

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

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 13, 2022

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, for responsibilities of prosecutor's
12 office, FOR RESPONSIBILITIES OF DEPARTMENT, LOCAL <--
13 CORRECTIONAL FACILITIES AND BOARD and for responsibilities of
14 juvenile probation office; in administration, further
15 providing for office, for powers and duties of victim
16 advocate and for powers and duties of Office of Victims'
17 Services; in compensation, further providing for persons
18 eligible for compensation, PROVIDING FOR COUNSELING SERVICES <--
19 FOR VICTIMS OF SEXUAL ABUSE AND FURTHER PROVIDING for filing
20 of claims for compensation, for minimum allowable claim, for
21 determination of claims, for emergency awards, for awards and
22 for confidentiality of records; in services, further
23 providing for eligibility of victims; in financial matters,
24 further providing for costs and for costs for offender
25 supervision programs; and, in enforcement, further providing <--
26 for subrogation and for revictimization relief; TRANSFERRING <--
27 MONEY FROM THE CRIME VICTIM'S COMPENSATION FUND; PROVIDING
28 FOR APPLICABILITY; AND MAKING A RELATED REPEAL.

29 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. The definitions of "BOARD," "crime," <--
3 "intervenor," "local law enforcement agency," "loss of
4 earnings," "out-of-pocket ~~loss~~" and LOSS," "personal injury <--
5 crime" AND "VICTIM ADVOCATE" in section 103 of the act of <--
6 November 24, 1998 (P.L.882, No.111), known as the Crime Victims
7 Act, are amended and the section is amended by adding
8 definitions to read:

9 Section 103. Definitions.

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

13 * * *

14 "BOARD." THE PENNSYLVANIA [BOARD OF PROBATION AND] PAROLE <--
15 BOARD.

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

19 * * *

20 "COUNSELING SERVICES." A MENTAL HEALTH THERAPY PERFORMED BY <--
21 OR UNDER THE SUPERVISION OF A MENTAL HEALTH CARE PROVIDER.

22 "Crime." An act which was committed:

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

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

29 (ii) 18 Pa.C.S. (relating to crimes and offenses).

30 30 Pa.C.S. § 5502 (relating to operating

1 watercraft under influence of alcohol or controlled
2 substance).

3 30 Pa.C.S. § 5502.1 (relating to homicide by
4 watercraft while operating under influence).

5 30 PA.C.S. § 5502.2 (RELATING TO HOMICIDE BY
6 WATERCRAFT). <--

7 30 PA.C.S. § 5502.3 (RELATING TO AGGRAVATED
8 ASSAULT BY WATERCRAFT WHILE OPERATING UNDER
9 INFLUENCE).

10 30 PA.C.S. § 5502.4 (RELATING TO AGGRAVATED
11 ASSAULT BY WATERCRAFT).

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

14 75 Pa.C.S. § 3732 (relating to homicide by
15 vehicle).

16 75 Pa.C.S. § 3732.1 (relating to aggravated
17 assault by vehicle).

18 75 Pa.C.S. § 3733 (relating to fleeing or
19 attempting to elude police officer).

20 75 Pa.C.S. § 3734 (relating to driving without
21 lights to avoid identification or arrest).

22 75 Pa.C.S. § 3735 (relating to homicide by
23 vehicle while driving under influence).

24 75 Pa.C.S. § 3735.1 (relating to aggravated
25 assault by vehicle while driving under the
26 influence).

27 75 Pa.C.S. § 3742 (relating to accidents
28 involving death or personal injury).

29 75 Pa.C.S. § 3742.1 (relating to accidents
30 involving death or personal injury while not properly

1 licensed) if the nature and circumstances of the
2 offense committed are substantially similar to an
3 offense under 75 Pa.C.S. § 3742.

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

6 (iii) The laws of the United States.

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

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

12 * * *

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

16 * * *

17 "Intervenor." An individual, including a law enforcement
18 officer who is injured in the performance of the individual's
19 duties, who goes to the aid of another and suffers physical or
20 mental injury or death as a direct result of acting not
21 recklessly to prevent the commission of a crime, to lawfully
22 apprehend a person reasonably suspected of having committed such
23 crime or to aid the victim of such crime.

24 * * *

25 "LAW ENFORCEMENT OFFICER." A PEACE OFFICER AS DEFINED IN 18 <--
26 PA.C.S. § 501 (RELATING TO DEFINITIONS).

27 * * *

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

30 "Loss of earnings." [Includes] An economic loss resulting

1 from an injury or death to a victim of a crime or an intervenor
2 that has not been and will not be reimbursed from any other
3 source. The term includes the loss of the cash equivalent of one
4 month's worth of Social Security, railroad retirement, pension
5 plan, retirement plan, disability, veteran's retirement, [court-
6 ordered child support or court-ordered spousal] loss of support
7 payments if the payments are the primary source of the victim's
8 income or other similar benefit, and the victim or intervenor is
9 deprived of money as a direct result of a crime.

