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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 579 Session of  
2015

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INTRODUCED BY GREENLEAF, BLAKE, SCHWANK, BOSCOLA, WILLIAMS,  
VULAKOVICH, BROWNE, RAFFERTY AND PILEGGI, MARCH 2, 2015

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REFERRED TO JUDICIARY, MARCH 2, 2015

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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 general  
5 provisions, providing for short title of title; codifying  
6 provisions relating to the Pennsylvania Commission on Crime  
7 and Delinquency, to sheriffs and to crimes victims; and  
8 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. Title 44 is amended by adding a chapter to read:

2 Chapter

3 1. General Provisions

4 CHAPTER 1

5 GENERAL PROVISIONS

6 Sec.

7 101. Short title of title.

8 § 101. Short title of title.

9 This title shall be known and may be cited as the Law and  
10 Justice Code.

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

12 PART III

13 [INCARCERATION] ADMINISTRATION OF LAW AND JUSTICE

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

15 CHAPTER 31

16 PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

17 Sec.

18 3101. Definitions.

19 3102. Pennsylvania Commission on Crime and Delinquency.

20 3103. Powers and duties of commission.

21 3104. Duties of commission relative to criminal statistics.

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

24 3106. Juvenile Justice and Delinquency Prevention Committee.

25 3107. (Reserved).

26 3108. Justice reinvestment grants.

27 3109. Cooperation by other departments.

28 § 3101. Definitions.

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

1 context clearly indicates otherwise:

2 "Commission." The Pennsylvania Commission on Crime and  
3 Delinquency.

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

6 "Innovative policing." The term shall include all of the  
7 following:

8 (1) Activities to obtain accreditation of municipal  
9 police departments.

10 (2) Online training of law enforcement officers.

11 (3) County and regional law enforcement data-sharing  
12 initiatives.

13 (4) Strategies to combat crime and gang activity,  
14 including intervention, enforcement, technology, analytical  
15 capacity and community policing.

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

21 "Offender diversion." Evidence-based strategies to reduce  
22 the number of short-minimum and mid-minimum offenders committed  
23 to the Department of Corrections.

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

27 "Short-minimum offender." An offender who at the time of  
28 sentencing has less than one year remaining to be served to  
29 reach the offender's minimum sentence, including any applicable  
30 recidivism risk reduction incentive minimum sentence imposed.

1 § 3102. Pennsylvania Commission on Crime and Delinquency.

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

5 (b) Composition.--The commission shall consist of the  
6 following members:

7 (1) The Attorney General.

8 (2) A justice of the Supreme Court of Pennsylvania or a  
9 judge of the Superior Court of Pennsylvania.

10 (3) The Court Administrator of Pennsylvania.

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

12 (5) The Commissioner of Pennsylvania State Police.

13 (6) The chairman of the Appropriations Committee of the  
14 Senate and the chairman of the Appropriations Committee of  
15 the House of Representatives.

16 (7) The chairman of the Juvenile Justice and Delinquency  
17 Prevention Committee.

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

24 (9) Seven members appointed by the Governor, one  
25 representative of local law enforcement agencies, one  
26 representative of local correctional facilities, one  
27 representative of local elected officials, one district  
28 attorney representative, one representative of county  
29 sheriffs, one representative of a local victims' service  
30 agency and one representative of county commissioners.

- 1           (10) The Secretary of Corrections.
- 2           (11) The Victim Advocate.
- 3           (12) The Secretary of Human Services.
- 4           (13) The Secretary of Education.
- 5           (14) The Secretary of Health.
- 6           (15) The Chairman of the Pennsylvania Board of Probation  
7 and Parole.
- 8           (16) The Executive Director of the Juvenile Court  
9 Judges' Commission.
- 10           (17) The Executive Director of the Pennsylvania  
11 Commission on Sentencing.
- 12           (18) The Secretary of Drug and Alcohol Programs.
- 13           (19) The chairmen of the advisory committees established  
14 in the commission.
- 15           (20) Such additional members appointed by the Governor  
16 as are necessary to implement programs authorized by Federal  
17 and State law.
- 18       (c) Judicial appointments.--
- 19           (1) The member required to be a judge of a court of  
20 common pleas shall be appointed by the Chief Justice.
- 21           (2) The member required to be a justice of the Supreme  
22 Court of Pennsylvania or a judge of the Superior Court of  
23 Pennsylvania shall be appointed by the Chief Justice.
- 24           (3) If the Court Administrator cannot serve as a member,  
25 the Chief Justice shall appoint another appropriate judicial  
26 administrative officer of the State to serve as that member.
- 27       (d) Term of office.--
- 28           (1) Members appointed under subsection (b) (9) and (20)  
29 shall serve for a four-year term and may be appointed for no  
30 more than one additional consecutive term. The terms of those

1 members who serve by virtue of the public office they hold  
2 shall be concurrent with their service in the office from  
3 which they derive their membership.

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

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

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

19 (g) Quorum.--A majority of the members shall constitute a  
20 quorum and a vote of the majority of the members present shall  
21 be sufficient for all actions.

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

27 (i) Compensation and expenses.--Members who are not  
28 Commonwealth officers or State, county or municipal employees  
29 shall be paid \$75 a day for attendance at any official meeting.  
30 Reasonable expenses incurred by members shall be allowed and

1 paid upon the presentation of itemized vouchers for the  
2 expenses.

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

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

14 (l) (Reserved).

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

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

23 (o) State Criminal Justice Council.--The commission is  
24 designated as the State Criminal Justice Council for the  
25 purposes of the Omnibus Crime Control and Safe Streets Act of  
26 1968 (Public Law 90-351, 82 Stat. 197) and the Juvenile Justice  
27 and Delinquency Prevention Act of 1974 (Public Law 93-415, 88  
28 Stat. 1109).

29 § 3103. Powers and duties of commission.

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

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

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

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

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

26       (5) To audit the records of recipients of financial  
27 assistance and of their contractors and, for the purpose of  
28 such audits, to have access to all pertinent records required  
29 to be kept by recipients of financial assistance and by their  
30 contractors. The commission shall have the power to subpoena

1 witnesses and records in the execution of its auditing  
2 responsibilities and, upon certification to it of failure to  
3 obey any such subpoena, the Pennsylvania Supreme Court is  
4 empowered after hearing to enter, when proper, an  
5 adjudication of contempt and such other order as the  
6 circumstances require.

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

12 (6.1) To define and collaborate with all State agencies  
13 on planning and programming related to juvenile delinquency  
14 prevention and the reduction and prevention of violence by  
15 and against children.

16 (6.2) To design and promote comprehensive research-based  
17 initiatives to assist communities and community-based  
18 organizations in reducing risk to and promoting the positive  
19 development of children and in preventing juvenile  
20 delinquency and youth violence.

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

25 (8) (Reserved).

26 (9) To cooperate with and render technical assistance to  
27 the General Assembly or a standing committee of the General  
28 Assembly, State agencies, units of general local government  
29 and public and private agencies relating to the improvement  
30 of the criminal and juvenile justice system, including the

1 implementation of special conferences or workshops relating  
2 to special issues or professional improvement of criminal  
3 justice organizations.

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

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

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

14 (13) To promote coordination in the development and  
15 implementation of programs to improve criminal justice and  
16 juvenile justice services throughout the Commonwealth.

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

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

26 (16) To design and to coordinate the development and to  
27 oversee the implementation of an information system to record  
28 transactions and to analyze trends within the Commonwealth's  
29 criminal justice system.

30 (17) (Reserved).

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

8           (19) To establish within the commission, a safe school  
9 advocate for the school district of the first class under  
10 section 1310-A of the act of March 10, 1949 (P.L.30, No.14),  
11 known as the Public School Code of 1949.

12 § 3104. Duties of commission relative to criminal statistics.

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

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

18           (2) (Reserved).

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

22           (4) To instruct such persons and agencies in the  
23 collection and use of such statistical data and in the  
24 reporting of statistical data to the commission.

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

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

1           (7) (Reserved).

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

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

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

19 § 3105. Duties of public agencies and officers in reporting  
20 criminal statistics.

21 Each Commonwealth agency and person in charge of the  
22 apprehension, prosecution and treatment of the criminals and  
23 delinquents, when requested by the commission, shall:

24           (1) Install and maintain records and recording systems  
25 needed for the correct reporting of statistical data required  
26 by the commission.

27           (2) Report statistical data to the commission at such  
28 times and in such manner as the commission prescribes.

29           (3) Give to the staff of the commission access to  
30 statistical data for the purpose of carrying out the duties

1 of the commission relative to criminal statistics.

2 § 3106. Juvenile Justice and Delinquency Prevention Committee.

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

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

7 (1) The Executive Director of the Juvenile Court Judges'  
8 Commission.

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

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

26 (b) Number and qualifications.--

27 (1) The committee shall consist of no less than 15  
28 members or more than 33 members, all of whom shall have had  
29 training or experience in juvenile justice.

30 (2) A majority of the members shall not be full-time

1 employees of the Federal, State or local governments.

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

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

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

15 (e) Chairman.--

16 (1) The Governor shall appoint a chairman from among the  
17 members of the committee who shall serve at the pleasure of  
18 the Governor.

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

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

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

25 (1) Serve in an advisory capacity to the commission  
26 through the committee's participation in the development of  
27 that part of the commission's comprehensive plan relating to  
28 juvenile justice and delinquency prevention.

29 (2) Perform those functions related to the direct  
30 approval and disbursement of financial assistance in an

1 advisory capacity only, but the advisory committee shall have  
2 the opportunity to review and comment on such applications  
3 within 30 days after receipt of the application from the  
4 commission.

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

9 (4) Develop standards, methods and procedures for  
10 evaluating and monitoring services for delinquent and  
11 dependent children.

12 (5) Upon request, provide assistance and advice to the  
13 commission on any other matters relating to juvenile justice  
14 and delinquency prevention.

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

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

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

26 (g) Staff support.--Staff support shall be made available to  
27 the committee by the executive director in order to adequately  
28 perform the duties provided for under this section.

29 § 3107. (Reserved).

30 § 3108. Justice reinvestment grants.

