
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2464 Session of
2022

INTRODUCED BY DELOZIER, KAUFFMAN, BOBACK, GUENST, JAMES,
MILLARD, PICKETT, STAATS, GILLEN AND POLINCHOCK,
MARCH 29, 2022

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 28, 2022

AN ACT

1 Amending the act of November 24, 1998 (P.L.882, No.111),
2 entitled "An act providing for victims' rights; imposing
3 penalties; establishing remedies; establishing the Office of
4 Victim Advocate, the Bureau of Victims' Services, the
5 Victims' Services Advisory Committee, the State Offender
6 Supervision Fund and other funds; and making repeals," in- <--
7 ~~crime victims~~, IN PRELIMINARY PROVISIONS, FURTHER PROVIDING <--
8 FOR DEFINITIONS; IN CRIME VICTIMS, FURTHER PROVIDING FOR
9 RIGHTS, FOR RESPONSIBILITIES OF VICTIMS OF CRIME UNDER BASIC
10 BILL OF RIGHTS, FOR RESPONSIBILITIES OF STATE AND LOCAL LAW
11 ENFORCEMENT AGENCIES, FOR RESPONSIBILITIES OF PROSECUTOR'S
12 OFFICE, FOR RESPONSIBILITIES OF DEPARTMENT, LOCAL
13 CORRECTIONAL FACILITIES AND BOARD AND FOR RESPONSIBILITIES OF
14 JUVENILE PROBATION OFFICE AND providing for legal standing; <--
15 IN ADMINISTRATION, FURTHER PROVIDING FOR OFFICE, FOR POWERS
16 AND DUTIES OF VICTIM ADVOCATE AND FOR POWERS AND DUTIES OF
17 OFFICE OF VICTIMS' SERVICES; IN COMPENSATION, FURTHER
18 PROVIDING FOR PERSONS ELIGIBLE FOR COMPENSATION, PROVIDING
19 FOR COUNSELING SERVICES FOR VICTIMS OF SEXUAL ABUSE AND
20 FURTHER PROVIDING FOR FILING OF CLAIMS FOR COMPENSATION, FOR
21 MINIMUM ALLOWABLE CLAIM, FOR DETERMINATION OF CLAIMS, FOR
22 EMERGENCY AWARDS, FOR AWARDS AND FOR CONFIDENTIALITY OF
23 RECORDS; IN SERVICES, FURTHER PROVIDING FOR ELIGIBILITY OF
24 VICTIMS; IN FINANCIAL MATTERS, FURTHER PROVIDING FOR COSTS
25 AND FOR COSTS FOR OFFENDER SUPERVISION PROGRAMS; IN
26 ENFORCEMENT, FURTHER PROVIDING FOR SUBROGATION AND FOR
27 REVICTIMIZATION RELIEF; TRANSFERRING MONEY FROM THE CRIME
28 VICTIM'S COMPENSATION FUND; PROVIDING FOR APPLICABILITY; AND
29 MAKING A RELATED REPEAL.

30 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 ~~Section 1. Chapter 2 of the act of November 24, 1998~~ <--
3 ~~(P.L.882, No.111), known as the Crime Victims Act, is amended by~~
4 ~~adding a subchapter to read:~~

5 SECTION 1. THE DEFINITIONS OF "BOARD," "CRIME," <--
6 "INTERVENOR," "LOCAL LAW ENFORCEMENT AGENCY," "LOSS OF
7 EARNINGS," "OUT-OF-POCKET LOSS," "PERSONAL INJURY CRIME" AND
8 "VICTIM ADVOCATE" IN SECTION 103 OF THE ACT OF NOVEMBER 24, 1998
9 (P.L.882, NO.111), KNOWN AS THE CRIME VICTIMS ACT, ARE AMENDED
10 AND THE SECTION IS AMENDED BY ADDING DEFINITIONS TO READ:

11 SECTION 103. DEFINITIONS.

12 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
13 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
14 CONTEXT CLEARLY INDICATES OTHERWISE:

15 * * *

16 "BOARD." THE PENNSYLVANIA [BOARD OF PROBATION AND] PAROLE
17 BOARD.

18 "CAMPUS POLICE." AS DEFINED IN SECTION 302 OF THE ACT OF
19 NOVEMBER 29, 2004 (P.L.1383, NO.180), KNOWN AS THE UNIFORM CRIME
20 REPORTING ACT.

21 * * *

22 "COUNSELING SERVICES." A MENTAL HEALTH THERAPY PERFORMED BY
23 OR UNDER THE SUPERVISION OF A MENTAL HEALTH CARE PROVIDER.

24 "CRIME." AN ACT WHICH WAS COMMITTED:

25 (1) IN THIS COMMONWEALTH BY A PERSON, INCLUDING A
26 JUVENILE, WITHOUT REGARD TO LEGAL EXEMPTION OR DEFENSE WHICH
27 WOULD CONSTITUTE A CRIME UNDER THE FOLLOWING:

28 (I) THE ACT OF APRIL 14, 1972 (P.L.233, NO.64),
29 KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND
30 COSMETIC ACT.

1 (II) 18 PA.C.S. (RELATING TO CRIMES AND OFFENSES) .

2 30 PA.C.S. § 5502 (RELATING TO OPERATING
3 WATERCRAFT UNDER INFLUENCE OF ALCOHOL OR CONTROLLED
4 SUBSTANCE) .

5 30 PA.C.S. § 5502.1 (RELATING TO HOMICIDE BY
6 WATERCRAFT WHILE OPERATING UNDER INFLUENCE) .

7 30 PA.C.S. § 5502.2 (RELATING TO HOMICIDE BY
8 WATERCRAFT) .

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

12 30 PA.C.S. § 5502.4 (RELATING TO AGGRAVATED
13 ASSAULT BY WATERCRAFT) .

14 THE FORMER 75 PA.C.S. § 3731 (RELATING TO DRIVING
15 UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) .

16 75 PA.C.S. § 3732 (RELATING TO HOMICIDE BY
17 VEHICLE) .

18 75 PA.C.S. § 3732.1 (RELATING TO AGGRAVATED
19 ASSAULT BY VEHICLE) .

20 75 PA.C.S. § 3733 (RELATING TO FLEEING OR
21 ATTEMPTING TO ELUDE POLICE OFFICER) .

22 75 PA.C.S. § 3734 (RELATING TO DRIVING WITHOUT
23 LIGHTS TO AVOID IDENTIFICATION OR ARREST) .

24 75 PA.C.S. § 3735 (RELATING TO HOMICIDE BY
25 VEHICLE WHILE DRIVING UNDER INFLUENCE) .

26 75 PA.C.S. § 3735.1 (RELATING TO AGGRAVATED
27 ASSAULT BY VEHICLE WHILE DRIVING UNDER THE
28 INFLUENCE) .

29 75 PA.C.S. § 3742 (RELATING TO ACCIDENTS
30 INVOLVING DEATH OR PERSONAL INJURY) .

1 75 PA.C.S. § 3742.1 (RELATING TO ACCIDENTS
2 INVOLVING DEATH OR PERSONAL INJURY WHILE NOT PROPERLY
3 LICENSED) IF THE NATURE AND CIRCUMSTANCES OF THE
4 OFFENSE COMMITTED ARE SUBSTANTIALLY SIMILAR TO AN
5 OFFENSE UNDER 75 PA.C.S. § 3742.

6 75 PA.C.S. CH. 38 (RELATING TO DRIVING AFTER
7 IMBIBING ALCOHOL OR UTILIZING DRUGS).

8 (III) THE LAWS OF THE UNITED STATES.

9 (2) AGAINST A RESIDENT OF THIS COMMONWEALTH WHICH WOULD
10 BE A CRIME UNDER PARAGRAPH (1) BUT FOR ITS OCCURRENCE IN A
11 LOCATION OTHER THAN THIS COMMONWEALTH.

12 (3) AGAINST A RESIDENT OF THIS COMMONWEALTH WHICH IS AN
13 ACT OF INTERNATIONAL TERRORISM.

14 * * *

15 "FINANCIAL SUPPORT." INCLUDES THE LOSS OF COURT-ORDERED
16 CHILD OR SPOUSAL SUPPORT PAYMENTS IF THE VICTIM IS DEPRIVED OF
17 MONEY AS A DIRECT RESULT OF A CRIME.

18 * * *

19 "INTERVENOR." AN INDIVIDUAL, INCLUDING A LAW ENFORCEMENT
20 OFFICER WHO IS INJURED IN THE PERFORMANCE OF THE INDIVIDUAL'S
21 DUTIES, WHO GOES TO THE AID OF ANOTHER AND SUFFERS PHYSICAL OR
22 MENTAL INJURY OR DEATH AS A DIRECT RESULT OF ACTING NOT
23 RECKLESSLY TO PREVENT THE COMMISSION OF A CRIME, TO LAWFULLY
24 APPREHEND A PERSON REASONABLY SUSPECTED OF HAVING COMMITTED SUCH
25 CRIME OR TO AID THE VICTIM OF SUCH CRIME.

26 * * *

27 "LAW ENFORCEMENT OFFICER." A PEACE OFFICER AS DEFINED IN 18
28 PA.C.S. § 501 (RELATING TO DEFINITIONS).

29 * * *

30 "LOCAL LAW ENFORCEMENT AGENCY." A POLICE DEPARTMENT OF A

1 CITY, BOROUGH, INCORPORATED TOWN OR TOWNSHIP OR CAMPUS POLICE.

2 "LOSS OF EARNINGS." [INCLUDES] AN ECONOMIC LOSS RESULTING
3 FROM AN INJURY OR DEATH TO A VICTIM OF A CRIME OR AN INTERVENOR
4 THAT HAS NOT BEEN AND WILL NOT BE REIMBURSED FROM ANY OTHER
5 SOURCE. THE TERM INCLUDES THE LOSS OF THE CASH EQUIVALENT OF ONE
6 MONTH'S WORTH OF SOCIAL SECURITY, RAILROAD RETIREMENT, PENSION
7 PLAN, RETIREMENT PLAN, DISABILITY, VETERAN'S RETIREMENT, [COURT-
8 ORDERED CHILD SUPPORT OR COURT-ORDERED SPOUSAL] LOSS OF SUPPORT
9 PAYMENTS IF THE PAYMENTS ARE THE PRIMARY SOURCE OF THE VICTIM'S
10 INCOME OR OTHER SIMILAR BENEFIT, AND THE VICTIM OR INTERVENOR IS
11 DEPRIVED OF MONEY AS A DIRECT RESULT OF A CRIME.

12 "LOSS OF SUPPORT." THE LOSS OF VERIFIABLE FINANCIAL SUPPORT
13 THE DIRECT VICTIM WOULD HAVE CONTRIBUTED TO SURVIVING DEPENDENTS
14 THAT IS LOST DUE TO THE DEATH OF THE DIRECT VICTIM AS A DIRECT
15 RESULT OF A CRIME.

16 "MENTAL HEALTH CARE PROVIDER." ANY OF THE FOLLOWING:

17 (1) A PSYCHIATRIST.

18 (2) AN INDIVIDUAL LICENSED UNDER THE ACT OF MARCH 23,
19 1972 (P.L.136, NO.52), KNOWN AS THE PROFESSIONAL
20 PSYCHOLOGISTS PRACTICE ACT.