10 "Loss of support." The loss of verifiable financial support
11 the direct victim would have contributed to surviving dependents
12 that is lost due to the death of the direct victim as a direct
13 result of a crime.

14 "MENTAL HEALTH CARE PROVIDER." ANY OF THE FOLLOWING: <--

15 (1) A PSYCHIATRIST.

16 (2) AN INDIVIDUAL LICENSED UNDER THE ACT OF MARCH 23,
17 1972 (P.L.136, NO.52), KNOWN AS THE PROFESSIONAL
18 PSYCHOLOGISTS PRACTICE ACT.

19 (3) A LICENSED PROFESSIONAL COUNSELOR AS DEFINED IN
20 SECTION 3 OF THE ACT OF JULY 9, 1987 (P.L.220, NO.39), KNOWN
21 AS THE SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND
22 PROFESSIONAL COUNSELORS ACT.

23 (4) A LICENSED SOCIAL WORKER AS DEFINED IN SECTION 3 OF
24 THE SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND
25 PROFESSIONAL COUNSELORS ACT.

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. § 2803 (RELATING TO AGGRAVATED HAZING). <--

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. § 6312 (relating to sexual abuse of children).

14 18 Pa.C.S. § 6318 (relating to unlawful contact with
15 minor).

16 18 Pa.C.S. § 6320 (relating to sexual exploitation of
17 children).

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

20 30 PA.C.S. § 5502.2 (RELATING TO HOMICIDE BY WATERCRAFT). <--

21 30 PA.C.S. § 5502.3 (RELATING TO AGGRAVATED ASSAULT BY
22 WATERCRAFT WHILE OPERATING UNDER INFLUENCE).

23 30 PA.C.S. § 5502.4 (RELATING TO AGGRAVATED ASSAULT BY
24 WATERCRAFT).

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

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

29 75 PA.C.S. § 3732.1 (RELATING TO AGGRAVATED ASSAULT BY
30 VEHICLE). <--

1 75 Pa.C.S. § 3735 (relating to homicide by vehicle while
2 driving under influence).

3 75 Pa.C.S. § 3735.1 (relating to aggravated assault by
4 vehicle while driving under the influence).

5 ~~[75 Pa.C.S. § 3742 (relating to accidents involving death~~ <--
6 ~~or personal injury).]~~ <--

7 75 Pa.C.S. Ch. 38 (relating to driving after imbibing
8 alcohol or utilizing drugs) in cases involving bodily injury.

9 The term includes violations of any protective order issued ~~[as~~ <--
10 ~~a result of an act related to domestic violence.]~~ UNDER 23 <--

11 ~~PA.C.S. CH. 61 (RELATING TO PROTECTION FROM ABUSE) OR 42 PA.C.S.~~
12 ~~CH. 62A (RELATING TO PROTECTION OF VICTIMS OF SEXUAL VIOLENCE OR~~
13 ~~INTIMIDATION) OR A SIMILAR PROTECTIVE ORDER ISSUED OUTSIDE THIS~~
14 ~~COMMONWEALTH. The term includes a crime of violence as defined~~
15 ~~in 42 Pa.C.S. § 9714(g) (relating to sentences for second and~~
16 ~~subsequent offenses).~~

17 ~~"Personal injury rights crime." An A PERSONAL INJURY CRIME~~ <--
18 ~~OR AN act, attempt, solicitation or conspiracy to commit an act~~
19 ~~which would constitute a misdemeanor or felony under the~~
20 ~~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 "SEXUAL ABUSE." CONDUCT WHICH OCCURS IN THIS COMMONWEALTH <--
9 AND WOULD CONSTITUTE AN OFFENSE UNDER ANY OF THE FOLLOWING
10 PROVISIONS OF 18 PA.C.S. (RELATING TO CRIMES AND OFFENSES):

11 SECTION 3011(A) (1) OR (2) AND (B) (RELATING TO
12 TRAFFICKING IN INDIVIDUALS).

13 SECTION 3012 (RELATING TO INVOLUNTARY SERVITUDE) AS IT
14 RELATES TO SEXUAL SERVITUDE.

15 SECTION 3121 (RELATING TO RAPE).

16 SECTION 3122.1 (RELATING TO STATUTORY SEXUAL ASSAULT).

17 SECTION 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
18 INTERCOURSE).

19 SECTION 3124.1 (RELATING TO SEXUAL ASSAULT).

20 SECTION 3124.2 (RELATING TO INSTITUTIONAL SEXUAL
21 ASSAULT).

22 SECTION 3125 (RELATING TO AGGRAVATED INDECENT ASSAULT).

23 SECTION 3126 (RELATING TO INDECENT ASSAULT).

24 SECTION 3127 (RELATING TO INDECENT EXPOSURE).

25 SECTION 3133 (RELATING TO SEXUAL EXTORTION),

26 SECTION 4302 (RELATING TO INCEST).

27 SECTION 6312 (RELATING TO SEXUAL ABUSE OF CHILDREN).

28 SECTION 6320 (RELATING TO SEXUAL EXPLOITATION OF
29 CHILDREN).

30 * * *

1 "VICTIM ADVOCATE." THE VICTIM ADVOCATE IN THE OFFICE OF
2 VICTIM ADVOCATE WITHIN THE [PENNSYLVANIA BOARD OF PROBATION AND
3 PAROLE] DEPARTMENT.