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

5 (b) Savings assessment.--For fiscal years 2013-2014 through  
6 2017-2018, the Office of the Budget shall develop a formula to  
7 calculate the amount of savings to the Department of Corrections  
8 in the prior fiscal year. The calculation may include all of the  
9 following:

10 (1) The reduction in prison population because of the  
11 diversion to counties of mid-minimum and short-minimum  
12 offenders.

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

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

27 (c) Deposit.--

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

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

4           (d) Distributions.--For fiscal years 2013-2014 and 2014-  
5 2015, the money in the fund shall be transferred as follows:

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

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

17           (3) Following distribution under paragraphs (1) and (2),  
18 the remaining money in the fund shall be distributed as  
19 follows:

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

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

26           (iii) Twenty-six percent to the commission for  
27 grants, in consultation with the Pennsylvania Board of  
28 Probation and Parole, for county probation improvement,  
29 to include the reduction of offenders on probation who  
30 violate the terms of their supervision.

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

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

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

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

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

26          (h) Criteria.--The commission, in consultation with the  
27          board, shall adopt criteria for the award of grants by the  
28          commission under this section.

29          (i) Expiration.--This section shall expire July 15, 2018.  
30          § 3109. Cooperation by other departments.

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

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

9 PART IV  
10 OTHER OFFICERS AND  
11 OFFICIALS

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

13 CHAPTER 73  
14 SHERIFFS AND DEPUTY SHERIFFS

15 Subchapter

16 A. General Provisions (Reserved)

17 B. (Reserved)

18 C. Sheriff and Deputy Sheriff Education and Training ◀

19 SUBCHAPTER A

20 GENERAL PROVISIONS

21 (Reserved) ◀

22 SUBCHAPTER B

23 (Reserved) ◀

24 SUBCHAPTER C

25 SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING ◀

26 Sec.

27 7321. Scope of subchapter.

28 7322. Definitions.

29 7323. The Sheriff and Deputy Sheriff Education and Training ◀

30 Board.

1 7324. Powers and duties of the board.

2 7325. Training program.

3 7326. Continuing education.

4 7327. Sheriff training requirement. ◀

5 7328. Deputy sheriff requirement. ◀

6 7329. Revocation of certification. ◀

7 7330. Sheriff and Deputy Sheriff Education and Training ◀

8 Account.

9 7331. Reimbursement to counties. ◀

10 § 7321. Scope of subchapter.

11 This subchapter provides for sheriff and deputy sheriff ◀  
12 education and training.

13 § 7322. Definitions.

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

17 "Account." The Sheriff and Deputy Sheriff Education and ◀  
18 Training Account.

19 "Board." The Sheriff and Deputy Sheriff Education and ◀  
20 Training Board.

21 "Commission." The Pennsylvania Commission on Crime and  
22 Delinquency.

23 § 7323. The Sheriff and Deputy Sheriff Education and Training ◀  
24 Board.

25 (a) Establishment.--The Sheriff and Deputy Sheriff Education ◀  
26 and Training Board is established within the commission.

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

29 (1) The Attorney General.

30 (2) Two judges of the courts of common pleas from

1 different counties.

2 (3) Two sheriffs from different counties with a minimum ◀  
3 of six years' experience as a sheriff or chief deputy.

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

9 (5) One educator qualified in the field of curriculum  
10 design.

11 (6) One county commissioner.

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

19 (d) Vacancies.--A member appointed to fill a vacancy created  
20 by any reason other than expiration of a term shall be appointed  
21 for the unexpired term of the member who the appointee succeeds ◀  
22 in the same manner as the original appointment.

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

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

1 (g) Chair.--The members of the board shall elect a chair ◀  
2 from among the members to serve for a period of one year. A  
3 chair may be elected to serve successive terms. ◀

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

8 § 7324. Powers and duties of the board.

9 The board, with the review and approval of the commission,  
10 shall:

11 (1) Establish, implement and administer the Sheriff and ◀  
12 Deputy Sheriff Education and Training Program according to  
13 the minimum requirements set forth in this subchapter.

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

17 (3) Establish, implement and administer requirements for  
18 courses of study and in-service training for sheriffs holding ◀  
19 office and deputy sheriffs appointed prior to August 9, 1984.

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

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

28 (6) Establish the minimum qualifications for instructors  
29 and certify instructors.

30 (7) Consult and cooperate with universities, colleges,

1 law schools, community colleges and institutes for the  
2 development of specialized courses for sheriffs and deputy ◀  
3 sheriffs.

4 (8) Promote the most efficient and economical program  
5 for sheriff and deputy sheriff training by utilizing existing ◀  
6 facilities, programs and qualified State and local personnel.

7 (9) Certify sheriffs and deputy sheriffs who have ◀  
8 satisfactorily completed the basic education and training  
9 requirements of this subchapter and issue appropriate ◀  
10 certificates to them.

11 (10) Revoke the certification of sheriffs and deputy ◀  
12 sheriffs in accordance with section 7329 (relating to ◀  
13 revocation of certification).

14 (11) Reinstate previously revoked certifications of  
15 sheriffs and deputy sheriffs where the board finds that the  
16 circumstances which led to the revocation of certification  
17 are no longer an impediment to certification.

18 (12) Make rules and regulations and perform other duties ◀  
19 as may be reasonably necessary or appropriate to administer  
20 this subchapter. ◀

21 (13) Make an annual report to the Governor and to the ◀  
22 General Assembly concerning:

23 (i) The administration of the Sheriff and Deputy ◀  
24 Sheriff Education and Training Program.

25 (ii) The activities of the board.

26 (iii) The costs of the program.

27 § 7325. Training program.

28 The Sheriff and Deputy Sheriff Education and Training Program ◀  
29 shall include appropriate training for not less than 160 hours  
30 which content and hours of instruction shall be determined by

1 the board, subject to the review and approval of the commission.  
2 § 7326. Continuing education.

3 The board, with the review and approval of the commission,  
4 shall establish a continuing education program for all sheriffs ◀  
5 and deputy sheriffs, which shall include not less than 20 hours  
6 of continuing education every two years, concerning subjects the  
7 board may deem necessary and appropriate for the continued  
8 education and training of sheriffs and deputy sheriffs. ◀

9 § 7327. Sheriff training requirement. ◀

10 (a) Certification required.--

11 (1) It shall be the duty of any sheriff elected after  
12 the effective date of this section and not holding  
13 certification as either a deputy sheriff or sheriff on the  
14 first Monday in January next following the election, during  
15 the sheriff's term of office:

16 (i) To obtain the education and training as provided  
17 in section 7325 (relating to training program), subject ◀  
18 to any reduction in hours as provided in subsection (c).

19 (ii) To meet the requirements for continuing  
20 education after certification.

21 (iii) To obtain reinstatement of a previously  
22 revoked certification, if applicable.

23 (2) In the case of a county which has adopted a home  
24 rule charter which provides for the appointment of the  
25 sheriff, a sheriff appointed after the effective date of this  
26 section shall obtain certification under this section within  
27 18 months of appointment.

28 (b) Continuing education.--Every sheriff shall, while in  
29 office, meet the requirements for continuing education  
30 established by the board, with the review and approval of the

1 commission.

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

9 (d) Sheriffs in office.--Any sheriff holding office on the  
10 effective date of this section shall be deemed to have satisfied  
11 the requirements for training under section 7325 and shall ◀  
12 receive certification from the board. From the date of the  
13 certification under this subsection, sheriffs shall be subject  
14 to continuing education as provided in subsection (b).

15 (e) Ineligibility.--Any sheriff failing to receive and  
16 maintain certification as provided in this section shall be  
17 ineligible to be on the ballot for the office of sheriff for any  
18 term subsequent to that referred to in subsection (a).

19 (f) Vacancies.--

20 (1) Any person appointed to fill a vacancy in the office  
21 of sheriff shall be certified or, in the alternative, obtain  
22 and maintain certification during the term for which the  
23 person is appointed in accordance with subsection (a). Any  
24 person appointed to fill a vacancy in the office of sheriff  
25 who does not fulfill the requirements of subsection (a) shall  
26 be ineligible for subsequent election as provided in  
27 subsection (e).

28 (2) No person appointed to fill a vacancy in the office  
29 of sheriff where the balance of the unexpired term is less  
30 than one year shall be subject to the requirements of

1 paragraph (1). However, a person who is elected to a term as  
2 sheriff immediately following the person's previously  
3 appointed term of less than one year is subject to the  
4 requirements of subsection (a).

5 (g) Purpose and legislative intent.--It is hereby declared  
6 to be a public policy of this Commonwealth that sheriffs receive  
7 and maintain education and training equivalent to that required  
8 by law of deputy sheriffs in order to preserve the safety of  
9 county facilities, employees and residents. It is further  
10 declared that a newly elected sheriff have an opportunity to  
11 satisfy the requirements of this act during the sheriff's first  
12 term, notwithstanding past training and experience.

13 § 7328. Deputy sheriff training requirement. ◀

14 (a) Diploma.--No person shall be employed or appointed as a  
15 deputy sheriff unless the person is a high school graduate or  
16 has received a secondary school diploma on the basis of general  
17 education development (GED).

18 (b) Prior education, training or experience.--The board,  
19 with the review and approval of the commission, may reduce the  
20 hours of education and training required in section 7325  
21 (relating to training program) for those deputy sheriffs  
22 required to receive education and training who, because of prior  
23 education, training or experience, have acquired knowledge or  
24 skill equivalent to that provided by the program.

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

28 (d) Continuing education.--Any full-time or part-time deputy  
29 sheriff who fails to meet and fails to be certified as having  
30 met the requirements for continuing education established by the

1 board, with the review and approval of the commission, shall be  
2 ineligible to receive any salary, compensation or other  
3 consideration or thing of value for the performance of his or ◀  
4 her duties as a deputy sheriff.

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

11 § 7329. Revocation of certification. ◀

12 (a) Revocation of deputy sheriff certification.--The board  
13 shall revoke the certification of any deputy sheriff for one or  
14 more of the following:

15 (1) Conviction for a felony or misdemeanor of the first  
16 or second degree.

17 (2) Where the board determines the person was dismissed  
18 for cause from employment as a deputy sheriff.

19 (3) Where the board determines the person is physically  
20 or psychologically unfit to perform the duties of the office.

