19 compensated by the crime victim compensation program of the
20 location where the act occurred but for the ineligibility of the
21 program under the provisions of the Victims of Crime Act of 1984
22 (Public Law 98-473, 42 U.S.C. § 10601 et seq.).

23 "Dispositional proceeding." A proceeding which occurs in
24 open common pleas court which potentially could dispose of the
25 case. The term includes Accelerated Rehabilitative Disposition,
26 pleas, trial and sentence.

27 "Diversionary program." A program which is used to divert a
28 defendant to an alternative form of disposition under the
29 Pennsylvania Rules of Criminal Procedure or statutory authority.
30 The term includes dispositions authorized by Rules 160, 176 and

1 314 of the Pennsylvania Rules of Criminal Procedure and sections
2 17 and 18 of the act of April 14, 1972 (P.L.233, No.64), known
3 as The Controlled Substance, Drug, Device and Cosmetic Act.

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

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

7 (2) anyone maintaining a common-law relationship with
8 the individual; or

9 (3) anyone residing in the same household with the
10 individual.

11 "Injury." Includes physical or mental damages incurred as a
12 direct result of a crime and aggravation of existing injuries if
13 additional losses can be attributed to the direct result of a
14 crime.

15 "International terrorism." Activities which meet all of the
16 following:

17 (1) Involve violent acts or acts dangerous to human life
18 that are a violation of the criminal laws of the United
19 States or of any state or that would be a criminal violation
20 if committed within the jurisdiction of the United States or
21 of any state.

22 (2) Appear to be intended:

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

24 (ii) to influence the policy of a government by
25 intimidation or coercion; or

26 (iii) to affect the conduct of a government by
27 assassination or kidnapping.

28 (3) Occur primarily outside of the territorial
29 jurisdiction of the United States or transcend national
30 boundaries in terms of the means by which they are

1 accomplished, the persons they appear intended to intimidate
2 or coerce or the locale in which their perpetrators operate
3 or seek asylum.

4 "Intervenor." An individual who goes to the aid of another
5 and suffers physical or mental injury or death as a direct
6 result of acting not recklessly to prevent the commission of a
7 crime, lawfully apprehend a person reasonably suspected of
8 having committed the crime or aid the victim of the crime.

9 "Juvenile." An individual who is alleged or has been
10 determined to be a "delinquent child" as defined in 42 Pa.C.S. §
11 6302 (relating to definitions).

12 "Law enforcement agency." The Pennsylvania State Police or a
13 local law enforcement agency.

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

16 "Loss of earnings." Includes the loss of the cash equivalent
17 of one month's worth of Social Security, railroad retirement,
18 pension plan, retirement plan, disability, veteran's retirement,
19 court-ordered child support or court-ordered spousal support
20 payments if the payments are the primary source of a victim's
21 income and the victim is deprived of money as a direct result of
22 a crime.

23 "Office." The Office of Victim Advocate established in
24 section 7501 (relating to Office of Victim Advocate).

25 "Office of Victims' Services." The Office of Victims'
26 Services in the Pennsylvania Commission on Crime and
27 Delinquency.

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

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

5 (2) Expenses for counseling, prosthetic devices,
6 wheelchairs, canes, walkers, hearing aids, eyeglasses or
7 other corrective lenses or dental devices reasonably
8 necessary as a result of the crime upon which a claim is
9 based and for which the claimant either has paid or is
10 liable.

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

13 (4) Expenses resulting from the temporary or permanent
14 relocation of a direct victim and individuals residing in the
15 household of the direct victim due to the incident forming
16 the basis of the victim's claim when there is an immediate
17 need to protect the safety and health of the victim and
18 individuals residing in the household, as verified by a
19 medical provider, human services provider or law enforcement.

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

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

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

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

29 18 Pa.C.S. Ch. 25 (relating to criminal homicide).

30 18 Pa.C.S. Ch. 27 (relating to assault).

1 18 Pa.C.S. Ch. 29 (relating to kidnapping).

2 18 Pa.C.S. Ch. 31 (relating to sexual offenses).

3 18 Pa.C.S. § 3301 (relating to arson and related
4 offenses).

5 18 Pa.C.S. Ch. 37 (relating to robbery).