4 Section 2. Section 201(4), (5.2), (7), (8), (8.1), (9), (11)
5 and (13) of the act are amended and the section is amended by
6 adding a paragraph to read:

7 Section 201. Rights.

8 Victims of crime have the following rights:

9 * * *

10 (1.1) If eligible to apply, to be notified of the
11 Address Confidentiality Program under 23 Pa.C.S. Ch. 67
12 (relating to domestic and sexual violence victim address
13 confidentiality).

14 * * *

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

22 * * *

23 (5.2) Upon request of the victim of a personal injury
24 rights crime, to have the opportunity to submit written
25 comment or present oral testimony at a disposition review
26 hearing, which comment or testimony shall be considered by
27 the court when reviewing the disposition of the juvenile.

28 * * *

29 (7) In personal injury rights crimes where the adult is
30 sentenced to a State correctional facility, to be:

1 (i) given the opportunity to provide prior comment
2 on and to receive State postsentencing release decisions,
3 including work release, furlough, parole, pardon or
4 community treatment center placement;

5 (ii) provided immediate notice of an escape of the
6 adult and of subsequent apprehension; and

7 (iii) given the opportunity to receive notice of and
8 to provide prior comment on a recommendation sought by
9 the Department of Corrections that the offender
10 participate in a motivational boot camp pursuant to the
11 Motivational Boot Camp Act.

12 (8) In personal injury rights crimes where the adult is
13 sentenced to a local correctional facility, to:

14 (i) receive notice of the date of the release of the
15 adult, including work release, furlough, parole, release
16 from a boot camp or community treatment center placement;
17 and

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

20 (8.1) If, upon the request of the victim of a personal
21 injury rights crime committed by a juvenile, the juvenile is
22 ordered to residential placement, a shelter facility or a
23 detention center, to:

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

26 (ii) Be provided with:

27 (A) immediate notice of an escape of the
28 juvenile, including failure to return from temporary
29 leave or home pass; and

30 (B) immediate notice of reaprehension of the

1 juvenile.

2 (iii) Be provided with notice of transfer of a
3 juvenile who has been adjudicated delinquent from a
4 placement facility that is contrary to a previous court
5 order or placement plan approved at a disposition review
6 hearing and to have the opportunity to express a written
7 objection prior to the release or transfer of the
8 juvenile.

9 (9) If the adult is subject to an order under 23 Pa.C.S.
10 Ch. 61 (relating to protection from abuse) OR 42 PA.C.S. CH. <--
11 62A (RELATING TO PROTECTION OF VICTIMS OF SEXUAL VIOLENCE OR
12 INTIMIDATION) and is committed to a local correctional
13 facility for a violation of the order or for a personal
14 injury rights crime against a victim protected by the order,
15 to receive immediate notice of the release of the adult on
16 bail.

17 * * *

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

21 * * *

22 (13) Upon the request of the victim of a personal injury
23 rights crime, to be notified of the termination of the
24 courts' jurisdiction.

25 Section 3. Sections 211, 212(b), (c), (e) and (f) ~~and~~, <--
26 213(a), (b), (d), (e), (f) and (g), 214(A), (B) AND (F) and <--
27 216(b) and (d) of the act are amended to read:

28 Section 211. Responsibilities of victims of crime under basic
29 bill of rights.

30 [A] Except as provided for victims enrolled in the Address

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

11 Section 212. Responsibilities of State and local law
12 enforcement agencies.

13 * * *

14 (b) Notice.--

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

1 the Office of Victims' Services.

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

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

26 (e) [Forms.--The form developed by the Office of Victims'
27 Services shall be attached to the police report and shall
28 include a victim checkoff signifying that the information has
29 been provided to the crime victim.] Confirmation.--The law
30 enforcement agency responding to or investigating an incident

1 shall indicate on the police report that the information
2 required under subsection (b) was provided to the direct victim
3 or, if appropriate, a member of the direct victim's family.

4 (f) Notice in personal injury rights crimes.--

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

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

20 * * *

21 Section 213. Responsibilities of prosecutor's office.

22 (a) Forms.--The prosecutor's office shall provide the victim
23 of a personal injury rights crime with all forms developed
24 pursuant to sections 214 and 215 with THE exception to State <--
25 cases OF CASES BROUGHT BY THE ATTORNEY GENERAL, whereupon the <--
26 victim advocate shall provide all necessary forms.

27 (b) Pleading.--In a personal injury rights crime or
28 burglary, the prosecutor's office shall provide notice of and
29 offer the opportunity to submit prior comment on the potential
30 reduction or dropping of any charge or changing of a plea, a

1 diversion of any case, including informal adjustment and consent
2 decree, unless such notice is provided by the juvenile probation
3 office.

