
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 380 Session of
2001

INTRODUCED BY CONTI, TOMLINSON, KITCHEN, COSTA, THOMPSON,
RHOADES, MOWERY, STACK AND EARLL, FEBRUARY 8, 2001

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 10, 2002

AN ACT

1 Amending the act of November 24, 1998 (P.L.882, No.111),
2 entitled "An act providing for victims' rights; imposing
3 penalties; establishing remedies; establishing the Office of
4 Victim Advocate, the Bureau of Victims' Services, the
5 Victims' Services Advisory Committee, the State Offender
6 Supervision Fund and other funds; and making repeals,"
7 further providing for ~~rights of victims~~. DEFINITIONS, FOR <—
8 RIGHTS OF VICTIMS, FOR RESPONSIBILITIES OF STATE AND LOCAL
9 LAW ENFORCEMENT AGENCIES AND FOR POWERS AND DUTIES OF BUREAU;
10 AMENDING PROVISIONS RELATING TO COMPENSATION; AND FURTHER
11 PROVIDING FOR ESTABLISHMENT OF BASIC SERVICES FOR VICTIMS OF
12 CRIME.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 ~~Section 1. Section 201 of the act of November 24, 1998 <—~~
16 ~~(P.L.882, No.111), known as the Crime Victims Act, amended~~
17 ~~October 30, 2000 (P.L.641, No.86), is amended to read:~~

18 SECTION 1. SECTIONS 103, 201 AND 212 OF THE ACT OF NOVEMBER <—
19 24, 1998 (P.L.882, NO.111), KNOWN AS THE CRIME VICTIMS ACT,
20 AMENDED OCTOBER 30, 2000 (P.L.641, NO.86), ARE AMENDED TO READ:
21 SECTION 103. DEFINITIONS.

1 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
2 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
3 CONTEXT CLEARLY INDICATES OTHERWISE:

4 "ADULT." ANY OF THE FOLLOWING:

5 (1) AN INDIVIDUAL CHARGED WITH A CRIME WHO IS 18 YEARS
6 OF AGE OR OLDER.

7 (2) AN INDIVIDUAL WHO IS SUBJECT TO CRIMINAL COURT
8 JURISDICTION FOLLOWING THE TRANSFER OF A CASE TO CRIMINAL
9 PROCEEDINGS.

10 (3) AN INDIVIDUAL WHO IS SUBJECT TO CRIMINAL COURT
11 JURISDICTION AFTER HAVING BEEN CHARGED WITH A CRIME EXCLUDED
12 FROM THE DEFINITION OF "DELINQUENT ACT" PURSUANT TO 42
13 PA.C.S. § 6302 "DELINQUENT ACT" (2)(I), (II), (III) OR (V)
14 (RELATING TO DEFINITIONS).

15 "BOARD." THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE.

16 ["BUREAU." THE BUREAU OF VICTIMS' SERVICES IN THE
17 PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY.]

18 "CLAIMANT." THE PERSON FILING A CLAIM UNDER CHAPTER 7.

19 "COMMISSION." THE PENNSYLVANIA COMMISSION ON CRIME AND
20 DELINQUENCY.

21 "COMMITTEE." THE VICTIMS' SERVICES ADVISORY COMMITTEE
22 ESTABLISHED IN SECTION 321.

23 "CRIME." AN ACT[, INCLUDING AN ACT RESULTING IN INJURY
24 INTENTIONALLY INFLICTED THROUGH THE USE OF A MOTOR VEHICLE,]
25 WHICH WAS COMMITTED:

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

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

1 COSMETIC ACT;
2 (II) 18 PA.C.S. (RELATING TO CRIMES AND OFFENSES),
3 30 PA.C.S. § 5502 (RELATING TO OPERATING WATERCRAFT UNDER
4 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) OR 5502.1
5 (RELATING TO HOMICIDE BY WATERCRAFT WHILE OPERATING UNDER
6 INFLUENCE) AND 75 PA.C.S. § 3731 (RELATING TO DRIVING
7 UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE), 3732
8 (RELATING TO HOMICIDE BY VEHICLE), 3735 (RELATING TO
9 HOMICIDE BY VEHICLE WHILE DRIVING UNDER INFLUENCE),
10 3735.1 (RELATING TO AGGRAVATED ASSAULT BY VEHICLE WHILE
11 DRIVING UNDER THE INFLUENCE) OR 3742 (RELATING TO
12 ACCIDENTS INVOLVING DEATH OR PERSONAL INJURY); OR
13 (III) THE LAWS OF THE UNITED STATES.

14 (2) AGAINST A RESIDENT OF THIS COMMONWEALTH WHICH WOULD
15 BE A CRIME UNDER PARAGRAPH (1) BUT FOR ITS OCCURRENCE IN A
16 [STATE] LOCATION OTHER THAN THIS COMMONWEALTH.

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

19 "DEPARTMENT." THE DEPARTMENT OF CORRECTIONS OF THE
20 COMMONWEALTH.

21 "DIRECT VICTIM." AN INDIVIDUAL AGAINST WHOM A CRIME HAS BEEN
22 COMMITTED OR ATTEMPTED AND WHO AS A DIRECT RESULT OF THE
23 CRIMINAL ACT OR ATTEMPT SUFFERS PHYSICAL OR MENTAL INJURY, DEATH
24 OR THE LOSS OF EARNINGS UNDER THIS ACT. THE TERM SHALL NOT
25 INCLUDE THE ALLEGED OFFENDER. THE TERM INCLUDES A RESIDENT OF
26 THIS COMMONWEALTH AGAINST WHOM AN ACT HAS BEEN COMMITTED OR
27 ATTEMPTED WHICH OTHERWISE WOULD CONSTITUTE A CRIME AS DEFINED IN
28 THIS ACT BUT FOR ITS OCCURRENCE IN A [STATE] LOCATION OTHER THAN
29 THIS COMMONWEALTH AND FOR WHICH THE [PERSON] INDIVIDUAL WOULD
30 OTHERWISE BE COMPENSATED BY THE CRIME VICTIM COMPENSATION

1 PROGRAM OF THE [STATE] LOCATION WHERE THE ACT OCCURRED BUT FOR
2 THE INELIGIBILITY OF SUCH PROGRAM UNDER THE PROVISIONS OF THE
3 VICTIMS OF CRIME ACT OF 1984 (PUBLIC LAW 98-473, 42 U.S.C. §
4 10601 ET SEQ.).

5 "DISPOSITIONAL PROCEEDING." A PROCEEDING WHICH OCCURS IN
6 OPEN COMMON PLEAS COURT WHICH POTENTIALLY COULD DISPOSE OF THE
7 CASE. THE TERM INCLUDES ACCELERATED REHABILITATIVE DISPOSITION,
8 PLEAS, TRIAL AND SENTENCE.

9 "DIVERSIONARY PROGRAM." A PROGRAM WHICH IS USED TO DIVERT
10 THE DEFENDANT TO AN ALTERNATIVE FORM OF DISPOSITION UNDER THE
11 PENNSYLVANIA RULES OF CRIMINAL PROCEDURE OR STATUTORY AUTHORITY.
12 THE TERM INCLUDES DISPOSITIONS AUTHORIZED BY RULES 160, 176 AND
13 314 OF THE PENNSYLVANIA RULES OF CRIMINAL PROCEDURE AND SECTIONS
14 17 AND 18 OF THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN
15 AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT.

