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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1341 Session of  
2014

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INTRODUCED BY GREENLEAF, EICHELBERGER, RAFFERTY, SCHWANK,  
ERICKSON, COSTA, PILEGGI, BOSCOLA, VULAKOVICH, FARNESE,  
SOLOBAY, WILLIAMS, BRUBAKER, SCARNATI AND BROWNE,  
APRIL 17, 2014

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REFERRED TO JUDICIARY, APRIL 17, 2014

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AN ACT

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

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

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

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

16 \* \* \*

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

20 "Family." This term shall have the same meaning as in

1 section 103 of the act of November 24, 1998 (P.L.882, No.111),  
2 known as the Crime Victims Act.

3 "Victim." This term shall have the same meaning as "direct  
4 victim" in [section 103 of the act of November 24, 1998  
5 (P.L.882, No.111), known as the Crime Victims Act] 44 Pa.C.S. §  
6 8103 (relating to definitions).

7 § 7508.1. Substance Abuse Education and Demand Reduction Fund.

8 \* \* \*

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

17 \* \* \*

18 § 9401. Definitions.

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

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

24 "Office of Victim Advocate." The Office of Victim Advocate  
25 established under [section 302 of the act of November 24, 1998  
26 (P.L.882, No.111), known as the Crimes Victims Act] 44 Pa.C.S. §  
27 7501 (relating to Office of Victim Advocate).

28 § 9402. Office of Victim Advocate.

29 The Office of Victim Advocate has the power and duty to  
30 represent and advocate for the interests of individual crime

1 victims in accordance with [section 302 of the Crime Victims  
2 Act] 44 Pa.C.S. Ch. 75 (relating to victim advocate), and  
3 advocate for the interests of crime victims generally, including  
4 the victims of crimes committed by juveniles.

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

6 § 3711. Limitation on possession of firearms.

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

12 (1) 44 Pa.C.S. Ch. 73 Subch. C (relating to deputy  
13 sheriffs' education and training).

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

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

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

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

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

25 § 6702. Definitions.

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

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

1 "Law enforcement agency." A police department of a city,  
2 borough, incorporated town or township, the Pennsylvania State  
3 Police, district attorneys' offices and the Office of Attorney  
4 General.

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

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

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

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

18 "Victim of sexual assault." A victim of an offense  
19 enumerated in 18 Pa.C.S. §§ 3121 (relating to rape), 4302  
20 (relating to incest), 6312 (relating to sexual abuse of  
21 children), 6318 (relating to unlawful contact with minor) and  
22 6320 (relating to sexual exploitation of children).

23 "Victim of stalking." A victim of an offense enumerated in  
24 18 Pa.C.S. § 2709.1 (relating to stalking).

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

27 § 2152. Composition of commission.

28 \* \* \*

29 (a.1) Ex officio members.--The Secretary of Corrections, the  
30 victim advocate appointed under [section 301 of the act of

1 November 24, 1998 (P.L.882, No.111), known as the Crime Victims  
2 Act] 44 Pa.C.S. § 7502 (relating to victim advocate), and the  
3 chairman of the board, during their tenure in their respective  
4 positions, shall serve as ex officio nonvoting members of the  
5 commission.

6 \* \* \*

7 § 4402. Definitions.

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

11 "Administrative proceeding." Any proceeding other than a  
12 judicial proceeding, the outcome of which is required to be  
13 based on a record or documentation prescribed by law or in which  
14 law or regulation is particularized in application to  
15 individuals. The term includes an appeal as defined in 2 Pa.C.S.  
16 § 101 (relating to definitions).

17 "Certified interpreter." A person who:

18 (1) is readily able to interpret; and

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

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

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

29 "Direct victim." A direct victim as defined in [section 103  
30 of the act of November 24, 1998 (P.L.882, No.111), known as the

1 Crime Victims Act] 44 Pa.C.S. § 8103 (relating to definitions).

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

3 "Interpret." Either one of the following:

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

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

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

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

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

26 "Otherwise qualified interpreter." A person who:

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

29 (i) is readily able to interpret; and

30 (ii) has read, understands and agrees to abide by

1 the code of professional conduct for court interpreters  
2 for persons with limited English proficiency as  
3 established by the Court Administrator in accordance with  
4 Subchapter B.

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

7 (i) is readily able to interpret;

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

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

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

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

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

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

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

1 English-based sign system in spoken or written English.

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

3 § 9777. Transfer of inmates in need of medical treatment.

4 \* \* \*

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

20 \* \* \*

21 § 9799.26. Victim notification.

22 \* \* \*

23 (b) Individual not determined to be sexually violent  
24 predator or sexually violent delinquent child.--If an individual  
25 is not determined to be a sexually violent predator or a  
26 sexually violent delinquent child, the victim shall be notified  
27 in accordance with [section 201 of the act of November 24, 1998  
28 (P.L.882, No.111), known as the Crime Victims Act] 44 Pa.C.S. §  
29 8201 (relating to rights).

30 \* \* \*



1 Section 5. Part I of Title 44 is amended to read:

2 PART I

3 PRELIMINARY PROVISIONS

4 [(Reserved)]

5 Chapter

6 1. General Provisions

7 CHAPTER 1

8 GENERAL PROVISIONS

9 Sec.

10 101. Short title of title.

11 § 101. Short title of title.

12 This title shall be known and may be cited as the Law and  
13 Justice Code.

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

15 PART III

16 [INCARCERATION] ADMINISTRATION OF LAW AND JUSTICE

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

18 CHAPTER 31

19 PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

20 Sec.

21 3101. Definitions.

22 3102. Pennsylvania Commission on Crime and Delinquency.

23 3103. Powers and duties of commission.

24 3104. Duties of commission relative to criminal statistics.

25 3105. Duties of public agencies and officers in reporting  
26 criminal statistics.

27 3106. Juvenile Justice and Delinquency Prevention Committee.

28 3107. (Reserved).

29 3108. Justice reinvestment grants.

30 3109. Cooperation by other departments.

1 § 3101. Definitions.

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

5 "Commission." The Pennsylvania Commission on Crime and  
6 Delinquency.

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

9 "Innovative policing." The term shall include all of the  
10 following:

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

13 (2) Online training of law enforcement officers.

14 (3) County and regional law enforcement data-sharing  
15 initiatives.

16 (4) Strategies to combat crime and gang activity,  
17 including intervention, enforcement, technology, analytical  
18 capacity and community policing.

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

24 "Offender diversion." Evidence-based strategies to reduce  
25 the number of short-minimum and mid-minimum offenders committed  
26 to the Department of Corrections.

27 "Private citizen." An individual who is not an elected or  
28 appointed official in a branch of government of the United  
29 States, the Commonwealth or a political subdivision.

30 "Short-minimum offender." An offender who at the time of

1 sentencing has less than one year remaining to be served to  
2 reach the offender's minimum sentence, including any applicable  
3 recidivism risk reduction incentive minimum sentence imposed.  
4 § 3102. Pennsylvania Commission on Crime and Delinquency.

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

8 (b) Composition.--The commission shall consist of the  
9 following members:

10 (1) The Attorney General.

11 (2) A justice of the Supreme Court of Pennsylvania or a  
12 judge of the Superior Court of Pennsylvania.

13 (3) The Court Administrator of Pennsylvania.

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

15 (5) The Commissioner of Pennsylvania State Police.

16 (6) The chairman of the Appropriations Committee of the  
17 Senate and the chairman of the Appropriations Committee of  
18 the House of Representatives.

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

21 (8) Four members of the General Assembly, of whom one  
22 shall be designated by, and serve at the pleasure of, the  
23 President pro tempore of the Senate, one by the Minority  
24 Leader of the Senate, one by the Speaker of the House of  
25 Representatives and one by the Minority Leader of the House  
26 of Representatives.

27 (9) Seven members appointed by the Governor, one  
28 representative of local law enforcement agencies, one  
29 representative of local correctional facilities, one  
30 representative of local elected officials, one district

1 attorney representative, one representative of county  
2 sheriffs, one representative of a local victims' service  
3 agency and one representative of county commissioners.

4 (10) The Secretary of Corrections.

5 (11) The Victim Advocate.

6 (12) The Secretary of Public Welfare.

7 (13) The Secretary of Education.

8 (14) The Secretary of Health.

9 (15) The Chairman of the Pennsylvania Board of Probation  
10 and Parole.

11 (16) The Executive Director of the Juvenile Court  
12 Judges' Commission.

13 (17) The Executive Director of the Pennsylvania  
14 Commission on Sentencing.

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

16 (19) The chairmen of the advisory committees established  
17 in the commission.

18 (20) Such additional members appointed by the Governor  
19 as are necessary to implement programs authorized by Federal  
20 and State law.

21 (c) Judicial appointments.--

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

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

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

30 (d) Term of office.--

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

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

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

18      (f) Chairman.--The chairman shall be chosen by the Governor  
19      and shall serve at the pleasure of the Governor. A vice chairman  
20      shall be designated by the chairman and shall preside at  
21      meetings in the absence of the chairman.

22      (g) Quorum.--A majority of the members shall constitute a  
23      quorum and a vote of the majority of the members present shall  
24      be sufficient for all actions.

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

30      (i) Compensation and expenses.--Members who are not

1 Commonwealth officers or State, county or municipal employees  
2 shall be paid \$75 a day for attendance at any official meeting.  
3 Reasonable expenses incurred by members shall be allowed and  
4 paid upon the presentation of itemized vouchers for the  
5 expenses.

6 (j) Executive director.--An executive director shall be  
7 appointed by the Governor after consultation with the members of  
8 the commission. The executive director shall be paid such  
9 compensation as the Executive Board may determine.

10 (k) Employees.--The executive director may employ such  
11 personnel and contract for such consulting services as may be  
12 necessary and authorized to carry out the purposes of this  
13 chapter. Staff of the commission, other than the executive  
14 director, shall be employed in accordance with and subject to  
15 the provisions of the act of August 5, 1941 (P.L.752, No.286),  
16 known as the Civil Service Act.

17 (l) (Reserved).

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

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

26 (o) State Criminal Justice Council.--The commission is  
27 designated as the State Criminal Justice Council for the  
28 purposes of the Omnibus Crime Control and Safe Streets Act of  
29 1968 (Public Law 90-351, 82 Stat. 197) and the Juvenile Justice  
30 and Delinquency Prevention Act of 1974 (Public Law 93-415, 88

1 Stat. 1109).

2 § 3103. Powers and duties of commission.

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

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

8 (2) To apply for, contract for, receive, allocate,  
9 disburse and account for funds, grants-in-aid, grants of  
10 services and property, real and personal, particularly those  
11 funds made available under the Juvenile Justice and  
12 Delinquency Prevention Act of 1974 (Public Law 93-415, 88  
13 Stat. 1109).

14 (3) To receive applications for financial assistance  
15 from State agencies, units of general local government and  
16 combinations thereof, private nonprofit organizations and  
17 other proper applicants, and to disburse available Federal  
18 and State funds to such applicants in accordance with the  
19 provisions of applicable statutes and regulations and in  
20 conformity with the comprehensive plan.