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

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

28 * * *

29 "OUT-OF-POCKET LOSS." THE TERM INCLUDES THE FOLLOWING LOSSES
30 WHICH SHALL BE REIMBURSED AT A RATE SET BY THE OFFICE OF

1 VICTIMS' SERVICES:

2 (1) EXPENSES FOR UNREIMBURSED AND UNREIMBURSABLE
3 EXPENSES OR INDEBTEDNESS INCURRED FOR MEDICAL CARE,
4 NONMEDICAL REMEDIAL CARE AND TREATMENT AS APPROVED BY THE
5 OFFICE OF VICTIMS' SERVICES OR OTHER SERVICES;

6 (2) EXPENSES FOR COUNSELING, PROSTHETIC DEVICES,
7 WHEELCHAIRS, CANES, WALKERS, HEARING AIDS, EYEGASSES OR
8 OTHER CORRECTIVE LENSES OR DENTAL DEVICES REASONABLY
9 NECESSARY AS A RESULT OF THE CRIME UPON WHICH THE CLAIM IS
10 BASED AND FOR WHICH THE CLAIMANT EITHER HAS PAID OR IS
11 LIABLE;

12 (3) EXPENSES RELATED TO THE REASONABLE AND NECESSARY
13 COSTS OF CLEANING THE CRIME SCENE OF A PRIVATE RESIDENCE OR
14 PRIVATELY OWNED MOTOR VEHICLE. "CLEANING" MEANS TO REMOVE OR
15 ATTEMPT TO REMOVE STAINS OR BLOOD CAUSED BY THE CRIME OR
16 OTHER DIRT OR DEBRIS CAUSED BY THE PROCESSING OF THE CRIME
17 SCENE;

18 (4) EXPENSES RESULTING FROM THE TEMPORARY OR PERMANENT
19 RELOCATION OF A DIRECT VICTIM AND INDIVIDUALS RESIDING IN THE
20 HOUSEHOLD OF THE DIRECT VICTIM DUE TO THE INCIDENT FORMING
21 THE BASIS OF THE VICTIM'S CLAIM WHEN THERE IS AN IMMEDIATE
22 NEED TO PROTECT THE SAFETY AND HEALTH OF THE VICTIM AND
23 INDIVIDUALS RESIDING IN THE HOUSEHOLD, AS VERIFIED BY A
24 MEDICAL PROVIDER, HUMAN SERVICES PROVIDER OR LAW ENFORCEMENT;

25 (5) EXPENSES FOR PHYSICAL EXAMINATIONS AND MATERIALS
26 USED TO OBTAIN EVIDENCE; OR

27 (6) OTHER REASONABLE EXPENSES WHICH ARE DEEMED NECESSARY
28 AS A DIRECT RESULT OF THE CRIMINAL INCIDENT.

29 EXCEPT AS OTHERWISE PROVIDED, THE TERM DOES NOT INCLUDE PROPERTY
30 DAMAGE OR PAIN AND SUFFERING.

1 "PERSONAL INJURY CRIME." AN ACT, ATTEMPT [OR THREAT],
2 SOLICITATION OR CONSPIRACY TO COMMIT AN ACT WHICH WOULD
3 CONSTITUTE A MISDEMEANOR OR FELONY UNDER THE FOLLOWING:
4 18 PA.C.S. CH. 25 (RELATING TO CRIMINAL HOMICIDE) .
5 18 PA.C.S. CH. 27 (RELATING TO ASSAULT) .
6 18 PA.C.S. § 2803 (RELATING TO AGGRAVATED HAZING) .
7 18 PA.C.S. CH. 29 (RELATING TO KIDNAPPING) .
8 18 PA.C.S. CH. 30 (RELATING TO HUMAN TRAFFICKING) .
9 18 PA.C.S. CH. 31 (RELATING TO SEXUAL OFFENSES) .
10 18 PA.C.S. § 3301 (RELATING TO ARSON AND RELATED
11 OFFENSES) .
12 18 PA.C.S. CH. 37 (RELATING TO ROBBERY) .
13 18 PA.C.S. CH. 49 SUBCH. B (RELATING TO VICTIM AND
14 WITNESS INTIMIDATION) .
15 18 PA.C.S. § 6312 (RELATING TO SEXUAL ABUSE OF CHILDREN) .
16 18 PA.C.S. § 6318 (RELATING TO UNLAWFUL CONTACT WITH
17 MINOR) .
18 18 PA.C.S. § 6320 (RELATING TO SEXUAL EXPLOITATION OF
19 CHILDREN) .
20 30 PA.C.S. § 5502.1 (RELATING TO HOMICIDE BY WATERCRAFT
21 WHILE OPERATING UNDER INFLUENCE) .
22 30 PA.C.S. § 5502.2 (RELATING TO HOMICIDE BY WATERCRAFT) .
23 30 PA.C.S. § 5502.3 (RELATING TO AGGRAVATED ASSAULT BY
24 WATERCRAFT WHILE OPERATING UNDER INFLUENCE) .
25 30 PA.C.S. § 5502.4 (RELATING TO AGGRAVATED ASSAULT BY
26 WATERCRAFT) .
27 THE FORMER 75 PA.C.S. § 3731 (RELATING TO DRIVING UNDER
28 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) IN CASES
29 INVOLVING BODILY INJURY.
30 75 PA.C.S. § 3732 (RELATING TO HOMICIDE BY VEHICLE) .

1 75 PA.C.S. § 3732.1 (RELATING TO AGGRAVATED ASSAULT BY
2 VEHICLE).

3 75 PA.C.S. § 3735 (RELATING TO HOMICIDE BY VEHICLE WHILE
4 DRIVING UNDER INFLUENCE).

5 75 PA.C.S. § 3735.1 (RELATING TO AGGRAVATED ASSAULT BY
6 VEHICLE WHILE DRIVING UNDER THE INFLUENCE).

7 [75 PA.C.S. § 3742 (RELATING TO ACCIDENTS INVOLVING DEATH
8 OR PERSONAL INJURY).]

9 75 PA.C.S. CH. 38 (RELATING TO DRIVING AFTER IMBIBING
10 ALCOHOL OR UTILIZING DRUGS) IN CASES INVOLVING BODILY INJURY.
11 THE TERM INCLUDES VIOLATIONS OF ANY PROTECTIVE ORDER ISSUED [AS
12 A RESULT OF AN ACT RELATED TO DOMESTIC VIOLENCE.] UNDER 23
13 PA.C.S. CH. 61 (RELATING TO PROTECTION FROM ABUSE) OR 42 PA.C.S.
14 CH. 62A (RELATING TO PROTECTION OF VICTIMS OF SEXUAL VIOLENCE OR
15 INTIMIDATION) OR A SIMILAR PROTECTIVE ORDER ISSUED OUTSIDE THIS
16 COMMONWEALTH. THE TERM INCLUDES A CRIME OF VIOLENCE AS DEFINED
17 IN 42 PA.C.S. § 9714(G) (RELATING TO SENTENCES FOR SECOND AND
18 SUBSEQUENT OFFENSES).

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

23 18 PA.C.S. § 2802 (RELATING TO HAZING), IF GRADED AS A
24 MISDEMEANOR OF THE THIRD DEGREE.

25 18 PA.C.S. § 5131 (RELATING TO RECRUITING CRIMINAL GANG
26 MEMBERS).

27 75 PA.C.S. § 3733 (RELATING TO FLEEING OR ATTEMPTING TO
28 ELUDE POLICE OFFICER).

29 75 PA.C.S. § 3734 (RELATING TO DRIVING WITHOUT LIGHTS TO
30 AVOID IDENTIFICATION OR ARREST).

1 75 PA.C.S. § 3742 (RELATING TO ACCIDENTS INVOLVING DEATH
2 OR PERSONAL INJURY).

3 75 PA.C.S. § 3742.1 (RELATING TO ACCIDENTS INVOLVING
4 DEATH OR PERSONAL INJURY WHILE NOT PROPERLY LICENSED) IF THE
5 NATURE AND CIRCUMSTANCE OF THE OFFENSE COMMITTED ARE
6 SUBSTANTIALLY SIMILAR TO AN OFFENSE UNDER 75 PA.C.S. § 3742.

7 * * *

8 "SEXUAL ABUSE." CONDUCT WHICH OCCURS IN THIS COMMONWEALTH
9 AND WOULD CONSTITUTE AN OFFENSE UNDER ANY OF THE FOLLOWING
10 PROVISIONS OF 18 PA.C.S. (RELATING TO CRIMES AND OFFENSES):

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

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

15 SECTION 3121 (RELATING TO RAPE).

16 SECTION 3122.1 (RELATING TO STATUTORY SEXUAL ASSAULT).

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

19 SECTION 3124.1 (RELATING TO SEXUAL ASSAULT).

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

22 SECTION 3125 (RELATING TO AGGRAVATED INDECENT ASSAULT).

23 SECTION 3126 (RELATING TO INDECENT ASSAULT).

24 SECTION 3127 (RELATING TO INDECENT EXPOSURE).

25 SECTION 3133 (RELATING TO SEXUAL EXTORTION),

26 SECTION 4302 (RELATING TO INCEST).

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

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

30 * * *

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

4 SECTION 2. SECTION 201(4), (5.2), (7), (8), (8.1), (9), (11)
5 AND (13) OF THE ACT ARE AMENDED AND THE SECTION IS AMENDED BY
6 ADDING A PARAGRAPH TO READ:

7 SECTION 201. RIGHTS.

8 VICTIMS OF CRIME HAVE THE FOLLOWING RIGHTS:

9 * * *

10 (1.1) IF ELIGIBLE TO APPLY, TO BE NOTIFIED OF THE
11 ADDRESS CONFIDENTIALITY PROGRAM UNDER 23 PA.C.S. CH. 67
12 (RELATING TO DOMESTIC AND SEXUAL VIOLENCE VICTIM ADDRESS
13 CONFIDENTIALITY).

14 * * *

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

22 * * *

23 (5.2) UPON REQUEST OF THE VICTIM OF A PERSONAL INJURY
24 RIGHTS CRIME, TO HAVE THE OPPORTUNITY TO SUBMIT WRITTEN
25 COMMENT OR PRESENT ORAL TESTIMONY AT A DISPOSITION REVIEW
26 HEARING, WHICH COMMENT OR TESTIMONY SHALL BE CONSIDERED BY
27 THE COURT WHEN REVIEWING THE DISPOSITION OF THE JUVENILE.