16 "FAMILY." WHEN USED IN REFERENCE TO AN INDIVIDUAL:

17 (1) ANYONE RELATED TO THAT INDIVIDUAL WITHIN THE THIRD
18 DEGREE OF CONSANGUINITY OR AFFINITY;

19 (2) ANYONE MAINTAINING A COMMON-LAW RELATIONSHIP WITH
20 THAT INDIVIDUAL; OR

21 (3) ANYONE RESIDING IN THE SAME HOUSEHOLD WITH THAT
22 INDIVIDUAL.

23 "INJURY." INCLUDES PHYSICAL OR MENTAL DAMAGES INCURRED AS A
24 DIRECT RESULT OF THE CRIME AND AGGRAVATION OF EXISTING INJURIES
25 IF ADDITIONAL LOSSES CAN BE ATTRIBUTED TO THE DIRECT RESULT OF
26 THE CRIME. [COMPENSATION FOR MENTAL DAMAGES IS LIMITED TO
27 EXPENSES INCURRED FOR PSYCHOLOGICAL OR PSYCHIATRIC SERVICES
28 WHICH BECAME NECESSARY AS A DIRECT RESULT OF THE CRIME.]

29 "INTERNATIONAL TERRORISM." ACTIVITIES WHICH MEET ALL OF THE
30 FOLLOWING:

1 (1) INVOLVE VIOLENT ACTS OR ACTS DANGEROUS TO HUMAN LIFE
2 THAT ARE A VIOLATION OF THE CRIMINAL LAWS OF THE UNITED
3 STATES OR OF ANY STATE OR THAT WOULD BE A CRIMINAL VIOLATION
4 IF COMMITTED WITHIN THE JURISDICTION OF THE UNITED STATES OR
5 OF ANY STATE.

6 (2) APPEAR TO BE INTENDED:

7 (I) TO INTIMIDATE OR COERCE A CIVILIAN POPULATION;

8 (II) TO INFLUENCE THE POLICY OF A GOVERNMENT BY
9 INTIMIDATION OR COERCION; OR

10 (III) TO AFFECT THE CONDUCT OF A GOVERNMENT BY
11 ASSASSINATION OR KIDNAPPING.

12 (3) OCCUR PRIMARILY OUTSIDE OF THE TERRITORIAL
13 JURISDICTION OF THE UNITED STATES OR TRANSCEND NATIONAL
14 BOUNDARIES IN TERMS OF THE MEANS BY WHICH THEY ARE
15 ACCOMPLISHED, THE PERSONS THEY APPEAR INTENDED TO INTIMIDATE
16 OR COERCE OR THE LOCALE IN WHICH THEIR PERPETRATORS OPERATE
17 OR SEEK ASYLUM.

18 "INTERVENOR." AN INDIVIDUAL WHO GOES TO THE AID OF ANOTHER
19 AND SUFFERS PHYSICAL OR MENTAL INJURY OR DEATH AS A DIRECT
20 RESULT OF ACTING NOT RECKLESSLY TO PREVENT THE COMMISSION OF A
21 CRIME, TO LAWFULLY APPREHEND A PERSON REASONABLY SUSPECTED OF
22 HAVING COMMITTED SUCH CRIME OR TO AID THE VICTIM OF SUCH CRIME.

23 "JUVENILE." AN INDIVIDUAL WHO IS ALLEGED OR HAS BEEN
24 DETERMINED TO BE A "DELINQUENT CHILD" AS DEFINED IN 42 PA.C.S. §
25 6302 (RELATING TO DEFINITIONS).

26 "LAW ENFORCEMENT AGENCY." THE PENNSYLVANIA STATE POLICE AND
27 A LOCAL LAW ENFORCEMENT AGENCY.

28 "LOCAL CORRECTIONAL FACILITY." A JAIL, PRISON OR DETENTION
29 FACILITY OPERATED BY A COUNTY OR JOINTLY BY MORE THAN ONE COUNTY
30 AND USED FOR THE CONFINEMENT OF INDIVIDUALS FOR SAFE CUSTODY.

1 THE TERM DOES NOT INCLUDE ANY FACILITY USED FOR THE DETENTION OR
2 CONFINEMENT OF JUVENILES.

3 "LOCAL LAW ENFORCEMENT AGENCY." A POLICE DEPARTMENT OF A
4 CITY, BOROUGH, INCORPORATED TOWN OR TOWNSHIP.

5 "LOSS OF EARNINGS." INCLUDES THE LOSS OF THE CASH EQUIVALENT
6 OF ONE MONTH'S WORTH OF SOCIAL SECURITY, RAILROAD RETIREMENT,
7 PENSION PLAN, RETIREMENT PLAN, DISABILITY, VETERAN'S RETIREMENT,
8 COURT-ORDERED CHILD SUPPORT OR COURT-ORDERED SPOUSAL SUPPORT
9 [PAYMENT IF THE PAYMENT IS] PAYMENTS IF THE PAYMENTS ARE THE
10 PRIMARY SOURCE OF THE VICTIM'S INCOME AND THE VICTIM IS DEPRIVED
11 OF [THE] MONEY AS A DIRECT RESULT OF A CRIME.

12 "OFFICE." THE OFFICE OF VICTIM ADVOCATE ESTABLISHED IN
13 SECTION 302.

14 "OFFICE OF VICTIMS' SERVICES." THE OFFICE OF VICTIMS'
15 SERVICES IN THE PENNSYLVANIA COMMISSION ON CRIME AND
16 DELINQUENCY.

17 "OUT-OF-POCKET LOSS." [THE UNREIMBURSED AND UNREIMBURSABLE
18 EXPENSES OR INDEBTEDNESS INCURRED FOR MEDICAL CARE, NONMEDICAL
19 REMEDIAL CARE AND TREATMENT RENDERED IN ACCORDANCE WITH A
20 RELIGIOUS METHOD OF HEALING AS APPROVED BY THE BOARD, OR OTHER
21 SERVICES. THE TERM INCLUDES PSYCHOLOGICAL COUNSELING, PROSTHETIC
22 DEVICES, EYEGLASSES OR OTHER CORRECTIVE LENSES AND DENTAL
23 DEVICES REASONABLY NECESSARY AS A RESULT OF THE INJURY UPON
24 WHICH THE CLAIM IS BASED AND FOR WHICH THE CLAIMANT EITHER HAS
25 PAID OR IS LIABLE. THE TERM INCLUDES EXPENSES FOR PHYSICAL
26 EXAMINATIONS AND MATERIALS USED TO OBTAIN EVIDENCE. THE TERM
27 DOES NOT INCLUDE PROPERTY DAMAGE OR PAIN AND SUFFERING.] THE
28 TERM INCLUDES THE FOLLOWING LOSSES WHICH SHALL BE REIMBURSED AT
29 A RATE SET BY THE OFFICE OF VICTIMS' SERVICES:

30 (1) EXPENSES FOR UNREIMBURSED AND UNREIMBURSABLE

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

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

10 (3) EXPENSES RELATED TO THE REASONABLE AND NECESSARY
11 COSTS OF CLEANING THE CRIME SCENE OF A PRIVATE RESIDENCE.
12 "CLEANING" MEANS TO REMOVE OR ATTEMPT TO REMOVE STAINS OR
13 BLOOD CAUSED BY THE CRIME, OR OTHER DIRT OR DEBRIS CAUSED BY
14 THE PROCESSING OF THE CRIME SCENE;

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

22 (5) EXPENSES FOR PHYSICAL EXAMINATIONS AND MATERIALS
23 USED TO OBTAIN EVIDENCE; OR

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

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

28 "PERSONAL INJURY CRIME." AN ACT, ATTEMPT OR THREAT TO COMMIT
29 AN ACT WHICH WOULD CONSTITUTE A MISDEMEANOR OR FELONY UNDER THE
30 FOLLOWING:

1 18 PA.C.S. CH. 25 (RELATING TO CRIMINAL HOMICIDE).