6 18 Pa.C.S. Ch. 49 Subch. B (relating to victim and
7 witness intimidation).

8 30 Pa.C.S. § 5502.1 (relating to homicide by watercraft
9 while operating under influence).

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

13 75 Pa.C.S. § 3732 (relating to homicide by vehicle).

14 75 Pa.C.S. § 3735 (relating to homicide by vehicle while
15 driving under influence).

16 75 Pa.C.S. § 3735.1 (relating to aggravated assault by
17 vehicle while driving under the influence).

18 75 Pa.C.S. § 3742 (relating to accidents involving death
19 or personal injury).

20 75 Pa.C.S. Ch. 38 (relating to driving after imbibing
21 alcohol or utilizing drugs) in cases involving bodily injury.

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

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

26 "State correctional institution." As defined in 61 Pa.C.S. §
27 102 (relating to definitions).

28 "Victim." The term means the following:

29 (1) A direct victim.

30 (2) A parent or legal guardian of a child who is a

1 direct victim, except when the parent or legal guardian of
2 the child is the alleged offender.

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

7 Chapter 25 (relating to criminal homicide).

8 Section 2702 (relating to aggravated assault).

9 Section 3121 (relating to rape).

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

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

18 CHAPTER 82

19 CRIME VICTIMS

20 Subchapter

21 A. Bill of Rights

22 B. Responsibilities

23 SUBCHAPTER A

24 BILL OF RIGHTS

25 Sec.

26 8201. Rights.

27 § 8201. Rights.

28 Victims of crime have the following rights:

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

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

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

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

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

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

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

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

27 (5) To have opportunity to offer prior comment on the
28 sentencing of a defendant or the disposition of a delinquent
29 child, to include the submission of a written and oral victim
30 impact statement detailing the physical, psychological and

1 economic effects of the crime on the victim and the victim's
2 family. The written statement shall be included in any
3 predisposition or presentence report submitted to the court.
4 Victim-impact statements shall be considered by a court when
5 determining the disposition of a juvenile or sentence of an
6 adult.

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

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

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

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

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

28 (ii) provided immediate notice of an escape of the
29 adult and of subsequent apprehension; and

30 (iii) given the opportunity to receive notice of and

1 to provide prior comment on a recommendation sought by
2 the Department of Corrections that the offender
3 participate in a motivational boot camp under 61 Pa.C.S.
4 Ch. 39.

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

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

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

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

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

19 (ii) Be provided with:

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

23 (B) immediate notice of reaprehension of the
24 juvenile.

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

1 juvenile.

2 (9) If the adult is subject to an order under 23 Pa.C.S.
3 Ch. 61 (relating to protection from abuse) and is committed
4 to a county correctional institution for a violation of the
5 order or for a personal injury crime against a victim
6 protected by the order, to receive immediate notice of the
7 release of the adult on bail.

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

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

15 (12) To be notified of the details of the final
16 disposition of the case of a juvenile consistent with 42
17 Pa.C.S. § 6336(f).

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

21 SUBCHAPTER B

22 RESPONSIBILITIES

23 Sec.

24 8211. Responsibilities of victims of crime under basic bill of
25 rights.

26 8212. Responsibilities of State and local law enforcement
27 agencies.

28 8213. Responsibilities of prosecutor's office.

29 8214. Responsibilities of department, county correctional
30 institutions and board.

1 8215. Responsibilities of Department of Human Services and
2 mental health institutions under basic bill of
3 rights.

4 8216. Responsibilities of juvenile probation office.

5 § 8211. Responsibilities of victims of crime under basic bill
6 of rights.

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

15 § 8212. Responsibilities of State and local law enforcement
16 agencies.

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

23 (b) Notice.--

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

30 (2) Law enforcement agencies shall provide basic

1 information on the rights and services available for crime
2 victims. The information shall be in writing and shall be
3 provided to the victim within 24 hours of the law enforcement
4 agency's first contact with the victim in a manner and form
5 to be developed by the Office of Victims' Services.

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

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

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

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

1 more than 24 hours after the complaint has been filed or
2 forwarded to the juvenile probation office or district
3 attorney.

