

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 708 Session of 2021

INTRODUCED BY BARTOLOTTA, HUGHES, HAYWOOD, TARTAGLIONE, SANTARSIERO, COLLETT, MENSCH, J. WARD, SCHWANK, COSTA, BAKER, STREET, KANE, BROWNE AND COMMITTA, MAY 25, 2021

SENATOR BAKER, JUDICIARY, AS AMENDED, JUNE 15, 2021

AN ACT

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

25 The General Assembly of the Commonwealth of Pennsylvania
26 hereby enacts as follows:

27 Section 1. The definitions of "crime," "intervenor," "local
28 law enforcement agency," "loss of earnings," "out-of-pocket

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

5 Section 103. Definitions.

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

9 \* \* \*

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

13 \* \* \*

14 "Crime." An act which was committed:

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

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

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

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

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

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

1                   75 Pa.C.S. § 3732.1 (relating to aggravated  
2                   assault by vehicle).

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

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

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

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

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

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

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

21                  (iii) The laws of the United States.

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

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

27                  \* \* \*

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

1 \* \* \*

2 "Intervenor." An individual, including a law enforcement  
3 officer who is injured in the performance of the individual's  
4 duties, who goes to the aid of another and suffers physical or  
5 mental injury or death as a direct result of acting not  
6 recklessly to prevent the commission of a crime, to lawfully  
7 apprehend a person reasonably suspected of having committed such  
8 crime or to aid the victim of such crime.

9 \* \* \*

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

12 "Loss of earnings." [Includes] An economic loss resulting  
13 from an injury or death to a victim of a crime or an intervenor  
14 that has not been and will not be reimbursed from any other  
15 source. The term includes the loss of the cash equivalent of one  
16 month's worth of Social Security, railroad retirement, pension  
17 plan, retirement plan, disability, veteran's retirement, [court-  
18 ordered child support or court-ordered spousal] loss of support  
19 payments if the payments are the primary source of the victim's  
20 income or other similar benefit, and the victim or intervenor is  
21 deprived of money as a direct result of a crime.

22 "Loss of support." The loss of verifiable financial support  
23 the direct victim would have contributed to surviving dependents  
24 that is lost due to the death of the direct victim as a direct  
25 result of a crime.

26 \* \* \*

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

30 (1) expenses for unreimbursed and unreimbursable

1 expenses or indebtedness incurred for medical care,  
2 nonmedical remedial care and treatment as approved by the  
3 Office of Victims' Services or other services;

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

10 (3) expenses related to the reasonable and necessary  
11 costs of cleaning the crime scene of a private residence or  
12 privately owned motor vehicle. "Cleaning" means to remove or  
13 attempt to remove stains or blood caused by the crime or  
14 other dirt or debris caused by the processing of the crime  
15 scene;

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

23 (5) expenses for physical examinations and materials  
24 used to obtain evidence; or

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

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

29 "Personal injury crime." An act, attempt [or threat],  
30 solicitation or conspiracy to commit an act which would

1 constitute a misdemeanor or felony under the following:

2 18 Pa.C.S. Ch. 25 (relating to criminal homicide).

3 18 Pa.C.S. Ch. 27 (relating to assault).

4 ~~18 Pa.C.S. Ch. 28 (relating to antihazing).~~ <--

5 18 Pa.C.S. Ch. 29 (relating to kidnapping).

6 ~~18 Pa.C.S. Ch. 30 (relating to human trafficking).~~

7 18 Pa.C.S. Ch. 31 (relating to sexual offenses).

8 18 Pa.C.S. § 3301 (relating to arson and related  
9 offenses).

10 18 Pa.C.S. Ch. 37 (relating to robbery).

11 18 Pa.C.S. Ch. 49 Subch. B (relating to victim and  
12 witness intimidation).

13 ~~18 Pa.C.S. § 5131 (relating to recruiting criminal gang  
14 members).~~ <--

15 ~~18 Pa.C.S. § 6312 (relating to sexual abuse of children).~~

16 ~~18 Pa.C.S. § 6318 (relating to unlawful contact with  
17 minor).~~

18 ~~18 Pa.C.S. § 6320 (relating to sexual exploitation of  
19 children).~~

20 30 Pa.C.S. § 5502.1 (relating to homicide by watercraft  
21 while operating under influence).

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

25 75 Pa.C.S. § 3732 (relating to homicide by vehicle).

26 ~~75 Pa.C.S. § 3732.1 (relating to aggravated assault by  
27 vehicle).~~ <--

28 ~~75 Pa.C.S. § 3733 (relating to fleeing or attempting to  
29 elude police officer).~~

30 ~~75 Pa.C.S. § 3734 (relating to driving without lights to~~

1 ~~avoid identification or arrest).~~

2 75 Pa.C.S. § 3735 (relating to homicide by vehicle while  
3 driving under influence).

4 75 Pa.C.S. § 3735.1 (relating to aggravated assault by  
5 vehicle while driving under the influence).

6 75 Pa.C.S. § 3742 (relating to accidents involving death  
7 or personal injury).

8 ~~75 Pa.C.S. § 3742.1 (relating to accidents involving <--  
9 death or personal injury while not properly licensed) if the  
10 nature and circumstances of the offense committed are  
11 substantially similar to an offense under 75 Pa.C.S. § 3742.~~

12 75 Pa.C.S. Ch. 38 (relating to driving after imbibing  
13 alcohol or utilizing drugs) in cases involving bodily injury.  
14 The term includes violations of any protective order issued as a  
15 result of an act related to domestic violence. The term includes  
16 a crime of violence as defined in 42 Pa.C.S. § 9714(g) (relating  
17 to sentences for second and subsequent offenses).