2 18 PA.C.S. CH. 27 (RELATING TO ASSAULT).

3 18 PA.C.S. CH. 29 (RELATING TO KIDNAPPING).

4 18 PA.C.S. CH. 31 (RELATING TO SEXUAL OFFENSES).

5 18 PA.C.S. § 3301 (RELATING TO ARSON AND RELATED
6 OFFENSES).

7 18 PA.C.S. CH. 37 (RELATING TO ROBBERY).

8 18 PA.C.S. CH. 49 SUBCH. B (RELATING TO VICTIM AND
9 WITNESS INTIMIDATION).

10 30 PA.C.S. § 5502.1 (RELATING TO HOMICIDE BY WATERCRAFT
11 WHILE OPERATING UNDER INFLUENCE).

12 75 PA.C.S. § 3731 (RELATING TO DRIVING UNDER INFLUENCE OF
13 ALCOHOL OR CONTROLLED SUBSTANCE) IN CASES INVOLVING BODILY
14 INJURY.

15 75 PA.C.S. § 3732 (RELATING TO HOMICIDE BY VEHICLE).

16 75 PA.C.S. § 3735 (RELATING TO HOMICIDE BY VEHICLE WHILE
17 DRIVING UNDER INFLUENCE).

18 75 PA.C.S. § 3735.1 (RELATING TO AGGRAVATED ASSAULT BY
19 VEHICLE WHILE DRIVING UNDER THE INFLUENCE).

20 75 PA.C.S. § 3742 (RELATING TO ACCIDENTS INVOLVING DEATH
21 OR PERSONAL INJURY).

22 THE TERM INCLUDES VIOLATIONS OF ANY PROTECTIVE ORDER ISSUED AS A
23 RESULT OF AN ACT RELATED TO DOMESTIC VIOLENCE.

24 "PREADJUDICATION DISPOSITION." ANY OF THE FOLLOWING:

25 (1) DISPOSITION OF AN ADULT WITHOUT A TRIAL. THIS
26 PARAGRAPH INCLUDES ACCELERATED REHABILITATIVE DISPOSITION.

27 (2) DISPOSITION OF A JUVENILE PRIOR TO AN ADJUDICATION
28 OF DELINQUENCY UNDER 42 PA.C.S. CH. 63 (RELATING TO JUVENILE
29 MATTERS), INCLUDING INFORMAL ADJUSTMENT AS SET FORTH IN 42

30 PA.C.S. § 6323 (RELATING TO INFORMAL ADJUSTMENT), AND CONSENT

1 DECREE AS SET FORTH IN 42 PA.C.S. § 6340 (RELATING TO CONSENT
2 DECREE).

3 "PROSECUTOR'S OFFICE." THE OFFICE OF ATTORNEY GENERAL OR THE
4 OFFICE OF A DISTRICT ATTORNEY OF A COUNTY.

5 "VICTIM." THE TERM MEANS THE FOLLOWING:

6 (1) A DIRECT VICTIM.

7 (2) A PARENT OR LEGAL GUARDIAN OF A CHILD WHO IS A
8 DIRECT VICTIM, EXCEPT WHEN THE PARENT OR LEGAL GUARDIAN OF
9 THE CHILD IS THE ALLEGED OFFENDER.

10 (3) A MINOR CHILD WHO IS A MATERIAL WITNESS TO ANY OF
11 THE FOLLOWING CRIMES AND OFFENSES UNDER 18 PA.C.S. (RELATING
12 TO CRIMES AND OFFENSES) COMMITTED OR ATTEMPTED AGAINST A
13 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 (4) A FAMILY MEMBER OF A HOMICIDE VICTIM, INCLUDING
18 STEPBROTHERS OR STEPSISTERS, STEPCHILDREN, STEPPARENTS OR A
19 FIANCÉE, ONE OF WHOM IS TO BE IDENTIFIED TO RECEIVE
20 COMMUNICATION AS PROVIDED FOR IN THIS ACT, EXCEPT WHERE THE
21 FAMILY MEMBER IS THE ALLEGED OFFENDER.

22 "VICTIM ADVOCATE." THE VICTIM ADVOCATE IN THE OFFICE OF
23 VICTIM ADVOCATE WITHIN THE PENNSYLVANIA BOARD OF PROBATION AND
24 PAROLE.

25 Section 201. Rights.

26 Victims of crime have the following rights:

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

29 (2) To be notified of certain significant actions and
30 proceedings within the criminal and juvenile justice systems

1 pertaining to their case. This paragraph includes all of the
2 following:

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

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

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

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

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

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

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

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

5 (5.1) To have notice and to provide prior comment on a
6 judicial recommendation that the defendant participate in a
7 motivational boot camp pursuant to the act of December 19,
8 1990 (P.L.1391, No.215), known as the Motivational Boot Camp
9 Act.

10 [(5.1)] (5.2) Upon request of the victim of a personal
11 injury crime, to have the opportunity to submit written
12 comment or present oral testimony at a disposition review
13 hearing, which comment or testimony shall be considered by
14 the court when reviewing the disposition of the juvenile.

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

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

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

27 (ii) provided immediate notice of an escape of the
28 adult and of subsequent apprehension[.]; and

29 (iii) given the opportunity to receive notice of and
30 to provide prior comment on a recommendation sought by

1 the Department of Corrections that the offender
2 participate in a motivational boot camp pursuant to the
3 Motivational Boot Camp Act.

4 (8) In personal injury crimes where the adult is
5 sentenced to a local correctional facility, to:

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

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

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

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

18 (ii) Be provided with:

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

22 (B) immediate notice of reaprehension of the
23 juvenile.

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

1 (9) If the adult is subject to an order under 23 Pa.C.S.
2 Ch. 61 (relating to protection from abuse) and is committed
3 to a local correctional facility for a violation of the order
4 or for a personal injury crime against a victim protected by
5 the order, to receive immediate notice of the release of the
6 adult on bail.

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

11 (11) To have assistance in the preparation of,
12 submission of and follow-up on financial assistance claims to
13 the bureau.

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

17 (13) Upon the request of the victim of a personal injury
18 crime, to be notified of the termination of the courts'
19 jurisdiction.