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

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

12 § 8213. Responsibilities of prosecutor's office.

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

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

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

1 (d) Release.--In a personal injury crime, the prosecutor's
2 office shall provide notice of the opportunity to submit input
3 into State correctional release decisions, to receive notice of
4 any release of an adult from a correctional institution and to
5 receive notice of the commitment to a mental health institution
6 from a correctional institution.

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

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

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

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

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

21 (4) Prior notice of delinquency adjudication hearings
22 unless the hearings are scheduled by the juvenile probation
23 office.

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

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

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

1 probation office.

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

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

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

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

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

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

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

30 (c) Comment.--The victim's prior comment may be oral or

1 written and shall be considered by the department or the board
2 as to the advisability of release and any conditions of release
3 which may be imposed.

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

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

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

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

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

28 (a) Forms.--The Department of Human Services shall develop
29 standardized forms, which shall include the address where the
30 completed form is to be sent, for the receipt of notice from a

1 victim concerning the victim's interest in a discharge decision
2 and notification of an escape. Sufficient copies of the forms
3 shall be provided to the office of the district attorney for
4 distribution to victims upon court-ordered commitment of the
5 offender to a mental health institution in the State system.

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

17 § 8216. Responsibilities of juvenile probation office.

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

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

23 (2) Notification of a disposition hearing.

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

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

1 (5) Notice of the details of the final disposition of
2 the case consistent with 42 Pa.C.S. § 6336(f) (relating to
3 conduct of hearings) unless provided by the prosecutor's
4 office.

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

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

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

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

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

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

28 (2) Notify the victim of a proposed release or transfer
29 of an adjudicated delinquent from placement that is contrary
30 to a previous court order or placement plan approved at a

1 disposition review hearing and shall extend the victim the
2 opportunity to provide a written objection prior to the
3 release or transfer of the juvenile from placement.

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

8 (4) Notify the victim of the termination of the juvenile
9 court jurisdiction.

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

12 CHAPTER 83

13 ADMINISTRATION

14 Subchapter

15 A. (Reserved)

16 B. Office of Victims' Services

17 C. Committee

18 SUBCHAPTER A

19 (Reserved)

20 SUBCHAPTER B

21 OFFICE OF VICTIMS' SERVICES

22 Sec.

23 8311. Office of Victims' Services.

24 8312. Powers and duties of Office of Victims' Services.

25 § 8311. Office of Victims' Services.

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

1 (b) Director.--A director of the Office of Victims' Services
2 shall be appointed by the chairman of the commission. The
3 director shall be paid compensation as the executive board may
4 determine.

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

9 § 8312. Powers and duties of Office of Victims' Services.

10 The Office of Victims' Services, subject to approval of the
11 commission, shall:

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

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

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

1 under this paragraph shall include policies, procedures and
2 standards of review regarding claims for compensation;
3 approval or denial of claims, including contributory conduct
4 by direct victims; verification of information and documents;
5 prioritization of review; and all other matters related to
6 the processing.

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

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

16 (6) Direct medical examinations of direct victims.

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

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

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

29 (10) Arrange with the heads of other Commonwealth
30 agencies for the performance of any of its functions under

1 this chapter with or without reimbursement and, with the
2 approval of the Governor, delegate and authorize the
3 redelegation of any of its powers under this part.

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

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

13 (13) Establish compensation limits and reimbursement
14 rates for the purpose of carrying out the provisions of
15 Chapter 87. The Office of Victims' Services shall transmit
16 notice of a schedule of the compensation limits and
17 reimbursement rates to the Legislative Reference Bureau for
18 publication in the Pennsylvania Bulletin, provided that the
19 Office of Victims' Services shall, within two years of
20 publication, promulgate a regulation stating the schedule of
21 compensation limits and reimbursement.

22 SUBCHAPTER C

23 COMMITTEE

24 Sec.

25 8321. Victims' Services Advisory Committee.

26 8322. Powers and duties of committee.

27 § 8321. Victims' Services Advisory Committee.

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

30 (b) Membership.--The committee shall consist of the

1 following members:

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

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

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

5 (4) The Commissioner of Pennsylvania State Police.

6 (5) The victim advocate.