28 * * *

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

1 (I) GIVEN THE OPPORTUNITY TO PROVIDE PRIOR COMMENT
2 ON AND TO RECEIVE STATE POSTSENTENCING RELEASE DECISIONS,
3 INCLUDING WORK RELEASE, FURLOUGH, PAROLE, PARDON OR
4 COMMUNITY TREATMENT CENTER PLACEMENT;

5 (II) PROVIDED IMMEDIATE NOTICE OF AN ESCAPE OF THE
6 ADULT AND OF SUBSEQUENT APPREHENSION; AND

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

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

14 (I) RECEIVE NOTICE OF THE DATE OF THE RELEASE OF THE
15 ADULT, INCLUDING WORK RELEASE, FURLOUGH, PAROLE, RELEASE
16 FROM A BOOT CAMP OR COMMUNITY TREATMENT CENTER PLACEMENT;
17 AND

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

20 (8.1) IF, UPON THE REQUEST OF THE VICTIM OF A PERSONAL
21 INJURY RIGHTS CRIME COMMITTED BY A JUVENILE, THE JUVENILE IS
22 ORDERED TO RESIDENTIAL PLACEMENT, A SHELTER FACILITY OR A
23 DETENTION CENTER, TO:

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

26 (II) BE PROVIDED WITH:

27 (A) IMMEDIATE NOTICE OF AN ESCAPE OF THE
28 JUVENILE, INCLUDING FAILURE TO RETURN FROM TEMPORARY
29 LEAVE OR HOME PASS; AND

30 (B) IMMEDIATE NOTICE OF REAPPREHENSION OF THE

1 JUVENILE.

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

9 (9) IF THE ADULT IS SUBJECT TO AN ORDER UNDER 23 PA.C.S.
10 CH. 61 (RELATING TO PROTECTION FROM ABUSE) OR 42 PA.C.S. CH.
11 62A (RELATING TO PROTECTION OF VICTIMS OF SEXUAL VIOLENCE OR
12 INTIMIDATION) AND IS COMMITTED TO A LOCAL CORRECTIONAL
13 FACILITY FOR A VIOLATION OF THE ORDER OR FOR A PERSONAL
14 INJURY RIGHTS CRIME AGAINST A VICTIM PROTECTED BY THE ORDER,
15 TO RECEIVE IMMEDIATE NOTICE OF THE RELEASE OF THE ADULT ON
16 BAIL.

17 * * *

18 (11) TO HAVE ASSISTANCE IN THE PREPARATION OF,
19 SUBMISSION OF AND FOLLOW-UP ON FINANCIAL ASSISTANCE CLAIMS TO
20 THE [BUREAU] OFFICE OF VICTIMS' SERVICES.

21 * * *

22 (13) UPON THE REQUEST OF THE VICTIM OF A PERSONAL INJURY
23 RIGHTS CRIME, TO BE NOTIFIED OF THE TERMINATION OF THE
24 COURTS' JURISDICTION.

25 SECTION 3. SECTIONS 211, 212(B), (C), (E) AND (F), 213(A),
26 (B), (D), (E), (F) AND (G), 214(A), (B) AND (F) AND 216(B) AND
27 (D) OF THE ACT ARE AMENDED TO READ:

28 SECTION 211. RESPONSIBILITIES OF VICTIMS OF CRIME UNDER BASIC
29 BILL OF RIGHTS.

30 [A] EXCEPT AS PROVIDED FOR VICTIMS ENROLLED IN THE ADDRESS

1 CONFIDENTIALITY PROGRAM UNDER 23 PA.C.S. CH. 67 (RELATING TO
2 DOMESTIC AND SEXUAL VIOLENCE VICTIM ADDRESS CONFIDENTIALITY), A
3 VICTIM SHALL PROVIDE A VALID ADDRESS AND TELEPHONE NUMBER AND
4 ANY OTHER REQUIRED INFORMATION TO ALL AGENCIES RESPONSIBLE FOR
5 PROVIDING INFORMATION AND NOTICE TO THE VICTIM. THE VICTIM SHALL
6 BE RESPONSIBLE FOR PROVIDING TIMELY NOTICE OF ANY CHANGES IN THE
7 STATUS OF THE INFORMATION. THE INFORMATION PROVIDED SHALL NOT BE
8 DISCLOSED TO ANY PERSON OTHER THAN A LAW ENFORCEMENT AGENCY,
9 CORRECTIONS AGENCY OR PROSECUTOR'S OFFICE WITHOUT THE PRIOR
10 WRITTEN CONSENT OF THE VICTIM.

11 SECTION 212. RESPONSIBILITIES OF STATE AND LOCAL LAW
12 ENFORCEMENT AGENCIES.

13 * * *

14 (B) NOTICE.--

15 (1) [LAW ENFORCEMENT AGENCIES SHALL WITHIN 48 HOURS OF
16 REPORTING GIVE NOTICE TO THE DIRECT VICTIM OR, IF
17 APPROPRIATE, A MEMBER OF THE DIRECT VICTIM'S FAMILY OF THE
18 AVAILABILITY OF CRIME VICTIMS' COMPENSATION. THE NOTICE
19 REQUIRED UNDER THIS SUBSECTION SHALL BE IN WRITING AND IN A
20 MANNER AND FORM DEVELOPED BY THE OFFICE OF VICTIMS'
21 SERVICES.] THE LAW ENFORCEMENT AGENCY RESPONDING TO OR
22 INVESTIGATING AN INCIDENT SHALL PROVIDE BASIC INFORMATION ON
23 THE RIGHTS AND SERVICES AVAILABLE FOR CRIME VICTIMS AND THE
24 AVAILABILITY OF CRIME VICTIMS' COMPENSATION TO THE DIRECT
25 VICTIM OR, IF APPROPRIATE, A MEMBER OF THE DIRECT VICTIM'S
26 FAMILY. THE INFORMATION SHALL BE PROVIDED WHEN THE AGENCY HAS
27 FIRST CONTACT WITH THE DIRECT VICTIM OR, IF APPROPRIATE, A
28 MEMBER OF THE DIRECT VICTIM'S FAMILY OR AS SOON AS REASONABLY
29 POSSIBLE. THE INFORMATION REQUIRED UNDER THIS SUBSECTION
30 SHALL BE IN A WRITTEN NOTICE IN A MANNER OR FORM DEVELOPED BY

1 THE OFFICE OF VICTIMS' SERVICES.

2 (2) [LAW ENFORCEMENT AGENCIES SHALL PROVIDE BASIC
3 INFORMATION ON THE RIGHTS AND SERVICES AVAILABLE FOR CRIME
4 VICTIMS. THE INFORMATION SHALL BE IN WRITING AND SHALL BE
5 PROVIDED TO THE VICTIM WITHIN 24 HOURS OF THE LAW ENFORCEMENT
6 AGENCY'S FIRST CONTACT WITH THE VICTIM IN A MANNER AND FORM
7 TO BE DEVELOPED BY THE OFFICE OF VICTIMS' SERVICES.] LAW
8 ENFORCEMENT AGENCIES SHALL BE RESPONSIBLE FOR ENSURING THAT
9 OFFICERS PROVIDE THE NOTIFICATION REQUIRED UNDER PARAGRAPH
10 (1).

11 (C) APPLICATION.--[THE WRITTEN NOTIFICATION PROVIDED FOR IN
12 SUBSECTION (B) (1) SHALL BE ACCOMPANIED BY ONE COPY OF THE
13 APPLICATION FORM FOR CRIME VICTIMS' COMPENSATION. APPLICATION
14 FORMS SHALL BE SUPPLIED BY THE OFFICE OF VICTIMS' SERVICES TO
15 LAW ENFORCEMENT AGENCIES. A RECORD OF THE DATE OF NOTIFICATION
16 SHALL BE MAINTAINED BY THE LAW ENFORCEMENT AGENCY.] THE OFFICE
17 OF VICTIMS' SERVICES SHALL [MAINTAIN A MAILING LIST OF ALL LOCAL
18 LAW ENFORCEMENT AGENCIES] MAKE THE WRITTEN INFORMATION UNDER
19 SUBSECTION (B) (1) AVAILABLE ON THE OFFICE'S PUBLICLY ACCESSIBLE
20 INTERNET WEBSITE AND PROVIDE LAW ENFORCEMENT AGENCIES [WITH
21 FORMS BY WHICH THEY CAN ORDER ADDITIONAL CLAIM FORMS] PRINTED
22 NOTICES AND CLAIM FORMS FOR CRIME VICTIMS' COMPENSATION. THE
23 OFFICE OF VICTIMS' SERVICES SHALL ALSO PROVIDE UPDATES TO LAW
24 ENFORCEMENT AGENCIES ON CHANGES WHICH AFFECT THEIR
25 RESPONSIBILITIES UNDER THIS ACT.

26 (E) [FORMS.--THE FORM DEVELOPED BY THE OFFICE OF VICTIMS'
27 SERVICES SHALL BE ATTACHED TO THE POLICE REPORT AND SHALL
28 INCLUDE A VICTIM CHECKOFF SIGNIFYING THAT THE INFORMATION HAS
29 BEEN PROVIDED TO THE CRIME VICTIM.] CONFIRMATION.--THE LAW
30 ENFORCEMENT AGENCY RESPONDING TO OR INVESTIGATING AN INCIDENT

1 SHALL INDICATE ON THE POLICE REPORT THAT THE INFORMATION
2 REQUIRED UNDER SUBSECTION (B) WAS PROVIDED TO THE DIRECT VICTIM
3 OR, IF APPROPRIATE, A MEMBER OF THE DIRECT VICTIM'S FAMILY.

4 (F) NOTICE IN PERSONAL INJURY RIGHTS CRIMES.--

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

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

20 * * *

21 SECTION 213. RESPONSIBILITIES OF PROSECUTOR'S OFFICE.

22 (A) FORMS.--THE PROSECUTOR'S OFFICE SHALL PROVIDE THE VICTIM
23 OF A PERSONAL INJURY RIGHTS CRIME WITH ALL FORMS DEVELOPED
24 PURSUANT TO SECTIONS 214 AND 215 WITH THE EXCEPTION OF CASES
25 BROUGHT BY THE ATTORNEY GENERAL, WHEREUPON THE VICTIM ADVOCATE
26 SHALL PROVIDE ALL NECESSARY FORMS.

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

1 DIVERSION OF ANY CASE, INCLUDING INFORMAL ADJUSTMENT AND CONSENT
2 DECREE, UNLESS SUCH NOTICE IS PROVIDED BY THE JUVENILE PROBATION
3 OFFICE.

4 * * *

5 (D) RELEASE.-- [IN A PERSONAL INJURY CRIME, THE PROSECUTOR'S
6 OFFICE SHALL PROVIDE NOTICE OF THE OPPORTUNITY TO SUBMIT INPUT
7 INTO STATE CORRECTIONAL RELEASE DECISIONS, TO RECEIVE NOTICE OF
8 ANY RELEASE OF AN ADULT FROM A STATE OR LOCAL CORRECTIONAL
9 FACILITY AND TO RECEIVE NOTICE OF THE COMMITMENT TO A MENTAL
10 HEALTH INSTITUTION FROM A STATE OR LOCAL CORRECTIONAL
11 INSTITUTION.] THE FOLLOWING SHALL APPLY:

12 (1) IN A PERSONAL INJURY RIGHTS CRIME, THE PROSECUTOR'S
13 OFFICE SHALL PROVIDE THE VICTIM ADVOCATE WITH VICTIM
14 INFORMATION ON ALL PERSONAL INJURY CASES WHEN THE OFFENDER IS
15 SENTENCED TO AN INSTITUTION OPERATED BY THE DEPARTMENT SO THE
16 VICTIM ADVOCATE MAY PROVIDE NOTICE TO THE VICTIM OF:

17 (I) THE OPPORTUNITY TO SUBMIT INPUT INTO STATE
18 CORRECTIONAL RELEASE DECISIONS;

19 (II) ANY RELEASE OF AN ADULT OFFENDER FROM A STATE
20 CORRECTIONAL INSTITUTION; AND

21 (III) THE COMMITMENT OF THE OFFENDER TO A MENTAL
22 HEALTH INSTITUTION FROM A STATE CORRECTIONAL INSTITUTION.