21 (4) Where the board determines the person has committed  
22 misconduct which makes the person unfit to perform the duties  
23 of the office, including:

24 (i) Submission to the board of a document that the  
25 deputy knows contains false information, including  
26 fraudulent application.

27 (ii) Cheating on board examinations or skill tests.

28 (b) Revocation of sheriff certification.--The board shall  
29 revoke the certification of a sheriff only after the sheriff is  
30 removed from office. Nothing in this act shall be interpreted as

1 providing grounds for removal of a sheriff from office, except  
2 as provided for by Article VI of the Constitution of  
3 Pennsylvania.

4 (c) Notification by sheriff.--In the case of a deputy  
5 sheriff, it shall be the responsibility of the sheriff to notify  
6 the board within 15 days of the occurrence of an event described  
7 under subsection (a).

8 (d) Notification by county commissioners.--In the case of a  
9 sheriff, it shall be the responsibility of the county  
10 commissioners to notify the board within 15 days of a sheriff's  
11 removal from office.

12 (e) Regulations.--The board shall establish, with the  
13 approval of the commission, regulations providing for the  
14 following:

15 (1) Notice of a revocation and the right of sheriffs and  
16 deputy sheriffs to request a hearing.

17 (2) Standards and guidelines for application for  
18 recertification following revocation.

19 § 7330. Sheriff and Deputy Sheriff Education and Training ◀  
20 Account.

21 (a) Establishment.--The Sheriff and Deputy Sheriff Education ◀  
22 and Training Account is established as a special restricted  
23 receipts account within the General Fund for the purpose of  
24 financing training program expenses, the costs of administering  
25 the program, reimbursements to counties and all other costs  
26 associated with the activities of the board and the  
27 implementation of this chapter.

28 (b) Surcharge.--A surcharge shall be assessed on each fee  
29 collected by the sheriff of every county upon acceptance for  
30 each service required for any complaint, summons, writ or other

1 legal paper required to be served or posted by the sheriff. The  
2 amount of the surcharge shall be \$10.

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

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

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

17 (c) Disposition of moneys collected.--The moneys collected  
18 under subsection (b) shall be forwarded semiannually by the  
19 sheriff of an individual county to the State Treasurer for  
20 deposit into the account and used exclusively to cover the costs ◀  
21 and expenses of the Sheriff and Deputy Sheriff Education and ◀  
22 Training Program.

23 (d) Disbursements.--Disbursements from the account shall be  
24 made by the commission.

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

29 § 7331. Reimbursement to counties. ◀

30 Each county shall pay the ordinary and necessary living and

1 travel expenses and the regular salary of its sheriff and deputy ◀  
2 sheriffs while attending approved schools. The commission shall  
3 provide for reimbursement to each county of 100% of the regular  
4 salaries of its sheriff and deputy sheriffs and 100% of the ◀  
5 ordinary and necessary living and travel expenses incurred by  
6 its sheriff and deputy sheriffs while attending certified ◀  
7 sheriff and deputy sheriff basic training or continuing  
8 education schools if the county adheres to the training  
9 standards required by this subchapter and established by the ◀  
10 board with the review and approval of the commission. The  
11 commission shall provide for 100% of the tuition incurred by the ◀  
12 sheriff and deputy sheriffs while attending certified sheriff ◀  
13 and deputy sheriff basic training or continuing education  
14 schools.

15 CHAPTER 75

16 VICTIM ADVOCATE

17 Sec.

18 7501. Office of Victim Advocate.

19 7502. Victim advocate.

20 7503. Powers and duties of victim advocate.

21 7511. Parole notification to victim.

22 7512. Petitions to deny parole upon expiration of minimum  
23 sentence.

24 § 7501. Office of Victim Advocate.

25 (a) Establishment.--The Office of Victim Advocate is  
26 established within the Pennsylvania Board of Probation and  
27 Parole to represent the interests of crime victims before the  
28 board or Department of Corrections. The office shall operate  
29 under the direction of the victim advocate as provided in this  
30 chapter.

1 (b) Service and employees.--The victim advocate shall  
2 operate from the central office of the board with such clerical,  
3 technical and professional staff as may be available within the  
4 budget of the board. The compensation of employees of the office  
5 shall be set by the Executive Board.

6 § 7502. Victim advocate.

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

10 (b) Qualifications.--The victim advocate must be an  
11 individual who:

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

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

20 (c) Term of office.--

21 (1) The victim advocate shall hold office for a term of  
22 six years and until a successor shall have been duly  
23 appointed and qualified but in no event more than 90 days  
24 beyond the expiration of the appointed term.

25 (2) A vacancy occurring for any reason shall be filled  
26 in the manner provided by section 8 of Article IV of the  
27 Constitution of Pennsylvania for the remainder of the term.  
28 Whenever the victim advocate's term expires, that position  
29 shall be immediately deemed a vacancy, and the Governor shall  
30 nominate a person to fill that position within 90 days of the

1 date of expiration even if the victim advocate continues in  
2 office.

3 (d) Compensation.--Compensation shall be set by the  
4 Executive Board as defined by the act of April 9, 1929 (P.L.177,  
5 No.175), known as The Administrative Code of 1929.

6 § 7503. Powers and duties of victim advocate.

7 The victim advocate has the following powers and duties:

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

11 (2) To supervise the victim notification duties  
12 presently conducted by the board.

13 (3) To assist in and coordinate the preparation of  
14 testimony by the crime victims as provided in sections  
15 7511(c) (relating to preparole notification to victim) and  
16 7512 (relating to petitions to deny parole upon expiration of  
17 minimum sentence) or the submission of oral, written or  
18 videotaped comments by crime victims prior to a release  
19 decision.

20 (4) To represent the interests of a crime victim under  
21 section 7512.

22 (5) To act as a liaison with the victim notification  
23 program director in the department to coordinate victim  
24 notification and services for the department and the board.  
25 The victim advocate may address the interests of all victims  
26 before the board, department or hearing examiner concerning  
27 any issues determined appropriate by the victim advocate.

28 § 7511. Preparole notification to victim.

29 (a) Persons to be notified.--No later than 90 days prior to  
30 the parole date of an offender, the victim advocate shall notify

1 the victim of the offense for which the offender was sentenced,  
2 the parent or legal guardian of a victim who is a minor or a  
3 member of the family if the victim is incapable of communicating  
4 or has died and shall provide the appropriate person with an  
5 opportunity to submit a preparole statement expressing concerns  
6 or recommendations regarding the parole or parole supervision of  
7 the offender.

8 (b) Enrollment.--A victim or member of the family shall  
9 notify the victim advocate of the victim's or family member's  
10 intent to submit a preparole statement regarding the parole or  
11 parole supervision of the offender. The notice shall include a  
12 mailing address or change of address notification.

13 (c) Procedure.--

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

16 (2) The person shall submit the oral, written or  
17 videotaped preparole statement to the victim advocate within  
18 30 days of the date of notice.

19 (3) The preparole statement shall be considered by the  
20 Pennsylvania Board of Probation and Parole during preparation  
21 of the parole plan.

22 § 7512. Petitions to deny parole upon expiration of minimum  
23 sentence.

24 (a) Petition.--Upon the request of a victim who has notified  
25 the board in writing of the victim's desire to have input and  
26 make comment prior to a parole release decision, the victim  
27 advocate shall petition the Pennsylvania Board of Probation and  
28 Parole:

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

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

4 (b) Appearance.--

5           (1) The victim or the victim's representative shall be  
6 permitted to appear in person and provide testimony before  
7 the panel or the majority of those Pennsylvania Board of  
8 Probation and Parole members charged with making the parole  
9 release decision or, in the alternative, the victim's or  
10 victim's representative's testimony may be presented by  
11 electronic means as provided by the board.

12           (2) The testimony of a victim or victim's representative  
13 shall be confidential. Records maintained by the Department  
14 of Corrections and the board pertaining to victims shall be  
15 kept separate from other records, and these victim records,  
16 including current address, telephone number and any other  
17 personal information of the victim and family members, shall  
18 be deemed confidential.

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

22           (1) Order that special conditions of parole be placed  
23 upon the offender or the offender not be paroled based upon  
24 the continuing effect of the crime on the victim.

25           (2) Order that the offender not be paroled if the board  
26 finds that:

27           (i) the offender would pose a risk or danger to the  
28 victim or the family of the victim, if the offender were  
29 released on parole; or

30           (ii) the interests of the Commonwealth would

1 otherwise be injured.

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

5 (e) District attorney.--Notwithstanding any other statutory  
6 provision, the office of the district attorney of the sentencing  
7 county may notify a crime victim of a pending release decision  
8 and act on the victim's behalf or on its own initiative to  
9 submit comments and represent the interests of a crime victim  
10 before the Pennsylvania Board of Probation and Parole prior to a  
11 release decision.

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

13 PART V

14 VICTIM SERVICES

15 Chapter

16 81. Preliminary Provisions

17 82. Crime Victims

18 83. Administration

19 85. (Reserved)

20 87. Compensation

21 89. Services

22 91. Financial Matters

23 93. Enforcement

24 95. Miscellaneous Provisions

25 CHAPTER 81

26 PRELIMINARY PROVISIONS

27 Sec.

28 8101. Short title of part.

29 8102. Legislative intent.

30 8103. Definitions.

1 § 8101. Short title of part.

2 This part shall be known and may be cited as the Crime  
3 Victims Act.

4 § 8102. Legislative intent.

5 The General Assembly finds and declares as follows:

6 (1) In recognition of the civic and moral duty of  
7 victims of crime to fully and voluntarily cooperate with law  
8 enforcement and prosecutorial agencies and in further  
9 recognition of the continuing importance of victim  
10 cooperation to State and local law enforcement efforts and  
11 the general effectiveness and well-being of the criminal  
12 justice system of this Commonwealth, all victims of crime are  
13 to be treated with dignity, respect, courtesy and  
14 sensitivity.

15 (2) The rights extended to victims of crime in Chapter  
16 82 (relating to crime victims) are to be honored and  
17 protected by law enforcement agencies, prosecutors and judges  
18 in a manner no less vigorous than the protections afforded  
19 criminal defendants.

20 § 8103. Definitions.