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

8 (7) Nine individuals appointed by the Governor. Members

9 under this paragraph must represent direct victims, Statewide

10 victims' coalitions, prosecution-based victim/witness

11 programs and other victim service or victim advocacy

12 organizations, the courts, members of local government and

13 other victims' organizations or organizations involved in the

14 coordination or delivery of services to direct victims. At

15 least one of the Governor's appointees must be a

16 representative of a victims' services agency working directly

17 with children.

18 (c) Terms.--A member under subsection (b) (1) through (5)

19 shall serve ex officio. A member under subsection (b) (6) or (7)

20 shall serve for a four-year term and may be appointed for no

21 more than one additional consecutive term.

22 (d) Restrictions.--The committee and its members are subject

23 to the same limitations and conditions imposed upon the

24 commission as prescribed in section 3102 (relating to

25 Pennsylvania Commission on Crime and Delinquency).

26 (e) Quorum.--A majority of the members shall constitute a

27 quorum. A vote of the majority of the members present shall be

28 sufficient for all actions.

29 (f) Chair.--The Governor shall appoint a chairperson from

30 among the members of the committee. The chairperson shall serve

1 at the pleasure of the Governor. A vice chairperson shall be
2 designated by the chairperson and preside at meetings in the
3 absence of the chairperson.

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

6 § 8322. Powers and duties of committee.

7 The committee shall:

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

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

18 Chapter 25 (relating to criminal homicide).

19 Section 2702 (relating to aggravated assault).

20 Section 3121 (relating to rape).

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

29 (4) Advise the commission on the definition, development
30 and correlation of programs and projects and the

1 establishment of priorities for direct victims' services and
2 compensation.

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

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

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

11 CHAPTER 85

12 (Reserved)

13 CHAPTER 87

14 COMPENSATION

15 Sec.

16 8701. Persons eligible for compensation.

17 8702. Filing of claims for compensation.

18 8703. Minimum allowable claim.

19 8704. Determination of claims.

20 8705. Judicial review.

21 8706. Emergency awards.

22 8707. Awards.

23 8708. Manner of payment.

24 8709. Confidentiality of records.

25 8710. Responsibilities of employers, service providers and
26 insurance companies.

27 § 8701. Persons eligible for compensation.

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

30 (1) A direct victim.

1 (2) An intervenor.

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

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

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

9 (b) Exception.--

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

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

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

21 § 8702. Filing of claims for compensation.

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

26 (1) If the individual is a minor, the claim may be filed
27 by a parent or guardian. If the parent or guardian of a minor
28 who is eligible for compensation is unavailable or fails to
29 assume financial responsibility for the minor's care, a
30 person who assumes financial responsibility for services

1 eligible for compensation and who is not a provider of
2 services or an insurance company may file a claim on behalf
3 of the minor and may receive compensation for eligible
4 services provided to the minor.

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

15 (b) Time.--

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

22 (2) Exceptions shall be as follows:

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

30 (A) The limitation period under this subsection

1 is tolled until the direct victim reaches 21 years of
2 age.

3 (B) The limitation period shall run until the
4 later of:

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

8 (II) the end of the limitation period under
9 paragraph (1).

10 (ii) If a direct victim is under 18 years of age at
11 the time of the occurrence of the crime and the direct
12 victim is seeking reimbursement for counseling services
13 only, all of the 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 or

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

24 (b.1) Returned claims.--

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

30 (2) The correction or additional verification or

1 information must be filed within a period of time established
2 by the Office of Victims' Services.

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

6 § 8703. Minimum allowable claim.

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

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

14 § 8704. Determination of claims.

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

18 (b) Review.--

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

30 (2) Claims shall be investigated and determined,

1 regardless of whether the alleged criminal has been
2 apprehended, prosecuted or adjudicated for the crime in
3 question.

4 (c) Determination.--

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

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

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

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

21 § 8705. Judicial review.

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

28 § 8706. Emergency awards.

29 (a) Authorization.--Notwithstanding the provisions of
30 sections 8704 (relating to determination of claims) and 8707

1 (relating to awards), if it appears to the Office of Victims'
2 Services that the claim is one with respect to which an award
3 probably will be made and that undue hardship will result to the
4 claimant if immediate payment is not made, the Office of
5 Victims' Services may make an emergency award to the claimant
6 pending a final decision in the case. The following shall apply:

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

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

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

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

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

24 § 8707. Awards.