21 (4) To establish such fund accounting, auditing,  
22 monitoring and evaluation procedures as may be necessary to  
23 assure fiscal control, proper management and disbursement of  
24 grant funds, including the requirements of supporting records  
25 being submitted to the disbursing agency by persons requiring  
26 reimbursement, and to establish such procedures as may be  
27 necessary to assure compliance with nondiscrimination  
28 requirements.

29 (5) To audit the records of recipients of financial  
30 assistance and of their contractors and, for the purpose of

1 such audits, to have access to all pertinent records required  
2 to be kept by recipients of financial assistance and by their  
3 contractors. The commission shall have the power to subpoena  
4 witnesses and records in the execution of its auditing  
5 responsibilities and, upon certification to it of failure to  
6 obey any such subpoena, the Pennsylvania Supreme Court is  
7 empowered after hearing to enter, when proper, an  
8 adjudication of contempt and such other order as the  
9 circumstances require.

10 (6) To monitor and evaluate program effectiveness,  
11 funded in whole or in part by the Commonwealth through the  
12 commission aimed at reducing or preventing crime and  
13 delinquency and improving the administration of justice as  
14 deemed appropriate.

15 (6.1) To define and collaborate with all State agencies  
16 on planning and programming related to juvenile delinquency  
17 prevention and the reduction and prevention of violence by  
18 and against children.

19 (6.2) To design and promote comprehensive research-based  
20 initiatives to assist communities and community-based  
21 organizations in reducing risk to and promoting the positive  
22 development of children and in preventing juvenile  
23 delinquency and youth violence.

24 (7) To define, develop and coordinate programs and  
25 projects and establish priorities for crime prevention and  
26 for improvement in law enforcement, criminal justice and  
27 juvenile justice throughout this Commonwealth.

28 (8) (Reserved).

29 (9) To cooperate with and render technical assistance to  
30 the General Assembly or a standing committee of the General



1 Assembly, State agencies, units of general local government  
2 and public and private agencies relating to the improvement  
3 of the criminal and juvenile justice system, including the  
4 implementation of special conferences or workshops relating  
5 to special issues or professional improvement of criminal  
6 justice organizations.

7 (10) To establish, and the chairman of the commission to  
8 appoint, such subcommittees as it deems proper.

9 (11) To submit an annual report to the Governor and the  
10 General Assembly concerning its work during the preceding  
11 fiscal year. Other studies, evaluations and reports may be  
12 submitted to the Governor or the General Assembly as deemed  
13 appropriate.

14 (12) To promulgate such rules and regulations as the  
15 commission deems necessary for the proper administration of  
16 this chapter.

17 (13) To promote coordination in the development and  
18 implementation of programs to improve criminal justice and  
19 juvenile justice services throughout the Commonwealth.

20 (14) To advise and assist the executive and legislative  
21 branches of State government, upon their request, in  
22 developing policies, plans, programs and budgets for  
23 improving the coordination, administration and effectiveness  
24 of the criminal and juvenile justice systems.

25 (15) To prepare special reports and studies of criminal  
26 justice issues upon the request of the Governor or the  
27 General Assembly or a standing committee of the General  
28 Assembly.

29 (16) To design and to coordinate the development and to  
30 oversee the implementation of an information system to record

1 transactions and to analyze trends within the Commonwealth's  
2 criminal justice system.

3 (17) (Reserved).

4 (18) To establish advisory committees, in addition to  
5 those provided for under this chapter, as it deems advisable,  
6 except that only the commission may set policy or take other  
7 official action. Members of advisory committees shall serve  
8 without compensation but may be reimbursed for necessary  
9 travel and other expenses in accordance with applicable law  
10 and regulations.

11 (19) To establish within the commission, a safe school  
12 advocate for the school district of the first class under  
13 section 1311-A of the act of March 10, 1949 (P.L.30, No.14),  
14 known as the Public School Code of 1949.

15 § 3104. Duties of commission relative to criminal statistics.

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

17 (1) To obtain statistical data necessary from all  
18 persons and agencies listed in section 3105 (relating to  
19 duties of public agencies and officers in reporting criminal  
20 statistics) and from any other appropriate source.

21 (2) (Reserved).

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

25 (4) To instruct such persons and agencies in the  
26 collection and use of such statistical data and in the  
27 reporting of statistical data to the commission.

28 (5) To process, tabulate, analyze and interpret the  
29 statistical data obtained from such persons and agencies to  
30 evaluate the effectiveness of grant awards.

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

4       (7) (Reserved).

5       (8) To assist or advise in a statistical and research  
6 capacity as requested by the Department of Corrections, the  
7 Pennsylvania Board of Probation and Parole, the Pennsylvania  
8 State Police, the Juvenile Court Judges' Commission and the  
9 Court Administrator.

10       (9) To give adequate interpretation of such statistics  
11 and so to present the information that it may be of value in  
12 guiding the policies of the commission and of those in charge  
13 of the apprehension, prosecution and treatment of the  
14 criminals and delinquents or concerned with the present state  
15 of crime and delinquency. The report shall include statistics  
16 which are comparable with national uniform criminal  
17 statistics published by Federal bureaus or departments  
18 heretofore mentioned.

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

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

24 Each Commonwealth agency and person in charge of the  
25 apprehension, prosecution and treatment of the criminals and  
26 delinquents, when requested by the commission, shall:

27       (1) Install and maintain records and recording systems  
28 needed for the correct reporting of statistical data required  
29 by the commission.

30       (2) Report statistical data to the commission at such

1 times and in such manner as the commission prescribes.

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

5 § 3106. Juvenile Justice and Delinquency Prevention Committee.

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

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

10 (1) The Executive Director of the Juvenile Court Judges'  
11 Commission.

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

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

29 (b) Number and qualifications.--

30 (1) The committee shall consist of no less than 15

1 members or more than 33 members, all of whom shall have had  
2 training or experience in juvenile justice.

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

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

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

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

18 (e) Chairman.--

19 (1) The Governor shall appoint a chairman from among the  
20 members of the committee who shall serve at the pleasure of  
21 the Governor.

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

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

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

28 (1) Serve in an advisory capacity to the commission  
29 through the committee's participation in the development of  
30 that part of the commission's comprehensive plan relating to

1 juvenile justice and delinquency prevention.

2 (2) Perform those functions related to the direct  
3 approval and disbursement of financial assistance in an  
4 advisory capacity only, but the advisory committee shall have  
5 the opportunity to review and comment on such applications  
6 within 30 days after receipt of the application from the  
7 commission.

8 (3) Advise the commission on the definition, development  
9 and correlation of programs and projects and the  
10 establishment of priorities for juvenile justice and  
11 delinquency prevention.

12 (4) Develop standards, methods and procedures for  
13 evaluating and monitoring services for delinquent and  
14 dependent children.

15 (5) Upon request, provide assistance and advice to the  
16 commission on any other matters relating to juvenile justice  
17 and delinquency prevention.

18 (6) Submit to the Governor and the General Assembly such  
19 reports as may be required by Federal law.

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

24 (8) Advise and assist the commission in designing and  
25 promoting comprehensive research-based initiatives to assist  
26 communities and community-based organizations in reducing  
27 risk to and promoting the positive development of children  
28 and in preventing juvenile delinquency and youth violence.

29 (g) Staff support.--Staff support shall be made available to  
30 the committee by the executive director in order to adequately

1 perform the duties provided for under this section.

2 § 3107. (Reserved).

3 § 3108. Justice reinvestment grants.

4 (a) Justice Reinvestment Fund.--The Justice Reinvestment  
5 Fund is established within the State Treasury to support  
6 programs and activities to improve the delivery of criminal  
7 justice services within this Commonwealth.

8 (b) Savings assessment.--For fiscal years 2013-2014 through  
9 2017-2018, the Office of the Budget shall develop a formula to  
10 calculate the amount of savings to the Department of Corrections  
11 in the prior fiscal year. The calculation may include all of the  
12 following:

13 (1) The reduction in prison population because of the  
14 diversion to counties of mid-minimum and short-minimum  
15 offenders.

16 (2) The elimination of prerelease programs and the  
17 improved efficiencies in the parole system directly resulting  
18 from the act of July 5, 2012 (P.L.1050, No.122), entitled "An  
19 act amending Titles 18 (Crimes and Offenses), 42 (Judiciary  
20 and Judicial Procedure) and 61 (Prisons and Parole) of the  
21 Pennsylvania Consolidated Statutes, in burglary and other  
22 criminal intrusion, further providing for the offense of  
23 burglary; in other offenses, further providing for drug  
24 trafficking sentencing and penalties; in Pennsylvania  
25 Commission on Sentencing, further providing for powers and  
26 duties and for publication of guidelines; in sentencing,  
27 further providing for sentences for second and subsequent  
28 offenses; in sentencing, providing for sentencing for certain  
29 paroled offenders; in sentencing, further providing for  
30 sentencing generally, for disposition under guilty but

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

30 (c) Deposit.--



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

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

7           (d) Distributions.--For fiscal years 2013-2014 and 2014-  
8 2015, the money in the fund shall be transferred as follows:

9           (1) The sum of \$1,000,000 shall be distributed to the  
10 commission. At least 25% of the money under this paragraph  
11 shall be used for a Statewide automated victim information  
12 and notification system, 25% shall be used for victim service  
13 automated data collection and reporting projects and the  
14 balance of the money under this paragraph shall be used for  
15 programs for victims of juvenile offenders.

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

20           (3) Following distribution under paragraphs (1) and (2),  
21 the remaining money in the fund shall be distributed as  
22 follows:

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

25           (ii) Twenty-one percent to the Department of  
26 Corrections to implement contracts with counties for  
27 offender diversion for mid-minimum offenders and short-  
28 minimum offenders.

29           (iii) Twenty-six percent to the commission for  
30 grants, in consultation with the Pennsylvania Board of

1 Probation and Parole, for county probation improvement,  
2 to include the reduction of offenders on probation who  
3 violate the terms of their supervision.

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

6 (v) Four percent to the department to support the  
7 coordinated implementation by the board and the  
8 department of the program under 61 Pa.C.S. Ch. 49  
9 (relating to safe community reentry), including the  
10 outreach to and use of community organizations and other  
11 nonprofit and for-profit entities.

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

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

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

29 (h) Criteria.--The commission, in consultation with the  
30 board, shall adopt criteria for the award of grants by the

1 commission under this section.

2 (i) Expiration.--This section shall expire July 15, 2018.

3 § 3109. Cooperation by other departments.

4 The various administrative departments, boards and  
5 commissions shall cooperate so far as practicable with the  
6 commission in the performance of its duties under this chapter,  
7 except as provided in sections 3104 (relating to duties of  
8 commission relative to criminal statistics) and 3105 (relating  
9 to duties of public agencies and officers in reporting criminal  
10 statistics).