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

24 "Adult." Any of the following:

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

27 (2) An individual who is subject to criminal court  
28 jurisdiction following the transfer of a case to criminal  
29 proceedings.

30 (3) An individual who is subject to criminal court

1 jurisdiction after having been charged with a crime excluded  
2 from paragraph (2) (i), (ii), (iii) or (v) of the definition  
3 of "delinquent act" under 42 Pa.C.S. § 6302 (relating to  
4 definitions).

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

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

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

10 "Commission." The Pennsylvania Commission on Crime and  
11 Delinquency.

12 "Committee." The Victims' Services Advisory Committee  
13 established in section 8321 (relating to Victims' Services  
14 Advisory Committee).

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

17 "County correctional institution." As defined in 61 Pa.C.S.  
18 § 102 (relating to definitions). The term does not include a  
19 facility used for the detention or confinement of juveniles.

20 "Crime." An act which was committed:

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

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

27 (ii) Any provision of:

28 18 Pa.C.S. (relating to crimes and offenses).

29 30 Pa.C.S. § 5502 (relating to operating  
30 watercraft under influence of alcohol or controlled

1 substance).

2 30 Pa.C.S. § 5502.1 (relating to homicide by  
3 watercraft while operating under influence).

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

6 75 Pa.C.S. § 3732 (relating to homicide by  
7 vehicle).

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

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

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

15 75 Pa.C.S. Ch. 38 (relating to driving after  
16 imbibing alcohol or utilizing drugs).

17 (iii) The laws of the United States.

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

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

23 "Department." The Department of Corrections of the  
24 Commonwealth.

25 "Direct victim." An individual against whom a crime has been  
26 committed or attempted and who as a direct result of the  
27 criminal act or attempt suffers physical or mental injury, death  
28 or the loss of earnings under this part. The term shall not  
29 include the alleged offender. The term includes a resident of  
30 this Commonwealth against whom an act has been committed or

1 attempted which otherwise would constitute a crime as defined in  
2 this part but for its occurrence in a location other than this  
3 Commonwealth and for which the individual would otherwise be  
4 compensated by the crime victim compensation program of the  
5 location where the act occurred but for the ineligibility of  
6 such program under the provisions of the Victims of Crime Act of  
7 1984 (Public Law 98-473, 42 U.S.C. § 10601 et seq.).

8 "Dispositional proceeding." A proceeding which occurs in  
9 open common pleas court which potentially could dispose of the  
10 case. The term includes Accelerated Rehabilitative Disposition,  
11 pleas, trial and sentence.

12 "Diversionary program." A program which is used to divert a  
13 defendant to an alternative form of disposition under the  
14 Pennsylvania Rules of Criminal Procedure or statutory authority.  
15 The term includes dispositions authorized by Rules 160, 176 and  
16 314 of the Pennsylvania Rules of Criminal Procedure and sections  
17 17 and 18 of the act of April 14, 1972 (P.L.233, No.64), known  
18 as The Controlled Substance, Drug, Device and Cosmetic Act.

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

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

22 (2) anyone maintaining a common-law relationship with  
23 the individual; or

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

26 "Injury." Includes physical or mental damages incurred as a  
27 direct result of a crime and aggravation of existing injuries if  
28 additional losses can be attributed to the direct result of a  
29 crime.

30 "International terrorism." Activities which meet all of the

1 following:

2 (1) Involve violent acts or acts dangerous to human life  
3 that are a violation of the criminal laws of the United  
4 States or of any state or that would be a criminal violation  
5 if committed within the jurisdiction of the United States or  
6 of any state.

7 (2) Appear to be intended:

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

9 (ii) to influence the policy of a government by  
10 intimidation or coercion; or

11 (iii) to affect the conduct of a government by  
12 assassination or kidnapping.

13 (3) Occur primarily outside of the territorial  
14 jurisdiction of the United States or transcend national  
15 boundaries in terms of the means by which they are  
16 accomplished, the persons they appear intended to intimidate  
17 or coerce or the locale in which their perpetrators operate  
18 or seek asylum.

19 "Intervenor." An individual who goes to the aid of another  
20 and suffers physical or mental injury or death as a direct  
21 result of acting not recklessly to prevent the commission of a  
22 crime, to lawfully apprehend a person reasonably suspected of  
23 having committed such crime or to aid the victim of such crime.

24 "Juvenile." An individual who is alleged or has been  
25 determined to be a "delinquent child" as defined in 42 Pa.C.S. §  
26 6302 (relating to definitions).

27 "Law enforcement agency." The Pennsylvania State Police and  
28 a local law enforcement agency.

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

1 "Loss of earnings." Includes the loss of the cash equivalent  
2 of one month's worth of Social Security, railroad retirement,  
3 pension plan, retirement plan, disability, veteran's retirement,  
4 court-ordered child support or court-ordered spousal support  
5 payments if the payments are the primary source of a victim's  
6 income and the victim is deprived of money as a direct result of  
7 a crime.

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

10 "Office of Victims' Services." The Office of Victims'  
11 Services in the Pennsylvania Commission on Crime and  
12 Delinquency.

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

16 (1) Expenses for unreimbursed and unreimbursable  
17 expenses or indebtedness incurred for medical care,  
18 nonmedical remedial care and treatment as approved by the  
19 Office of Victims' Services or other services.

20 (2) Expenses for counseling, prosthetic devices,  
21 wheelchairs, canes, walkers, hearing aids, eyeglasses or  
22 other corrective lenses or dental devices reasonably  
23 necessary as a result of the crime upon which a claim is  
24 based and for which the claimant either has paid or is  
25 liable.

26 (3) Expenses related to the reasonable and necessary  
27 costs of cleaning a crime scene of a private residence.

28 "Cleaning" means to remove or attempt to remove stains or  
29 blood caused by a crime or other dirt or debris caused by the  
30 processing of a crime scene.

1           (4) Expenses resulting from the temporary or permanent  
2 relocation of a direct victim and individuals residing in the  
3 household of the direct victim due to the incident forming  
4 the basis of the victim's claim when there is an immediate  
5 need to protect the safety and health of the victim and  
6 individuals residing in the household, as verified by a  
7 medical provider, human services provider or law enforcement.

8           (5) Expenses for physical examinations and materials  
9 used to obtain evidence.

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

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

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

17           18 Pa.C.S. Ch. 25 (relating to criminal homicide).

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

19           18 Pa.C.S. Ch. 29 (relating to kidnapping).

20           18 Pa.C.S. Ch. 31 (relating to sexual offenses).

21           18 Pa.C.S. § 3301 (relating to arson and related  
22 offenses).

23           18 Pa.C.S. Ch. 37 (relating to robbery).

24           18 Pa.C.S. Ch. 49 Subch. B (relating to victim and  
25 witness intimidation).

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

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

1           75 Pa.C.S. § 3732 (relating to homicide by vehicle).

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

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

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

8           75 Pa.C.S. Ch. 38 (relating to driving after imbibing  
9 alcohol or utilizing drugs) in cases involving bodily injury.  
10 The term includes violations of any protective order issued as a  
11 result of an act related to domestic violence.

12           "Preadjudication disposition." Any of the following:

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

15           (2) Disposition of a juvenile prior to an adjudication  
16 of delinquency under 42 Pa.C.S. Ch. 63 (relating to juvenile  
17 matters), including informal adjustment as set forth in 42  
18 Pa.C.S. § 6323 (relating to informal adjustment), and consent  
19 decree as set forth in 42 Pa.C.S. § 6340 (relating to consent  
20 decree).

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

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

25           "Victim." The term means the following:

26           (1) A direct victim.

27           (2) A parent or legal guardian of a child who is a  
28 direct victim, except when the parent or legal guardian of  
29 the child is the alleged offender.

30           (3) A minor child who is a material witness to any of

1 the following crimes and offenses under 18 Pa.C.S. (relating  
2 to crimes and offenses) committed or attempted against a  
3 member of the child's family:

4 Chapter 25 (relating to criminal homicide).

5 Section 2702 (relating to aggravated assault).

6 Section 3121 (relating to rape).

7 (4) A family member of a homicide victim, including  
8 stepbrothers or stepsisters, stepchildren, stepparents or a  
9 fiance, one of whom is to be identified to receive  
10 communication as provided for in this part, except where the  
11 family member is the alleged offender.

12 "Victim advocate." The victim advocate in the Office of  
13 Victim Advocate within the Pennsylvania Board of Probation and  
14 Parole.

15 CHAPTER 82

16 CRIME VICTIMS

17 Subchapter

18 A. Bill of Rights

19 B. Responsibilities

20 SUBCHAPTER A

21 BILL OF RIGHTS

22 Sec.

23 8201. Rights.

24 § 8201. Rights.

25 Victims of crime have the following rights:

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

28 (2) To be notified of certain significant actions and  
29 proceedings within the criminal and juvenile justice systems  
30 pertaining to their case. This paragraph includes all of the

1 following:

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

5 (ii) Immediate notification of a juvenile's  
6 preadjudication escape from a detention center or shelter  
7 facility and of the juvenile's subsequent apprehension.

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

10 (iv) Immediate notification of an adult offender's  
11 pretrial escape from a local correctional facility and of  
12 the offender's subsequent apprehension.

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

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

24 (5) To have opportunity to offer prior comment on the  
25 sentencing of a defendant or the disposition of a delinquent  
26 child, to include the submission of a written and oral victim  
27 impact statement detailing the physical, psychological and  
28 economic effects of the crime on the victim and the victim's  
29 family. The written statement shall be included in any  
30 predisposition or presentence report submitted to the court.

1 Victim-impact statements shall be considered by a court when  
2 determining the disposition of a juvenile or sentence of an  
3 adult.

4 (5.1) To have notice and to provide prior comment on a  
5 judicial recommendation that the defendant participate in a  
6 motivational boot camp under 61 Pa.C.S. Ch. 39 (relating to  
7 motivational boot camp).

8 (5.2) Upon request of the victim of a personal injury  
9 crime, to have the opportunity to submit written comment or  
10 present oral testimony at a disposition review hearing, which  
11 comment or testimony shall be considered by the court when  
12 reviewing the disposition of the juvenile.

