

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2134 Session of 2014

INTRODUCED BY MASSER, STEPHENS, THOMAS, SCHLOSSBERG, SWANGER, HARHAI, GOODMAN, GINGRICH, MURT, CALTAGIRONE, GILLEN AND MARSICO, MARCH 31, 2014

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, SEPTEMBER 16, 2014

AN ACT

1 Amending the act of November 24, 1998 (P.L.882, No.111),
2 entitled "An act providing for victims' rights; imposing
3 penalties; establishing remedies; establishing the Office of
4 Victim Advocate, the Bureau of Victims' Services, the
5 Victims' Services Advisory Committee, the State Offender
6 Supervision Fund and other funds; and making repeals," IN <--
7 CRIME VICTIMS, FURTHER PROVIDING FOR RIGHTS; IN
8 ADMINISTRATION, FURTHER PROVIDING FOR OFFICE AND FOR POWERS
9 AND DUTIES OF VICTIM ADVOCATE; AND, in financial matters,
10 further providing for costs.

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

13 ~~Section 1. Section 1101 of the act of November 24, 1998 <--~~
14 ~~(P.L.882, No.111), known as the Crime Victims Act, amended June~~
15 ~~28, 2002 (P.L.496, No.85), is amended to read:~~

16 SECTION 1. SECTION 201 OF THE ACT OF NOVEMBER 24, 1998 <--
17 (P.L.882, NO.111), KNOWN AS THE CRIME VICTIMS ACT, IS AMENDED BY
18 ADDING A PARAGRAPH TO READ:

19 SECTION 201. RIGHTS.

20 VICTIMS OF CRIME HAVE THE FOLLOWING RIGHTS:

21 \* \* \*

1           (1.1) TO BE NOTIFIED OF THE ADDRESS CONFIDENTIALITY  
2           PROGRAM ESTABLISHED UNDER 23 PA.C.S. § 6703 (RELATING TO  
3           ADDRESS CONFIDENTIALITY PROGRAM) IF ELIGIBLE TO PARTICIPATE  
4           IN THE PROGRAM UNDER 23 PA.C.S. § 6704 (RELATING TO PERSONS  
5           ELIGIBLE TO APPLY).

6           \* \* \*

7           SECTION 2. SECTION 301(A) OF THE ACT IS AMENDED TO READ:  
8           SECTION 301. OFFICE.

9           (A) ESTABLISHMENT.--THERE IS ESTABLISHED WITHIN THE BOARD  
10          THE OFFICE OF VICTIM ADVOCATE TO REPRESENT THE INTERESTS OF  
11          CRIME VICTIMS IN ACCORDANCE WITH 18 PA.C.S. § 9402 (RELATING TO  
12          OFFICE OF VICTIM ADVOCATE) AND BEFORE THE BOARD OR DEPARTMENT.  
13          THE OFFICE SHALL OPERATE UNDER THE DIRECTION OF THE VICTIM  
14          ADVOCATE AS PROVIDED IN THIS SECTION.

15          \* \* \*

16          SECTION 3. SECTION 302 OF THE ACT IS AMENDED BY ADDING  
17          PARAGRAPHS TO READ:

18          SECTION 302. POWERS AND DUTIES OF VICTIM ADVOCATE.

19          THE VICTIM ADVOCATE HAS THE FOLLOWING POWERS AND DUTIES:

20          \* \* \*

21                 (1.1) TO ADVOCATE FOR THE INTERESTS OF CRIME VICTIMS  
22                 GENERALLY, INCLUDING THE VICTIMS OF CRIMES COMMITTED BY  
23                 JUVENILES AS SET FORTH IN 18 PA.C.S. § 9402 (RELATING TO  
24                 OFFICE OF VICTIM ADVOCATE).

25          \* \* \*

26                 (6) TO ENSURE CRIME VICTIMS ARE NOTIFIED OF THE ADDRESS  
27                 CONFIDENTIALITY PROGRAM ESTABLISHED UNDER 23 PA.C.S. § 6703  
28                 (RELATING TO ADDRESS CONFIDENTIALITY PROGRAM) IF ELIGIBLE TO  
29                 PARTICIPATE IN THE PROGRAM UNDER 23 PA.C.S. § 6704 (RELATING  
30                 TO PERSONS ELIGIBLE TO APPLY).

1 SECTION 4. SECTION 1101 OF THE ACT, AMENDED JUNE 28, 2002  
2 (P.L.496, NO.85), IS AMENDED TO READ:

3 Section 1101. Costs.

4 (a) Imposition.--

5 (1) A person who pleads guilty or nolo contendere or who  
6 is convicted of a crime shall, in addition to costs imposed  
7 under 42 Pa.C.S. § 3571(c) (relating to Commonwealth portion  
8 of fines, etc.), pay costs of at least [\$60] \$110 and may be  
9 sentenced to pay additional costs in an amount up to the  
10 statutory maximum monetary penalty for the offense committed.

11 (2) A person placed in a diversionary program shall pay  
12 costs of at least [\$60] \$110 in addition to costs imposed  
13 pursuant to 42 Pa.C.S. § 3571(c).

14 (3) A juvenile shall pay costs of at least [\$25] \$35 if  
15 any of the following apply to the case:

16 (i) There is a consent decree.

17 (ii) There is an adjudication of delinquency.

18 (b) Disposition.--

19 (1) There is established a special nonlapsing fund,  
20 known as the Crime Victim's Compensation Fund. This fund  
21 shall be used by the Office of Victims' Services for payment  
22 to claimants and technical assistance. [Thirty-five] Fifty-  
23 five dollars of the costs imposed under subsection (a)(1) and  
24 (2) plus 30% of the costs imposed under subsection (a)(1)  
25 which exceed [\$60] \$110 shall be paid into this fund. All  
26 costs imposed under subsection (a)(3) shall be paid into this  
27 fund.

28 (2) There is established a special nonlapsing fund,  
29 known as the Victim Witness Services Fund. This fund shall be  
30 used by the commission for victim-witness services and

1 technical assistance in nonvictim compensation-related areas  
2 in accordance with this section. [Twenty-five] Fifty-five  
3 dollars of the costs imposed under subsection (a)(1) and (2)  
4 plus 70% of the costs imposed under subsection (a)(1) and (2)  
5 which exceed [\$60] \$110 shall be paid into this fund.

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

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

12 (e) Court order.--No court order shall be necessary in order  
13 for the defendant to incur liability for costs under this  
14 section. Costs under this section must be paid in order for the  
15 defendant to be eligible for probation, parole or accelerated  
16 rehabilitative disposition.

17 Section ~~2~~ 5. This act shall take effect in 60 days.

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