23 (2) IN A PERSONAL INJURY RIGHTS CRIME, THE PROSECUTOR'S
24 OFFICE SHALL PROVIDE NOTICE OF ANY RELEASE OF AN ADULT FROM A
25 LOCAL CORRECTIONAL INSTITUTION AND PROVIDE NOTICE OF THE
26 COMMITMENT TO A MENTAL HEALTH INSTITUTION FROM A LOCAL
27 CORRECTIONAL INSTITUTION.

28 (3) EXCEPT AS OTHERWISE PROVIDED BY LAW, IN NO CASE MAY
29 THE VICTIM ADVOCATE WAIVE THE CONFIDENTIALITY OF A VICTIM.

30 (E) DISPOSITION.--IN A PERSONAL INJURY RIGHTS CRIME, IF THE

1 PROSECUTOR'S OFFICE HAS ADVANCE NOTICE OF DISPOSITIONAL
2 PROCEEDING, THE PROSECUTOR SHALL MAKE REASONABLE EFFORTS TO
3 NOTIFY A VICTIM OF THE TIME AND PLACE OF THE PROCEEDING.

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

6 (1) UPON REQUEST OF THE VICTIM, NOTICE OF THE
7 DISPOSITION AND SENTENCE OF AN ADULT, INCLUDING SENTENCE
8 MODIFICATIONS.

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

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

15 (4) PRIOR NOTICE OF DELINQUENCY ADJUDICATION HEARINGS
16 UNLESS SUCH HEARINGS ARE SCHEDULED BY THE JUVENILE PROBATION
17 OFFICE.

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

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

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

26 (G) ASSISTANCE.--THE PROSECUTOR'S OFFICE SHALL PROVIDE
27 ASSISTANCE TO THE VICTIM IN ALL OF THE FOLLOWING:

28 (1) PREPARATION OF STATEMENTS UNDER SECTION 201(5).

29 (2) PREPARATION OF, SUBMISSION OF AND FOLLOW-UP ON
30 FINANCIAL ASSISTANCE CLAIMS FILED WITH THE [BUREAU] OFFICE OF

1 VICTIMS' SERVICES.

2 (3) NOTIFICATION TO THE VICTIM ADVOCATE ON BEHALF OF THE
3 VICTIM FOR PERSONAL INJURY RIGHTS CRIMES IF THE OFFENDER IS
4 SENTENCED TO A STATE CORRECTIONAL INSTITUTION.

5 * * *

6 SECTION 214. RESPONSIBILITIES OF DEPARTMENT, LOCAL CORRECTIONAL
7 FACILITIES AND BOARD.

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

16 (B) NOTICE.--IF THE [DEPARTMENT AND BOARD HAVE] OFFICE HAS
17 RECEIVED NOTICE OF A VICTIM'S DESIRE TO HAVE INPUT UNDER SECTION
18 201(7), THE APPROPRIATE AGENCY SHALL NOTIFY THE VICTIM
19 SUFFICIENTLY IN ADVANCE OF A PENDING RELEASE DECISION TO EXTEND
20 AN OPPORTUNITY FOR PRIOR COMMENT. THE LOCAL CORRECTIONAL
21 FACILITY'S NOTICE TO THE VICTIM UNDER SECTION 201(9) SHALL OCCUR
22 IMMEDIATELY.

23 * * *

24 (F) RECORDS.--RECORDS MAINTAINED BY THE DEPARTMENT, THE
25 LOCAL CORRECTIONAL FACILITY [AND], THE BOARD AND THE OFFICE
26 PERTAINING TO VICTIMS SHALL BE KEPT SEPARATE. CURRENT ADDRESS,
27 TELEPHONE NUMBER AND ANY OTHER PERSONAL INFORMATION OF THE
28 VICTIM AND FAMILY MEMBERS SHALL BE DEEMED CONFIDENTIAL.

29 * * *

30 SECTION 216. RESPONSIBILITIES OF JUVENILE PROBATION OFFICE.

1 * * *

2 (B) ADDITIONAL NOTICE IN CASES INVOLVING A PERSONAL INJURY
3 RIGHTS CRIME OR BURGLARY.--IN CASES INVOLVING A PERSONAL INJURY
4 RIGHTS CRIME OR BURGLARY, THE JUVENILE PROBATION OFFICE SHALL
5 PROVIDE NOTICE AND THE OPPORTUNITY TO PROVIDE PRIOR COMMENT ON
6 THE POTENTIAL REDUCTION OR DROPPING OF A CHARGE OR DIVERSION OF
7 ANY CASE, INCLUDING INFORMAL ADJUSTMENT AND CONSENT DECREE,
8 UNLESS SUCH NOTICE AND OPPORTUNITY IS PROVIDED BY THE
9 PROSECUTOR'S OFFICE. UPON REQUEST, THE VICTIM SHALL ALSO RECEIVE
10 NOTIFICATION OF A REVIEW OF DISPOSITION HEARING.

11 * * *

12 (D) POSTDISPOSITION NOTICE.--UPON THE REQUEST OF THE VICTIM
13 OF A PERSONAL INJURY RIGHTS CRIME, THE JUVENILE PROBATION OFFICE
14 SHALL:

15 (1) PROVIDE PRIOR NOTICE TO THE VICTIM WHEN AN
16 ADJUDICATED DELINQUENT ORDERED INTO RESIDENTIAL PLACEMENT OR
17 OFFICIAL DETENTION WILL BE GRANTED TEMPORARY LEAVE OR HOME
18 PASS OR RELEASE.

19 (2) NOTIFY THE VICTIM OF A PROPOSED RELEASE OR TRANSFER
20 OF AN ADJUDICATED DELINQUENT FROM PLACEMENT THAT IS CONTRARY
21 TO A PREVIOUS COURT ORDER OR PLACEMENT PLAN APPROVED AT A
22 DISPOSITION REVIEW HEARING AND SHALL EXTEND THE VICTIM THE
23 OPPORTUNITY TO PROVIDE A WRITTEN OBJECTION PRIOR TO THE
24 RELEASE OR TRANSFER OF THE JUVENILE FROM PLACEMENT.

25 (3) NOTIFY THE VICTIM IMMEDIATELY OF A JUVENILE'S ESCAPE
26 FROM OFFICIAL DETENTION OR FAILURE TO RETURN FROM TEMPORARY
27 LEAVE OR HOME PASS AND OF THE JUVENILE'S SUBSEQUENT
28 APPREHENSION.

29 (4) NOTIFY THE VICTIM OF THE TERMINATION OF THE JUVENILE
30 COURT JURISDICTION.

1 (5) PROVIDE THE OPPORTUNITY TO SUBMIT WRITTEN COMMENT
2 AND OF THEIR RIGHT TO PROVIDE ORAL TESTIMONY AT A DISPOSITION
3 REVIEW HEARING.

4 SECTION 4. CHAPTER 2 OF THE ACT IS AMENDED BY ADDING A
5 SUBCHAPTER TO READ:

6 SUBCHAPTER C

7 LEGAL STANDING

8 Section 231. Crime victims.

9 A victim, or the Commonwealth upon request of a victim, shall
10 have legal standing to assert and enforce a right enumerated in
11 this act or any other right afforded to the victim by law in a
12 trial or appellate court or before an official body with
13 jurisdiction over the victim's case.

14 Section 232. Construction.

15 This subchapter shall not:

16 (1) Grant party status to a victim.

17 (2) Provide grounds for an individual accused of a crime
18 or act of delinquency to obtain any form of relief in the
19 proceeding in which the individual is accused of a crime or
20 act of delinquency.

21 (3) Create a cause of action for compensation or damages
22 against the Commonwealth, a political subdivision, officer,
23 employee or agent of the Commonwealth, a political
24 subdivision or an officer or employee of a court.

25 Section 233. Commonwealth waiver.

26 The Commonwealth may not assert on behalf of a victim that
27 the victim has waived a right without a showing that the victim
28 has knowingly agreed to the waiver.

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

<--

30 SECTION 5. SECTION 301(A) AND (C) OF THE ACT ARE AMENDED AND <--

1 THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

2 SECTION 301. OFFICE.

3 (A) ESTABLISHMENT.--THERE IS ESTABLISHED WITHIN THE [BOARD]
4 DEPARTMENT THE OFFICE OF VICTIM ADVOCATE TO REPRESENT THE
5 INTERESTS OF CRIME VICTIMS BEFORE THE BOARD OR DEPARTMENT. THE
6 OFFICE SHALL OPERATE UNDER THE DIRECTION OF THE VICTIM ADVOCATE
7 AS PROVIDED IN THIS SECTION. THE OFFICE SHALL FUNCTION
8 INDEPENDENTLY OF THE DEPARTMENT REGARDING ALL OF THE OFFICE'S
9 DECISION-MAKING FUNCTIONS, INCLUDING OTHER POWERS AND DUTIES
10 SPECIFIED IN LAW.

11 * * *

12 (C) SERVICE AND EMPLOYEES.--

13 (1) THE VICTIM ADVOCATE SHALL OPERATE FROM [THE CENTRAL
14 OFFICE OF THE BOARD] OFFICE SPACE PROVIDED BY THE DEPARTMENT
15 WITH SUCH CLERICAL, TECHNICAL AND PROFESSIONAL STAFF AS MAY
16 BE AVAILABLE WITHIN THE BUDGET OF THE [BOARD] DEPARTMENT. THE
17 COMPENSATION OF EMPLOYEES OF THE OFFICE SHALL BE SET BY THE
18 EXECUTIVE BOARD. LEGAL COUNSEL FOR THE OFFICE SHALL BE
19 APPOINTED IN ACCORDANCE WITH THE ACT OF OCTOBER 15, 1980
20 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS ACT.

21 (2) THE HOME ADDRESS OF AN EMPLOYEE OF THE OFFICE SHALL
22 NOT BE CONSIDERED A PUBLIC RECORD UNDER THE ACT OF FEBRUARY
23 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.
24 FINANCIAL RECORDS AND AGGREGATED DATA, OF AND RELATING TO THE
25 OFFICE, AS DEFINED IN THE RIGHT-TO-KNOW LAW, SHALL REMAIN
26 SUBJECT TO THE RIGHT-TO-KNOW LAW, PROVIDED THAT NO RECORD OR
27 DATA IDENTIFYING AN INDIVIDUAL VICTIM MAY BE RELEASED.

28 (D) DISCLOSURE AND CONFIDENTIALITY.--

29 (1) EACH RECORD PERTAINING TO THE VICTIM IN THE
30 POSSESSION OF OR MAINTAINED BY THE OFFICE, INCLUDING

1 INFORMATION REGARDING A VICTIM'S CURRENT CONTACT INFORMATION
2 AND ANY OTHER INFORMATION OR RECORD RELATING TO THE VICTIM,
3 SHALL BE PRIVATE, CONFIDENTIAL AND PRIVILEGED AND THE
4 PROPERTY OF THE OFFICE AND SHALL NOT BE SUBJECT TO ACCESS
5 UNDER THE RIGHT-TO-KNOW LAW. A RECORD OF THE OFFICE MAY NOT
6 BE SUBJECT TO SUBPOENA OR DISCOVERY, INTRODUCED INTO EVIDENCE
7 IN A JUDICIAL OR ADMINISTRATIVE PROCEEDING OR RELEASED TO THE
8 INMATE, PAROLEE OR PROBATIONER.