18 "PERSONAL INJURY RIGHTS CRIME." AN ACT, ATTEMPT, <--  
19 SOLICITATION OR CONSPIRACY TO COMMIT AN ACT WHICH WOULD  
20 CONSTITUTE A MISDEMEANOR OR FELONY UNDER THE FOLLOWING:

21 18 PA.C.S. CH. 25 (RELATING TO CRIMINAL HOMICIDE).

22 18 PA.C.S. CH. 27 (RELATING TO ASSAULT).

23 18 PA.C.S. CH. 28 (RELATING TO ANTIHAZING).

24 18 PA.C.S. CH. 29 (RELATING TO KIDNAPPING).

25 18 PA.C.S. CH. 30 (RELATING TO HUMAN TRAFFICKING).

26 18 PA.C.S. CH. 31 (RELATING TO SEXUAL OFFENSES).

27 18 PA.C.S. § 3301 (RELATING TO ARSON AND RELATED  
28 OFFENSES).

29 18 PA.C.S. CH. 37 (RELATING TO ROBBERY).

30 18 PA.C.S. CH. 49 SUBCH. B (RELATING TO VICTIM AND

1 WITNESS INTIMIDATION).

2 18 PA.C.S. § 5131 (RELATING TO RECRUITING CRIMINAL GANG  
3 MEMBERS).

4 18 PA.C.S. § 6312 (RELATING TO SEXUAL ABUSE OF CHILDREN).

5 18 PA.C.S. § 6318 (RELATING TO UNLAWFUL CONTACT WITH  
6 MINOR).

7 18 PA.C.S. § 6320 (RELATING TO SEXUAL EXPLOITATION OF  
8 CHILDREN).

9 30 PA.C.S. § 5502.1 (RELATING TO HOMICIDE BY WATERCRAFT  
10 WHILE OPERATING UNDER INFLUENCE).

11 THE FORMER 75 PA.C.S. § 3731 (RELATING TO DRIVING UNDER  
12 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) IN CASES  
13 INVOLVING BODILY INJURY.

14 75 PA.C.S. § 3732 (RELATING TO HOMICIDE BY VEHICLE).

15 75 PA.C.S. § 3732.1 (RELATING TO AGGRAVATED ASSAULT BY  
16 VEHICLE).

17 75 PA.C.S. § 3733 (RELATING TO FLEEING OR ATTEMPTING TO  
18 ELUDE POLICE OFFICER).

19 75 PA.C.S. § 3734 (RELATING TO DRIVING WITHOUT LIGHTS TO  
20 AVOID IDENTIFICATION OR ARREST).

21 75 PA.C.S. § 3735 (RELATING TO HOMICIDE BY VEHICLE WHILE  
22 DRIVING UNDER INFLUENCE).

23 75 PA.C.S. § 3735.1 (RELATING TO AGGRAVATED ASSAULT BY  
24 VEHICLE WHILE DRIVING UNDER THE INFLUENCE).

25 75 PA.C.S. § 3742 (RELATING TO ACCIDENTS INVOLVING DEATH  
26 OR PERSONAL INJURY).

27 75 PA.C.S. § 3742.1 (RELATING TO ACCIDENTS INVOLVING  
28 DEATH OR PERSONAL INJURY WHILE NOT PROPERLY LICENSED) IF THE  
29 NATURE AND CIRCUMSTANCE OF THE OFFENSE COMMITTED ARE  
30 SUBSTANTIALLY SIMILAR TO AN OFFENSE UNDER 75 PA.C.S. § 3742.



1           75 PA.C.S. CH. 38 (RELATING TO DRIVING AFTER IMBIBING  
2           ALCOHOL OR UTILIZING DRUGS) IN CASES INVOLVING BODILY INJURY.  
3           THE TERM INCLUDES VIOLATIONS OF ANY PROTECTIVE ORDER ISSUED AS A  
4           RESULT OF AN ACT RELATED TO DOMESTIC VIOLENCE. THE TERM INCLUDES  
5           A CRIME OF VIOLENCE AS DEFINED IN 42 PA.C.S. § 9714(G) (RELATING  
6           TO SENTENCES FOR SECOND AND SUBSEQUENT OFFENSES).

7           \* \* \*

8           Section 2. Section ~~201(11)~~ 201(4), (5.2), (7), (8), (8.1), <--  
9           (9), (11) AND (13) of the act ~~is~~ ARE amended and the section is <--  
10          amended by adding a paragraph to read:

11          Section 201. Rights.

12          Victims of crime have the following rights:

13                 \* \* \*

14                 (1.1) If eligible to apply, to be notified of the  
15                 Address Confidentiality Program under 23 Pa.C.S. Ch. 67  
16                 (relating to domestic and sexual violence victim address  
17                 confidentiality).

18                 \* \* \*

19                 (4) IN CASES INVOLVING A PERSONAL INJURY RIGHTS CRIME OR <--  
20                 BURGLARY, TO SUBMIT PRIOR COMMENT TO THE PROSECUTOR'S OFFICE  
21                 OR JUVENILE PROBATION OFFICE, AS APPROPRIATE TO THE  
22                 CIRCUMSTANCES OF THE CASE, ON THE POTENTIAL REDUCTION OR  
23                 DROPPING OF ANY CHARGE OR CHANGING OF A PLEA IN A CRIMINAL OR  
24                 DELINQUENCY PROCEEDING, OR, DIVERSION OF ANY CASE, INCLUDING  
25                 AN INFORMAL ADJUSTMENT OR CONSENT DECREE.