13 (6) To be restored, to the extent possible, to the  
14 precrime economic status through the provision of  
15 restitution, compensation and the expeditious return of  
16 property which is seized as evidence in the case when in the  
17 judgment of the prosecutor the evidence is no longer needed  
18 for prosecution of the case.

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

21 (i) given the opportunity to provide prior comment  
22 on and to receive State postsentencing release decisions,  
23 including work release, furlough, parole, pardon or  
24 community treatment center placement;

25 (ii) provided immediate notice of an escape of the  
26 adult and of subsequent apprehension; and

27 (iii) given the opportunity to receive notice of and  
28 to provide prior comment on a recommendation sought by  
29 the Department of Corrections that the offender  
30 participate in a motivational boot camp under 61 Pa.C.S.

1           Ch. 39.

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

4           (i) receive notice of the date of the release of the  
5 adult, including work release, furlough, parole, release  
6 from a boot camp or community treatment center placement;  
7 and

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

10          (8.1) If, upon the request of the victim of a personal  
11 injury crime committed by a juvenile, the juvenile is ordered  
12 to residential placement, a shelter facility or a detention  
13 center, to:

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

16          (ii) Be provided with:

17                (A) immediate notice of an escape of the  
18 juvenile, including failure to return from temporary  
19 leave or home pass; and

20                (B) immediate notice of reaprehension of the  
21 juvenile.

22          (iii) Be provided with notice of transfer of a  
23 juvenile who has been adjudicated delinquent from a  
24 placement facility that is contrary to a previous court  
25 order or placement plan approved at a disposition review  
26 hearing and to have the opportunity to express a written  
27 objection prior to the release or transfer of the  
28 juvenile.

29          (9) If the adult is subject to an order under 23 Pa.C.S.  
30 Ch. 61 (relating to protection from abuse) and is committed

1 to a county correctional institution for a violation of the  
2 order or for a personal injury crime against a victim  
3 protected by the order, to receive immediate notice of the  
4 release of the adult on bail.

5 (10) To receive notice if an adult is committed to a  
6 mental health institution from a State correctional  
7 institution and notice of the discharge, transfer or escape  
8 of the adult from the mental health institution.

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

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

15 (13) Upon the request of the victim of a personal injury  
16 crime, to be notified of the termination of the court's  
17 jurisdiction.

18 SUBCHAPTER B

19 RESPONSIBILITIES

20 Sec.

21 8211. Responsibilities of victims of crime under basic bill of  
22 rights.

23 8212. Responsibilities of State and local law enforcement  
24 agencies.

25 8213. Responsibilities of prosecutor's office.

26 8214. Responsibilities of department, county correctional  
27 institutions and board.

28 8215. Responsibilities of Department of Human Services and  
29 mental health institutions under basic bill of  
30 rights.

1 8216. Responsibilities of juvenile probation office.

2 § 8211. Responsibilities of victims of crime under basic bill  
3 of rights.

4 A victim shall provide a valid address and telephone number  
5 and any other required information to all agencies responsible  
6 for providing information and notice to the victim. The victim  
7 shall provide timely notice of any changes in the status of the  
8 information. The information provided shall not be disclosed to  
9 any person other than a law enforcement agency, corrections  
10 agency or prosecutor's office without the prior written consent  
11 of the victim.

12 § 8212. Responsibilities of State and local law enforcement  
13 agencies.

14 (a) Training.--A law enforcement agency shall ensure that  
15 all of its officers and employees are familiar with crime  
16 victims' compensation as provided for in Chapter 87 (relating to  
17 compensation). Instruction concerning crime victims'  
18 compensation shall be made a part of the training curriculum for  
19 all trainee officers.

20 (b) Notice.--

21 (1) Law enforcement agencies shall within 48 hours of  
22 reporting give notice to the direct victim or, if  
23 appropriate, a member of the direct victim's family of the  
24 availability of crime victims' compensation. The notice  
25 required under this subsection shall be in writing and in a  
26 manner and form developed by the Office of Victims' Services.

27 (2) Law enforcement agencies shall provide basic  
28 information on the rights and services available for crime  
29 victims. The information shall be in writing and shall be  
30 provided to the victim within 24 hours of the law enforcement

1 agency's first contact with the victim in a manner and form  
2 to be developed by the Office of Victims' Services.

3 (c) Application.--The written notification provided for in  
4 subsection (b) (1) shall be accompanied by one copy of the  
5 application form for crime victims' compensation. Application  
6 forms shall be supplied by the Office of Victims' Services to  
7 law enforcement agencies. A record of the date of notification  
8 shall be maintained by the law enforcement agency. The Office of  
9 Victims' Services shall maintain a mailing list of all local law  
10 enforcement agencies and provide law enforcement agencies with  
11 forms by which they can order additional claim forms. The Office  
12 of Victims' Services shall also provide updates to law  
13 enforcement agencies on changes which affect their  
14 responsibilities under this part.

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

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

20 (1) In a personal injury crime, the law enforcement  
21 agency shall make reasonable efforts to notify the victim of  
22 the arrest of the suspect and of the filing or forwarding of  
23 a complaint relating to the crime as soon as possible. Unless  
24 the victim cannot be located, notice of the arrest shall be  
25 provided not more than 24 hours after the preliminary  
26 arraignment. In a case alleging delinquency, notice of the  
27 filing or forwarding of a complaint shall be provided not  
28 more than 24 hours after the complaint has been filed or  
29 forwarded to the juvenile probation office or district  
30 attorney.

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

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

9           § 8213. Responsibilities of prosecutor's office.

10          (a) Forms.--The prosecutor's office shall provide the victim  
11          of a personal injury crime with all forms developed under  
12          sections 8214 (relating to responsibilities of department,  
13          county correctional institutions and board) and 8215 (relating  
14          to responsibilities of Department of Human Services and mental  
15          health institutions under basic bill of rights).

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

22          (c) Sentencing.--The prosecutor's office shall provide  
23          notice of the opportunity to offer prior comment on the  
24          sentencing of an adult and disposition of a juvenile. The prior  
25          comment includes the submission of oral and written victim  
26          impact statements. The prosecutor's office shall assist a victim  
27          who requests assistance to prepare this comment.

28          (d) Release.--In a personal injury crime, the prosecutor's  
29          office shall provide notice of the opportunity to submit input  
30          into State correctional release decisions, to receive notice of

1 any release of an adult from a correctional institution and to  
2 receive notice of the commitment to a mental health institution  
3 from a correctional institution.

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

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

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

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

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

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

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

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

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

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

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

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

6           (h) Return of property.--The prosecutor's office shall  
7           return to the victim any property seized as evidence if the  
8           prosecutor's office determines that the evidence is no longer  
9           needed for prosecution.

10          § 8214. Responsibilities of department, county correctional  
11           institutions and board.

12          (a) Forms.--The department and the board shall develop  
13          standardized forms regarding victim notification. The form shall  
14          include the address where the form is to be sent. The department  
15          shall develop a standardized form which may be used by county  
16          correctional institutions. In the case of a county with victim-  
17          witness coordinators, the county correctional institution shall  
18          perform its responsibilities under this section in cooperation  
19          with the county's victim-witness coordinator.

20          (b) Notice.--If the department and board have received  
21          notice of a victim's desire to have input under section 8201(7)  
22          (relating to rights), the appropriate agency shall notify the  
23          victim sufficiently in advance of a pending release decision to  
24          extend an opportunity for prior comment. The county correctional  
25          institution's notice to the victim under section 8201(9) shall  
26          occur immediately.

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

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

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

12 (f) Records.--Records maintained by the department, the  
13 county correctional institution and the board pertaining to  
14 victims shall be kept separate. Current address, telephone  
15 number and any other personal information of the victim and  
16 family members shall be deemed confidential.

17 (g) Release of offender.--The department, the county  
18 correctional institution or the board shall notify the victim of  
19 the final decision rendered, the date of any release and  
20 relevant conditions imposed prior to the release of the  
21 offender.

22 § 8215. Responsibilities of Department of Human Services and  
23 mental health institutions under basic bill of  
24 rights.

25 (a) Forms.--The Department of Human Services shall develop  
26 standardized forms, which shall include the address where the  
27 completed form is to be sent, for the receipt of notice from a  
28 victim concerning the victim's interest in discharge decisions  
29 and notification of an escape. Sufficient copies of the forms  
30 shall be provided to the office of the district attorney for

1 distribution to victims upon court-ordered commitment of the  
2 offender to a mental health institution in the State system.

3 (b) Designated staff.--If the Department of Human Services  
4 has received notice of a victim's desire to receive notification  
5 as provided for in section 8201(10) (relating to rights)  
6 regarding release, placement or escape of the offender, the  
7 Department of Human Services shall designate the appropriate  
8 official to notify the victim of the discharge of the offender  
9 from the mental health institution and the facility to which the  
10 offender was discharged within 24 hours of the discharge. The  
11 Department of Human Services or the designated official shall  
12 immediately notify the victim of an escape of the offender from  
13 the mental health institution.

14 § 8216. Responsibilities of juvenile probation office.

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

17 (1) Prior notice of a delinquency adjudication hearing  
18 unless the hearing has been scheduled by the prosecutor's  
19 office.

20 (2) Notification of a disposition hearing.

21 (3) Notice of a juvenile's preadjudication escape from a  
22 detention center or shelter facility and of the juvenile's  
23 subsequent apprehension.

24 (4) Upon request, notice of whether the juvenile  
25 probation office has detained or released the juvenile  
26 following arrest and whether a delinquency petition has been  
27 filed.

28 (5) Notice of the details of the final disposition of  
29 the case consistent with 42 Pa.C.S. § 6336(f) (relating to  
30 conduct of hearings) unless provided by the prosecutor's

1 office.

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

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

12 (1) Offer the victim the opportunity to provide a  
13 written victim impact statement to be considered in the  
14 disposition of a case and included as part of any  
15 predisposition report submitted to the court.

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

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

21 (1) Provide prior notice to the victim when a juvenile  
22 who has been adjudicated delinquent and ordered into  
23 residential placement or official detention will be granted  
24 temporary leave or home pass or release.

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



1 determine.

2 (c) Staff.--The director of the Office of Victims' Services  
3 may employ personnel and contract for services as necessary and  
4 authorized to carry out the purposes of the Office of Victims'  
5 Services.