9 (2) UNLESS A VICTIM WAIVES THE PRIVILEGE IN A SIGNED
10 WRITING PRIOR TO TESTIMONY OR DISCLOSURE, AN EMPLOYEE OF THE
11 OFFICE MAY NOT BE COMPETENT NOR PERMITTED TO TESTIFY OR TO
12 OTHERWISE DISCLOSE CONFIDENTIAL COMMUNICATIONS MADE TO OR BY
13 THE EMPLOYEE OF THE OFFICE. THE PRIVILEGE SHALL TERMINATE
14 UPON THE DEATH OF THE VICTIM. NEITHER THE EMPLOYEE OF THE
15 OFFICE NOR THE VICTIM SHALL WAIVE THE PRIVILEGE OF
16 CONFIDENTIAL COMMUNICATIONS BY REPORTING FACTS OF PHYSICAL OR
17 SEXUAL ASSAULT UNDER 23 PA.C.S. CH. 63 (RELATING TO CHILD
18 PROTECTIVE SERVICES), A FEDERAL OR STATE MANDATORY REPORTING
19 STATUTE OR A LOCAL MANDATORY REPORTING ORDINANCE.

20 SECTION 6. SECTION 302(5) OF THE ACT IS AMENDED AND THE
21 SECTION IS AMENDED BY ADDING PARAGRAPHS TO READ:

22 SECTION 302. POWERS AND DUTIES OF VICTIM ADVOCATE.

23 THE VICTIM ADVOCATE HAS THE FOLLOWING POWERS AND DUTIES:

24 * * *

25 (5) [TO ACT AS A LIAISON WITH THE VICTIM NOTIFICATION
26 PROGRAM DIRECTOR IN THE DEPARTMENT TO COORDINATE VICTIM
27 NOTIFICATION AND SERVICES FOR THE DEPARTMENT AND THE BOARD.
28 THE VICTIM ADVOCATE IS AUTHORIZED TO] TO ADDRESS THE
29 INTERESTS OF ALL VICTIMS BEFORE THE BOARD, DEPARTMENT OR
30 HEARING EXAMINER CONCERNING ANY ISSUES DETERMINED APPROPRIATE

1 BY THE VICTIM ADVOCATE.

2 (6) TO ENSURE THAT ELIGIBLE VICTIMS ARE INFORMED OF THE
3 ADDRESS CONFIDENTIALITY PROGRAM UNDER 23 PA.C.S. CH. 67
4 (RELATING TO DOMESTIC AND SEXUAL VIOLENCE VICTIM ADDRESS
5 CONFIDENTIALITY).

6 (7) TO ADVOCATE FOR THE INTERESTS OF CRIME VICTIMS
7 GENERALLY, INCLUDING THE VICTIMS OF CRIMES COMMITTED BY
8 JUVENILES.

9 SECTION 7. SECTION 312(3) OF THE ACT IS AMENDED TO READ:

10 SECTION 312. POWERS AND DUTIES OF OFFICE OF VICTIMS' SERVICES.

11 THE OFFICE OF VICTIMS' SERVICES, SUBJECT TO APPROVAL OF THE
12 COMMISSION, HAS THE FOLLOWING POWERS AND DUTIES:

13 * * *

14 (3) [TO ADOPT, PROMULGATE, AMEND AND RESCIND SUITABLE
15 RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS AND
16 PURPOSES OF CHAPTER 7. THESE REGULATIONS SHALL PROVIDE FOR
17 THE APPROVAL OF ATTORNEY FEES FOR REPRESENTATION BEFORE THE
18 OFFICE OF VICTIMS' SERVICES, A HEARING EXAMINER OR BEFORE THE
19 COMMONWEALTH COURT UPON JUDICIAL REVIEW UNDER SECTION 705.
20 AWARDS OF THE ATTORNEY FEES SHALL BE IN ADDITION TO AWARDS
21 MADE TO DIRECT VICTIMS. AWARDS OF ATTORNEY FEES SHALL IN NO
22 CASE EXCEED 15% OF THE AWARD TO THE DIRECT VICTIM OR VICTIMS.
23 IT SHALL BE UNLAWFUL FOR AN ATTORNEY TO CONTRACT FOR OR
24 RECEIVE ANY SUM LARGER THAN THE AMOUNT ALLOWED. REGULATIONS
25 UNDER THIS PARAGRAPH SHALL INCLUDE POLICIES, PROCEDURES AND
26 STANDARDS OF REVIEW REGARDING CLAIMS FOR COMPENSATION;
27 APPROVAL OR DENIAL OF CLAIMS, INCLUDING CONTRIBUTORY CONDUCT
28 BY DIRECT VICTIMS; VERIFICATION OF INFORMATION AND DOCUMENTS;
29 PRIORITIZATION OF REVIEW; AND ALL OTHER MATTERS RELATED TO
30 THE PROCESSING.] TO ADOPT, PROMULGATE, AMEND AND RESCIND

1 SUITABLE REGULATIONS TO CARRY OUT THE PROVISIONS AND PURPOSES
2 OF CHAPTER 7. THE REGULATIONS SHALL PROVIDE FOR THE
3 FOLLOWING:

4 (I) THE APPROVAL OF ATTORNEY FEES FOR REPRESENTATION
5 BEFORE THE OFFICE OF VICTIMS' SERVICES, A HEARING
6 EXAMINER OR BEFORE COMMONWEALTH COURT UPON JUDICIAL
7 REVIEW UNDER SECTION 705. AWARDS OF THE ATTORNEY FEES
8 SHALL BE IN ADDITION TO AWARDS MADE TO DIRECT VICTIMS OR
9 CLAIMANTS. AWARDS OF ATTORNEY FEES MAY NOT EXCEED 15% OF
10 THE AWARD TO THE DIRECT VICTIM OR CLAIMANTS. IT SHALL BE
11 UNLAWFUL FOR AN ATTORNEY TO CONTRACT FOR OR RECEIVE A SUM
12 LARGER THAN THE AMOUNT ALLOWED UNDER THIS SUBPARAGRAPH.

13 (II) POLICIES, PROCEDURES AND STANDARDS OF REVIEW
14 REGARDING CLAIMS FOR COMPENSATION.

15 (III) APPROVAL OR DENIAL OF CLAIMS, INCLUDING
16 CONTRIBUTORY CONDUCT BY DIRECT VICTIMS.

17 (IV) VERIFICATION OF INFORMATION AND DOCUMENTS.

18 (V) PRIORITIZATION OF REVIEW.

19 (VI) ALL OTHER MATTERS RELATED TO THE PROCESSING OF
20 CLAIMS.

21 * * *

22 SECTION 8. SECTION 701(A) OF THE ACT IS AMENDED BY ADDING
23 PARAGRAPHS TO READ:

24 SECTION 701. PERSONS ELIGIBLE FOR COMPENSATION.

25 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED IN THIS ACT,
26 THE FOLLOWING PERSONS SHALL BE ELIGIBLE FOR COMPENSATION:

27 * * *

28 (7) HOSPITALS OR OTHER LICENSED HEALTH CARE PROVIDERS
29 UNDER SECTION 707(H).

30 (8) A PERSON ELIGIBLE FOR COUNSELING UNDER THIS CHAPTER.

1 * * *

2 SECTION 9. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
3 SECTION 701.1. COUNSELING SERVICES FOR VICTIMS OF SEXUAL ABUSE.

4 (A) ELIGIBILITY.--THE OFFICE OF VICTIMS' SERVICES SHALL
5 PROVIDE FUNDING FOR COUNSELING SERVICES RELATED TO SEXUAL ABUSE
6 FOR AN INDIVIDUAL WHO IS A DIRECT VICTIM OF SEXUAL ABUSE.
7 PAYMENT SHALL BE MADE DIRECTLY TO THE HEALTH CARE PROVIDER THAT
8 PROVIDES THE SERVICES FROM FUNDING PROVIDED FOR THE
9 IMPLEMENTATION OF THIS SECTION.

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

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

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

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

21 SECTION 10. SECTIONS 702(A) INTRODUCTORY PARAGRAPH, (B),
22 (B.1) AND (C), 703, 704(B) (1) AND (E) AND 706(A) (1) AND (B) OF
23 THE ACT ARE AMENDED TO READ:

24 SECTION 702. FILING OF CLAIMS FOR COMPENSATION.

25 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED IN THIS ACT,
26 A CLAIM FOR COMPENSATION MAY BE FILED BY AN INDIVIDUAL ELIGIBLE
27 FOR COMPENSATION AS PROVIDED IN SECTION 701 OR 701.1, OR AS
28 FOLLOWS:

29 * * *

30 (B) TIME.--

1 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), A CLAIM MUST
2 BE FILED NOT LATER THAN [TWO] FIVE YEARS AFTER THE DISCOVERY
3 OF THE OCCURRENCE OF THE CRIME UPON WHICH THE CLAIM IS BASED
4 OR NOT LATER THAN [TWO] FIVE YEARS AFTER THE DEATH OF THE
5 DIRECT VICTIM OR INTERVENOR AS A RESULT OF THE CRIME OR THE
6 DISCOVERY AND IDENTIFICATION OF THE BODY OF A MURDER VICTIM.

7 (2) EXCEPTIONS SHALL BE AS FOLLOWS:

8 (I.1) CLAIMS FOR COUNSELING SERVICES RELATED TO
9 SEXUAL ABUSE UNDER SECTION 701.1.

10 (II) IF A DIRECT VICTIM IS UNDER 18 YEARS OF AGE AT
11 THE TIME OF THE OCCURRENCE OF THE CRIME AND THE ALLEGED
12 OFFENDER IS THE DIRECT VICTIM'S PARENT OR A PERSON
13 RESPONSIBLE FOR THE DIRECT VICTIM'S WELFARE, AN
14 INDIVIDUAL RESIDING IN THE SAME HOME AS THE DIRECT VICTIM
15 OR A PARAMOUR OF THE DIRECT VICTIM'S PARENT, ALL OF THE
16 FOLLOWING SHALL APPLY:

17 (A) THE LIMITATION PERIOD UNDER THIS SUBSECTION
18 IS TOLLED UNTIL THE DIRECT VICTIM REACHES 21 YEARS OF
19 AGE.

20 (B) THE LIMITATION PERIOD SHALL RUN UNTIL THE
21 LATER OF:

22 (I) THE END OF THE LIMITATION PERIOD FOR THE
23 OFFENSE AS SET FORTH IN 42 PA.C.S. CH. 55 SUBCH.
24 C (RELATING TO CRIMINAL PROCEEDINGS); OR

25 (II) THE END OF THE LIMITATION PERIOD UNDER
26 PARAGRAPH (1).

27 (II.1) IF A DIRECT VICTIM IS UNDER 18 YEARS OF AGE
28 AT THE TIME OF THE OCCURRENCE OF THE CRIME AND THE DIRECT
29 VICTIM IS SEEKING REIMBURSEMENT FOR COUNSELING SERVICES
30 ONLY, ALL OF THE FOLLOWING SHALL APPLY:

1 (A) THE LIMITATION PERIOD UNDER THIS SUBSECTION
2 IS TOLLED UNTIL THE DIRECT VICTIM REACHES 21 YEARS OF
3 AGE.

4 (B) THE LIMITATION PERIOD SHALL RUN UNTIL THE
5 LATER OF:

6 (I) THE END OF THE LIMITATION PERIOD FOR THE
7 OFFENSE AS SET FORTH IN 42 PA.C.S. CH. 55 SUBCH.
8 C; OR

9 (II) THE END OF THE LIMITATION PERIOD UNDER
10 PARAGRAPH (1).