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

12 PART IV  
13 OTHER OFFICERS AND  
14 OFFICIALS

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

16 CHAPTER 73  
17 SHERIFFS AND DEPUTY SHERIFFS

18 Subchapter

19 A. General Provisions (Reserved)  
20 B. (Reserved)  
21 C. Deputy Sheriffs' Education and Training

22 SUBCHAPTER A  
23 GENERAL PROVISIONS  
24 (RESERVED)

25 SUBCHAPTER B  
26 (RESERVED)

27 SUBCHAPTER C  
28 DEPUTY SHERIFFS' EDUCATION AND TRAINING

29 Sec.  
30 7321. Scope of subchapter.

1 7322. Definitions.

2 7323. The Deputy Sheriffs' Education and Training Board.

3 7324. Powers and duties of the board.

4 7325. Training program.

5 7326. Continuing education.

6 7327. Training requirement.

7 7328. Deputy Sheriffs' Education and Training Account.

8 7329. Reimbursement to counties.

9 § 7321. Scope of subchapter.

10 This subchapter provides for deputy sheriffs' education and  
11 training.

12 § 7322. Definitions.

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

16 "Account." The Deputy Sheriffs' Education and Training  
17 Account.

18 "Board." The Deputy Sheriffs' Education and Training Board.

19 "Commission." The Pennsylvania Commission on Crime and  
20 Delinquency.

21 § 7323. The Deputy Sheriffs' Education and Training Board.

22 (a) Establishment.--The Deputy Sheriffs' Education and  
23 Training Board is established within the commission.

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

26 (1) The Attorney General.

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

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

1 or chief deputy.

2 (4) Three individuals from different counties with a  
3 minimum of eight years' experience each as a deputy sheriff.  
4 One of the three shall be currently employed in the capacity  
5 of deputy sheriff with the rank of sergeant or deputy  
6 sheriff.

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

9 (6) One county commissioner.

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

17 (d) Vacancies.--A member appointed to fill a vacancy created  
18 by any reason other than expiration of a term shall be appointed  
19 for the unexpired term of the member whom he is to succeed in  
20 the same manner as the original appointment.

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

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

29 (g) Chairman.--The members of the board shall elect a  
30 chairman from among the members to serve for a period of one

1 year. A chairman may be elected to serve successive terms.

2 (h) Meetings and quorum.--The board shall meet at least four  
3 times each year. Special meetings may be called by the chairman  
4 of the board or upon written request of three members. A quorum  
5 shall consist of five members.

6 § 7324. Powers and duties of the board.

7 The board, with the review and approval of the commission,  
8 shall:

9 (1) Establish, implement and administer the Deputy  
10 Sheriffs' Education and Training Program according to the  
11 minimum requirements set forth in this subchapter.

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

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

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

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

26 (6) Establish the minimum qualifications for instructors  
27 and certify instructors.

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

1           (8) Promote the most efficient and economical program  
2 for deputy sheriffs' training by utilizing existing  
3 facilities, programs and qualified State and local personnel.

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

7           (10) Make rules and regulations and perform other duties  
8 as may be reasonably necessary or appropriate to administer  
9 the education and training program for deputy sheriffs.

10           (11) Make an annual report to the Governor and to the  
11 General Assembly concerning:

12                 (i) The administration of the Deputy Sheriffs'  
13 Education and Training Program.

14                 (ii) The activities of the board.

15                 (iii) The costs of the program.

16 § 7325. Training program.

17           The Deputy Sheriffs' Education and Training Program shall  
18 include appropriate training for not less than 160 hours which  
19 content and hours of instruction shall be determined by the  
20 board, subject to the review and approval of the commission.

21 § 7326. Continuing education.

22           The board, with the review and approval of the commission,  
23 shall establish a continuing education program for all deputy  
24 sheriffs, which shall include not less than 20 hours of  
25 continuing education every two years, concerning subjects the  
26 board may deem necessary and appropriate for the continued  
27 education and training of deputy sheriffs.

28 § 7327. Training requirement.

29           (a) Diploma.--No person shall be employed or appointed as a  
30 deputy sheriff unless the person is a high school graduate or

1 has received a secondary school diploma on the basis of general  
2 education development (GED).

3 (b) Prior education, training or experience.--The board,  
4 with the review and approval of the commission, may reduce the  
5 hours of education and training required in section 7325  
6 (relating to training program) for those deputy sheriffs  
7 required to receive education and training who, because of prior  
8 education, training or experience, have acquired knowledge or  
9 skill equivalent to that provided by the program.

10 (c) Time period.--Any new deputy hired by the sheriff after  
11 July 1, 1985, shall have one year in which to complete his or  
12 her training.

13 (d) Continuing education.--Any full-time or part-time deputy  
14 sheriff who fails to meet and fails to be certified as having  
15 met the requirements for continuing education established by the  
16 board, with the review and approval of the commission, shall be  
17 ineligible to receive any salary, compensation or other  
18 consideration or thing of value for the performance of his  
19 duties as a deputy sheriff.

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

26 § 7328. Deputy Sheriffs' Education and Training Account.

27 (a) Establishment.--The Deputy Sheriffs' Education and  
28 Training Account is established as a special restricted receipts  
29 account within the General Fund for the purpose of financing  
30 training program expenses, the costs of administering the



1 program, reimbursements to counties and all other costs  
2 associated with the activities of the board and the  
3 implementation of this chapter.

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

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

10 (1) In counties of the first and second class, a  
11 surcharge shall be collected by the prothonotary of that  
12 county for each defendant named in a document filed to  
13 commence an action under Pa.R.C.P. No.1007, except when  
14 service is made by a competent adult in the actions listed in  
15 Pa.R.C.P. Nos.400(b) and 400.1(c).

16 (2) One dollar of the surcharge shall be retained by the  
17 prothonotary to cover administrative costs incurred by  
18 collecting the surcharge and to support any technology and  
19 automation improvements or upgrades for the prothonotary, and  
20 the balance shall be transmitted semiannually to the State  
21 Treasurer for deposit into the account. The amount of the  
22 surcharge shall be \$11.

23 (c) Disposition of moneys collected.--The moneys collected  
24 under subsection (b) shall be forwarded semiannually by the  
25 sheriff of an individual county to the State Treasurer for  
26 deposit into the account. All moneys received by the State  
27 Treasurer in excess of the amount necessary to cover the costs  
28 and expenses of the training program shall be transferred from  
29 the special restricted receipts account to the General Fund of  
30 the Commonwealth on an annual basis with such reserve maintained

1 as will be adequate to assure the continued operation of the  
2 Deputy Sheriffs' Education and Training Program.

3 (d) Disbursements.--Disbursements from the account shall be  
4 made by the commission.

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

9 § 7329. Reimbursement to counties.

10 Each county shall pay the ordinary and necessary living and  
11 travel expenses and the regular salary of its deputy sheriffs  
12 while attending approved schools. The commission shall provide  
13 for reimbursement to each county of 100% of the regular salaries  
14 of its deputy sheriffs and 100% of the ordinary and necessary  
15 living and travel expenses incurred by its deputy sheriffs while  
16 attending certified deputy sheriffs' basic training or  
17 continuing education schools if the county adheres to the  
18 training standards required by this chapter and established by  
19 the board with the review and approval of the commission. The  
20 commission shall provide for 100% of the tuition incurred by  
21 deputy sheriffs while attending certified deputy sheriffs' basic  
22 training or continuing education schools.

23 CHAPTER 75

24 VICTIM ADVOCATE

25 Sec.

26 7501. Office of Victim Advocate.

27 7502. Victim advocate.

28 7503. Powers and duties of victim advocate.

29 7511. Parole notification to victim.

30 7512. Petitions to deny parole upon expiration of minimum

1 sentence.

2 § 7501. Office of Victim Advocate.

3 (a) Establishment.--The Office of Victim Advocate is  
4 established within the Pennsylvania Board of Probation and  
5 Parole to represent the interests of crime victims before the  
6 board or Department of Corrections. The office shall operate  
7 under the direction of the victim advocate as provided in this  
8 chapter.

9 (b) Service and employees.--The victim advocate shall  
10 operate from the central office of the board with such clerical,  
11 technical and professional staff as may be available within the  
12 budget of the board. The compensation of employees of the office  
13 shall be set by the Executive Board.

14 § 7502. Victim advocate.

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

18 (b) Qualifications.--The victim advocate must be an  
19 individual who:

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

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

28 (c) Term of office.--

29 (1) The victim advocate shall hold office for a term of  
30 six years and until a successor shall have been duly

1 appointed and qualified but in no event more than 90 days  
2 beyond the expiration of the appointed term.

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

11 (d) Compensation.--Compensation shall be set by the  
12 Executive Board as defined by the act of April 9, 1929 (P.L.177,  
13 No.175), known as The Administrative Code of 1929.  
14 § 7503. Powers and duties of victim advocate.

15 The victim advocate has the following powers and duties:

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

19 (2) To supervise the victim notification duties  
20 presently conducted by the board.

21 (3) To assist in and coordinate the preparation of  
22 testimony by the crime victims as provided in sections  
23 7511(c) (relating to preparole notification to victim) and  
24 7512 (relating to petitions to deny parole upon expiration of  
25 minimum sentence) or the submission of oral, written or  
26 videotaped comments by crime victims prior to a release  
27 decision.

28 (4) To represent the interests of a crime victim under  
29 section 7512.

30 (5) To act as a liaison with the victim notification

1 program director in the department to coordinate victim  
2 notification and services for the department and the board.  
3 The victim advocate may address the interests of all victims  
4 before the board, department or hearing examiner concerning  
5 any issues determined appropriate by the victim advocate.

6 § 7511. Preparole notification to victim.

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

16 (b) Enrollment.--A victim or member of the family shall  
17 notify the victim advocate of the victim's or family member's  
18 intent to submit a parole statement regarding the parole or  
19 parole supervision of the offender. The notice shall include a  
20 mailing address or change of address notification.

21 (c) Procedure.--

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

24 (2) The person shall submit the oral, written or  
25 videotaped parole statement to the victim advocate within  
26 30 days of the date of notice.

27 (3) The parole statement shall be considered by the  
28 Pennsylvania Board of Probation and Parole during preparation  
29 of the parole plan.

30 § 7512. Petitions to deny parole upon expiration of minimum

1 sentence.

2 (a) Petition.--Upon the request of a victim who has notified  
3 the board in writing of the victim's desire to have input and  
4 make comment prior to a parole release decision, the victim  
5 advocate shall petition the Pennsylvania Board of Probation and  
6 Parole:

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

9 (2) that the offender should not be paroled based upon  
10 the statement that the victim submitted under section 7511  
11 (relating to preparole notification to victim).

12 (b) Appearance.--

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

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

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

30 (1) Order that special conditions of parole be placed

1 upon the offender or the offender not be paroled based upon  
2 the continuing effect of the crime on the victim.

3 (2) Order that the offender not be paroled if the board  
4 finds that:

5 (i) the offender would pose a risk or danger to the  
6 victim or the family of the victim, if the offender were  
7 released on parole; or

8 (ii) the interests of the Commonwealth would  
9 otherwise be injured.