4 * * *

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

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

16 (i) so the victim advocate may provide notice of THE <--
17 OFFENDER IS SENTENCED TO AN INSTITUTION OPERATED BY THE
18 DEPARTMENT SO THE VICTIM ADVOCATE MAY PROVIDE NOTICE TO
19 THE VICTIM OF:

20 (I) THE opportunity to submit input into State
21 correctional release decisions;

22 (ii) to provide notice of any release of an adult <--
23 ANY RELEASE OF AN ADULT OFFENDER from a State <--
24 correctional institution; and

25 (iii) to provide notice of the commitment THE <--
26 COMMITMENT OF THE OFFENDER to a mental health institution
27 from a State correctional institution.

28 (2) In a personal injury rights crime, the prosecutor's
29 office shall provide notice of any release of an adult from a
30 local correctional institution and provide notice of the

1 commitment to a mental health institution from a local
2 correctional institution.

3 (3) Except as otherwise provided by law, in no case may
4 the victim advocate waive the confidentiality of a victim.

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

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

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

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

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

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

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

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

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

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

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

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

7 (3) Notification to the victim advocate on behalf of the
8 victim for personal injury rights crimes if the offender is
9 sentenced to a State correctional institution.

10 * * *

11 SECTION 214. RESPONSIBILITIES OF DEPARTMENT, LOCAL CORRECTIONAL <--
12 FACILITIES AND BOARD.

13 (A) FORMS.--THE [DEPARTMENT AND THE] BOARD SHALL DEVELOP
14 STANDARDIZED FORMS REGARDING VICTIM NOTIFICATION. THE FORM SHALL
15 INCLUDE THE ADDRESS WHERE THE FORM IS TO BE SENT. THE DEPARTMENT
16 SHALL DEVELOP A [STANDARDIZED] STANDARD FORM WHICH MAY BE USED
17 BY LOCAL CORRECTIONAL FACILITIES. IN THE CASE OF COUNTIES WITH
18 VICTIM-WITNESS COORDINATORS, THE LOCAL CORRECTIONAL FACILITY
19 SHALL PERFORM ITS RESPONSIBILITIES UNDER THIS SECTION IN
20 COOPERATION WITH THE COUNTY'S VICTIM-WITNESS COORDINATOR.

21 (B) NOTICE.--IF THE [DEPARTMENT AND BOARD HAVE] OFFICE HAS
22 RECEIVED NOTICE OF A VICTIM'S DESIRE TO HAVE INPUT UNDER SECTION
23 201(7), THE APPROPRIATE AGENCY SHALL NOTIFY THE VICTIM
24 SUFFICIENTLY IN ADVANCE OF A PENDING RELEASE DECISION TO EXTEND
25 AN OPPORTUNITY FOR PRIOR COMMENT. THE LOCAL CORRECTIONAL
26 FACILITY'S NOTICE TO THE VICTIM UNDER SECTION 201(9) SHALL OCCUR
27 IMMEDIATELY.

28 * * *

29 (F) RECORDS.--RECORDS MAINTAINED BY THE DEPARTMENT, THE
30 LOCAL CORRECTIONAL FACILITY [AND], THE BOARD AND THE OFFICE

1 PERTAINING TO VICTIMS SHALL BE KEPT SEPARATE. CURRENT ADDRESS,
2 TELEPHONE NUMBER AND ANY OTHER PERSONAL INFORMATION OF THE
3 VICTIM AND FAMILY MEMBERS SHALL BE DEEMED CONFIDENTIAL.

4 * * *

5 Section 216. Responsibilities of juvenile probation office.

6 * * *

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

16 * * *

17 (d) Postdisposition notice.--Upon the request of the victim
18 of a personal injury rights crime, the juvenile probation office
19 shall:

20 (1) Provide prior notice to the victim when an
21 adjudicated delinquent ordered into residential placement or
22 official detention will be granted temporary leave or home
23 pass or release.

24 (2) Notify the victim of a proposed release or transfer
25 of an adjudicated delinquent from placement that is contrary
26 to a previous court order or placement plan approved at a
27 disposition review hearing and shall extend the victim the
28 opportunity to provide a written objection prior to the
29 release or transfer of the juvenile from placement.

30 (3) Notify the victim immediately of a juvenile's escape

1 from official detention or failure to return from temporary
2 leave or home pass and of the juvenile's subsequent
3 apprehension.

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

6 (5) Provide the opportunity to submit written comment
7 and of their right to provide oral testimony at a disposition
8 review hearing.

9 Section 4. Section ~~301(e)~~ 301(A) AND (C) of the act ~~is~~ ARE <--
10 amended and the section is amended by adding a subsection to
11 read:

12 Section 301. Office.

13 (A) ESTABLISHMENT.--THERE IS ESTABLISHED WITHIN THE [BOARD] <--
14 DEPARTMENT THE OFFICE OF VICTIM ADVOCATE TO REPRESENT THE
15 INTERESTS OF CRIME VICTIMS BEFORE THE BOARD OR DEPARTMENT. THE
16 OFFICE SHALL OPERATE UNDER THE DIRECTION OF THE VICTIM ADVOCATE
17 AS PROVIDED IN THIS SECTION. THE OFFICE SHALL FUNCTION
18 INDEPENDENTLY OF THE DEPARTMENT REGARDING ALL OF THE OFFICE'S
19 DECISION-MAKING FUNCTIONS, INCLUDING OTHER POWERS AND DUTIES
20 SPECIFIED IN LAW.