11 (III) THE OFFICE OF VICTIMS' SERVICES MAY FIND GOOD
12 CAUSE TO ACCEPT A CLAIM BEYOND THE LIMITATION PERIOD
13 UNDER PARAGRAPH (1) IF ONE OF THE FOLLOWING CIRCUMSTANCES
14 EXISTED AT THE TIME OF THE OCCURRENCE OF THE CRIME OR THE
15 DISCOVERY OF THE OCCURRENCE OF THE CRIME:

16 (A) THE DIRECT VICTIM, INTERVENOR OR CLAIMANT
17 WAS MENTALLY OR PHYSICALLY INCAPACITATED.

18 (B) THE VICTIM WAS A MINOR.

19 (C) THERE WAS A FEAR OF RETALIATION.

20 (D) THE OCCURRENCE OF THE CRIME WAS NOT READILY
21 APPARENT.

22 (E) OTHER CIRCUMSTANCES WHEN GOOD CAUSE IS SHOWN
23 BY THE CLAIMANT.

24 (B.1) RETURNED CLAIMS.--IF A CLAIM HAS BEEN FILED BUT
25 SUBSEQUENTLY RETURNED TO THE CLAIMANT FOR CORRECTION OR FOR
26 ADDITIONAL VERIFICATION OR INFORMATION, THE DATE THE CLAIM WAS
27 FIRST RECEIVED BY THE [BUREAU] OFFICE OF VICTIMS' SERVICES SHALL
28 BE THE PERMANENT FILING DATE FOR PURPOSES OF SUBSECTION (B). THE
29 CORRECTION OR ADDITIONAL VERIFICATION OR INFORMATION MUST BE
30 FILED WITHIN A PERIOD OF TIME ESTABLISHED BY THE OFFICE OF

1 VICTIMS' SERVICES.

2 (C) MANNER.--CLAIMS MUST BE FILED WITH THE [BUREAU] OFFICE
3 OF VICTIMS' SERVICES IN PERSON, BY MAIL OR BY ANY ELECTRONIC
4 MEANS AUTHORIZED BY THE OFFICE OF VICTIMS' SERVICES.

5 SECTION 703. MINIMUM ALLOWABLE CLAIM.

6 (A) GENERAL RULE.--EXCEPT AS SET FORTH IN SUBSECTION (B), NO
7 AWARD SHALL BE MADE ON A CLAIM UNLESS THE CLAIMANT HAS INCURRED
8 AN AGGREGATE MINIMUM OUT-OF-POCKET LOSS, LOSS OF EARNINGS OR
9 LOSS OF SUPPORT OF [~~\$100~~] \$50.

10 (B) EXCEPTION.--SUBSECTION (A) SHALL NOT APPLY IF THE DIRECT
11 VICTIM OR CLAIMANT WAS 60 YEARS OF AGE OR OLDER AT THE TIME THE
12 CRIME OCCURRED.

13 SECTION 704. DETERMINATION OF CLAIMS.

14 * * *

15 (B) REVIEW.--

16 (1) THE OFFICE OF VICTIMS' SERVICES SHALL REVIEW THE
17 CLAIM AND ALL SUPPORTING DOCUMENTS AND INVESTIGATE THE
18 VALIDITY OF THE CLAIM. THE INVESTIGATION SHALL INCLUDE AN
19 EXAMINATION OF POLICE, COURT AND OFFICIAL RECORDS AND REPORTS
20 CONCERNING THE CRIME AND MAY INCLUDE AN EXAMINATION OF
21 MEDICAL AND HOSPITAL REPORTS RELATING TO THE INJURY UPON
22 WHICH THE CLAIM IS BASED. THE OFFICE OF VICTIMS' SERVICES MAY
23 NOT REQUEST OR REVIEW COUNSELING NOTES OF MENTAL HEALTH
24 SERVICE PROVIDERS. THE OFFICE OF VICTIMS' SERVICES SHALL
25 REQUEST AN ASSESSMENT FROM THE MENTAL HEALTH SERVICE PROVIDER
26 AS TO THE EXTENT THE SERVICE PROVIDED IS NEEDED AS A DIRECT
27 RESULT OF THE CRIME.

28 * * *

29 (E) RECORDS.--THE OFFICE OF VICTIMS' SERVICES SHALL MAINTAIN
30 COMPLETE RECORDS AND HISTORIES ON ALL CLAIMS FILED, SUPPLEMENTAL

1 AWARDS PAID TO CLAIMANTS, CLAIMS STATUS AND THIRD-PARTY
2 ENTITLEMENTS AND RECOVERIES IN ACCORDANCE WITH THE COMMISSION'S
3 ESTABLISHED RECORDS RETENTION SCHEDULE.

4 SECTION 706. EMERGENCY AWARDS.

5 (A) AUTHORIZATION.--NOTWITHSTANDING THE PROVISIONS OF
6 SECTIONS 704 AND 707, IF IT APPEARS TO THE OFFICE OF VICTIMS'
7 SERVICES THAT THE CLAIM IS ONE WITH RESPECT TO WHICH AN AWARD
8 PROBABLY WILL BE MADE AND THAT UNDUE HARDSHIP WILL RESULT TO THE
9 CLAIMANT IF IMMEDIATE PAYMENT IS NOT MADE, THE OFFICE OF
10 VICTIMS' SERVICES MAY MAKE AN EMERGENCY AWARD TO THE CLAIMANT
11 PENDING A FINAL DECISION IN THE CASE. THE FOLLOWING SHALL APPLY:

12 (1) THE TOTAL AMOUNT OF THE EMERGENCY AWARD SHALL NOT
13 EXCEED [**\$1,500 PER CLAIM OR AT**] A RATE SET BY THE OFFICE OF
14 VICTIMS' SERVICES.

15 * * *

16 (B) RECONSIDERATION.--THE OFFICE OF VICTIMS' SERVICES MAY
17 RECONSIDER AN EMERGENCY AWARD AT ANY TIME PRIOR TO THE FINAL
18 DECISION IN THE CASE AND INCREASE PREVIOUS ORDERS FOR EMERGENCY
19 COMPENSATION UP TO THE OVERALL LIMIT OF [**\$1,500 PER CLAIM OR AT**]
20 A RATE SET BY THE OFFICE OF VICTIMS' SERVICES.

21 * * *

22 SECTION 11. SECTION 707(A)(3) AND (4), (A.1), (B)(1), (2),
23 (4) AND (4.1), (F)(1) AND (3) AND (G) OF THE ACT ARE AMENDED,
24 SUBSECTION (F) IS AMENDED BY ADDING A PARAGRAPH AND THE SECTION
25 IS AMENDED BY ADDING A SUBSECTION TO READ:
26 SECTION 707. AWARDS.

27 (A) REQUIREMENTS.--NO AWARD SHALL BE MADE UNLESS IT IS
28 DETERMINED BY A PREPONDERANCE OF THE EVIDENCE THAT:

29 * * *

30 (3) THE CRIME WAS PROMPTLY REPORTED TO THE PROPER

1 AUTHORITIES. [IN NO CASE MAY AN AWARD BE MADE IF THE RECORD
2 SHOWS THAT THE REPORT WAS MADE MORE THAN 72 HOURS AFTER THE
3 OCCURRENCE OF THE CRIME UNLESS:

4 (I) THE VICTIM IS UNDER 18 YEARS OF AGE AT THE TIME
5 OF THE OCCURRENCE OF THE CRIME AND THE ALLEGED OFFENDER
6 IS THE VICTIM'S PARENT OR A PERSON RESPONSIBLE FOR THE
7 VICTIM'S WELFARE, AN INDIVIDUAL RESIDING IN THE SAME HOME
8 AS THE VICTIM OR A PARAMOUR OF THE VICTIM'S PARENT; OR

9 (II) THE OFFICE OF VICTIMS' SERVICES FINDS THE DELAY
10 TO HAVE BEEN JUSTIFIED, CONSISTENT WITH BUREAU
11 REGULATIONS.]

12 (4) THE DIRECT VICTIM, INTERVENOR OR CLAIMANT HAS FULLY
13 COOPERATED WITH ALL LAW ENFORCEMENT AGENCIES AND THE OFFICE
14 OF VICTIMS' SERVICES, UNLESS THE OFFICE OF VICTIMS' SERVICES
15 FINDS THE NONCOMPLIANCE TO HAVE BEEN JUSTIFIED CONSISTENT
16 WITH THE OFFICE OF VICTIMS' SERVICES REGULATIONS. THE OFFICE
17 OF VICTIMS' SERVICES SHALL ENSURE THAT THE REGULATIONS
18 RELATING TO COOPERATION WITH ALL LAW ENFORCEMENT AGENCIES OF
19 A DIRECT VICTIM, INTERVENOR OR CLAIMANT COMPLY WITH ALL
20 APPLICABLE FEDERAL LAWS AND 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 [VICTIM] VICTIMS'
30 SERVICES FINDS THE WITHDRAWAL TO HAVE BEEN JUSTIFIED,

1 CONSISTENT WITH REGULATIONS OF THE OFFICE OF [VICTIM]
2 VICTIMS' SERVICES.

3 (2) [FILED MORE THAN 72 HOURS AFTER THE OCCURRENCE OF
4 THE CRIMINAL CONDUCT LEADING TO THE COMMENCEMENT OF THE
5 ACTION, UNLESS:

6 (I) THE VICTIM IS UNDER 18 YEARS OF AGE AT THE TIME
7 OF THE OCCURRENCE OF THE CRIMINAL CONDUCT AND THE ALLEGED
8 OFFENDER IS THE VICTIM'S PARENT OR A PERSON RESPONSIBLE
9 FOR THE VICTIM'S WELFARE, AN INDIVIDUAL RESIDING IN THE
10 SAME HOME AS THE VICTIM OR A PARAMOUR OF THE VICTIM'S
11 PARENT; OR

12 (II) THE OFFICE OF VICTIM SERVICES FINDS THE DELAY
13 TO HAVE BEEN JUSTIFIED, CONSISTENT WITH REGULATIONS OF
14 THE OFFICE OF VICTIM SERVICES.] (RESERVED).

15 (A.2) SEXUAL VIOLENCE AND INTIMIDATION ORDERS.--A CLAIMANT
16 WHO SATISFIES THE ELIGIBILITY REQUIREMENTS OF SUBSECTION (A) (1),
17 (2) AND (4) MAY SATISFY THE ELIGIBILITY REQUIREMENT UNDER
18 SUBSECTION (A) (3) FOR REPORTING A CRIME TO THE PROPER
19 AUTHORITIES BY COMMENCING AN ACTION BROUGHT IN ACCORDANCE WITH
20 42 PA.C.S. CH. 62A (RELATING TO PROTECTION OF VICTIMS OF SEXUAL
21 VIOLENCE OR INTIMIDATION) AND AS PROVIDED FOR IN THE
22 PENNSYLVANIA RULES OF CIVIL PROCEDURE. AN AWARD MAY NOT BE MADE
23 IF THE RECORD SHOWS THAT THE PETITION WAS WITHDRAWN, EXCEPT IF
24 THE OFFICE OF VICTIMS' SERVICES FINDS THE WITHDRAWAL TO HAVE
25 BEEN JUSTIFIED, CONSISTENT WITH REGULATIONS OF THE OFFICE OF
26 VICTIMS' SERVICES.