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

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

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

21 PART V

22 VICTIM SERVICES

23 Chapter

24 81. Preliminary Provisions

25 82. Crime Victims

26 83. Administration

27 85. (Reserved)

28 87. Compensation

29 89. Services

30 91. Financial Matters

1 93. Enforcement

2 95. Miscellaneous Provisions

3 CHAPTER 81

4 PRELIMINARY PROVISIONS

5 Sec.

6 8101. Short title of part.

7 8102. Legislative intent.

8 8103. Definitions.

9 § 8101. Short title of part.

10 This part shall be known and may be cited as the Crime  
11 Victims Act.

12 § 8102. Legislative intent.

13 The General Assembly finds and declares as follows:

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

23 (2) The rights extended to victims of crime in Chapter  
24 82 (relating to crime victims) are to be honored and  
25 protected by law enforcement agencies, prosecutors and judges  
26 in a manner no less vigorous than the protections afforded  
27 criminal defendants.

28 § 8103. Definitions.

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



1 context clearly indicates otherwise:

2 "Adult." Any of the following:

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

5 (2) An individual who is subject to criminal court  
6 jurisdiction following the transfer of a case to criminal  
7 proceedings.

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

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

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

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

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

20 "Committee." The Victims' Services Advisory Committee  
21 established in section 8321 (relating to Victims' Services  
22 Advisory committee).

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

25 "County correctional institution." As defined in 61 Pa.C.S.  
26 § 102 (relating to definitions). The term does not include a  
27 facility used for the detention or confinement of juveniles.

28 "Crime." An act which was committed:

29 (1) In this Commonwealth by a person, including a  
30 juvenile, without regard to legal exemption or defense which

1 would constitute a crime under the following:

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

5 (ii) Any provision of:

6 18 Pa.C.S. (relating to crimes and offenses).

7 30 Pa.C.S. § 5502 (relating to operating  
8 watercraft under influence of alcohol or controlled  
9 substance).

10 30 Pa.C.S. § 5502.1 (relating to homicide by  
11 watercraft while operating under influence).

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. § 3735 (relating to homicide by  
17 vehicle while driving under influence).

18 75 Pa.C.S. § 3735.1 (relating to aggravated  
19 assault by vehicle while driving under the  
20 influence).

21 75 Pa.C.S. § 3742 (relating to accidents  
22 involving death or personal injury).

23 75 Pa.C.S. Ch. 38 (relating to driving after  
24 imbibing alcohol or utilizing drugs).

25 (iii) The laws of the United States.

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

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

1 "Department." The Department of Corrections of the  
2 Commonwealth.

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

16 "Dispositional proceeding." A proceeding which occurs in  
17 open common pleas court which potentially could dispose of the  
18 case. The term includes Accelerated Rehabilitative Disposition,  
19 pleas, trial and sentence.

20 "Diversionary program." A program which is used to divert a  
21 defendant to an alternative form of disposition under the  
22 Pennsylvania Rules of Criminal Procedure or statutory authority.  
23 The term includes dispositions authorized by Rules 160, 176 and  
24 314 of the Pennsylvania Rules of Criminal Procedure and sections  
25 17 and 18 of the act of April 14, 1972 (P.L.233, No.64), known  
26 as The Controlled Substance, Drug, Device and Cosmetic Act.

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

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

30 (2) anyone maintaining a common-law relationship with

1 the individual; or

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

4 "Injury." Includes physical or mental damages incurred as a  
5 direct result of a crime and aggravation of existing injuries if  
6 additional losses can be attributed to the direct result of a  
7 crime.

8 "International terrorism." Activities which meet all of the  
9 following:

10 (1) Involve violent acts or acts dangerous to human life  
11 that are a violation of the criminal laws of the United  
12 States or of any state or that would be a criminal violation  
13 if committed within the jurisdiction of the United States or  
14 of any state.

15 (2) Appear to be intended:

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

17 (ii) to influence the policy of a government by  
18 intimidation or coercion; or

19 (iii) to affect the conduct of a government by  
20 assassination or kidnapping.

21 (3) Occur primarily outside of the territorial  
22 jurisdiction of the United States or transcend national  
23 boundaries in terms of the means by which they are  
24 accomplished, the persons they appear intended to intimidate  
25 or coerce or the locale in which their perpetrators operate  
26 or seek asylum.

27 "Intervenor." An individual who goes to the aid of another  
28 and suffers physical or mental injury or death as a direct  
29 result of acting not recklessly to prevent the commission of a  
30 crime, to lawfully apprehend a person reasonably suspected of

1 having committed such crime or to aid the victim of such crime.

2 "Juvenile." An individual who is alleged or has been  
3 determined to be a "delinquent child" as defined in 42 Pa.C.S. §  
4 6302 (relating to definitions).

5 "Law enforcement agency." The Pennsylvania State Police and  
6 a local law enforcement agency.

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

9 "Loss of earnings." Includes the loss of the cash equivalent  
10 of one month's worth of Social Security, railroad retirement,  
11 pension plan, retirement plan, disability, veteran's retirement,  
12 court-ordered child support or court-ordered spousal support  
13 payments if the payments are the primary source of a victim's  
14 income and the victim is deprived of money as a direct result of  
15 a crime.

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

18 "Office of Victims' Services." The Office of Victims'  
19 Services in the Pennsylvania Commission on Crime and  
20 Delinquency.

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

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

28 (2) Expenses for counseling, prosthetic devices,  
29 wheelchairs, canes, walkers, hearing aids, eyeglasses or  
30 other corrective lenses or dental devices reasonably

1 necessary as a result of the crime upon which a claim is  
2 based and for which the claimant either has paid or is  
3 liable.

4 (3) Expenses related to the reasonable and necessary  
5 costs of cleaning a crime scene of a private residence.  
6 "Cleaning" means to remove or attempt to remove stains or  
7 blood caused by a crime or other dirt or debris caused by the  
8 processing of a crime scene.

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

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

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

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

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

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

26 18 Pa.C.S. Ch. 27 (relating to assault).

27 18 Pa.C.S. Ch. 29 (relating to kidnapping).

28 18 Pa.C.S. Ch. 31 (relating to sexual offenses).

29 18 Pa.C.S. § 3301 (relating to arson and related  
30 offenses).

1 18 Pa.C.S. Ch. 37 (relating to robbery).

2 18 Pa.C.S. Ch. 49 Subch. B (relating to victim and  
3 witness intimidation).

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

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

9 75 Pa.C.S. § 3732 (relating to homicide by vehicle).

10 75 Pa.C.S. § 3735 (relating to homicide by vehicle while  
11 driving under influence).

12 75 Pa.C.S. § 3735.1 (relating to aggravated assault by  
13 vehicle while driving under the influence).

14 75 Pa.C.S. § 3742 (relating to accidents involving death  
15 or personal injury).

16 75 Pa.C.S. Ch. 38 (relating to driving after imbibing  
17 alcohol or utilizing drugs) in cases involving bodily injury.

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

20 "Preadjudication disposition." Any of the following:

21 (1) Disposition of an adult without a trial. This  
22 paragraph includes accelerated rehabilitative disposition.

23 (2) Disposition of a juvenile prior to an adjudication  
24 of delinquency under 42 Pa.C.S. Ch. 63 (relating to juvenile  
25 matters), including informal adjustment as set forth in 42  
26 Pa.C.S. § 6323 (relating to informal adjustment), and consent  
27 decree as set forth in 42 Pa.C.S. § 6340 (relating to consent  
28 decree).

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

1 "State correctional institution." As defined in 61 Pa.C.S. §  
2 102 (relating to definitions).

3 "Victim." The term means the following:

4 (1) A direct victim.

5 (2) A parent or legal guardian of a child who is a  
6 direct victim, except when the parent or legal guardian of  
7 the child is the alleged offender.

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

12 Chapter 25 (relating to criminal homicide).

13 Section 2702 (relating to aggravated assault).

14 Section 3121 (relating to rape).

15 (4) A family member of a homicide victim, including  
16 stepbrothers or stepsisters, stepchildren, stepparents or a  
17 fiance, one of whom is to be identified to receive  
18 communication as provided for in this part, except where the  
19 family member is the alleged offender.

20 "Victim advocate." The victim advocate in the Office of  
21 Victim Advocate within the Pennsylvania Board of Probation and  
22 Parole.

23 CHAPTER 82

24 CRIME VICTIMS

25 Subchapter

26 A. Bill of Rights

27 B. Responsibilities

28 SUBCHAPTER A

29 BILL OF RIGHTS

30 Sec.



1 8201. Rights.

2 § 8201. Rights.

3 Victims of crime have the following rights:

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

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

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

13 (ii) Immediate notification of a juvenile's  
14 preadjudication escape from a detention center or shelter  
15 facility and of the juvenile's subsequent apprehension.

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

18 (iv) Immediate notification of an adult offender's  
19 pretrial escape from a local correctional facility and of  
20 the offender's subsequent apprehension.

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

25 (4) In cases involving a personal injury crime or  
26 burglary, to submit prior comment to the prosecutor's office  
27 or juvenile probation office, as appropriate to the  
28 circumstances of the case, on the potential reduction or  
29 dropping of any charge or changing of a plea in a criminal or  
30 delinquency proceeding, or, diversion of any case, including

1 an informal adjustment or consent decree.

2 (5) To have opportunity to offer prior comment on the  
3 sentencing of a defendant or the disposition of a delinquent  
4 child, to include the submission of a written and oral victim  
5 impact statement detailing the physical, psychological and  
6 economic effects of the crime on the victim and the victim's  
7 family. The written statement shall be included in any  
8 predisposition or presentence report submitted to the court.  
9 Victim-impact statements shall be considered by a court when  
10 determining the disposition of a juvenile or sentence of an  
11 adult.

12 (5.1) To have notice and to provide prior comment on a  
13 judicial recommendation that the defendant participate in a  
14 motivational boot camp under 61 Pa.C.S. Ch. 39 (relating to  
15 motivational boot camp).

16 (5.2) Upon request of the victim of a personal injury  
17 crime, to have the opportunity to submit written comment or  
18 present oral testimony at a disposition review hearing, which  
19 comment or testimony shall be considered by the court when  
20 reviewing the disposition of the juvenile.

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

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

29 (i) given the opportunity to provide prior comment  
30 on and to receive State postsentencing release decisions,

1 including work release, furlough, parole, pardon or  
2 community treatment center placement;

3 (ii) provided immediate notice of an escape of the  
4 adult and of subsequent apprehension; and

5 (iii) given the opportunity to receive notice of and  
6 to provide prior comment on a recommendation sought by  
7 the Department of Corrections that the offender  
8 participate in a motivational boot camp under 61 Pa.C.S.  
9 Ch. 39.

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

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

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

18 (8.1) If, upon the request of the victim of a personal  
19 injury crime committed by a juvenile, the juvenile is ordered  
20 to residential placement, a shelter facility or a detention  
21 center, to:

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

24 (ii) Be provided with:

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

28 (B) immediate notice of reaprehension of the  
29 juvenile.