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

27 (1) A crime was committed.

28 (2) The person injured or killed was a direct victim or
29 intervenor.

30 (3) The crime was promptly reported to the proper

1 authorities. In no case may an award be made if the record
2 shows that the report was made more than 72 hours after the
3 occurrence of the crime unless:

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

9 (ii) the Office of Victims' Services finds the delay
10 to have been justified, consistent with regulations of
11 the Office of Victims' Services.

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

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

25 (1) Withdrawn, unless the Office of Victims' Services
26 finds the withdrawal to have been justified, consistent with
27 the Office of Victims' Services regulations.

28 (2) Filed more than 72 hours after the occurrence of the
29 criminal conduct leading to the commencement of the action,
30 unless:

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

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

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 the injury. In no case shall the total amount of an award
15 exceed \$35,000 except for payment of the following:

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

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

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

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

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

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

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

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

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

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

17 (i) a direct victim;

18 (ii) an individual responsible for the direct
19 victim's welfare;

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

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

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

26 (vi) anyone maintaining a common-law relationship
27 with the direct victim;

28 (vii) anyone residing in the same household with the
29 direct victim; or

30 (viii) anyone engaged to be married to the direct

1 victim.

2 (4.1) In the case of an award made under paragraph (4),
3 the following shall apply:

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

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

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

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

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

29 (d) Apportionment.--If there are two or more individuals
30 entitled to an award as a result of the death of a direct victim

1 or intervenor, the award shall be apportioned among the
2 claimants.

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

7 (1) from or on behalf of the individual who committed
8 the crime;

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

11 (3) under any contract of insurance in which the
12 claimant is the beneficiary;

13 (4) from public funds;

14 (5) as an emergency award under section 8706 (relating
15 to emergency awards);

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

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

21 (f) Direct victim responsibility.--

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

29 (2) If the crime involved is rape or sexual assault, the
30 conduct of the direct victim shall not be considered. If the

1 crime involved is related to domestic violence, the conduct
2 of the direct victim shall not be considered unless the
3 direct victim was the primary aggressor.

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

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

13 (h) Forensic rape investigation.--

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

23 (2) The cost of a forensic rape examination and the cost
24 of medications prescribed to the direct victim shall not be
25 charged to the victim.

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

28 § 8708. Manner of payment.

29 (a) Lump sum.--

30 (1) The award shall be paid in a lump sum, except that,

1 in the case of death or protracted disability, the award may
2 provide for periodic payments.

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

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

8 (4) An award shall not be considered as compensation
9 taxable as income under Article III of the act of March 4,
10 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

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

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

17 (b) Medical expenses.--

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

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

27 § 8709. Confidentiality of records.

28 (a) General rule.--All reports, records or other information
29 obtained or produced by the Office of Victims' Services during
30 the processing or investigation of a claim shall be confidential

1 and privileged, shall not be subject to subpoena or discovery,
2 shall be used for no purpose other than the processing of a
3 claim and, except as otherwise provided by law or as provided in
4 this section, shall not be introduced into evidence in any
5 judicial or administrative proceeding.

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

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

20 § 8710. Responsibilities of employers, service providers and
21 insurance companies.

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

29 (b) Penalty.--Any person who fails to respond to a request
30 under subsection (a) shall be subject to a penalty of not more

1 than \$50 per day, up to and including the date of compliance.

2 (c) Enforcement.--The office of the district attorney of the
3 county in which the crime occurred and the Office of Victims'
4 Services shall be charged with enforcement of this section and
5 the collection of penalties, which may be given to local victim
6 service agencies or used for the enforcement and collection of
7 penalties under this section.

8 CHAPTER 89

9 SERVICES

10 Sec.

11 8901. Eligibility of victims.

12 8902. Establishment of basic services for victims of crime.

13 8903. Grant program for services.

14 § 8901. Eligibility of victims.

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

21 § 8902. Establishment of basic services for victims of crime.

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

26 (1) Notification services, including all of the
27 following:

28 (i) Information concerning financial assistance and
29 other social services available as a result of being a
30 victim of crime.