6 § 8312. Powers and duties of Office of Victims' Services.

7 The Office of Victims' Services, subject to approval of the  
8 commission, shall:

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

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

16 (3) Adopt, promulgate, amend and rescind suitable rules  
17 and regulations to carry out the provisions and purposes of  
18 Chapter 87 (relating to compensation). These regulations  
19 shall provide for the approval of attorney fees for  
20 representation before the Office of Victims' Services, a  
21 hearing examiner or before Commonwealth Court upon judicial  
22 review under section 8705 (relating to judicial review).  
23 Awards of the attorney fees shall be in addition to awards  
24 made to direct victims. Awards of attorney fees shall in no  
25 case exceed 15% of the award to the direct victim or victims.  
26 It shall be unlawful for an attorney to contract for or  
27 receive any sum larger than the amount allowed. Regulations  
28 under this paragraph shall include policies, procedures and  
29 standards of review regarding claims for compensation;  
30 approval or denial of claims, including contributory conduct

1 by direct victims; verification of information and documents;  
2 prioritization of review; and all other matters related to  
3 the processing.

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

9 (5) Determine all claims for awards filed with the  
10 Office of Victims' Services under Chapter 87 and to  
11 reinvestigate or reopen cases as the Office of Victims'  
12 Services deems necessary.

13 (6) Direct medical examinations of direct victims.

14 (7) Appoint hearing officers authorized to administer  
15 oaths or affirmations, examine any person under oath or  
16 affirmation and issue subpoenas requiring attendance of  
17 witnesses, testimony of witnesses and production of evidence.  
18 Except where a claim is determined to be frivolous, a  
19 claimant shall receive reimbursement at a rate to be  
20 determined by the Office of Victims' Services for attending  
21 hearings, regardless of the disposition of the claim.

22 (8) Take or cause to be taken affidavits or depositions  
23 in or outside of this Commonwealth.

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

26 (10) Arrange with the heads of other Commonwealth  
27 agencies for the performance of any of its functions under  
28 this act with or without reimbursement and, with the approval  
29 of the Governor, delegate and authorize the redelegation of  
30 any of its powers under this part.

1           (11) Establish a program to assure extensive and  
2 continuing publicity of information regarding the  
3 compensation provisions under Chapter 87. This information  
4 shall include the right to file a claim, the scope of  
5 coverage and procedures to be utilized incident to the claim.

6           (12) Administer the funds under section 9101(b)  
7 (relating to costs) for the payment of claims filed under  
8 Chapter 87 and for all reasonable and necessary  
9 administrative expenses.

10           (13) Establish compensation limits and reimbursement  
11 rates for the purpose of carrying out the provisions of  
12 Chapter 87. The Office of Victims' Services shall publish a  
13 schedule of these compensation limits and reimbursement rates  
14 in the Pennsylvania Bulletin, provided that the Office of  
15 Victims' Services shall, within two years of such  
16 publication, promulgate a regulation stating the schedule of  
17 compensation limits and reimbursement.

18                                   SUBCHAPTER C

19                                   COMMITTEE

20 Sec.

21 8321. Victims' Services Advisory Committee.

22 8322. Powers and duties of committee.

23 § 8321. Victims' Services Advisory Committee.

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

26           (b) Membership.--The committee shall consist of the  
27 following members:

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

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

30                   (3) The Secretary of Human Services or a designee.

1           (4) The Commissioner of Pennsylvania State Police.

2           (5) The victim advocate.

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

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

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

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

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

25       (f) Chair.--The Governor shall appoint a chairperson from  
26 among the members of the committee. The chairperson shall serve  
27 at the pleasure of the Governor. A vice chairperson shall be  
28 designated by the chairperson and preside at meetings in the  
29 absence of the chairperson.

30       (g) Meeting.--The committee shall meet at the call of the

1 chair but no fewer than four times a year.

2 § 8322. Powers and duties of committee.

3 The committee shall:

4 (1) Serve in an advisory capacity to the commission,  
5 including the Office of Victims' Services, through the  
6 committee's participation in the development of that part of  
7 the commission's plan relating to direct victims' services  
8 and compensation.

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

14 Chapter 25 (relating to criminal homicide).

15 Section 2702 (relating to aggravated assault).

16 Section 3121 (relating to rape).

17 (3) Perform those functions related to the direct  
18 approval and disbursement of financial assistance in an  
19 advisory capacity only. The committee shall have the  
20 opportunity to review and comment on applications other than  
21 applications for claims for compensation under sections 8702  
22 (relating to filing of claims for compensation) and 8706  
23 (relating to emergency awards) within 30 days after receipt  
24 of the application from the commission.

25 (4) Advise the commission on the definition, development  
26 and correlation of programs and projects and the  
27 establishment of priorities for direct victims' services and  
28 compensation.

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



1 upon a deceased direct victim or intervenor.

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

5 (b) Exception.--

6 (1) A person who is criminally responsible for the crime  
7 upon which a claim is based or an accomplice of the person  
8 shall not be eligible to receive compensation with respect to  
9 the claim.

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

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

17 § 8702. Filing of claims for compensation.

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

22 (1) If the individual is a minor, the claim may be filed  
23 by a parent or guardian. If the parent or guardian of a minor  
24 who is eligible for compensation is unavailable or fails to  
25 assume financial responsibility for the minor's care, a  
26 person who assumes financial responsibility for services  
27 eligible for compensation and who is not a provider of  
28 services or an insurance company may file a claim on behalf  
29 of the minor and may receive compensation for eligible  
30 services provided to the minor.

1       (2) If the individual is mentally incompetent, the claim  
2 may be filed by a guardian or legal representative. If the  
3 guardian or legal representative of a mentally incompetent  
4 individual who is eligible for compensation is unavailable or  
5 fails to assume financial responsibility for the individual's  
6 care, a person who assumes financial responsibility for  
7 services eligible for compensation and who is not a provider  
8 of services or an insurance company may file a claim on  
9 behalf of the individual and may receive compensation for  
10 eligible services provided to the individual.

11 (b) Time.--

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

18       (2) Exceptions shall be as follows:

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

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

29       (B) The limitation period shall run until the  
30 later of:

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

4 (II) the end of the limitation period under  
5 paragraph (1).

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

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

13 (B) The limitation period shall run until the  
14 later of:

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

18 (II) the end of the limitation period under  
19 paragraph (1).

20 (b.1) Returned claims.--

21 (1) If a claim has been filed but subsequently returned  
22 to the claimant for correction or for additional verification  
23 or information, the date the claim was first received by the  
24 Office of Victims' Services shall be the permanent filing  
25 date for purposes of subsection (b).

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

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

1 authorized by the Office of Victims' Services.

2 § 8703. Minimum allowable claim.

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

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

10 § 8704. Determination of claims.

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

14 (b) Review.--

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

26 (2) Claims shall be investigated and determined,  
27 regardless of whether the alleged criminal has been  
28 apprehended, prosecuted or adjudicated for the crime in  
29 question.

30 (c) Determination.--

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

5           (2) If the Office of Victims' Services is unable to  
6 determine whether or not a claim is justified based upon the  
7 supporting documents, it may direct a hearing before a  
8 hearing examiner designated by the commission. At the  
9 hearing, any relevant evidence not legally privileged shall  
10 be admissible.

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

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

17          § 8705. Judicial review.

18          Within 30 days after receipt of a copy of the report  
19 containing a final decision of the Office of Victims' Services,  
20 the claimant may appeal the final decision of the Office of  
21 Victims' Services in the manner provided for appeals from  
22 administrative agencies as provided in 2 Pa.C.S. Ch. 7 Subch. A  
23 (relating to judicial review of Commonwealth agency action).

24          § 8706. Emergency awards.

25          (a) Authorization.--Notwithstanding the provisions of  
26 sections 8704 (relating to determination of claims) and 8707  
27 (relating to awards), if it appears to the Office of Victims'  
28 Services that the claim is one with respect to which an award  
29 probably will be made and that undue hardship will result to the  
30 claimant if immediate payment is not made, the Office of

1 Victims' Services may make an emergency award to the claimant  
2 pending a final decision in the case. The following shall apply:

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

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

8 (3) The excess of the amount of the emergency award over  
9 the amount of the final award or the full amount of the  
10 emergency award, if no final award is made, shall be repaid  
11 by the claimant to the Office of Victims' Services.

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

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

20 § 8707. Awards.

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

23 (1) A crime was committed.

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

26 (3) The crime was promptly reported to the proper  
27 authorities. In no case may an award be made if the record  
28 shows that the report was made more than 72 hours after the  
29 occurrence of the crime unless:

30 (i) the victim is under 18 years of age at the time

1 of the occurrence of the crime and the alleged offender  
2 is the victim's parent or a person responsible for the  
3 victim's welfare, an individual residing in the same home  
4 as the victim or a paramour of the victim's parent; or

5 (ii) the Office of Victims' Services finds the delay  
6 to have been justified, consistent with regulations of  
7 the Office of Victims' Services.

8 (4) The direct victim, intervenor or claimant has fully  
9 cooperated with all law enforcement agencies and the Office  
10 of Victims' Services, unless the Office of Victims' Services  
11 finds the noncompliance to have been justified consistent  
12 with the Office of Victims' Services regulations.

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

21 (1) Withdrawn, unless the Office of Victims' Services  
22 finds the withdrawal to have been justified, consistent with  
23 the Office of Victims' Services regulations.

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

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

1 same home as the victim or a paramour of the victim's  
2 parent; or

3 (ii) the Office of Victims' Services finds the delay  
4 to have been justified, consistent with regulations of  
5 the Office of Victims' Services.

6 (b) Amount.--

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

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

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

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

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

24 (i) No such award shall exceed the average weekly  
25 wage for all persons covered by the act of December 5,  
26 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the  
27 Unemployment Compensation Law, in this Commonwealth as  
28 determined annually by the Department of Labor and  
29 Industry for each week of lost earnings or support.

30 (ii) Except as set forth in subparagraph (iii), the

1 aggregate award for the loss shall not exceed \$15,000.

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

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

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

13 (i) a direct victim;

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

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

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

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

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

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

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

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

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

1 shall not exceed \$5,000 where the direct victim is an  
2 adult and shall not exceed \$10,000 where the direct  
3 victim is a minor.