30 (iii) Be provided with notice of transfer of a

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

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

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

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

20 (12) To be notified of the details of the final  
21 disposition of the case of a juvenile consistent with 42  
22 Pa.C.S. § 6336(f) (relating to conduct of hearings).

23 (13) Upon the request of the victim of a personal injury  
24 crime, to be notified of the termination of the court's  
25 jurisdiction.

26 SUBCHAPTER B

27 RESPONSIBILITIES

28 Sec.

29 8211. Responsibilities of victims of crime under basic bill of  
30 rights.

1 8212. Responsibilities of State and local law enforcement  
2 agencies.

3 8213. Responsibilities of prosecutor's office.

4 8214. Responsibilities of department, county correctional  
5 institutions and board.

6 8215. Responsibilities of Department of Public Welfare and  
7 mental health institutions under basic bill of  
8 rights.

9 8216. Responsibilities of juvenile probation office.

10 § 8211. Responsibilities of victims of crime under basic bill  
11 of rights.

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

20 § 8212. Responsibilities of State and local law enforcement  
21 agencies.

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

28 (b) Notice.--

29 (1) Law enforcement agencies shall within 48 hours of  
30 reporting give notice to the direct victim or, if

1 appropriate, a member of the direct victim's family of the  
2 availability of crime victims' compensation. The notice  
3 required under this subsection shall be in writing and in a  
4 manner and form developed by the Office of Victims' Services.

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

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 of  
17 Victims' Services shall maintain a mailing list of all local law  
18 enforcement agencies and provide law enforcement agencies with  
19 forms by which they can order additional claim forms. The Office  
20 of Victims' Services shall also provide updates to law  
21 enforcement agencies on changes which affect their  
22 responsibilities under this part.

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

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

28 (1) In a personal injury crime, the law enforcement  
29 agency shall make reasonable efforts to notify the victim of  
30 the arrest of the suspect and of the filing or forwarding of

1 a complaint relating to the crime as soon as possible. Unless  
2 the victim cannot be located, notice of the arrest shall be  
3 provided not more than 24 hours after the preliminary  
4 arraignment. In a case alleging delinquency, notice of the  
5 filing or forwarding of a complaint shall be provided not  
6 more than 24 hours after the complaint has been filed or  
7 forwarded to the juvenile probation office or district  
8 attorney.

9 (2) In a personal injury crime, a law enforcement  
10 agency, sheriff, deputy sheriff or constable shall notify the  
11 victim of an inmate's escape from the custody of the law  
12 enforcement agency, sheriff, deputy sheriff or constable.

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

17 § 8213. Responsibilities of prosecutor's office.

18 (a) Forms.--The prosecutor's office shall provide the victim  
19 of a personal injury crime with all forms developed under  
20 sections 8214 (relating to responsibilities of department,  
21 county correctional institutions and board) and 8215 (relating  
22 to responsibilities of Department of Public Welfare and mental  
23 health institutions under basic bill of rights).

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

30 (c) Sentencing.--The prosecutor's office shall provide

1 notice of the opportunity to offer prior comment on the  
2 sentencing of an adult and disposition of a juvenile. The prior  
3 comment includes the submission of oral and written victim  
4 impact statements. The prosecutor's office shall assist a victim  
5 who requests assistance to prepare this comment.

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 correctional institution and to  
10 receive notice of the commitment to a mental health institution  
11 from a correctional institution.

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

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

18 (1) Upon request of the victim, notice of the  
19 disposition and sentence of an adult, including sentence  
20 modifications.

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

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

26 (4) Prior notice of delinquency adjudication hearings  
27 unless such hearings are scheduled by the juvenile probation  
28 office.

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



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

3           (7) Notice of the details of the final disposition of  
4 the case consistent with 42 Pa.C.S. § 6336(f) (relating to  
5 conduct of hearings) unless provided by the juvenile  
6 probation office.

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

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

11           (2) Preparation of, submission of and follow-up on  
12 financial assistance claims filed with the Office of Victims'  
13 Services.

14           (h) Return of property.--The prosecutor's office shall  
15 return to the victim any property seized as evidence if the  
16 prosecutor's office determines that the evidence is no longer  
17 needed for prosecution.

18 § 8214. Responsibilities of department, county correctional  
19 institutions and board.

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

28           (b) Notice.--If the department and board have received  
29 notice of a victim's desire to have input under section 8201(7)  
30 (relating to rights), the appropriate agency shall notify the

1 victim sufficiently in advance of a pending release decision to  
2 extend an opportunity for prior comment. The county correctional  
3 institution's notice to the victim under section 8201(9) shall  
4 occur immediately.

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

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

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

20 (f) Records.--Records maintained by the department, the  
21 county correctional institution and the board pertaining to  
22 victims shall be kept separate. Current address, telephone  
23 number and any other personal information of the victim and  
24 family members shall be deemed confidential.

25 (g) Release of offender.--The department, the county  
26 correctional institution or the board shall notify the victim of  
27 the final decision rendered, the date of any release and  
28 relevant conditions imposed prior to the release of the  
29 offender.

30 § 8215. Responsibilities of Department of Public Welfare and

1           mental health institutions under basic bill of  
2           rights.

3       (a) Forms.--The Department of Public Welfare shall develop  
4 standardized forms, which shall include the address where the  
5 completed form is to be sent, for the receipt of notice from a  
6 victim concerning the victim's interest in discharge decisions  
7 and notification of an escape. Sufficient copies of the forms  
8 shall be provided to the office of the district attorney for  
9 distribution to victims upon court-ordered commitment of the  
10 offender to a mental health institution in the State system.

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

22 § 8216. Responsibilities of juvenile probation office.

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

25           (1) Prior notice of a delinquency adjudication hearing  
26 unless the hearing has been scheduled by the prosecutor's  
27 office.

28           (2) Notification of a disposition hearing.

29           (3) Notice of a juvenile's preadjudication escape from a  
30 detention center or shelter facility and of the juvenile's

1 subsequent apprehension.

2 (4) Upon request, notice of whether the juvenile  
3 probation office has detained or released the juvenile  
4 following arrest and whether a delinquency petition has been  
5 filed.

6 (5) Notice of the details of the final disposition of  
7 the case consistent with 42 Pa.C.S. § 6336(f) (relating to  
8 conduct of hearings) unless provided by the prosecutor's  
9 office.

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

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

20 (1) Offer the victim the opportunity to provide a  
21 written victim impact statement to be considered in the  
22 disposition of a case and included as part of any  
23 predisposition report submitted to the court.

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

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

29 (1) Provide prior notice to the victim when a juvenile  
30 who has been adjudicated delinquent and ordered into

1 residential placement or official detention will be granted  
2 temporary leave or home pass or release.

3 (2) Notify the victim of a proposed release or transfer  
4 of an adjudicated delinquent from placement that is contrary  
5 to a previous court order or placement plan approved at a  
6 disposition review hearing and shall extend the victim the  
7 opportunity to provide a written objection prior to the  
8 release or transfer of the juvenile from placement.

9 (3) Notify the victim immediately of a juvenile's escape  
10 from official detention or failure to return from temporary  
11 leave or home pass and of the juvenile's subsequent  
12 apprehension.

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

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

17 CHAPTER 83

18 ADMINISTRATION

19 Subchapter

20 A. (Reserved)

21 B. Office of Victims' Services

22 C. Committee

23 SUBCHAPTER A

24 (RESERVED)

25 SUBCHAPTER B

26 OFFICE OF VICTIMS' SERVICES

27 Sec.

28 8311. Office of Victims' Services.

29 8312. Powers and duties of Office of Victims' Services.

30 § 8311. Office of Victims' Services.

1 (a) Establishment.--The Office of Victims' Services is  
2 established within the commission. The Office of Victims'  
3 Services shall administer Chapter 87 (relating to compensation).  
4 The Office of Victims' Services shall also dispose of all claims  
5 for compensation filed under Chapter 87.

6 (b) Director.--A director of the Office of Victims' Services  
7 shall be appointed by the chairman of the commission. The  
8 director shall be paid compensation as the executive board may  
9 determine.

10 (c) Staff.--The director of the Office of Victims' Services  
11 may employ personnel and contract for services as necessary and  
12 authorized to carry out the purposes of the Office of Victims'  
13 Services.

14 § 8312. Powers and duties of Office of Victims' Services.

15 The Office of Victims' Services, subject to approval of the  
16 commission, shall:

17 (1) Establish and maintain a principal office in or near  
18 Harrisburg and such other offices within this Commonwealth as  
19 it may deem necessary.

20 (2) Appoint counsel, clerks, claims verifiers, hearing  
21 officers and other employees and agents as it may deem  
22 necessary, to fix its compensation within the limits provided  
23 by law and to prescribe its duties.

24 (3) Adopt, promulgate, amend and rescind suitable rules  
25 and regulations to carry out the provisions and purposes of  
26 Chapter 87 (relating to compensation). These regulations  
27 shall provide for the approval of attorney fees for  
28 representation before the Office of Victims' Services, a  
29 hearing examiner or before Commonwealth Court upon judicial  
30 review under section 8705 (relating to judicial review).

1 Awards of the attorney fees shall be in addition to awards  
2 made to direct victims. Awards of attorney fees shall in no  
3 case exceed 15% of the award to the direct victim or victims.  
4 It shall be unlawful for an attorney to contract for or  
5 receive any sum larger than the amount allowed. Regulations  
6 under this paragraph shall include policies, procedures and  
7 standards of review regarding claims for compensation;  
8 approval or denial of claims, including contributory conduct  
9 by direct victims; verification of information and documents;  
10 prioritization of review; and all other matters related to  
11 the processing.

12 (4) Request and review from law enforcement agencies and  
13 from any other State or municipal department, agency or  
14 public authority assistance and data as will enable the  
15 Office of Victims' Services to carry out its powers and  
16 duties.

17 (5) Determine all claims for awards filed with the  
18 Office of Victims' Services under Chapter 87 and to  
19 reinvestigate or reopen cases as the Office of Victims'  
20 Services deems necessary.

21 (6) Direct medical examinations of direct victims.

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

30 (8) Take or cause to be taken affidavits or depositions

1 in or outside of this Commonwealth.

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

4 (10) Arrange with the heads of other Commonwealth  
5 agencies for the performance of any of its functions under  
6 this act with or without reimbursement and, with the approval  
7 of the Governor, delegate and authorize the redelegation of  
8 any of its powers under this part.

9 (11) Establish a program to assure extensive and  
10 continuing publicity of information regarding the  
11 compensation provisions under Chapter 87. This information  
12 shall include the right to file a claim, the scope of  
13 coverage and procedures to be utilized incident to the claim.

14 (12) Administer the funds under section 9101(b)  
15 (relating to costs) for the payment of claims filed under  
16 Chapter 87 and for all reasonable and necessary  
17 administrative expenses.

18 (13) Establish compensation limits and reimbursement  
19 rates for the purpose of carrying out the provisions of  
20 Chapter 87. The Office of Victims' Services shall publish a  
21 schedule of these compensation limits and reimbursement rates  
22 in the Pennsylvania Bulletin, provided that the Office of  
23 Victims' Services shall, within two years of such  
24 publication, promulgate a regulation stating the schedule of  
25 compensation limits and reimbursement.