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

4 (iii) Notification of the final disposition of the
5 case.

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

7 (i) Protection from harm and threats of harm arising
8 out of cooperation with law enforcement and prosecution
9 efforts.

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

13 (3) Procedures for the expedited return by law
14 enforcement officials of personal property of victims which
15 is held for prosecutorial purposes.

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

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

19 § 8903. Grant program for services.

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

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

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

1 (d) Data.--A criminal justice agency that makes application
2 for awards under this section shall provide data in support of
3 the request as the commission requires. An agency that receives
4 an award shall provide the commission with reports as the
5 commission determines necessary to assess the agency's progress
6 in the development of victim services.

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

10 (1) The number of participating agencies and population
11 served.

12 (2) The extent of services provided.

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

14 (4) Recommendations for reform.

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

19 CHAPTER 91

20 FINANCIAL MATTERS

21 Sec.

22 9101. Costs.

23 9102. Costs for offender supervision programs.

24 § 9101. Costs.

25 (a) Imposition.--

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

1 statutory maximum monetary penalty for the offense committed.

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

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

7 (i) There is a consent decree.

8 (ii) There is an adjudication of delinquency.

9 (b) Disposition.--

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

18 (2) The Victim Witness Services Fund is established as a
19 special nonlapsing fund in the State Treasury. The fund shall
20 be used by the commission for victim-witness services and
21 technical assistance in nonvictim compensation-related areas
22 in accordance with this section. Twenty-five dollars of the
23 costs imposed under subsection (a)(1) and (2) plus 70% of the
24 costs imposed under subsection (a)(1) and (2) which exceed
25 \$60 shall be paid into the fund.

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

28 (d) Mandamus.--The district attorney, the Office of Victims'
29 Services, the commission or any victim shall have standing to
30 seek a mandamus order requiring the county to collect the costs

1 imposed by this section.

2 (e) Court order.--No court order shall be necessary in order
3 for the defendant to incur liability for costs under this
4 section. Costs under this section must be paid in order for the
5 defendant to be eligible for probation, parole or accelerated
6 rehabilitative disposition.

7 § 9102. Costs for offender supervision programs.

8 (a) County fund.--

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

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

16 (i) Pay the salaries and employee benefits of all
17 probation and parole personnel employed by the county
18 probation and parole department and the operational
19 expenses of that department.

20 (ii) Supplement Federal, State or county
21 appropriations for the county adult probation and parole
22 department.

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

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

29 (b) State fund.--

30 (1) The State Offender Supervision Fund is established

1 in the State Treasury, and shall be administered by the board
2 and comprised of the supervision fees collected by the board
3 under this section.

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

7 (c) Court.--

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

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

20 (d) Board.--

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

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

28 (e) Continuation.--

29 (1) For offenders under supervision of a county
30 probation department or the board as of August 14, 1991, the

1 fee shall automatically become a part of the supervision
2 conditions as if the court or board had imposed it, unless
3 the court or board makes a finding that the offender is
4 presently unable to pay.

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

8 (i) The offender has diligently attempted but has
9 been unable to obtain employment that provides the
10 offender sufficient income to make payments.

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

15 (iii) The offender has an employment handicap as
16 determined by an examination acceptable to or ordered by
17 the court or board.

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

19 (v) The offender is responsible for the support of
20 dependents, and the payment of the assessment constitutes
21 an undue hardship on the offender.

22 (vi) Other extenuating circumstances as determined
23 by the court or board.

24 CHAPTER 93

25 ENFORCEMENT

26 Sec.

27 9301. Subrogation.

28 9302. Restitution.

29 9303. Penalty.

30 § 9301. Subrogation.

1 (a) General rule.--

2 (1) Payment of an award made under Chapter 87 (relating
3 to compensation) shall subrogate the Commonwealth, to the
4 extent of the payment, to any right of action against any
5 person accruing to the claimant, the direct victim or the
6 intervenor to recover losses resulting from the crime with
7 respect to which the award is made.

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

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

14 (b) Excess.--

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

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

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

25 § 9302. Restitution.

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

30 § 9303. Penalty.