26                 \* \* \*

27                 (5.2) UPON REQUEST OF THE VICTIM OF A PERSONAL INJURY  
28                 RIGHTS CRIME, TO HAVE THE OPPORTUNITY TO SUBMIT WRITTEN  
29                 COMMENT OR PRESENT ORAL TESTIMONY AT A DISPOSITION REVIEW  
30                 HEARING, WHICH COMMENT OR TESTIMONY SHALL BE CONSIDERED BY

1 THE COURT WHEN REVIEWING THE DISPOSITION OF THE JUVENILE.

2 \* \* \*

3 (7) IN PERSONAL INJURY RIGHTS CRIMES WHERE THE ADULT IS  
4 SENTENCED TO A STATE CORRECTIONAL FACILITY, TO BE:

5 (I) GIVEN THE OPPORTUNITY TO PROVIDE PRIOR COMMENT  
6 ON AND TO RECEIVE STATE POSTSENTENCING RELEASE DECISIONS,  
7 INCLUDING WORK RELEASE, FURLOUGH, PAROLE, PARDON OR  
8 COMMUNITY TREATMENT CENTER PLACEMENT;

9 (II) PROVIDED IMMEDIATE NOTICE OF AN ESCAPE OF THE  
10 ADULT AND OF SUBSEQUENT APPREHENSION; AND

11 (III) GIVEN THE OPPORTUNITY TO RECEIVE NOTICE OF AND  
12 TO PROVIDE PRIOR COMMENT ON A RECOMMENDATION SOUGHT BY  
13 THE DEPARTMENT OF CORRECTIONS THAT THE OFFENDER  
14 PARTICIPATE IN A MOTIVATIONAL BOOT CAMP PURSUANT TO THE  
15 MOTIVATIONAL BOOT CAMP ACT.

16 (8) IN PERSONAL INJURY RIGHTS CRIMES WHERE THE ADULT IS  
17 SENTENCED TO A LOCAL CORRECTIONAL FACILITY, TO:

18 (I) RECEIVE NOTICE OF THE DATE OF THE RELEASE OF THE  
19 ADULT, INCLUDING WORK RELEASE, FURLOUGH, PAROLE, RELEASE  
20 FROM A BOOT CAMP OR COMMUNITY TREATMENT CENTER PLACEMENT;  
21 AND

22 (II) BE PROVIDED WITH IMMEDIATE NOTICE OF AN ESCAPE  
23 OF THE ADULT AND OF SUBSEQUENT APPREHENSION.

24 (8.1) IF, UPON THE REQUEST OF THE VICTIM OF A PERSONAL  
25 INJURY RIGHTS CRIME COMMITTED BY A JUVENILE, THE JUVENILE IS  
26 ORDERED TO RESIDENTIAL PLACEMENT, A SHELTER FACILITY OR A  
27 DETENTION CENTER, TO:

28 (I) RECEIVE PRIOR NOTICE OF THE DATE OF THE RELEASE  
29 OF THE JUVENILE, INCLUDING TEMPORARY LEAVE OR HOME PASS.

30 (II) BE PROVIDED WITH:

1 (A) IMMEDIATE NOTICE OF AN ESCAPE OF THE  
2 JUVENILE, INCLUDING FAILURE TO RETURN FROM TEMPORARY  
3 LEAVE OR HOME PASS; AND

4 (B) IMMEDIATE NOTICE OF REAPPREHENSION OF THE  
5 JUVENILE.

6 (III) BE PROVIDED WITH NOTICE OF TRANSFER OF A  
7 JUVENILE WHO HAS BEEN ADJUDICATED DELINQUENT FROM A  
8 PLACEMENT FACILITY THAT IS CONTRARY TO A PREVIOUS COURT  
9 ORDER OR PLACEMENT PLAN APPROVED AT A DISPOSITION REVIEW  
10 HEARING AND TO HAVE THE OPPORTUNITY TO EXPRESS A WRITTEN  
11 OBJECTION PRIOR TO THE RELEASE OR TRANSFER OF THE  
12 JUVENILE.

13 (9) IF THE ADULT IS SUBJECT TO AN ORDER UNDER 23 PA.C.S.  
14 CH. 61 (RELATING TO PROTECTION FROM ABUSE) AND IS COMMITTED  
15 TO A LOCAL CORRECTIONAL FACILITY FOR A VIOLATION OF THE ORDER  
16 OR FOR A PERSONAL INJURY RIGHTS CRIME AGAINST A VICTIM  
17 PROTECTED BY THE ORDER, TO RECEIVE IMMEDIATE NOTICE OF THE  
18 RELEASE OF THE ADULT ON BAIL.

19 \* \* \*

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

23 \* \* \*

24 (13) UPON THE REQUEST OF THE VICTIM OF A PERSONAL INJURY <--  
25 RIGHTS CRIME, TO BE NOTIFIED OF THE TERMINATION OF THE  
26 COURTS' JURISDICTION.

27 Section 3. Sections 211, 212(b), (c) ~~and~~, (e) AND (F) and <--  
28 213(a), (B), (d), (E), (F) and (g) AND 216(B) AND (D) of the act <--  
29 are amended to read:

30 Section 211. Responsibilities of victims of crime under basic

1 bill of rights.