20 SECTION 212. RESPONSIBILITIES OF STATE AND LOCAL LAW

←

21 ENFORCEMENT AGENCIES.

22 (A) TRAINING.--A LAW ENFORCEMENT AGENCY SHALL INSURE THAT
23 ALL OF ITS OFFICERS AND EMPLOYEES ARE FAMILIAR WITH CRIME
24 VICTIMS' COMPENSATION AS PROVIDED FOR IN CHAPTER 7. INSTRUCTION
25 CONCERNING CRIME VICTIMS' COMPENSATION SHALL BE MADE A PART OF
26 THE TRAINING CURRICULUM FOR ALL TRAINEE OFFICERS.

27 (B) NOTICE.--

28 (1) LAW ENFORCEMENT AGENCIES SHALL WITHIN 48 HOURS OF
29 REPORTING GIVE NOTICE TO THE DIRECT VICTIM OR, IF
30 APPROPRIATE, A MEMBER OF THE DIRECT VICTIM'S FAMILY OF THE

1 AVAILABILITY OF CRIME VICTIMS' COMPENSATION. THE NOTICE
2 REQUIRED UNDER THIS SUBSECTION SHALL BE IN WRITING [AND SHALL
3 INCLUDE THE FOLLOWING PARAGRAPH:

4 IF YOU HAVE SUSTAINED INJURY AS A DIRECT RESULT OF A
5 CRIME, INCLUDING DRUNK DRIVING, OR ARE LEGALLY DEPENDENT
6 FOR SUPPORT UPON A PERSON WHO HAS SUSTAINED PHYSICAL
7 INJURY OR DEATH AS A DIRECT RESULT OF A CRIME OR, IN THE
8 EVENT OF A DEATH CAUSED BY A CRIME, YOU HAVE LEGALLY
9 ASSUMED OR VOLUNTARILY PAID THE MEDICAL OR BURIAL
10 EXPENSES INCURRED AS A DIRECT RESULT THEREOF OR IF YOU
11 HAVE SUSTAINED A LOSS OF A PRIMARY SOURCE OF INCOME, YOU
12 MAY QUALIFY FOR INDEMNIFICATION BY THE COMMONWEALTH OF
13 PENNSYLVANIA FOR THE OUT-OF-POCKET WAGES, OTHER OUT-OF-
14 POCKET LOSSES AND MEDICAL OR BURIAL EXPENSES WHICH YOU
15 HAVE INCURRED AS A RESULT OF THE CRIME. CLAIMS MUST BE
16 FILED WITH THE BUREAU OF VICTIMS' SERVICES FOR THE
17 COMMONWEALTH OF PENNSYLVANIA. FOR FURTHER INFORMATION
18 REGARDING THIS PROGRAM, PLEASE CONTACT:

19 (NAME, BUSINESS ADDRESS AND TELEPHONE
20 NUMBER OF THE LOCAL LAW ENFORCEMENT
21 AGENCY)

22 OR

23 BUREAU OF VICTIMS' SERVICES
24 (AT THE ADDRESS OF THE BUREAU AS
25 PUBLISHED FROM TIME TO TIME IN
26 THE PENNSYLVANIA BULLETIN)
27 HARRISBURG, PENNSYLVANIA

28 IMPORTANT: THE STATUTE PROVIDES THAT, ABSENT CERTAIN
29 EXTENUATING CIRCUMSTANCES, A CLAIMANT HAS ONE YEAR FROM
30 THE DATE OF THE CRIME TO FILE A CLAIM WITH THE BUREAU OF

1 VICTIMS' SERVICES.] AND IN A MANNER AND FORM DEVELOPED BY
2 THE OFFICE OF VICTIMS' SERVICES.

3 (2) LAW ENFORCEMENT AGENCIES SHALL PROVIDE BASIC
4 INFORMATION ON THE RIGHTS AND SERVICES AVAILABLE FOR CRIME
5 VICTIMS. THE INFORMATION SHALL BE IN WRITING AND SHALL BE
6 PROVIDED TO THE VICTIM WITHIN 24 HOURS OF THE LAW ENFORCEMENT
7 AGENCY'S FIRST CONTACT WITH THE VICTIM IN A MANNER AND FORM
8 TO BE DEVELOPED BY THE OFFICE OF VICTIMS' SERVICES.

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

21 [(D) INFORMATION.--LAW ENFORCEMENT AGENCIES ARE RESPONSIBLE
22 FOR PROVIDING BASIC INFORMATION ON SERVICES AVAILABLE FOR CRIME
23 VICTIMS. THE INFORMATION SHALL BE IN WRITING AND SHALL BE
24 PROVIDED TO THE VICTIM WITHIN 24 HOURS OF THE LAW ENFORCEMENT
25 AGENCY'S FIRST CONTACT WITH THE VICTIM IN A FORM TO BE DEVELOPED
26 BY THE COMMISSION.]

27 (E) FORMS.--THE FORM DEVELOPED BY THE [COMMISSION] OFFICE OF
28 VICTIMS' SERVICES SHALL BE ATTACHED TO THE POLICE REPORT AND
29 SHALL INCLUDE A VICTIM CHECKOFF SIGNIFYING THAT THE INFORMATION
30 HAS BEEN PROVIDED TO THE CRIME VICTIM.

1 (F) NOTICE IN PERSONAL INJURY CRIMES.--

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

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

17 (G) RETURN OF PROPERTY.--THE APPROPRIATE LAW ENFORCEMENT
18 AGENCY SHALL RETURN TO THE VICTIM PROPERTY SEIZED AS EVIDENCE IF
19 THE PROSECUTOR'S OFFICE DETERMINES THAT THE EVIDENCE IS NO
20 LONGER NEEDED FOR PROSECUTION.

21 SECTION 2. SECTIONS 311 AND 312 OF THE ACT ARE AMENDED TO
22 READ:

23 SECTION 311. [BUREAU] OFFICE OF VICTIMS' SERVICES.

24 (A) ESTABLISHMENT.--THERE IS ESTABLISHED WITHIN THE
25 COMMISSION THE [BUREAU] OFFICE OF VICTIMS' SERVICES. THE
26 [BUREAU] OFFICE OF VICTIMS' SERVICES SHALL BE RESPONSIBLE FOR
27 ADMINISTERING CHAPTER 7. THE [BUREAU] OFFICE OF VICTIMS'
28 SERVICES SHALL ALSO BE RESPONSIBLE FOR THE DISPOSITION OF ALL
29 CLAIMS FOR [DIRECT VICTIM] COMPENSATION FILED UNDER CHAPTER 7.

30 (B) DIRECTOR.--A DIRECTOR OF THE [BUREAU] OFFICE OF VICTIMS'

1 SERVICES SHALL BE APPOINTED BY THE CHAIRMAN OF THE COMMISSION.
2 THE DIRECTOR SHALL BE PAID COMPENSATION AS THE EXECUTIVE BOARD
3 MAY DETERMINE.

4 (C) STAFF.--THE DIRECTOR OF THE [BUREAU] OFFICE OF VICTIMS'
5 SERVICES MAY EMPLOY PERSONNEL AND CONTRACT FOR SERVICES AS
6 NECESSARY AND AUTHORIZED TO CARRY OUT THE PURPOSES OF THE
7 [BUREAU] OFFICE OF VICTIMS' SERVICES.