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

6 CHAPTER 95

7 MISCELLANEOUS PROVISIONS

8 Sec.

9 9501. Effect on legal actions.

10 § 9501. Effect on legal actions.

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

16 Section 9. Sections 4301, 4503, 6134.1(d) and 6308(c) of
17 Title 61 are amended to read:

18 § 4301. Definitions.

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

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

26 "Victim advocate." The victim advocate within the
27 Pennsylvania Board of Probation and Parole.

28 § 4503. Definitions.

29 The following words and phrases when used in this chapter
30 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

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

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

7 "Eligible person." A defendant or inmate convicted of a
8 criminal offense who will be committed to the custody of the
9 department and who meets all of the following eligibility
10 requirements:

11 (1) Does not demonstrate a history of present or past
12 violent behavior.

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

26 (3) Has not been found guilty of or previously convicted
27 of or adjudicated delinquent for or criminal attempt,
28 criminal solicitation or criminal conspiracy to commit
29 murder, a crime of violence as defined in 42 Pa.C.S. §
30 9714(g) (relating to sentences for second and subsequent

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

11 (4) Has not been found guilty or previously convicted or
12 adjudicated delinquent for violating any of the following
13 provisions or an equivalent offense under the laws of the
14 United States or one of its territories or possessions,
15 another state, the District of Columbia, the Commonwealth of
16 Puerto Rico or a foreign nation or criminal attempt, criminal
17 solicitation or criminal conspiracy to commit any of these
18 offenses:

19 18 Pa.C.S. § 4302(a) (relating to incest).

20 18 Pa.C.S. § 5901 (relating to open lewdness).

21 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet
22 child pornography).

23 Received a criminal sentence pursuant to 42 Pa.C.S. §
24 9712.1 (relating to sentences for certain drug offenses
25 committed with firearms).

26 Any offense listed under 42 Pa.C.S. Ch. 97 Subch. H
27 (relating to registration of sexual offenders) or I
28 (relating to continued registration of sexual offenders).

29 Drug trafficking as defined in section 4103 (relating
30 to definitions).

1 (5) Is not awaiting trial or sentencing for additional
2 criminal charges, if a conviction or sentence on the
3 additional charges would cause the defendant to become
4 ineligible under this definition.

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

9 § 6134.1. General criteria for parole by court.

10 * * *

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

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

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

23 § 6308. County Probation Officers' Firearm Education and
24 Training Fund.

25 * * *

26 (c) Other moneys to be used.--In addition to payment of
27 training expenses as prescribed under subsection (b), training
28 expenses may also be paid out of the county offender supervision
29 fund under [section 1102 of the act of November 24, 1998
30 (P.L.882, No.111), known as the Crime Victims Act,] 44 Pa.C.S. §

1 9102 (relating to costs for offender supervision programs) or
2 any other county fund.

3 * * *

4 Section 10. The addition of 44 Pa.C.S. Ch. 31 is a
5 continuation of the act of November 22, 1978 (P.L.1166, No.274),
6 referred to as the Pennsylvania Commission on Crime and
7 Delinquency Law. The following apply:

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

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

29 (3) Paragraph (2) does not apply to 44 Pa.C.S. § 3102(b)
30 (6), (8) and (19).

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

4 (i) The definition of "targeted community" in
5 section 1 of the act.

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

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

11 Section 11. The addition of 44 Pa.C.S. Chapter 75 and Part V
12 is a continuation of the act of November 24, 1998 (P.L.882,
13 No.111), known as the Crime Victims Act. The following apply:

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

26 (2) Any difference in language between 44 Pa.C.S. Ch. 75
27 and Part V and the Crime Victims Act is intended only to
28 conform to the style of the Pennsylvania Consolidated
29 Statutes and is not intended to change or affect the
30 legislative intent, judicial construction or administrative

1 interpretation and implementation of the Crime Victims Act.

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

5 Section 12. Repeals are as follows:

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

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

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

13 (ii) The act of November 24, 1998 (P.L.882, No.111),
14 known as the Crime Victims Act, is repealed.

15 (iii) The act of December 21, 1998 (P.L.1187,
16 No.152), known as the Senior Citizen Advisory Committee
17 Act, is repealed.

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