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

13 Section 212. Responsibilities of State and local law  
14 enforcement agencies.

15 \* \* \*

16 (b) Notice.--

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

1 possible. The information required under this subsection  
2 shall be in a written notice in a manner or form developed by  
3 the Office of Victims' Services.

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

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

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

1 been provided to the crime victim.] Confirmation.--The law  
2 enforcement agency responding to or investigating an incident  
3 shall indicate on the police report that the information  
4 required under subsection (b) was provided to the direct victim  
5 or, if appropriate, a member of the direct victim's family.

6 (F) NOTICE IN PERSONAL INJURY RIGHTS CRIMES.-- <--

7 (1) IN PERSONAL INJURY RIGHTS CRIMES, THE LAW  
8 ENFORCEMENT AGENCY SHALL MAKE REASONABLE EFFORTS TO NOTIFY  
9 THE VICTIM OF THE ARREST OF THE SUSPECT AND OF THE FILING OR  
10 FORWARDING OF A COMPLAINT RELATING TO THE CRIME AS SOON AS  
11 POSSIBLE. UNLESS THE VICTIM CANNOT BE LOCATED, NOTICE OF THE  
12 ARREST SHALL BE PROVIDED NOT MORE THAN 24 HOURS AFTER THE  
13 PRELIMINARY ARRAIGNMENT. IN CASES ALLEGING DELINQUENCY,  
14 NOTICE OF THE FILING OR FORWARDING OF A COMPLAINT SHALL BE  
15 PROVIDED NOT MORE THAN 24 HOURS AFTER THE COMPLAINT HAS BEEN  
16 FILED OR FORWARDED TO THE JUVENILE PROBATION OFFICE OR  
17 DISTRICT ATTORNEY.

18 (2) IN PERSONAL INJURY RIGHTS CRIMES, A LAW ENFORCEMENT  
19 AGENCY, SHERIFF, DEPUTY SHERIFF OR CONSTABLE SHALL NOTIFY THE  
20 VICTIM OF AN INMATE'S ESCAPE FROM THE CUSTODY OF THE LAW  
21 ENFORCEMENT AGENCY, SHERIFF, DEPUTY SHERIFF OR CONSTABLE.

22 \* \* \*

23 Section 213. Responsibilities of prosecutor's office.

24 (a) Forms.--The prosecutor's office shall provide the victim  
25 of a personal injury RIGHTS crime with all forms developed <--  
26 pursuant to sections 214 and 215 with exception to State cases,  
27 whereupon the victim advocate shall provide all necessary forms.

28 (B) PLEADING.--IN A PERSONAL INJURY RIGHTS CRIME OR <--  
29 BURGLARY, THE PROSECUTOR'S OFFICE SHALL PROVIDE NOTICE OF AND  
30 OFFER THE OPPORTUNITY TO SUBMIT PRIOR COMMENT ON THE POTENTIAL

1 REDUCTION OR DROPPING OF ANY CHARGE OR CHANGING OF A PLEA, A  
2 DIVERSION OF ANY CASE, INCLUDING INFORMAL ADJUSTMENT AND CONSENT  
3 DECREE, UNLESS SUCH NOTICE IS PROVIDED BY THE JUVENILE PROBATION  
4 OFFICE.

5 \* \* \*

6 (d) Release.--[In a personal injury crime, the prosecutor's  
7 office shall provide notice of the opportunity to submit input  
8 into State correctional release decisions, to receive notice of  
9 any release of an adult from a State or local correctional  
10 facility and to receive notice of the commitment to a mental  
11 health institution from a State or local correctional  
12 institution.] The following shall apply:

13 (1) In a personal injury RIGHTS crime, the prosecutor's <--  
14 office shall provide the victim advocate with victim  
15 information on all personal injury cases when a State  
16 sentence is imposed:

17 (i) so the victim advocate may provide notice of  
18 opportunity to submit input into State correctional  
19 release decisions;

20 (ii) to provide notice of any release of an adult  
21 from a State correctional institution; and

22 (iii) to provide notice of the commitment to a  
23 mental health institution from a State correctional  
24 institution.

25 (2) In a personal injury RIGHTS crime, the prosecutor's <--  
26 office shall provide notice of any release of an adult from a  
27 local correctional institution and provide notice of the  
28 commitment to a mental health institution from a local  
29 correctional institution.

30 \* \* \*

<--

1           (3) EXCEPT AS OTHERWISE PROVIDED BY LAW, IN NO CASE MAY <--  
2           THE VICTIM ADVOCATE WAIVE THE CONFIDENTIALITY OF A VICTIM.

3           (E) DISPOSITION.--IN A PERSONAL INJURY RIGHTS CRIME, IF THE  
4 PROSECUTOR'S OFFICE HAS ADVANCE NOTICE OF DISPOSITIONAL  
5 PROCEEDING, THE PROSECUTOR SHALL MAKE REASONABLE EFFORTS TO  
6 NOTIFY A VICTIM OF THE TIME AND PLACE OF THE PROCEEDING.

7           (F) NOTICE.--THE PROSECUTOR'S OFFICE SHALL PROVIDE ALL OF  
8 THE FOLLOWING TO THE VICTIM:

9           (1) UPON REQUEST OF THE VICTIM, NOTICE OF THE  
10 DISPOSITION AND SENTENCE OF AN ADULT, INCLUDING SENTENCE  
11 MODIFICATIONS.

12           (2) UPON REQUEST IN A PERSONAL INJURY RIGHTS CRIME,  
13 REASONABLE ATTEMPTS TO NOTIFY THE VICTIM AS SOON AS POSSIBLE  
14 WHEN THE ADULT IS RELEASED FROM INCARCERATION AT SENTENCING.