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

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

10 (5) An award for the reasonable and necessary costs for  
11 the replacement of prosthetic devices, wheelchairs, canes,  
12 walkers, hearing aids, eyeglasses or other corrective lenses,  
13 dental devices or prescription medications damaged or stolen  
14 as a result of the crime shall be at a rate set by the Office  
15 of Victims' Services. Expenses for prosthetic devices,  
16 wheelchairs, canes, walkers, hearing aids, eyeglasses or  
17 other corrective lenses, dental devices or prescription  
18 medications needed as a result of the crime shall be counted  
19 against the \$35,000 award limitation.

20 (c) Public assistance.--Provisions of awards made pursuant  
21 to a statute compensating or benefiting a direct victim or  
22 claimant shall in no way affect the claimant's or direct  
23 victim's eligibility under public assistance or any other  
24 Federal or Commonwealth social benefit or assistance program.

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

29 (e) Reduction.--Except as otherwise provided in this part,  
30 an award made under this chapter shall be reduced by the amount

1 of any payments received or to be received by the claimant as a  
2 result of the injury:

3 (1) from or on behalf of the individual who committed  
4 the crime;

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

7 (3) under any contract of insurance in which the  
8 claimant is the beneficiary;

9 (4) from public funds;

10 (5) as an emergency award under section 8706 (relating  
11 to emergency awards);

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

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

17 (f) Direct victim responsibility.--

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

25 (2) If the crime involved is rape or sexual assault, the  
26 conduct of the direct victim shall not be considered. If the  
27 crime involved is related to domestic violence, the conduct  
28 of the direct victim shall not be considered unless the  
29 direct victim was the primary aggressor.

30 (3) If the crime involved is a homicide, the conduct of

1 the direct victim shall not be considered for claims by  
2 eligible claimants for counseling.

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

9 (h) Forensic rape investigation.--

10 (1) A hospital or other licensed health care provider  
11 may submit a claim for reimbursement for the cost of a  
12 forensic rape examination if the cost is not covered by  
13 insurance or the victim requests that the insurance carrier  
14 not be billed. Upon filing of a claim, the Office of Victims'  
15 Services shall promptly notify the prosecutor of the county  
16 where the crime is alleged to have occurred. The  
17 reimbursement, where applicable, shall be at a rate set by  
18 the Office of Victims' Services.

19 (2) The cost of a forensic rape examination and the cost  
20 of medications prescribed to the direct victim shall not be  
21 charged to the victim.

22 (3) A sexual assault or rape victim need not be an  
23 applicant for any other compensation under this chapter.

24 § 8708. Manner of payment.

25 (a) Lump sum.--

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

29 (2) No award made under this chapter shall be subject to  
30 execution or attachment other than for expenses resulting

1 from the injury which is the basis for the claim.

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

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

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

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

13 (b) Medical expenses.--

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

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

23 § 8709. Confidentiality of records.

24 (a) General rule.--All reports, records or other information  
25 obtained or produced by the Office of Victims' Services during  
26 the processing or investigation of a claim shall be confidential  
27 and privileged, shall not be subject to subpoena or discovery,  
28 shall be used for no purpose other than the processing of a  
29 claim and, except as otherwise provided by law or as provided in  
30 this section, shall not be introduced into evidence in any

1 judicial or administrative proceeding.

2 (b) Disclosure restricted.--Except as otherwise provided by  
3 law, no person who has had access to a report, record or any  
4 other information under this subsection shall disclose the  
5 content of the report, record or other information or testify in  
6 a judicial or administrative proceeding without the written  
7 consent of the direct victim or intervenor or, if the direct  
8 victim or intervenor is deceased, the claimant.

9 (c) Construction.--This section shall not be construed to  
10 preclude or limit introduction of the contents of a report,  
11 record or other information in an appeal hearing before the  
12 Office of Victims' Services or in an investigation, prosecution  
13 or judicial proceeding enforcing section 9303 (relating to  
14 penalty) or in communicating with the prosecutor's office  
15 regarding restitution.

16 § 8710. Responsibilities of employers, service providers and  
17 insurance companies.

18 (a) Response.--Employers, insurance companies or providers  
19 of services to direct victims, intervenors or claimants,  
20 including, but not limited to, doctors, hospitals and  
21 counselors, shall respond in writing to the request by the  
22 Office of Victims' Services for confirmation or other  
23 information under this chapter within 30 days of receipt of the  
24 request by the Office of Victims' Services.

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

28 (c) Enforcement.--The office of the district attorney of the  
29 county in which the crime occurred and the Office of Victims'  
30 Services shall be charged with enforcement of this section and

1 the collection of penalties, which may be given to local victim  
2 service agencies or used for the enforcement and collection of  
3 penalties under this section.

4 CHAPTER 89

5 SERVICES

6 Sec.

7 8901. Eligibility of victims.

8 8902. Establishment of basic services for victims of crime.

9 8903. Grant program for services.

10 § 8901. Eligibility of victims.

11 A victim has the rights and is eligible for the services  
12 under sections 8201 (relating to rights) and 8902 (relating to  
13 establishment of basic services for victims of crime) only if  
14 the victim reported the crime to law enforcement authorities  
15 without unreasonable delay after its occurrence or discovery,  
16 unless the victim had a reasonable excuse not to do so.

17 § 8902. Establishment of basic services for victims of crime.

18 The commission shall provide technical assistance to and make  
19 grants to district attorneys, other criminal justice agencies or  
20 victim service agencies which provide crime victims with the  
21 following services:

22 (1) Notification services, including all of the  
23 following:

24 (i) Information concerning financial assistance and  
25 other social services available as a result of being a  
26 victim of crime.

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

30 (iii) Notification of the final disposition of the

1 case.

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

3 (i) Protection from harm and threats of harm arising  
4 out of cooperation with law enforcement and prosecution  
5 efforts.

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

9 (3) Procedures for the expedited return by law  
10 enforcement officials of personal property of victims which  
11 is held for prosecutorial purposes.

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

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

15 § 8903. Grant program for services.

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

20 (b) Regulations.--The commission shall promulgate  
21 regulations necessary to ensure the cost-effective delivery of  
22 victim services or victim and witness services consistent with  
23 section 8902.

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

27 (d) Data.--An agency that makes application for awards under  
28 this section shall provide data in support of the request as the  
29 commission requires. An agency that receives an award shall  
30 provide the commission with reports as the commission determines

1 necessary to assess the agency's progress in the development of  
2 victim services.

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

6 (1) The number of participating agencies and population  
7 served.

8 (2) The extent of services provided.

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

10 (4) Recommendations for reform.

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

15 CHAPTER 91

16 FINANCIAL MATTERS

17 Sec.

18 9101. Costs.

19 9102. Costs for offender supervision programs.

20 § 9101. Costs.

21 (a) Imposition.--

22 (1) A person who pleads guilty or nolo contendere or who  
23 is convicted of a crime shall, in addition to costs imposed  
24 under 42 Pa.C.S. § 3571(c) (relating to Commonwealth portion  
25 of fines, etc.), pay costs of at least \$60 and may be  
26 sentenced to pay additional costs in an amount up to the  
27 statutory maximum monetary penalty for the offense committed.

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

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

3           (i) There is a consent decree.

4           (ii) There is an adjudication of delinquency.

5 (b) Disposition.--

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

14           (2) The Victim Witness Services Fund is established as a  
15 special nonlapsing fund in the State Treasury. The fund shall  
16 be used by the commission for victim-witness services and  
17 technical assistance in nonvictim compensation-related areas  
18 in accordance with this section. Twenty-five dollars of the  
19 costs imposed under subsection (a) (1) and (2) plus 70% of the  
20 costs imposed under subsection (a) (1) and (2) which exceed  
21 \$60 shall be paid into the fund.

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

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

28           (e) Court order.--No court order shall be necessary in order  
29 for the defendant to incur liability for costs under this  
30 section. Costs under this section must be paid in order for the

1 defendant to be eligible for probation, parole or accelerated  
2 rehabilitative disposition.

3 § 9102. Costs for offender supervision programs.

4 (a) County fund.--

5 (1) The county treasurer of each county shall establish  
6 and administer a county offender supervision fund consisting  
7 of the fees collected under this section. The county  
8 treasurer shall disperse money from the fund only at the  
9 discretion of the president judge of the court of common  
10 pleas.

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

12 (i) Pay the salaries and employee benefits of all  
13 probation and parole personnel employed by the county  
14 probation and parole department and the operational  
15 expenses of that department.

16 (ii) Supplement Federal, State or county  
17 appropriations for the county adult probation and parole  
18 department.

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

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

25 (b) State fund.--

26 (1) The State Offender Supervision Fund is established  
27 in the State Treasury, and shall be administered by the board  
28 and comprised of the supervision fees collected by the board  
29 under this section.

30 (2) The money in the fund shall be used to supplement

1 the Federal or State funds appropriated for the improvement  
2 of adult probation services.

3 (c) Court.--

4 (1) The court shall impose as a condition of supervision  
5 a monthly supervision fee of at least \$25 on any offender  
6 placed on probation, parole, accelerated rehabilitative  
7 disposition, probation without verdict or intermediate  
8 punishment, unless the court finds that the fee should be  
9 reduced, waived or deferred based on the offender's present  
10 inability to pay.

11 (2) Of the fee collected, 50% shall be deposited into  
12 the county offender supervision fund established in each  
13 county in subsection (a), and the remaining 50% shall be  
14 deposited into the State Offender Supervision Fund  
15 established in subsection (b).

16 (d) Board.--

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

22 (2) All fees collected shall be deposited into the State  
23 Offender Supervision Fund established in subsection (b).

24 (e) Continuation.--

25 (1) For offenders under supervision of a county  
26 probation department or the board as of August 14, 1991, the  
27 fee shall automatically become a part of the supervision  
28 conditions as if the court or board had imposed it, unless  
29 the court or board makes a finding that the offender is  
30 presently unable to pay.



1 person accruing to the claimant, the direct victim or the  
2 intervenor to recover losses resulting from the crime with  
3 respect to which the award is made.