21 * * *

22 (c) Service and employees.--The victim advocate shall: <--

23 (1) operate from [the central office of the board] <--
24 OFFICE SPACE PROVIDED BY THE DEPARTMENT with such clerical,
25 technical and professional staff as may be available within
26 the budget of the [board] DEPARTMENT. The compensation of <--
27 employees of the office shall be set by the Executive Board.
28 LEGAL COUNSEL FOR THE OFFICE SHALL BE APPOINTED IN ACCORDANCE <--
29 WITH THE ACT OF OCTOBER 15, 1980 (P.L.950, NO.164), KNOWN AS
30 THE COMMONWEALTH ATTORNEYS ACT.

1 (2) The home address of an employee of the office shall not
2 be considered a public record under the act of February 14, 2008
3 (P.L.6, No.3), known as the Right-to-Know Law. Financial records
4 and aggregated data, of and relating to the office, as defined
5 in the Right-to-Know Law, shall remain subject to the Right-to-
6 Know Law, provided that no record or data identifying an
7 individual victim may be released.

8 (d) Disclosure and confidentiality.--

9 (1) Each record pertaining to the victim in the
10 possession of or maintained by the office, including
11 information regarding a victim's current contact information
12 and any other information or record relating to the victim,
13 shall be private, confidential and privileged and the
14 property of the office and shall not be subject to access
15 under the Right-to-Know Law. A record of the office may not
16 be subject to subpoena or discovery, introduced into evidence
17 in a judicial or administrative proceeding or released to the
18 inmate, parolee or probationer.

19 (2) Unless a victim waives the privilege in a signed
20 writing prior to testimony or disclosure, an employee of the
21 office may not be competent nor permitted to testify or to
22 otherwise disclose confidential communications made to or by
23 the employee of the office. The privilege shall terminate
24 upon the death of the victim. Neither the employee of the
25 office nor the victim shall waive the privilege of
26 confidential communications by reporting facts of physical or
27 sexual assault under 23 Pa.C.S. Ch. 63 (relating to child
28 protective services), a Federal or State mandatory reporting
29 statute or a local mandatory reporting ordinance.

30 Section 5. Section 302(5) of the act is amended and the

1 section is amended by adding paragraphs to read:

2 Section 302. Powers and duties of victim advocate.

3 The victim advocate has the following powers and duties:

4 * * *

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 is authorized to] To address the
9 interests of all victims before the board, department or
10 hearing examiner concerning any issues determined appropriate
11 by the victim advocate.

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

16 (7) To advocate for the interests of crime victims
17 generally, including the victims of crimes committed by
18 juveniles.

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

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

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

23 * * *

24 (3) [To adopt, promulgate, amend and rescind suitable
25 rules and regulations to carry out the provisions and
26 purposes of Chapter 7. These regulations shall provide for
27 the approval of attorney fees for representation before the
28 Office of Victims' Services, a hearing examiner or before the
29 Commonwealth Court upon judicial review under section 705.
30 Awards of the attorney fees shall be in addition to awards

1 made to direct victims. Awards of attorney fees shall in no
2 case exceed 15% of the award to the direct victim or victims.
3 It shall be unlawful for an attorney to contract for or
4 receive any sum larger than the amount allowed. Regulations
5 under this paragraph shall include policies, procedures and
6 standards of review regarding claims for compensation;
7 approval or denial of claims, including contributory conduct
8 by direct victims; verification of information and documents;
9 prioritization of review; and all other matters related to
10 the processing.] To adopt, promulgate, amend and rescind
11 suitable regulations to carry out the provisions and purposes
12 of Chapter 7. The regulations shall provide for the
13 following:

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

23 (ii) Policies, procedures and standards of review
24 regarding claims for compensation.

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

27 (iv) Verification of information and documents.

28 (v) Prioritization of review.

29 (vi) All other matters related to the processing of
30 claims.

1 * * *

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

4 Section 701. Persons eligible for compensation.

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

7 * * *

8 (7) Hospitals or other licensed health care providers
9 under section 707(h).

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

11 * * *

12 SECTION 7.1. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <--

13 SECTION 701.1. COUNSELING SERVICES FOR VICTIMS OF SEXUAL ABUSE.

14 (A) ELIGIBILITY.--THE OFFICE OF VICTIMS' SERVICES SHALL
15 PROVIDE FUNDING FOR COUNSELING SERVICES RELATED TO SEXUAL ABUSE
16 FOR AN INDIVIDUAL WHO IS A DIRECT VICTIM OF SEXUAL ABUSE.
17 PAYMENT SHALL BE MADE DIRECTLY TO THE HEALTH CARE PROVIDER THAT
18 PROVIDES THE SERVICES FROM FUNDING PROVIDED FOR THE
19 IMPLEMENTATION OF THIS SECTION.