15           (3) IF THE PROSECUTOR'S OFFICE IS PROSECUTING A PERSONAL  
16 INJURY RIGHTS CRIME, NOTICE PRIOR TO THE ENTRY OF A CONSENT  
17 DECREE.

18           (4) PRIOR NOTICE OF DELINQUENCY ADJUDICATION HEARINGS  
19 UNLESS SUCH HEARINGS ARE SCHEDULED BY THE JUVENILE PROBATION  
20 OFFICE.

21           (5) NOTIFICATION OF HEARINGS RELATED TO THE TRANSFER OF  
22 A JUVENILE TO AND FROM CRIMINAL PROCEEDINGS.

23           (6) UPON REQUEST IN A PERSONAL INJURY RIGHTS CRIME,  
24 NOTICE OF THE FILING, HEARING OR DISPOSITION OF APPEALS.

25           (7) NOTICE OF THE DETAILS OF THE FINAL DISPOSITION OF  
26 THEIR CASE CONSISTENT WITH 42 PA.C.S. § 6336(F) (RELATING TO  
27 CONDUCT OF HEARINGS) UNLESS PROVIDED BY THE JUVENILE  
28 PROBATION OFFICE.

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



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

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

5 (3) Notification to the victim advocate on behalf of the  
6 victim for personal injury RIGHTS crimes if the offender is <--  
7 sentenced to a State correctional institution.

8 \* \* \*

9 SECTION 216. RESPONSIBILITIES OF JUVENILE PROBATION OFFICE. <--

10 \* \* \*

11 (B) ADDITIONAL NOTICE IN CASES INVOLVING A PERSONAL INJURY  
12 RIGHTS CRIME OR BURGLARY.--IN CASES INVOLVING A PERSONAL INJURY  
13 RIGHTS CRIME OR BURGLARY, THE JUVENILE PROBATION OFFICE SHALL  
14 PROVIDE NOTICE AND THE OPPORTUNITY TO PROVIDE PRIOR COMMENT ON  
15 THE POTENTIAL REDUCTION OR DROPPING OF A CHARGE OR DIVERSION OF  
16 ANY CASE, INCLUDING INFORMAL ADJUSTMENT AND CONSENT DECREE,  
17 UNLESS SUCH NOTICE AND OPPORTUNITY IS PROVIDED BY THE  
18 PROSECUTOR'S OFFICE. UPON REQUEST, THE VICTIM SHALL ALSO RECEIVE  
19 NOTIFICATION OF A REVIEW OF DISPOSITION HEARING.

20 \* \* \*

21 (D) POSTDISPOSITION NOTICE.--UPON THE REQUEST OF THE VICTIM  
22 OF A PERSONAL INJURY RIGHTS CRIME, THE JUVENILE PROBATION OFFICE  
23 SHALL:

24 (1) PROVIDE PRIOR NOTICE TO THE VICTIM WHEN AN  
25 ADJUDICATED DELINQUENT ORDERED INTO RESIDENTIAL PLACEMENT OR  
26 OFFICIAL DETENTION WILL BE GRANTED TEMPORARY LEAVE OR HOME  
27 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 OF THEIR RIGHT TO PROVIDE ORAL TESTIMONY AT A DISPOSITION  
12 REVIEW HEARING.

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

15 Section 301. Office.

16 \* \* \*

17 (c) Service and employees.--The victim advocate shall  
18 operate from the central office of the board with such clerical,  
19 technical and professional staff as may be available within the  
20 budget of the board. The compensation of employees of the office  
21 shall be set by the Executive Board. The home address of an  
22 employee of the office shall not be considered a public record  
23 under the act of February 14, 2008 (P.L.6, No.3), known as the  
24 Right-to-Know Law. FINANCIAL RECORDS AND AGGREGATED DATA, OF AND <--  
25 RELATING TO THE OFFICE, AS DEFINED IN THE RIGHT-TO-KNOW LAW,  
26 SHALL REMAIN SUBJECT TO THE RIGHT-TO-KNOW LAW, PROVIDED THAT NO  
27 RECORD OR DATA IDENTIFYING AN INDIVIDUAL VICTIM MAY BE RELEASED.

28 (d) Disclosure and confidentiality.--

29 (1) Each record pertaining to the victim in the  
30 possession of or maintained by the office, including

1 information regarding a victim's current contact information  
2 and any other information or record relating to the victim,  
3 shall be private, confidential and privileged and the  
4 property of the office and shall not be subject to access  
5 under the Right-to-Know Law. A record of the office may not  
6 be subject to subpoena or discovery, introduced into evidence  
7 in a judicial or administrative proceeding or released to the  
8 inmate, parolee or probationer.

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

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

22 Section 302. Powers and duties of victim advocate.

23 The victim advocate has the following powers and duties:

24 \* \* \*

25 (5) [To act as a liaison with the victim notification  
26 program director in the department to coordinate victim  
27 notification and services for the department and the board.

28 The victim advocate is authorized to] To address the  
29 interests of all victims before the board, department or  
30 hearing examiner concerning any issues determined appropriate

1 by the victim advocate.

2 (6) To ensure that eligible victims are informed of the  
3 Address Confidentiality Program under 23 Pa.C.S. Ch. 67  
4 (relating to domestic and sexual violence victim address  
5 confidentiality).

6 (7) To advocate for the interests of crime victims  
7 generally, including the victims of crimes committed by  
8 juveniles.