8 SECTION 312. POWERS AND DUTIES OF [BUREAU] OFFICE OF VICTIMS'
9 SERVICES.

10 THE [BUREAU] OFFICE OF VICTIMS' SERVICES, SUBJECT TO APPROVAL
11 OF THE COMMISSION, HAS THE FOLLOWING POWERS AND DUTIES:

12 (1) TO ESTABLISH AND MAINTAIN A PRINCIPAL OFFICE IN OR
13 NEAR HARRISBURG AND SUCH OTHER OFFICES WITHIN THIS
14 COMMONWEALTH AS IT MAY DEEM NECESSARY.

15 (2) TO APPOINT COUNSEL, CLERKS, CLAIMS VERIFIERS,
16 HEARING OFFICERS AND OTHER EMPLOYEES AND AGENTS AS IT MAY
17 DEEM NECESSARY, TO FIX THEIR COMPENSATION WITHIN THE LIMITS
18 PROVIDED BY LAW AND TO PRESCRIBE THEIR DUTIES.

19 (3) TO ADOPT, PROMULGATE, AMEND AND RESCIND SUITABLE
20 RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS AND
21 PURPOSES OF CHAPTER 7. THESE REGULATIONS SHALL PROVIDE FOR
22 THE APPROVAL OF ATTORNEY FEES FOR REPRESENTATION BEFORE THE
23 [BUREAU] OFFICE OF VICTIMS' SERVICES, A HEARING EXAMINER OR
24 BEFORE THE COMMONWEALTH COURT UPON JUDICIAL REVIEW UNDER
25 SECTION 705. AWARDS OF THE ATTORNEY FEES SHALL BE IN ADDITION
26 TO AWARDS MADE TO DIRECT VICTIMS. AWARDS OF ATTORNEY FEES
27 SHALL IN NO CASE EXCEED 15% OF THE AWARD TO THE DIRECT VICTIM
28 OR VICTIMS. IT SHALL BE UNLAWFUL FOR AN ATTORNEY TO CONTRACT
29 FOR OR RECEIVE ANY SUM LARGER THAN THE AMOUNT ALLOWED.

30 REGULATIONS UNDER THIS PARAGRAPH SHALL INCLUDE POLICIES,

1 PROCEDURES AND STANDARDS OF REVIEW REGARDING CLAIMS FOR
2 COMPENSATION; APPROVAL OR DENIAL OF CLAIMS, INCLUDING
3 CONTRIBUTORY CONDUCT BY DIRECT VICTIMS; VERIFICATION OF
4 INFORMATION AND DOCUMENTS; PRIORITIZATION OF REVIEW; AND ALL
5 OTHER MATTERS RELATED TO THE PROCESSING.

6 (4) TO REQUEST AND REVIEW FROM LAW ENFORCEMENT AGENCIES
7 AND FROM ANY OTHER STATE OR MUNICIPAL DEPARTMENT, AGENCY OR
8 PUBLIC AUTHORITY ASSISTANCE AND DATA AS WILL ENABLE THE
9 [BUREAU] OFFICE OF VICTIMS' SERVICES TO CARRY OUT ITS POWERS
10 AND DUTIES.

11 (5) TO DETERMINE ALL CLAIMS FOR AWARDS FILED WITH THE
12 [BUREAU] OFFICE OF VICTIMS' SERVICES UNDER CHAPTER 7 AND TO
13 REINVESTIGATE OR REOPEN CASES AS THE [BUREAU] OFFICE OF
14 VICTIMS' SERVICES DEEMS NECESSARY.

15 (6) TO DIRECT MEDICAL EXAMINATIONS OF DIRECT VICTIMS.

16 (7) TO APPOINT HEARING OFFICERS AUTHORIZED TO ADMINISTER
17 OATHS OR AFFIRMATIONS, TO EXAMINE ANY PERSON UNDER OATH OR
18 AFFIRMATION AND TO ISSUE SUBPOENAS REQUIRING ATTENDANCE OF
19 WITNESSES, TESTIMONY OF WITNESSES AND PRODUCTION OF EVIDENCE.
20 EXCEPT WHERE A CLAIM IS DETERMINED TO BE FRIVOLOUS, [THE
21 BUREAU SHALL REIMBURSE] CLAIMANTS SHALL RECEIVE REIMBURSEMENT
22 AT A RATE TO BE DETERMINED BY THE OFFICE OF VICTIMS' SERVICES
23 FOR ATTENDING HEARINGS, REGARDLESS OF THE DISPOSITION OF THE
24 CLAIM[, AT THE RATE OF 20¢ PER MILE AND AT THE RATE OF \$20
25 FOR EACH DAY OF HEARING].

26 (8) TO TAKE OR CAUSE TO BE TAKEN AFFIDAVITS OR
27 DEPOSITIONS IN OR OUTSIDE OF THIS COMMONWEALTH.

28 (9) TO RENDER EACH YEAR TO THE GOVERNOR AND TO THE
29 GENERAL ASSEMBLY A WRITTEN REPORT OF ITS ACTIVITIES. [IN
30 EVERY THIRD ANNUAL REPORT, THE BUREAU UPON INVESTIGATION AND

1 STUDY SHALL INCLUDE ITS FINDINGS AND RECOMMENDATIONS WITH
2 RESPECT TO THE LIMITS ON COMPENSATION WHETHER OR NOT AN
3 INCREASE IS BEING REQUESTED. THE ANNUAL REPORT SHALL INCLUDE
4 A SUMMARY OF AN AUDIT BY THE AUDITOR GENERAL OR AN
5 INDEPENDENT ACCOUNTING FIRM OF A STATISTICALLY VALID SAMPLE
6 OF THE AMOUNTS PAID TO DIRECT VICTIMS SO AS TO AVOID
7 DUPLICATIONS, OTHER POSSIBLE ERRORS OR FRAUD. THE BUREAU
8 SHALL FORMALIZE AGREEMENTS WITH THE AUDITOR GENERAL FOR THE
9 PROVISION OF THE ANNUAL AUDIT.]

10 (10) TO ARRANGE WITH THE HEADS OF OTHER COMMONWEALTH
11 AGENCIES FOR THE PERFORMANCE OF ANY OF ITS FUNCTIONS UNDER
12 THIS ACT WITH OR WITHOUT REIMBURSEMENT AND WITH THE APPROVAL
13 OF THE GOVERNOR TO DELEGATE AND AUTHORIZE THE REDELEGATION OF
14 ANY OF ITS POWERS UNDER THIS ACT.

15 (11) TO ESTABLISH A PROGRAM TO ASSURE EXTENSIVE AND
16 CONTINUING PUBLICITY OF INFORMATION REGARDING THE
17 COMPENSATION PROVISIONS UNDER CHAPTER 7. THIS INFORMATION
18 SHALL INCLUDE THE RIGHT TO FILE A CLAIM, THE SCOPE OF
19 COVERAGE AND PROCEDURES TO BE UTILIZED INCIDENT THERETO.

20 (12) TO ADMINISTER THE FUNDS UNDER SECTION 1101(B) FOR
21 THE PAYMENT OF CLAIMS FILED UNDER CHAPTER 7 AND FOR ALL
22 REASONABLE AND NECESSARY ADMINISTRATIVE EXPENSES.