20 (B) NONAPPLICABILITY.--ELIGIBILITY SHALL NOT BE AFFECTED BY
21 AN ADVERSE DETERMINATION UNDER SECTION 702(B) OR 707(A) (3) OR
22 (4). NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A CLAIMANT
23 SHALL NOT BE REQUIRED TO PRODUCE EVIDENCE OTHER THAN A VERIFIED
24 OR SWORN STATEMENT TO BE ELIGIBLE UNDER SUBSECTION (A).

25 (C) VALUE OF SERVICES.--THE TOTAL VALUE OF SERVICES UNDER
26 SUBSECTION (A) SHALL NOT EXCEED:

27 (1) FIVE THOUSAND DOLLARS IF THE INDIVIDUAL WAS, AT THE
28 TIME OF THE ABUSE, 18 YEARS OF AGE OR OLDER.

29 (2) TEN THOUSAND DOLLARS IF THE INDIVIDUAL WAS, AT THE
30 TIME OF THE ABUSE, UNDER 18 YEARS OF AGE.

1 Section 8. Sections ~~702(b)~~ 702(A) INTRODUCTORY PARAGRAPH, <--
2 (B), (b.1) and (c), 703, 704(b)(1) and (e) and 706(a)(1) and (b)
3 of the act are amended to read:

4 Section 702. Filing of claims for compensation.

5 * * * <--

6 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, <--
7 A CLAIM FOR COMPENSATION MAY BE FILED BY AN INDIVIDUAL ELIGIBLE
8 FOR COMPENSATION AS PROVIDED IN SECTION 701 OR 701.1, OR AS
9 FOLLOWS:

10 * * *

11 (b) Time.--

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

18 (2) Exceptions shall be as follows:

19 (I.1) CLAIMS FOR COUNSELING SERVICES RELATED TO <--
20 SEXUAL ABUSE UNDER SECTION 701.1.

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

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

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

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

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

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

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

15 (B) The limitation period shall run until the
16 later of:

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

20 (II) the end of the limitation period under
21 paragraph (1).

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

27 (A) The direct victim, intervenor or claimant
28 was mentally or physically incapacitated.

29 (B) The victim was a minor.

30 (C) There was a fear of retaliation.

1 (D) The occurrence of the crime was not readily
2 apparent.

3 (E) Other circumstances when good cause is shown
4 by the claimant.

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

13 (c) Manner.--Claims must be filed with the [bureau] Office
14 of Victims' Services in person, by mail or by any electronic
15 means authorized by the Office of Victims' Services.
16 Section 703. Minimum allowable claim.

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

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

24 Section 704. Determination of claims.

25 * * *

26 (b) Review.--

27 (1) The Office of Victims' Services shall review the
28 claim and all supporting documents and investigate the
29 validity of the claim. The investigation shall include an
30 examination of police, court and official records and reports

1 concerning the crime and may include an examination of
2 medical and hospital reports relating to the injury upon
3 which the claim is based. The Office of Victims' Services may
4 not request or review counseling notes of mental health
5 service providers. The Office of Victims' Services shall
6 request an assessment from the mental health service provider
7 as to the extent the service provided is needed as a direct
8 result of the crime.

9 * * *

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

15 Section 706. Emergency awards.

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

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

26 * * *

27 (b) Reconsideration.--The Office of Victims' Services may
28 reconsider an emergency award at any time prior to the final
29 decision in the case and increase previous orders for emergency
30 compensation up to the overall limit of [**\$1,500 per claim or at**]

1 a rate set by the Office of Victims' Services.

2 * * *

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

7 Section 707. Awards.

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

10 * * *

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

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

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

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

1 applicable Federal laws and regulations.

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

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

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

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

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

26 (a.2) Sexual violence and intimidation orders.--A claimant
27 who satisfies the eligibility requirements of subsection (a)(1),
28 (2) and (4) may satisfy the eligibility requirement under
29 subsection (a)(3) for reporting a crime to the proper
30 authorities by commencing an action brought in accordance with

1 42 Pa.C.S. Ch. 62A (relating to protection of victims of sexual
2 violence or intimidation) and as provided for in the
3 Pennsylvania Rules of Civil Procedure. An award may not be made
4 if the record shows that the petition was withdrawn, except if
5 the Office of Victims' Services finds the withdrawal to have
6 been justified, consistent with regulations of the Office of
7 Victims' Services.

8 (b) Amount.--

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

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

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

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

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

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

1 determined annually by the Department of Labor and
2 Industry for each week of lost earnings or support.

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

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

7 * * *

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

13 (i) a direct victim;

14 (ii) an individual responsible for the direct
15 victim's welfare;

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

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

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

22 (vi) anyone maintaining a common-law relationship
23 with the direct victim;

24 (vii) anyone residing in the same household with the
25 direct victim; or

26 (viii) anyone engaged to be married to the direct
27 victim.