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

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

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

13 \* \* \*

14 (3) [To adopt, promulgate, amend and rescind suitable  
15 rules and regulations to carry out the provisions and  
16 purposes of Chapter 7. These regulations shall provide for  
17 the approval of attorney fees for representation before the  
18 Office of Victims' Services, a hearing examiner or before the  
19 Commonwealth Court upon judicial review under section 705.  
20 Awards of the attorney fees shall be in addition to awards  
21 made to direct victims. Awards of attorney fees shall in no  
22 case exceed 15% of the award to the direct victim or victims.  
23 It shall be unlawful for an attorney to contract for or  
24 receive any sum larger than the amount allowed. Regulations  
25 under this paragraph shall include policies, procedures and  
26 standards of review regarding claims for compensation;  
27 approval or denial of claims, including contributory conduct  
28 by direct victims; verification of information and documents;  
29 prioritization of review; and all other matters related to  
30 the processing.] To adopt, promulgate, amend and rescind

1 suitable regulations to carry out the provisions and purposes  
2 of Chapter 7. The regulations shall provide for the  
3 following:

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

13 (ii) Policies, procedures and standards of review  
14 regarding claims for compensation.

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

17 (iv) Verification of information and documents.

18 (v) Prioritization of review.

19 (vi) All other matters related to the processing of  
20 claims.

21 \* \* \*

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

24 Section 701. Persons eligible for compensation.

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

27 \* \* \*

28 (7) Hospitals or other licensed health care providers  
29 under section 707(h).

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

1 \* \* \*

2 Section 8. Sections 702(b), (b.1) and (c), 703, 704(b) (1)  
3 and (e) and 706(a) (1) and (b) of the act are amended to read:  
4 Section 702. Filing of claims for compensation.

5 \* \* \*

6 (b) Time.--

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

13 (2) Exceptions shall be as follows:

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

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

24 (B) The limitation period shall run until the  
25 later of:

26 (I) the end of the limitation period for the  
27 offense as set forth in 42 Pa.C.S. Ch. 55 Subch.  
28 C (relating to criminal proceedings); or

29 (II) the end of the limitation period under  
30 paragraph (1).

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

5 (A) The limitation period under this subsection  
6 is tolled until the direct victim reaches 21 years of  
7 age.

8 (B) The limitation period shall run until the  
9 later of:

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

13 (II) the end of the limitation period under  
14 paragraph (1).

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

20 (A) The direct victim, intervenor or claimant  
21 was mentally or physically incapacitated.

22 (B) The victim was a minor.

23 (C) There was a fear of retaliation.

24 (D) The occurrence of the crime was not readily  
25 apparent.

26 (E) Other circumstances when good cause is shown  
27 by the claimant.

28 (b.1) Returned claims.--If a claim has been filed but  
29 subsequently returned to the claimant for correction or for  
30 additional verification or information, the date the claim was

1 first received by the [bureau] Office of Victims' Services shall  
2 be the permanent filing date for purposes of subsection (b). The  
3 correction or additional verification or information must be  
4 filed within a period of time established by the Office of  
5 Victims' Services.

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

9 Section 703. Minimum allowable claim.

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

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

17 Section 704. Determination of claims.

18 \* \* \*

19 (b) Review.--

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



1 result of the crime.

2 \* \* \*

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

8 Section 706. Emergency awards.

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

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

19 \* \* \*

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

25 \* \* \*

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

30 Section 707. Awards.

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

3 \* \* \*

4 (3) The crime was promptly reported to the proper  
5 authorities. [In no case may an award be made if the record  
6 shows that the report was made more than 72 hours after the  
7 occurrence of the crime unless:

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

13 (ii) the Office of Victims' Services finds the delay  
14 to have been justified, consistent with bureau  
15 regulations.]

16 (4) The direct victim, intervenor or claimant has fully  
17 cooperated with all law enforcement agencies and the Office  
18 of Victims' Services, unless the Office of Victims' Services  
19 finds the noncompliance to have been justified consistent  
20 with the Office of Victims' Services regulations. The Office  
21 of Victims' Services shall ensure that the regulations  
22 relating to cooperation with all law enforcement agencies of  
23 a direct victim, intervenor or claimant comply with all  
24 applicable Federal laws and regulations.

25 (a.1) Protection from abuse.--A claimant who satisfies the  
26 eligibility requirements of subsection (a)(1), (2) and (4) may  
27 satisfy the eligibility requirement under subsection (a)(3) for  
28 reporting a crime to the proper authorities by commencing an  
29 action brought in accordance with 23 Pa.C.S. Ch. 61 (relating to  
30 protection from abuse) and as provided for in the Pennsylvania

1 Rules of Civil Procedure. In no case may an award be made if the  
2 record shows that the petition was:

3 (1) Withdrawn, unless the Office of [Victim] Victims'  
4 Services finds the withdrawal to have been justified,  
5 consistent with regulations of the Office of [Victim]  
6 Victims' Services.

7 (2) [Filed more than 72 hours after the occurrence of  
8 the criminal conduct leading to the commencement of the  
9 action, unless:

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

16 (ii) the Office of Victim Services finds the delay  
17 to have been justified, consistent with regulations of  
18 the Office of Victim Services.] (Reserved).