23 (13) TO ESTABLISH COMPENSATION LIMITS AND REIMBURSEMENT
24 RATES FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF
25 CHAPTER 7. THE OFFICE OF VICTIMS' SERVICES SHALL PUBLISH A
26 SCHEDULE OF THESE COMPENSATION LIMITS AND REIMBURSEMENT RATES
27 IN THE PENNSYLVANIA BULLETIN, PROVIDED THAT THE OFFICE OF
28 VICTIMS' SERVICES SHALL, WITHIN TWO YEARS OF SUCH
29 PUBLICATION, PROMULGATE A REGULATION SETTING FORTH THE
30 SCHEDULE OF COMPENSATION LIMITS AND REIMBURSEMENT.

1 SECTION 3. SECTION 322(1) AND (7) OF THE ACT, AMENDED
2 OCTOBER 30, 2000 (P.L.641, NO.86), ARE AMENDED TO READ:

3 SECTION 322. POWERS AND DUTIES OF COMMITTEE.

4 THE COMMITTEE HAS THE FOLLOWING POWERS AND DUTIES:

5 (1) TO SERVE IN AN ADVISORY CAPACITY TO THE COMMISSION,
6 INCLUDING THE [BUREAU] OFFICE OF VICTIMS' SERVICES, THROUGH
7 THE COMMITTEE'S PARTICIPATION IN THE DEVELOPMENT OF THAT PART
8 OF THE COMMISSION'S PLAN RELATING TO DIRECT VICTIMS' SERVICES
9 AND COMPENSATION.

10 * * *

11 (7) TO RECEIVE STAFF SUPPORT FROM THE COMMISSION AND THE
12 [BUREAU] OFFICE OF VICTIMS' SERVICES IN ORDER TO ADEQUATELY
13 PERFORM THE DUTIES PROVIDED FOR IN THIS SECTION.

14 SECTION 4. SECTIONS 701, 702, 703, 704, 705, 706, 707, 708,
15 709, 710 AND 902 OF THE ACT ARE AMENDED TO READ:

16 SECTION 701. PERSONS ELIGIBLE FOR COMPENSATION.

17 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED IN
18 [SUBSECTION (B)] THIS ACT, THE FOLLOWING PERSONS SHALL BE
19 ELIGIBLE FOR COMPENSATION:

20 (1) A DIRECT VICTIM.

21 (2) AN INTERVENOR.

22 (3) A SURVIVING SPOUSE, PARENT OR CHILD OF A DECEASED
23 DIRECT VICTIM OR INTERVENOR.

24 (4) ANY OTHER INDIVIDUAL DEPENDENT FOR PRINCIPAL SUPPORT
25 UPON A DECEASED DIRECT VICTIM OR INTERVENOR.

26 [(5) ANY INDIVIDUAL RELATED TO THE DIRECT VICTIM WHO
27 ASSUMES THE OBLIGATION OR WHO PAYS THE FUNERAL OR BURIAL
28 EXPENSE INCURRED AS A DIRECT RESULT OF THE CRIME OR, IF NO
29 RELATIVE ASSUMES THE OBLIGATION, THE PERSON WHO MAKES THE
30 PAYMENT.]

1 (6) ANY PERSON WHO ASSUMES THE OBLIGATION OR WHO PAYS
2 FOR THE CRIME SCENE CLEANUP, FUNERAL OR BURIAL EXPENSES
3 INCURRED AS A DIRECT RESULT OF THE CRIME.

4 (B) EXCEPTION.--A PERSON WHO IS CRIMINALLY RESPONSIBLE FOR
5 THE CRIME UPON WHICH A CLAIM IS BASED OR AN ACCOMPLICE OF THE
6 PERSON SHALL NOT BE ELIGIBLE TO RECEIVE COMPENSATION WITH
7 RESPECT TO THE CLAIM. A MEMBER OF THE FAMILY OF THE INDIVIDUAL
8 WHO COMMITTED THE CRIME SHALL NOT BE ELIGIBLE IF THE OFFENDER IS
9 LIVING IN THE SAME HOUSEHOLD AS THE DIRECT VICTIM AND WILL
10 SUBSTANTIALLY BENEFIT FROM THE AWARD. THE ATTORNEY GENERAL MAY
11 AT ANY TIME SUE THE OFFENDER OR THE DIRECT VICTIM, OR BOTH, TO
12 RECOVER THE AWARD IF THE OFFENDER BENEFITS FROM THE AWARD.

13 [(C) FAMILY.--IF A CRIME RESULTS IN DEATH, THE SPOUSE,
14 CHILDREN, PARENTS OR SIBLINGS OF THE DIRECT VICTIM WHO RESIDED
15 WITHIN THE SAME HOUSEHOLD AS THE DIRECT VICTIM SHALL BE ELIGIBLE
16 FOR COMPENSATION FOR THE COST OF PSYCHOLOGICAL COUNSELING AND
17 OTHER REASONABLE OUT-OF-POCKET LOSSES WHICH ARE DEEMED NECESSARY
18 AS A DIRECT RESULT OF THE CRIMINAL INCIDENT.]

19 SECTION 702. FILING OF CLAIMS FOR COMPENSATION.

20 (A) GENERAL RULE.--[A] EXCEPT AS OTHERWISE PROVIDED IN THIS
21 ACT, A CLAIM FOR COMPENSATION MAY BE FILED BY AN INDIVIDUAL
22 ELIGIBLE FOR COMPENSATION AS PROVIDED IN SECTION 701[.] OR AS
23 FOLLOWS:

24 (1) IF THE INDIVIDUAL IS A MINOR, THE CLAIM MAY BE FILED
25 BY A PARENT OR GUARDIAN. IF THE PARENT OR GUARDIAN OF A MINOR
26 WHO IS ELIGIBLE FOR COMPENSATION IS UNAVAILABLE OR FAILS TO
27 ASSUME FINANCIAL RESPONSIBILITY FOR THE MINOR'S CARE, A
28 PERSON WHO ASSUMES FINANCIAL RESPONSIBILITY FOR SERVICES
29 ELIGIBLE FOR COMPENSATION AND WHO IS NOT A PROVIDER OF
30 SERVICES OR AN INSURANCE COMPANY MAY FILE A CLAIM ON BEHALF

1 OF THE MINOR AND MAY RECEIVE COMPENSATION FOR ELIGIBLE
2 SERVICES PROVIDED TO THE MINOR.

3 (2) IF THE INDIVIDUAL IS MENTALLY INCOMPETENT, THE CLAIM
4 MAY BE FILED BY A GUARDIAN OR LEGAL REPRESENTATIVE. IF THE
5 GUARDIAN OR LEGAL REPRESENTATIVE OF A MENTALLY INCOMPETENT
6 INDIVIDUAL WHO IS ELIGIBLE FOR COMPENSATION IS UNAVAILABLE OR
7 FAILS TO ASSUME FINANCIAL RESPONSIBILITY FOR THE INDIVIDUAL'S
8 CARE, A PERSON WHO ASSUMES FINANCIAL RESPONSIBILITY FOR
9 SERVICES ELIGIBLE FOR COMPENSATION AND WHO IS NOT A PROVIDER
10 OF SERVICES OR AN INSURANCE COMPANY MAY FILE A CLAIM ON
11 BEHALF OF THE INDIVIDUAL AND MAY RECEIVE COMPENSATION FOR
12 ELIGIBLE SERVICES PROVIDED TO THE INDIVIDUAL.