27 (B) AMOUNT.--

28 (1) ANY AWARD MADE UNDER THIS CHAPTER SHALL BE
29 CONTINGENT UPON FUNDS BEING AVAILABLE AND BE IN AN AMOUNT NOT
30 EXCEEDING OUT-OF-POCKET LOSS, TOGETHER WITH LOSS OF PAST,

1 PRESENT OR FUTURE EARNINGS OR SUPPORT RESULTING FROM SUCH
2 INJURY. IN NO CASE SHALL THE TOTAL AMOUNT OF AN AWARD EXCEED
3 \$35,000 EXCEPT FOR PAYMENT OF THE FOLLOWING:

4 (I) COUNSELING, THE MAXIMUM AMOUNT OF WHICH SHALL BE
5 IN ACCORDANCE WITH PARAGRAPH (4.1);

6 (II) FORENSIC RAPE EXAMINATION AND MEDICATIONS
7 DIRECTLY RELATED TO THE SEXUAL ASSAULT OR RAPE, THE
8 AMOUNT OF WHICH SHALL NOT EXCEED \$1,000; OR

9 (III) REASONABLE AND NECESSARY COSTS OF CLEANING THE
10 CRIME SCENE OF A PRIVATE RESIDENCE OR PRIVATELY OWNED
11 MOTOR VEHICLE, THE AMOUNT OF WHICH SHALL NOT EXCEED \$500.

12 (2) AN AWARD MADE FOR LOSS OF EARNINGS OR LOSS OF
13 SUPPORT SHALL, UNLESS REDUCED PURSUANT TO OTHER PROVISIONS OF
14 THIS CHAPTER, BE IN AN AMOUNT EQUAL TO THE ACTUAL LOSS
15 SUSTAINED. THE FOLLOWING SHALL APPLY:

16 (I) NO SUCH AWARD SHALL EXCEED THE AVERAGE WEEKLY
17 WAGE FOR ALL PERSONS COVERED BY THE ACT OF DECEMBER 5,
18 1936 (2ND SP.SESS., 1937 P.L.2897, NO.1), KNOWN AS THE
19 UNEMPLOYMENT COMPENSATION LAW, IN THIS COMMONWEALTH AS
20 DETERMINED ANNUALLY BY THE DEPARTMENT OF LABOR AND
21 INDUSTRY FOR EACH WEEK OF LOST EARNINGS OR SUPPORT.

22 (II) EXCEPT AS SET FORTH IN SUBPARAGRAPH (III), THE
23 AGGREGATE AWARD FOR THE LOSS SHALL NOT EXCEED \$15,000.

24 (III) IN THE CASE OF DEATH OF A DIRECT VICTIM OR
25 INTERVENOR, THE AGGREGATE AWARD SHALL NOT EXCEED \$20,000.

26 * * *

27 (4) AN AWARD FOR COUNSELING PERFORMED BY OR UNDER THE
28 SUPERVISION OF A PSYCHIATRIST, PSYCHOLOGIST, LICENSED
29 PROFESSIONAL COUNSELOR OR LICENSED SOCIAL WORKER AND
30 REIMBURSEMENT OF ASSOCIATED TRANSPORTATION COSTS, SUBJECT TO

1 THE PROVISIONS OF PARAGRAPH (4.1) L MAY BE MADE TO:

2 (I) A DIRECT VICTIM;

3 (II) AN INDIVIDUAL RESPONSIBLE FOR THE DIRECT
4 VICTIM'S WELFARE;

5 (III) AN INTERVENOR OR INDIVIDUAL WHO IS PHYSICALLY
6 PRESENT AT THE CRIME SCENE AND WITNESSES A VIOLENT CRIME;

7 (IV) IN THE CASE OF A HOMICIDE, AN INDIVIDUAL WHO
8 DISCOVERS THE BODY;

9 (V) ANYONE RELATED TO THE DIRECT VICTIM WITHIN THE
10 SECOND DEGREE OF CONSANGUINITY OR AFFINITY;

11 (VI) ANYONE MAINTAINING A COMMON-LAW RELATIONSHIP
12 WITH THE DIRECT VICTIM;

13 (VII) ANYONE RESIDING IN THE SAME HOUSEHOLD WITH THE
14 DIRECT VICTIM; OR

15 (VIII) ANYONE ENGAGED TO BE MARRIED TO THE DIRECT
16 VICTIM.

17 (4.1) IN THE CASE OF AN AWARD MADE PURSUANT TO PARAGRAPH
18 (4), THE FOLLOWING SHALL APPLY:

19 (I) THE AMOUNT OF AN AWARD UNDER PARAGRAPH (4) (I)
20 SHALL NOT EXCEED \$5,000 WHERE THE DIRECT VICTIM IS AN
21 ADULT AND SHALL NOT EXCEED \$10,000 WHERE THE DIRECT
22 VICTIM IS A MINOR. A MINOR WHO IS A DIRECT VICTIM OF A
23 SEXUAL OFFENSE MAY REQUEST THAT THE MINOR'S PRIMARY
24 INSURANCE CARRIER NOT BE BILLED FOR COUNSELING SERVICES
25 IF THE POLICY IS HELD OR ADMINISTERED BY EITHER THE
26 ALLEGED PERPETRATOR OF THE CRIME AGAINST THE DIRECT
27 VICTIM OR AN INDIVIDUAL RESPONSIBLE FOR THE MINOR'S
28 WELFARE THAT IS NOT SUPPORTIVE OF COUNSELING SERVICES.

29 (II) THE AMOUNT OF AN AWARD UNDER PARAGRAPH (4) (II),
30 (V), (VI), (VII) OR (VIII) SHALL NOT EXCEED \$2,500 EXCEPT

1 IN THE CASE OF A HOMICIDE WHEREBY THE AMOUNT OF THIS
2 AWARD SHALL NOT EXCEED \$5,000.

3 (III) THE AMOUNT OF AN AWARD UNDER PARAGRAPH (4)
4 (III) OR (IV) SHALL NOT EXCEED \$1,500.

5 * * *

6 (F) DIRECT VICTIM RESPONSIBILITY.--

7 (1) EXCEPT AS SET FORTH IN PARAGRAPHS (2) [AND], (3) AND
8 (4), IN DETERMINING THE AMOUNT OF AN AWARD, THE OFFICE OF
9 VICTIMS' SERVICES SHALL DETERMINE WHETHER THE DIRECT VICTIM
10 OR INTERVENOR, BECAUSE OF CONDUCT, CONTRIBUTED TO THE
11 INFLECTION OF THE INJURY. THE OFFICE OF VICTIMS' SERVICES
12 [SHALL] MAY REDUCE THE AMOUNT OR DENY THE CLAIM ALTOGETHER IN
13 ACCORDANCE WITH THE DETERMINATION.

14 * * *

15 (3) IF THE CRIME INVOLVED IS A HOMICIDE, THE CONDUCT OF
16 THE DIRECT VICTIM SHALL NOT BE CONSIDERED FOR CLAIMS BY
17 ELIGIBLE CLAIMANTS FOR COUNSELING[.] AND FUNERAL EXPENSES.

18 (4) THE CONDUCT OF THE DIRECT VICTIM OR INTERVENOR SHALL
19 NOT BE CONSIDERED FOR CLAIMS BY ELIGIBLE CLAIMANTS FOR
20 COUNSELING.

21 (G) INTERVENOR RESPONSIBILITY.--IN DETERMINING THE AMOUNT OF
22 AN AWARD TO AN INTERVENOR, THE OFFICE OF VICTIMS' SERVICES [MAY]
23 SHALL CONSIDER WHETHER THE INTERVENOR, BECAUSE OF CONDUCT,
24 CONTRIBUTED TO THE INFLECTION OF THE INJURY. THE OFFICE OF
25 VICTIMS' SERVICES [SHALL] MAY REDUCE THE AMOUNT OR DENY THE
26 CLAIM ALTOGETHER IN ACCORDANCE WITH THE DETERMINATION.

27 * * *

28 SECTION 12. SECTIONS 709(A), 901, 1101(B), 1102(A), (B),
29 (C), (D) AND (E) (1), 1301(B) AND 1304(A) AND (B) OF THE ACT ARE
30 AMENDED TO READ:

1 SECTION 709. CONFIDENTIALITY OF RECORDS.

2 (A) GENERAL RULE.--ALL REPORTS, RECORDS OR OTHER INFORMATION
3 OBTAINED OR PRODUCED BY THE [BUREAU] OFFICE OF VICTIMS' SERVICES
4 DURING THE PROCESSING OR INVESTIGATION OF A CLAIM SHALL BE
5 CONFIDENTIAL AND PRIVILEGED, SHALL NOT BE SUBJECT TO SUBPOENA OR
6 DISCOVERY, SHALL BE USED FOR NO PURPOSE OTHER THAN THE
7 PROCESSING OF A CLAIM AND, EXCEPT AS OTHERWISE PROVIDED BY LAW
8 OR AS PROVIDED IN THIS SECTION, SHALL NOT BE INTRODUCED INTO
9 EVIDENCE IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING.

10 * * *

11 SECTION 901. ELIGIBILITY OF VICTIMS.

12 A VICTIM HAS THE RIGHTS AND IS ELIGIBLE FOR THE SERVICES
13 UNDER SECTIONS 201 AND 902 ONLY IF THE VICTIM REPORTED THE CRIME
14 TO LAW ENFORCEMENT AUTHORITIES WITHOUT UNREASONABLE DELAY AFTER
15 [ITS] THE OCCURRENCE OF THE CRIME OR THE DISCOVERY OF THE
16 OCCURRENCE OF THE CRIME, UNLESS THE VICTIM HAD A REASONABLE
17 EXCUSE NOT TO DO SO.

18 SECTION 1101. COSTS.

19 * * *

20 (B) DISPOSITION.--

21 [(1) THERE IS ESTABLISHED A SPECIAL NONLAPSING FUND,
22 KNOWN AS THE CRIME VICTIM'S COMPENSATION FUND. THIS FUND
23 SHALL BE USED BY THE OFFICE OF VICTIMS' SERVICES FOR PAYMENT
24 TO CLAIMANTS AND TECHNICAL ASSISTANCE. THIRTY-FIVE DOLLARS OF
25 THE COSTS IMPOSED UNDER SUBSECTION (A) (1) AND (2) PLUS 30% OF
26 THE COSTS IMPOSED UNDER SUBSECTION (A) (1) WHICH EXCEED \$60
27 SHALL BE PAID INTO THIS FUND. ALL COSTS IMPOSED UNDER
28 SUBSECTION (A) (3) SHALL BE PAID INTO THIS FUND.]

29 [(2) THERE IS ESTABLISHED A SPECIAL NONLAPSING FUND,
30 KNOWN AS THE VICTIM WITNESS SERVICES FUND. THIS FUND SHALL BE

1 USED BY THE COMMISSION FOR VICTIM-WITNESS SERVICES AND
2 TECHNICAL ASSISTANCE IN NONVICTIM COMPENSATION-RELATED AREAS
3 IN ACCORDANCE WITH THIS SECTION. TWENTY-FIVE DOLLARS OF THE
4 COSTS IMPOSED UNDER SUBSECTION (A) (1) AND (2) PLUS 70% OF THE
5 COSTS IMPOSED UNDER SUBSECTION (A) (1) AND (2) WHICH EXCEED
6 \$60 SHALL BE PAID INTO THIS FUND.]