28 (4.1) In the case of an award made pursuant to paragraph
29 (4), the following shall apply:

30 (i) The amount of an award under paragraph (4) (i)

1 shall not exceed \$5,000 where the direct victim is an
2 adult and shall not exceed \$10,000 where the direct
3 victim is a minor. A minor who is a direct victim of a
4 sexual offense may request that the minor's primary
5 insurance carrier not be billed for counseling services
6 if the policy is held or administered by either the
7 alleged perpetrator of the crime against the direct
8 victim or an individual responsible for the minor's
9 welfare that is not supportive of counseling services.

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

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

16 * * *

17 (f) Direct victim responsibility.--

18 (1) Except as set forth in paragraphs (2) [and], (3) and
19 (4), in determining the amount of an award, the Office of
20 Victims' Services shall determine whether the direct victim
21 or intervenor, because of conduct, contributed to the
22 infliction of the injury. The Office of Victims' Services
23 [shall] may reduce the amount or deny the claim altogether in
24 accordance with the determination.

25 * * *

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

1 (4) The conduct of the direct victim or intervenor shall
2 not be considered for claims by eligible claimants for
3 counseling.

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

10 * * *

11 Section 10. Sections 709(a), 901, 1101(b), 1102(a), (b), (c)
12 ~~and~~, (d) AND (E) (1), 1301(b) and 1304(a) and (b) of the act are <--
13 amended to read:

14 Section 709. Confidentiality of records.

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

23 * * *

24 Section 901. Eligibility of victims.

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

1 Section 1101. Costs.

2 * * *

3 (b) Disposition.--

4 [(1) There is established a special nonlapsing fund,
5 known as the Crime Victim's Compensation Fund. This fund
6 shall be used by the Office of Victims' Services for payment
7 to claimants and technical assistance. Thirty-five dollars of
8 the costs imposed under subsection (a) (1) and (2) plus 30% of
9 the costs imposed under subsection (a) (1) which exceed \$60
10 shall be paid into this fund. All costs imposed under
11 subsection (a) (3) shall be paid into this fund.]

12 (2) There is established a special nonlapsing fund,
13 known as the Victim Witness Services Fund. This fund shall be
14 used by the commission for victim-witness services and
15 technical assistance in nonvictim compensation-related areas
16 in accordance with this section. Twenty-five dollars of the
17 costs imposed under subsection (a) (1) and (2) plus 70% of the
18 costs imposed under subsection (a) (1) and (2) which exceed
19 \$60 shall be paid into this fund.]

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

24 (4) Costs imposed under subsection (a) shall be paid
25 into the Crime Victim Services and Compensation Fund except
26 that 70% of any costs which exceed \$60 shall be paid into a
27 local victim services fund, established and administered by
28 the county treasurer of each county. The county treasurer
29 shall disperse money from a local victim services fund at the
30 discretion of the county district attorney. The money in the

1 local victim services fund shall be used only for victim
2 services. Each county treasurer shall by August 31 of each
3 year provide the commission with an annual statement which
4 fully reflects all collections deposited into and
5 expenditures from the local victim services fund for the
6 preceding fiscal year. The commission, as advised by the
7 Victim Services Advisory Committee, shall develop guidelines
8 for the administration of the local victim services funds.

9 * * *

10 Section 1102. Costs for offender supervision programs.

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

1 [board] commission shall promulgate regulations to provide for
2 the permanent administration of this program, as advised by the
3 County Adult Probation and Parole Advisory Committee.

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

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

25 (d) Board.--The board shall impose as a condition of
26 supervision a monthly supervision fee of at least \$25 on any
27 offender under the [board's] DEPARTMENT'S supervision unless the <--
28 board finds that such fee should be reduced, waived or deferred
29 based on the offender's present inability to pay. All fees
30 collected shall be deposited into the State Offender Supervision

1 Fund [established under subsection (b)].

2 * * *

<--

3 (E) CONTINUATION.--

<--

4 (1) FOR OFFENDERS UNDER SUPERVISION OF A COUNTY
5 PROBATION DEPARTMENT OR THE BOARD AS OF [AUGUST 14, 1991] THE
6 DAY PRIOR TO THE EFFECTIVE DATE OF THIS SECTION OR UNDER THE
7 SUPERVISION OF THE DEPARTMENT, THE FEE SHALL AUTOMATICALLY
8 BECOME A PART OF THE SUPERVISION CONDITIONS AS IF THE COURT
9 OR BOARD HAD IMPOSED IT UNLESS THE COURT OR BOARD MAKES A
10 FINDING THAT THE OFFENDER IS PRESENTLY UNABLE TO PAY.

11 * * *

12 Section 1301. Subrogation.

13 * * *

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

23 Section 1304. Revictimization relief.

24 (a) Action.--In addition to any other right of action and
25 any other remedy provided by law, a victim of a personal injury
26 rights crime may bring a civil action against an offender in any
27 court of competent jurisdiction to obtain injunctive and other
28 appropriate relief, including reasonable attorney fees and other
29 costs associated with the litigation, for conduct which
30 perpetuates the continuing effect of the crime on the victim.