13 (B) TIME.--

14 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), A CLAIM MUST
15 BE FILED NOT LATER THAN [ONE YEAR] TWO YEARS AFTER THE
16 OCCURRENCE OF THE CRIME UPON WHICH THE CLAIM IS BASED OR NOT
17 LATER THAN [ONE YEAR] TWO YEARS AFTER THE DEATH OF THE DIRECT
18 VICTIM OR INTERVENOR AS A RESULT OF THE CRIME OR THE
19 DISCOVERY AND IDENTIFICATION OF THE BODY OF A MURDER VICTIM.

20 (2) [EXTENSIONS] EXCEPTIONS SHALL BE AS FOLLOWS:

21 [(I) FOR GOOD CAUSE, THE BUREAU MAY EXTEND THE TIME
22 FOR FILING FOR A PERIOD OF NOT MORE THAN TWO YEARS AFTER
23 THE OCCURRENCE.]

24 (II) IF A DIRECT VICTIM IS UNDER 18 YEARS OF AGE AT
25 THE TIME OF THE OCCURRENCE OF THE CRIME AND THE ALLEGED
26 OFFENDER IS THE DIRECT VICTIM'S PARENT OR A PERSON
27 RESPONSIBLE FOR THE DIRECT VICTIM'S WELFARE, AN
28 INDIVIDUAL RESIDING IN THE SAME HOME AS THE DIRECT VICTIM
29 OR A PARAMOUR OF THE DIRECT VICTIM'S PARENT, [THE BUREAU
30 MAY, FOR GOOD CAUSE, EXTEND THE TIME FOR FILING FOR A

1 PERIOD OF NOT MORE THAN FIVE YEARS AFTER THE OCCURRENCE.]

2 ALL OF THE FOLLOWING SHALL APPLY:

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

6 (B) THE LIMITATION PERIOD SHALL RUN UNTIL THE
7 LATER OF:

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

11 (II) THE END OF THE LIMITATION PERIOD UNDER
12 PARAGRAPH (1).

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

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

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

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

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

27 [(III)] (B.1) RETURNED CLAIMS.--IF A CLAIM HAS BEEN
28 FILED BUT SUBSEQUENTLY RETURNED TO THE CLAIMANT FOR
29 CORRECTION OR FOR ADDITIONAL VERIFICATION OR INFORMATION,
30 THE DATE THE CLAIM WAS FIRST RECEIVED BY THE BUREAU SHALL

1 BE THE PERMANENT FILING DATE FOR PURPOSES OF [THIS
2 SUBSECTION] SUBSECTION (B). THE CORRECTION OR ADDITIONAL
3 VERIFICATION OR INFORMATION MUST BE FILED WITHIN [SIX
4 MONTHS OF THE DATE OF RETURN] A PERIOD OF TIME
5 ESTABLISHED BY THE OFFICE OF VICTIMS' SERVICES.

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

9 [(D) NOTICE.--UPON FILING OF A CLAIM, THE BUREAU SHALL
10 PROMPTLY NOTIFY THE DISTRICT ATTORNEY OF THE COUNTY WHERE THE
11 CRIME IS ALLEGED TO HAVE OCCURRED. IF, WITHIN TEN DAYS AFTER
12 NOTIFICATION, THE DISTRICT ATTORNEY ADVISES THE BUREAU THAT A
13 CRIMINAL PROSECUTION IS PENDING UPON THE SAME ALLEGED CRIME AND
14 REQUESTS THAT ACTION BY THE BUREAU BE DEFERRED, THE BUREAU SHALL
15 DEFER ALL PROCEEDINGS UNDER THIS CHAPTER UNTIL A TRIAL VERDICT
16 HAS BEEN RENDERED AND SHALL SO NOTIFY THE DISTRICT ATTORNEY AND
17 CLAIMANT. WHEN A TRIAL VERDICT HAS BEEN RENDERED, THE DISTRICT
18 ATTORNEY SHALL PROMPTLY NOTIFY THE BUREAU. NOTHING IN THIS
19 SECTION SHALL LIMIT THE AUTHORITY OF THE BUREAU TO GRANT
20 EMERGENCY AWARDS UNDER SECTION 706.]

21 SECTION 703. MINIMUM ALLOWABLE CLAIM.

22 (A) GENERAL RULE.--EXCEPT AS SET FORTH IN SUBSECTION (B), NO
23 AWARD SHALL BE MADE ON A CLAIM UNLESS THE CLAIMANT HAS INCURRED
24 [A MINIMUM OUT-OF-POCKET LOSS OF \$100 OR HAS LOST AT LEAST TWO
25 CONTINUOUS WEEKS' EARNINGS OR SUPPORT] AN AGGREGATE MINIMUM OUT-
26 OF-POCKET LOSS, LOSS OF EARNINGS OR LOSS OF SUPPORT OF \$100.

27 (B) EXCEPTION.--SUBSECTION (A) SHALL NOT APPLY IF THE DIRECT
28 VICTIM WAS 60 YEARS OF AGE OR OLDER AT THE TIME THE CRIME
29 OCCURRED.

30 SECTION 704. DETERMINATION OF CLAIMS.

1 (A) PROCESSING.--THE [BUREAU] OFFICE OF VICTIMS' SERVICES
2 SHALL ESTABLISH FUNCTIONAL PROCEDURES FOR THE INTAKE,
3 VERIFICATION AND PROCESSING OF CLAIMS.

4 (B) REVIEW.--

5 (1) THE [BUREAU] OFFICE OF VICTIMS' SERVICES SHALL
6 REVIEW THE CLAIM AND ALL SUPPORTING DOCUMENTS AND INVESTIGATE
7 THE VALIDITY OF THE CLAIM. THE INVESTIGATION SHALL INCLUDE AN
8 EXAMINATION OF POLICE, COURT AND OFFICIAL RECORDS AND REPORTS
9 CONCERNING THE CRIME AND AN EXAMINATION OF MEDICAL AND
10 HOSPITAL REPORTS RELATING TO THE INJURY UPON WHICH THE CLAIM
11 IS BASED. THE [BUREAU] OFFICE OF VICTIMS' SERVICES MAY NOT
12 REQUEST OR REVIEW COUNSELING NOTES OF MENTAL HEALTH SERVICE
13 PROVIDERS. THE [BUREAU] OFFICE OF VICTIMS' SERVICES SHALL
14 REQUEST AN ASSESSMENT FROM THE MENTAL HEALTH SERVICE PROVIDER
15 AS TO THE EXTENT THE SERVICE PROVIDED IS NEEDED AS A DIRECT
16 RESULT OF THE CRIME.

17 (2) CLAIMS SHALL BE INVESTIGATED AND DETERMINED,
18 REGARDLESS OF WHETHER THE ALLEGED CRIMINAL HAS BEEN
19 APPREHENDED, PROSECUTED OR ADJUDICATED FOR THE CRIME IN
20 QUESTION.