19 (a.2) Sexual violence and intimidation orders.--A claimant  
20 who satisfies the eligibility requirements of subsection (a)(1),  
21 (2) and (4) may satisfy the eligibility requirement under  
22 subsection (a)(3) for reporting a crime to the proper  
23 authorities by commencing an action brought in accordance with  
24 42 Pa.C.S. Ch. 62A (relating to protection of victims of sexual  
25 violence or intimidation) and as provided for in the  
26 Pennsylvania Rules of Civil Procedure. An award may not be made  
27 if the record shows that the petition was withdrawn, except if  
28 the Office of Victims' Services finds the withdrawal to have  
29 been justified, consistent with regulations of the Office of  
30 Victims' Services.

1 (b) Amount.--

2 (1) Any award made under this chapter shall be  
3 contingent upon funds being available and be in an amount not  
4 exceeding out-of-pocket loss, together with loss of past,  
5 present or future earnings or support resulting from such  
6 injury. In no case shall the total amount of an award exceed  
7 \$35,000 except for payment of the following:

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

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

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

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

20 (i) No such award shall exceed the average weekly  
21 wage for all persons covered by the act of December 5,  
22 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the  
23 Unemployment Compensation Law, in this Commonwealth as  
24 determined annually by the Department of Labor and  
25 Industry for each week of lost earnings or support.

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

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

30 \* \* \*

1           (4) An award for counseling performed by or under the  
2 supervision of a psychiatrist, psychologist, licensed  
3 professional counselor or licensed social worker and  
4 reimbursement of associated transportation costs, subject to  
5 the provisions of paragraph (4.1),  may be made to:

6           (i) a direct victim;

7           (ii) an individual responsible for the direct  
8 victim's welfare;

9           (iii) an intervenor or individual who is physically  
10 present at the crime scene and witnesses a violent crime;

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

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

15           (vi) anyone maintaining a common-law relationship  
16 with the direct victim;

17           (vii) anyone residing in the same household with the  
18 direct victim; or

19           (viii) anyone engaged to be married to the direct  
20 victim.

21           (4.1) In the case of an award made pursuant to paragraph  
22 (4), the following shall apply:

23           (i) The amount of an award under paragraph (4) (i)  
24 shall not exceed \$5,000 where the direct victim is an  
25 adult and shall not exceed \$10,000 where the direct  
26 victim is a minor. A minor who is a direct victim of a  
27 sexual offense may request that the minor's primary  
28 insurance carrier not be billed for counseling services  
29 if the policy is held or administered by either the  
30 alleged perpetrator of the crime against the direct

1 victim or an individual responsible for the minor's  
2 welfare that is not supportive of counseling services.

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

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

9 \* \* \*

10 (f) Direct victim responsibility.--

11 (1) Except as set forth in paragraphs (2) [and], (3) and  
12 (4), in determining the amount of an award, the Office of  
13 Victims' Services shall determine whether the direct victim  
14 or intervenor, because of conduct, contributed to the  
15 infliction of the injury. The Office of Victims' Services  
16 [shall] may reduce the amount or deny the claim altogether in  
17 accordance with the determination.

18 \* \* \*

19 (3) If the crime involved is a homicide, the conduct of  
20 the direct victim shall not be considered for claims by  
21 eligible claimants for counseling[.] and funeral expenses.  
22 Funeral expenses eligibility, if the conduct of the direct  
23 victim is a factor.

24 (4) The conduct of the direct victim or intervenor shall  
25 not be considered for claims by eligible claimants for  
26 counseling.

27 (g) Intervenor responsibility.--In determining the amount of  
28 an award to an intervenor, the Office of Victims' Services [may]  
29 shall consider whether the intervenor, because of conduct,  
30 contributed to the infliction of the injury. The Office of

1 Victims' Services [shall] may reduce the amount or deny the  
2 claim altogether in accordance with the determination.

3 \* \* \*

4 Section 10. Sections 709(a), 901, 1101(b), 1102(a), (b), (c)  
5 and (d) ~~and~~, 1301(b) AND 1304(A) AND (B) of the act are amended <--  
6 to read:

7 Section 709. Confidentiality of records.

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

16 \* \* \*

17 Section 901. Eligibility of victims.

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

24 Section 1101. Costs.

25 \* \* \*

26 (b) Disposition.--

27 [(1) There is established a special nonlapsing fund,  
28 known as the Crime Victim's Compensation Fund. This fund  
29 shall be used by the Office of Victims' Services for payment  
30 to claimants and technical assistance. Thirty-five dollars of

1 the costs imposed under subsection (a) (1) and (2) plus 30% of  
2 the costs imposed under subsection (a) (1) which exceed \$60  
3 shall be paid into this fund. All costs imposed under  
4 subsection (a) (3) shall be paid into this fund.

5 (2) There is established a special nonlapsing fund,  
6 known as the Victim Witness Services Fund. This fund shall be  
7 used by the commission for victim-witness services and  
8 technical assistance in nonvictim compensation-related areas  
9 in accordance with this section. Twenty-five dollars of the  
10 costs imposed under subsection (a) (1) and (2) plus 70% of the  
11 costs imposed under subsection (a) (1) and (2) which exceed  
12 \$60 shall be paid into this fund.]

13 (3) The Crime Victim Services and Compensation Fund is  
14 established as a special nonlapsing fund. The fund shall be  
15 used by the Office of Victims' Services for payment to  
16 claimants, victim-witness services and technical assistance.