26 SUBCHAPTER C

27 COMMITTEE

28 Sec.

29 8321. Victims' Services Advisory Committee.

30 8322. Powers and duties of committee.



1 § 8321. Victims' Services Advisory Committee.

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

4 (b) Membership.--The committee shall consist of the  
5 following members:

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

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

8 (3) The Secretary of Public Welfare or a designee.

9 (4) The Commissioner of Pennsylvania State Police.

10 (5) The victim advocate.

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

12 (7) Nine individuals appointed by the Governor. Members  
13 under this paragraph must represent direct victims, Statewide  
14 victims' coalitions, prosecution-based victim/witness  
15 programs and other victim service or victim advocacy  
16 organizations, the courts, members of local government and  
17 other victims' organizations or organizations involved in the  
18 coordination or delivery of services to direct victims. At  
19 least one of the Governor's appointees must be a  
20 representative of a victims' services agency working directly  
21 with children.

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

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

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

1 quorum. A vote of the majority of the members present shall be  
2 sufficient for all actions.

3 (f) Chair.--The Governor shall appoint a chairperson from  
4 among the members of the committee. The chairperson shall serve  
5 at the pleasure of the Governor. A vice chairperson shall be  
6 designated by the chairperson and preside at meetings in the  
7 absence of the chairperson.

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

10 § 8322. Powers and duties of committee.

11 The committee shall:

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

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

22 Chapter 25 (relating to criminal homicide).

23 Section 2702 (relating to aggravated assault).

24 Section 3121 (relating to rape).

25 (3) Perform those functions related to the direct  
26 approval and disbursement of financial assistance in an  
27 advisory capacity only. The committee shall have the  
28 opportunity to review and comment on applications other than  
29 applications for claims for compensation under sections 8702  
30 (relating to filing of claims for compensation) and 8706

1 (relating to emergency awards) within 30 days after receipt  
2 of the application from the commission.

3 (4) Advise the commission on the definition, development  
4 and correlation of programs and projects and the  
5 establishment of priorities for direct victims' services and  
6 compensation.

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

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

12 (7) Receive staff support from the commission and the  
13 Office of Victims' Services in order to adequately perform  
14 the duties provided for in this section.

15 CHAPTER 85

16 (RESERVED)

17 CHAPTER 87

18 COMPENSATION

19 Sec.

20 8701. Persons eligible for compensation.

21 8702. Filing of claims for compensation.

22 8703. Minimum allowable claim.

23 8704. Determination of claims.

24 8705. Judicial review.

25 8706. Emergency awards.

26 8707. Awards.

27 8708. Manner of payment.

28 8709. Confidentiality of records.

29 8710. Responsibilities of employers, service providers and  
30 insurance companies.

1 § 8701. Persons eligible for compensation.

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

4 (1) A direct victim.

5 (2) An intervenor.

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

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

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

13 (b) Exception.--

14 (1) A person who is criminally responsible for the crime  
15 upon which a claim is based or an accomplice of the person  
16 shall not be eligible to receive compensation with respect to  
17 the claim.

18 (2) A member of the family of the individual who  
19 committed the crime shall not be eligible if the offender is  
20 living in the same household as the direct victim and will  
21 substantially benefit from the award.

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

25 § 8702. Filing of claims for compensation.

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

30 (1) If the individual is a minor, the claim may be filed

1 by a parent or guardian. If the parent or guardian of a minor  
2 who is eligible for compensation is unavailable or fails to  
3 assume financial responsibility for the minor's care, a  
4 person who assumes financial responsibility for services  
5 eligible for compensation and who is not a provider of  
6 services or an insurance company may file a claim on behalf  
7 of the minor and may receive compensation for eligible  
8 services provided to the minor.

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

19 (b) Time.--

20 (1) Except as set forth in paragraph (2), a claim must  
21 be filed not later than two years after the discovery of the  
22 occurrence of the crime upon which the claim is based or not  
23 later than two years after the death of the direct victim or  
24 intervenor as a result of the crime or the discovery and  
25 identification of the body of a murder victim.

26 (2) Exceptions shall be as follows:

27 (i) If a direct victim is under 18 years of age at  
28 the time of the occurrence of the crime and the alleged  
29 offender is the direct victim's parent or a person  
30 responsible for the direct victim's welfare, an

1 individual residing in the same home as the direct victim  
2 or a paramour of the direct victim's parent, all of the  
3 following shall apply:

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

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

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

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

14 (ii) If a direct victim is under 18 years of age at  
15 the time of the occurrence of the crime and the direct  
16 victim is seeking reimbursement for counseling services  
17 only, all of the following shall apply:

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

21 (B) The limitation period shall run until the  
22 later of:

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

26 (II) the end of the limitation period under  
27 paragraph (1).

28 (b.1) Returned claims.--

29 (1) If a claim has been filed but subsequently returned  
30 to the claimant for correction or for additional verification

1 or information, the date the claim was first received by the  
2 Office of Victims' Services shall be the permanent filing  
3 date for purposes of subsection (b).

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

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

10 § 8703. Minimum allowable claim.

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

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

18 § 8704. Determination of claims.

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

22 (b) Review.--

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

1 The Office of Victims' Services shall request an assessment  
2 from the mental health service provider as to the extent the  
3 service provided is needed as a direct result of the crime.

4 (2) Claims shall be investigated and determined,  
5 regardless of whether the alleged criminal has been  
6 apprehended, prosecuted or adjudicated for the crime in  
7 question.

8 (c) Determination.--

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

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

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

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

25 § 8705. Judicial review.

26 Within 30 days after receipt of a copy of the report  
27 containing a final decision of the Office of Victims' Services,  
28 the claimant may appeal the final decision of the Office of  
29 Victims' Services in the manner provided for appeals from  
30 administrative agencies as provided in 2 Pa.C.S. Ch. 7 Subch. A



1 (relating to judicial review of Commonwealth agency action).

2 § 8706. Emergency awards.

3 (a) Authorization.--Notwithstanding the provisions of  
4 sections 8704 (relating to determination of claims) and 8707  
5 (relating to awards), if it appears to the Office of Victims'  
6 Services that the claim is one with respect to which an award  
7 probably will be made and that undue hardship will result to the  
8 claimant if immediate payment is not made, the Office of  
9 Victims' Services may make an emergency award to the claimant  
10 pending a final decision in the case. The following shall apply:

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

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

16 (3) The excess of the amount of the emergency award over  
17 the amount of the final award or the full amount of the  
18 emergency award, if no final award is made, shall be repaid  
19 by the claimant to the Office of Victims' Services.

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

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

28 § 8707. Awards.

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

1           (1) A crime was committed.

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

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 regulations of  
15 the Office of Victims' Services.

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.

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

29               (1) Withdrawn, unless the Office of Victims' Services  
30 finds the withdrawal to have been justified, consistent with

1 the Office of Victims' Services regulations.

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

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

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

14 (b) Amount.--

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

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

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

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

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

1 following shall apply:

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

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

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

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

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

21 (i) a direct victim;

22 (ii) an individual responsible for the direct  
23 victim's welfare;

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

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

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

30 (vi) anyone maintaining a common-law relationship

1 with the direct victim;

2 (vii) anyone residing in the same household with the  
3 direct victim; or

4 (viii) anyone engaged to be married to the direct  
5 victim.

6 (4.1) In the case of an award made pursuant to paragraph  
7 (4), the following shall apply:

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

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

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

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

28 (c) Public assistance.--Provisions of awards made pursuant  
29 to a statute compensating or benefiting a direct victim or  
30 claimant shall in no way affect the claimant's or direct

1 victim's eligibility under public assistance or any other  
2 Federal or Commonwealth social benefit or assistance program.

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

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

11 (1) from or on behalf of the individual who committed  
12 the crime;

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

15 (3) under any contract of insurance in which the  
16 claimant is the beneficiary;

17 (4) from public funds;

18 (5) as an emergency award under section 8706 (relating  
19 to emergency awards);

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

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

25 (f) Direct victim responsibility.--

26 (1) Except as set forth in paragraphs (2) and (3), in  
27 determining the amount of an award, the Office of Victims'  
28 Services shall determine whether the direct victim or  
29 intervenor, because of conduct, contributed to the infliction  
30 of the injury. The Office of Victims' Services shall reduce

1 the amount or deny the claim altogether in accordance with  
2 the determination.

3 (2) If the crime involved is rape or sexual assault, the  
4 conduct of the direct victim shall not be considered. If the  
5 crime involved is related to domestic violence, the conduct  
6 of the direct victim shall not be considered unless the  
7 direct victim was the primary aggressor.

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

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

17 (h) Forensic rape investigation.--

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

27 (2) The cost of a forensic rape examination and the cost  
28 of medications prescribed to the direct victim shall not be  
29 charged to the victim.

30 (3) A sexual assault or rape victim need not be an

1 applicant for any other compensation under this chapter.

2 § 8708. Manner of payment.

3 (a) Lump sum.--

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

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

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

12 (4) An award shall not be considered as compensation  
13 taxable as income under Article III of the act of March 4,  
14 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

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

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

21 (b) Medical expenses.--

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

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



1 § 8709. Confidentiality of records.

2 (a) General rule.--All reports, records or other information  
3 obtained or produced by the Office of Victims' Services during  
4 the processing or investigation of a claim shall be confidential  
5 and privileged, shall not be subject to subpoena or discovery,  
6 shall be used for no purpose other than the processing of a  
7 claim and, except as otherwise provided by law or as provided in  
8 this section, shall not be introduced into evidence in any  
9 judicial or administrative proceeding.

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

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

24 § 8710. Responsibilities of employers, service providers and  
25 insurance companies.

26 (a) Response.--Employers, insurance companies or providers  
27 of services to direct victims, intervenors or claimants,  
28 including, but not limited to, doctors, hospitals and  
29 counselors, shall respond in writing to the request by the  
30 Office of Victims' Services for confirmation or other

1 information under this chapter within 30 days of receipt of the  
2 request by the Office of Victims' Services.

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

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

12 CHAPTER 89

13 SERVICES

14 Sec.

15 8901. Eligibility of victims.

16 8902. Establishment of basic services for victims of crime.

17 8903. Grant program for services.

18 § 8901. Eligibility of victims.

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

25 § 8902. Establishment of basic services for victims of crime.

26 The commission shall provide technical assistance to and make  
27 grants to district attorneys, other criminal justice agencies or  
28 victim service agencies which provide crime victims with the  
29 following services:

30 (1) Notification services, including all of the

1 following:

2 (i) Information concerning financial assistance and  
3 other social services available as a result of being a  
4 victim of crime.

5 (ii) Notification that a court proceeding to which  
6 they have been subpoenaed will not go on as scheduled, in  
7 order to save the victim an unnecessary trip to court.

8 (iii) Notification of the final disposition of the  
9 case.

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

11 (i) Protection from harm and threats of harm arising  
12 out of cooperation with law enforcement and prosecution  
13 efforts.