1 (b) Redress on behalf of victim.--The district attorney of
2 the county in which a personal injury rights crime took place or
3 the Attorney General, after consulting with the district
4 attorney, may institute a civil action against an offender for
5 injunctive or other appropriate relief for conduct which
6 perpetuates the continuing effect of the crime on the victim.

7 * * *

8 Section 11. All money in the Crime Victim's Compensation
9 Fund and the Victim Witness Services Fund shall be transferred
10 to the Crime Victim Services and Compensation Fund.

11 SECTION 11.1. REPEALS ARE AS FOLLOWS: <--

12 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
13 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF
14 SECTION 701.1 OF THE ACT.

15 (2) 42 PA.C.S. § 9730.3 IS REPEALED.

16 SECTION 11.2. THE REMAINDER OF THE SUM OF \$5,000,000
17 TRANSFERRED FROM THE GENERAL FUND TO THE CRIME VICTIM'S
18 COMPENSATION FUND UNDER SECTION 8.2 OF THE ACT OF NOVEMBER 26,
19 2019 (P.L.641, NO.87), ENTITLED "AN ACT AMENDING TITLE 42
20 (JUDICIARY AND JUDICIAL PROCEDURE) OF THE PENNSYLVANIA
21 CONSOLIDATED STATUTES, REFORMING REMEDIES FOR VICTIMS OF SEXUAL
22 ABUSE:

23 IN LIMITATION OF TIME, FURTHER PROVIDING FOR SIX MONTHS
24 LIMITATION, FOR INFANCY, INSANITY OR IMPRISONMENT, FOR NO
25 LIMITATION APPLICABLE AND FOR OTHER OFFENSES;

26 IN MATTERS AFFECTING GOVERNMENT UNITS, FURTHER PROVIDING
27 FOR EXCEPTIONS TO SOVEREIGN IMMUNITY, FOR LIMITATIONS ON
28 DAMAGES IN ACTIONS AGAINST COMMONWEALTH PARTIES, FOR
29 EXCEPTIONS TO GOVERNMENTAL IMMUNITY AND FOR LIMITATIONS ON
30 DAMAGES IN ACTIONS AGAINST LOCAL PARTIES;

1 IN SENTENCING ALTERNATIVES, PROVIDING FOR COUNSELING
2 SERVICES FOR VICTIMS OF SEXUAL ABUSE; AND
3 TRANSFERRING MONEY FROM THE GENERAL FUND INTO THE CRIME
4 VICTIM'S COMPENSATION FUND," IS TRANSFERRED TO THE CRIME
5 VICTIM SERVICES AND COMPENSATION FUND FOR THE PURPOSE OF
6 IMPLEMENTING THIS ACT.

7 SECTION 11.3. THE AMENDMENT OR ADDITION OF SECTIONS 103,
8 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) AND (13), 211,
9 212(B), (C), (E) AND (F), 213(A), (B), (D), (E), (F) AND (G),
10 214(A) (B) AND (F), 216(B) AND (D), 301(A) AND (C), 302(5), (6)
11 AND (7), 312(3), 701(A) (7) AND (8), 701.1, 702(A) INTRODUCTORY
12 PARAGRAPH, (B), (B.1) AND (C), 703, 704(B) (1) AND (E), 706(A) (1)
13 AND (B), 707(A) (3) AND (4), (A.1), (A.2), (B) (1), (2), (4) AND
14 (4.1), (F) (1), (3) AND (4) AND (G), 709(A), 901, 1101(B),
15 1102(A), (B), (C), (D) AND (E) (1), 1301(B) AND 1304(A) AND (B)
16 OF THE ACT SHALL APPLY TO CLAIMS WHERE THE CRIME OCCURRED AFTER
17 THE EFFECTIVE DATE OF THIS SECTION, EXCEPT FOR CLAIMS FOR
18 COUNSELING SERVICES RELATING TO SEXUAL ABUSE UNDER SECTION 701.1
19 OF THE ACT.

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

21 (1) The following shall take effect immediately:

22 ~~(i) The amendment of section 1101(b) of the act.~~ <--

23 ~~(ii) (I) Section 11 of this act.~~ <--

24 ~~(iii) (II) This section.~~ <--

25 (2) THE AMENDMENT OR ADDITION OF SECTIONS 103, 312(3), <--
26 701(A) (7) AND (8), 701.1, 702(A) INTRODUCTORY PARAGRAPH, (B),
27 (B.1) AND (C), 703, 704(B) (1) AND (E), 706(A) (1) AND (B),
28 707(A) (3) AND (4), (A.1), (A.2), (B) (1), (2), (4) AND (4.1),
29 (F) (1), (3) AND (4) AND (G), 709(A), 901, 1101(B), 1102(A),
30 (B), (C), (D) AND (E) (1), 1301(B) AND 1304(A) AND (B) OF THE

1 ACT SHALL TAKE EFFECT IN 60 DAYS.

2 ~~(2)~~ (3) The remainder of this act shall take effect in <--

3 ~~six months~~ 270 DAYS. <--