17 (4) Costs imposed under subsection (a) shall be paid  
18 into the Crime Victim Services and Compensation Fund except  
19 that 70% of any costs which exceed \$60 shall be paid into a  
20 local victim services fund, established and administered by  
21 the county treasurer of each county. The county treasurer  
22 shall disperse money from a local victim services fund at the  
23 discretion of the county district attorney. The money in the  
24 local victim services fund shall be used only for victim  
25 services. Each county treasurer shall by August 31 of each  
26 year provide the commission with an annual statement which  
27 fully reflects all collections deposited into and  
28 expenditures from the local victim services fund for the  
29 preceding fiscal year. The commission, as advised by the  
30 Victim Services Advisory Committee, shall develop guidelines



1 for the administration of the local victim services funds.

2 \* \* \*

3 Section 1102. Costs for offender supervision programs.

4 (a) County fund.--The county treasurer of each county shall  
5 establish and administer a [county offender supervision fund]  
6 County Supervision Fee Restricted Receipts Account consisting of  
7 the fees collected under this section. The county treasurer  
8 shall disperse money from this [fund] account only at the  
9 discretion of the president judge of the court of common pleas.  
10 The money in this [fund] account shall be used to pay the  
11 salaries and employee benefits of all probation and parole  
12 personnel employed by the county probation and parole department  
13 and the training and operational expenses of that department.  
14 Money from this [fund] account shall be used to supplement  
15 Federal, State or county appropriations for the county adult  
16 probation and parole department. The president judge shall by  
17 August 31 provide the [board] commission with an annual  
18 statement [which] that fully reflects all collections deposited  
19 into and expenditures from the [offender supervision fund]  
20 County Supervision Fee Restricted Receipts Account for the  
21 preceding fiscal year. The commission may randomly audit and  
22 monitor account recipients to ensure the appropriate use of  
23 funds and compliance with the provisions of this section. The  
24 [board] commission shall promulgate regulations to provide for  
25 the permanent administration of this program, as advised by the  
26 County Adult Probation and Parole Advisory Committee.

27 (b) State fund.--There is established a State Offender  
28 Supervision Fund to be administered by the board and comprised  
29 of the supervision fees collected by the board under [this  
30 section] subsection (d). The money in this fund shall be used to

1 supplement the Federal or State funds appropriated for the  
2 improvement of [adult probation services] State parole  
3 supervision.

4 (c) Court.--The court shall impose as a condition of  
5 supervision a monthly supervision fee of at least \$25 on any  
6 offender placed on probation, parole, accelerated rehabilitative  
7 disposition, probation without verdict or intermediate  
8 punishment unless the court finds that the fee should be  
9 reduced, waived or deferred based on the offender's present  
10 inability to pay. [Of the fee collected, 50%] All of the fees  
11 shall be deposited into the County [Offender Supervision Fund]  
12 Supervision Fee Restricted Receipts Account established in each  
13 county pursuant to this section[, and the remaining 50% shall be  
14 deposited into the State Offender Supervision Fund established  
15 pursuant to this section]. In the discretion of the Auditor  
16 General, but no less than once every three years, the Auditor  
17 General shall conduct an audit of the account.

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

25 \* \* \*

26 Section 1301. Subrogation.

27 \* \* \*

28 (b) Excess.--If an amount greater than that paid under  
29 Chapter 7 is recovered and collected in such an action, the  
30 Commonwealth shall pay the balance to the claimant. The Attorney

1 General shall enforce any subrogation. A claimant who fails to  
2 notify the Office of Victims' Services of the receipt of funds  
3 from any other claim or award arising out of the crime shall  
4 forfeit and pay to the Commonwealth an amount equal to all  
5 awards paid by the [bureau] Office of Victims' Services to the  
6 claimant or on the claimant's behalf.

7 SECTION 1304. REVICTIMIZATION RELIEF. <--

8 (A) ACTION.--IN ADDITION TO ANY OTHER RIGHT OF ACTION AND  
9 ANY OTHER REMEDY PROVIDED BY LAW, A VICTIM OF A PERSONAL INJURY  
10 RIGHTS CRIME MAY BRING A CIVIL ACTION AGAINST AN OFFENDER IN ANY  
11 COURT OF COMPETENT JURISDICTION TO OBTAIN INJUNCTIVE AND OTHER  
12 APPROPRIATE RELIEF, INCLUDING REASONABLE ATTORNEY FEES AND OTHER  
13 COSTS ASSOCIATED WITH THE LITIGATION, FOR CONDUCT WHICH  
14 PERPETUATES THE CONTINUING EFFECT OF THE CRIME ON THE VICTIM.

15 (B) REDRESS ON BEHALF OF VICTIM.--THE DISTRICT ATTORNEY OF  
16 THE COUNTY IN WHICH A PERSONAL INJURY RIGHTS CRIME TOOK PLACE OR  
17 THE ATTORNEY GENERAL, AFTER CONSULTING WITH THE DISTRICT  
18 ATTORNEY, MAY INSTITUTE A CIVIL ACTION AGAINST AN OFFENDER FOR  
19 INJUNCTIVE OR OTHER APPROPRIATE RELIEF FOR CONDUCT WHICH  
20 PERPETUATES THE CONTINUING EFFECT OF THE CRIME ON THE VICTIM.

21 \* \* \*

22 Section 11. All money in the Crime Victim's Compensation  
23 Fund and the Victim Witness Services Fund shall be transferred  
24 to the Crime Victim Services and Compensation Fund.

25 Section 12. This act shall take effect as follows:

- 26 (1) The following shall take effect immediately:  
27 (i) The amendment of section 1101(b) of the act.  
28 (ii) Section 11 of this act.  
29 (iii) This section.

30 (2) The remainder of this act shall take effect in ~~60~~ <--

1 ~~days~~ SIX MONTHS.

<--