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

17 (3) Procedures for the expedited return by law  
18 enforcement officials of personal property of victims which  
19 is held for prosecutorial purposes.

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

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

23 § 8903. Grant program for services.

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

28 (b) Regulations.--The commission shall promulgate  
29 regulations necessary to ensure the cost-effective delivery of  
30 victim services or victim and witness services consistent with

1 section 8902.

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

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

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

14 (1) The number of participating agencies and population  
15 served.

16 (2) The extent of services provided.

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

18 (4) Recommendations for reform.

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

23 CHAPTER 91

24 FINANCIAL MATTERS

25 Sec.

26 9101. Costs.

27 9102. Costs for offender supervision programs.

28 § 9101. Costs.

29 (a) Imposition.--

30 (1) A person who pleads guilty or nolo contendere or who

1 is convicted of a crime shall, in addition to costs imposed  
2 under 42 Pa.C.S. § 3571(c) (relating to Commonwealth portion  
3 of fines, etc.), pay costs of at least \$60 and may be  
4 sentenced to pay additional costs in an amount up to the  
5 statutory maximum monetary penalty for the offense committed.

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

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

11 (i) There is a consent decree.

12 (ii) There is an adjudication of delinquency.

13 (b) Disposition.--

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

22 (2) The Victim Witness Services Fund is established as a  
23 special nonlapsing fund in the State Treasury. The fund shall  
24 be used by the commission for victim-witness services and  
25 technical assistance in nonvictim compensation-related areas  
26 in accordance with this section. Twenty-five dollars of the  
27 costs imposed under subsection (a)(1) and (2) plus 70% of the  
28 costs imposed under subsection (a)(1) and (2) which exceed  
29 \$60 shall be paid into the fund.

30 (c) Payment.--This cost shall be imposed notwithstanding any

1 statutory provision to the contrary.

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

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

11 § 9102. Costs for offender supervision programs.

12 (a) County fund.--

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

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

20 (i) Pay the salaries and employee benefits of all  
21 probation and parole personnel employed by the county  
22 probation and parole department and the operational  
23 expenses of that department.

24 (ii) Supplement Federal, State or county  
25 appropriations for the county adult probation and parole  
26 department.

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

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

3 (b) State fund.--

4           (1) The State Offender Supervision Fund is established  
5 in the State Treasury, and shall be administered by the board  
6 and comprised of the supervision fees collected by the board  
7 under this section.

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

11 (c) Court.--

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

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

24 (d) Board.--

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

30           (2) All fees collected shall be deposited into the State

1 Offender Supervision Fund established in subsection (b).

2 (e) Continuation.--

3 (1) For offenders under supervision of a county  
4 probation department or the board as of August 14, 1991, the  
5 fee shall automatically become a part of the supervision  
6 conditions as if the court or board had imposed it, unless  
7 the court or board makes a finding that the offender is  
8 presently unable to pay.

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

12 (i) The offender has diligently attempted but has  
13 been unable to obtain employment that provides the  
14 offender sufficient income to make such payments.

15 (ii) The offender is a student in a school, a  
16 college, a university or a course of vocational or  
17 technical training designed to fit the student for  
18 gainful employment.

19 (iii) The offender has an employment handicap as  
20 determined by an examination acceptable to or ordered by  
21 the court or board.

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

23 (v) The offender is responsible for the support of  
24 dependents, and the payment of the assessment constitutes  
25 an undue hardship on the offender.

26 (vi) Other extenuating circumstances as determined  
27 by the court or board.

28 CHAPTER 93

29 ENFORCEMENT

30 Sec.



1 9301. Subrogation.

2 9302. Restitution.

3 9303. Penalty.

4 § 9301. Subrogation.

5 (a) General rule.--

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

12 (2) In such a case, the Commonwealth shall be entitled  
13 to bring an action against the person causing or otherwise  
14 liable for the personal injuries or death for which the  
15 payment was made.

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

19 (b) Excess.--

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

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

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

30 § 9302. Restitution.

1 To the extent that restitution is ordered either prior to or  
2 subsequent to the making of an award by the Office of Victims'  
3 Services, the restitution shall be paid to the Commonwealth to  
4 the extent of the award by the Office of Victims' Services.

5 § 9303. Penalty.

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

11 CHAPTER 95

12 MISCELLANEOUS PROVISIONS

13 Sec.

14 9501. Effect on legal actions.

15 § 9501. Effect on legal actions.

16 Nothing in Chapters 75 (relating to victim advocate), 82  
17 (relating to crime victims), 83 (relating to administration),  
18 and 89 (relating to services) creates a cause of action or  
19 defense in favor of any person arising out of the failure to  
20 comply with any of these chapters.

21 Section 11. Sections 4104(e) (5) and (j), 4301, 4503,  
22 6134.1(d) and 6308(c) of Title 61 are amended to read:

23 § 4104. Referral to State intermediate punishment program.

24 \* \* \*

25 (e) Resentencing.--The department may make a written request  
26 to the sentencing court that an offender who is otherwise  
27 eligible but has not been referred for evaluation or originally  
28 sentenced to State intermediate punishment be sentenced to State  
29 intermediate punishment. The court may resentence the offender  
30 to State intermediate punishment if all of the following apply:

1 \* \* \*

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

7 \* \* \*

8 (j) Definitions.--As used in this section, the term  
9 "personal injury crime" shall be defined as in [section 103 of  
10 the act of November 24, 1998 (P.L.882, No.111), known as the  
11 Crime Victims Act] 44 Pa.C.S. § 8103 (relating to definitions).  
12 § 4301. Definitions.

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

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

20 "Victim advocate." The victim advocate within the  
21 Pennsylvania Board of Probation and Parole.  
22 § 4503. Definitions.

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

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

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

1 "Eligible offender." A defendant or inmate convicted of a  
2 criminal offense who will be committed to the custody of the  
3 department and who meets all of the following eligibility  
4 requirements:

5 (1) Does not demonstrate a history of present or past  
6 violent behavior.

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

19 (3) Has not been found guilty of or previously convicted  
20 of or adjudicated delinquent for or an attempt or conspiracy  
21 to commit a personal injury crime as defined under [section  
22 103 of the act of November 24, 1998 (P.L.882, No.111), known  
23 as the Crime Victims Act] 44 Pa.C.S. § 8103 (relating to  
24 definitions), except for an offense under 18 Pa.C.S. § 2701  
25 (relating to simple assault) when the offense is a  
26 misdemeanor of the third degree, or an equivalent offense  
27 under the laws of the United States or one of its territories  
28 or possessions, another state, the District of Columbia, the  
29 Commonwealth of Puerto Rico or a foreign nation.

30 (4) Has not been found guilty or previously convicted or

1 adjudicated delinquent for violating any of the following  
2 provisions or an equivalent offense under the laws of the  
3 United States or one of its territories or possessions,  
4 another state, the District of Columbia, the Commonwealth of  
5 Puerto Rico or a foreign nation:

6 18 Pa.C.S. § 4302(a) (relating to incest).

7 18 Pa.C.S. § 5901 (relating to open lewdness).

8 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet  
9 child pornography).

10 Received a criminal sentence pursuant to 42 Pa.C.S. §  
11 9712.1 (relating to sentences for certain drug offenses  
12 committed with firearms).

13 Any offense for which registration is required under  
14 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of  
15 sexual offenders).

16 (5) Is not awaiting trial or sentencing for additional  
17 criminal charges, if a conviction or sentence on the  
18 additional charges would cause the defendant to become  
19 ineligible under this definition.

20 (6) Has not been found guilty or previously convicted of  
21 violating section 13(a)(14), (30) or (37) of the act of April  
22 14, 1972 (P.L.233, No.64), known as The Controlled Substance,  
23 Drug, Device and Cosmetic Act, where the sentence was imposed  
24 pursuant to 18 Pa.C.S. § 7508(a)(1)(iii), (2)(iii), (3)(iii),  
25 (4)(iii), (7)(iii) or (8)(iii) (relating to drug trafficking  
26 sentencing and penalties).

27 "Program plan." An individualized plan recommended by the  
28 department that contains approved treatment and other approved  
29 programs designed to reduce recidivism risk of a specific  
30 inmate.

1 § 6134.1. General criteria for parole by court.

2 \* \* \*

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

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

10 "Victim." The term shall mean, in addition to the meaning  
11 set forth in [section 103 of the act of November 24, 1998  
12 (P.L.882, No.111), known as the Crime Victims Act] 44 Pa.C.S. §  
13 8103 (relating to definitions), a member of the victim's family  
14 if the victim is incapable of communicating or has died.

15 § 6308. County Probation Officers' Firearm Education and  
16 Training Fund.

17 \* \* \*

18 (c) Other moneys to be used.--In addition to payment of  
19 training expenses as prescribed under subsection (b), training  
20 expenses may also be paid out of the county offender supervision  
21 fund under [section 1102 of the act of November 24, 1998  
22 (P.L.882, No.111), known as the Crime Victims Act,] 44 Pa.C.S. §  
23 9102 (relating to costs for offender supervision programs) or  
24 any other county fund.

25 \* \* \*

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

30 (1) Except as otherwise provided in 44 Pa.C.S. Ch. 31,

1 all activities initiated under the Pennsylvania Commission on  
2 Crime and Delinquency Law shall continue and remain in full  
3 force and effect and may be completed under 44 Pa.C.S. Ch.  
4 31. Resolutions, orders, regulations, rules and decisions  
5 which were made under the Pennsylvania Commission on Crime  
6 and Delinquency Law and which are in effect on the effective  
7 date of this section shall remain in full force and effect  
8 until revoked, vacated or modified under 44 Pa.C.S. Ch. 31.  
9 Contracts, obligations and agreements entered into under the  
10 Pennsylvania Commission on Crime and Delinquency Law are not  
11 affected nor impaired by the repeal of the Pennsylvania  
12 Commission on Crime and Delinquency Law.

13 (2) Except as set forth in paragraphs (3) and (4), any  
14 difference in language between 44 Pa.C.S. Ch. 31 and the  
15 Pennsylvania Commission on Crime and Delinquency Law is  
16 intended only to conform to the style of the Pennsylvania  
17 Consolidated Statutes and is not intended to change or affect  
18 the legislative intent, judicial construction or  
19 administrative interpretation and implementation of the  
20 Pennsylvania Commission on Crime and Delinquency Law.

21 (3) Paragraph (2) does not apply to 44 Pa.C.S. § 3102(b)  
22 (19).

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

26 (i) The definition of "targeted community" in  
27 section 1 of the act.

28 (ii) Sections 3(6.3), (8) and (17), 4(2) and (7), 8,  
29 10 and 11 of the act.