7 (3) THE CRIME VICTIM SERVICES AND COMPENSATION FUND IS
8 ESTABLISHED AS A SPECIAL NONLAPSING FUND. THE FUND SHALL BE
9 USED BY THE OFFICE OF VICTIMS' SERVICES FOR PAYMENT TO
10 CLAIMANTS, VICTIM-WITNESS SERVICES AND TECHNICAL ASSISTANCE.

11 (4) COSTS IMPOSED UNDER SUBSECTION (A) SHALL BE PAID
12 INTO THE CRIME VICTIM SERVICES AND COMPENSATION FUND EXCEPT
13 THAT 70% OF ANY COSTS WHICH EXCEED \$60 SHALL BE PAID INTO A
14 LOCAL VICTIM SERVICES FUND, ESTABLISHED AND ADMINISTERED BY
15 THE COUNTY TREASURER OF EACH COUNTY. THE COUNTY TREASURER
16 SHALL DISPERSE MONEY FROM A LOCAL VICTIM SERVICES FUND AT THE
17 DISCRETION OF THE COUNTY DISTRICT ATTORNEY. THE MONEY IN THE
18 LOCAL VICTIM SERVICES FUND SHALL BE USED ONLY FOR VICTIM
19 SERVICES. EACH COUNTY TREASURER SHALL BY AUGUST 31 OF EACH
20 YEAR PROVIDE THE COMMISSION WITH AN ANNUAL STATEMENT WHICH
21 FULLY REFLECTS ALL COLLECTIONS DEPOSITED INTO AND
22 EXPENDITURES FROM THE LOCAL VICTIM SERVICES FUND FOR THE
23 PRECEDING FISCAL YEAR. THE COMMISSION, AS ADVISED BY THE
24 VICTIM SERVICES ADVISORY COMMITTEE, SHALL DEVELOP GUIDELINES
25 FOR THE ADMINISTRATION OF THE LOCAL VICTIM SERVICES FUNDS.

26 * * *

27 SECTION 1102. COSTS FOR OFFENDER SUPERVISION PROGRAMS.

28 (A) COUNTY FUND.--THE COUNTY TREASURER OF EACH COUNTY SHALL
29 ESTABLISH AND ADMINISTER A [COUNTY OFFENDER SUPERVISION FUND]
30 COUNTY SUPERVISION FEE RESTRICTED RECEIPTS ACCOUNT CONSISTING OF

1 THE FEES COLLECTED UNDER THIS SECTION. THE COUNTY TREASURER
2 SHALL DISPERSE MONEY FROM THIS [FUND] ACCOUNT ONLY AT THE
3 DISCRETION OF THE PRESIDENT JUDGE OF THE COURT OF COMMON PLEAS.
4 THE MONEY IN THIS [FUND] ACCOUNT SHALL BE USED TO PAY THE
5 SALARIES AND EMPLOYEE BENEFITS OF ALL PROBATION AND PAROLE
6 PERSONNEL EMPLOYED BY THE COUNTY PROBATION AND PAROLE DEPARTMENT
7 AND THE TRAINING AND OPERATIONAL EXPENSES OF THAT DEPARTMENT.
8 MONEY FROM THIS [FUND] ACCOUNT SHALL BE USED TO SUPPLEMENT
9 FEDERAL, STATE OR COUNTY APPROPRIATIONS FOR THE COUNTY ADULT
10 PROBATION AND PAROLE DEPARTMENT. THE PRESIDENT JUDGE SHALL BY
11 AUGUST 31 PROVIDE THE [BOARD] COMMISSION WITH AN ANNUAL
12 STATEMENT [WHICH] THAT FULLY REFLECTS ALL COLLECTIONS DEPOSITED
13 INTO AND EXPENDITURES FROM THE [OFFENDER SUPERVISION FUND]
14 COUNTY SUPERVISION FEE RESTRICTED RECEIPTS ACCOUNT FOR THE
15 PRECEDING FISCAL YEAR. THE COMMISSION MAY RANDOMLY AUDIT AND
16 MONITOR ACCOUNT RECIPIENTS TO ENSURE THE APPROPRIATE USE OF
17 FUNDS AND COMPLIANCE WITH THE PROVISIONS OF THIS SECTION. THE
18 [BOARD] COMMISSION SHALL PROMULGATE REGULATIONS TO PROVIDE FOR
19 THE PERMANENT ADMINISTRATION OF THIS PROGRAM, AS ADVISED BY THE
20 COUNTY ADULT PROBATION AND PAROLE ADVISORY COMMITTEE.

21 (B) STATE FUND.--THERE IS ESTABLISHED A STATE OFFENDER
22 SUPERVISION FUND TO BE ADMINISTERED BY THE [BOARD] DEPARTMENT
23 AND COMPRISED OF THE SUPERVISION FEES COLLECTED [BY THE BOARD]
24 UNDER [THIS SECTION] SUBSECTION (D). THE MONEY IN THIS FUND
25 SHALL BE USED TO SUPPLEMENT THE FEDERAL OR STATE FUNDS
26 APPROPRIATED FOR THE IMPROVEMENT OF [ADULT PROBATION SERVICES]
27 STATE PAROLE SUPERVISION.

28 (C) COURT.--THE COURT SHALL IMPOSE AS A CONDITION OF
29 SUPERVISION A MONTHLY SUPERVISION FEE OF AT LEAST \$25 ON ANY
30 OFFENDER PLACED ON PROBATION, PAROLE, ACCELERATED REHABILITATIVE

1 DISPOSITION, PROBATION WITHOUT VERDICT OR INTERMEDIATE
2 PUNISHMENT UNLESS THE COURT FINDS THAT THE FEE SHOULD BE
3 REDUCED, WAIVED OR DEFERRED BASED ON THE OFFENDER'S PRESENT
4 INABILITY TO PAY. [OF THE FEE COLLECTED, 50%] ALL OF THE FEES
5 SHALL BE DEPOSITED INTO THE COUNTY [OFFENDER SUPERVISION FUND]
6 SUPERVISION FEE RESTRICTED RECEIPTS ACCOUNT ESTABLISHED IN EACH
7 COUNTY PURSUANT TO THIS SECTION[, AND THE REMAINING 50% SHALL BE
8 DEPOSITED INTO THE STATE OFFENDER SUPERVISION FUND ESTABLISHED
9 PURSUANT TO THIS SECTION]. IN THE DISCRETION OF THE AUDITOR
10 GENERAL, BUT NO LESS THAN ONCE EVERY THREE YEARS, THE AUDITOR
11 GENERAL SHALL CONDUCT AN AUDIT OF THE ACCOUNT.

12 (D) BOARD.--THE BOARD SHALL IMPOSE AS A CONDITION OF
13 SUPERVISION A MONTHLY SUPERVISION FEE OF AT LEAST \$25 ON ANY
14 OFFENDER UNDER THE [BOARD'S] DEPARTMENT'S SUPERVISION UNLESS THE
15 BOARD FINDS THAT SUCH FEE SHOULD BE REDUCED, WAIVED OR DEFERRED
16 BASED ON THE OFFENDER'S PRESENT INABILITY TO PAY. ALL FEES
17 COLLECTED SHALL BE DEPOSITED INTO THE STATE OFFENDER SUPERVISION
18 FUND [ESTABLISHED UNDER SUBSECTION (B)].

19 (E) CONTINUATION.--

20 (1) FOR OFFENDERS UNDER SUPERVISION OF A COUNTY
21 PROBATION DEPARTMENT OR THE BOARD AS OF [AUGUST 14, 1991] THE
22 DAY PRIOR TO THE EFFECTIVE DATE OF THIS SECTION OR UNDER THE
23 SUPERVISION OF THE DEPARTMENT, THE FEE SHALL AUTOMATICALLY
24 BECOME A PART OF THE SUPERVISION CONDITIONS AS IF THE COURT
25 OR BOARD HAD IMPOSED IT UNLESS THE COURT OR BOARD MAKES A
26 FINDING THAT THE OFFENDER IS PRESENTLY UNABLE TO PAY.

27 * * *

28 SECTION 1301. SUBROGATION.

29 * * *

30 (B) EXCESS.--IF AN AMOUNT GREATER THAN THAT PAID UNDER

1 CHAPTER 7 IS RECOVERED AND COLLECTED IN SUCH AN ACTION, THE
2 COMMONWEALTH SHALL PAY THE BALANCE TO THE CLAIMANT. THE ATTORNEY
3 GENERAL SHALL ENFORCE ANY SUBROGATION. A CLAIMANT WHO FAILS TO
4 NOTIFY THE OFFICE OF VICTIMS' SERVICES OF THE RECEIPT OF FUNDS
5 FROM ANY OTHER CLAIM OR AWARD ARISING OUT OF THE CRIME SHALL
6 FORFEIT AND PAY TO THE COMMONWEALTH AN AMOUNT EQUAL TO ALL
7 AWARDS PAID BY THE [BUREAU] OFFICE OF VICTIMS' SERVICES TO THE
8 CLAIMANT OR ON THE CLAIMANT'S BEHALF.

9 SECTION 1304. REVICTIMIZATION RELIEF.

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

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

23 * * *

24 SECTION 13. ALL MONEY IN THE CRIME VICTIM'S COMPENSATION
25 FUND AND THE VICTIM WITNESS SERVICES FUND SHALL BE TRANSFERRED
26 TO THE CRIME VICTIM SERVICES AND COMPENSATION FUND.

27 SECTION 14. REPEALS ARE AS FOLLOWS:

28 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
29 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF
30 SECTION 701.1 OF THE ACT.

1 (2) 42 PA.C.S. § 9730.3 IS REPEALED.

2 SECTION 15. THE REMAINDER OF THE SUM TRANSFERRED FROM THE
3 GENERAL FUND TO THE CRIME VICTIM'S COMPENSATION FUND UNDER
4 SECTION 8.2 OF THE ACT OF NOVEMBER 26, 2019 (P.L.641, NO.87), IS
5 TRANSFERRED TO THE CRIME VICTIM SERVICES AND COMPENSATION FUND
6 FOR THE PURPOSE OF IMPLEMENTING THIS ACT.

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

20 SECTION 17. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

21 (1) THE FOLLOWING SHALL TAKE EFFECT IMMEDIATELY:

22 (I) SECTION 13 OF THIS ACT.

23 (II) THE AMENDMENT OF SECTION 1101(B) OF THE ACT.

24 (III) THIS SECTION.

25 (2) THE AMENDMENT OR ADDITION OF SECTIONS 103, 231, 232,
26 233, 312(3), 701(A)(7) AND (8), 701.1, 702(A) INTRODUCTORY
27 PARAGRAPH, (B), (B.1) AND (C), 703, 704(B)(1) AND (E), 706(A)
28 (1) AND (B), 707(A)(3) AND (4), (A.1), (A.2), (B)(1), (2),
29 (4) AND (4.1), (F)(1), (3) AND (4) AND (G), 709(A), 901,
30 1102(A), (B), (C), (D) AND (E)(1), 1301(B) AND 1304(A) AND

1 (B) OF THE ACT SHALL TAKE EFFECT IN 60 DAYS.

2 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 270
3 DAYS.