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

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

11 (b) Excess.--

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

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

16 (3) A claimant who fails to notify the Office of  
17 Victims' Services of the receipt of funds from any other  
18 claim or award arising out of the crime shall forfeit and pay  
19 to the Commonwealth an amount equal to all awards paid by the  
20 Office of Victims' Services to the claimant or on the  
21 claimant's behalf.

22 § 9302. Restitution.

23 To the extent that restitution is ordered either prior to or  
24 subsequent to the making of an award by the Office of Victims'  
25 Services, the restitution shall be paid to the Commonwealth to  
26 the extent of the award by the Office of Victims' Services.

27 § 9303. Penalty.

28 An individual who asserts a false claim under Chapter 87  
29 (relating to compensation) commits a misdemeanor of the third  
30 degree and shall, upon conviction, forfeit any benefit and

1 reimburse and repay the Commonwealth for payments received or  
2 paid on the individual's behalf under Chapter 87.

3 CHAPTER 95

4 MISCELLANEOUS PROVISIONS

5 Sec.

6 9501. Effect on legal actions.

7 § 9501. Effect on legal actions.

8 Nothing in Chapters 75 (relating to victim advocate), 82  
9 (relating to crime victims), 83 (relating to administration),  
10 and 89 (relating to services) creates a cause of action or  
11 defense in favor of any person arising out of the failure to  
12 comply with any of these chapters.

13 Section 11. Sections 4104(e) (5) and (j), 4301, 4503,  
14 6134.1(d) and 6308(c) of Title 61 are amended to read:

15 § 4104. Referral to State intermediate punishment program.

16 \* \* \*

17 (e) Resentencing.--The department may make a written request  
18 to the sentencing court that an offender who is otherwise  
19 eligible but has not been referred for evaluation or originally  
20 sentenced to State intermediate punishment be sentenced to State  
21 intermediate punishment. The court may resentence the offender  
22 to State intermediate punishment if all of the following apply:

23 \* \* \*

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

29 \* \* \*

30 (j) Definitions.--As used in this section, the term

1 "personal injury crime" shall be defined as in [section 103 of  
2 the act of November 24, 1998 (P.L.882, No.111), known as the  
3 Crime Victims Act] 44 Pa.C.S. § 8103 (relating to definitions).  
4 § 4301. Definitions.

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

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

12 "Victim advocate." The victim advocate within the  
13 Pennsylvania Board of Probation and Parole.  
14 § 4503. Definitions.

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

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

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

23 "Eligible offender." A defendant or inmate convicted of a  
24 criminal offense who will be committed to the custody of the  
25 department and who meets all of the following eligibility  
26 requirements:

27 (1) Does not demonstrate a history of present or past  
28 violent behavior.

29 (2) Has not been subject to a sentence the calculation  
30 of which includes an enhancement for the use of a deadly

1 weapon as defined under law or the sentencing guidelines  
2 promulgated by the Pennsylvania Commission on Sentencing or  
3 the attorney for the Commonwealth has not demonstrated that  
4 the defendant has been found guilty of or was convicted of an  
5 offense involving a deadly weapon or offense under 18 Pa.C.S.  
6 Ch. 61 (relating to firearms and other dangerous articles) or  
7 the equivalent offense under the laws of the United States or  
8 one of its territories or possessions, another state, the  
9 District of Columbia, the Commonwealth of Puerto Rico or a  
10 foreign nation.

11 (3) Has not been found guilty of or previously convicted  
12 of or adjudicated delinquent for or an attempt or conspiracy  
13 to commit a personal injury crime as defined under [section  
14 103 of the act of November 24, 1998 (P.L.882, No.111), known  
15 as the Crime Victims Act] 44 Pa.C.S. § 8103 (relating to  
16 definitions), except for an offense under 18 Pa.C.S. § 2701  
17 (relating to simple assault) when the offense is a  
18 misdemeanor of the third degree, or an equivalent offense  
19 under the laws of the United States or one of its territories  
20 or possessions, another state, the District of Columbia, the  
21 Commonwealth of Puerto Rico or a foreign nation.

22 (4) Has not been found guilty or previously convicted or  
23 adjudicated delinquent for violating any of the following  
24 provisions or an equivalent offense under the laws of the  
25 United States or one of its territories or possessions,  
26 another state, the District of Columbia, the Commonwealth of  
27 Puerto Rico or a foreign nation:

28 18 Pa.C.S. § 4302(a) (relating to incest).

29 18 Pa.C.S. § 5901 (relating to open lewdness).

30 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet

1 child pornography).

2 Received a criminal sentence pursuant to 42 Pa.C.S. §  
3 9712.1 (relating to sentences for certain drug offenses  
4 committed with firearms).

5 Any offense for which registration is required under  
6 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of  
7 sexual offenders).

8 (5) Is not awaiting trial or sentencing for additional  
9 criminal charges, if a conviction or sentence on the  
10 additional charges would cause the defendant to become  
11 ineligible under this definition.

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

19 "Program plan." An individualized plan recommended by the  
20 department that contains approved treatment and other approved  
21 programs designed to reduce recidivism risk of a specific  
22 inmate.

23 § 6134.1. General criteria for parole by court.

24 \* \* \*

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

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

1 (relating to definitions).

2 "Victim." The term shall mean, in addition to the meaning  
3 set forth in [section 103 of the act of November 24, 1998  
4 (P.L.882, No.111), known as the Crime Victims Act] 44 Pa.C.S. §  
5 8103 (relating to definitions), a member of the victim's family  
6 if the victim is incapable of communicating or has died.

7 § 6308. County Probation Officers' Firearm Education and  
8 Training Fund.

9 \* \* \*

10 (c) Other moneys to be used.--In addition to payment of  
11 training expenses as prescribed under subsection (b), training  
12 expenses may also be paid out of the county offender supervision  
13 fund under [section 1102 of the act of November 24, 1998  
14 (P.L.882, No.111), known as the Crime Victims Act,] 44 Pa.C.S. §  
15 9102 (relating to costs for offender supervision programs) or  
16 any other county fund.

17 \* \* \*

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

22 (1) Except as otherwise provided in 44 Pa.C.S. Ch. 31,  
23 all activities initiated under the Pennsylvania Commission on  
24 Crime and Delinquency Law shall continue and remain in full  
25 force and effect and may be completed under 44 Pa.C.S. Ch.  
26 31. Resolutions, orders, regulations, rules and decisions  
27 which were made under the Pennsylvania Commission on Crime  
28 and Delinquency Law and which are in effect on the effective  
29 date of this section shall remain in full force and effect  
30 until revoked, vacated or modified under 44 Pa.C.S. Ch. 31.

1 Contracts, obligations and agreements entered into under the  
2 Pennsylvania Commission on Crime and Delinquency Law are not  
3 affected nor impaired by the repeal of the Pennsylvania  
4 Commission on Crime and Delinquency Law.

5 (2) Except as set forth in paragraphs (3) and (4), any  
6 difference in language between 44 Pa.C.S. Ch. 31 and the  
7 Pennsylvania Commission on Crime and Delinquency Law is  
8 intended only to conform to the style of the Pennsylvania  
9 Consolidated Statutes and is not intended to change or affect  
10 the legislative intent, judicial construction or  
11 administrative interpretation and implementation of the  
12 Pennsylvania Commission on Crime and Delinquency Law.

13 (3) Paragraph (2) does not apply to 44 Pa.C.S. § 3102(b)  
14 (19).

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

18 (i) The definition of "targeted community" in  
19 section 1 of the act.

20 (ii) Sections 3(6.3), (8) and (17), 4(2) and (7), 8,  
21 10 and 11 of the act.

22 (5) A reference in any other act or regulation to the  
23 Pennsylvania Commission on Crime and Delinquency Law shall be  
24 deemed to be a reference to 44 Pa.C.S. Ch. 31.

25 Section 13. The addition of 44 Pa.C.S. Ch. 73 Subch. C is a  
26 continuation of the act of February 9, 1984 (P.L.3, No.2), known  
27 as the Sheriff and Deputy Sheriff Education and Training Act. ◀

28 The following apply:

29 (1) Except as otherwise provided in 44 Pa.C.S. Ch. 73  
30 Subch. C, all activities initiated under the Deputy Sheriffs'

1 Education and Training Act shall continue and remain in full  
2 force and effect and may be completed under 44 Pa.C.S. Ch. 73  
3 Subch. C. Resolutions, orders, regulations, rules and  
4 decisions which were made under the Deputy Sheriffs'  
5 Education and Training Act and which are in effect on the  
6 effective date of this section shall remain in full force and  
7 effect until revoked, vacated or modified under 44 Pa.C.S.  
8 Ch. 73 Subch. C. Contracts, obligations and agreements  
9 entered into under the Deputy Sheriffs' Education and  
10 Training Act are not affected nor impaired by the repeal of  
11 the Deputy Sheriffs' Education and Training Act.

12 (2) Except as set forth in paragraph (3), any difference  
13 in language between 44 Pa.C.S. Ch. 73 Subch. C and the Deputy  
14 Sheriffs' Education and Training Act is intended only to  
15 conform to the style of the Pennsylvania Consolidated  
16 Statutes and is not intended to change or affect the  
17 legislative intent, judicial construction or administrative  
18 interpretation and implementation of the Deputy Sheriffs'  
19 Education and Training Act.

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

23 (i) The exception for appointments upon the  
24 effective date of the act as contained in the first  
25 sentence of section 3(c) and the first sentence of  
26 subsection (h) of the act.

27 (ii) Section 7(a) and the first sentence of  
28 subsection (c) of the act.

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

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

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

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

19           (2) Any difference in language between 44 Pa.C.S. Ch. 75  
20 and Part V and the Crime Victims Act is intended only to  
21 conform to the style of the Pennsylvania Consolidated  
22 Statutes and is not intended to change or affect the  
23 legislative intent, judicial construction or administrative  
24 interpretation and implementation of the Crime Victims Act.

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

28           Section 15. Repeals are as follows:

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

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

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

6           (ii) The act of February 9, 1984 (P.L.3, No.2),  
7 known as the Sheriff and Deputy Sheriff Education and ◀  
8 Training Act, is repealed.

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

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

14 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:

Repealed Act	Section	Unofficial Citation	Superseding Provision of Title 44 (unless 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, October 25 (P.L.1607, No.196)	3107 (reserved)

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)	