30 (5) A reference in any other act or regulation to the

1 Pennsylvania Commission on Crime and Delinquency Law shall be  
2 deemed to be a reference to 44 Pa.C.S. Ch. 31.

3 Section 13. The addition of 44 Pa.C.S. Ch. 73 Subch. C is a  
4 continuation of the act of February 9, 1984 (P.L.3, No.2), known  
5 as the Deputy Sheriffs' Education and Training Act. The  
6 following apply:

7 (1) Except as otherwise provided in 44 Pa.C.S. Ch. 73  
8 Subch. C, all activities initiated under the Deputy Sheriffs'  
9 Education and Training Act shall continue and remain in full  
10 force and effect and may be completed under 44 Pa.C.S. Ch. 73  
11 Subch. C. Resolutions, orders, regulations, rules and  
12 decisions which were made under the Deputy Sheriffs'  
13 Education and Training Act and which are in effect on the  
14 effective date of this section shall remain in full force and  
15 effect until revoked, vacated or modified under 44 Pa.C.S.  
16 Ch. 73 Subch. C. Contracts, obligations and agreements  
17 entered into under the Deputy Sheriffs' Education and  
18 Training Act are not affected nor impaired by the repeal of  
19 the Deputy Sheriffs' Education and Training Act.

20 (2) Except as set forth in paragraph (3), any difference  
21 in language between 44 Pa.C.S. Ch. 73 Subch. C and the Deputy  
22 Sheriffs' Education and Training Act is intended only to  
23 conform to the style of the Pennsylvania Consolidated  
24 Statutes and is not intended to change or affect the  
25 legislative intent, judicial construction or administrative  
26 interpretation and implementation of the Deputy Sheriffs'  
27 Education and Training Act.

28 (3) The following provisions of the Deputy Sheriffs'  
29 Education and Training Act are obsolete and excluded from the  
30 addition of 44 Pa.C.S. Ch. 73 Subch. C:



1 (i) The exception for appointments upon the  
2 effective date of the act as contained in the first  
3 sentence of section 3(c) and the first sentence of  
4 subsection (h) of the act.

5 (ii) Section 7(a) and the first sentence of  
6 subsection (c) of the act.

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

9 (4) A reference in any other act or regulation to the  
10 Deputy Sheriffs' Education and Training Act shall be deemed  
11 to be a reference to 44 Pa.C.S. Ch. 73 Subch. C.

12 Section 14. The addition of 44 Pa.C.S. Chapter 75 and Part V  
13 is a continuation of the act of November 24, 1998 (P.L.882,  
14 No.111), known as the Crime Victims Act. The following apply:

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

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

1 legislative intent, judicial construction or administrative  
2 interpretation and implementation of the Crime Victims Act.

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

6 Section 15. Repeals are as follows:

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

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

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

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

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

19 (iv) The act of December 21, 1998 (P.L.1187,  
20 No.152), known as the Senior Citizen Advisory Committee  
21 Act, is repealed.

22 Section 16. This act shall take effect in 60 days.

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SOURCE NOTES

The source notes for this act are as follows:

Superseding Provision

Repealed Unofficial of Title 44 (unless  
Act Section Citation otherwise noted)

None n/a n/a 101 (new)

1978, November 22

(P.L.1166,No.274) 1 71 P.S. § 1190.21 3101 (def. of

"targeted community"

repealed as obsolete)

1978, November 22

(P.L.1166,No.274) 2 71 P.S. § 1190.22 3102 ((b)(19) is new)

1978, November 22

(P.L.1166,No.274) 3 71 P.S. § 1190.23 3103 para. (6.3), (8)

and (17) repealed as

obsolete; para. (19)

is new)

1978, November 22

(P.L.1166,No.274) 4 71 P.S. § 1190.24 3104 (para. (2) and

(7) repealed as

obsolete)

1978, November 22

(P.L.1166,No.274) 5 71 P.S. § 1190.25 3105

1978, November 22

(P.L.1166,No.274) 6 71 P.S. § 1190.26 3106

1978, November 22

(P.L.1166,No.274) 7 Repealed 2012, 3107 (reserved)

October 25

(P.L.1607, No.196)

1978, November 22

1	(P.L.1166, No.274)	7.1	Repealed 2012,	None
2			October 25	
3			(P.L.1607, No.196)	
4	1978, November 22			
5	(P.L.1166, No.274)	7.2	Repealed 2012,	None
6			October 25	
7			(P.L.1607, No.196)	
8	1978, November 22			
9	(P.L.1166, No.274)	8	71 P.S. § 1190.28	Repealed as obsolete
10	1978, November 22			
11	(P.L.1166, No.274)	8.1	71 P.S. § 1190.28a	3108
12	1978, November 22			
13	(P.L.1166, No.274)	9	71 P.S. § 1190.29	3109
14	1978, November 22			
15	(P.L.1166, No.274)	10	71 P.S. § 1190.30	Repealed as obsolete
16	1978, November 22			
17	(P.L.1166, No.274)	11	71 P.S. § 1190.31	Repealed as obsolete
18	1978, November 22			
19	(P.L.1166, No.274)	12	Repealed 1982,	None
20			December 16	
21			(P.L.1355, No.310)	
22	1978, November 22			
23	(P.L.1166, No.274)	13	71 P.S. § 1190.33	Repealed as obsolete
24	1978, November 22			
25	(P.L.1166, No.274)	14	n/a	Repealed as obsolete
26			(Effective date)	
27	1984, February 9			
28	(P.L.3, No.2)	1	71 P.S. § 2101	7321
29	1984, February 9			
30	(P.L.3, No.2)	2	71 P.S. § 2102	7322

1	1984, February 9			
2	(P.L.3, No.2)	3	71 P.S. § 2103	7323 (part of
3				subsection (c), (g)
4				and (h) repealed as
5				obsolete)
6	1984, February 9			
7	(P.L.3, No.2)	4	71 P.S. § 2104	7324
8	1984, February 9			
9	(P.L.3, No.2)	5	71 P.S. § 2105	7325
10	1984, February 9			
11	(P.L.3, No.2)	6	71 P.S. § 2106	7326
12	1984, February 9			
13	(P.L.3, No.2)	7	71 P.S. § 2107	7327 (subsection (a)
14				and (c) first sentence
15				repealed as obsolete)
16	1984, February 9			
17	(P.L.3, No.2)	8	71 P.S. § 2108	7328 (part of
18				subsections (b) and
19				(b.1) repealed as
20				obsolete)
21	1984, February 9			
22	(P.L.3, No.2)	9	71 P.S. § 2109	7329
23	1984, February 9			
24	(P.L.3, No.2)	10	n/a	Repealed as obsolete
25			(Effective date)	
26	1998, November 24			
27	(P.L.882, No.111)	101	18 P.S. § 11.101	8101
28	1998, November 24			
29	(P.L.882, No.111)	102	18 P.S. § 11.102	8102
30	1998, November 24			

1	(P.L.882, No.111)	103	18 P.S. § 11.103	8103 (several
2				definitions are new;
3				def. of "local
4				correctional
5				institution" repealed
6				as obsolete)
7	1998, November 24			
8	(P.L.882, No.111)	201	18 P.S. § 11.201	8201
9	1998, November 24			
10	(P.L.882, No.111)	201	18 P.S. § 11.201	8201
11	1998, November 24			
12	(P.L.882, No.111)	211	18 P.S. § 11.211	8211
13	1998, November 24			
14	(P.L.882, No.111)	212	18 P.S. § 11.212	8212
15	1998, November 24			
16	(P.L.882, No.111)	213	18 P.S. § 11.213	8213
17	1998, November 24			
18	(P.L.882, No.111)	214	18 P.S. § 11.214	8214
19	1998, November 24			
20	(P.L.882, No.111)	215	18 P.S. § 11.215	8215
21	1998, November 24			
22	(P.L.882, No.111)	216	18 P.S. § 11.216	8216
23	1998, November 24	301	18 P.S. § 11.301	7501(a) and (b)
24	(P.L.882, No.111)	(a)	(a) and (c)	
25		(c)		
26	1998, November 24	301	18 P.S. §	7502
27	(P.L.882, No.111)	(b)	11.301(b)	
28	1998, November 24	302	18 P.S. § 11.302	7503
29	(P.L.882, No.111)		n/a	Chapter 83
30	n/a			Subchapter A

1					(Reserved)
2	1998, November 24				
3	(P.L.882, No.111)	311	18 P.S. § 11.311		8311
4	1998, November 24				
5	(P.L.882, No.111)	312	18 P.S. § 11.312		8312
6	1998, November 24				
7	(P.L.882, No.111)	321	18 P.S. § 11.321		8321
8	1998, November 24				
9	(P.L.882, No.111)	322	18 P.S. § 11.322		8322
10	1998, November 24				
11	(P.L.882, No.111)	501	18 P.S. § 11.501		7511
12	1998, November 24				
13	(P.L.882, No.111)	502	18 P.S. § 11.502		7512
14	1998, November 24				
15	(P.L.882, No.111)	701	18 P.S. § 11.701		8701
16	1998, November 24				
17	(P.L.882, No.111)	702	18 P.S. § 11.702	8702 ((b) (2) (i) and	
18				(ii) replace (b) (2)	
19				(ii) and (ii.1))	
20	n/a		n/a	Chapter 85	
21				(Reserved)	
22	1998, November 24				
23	(P.L.882, No.111)	703	18 P.S. § 11.703		8703
24	1998, November 24				
25	(P.L.882, No.111)	704	18 P.S. § 11.704		8704
26	1998, November 24				
27	(P.L.882, No.111)	705	18 P.S. § 11.705		8705
28	1998, November 24				
29	(P.L.882, No.111)	706	18 P.S. § 11.706		8706
30	1998, November 24				

1	(P.L.882, No.111)	707	18 P.S. § 11.707	8707
2	1998, November 24			
3	(P.L.882, No.111)	708	18 P.S. § 11.708	8708
4	1998, November 24			
5	(P.L.882, No.111)	709	18 P.S. § 11.709	8709
6	1998, November 24			
7	(P.L.882, No.111)	710	18 P.S. § 11.710	8710
8	1998, November 24			
9	(P.L.882, No.111)	901	18 P.S. § 11.901	8901
10	1998, November 24			
11	(P.L.882, No.111)	902	18 P.S. § 11.902	8902
12	1998, November 24			
13	(P.L.882, No.111)	903	18 P.S. § 11.903	8903 (part of
14				subsection (f)
15				repealed as obsolete)
16	1998, November 24			
17	(P.L.882, No.111)	1101	18 P.S. § 11.1101	9101
18	1998, November 24			
19	(P.L.882, No.111)	1102	18 P.S. § 11.1102	9102
20	1998, November 24			
21	(P.L.882, No.111)	1301	18 P.S. § 11.1301	9301
22	1998, November 24			
23	(P.L.882, No.111)	1302	18 P.S. § 11.1302	9302
24	1998, November 24			
25	(P.L.882, No.111)	1303	18 P.S. § 11.1303	9303
26	1998, November 24			
27	(P.L.882, No.111)	5101	18 P.S. § 11.5101	9501
28	1998, November 24			
29	(P.L.882, No.111)	5102	18 P.S. § 11.5102	9502
30	1998, November 24			



1	(P.L.882, No.111)	5103	n/a	Repealed as obsolete
2			(Repeals)	
3	1998, November 24			
4	(P.L.882, No.111)	5104	n/a	Repealed as obsolete
5			(Effective date)	