21 (C) DETERMINATION.--THE [BUREAU] OFFICE OF VICTIMS' SERVICES
22 SHALL DETERMINE WHETHER TO GRANT AN AWARD, INCREASE OR DECREASE
23 AN AWARD OR DENY THE CLAIM BASED ON THE SUPPORTING DOCUMENTS,
24 THE REPORT OF THE INVESTIGATION AND STAFF RECOMMENDATIONS. IF
25 THE [BUREAU] OFFICE OF VICTIMS' SERVICES IS UNABLE TO DETERMINE
26 IF A CLAIM IS JUSTIFIED BASED UPON THE SUPPORTING DOCUMENTS, IT
27 MAY DIRECT A HEARING BEFORE A HEARING EXAMINER DESIGNATED BY THE
28 COMMISSION. AT THE HEARING, ANY RELEVANT EVIDENCE NOT LEGALLY
29 PRIVILEGED SHALL BE ADMISSIBLE.

30 (D) NOTICE.--THE [BUREAU] OFFICE OF VICTIMS' SERVICES SHALL

1 PROMPTLY NOTIFY THE CLAIMANT [AND THE STATE TREASURER] OF [THE]
2 ITS FINAL DECISION [OF THE BUREAU].

3 (E) RECORDS.--THE [BUREAU] OFFICE OF VICTIMS' SERVICES SHALL
4 MAINTAIN COMPLETE RECORDS AND HISTORIES ON ALL CLAIMS FILED,
5 SUPPLEMENTAL AWARDS PAID TO CLAIMANTS, CLAIMS STATUS AND THIRD-
6 PARTY ENTITLEMENTS AND RECOVERIES.

7 SECTION 705. JUDICIAL REVIEW.

8 WITHIN 30 DAYS AFTER RECEIPT OF A COPY OF THE REPORT
9 CONTAINING A FINAL DECISION OF THE [BUREAU] OFFICE OF VICTIMS'
10 SERVICES, THE CLAIMANT [OR THE ATTORNEY GENERAL] MAY APPEAL THE
11 FINAL DECISION OF THE [BUREAU] OFFICE OF VICTIMS' SERVICES IN
12 THE MANNER PROVIDED FOR APPEALS FROM ADMINISTRATIVE AGENCIES AS
13 PROVIDED IN 2 PA.C.S. CH. 7 SUBCH. A (RELATING TO JUDICIAL
14 REVIEW OF COMMONWEALTH AGENCY ACTION).

15 SECTION 706. EMERGENCY AWARDS.

16 (A) AUTHORIZATION.--NOTWITHSTANDING THE PROVISIONS OF
17 SECTIONS 704 AND 707, IF IT APPEARS TO THE [BUREAU] OFFICE OF
18 VICTIMS' SERVICES THAT THE CLAIM IS ONE WITH RESPECT TO WHICH AN
19 AWARD PROBABLY WILL BE MADE AND THAT UNDUE HARDSHIP WILL RESULT
20 TO THE CLAIMANT IF IMMEDIATE PAYMENT IS NOT MADE, THE [BUREAU]
21 OFFICE OF VICTIMS' SERVICES MAY MAKE AN EMERGENCY AWARD TO THE
22 CLAIMANT PENDING A FINAL DECISION IN THE CASE. THE FOLLOWING
23 SHALL APPLY:

24 (1) THE TOTAL AMOUNT OF THE EMERGENCY AWARD SHALL NOT
25 EXCEED [\$1,000 PER CLAIM] \$1,500 PER CLAIM OR AT A RATE SET
26 BY THE OFFICE OF VICTIMS' SERVICES.

27 (2) THE AMOUNT OF THE EMERGENCY AWARD SHALL BE DEDUCTED
28 FROM ANY FINAL AWARD MADE TO THE CLAIMANT.

29 (3) THE EXCESS OF THE AMOUNT OF THE EMERGENCY AWARD OVER
30 THE AMOUNT OF THE FINAL AWARD OR THE FULL AMOUNT OF THE

1 EMERGENCY AWARD IF NO FINAL AWARD IS MADE SHALL BE REPAID BY
2 THE CLAIMANT TO THE [BUREAU] OFFICE OF VICTIMS' SERVICES.

3 (B) RECONSIDERATION.--THE [BUREAU] OFFICE OF VICTIMS'
4 SERVICES MAY RECONSIDER AN EMERGENCY AWARD AT ANY TIME PRIOR TO
5 THE FINAL DECISION IN THE CASE AND INCREASE PREVIOUS ORDERS FOR
6 EMERGENCY COMPENSATION UP TO THE OVERALL LIMIT OF [\$1,000 PER
7 CLAIM] \$1,500 PER CLAIM OR AT A RATE SET BY THE OFFICE OF
8 VICTIMS' SERVICES.

9 (C) COMPILATION.--THE [BUREAU] OFFICE OF VICTIMS' SERVICES
10 SHALL COMPUTE THE TOTAL NUMBER AND AMOUNT OF EMERGENCY AWARDS
11 GIVEN IN EACH FISCAL YEAR FOR INCLUSION IN THE ANNUAL REPORT.
12 SECTION 707. AWARDS.

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

15 (1) A CRIME WAS COMMITTED.

16 (2) THE PERSON INJURED OR KILLED WAS A DIRECT VICTIM OR
17 INTERVENOR.

18 (3) THE CRIME WAS PROMPTLY REPORTED TO THE PROPER
19 AUTHORITIES. IN NO CASE MAY AN AWARD BE MADE IF THE RECORD
20 SHOWS THAT THE REPORT WAS MADE MORE THAN 72 HOURS AFTER THE
21 OCCURRENCE OF THE CRIME UNLESS:

22 (I) THE VICTIM IS UNDER 18 YEARS OF AGE AT THE TIME
23 OF THE OCCURRENCE OF THE CRIME AND THE ALLEGED OFFENDER
24 IS THE VICTIM'S PARENT OR A PERSON RESPONSIBLE FOR THE
25 VICTIM'S WELFARE, AN INDIVIDUAL RESIDING IN THE SAME HOME
26 AS THE VICTIM OR A PARAMOUR OF THE VICTIM'S PARENT; OR

27 (II) THE [BUREAU] OFFICE OF VICTIMS' SERVICES FINDS
28 THE DELAY TO HAVE BEEN JUSTIFIED, CONSISTENT WITH BUREAU
29 REGULATIONS. [THE BUREAU, UPON FINDING THAT ANY CLAIMANT,
30 DIRECT VICTIM OR INTERVENOR HAS NOT FULLY COOPERATED WITH

1 ALL LAW ENFORCEMENT AGENCIES, MAY DENY OR WITHDRAW ANY
2 AWARD, AS THE CASE MAY BE.]

3 (4) THE DIRECT VICTIM, INTERVENOR OR CLAIMANT HAS FULLY
4 COOPERATED WITH ALL LAW ENFORCEMENT AGENCIES AND THE OFFICE
5 OF VICTIMS' SERVICES, UNLESS THE OFFICE OF VICTIMS' SERVICES
6 FINDS THE NONCOMPLIANCE TO HAVE BEEN JUSTIFIED CONSISTENT
7 WITH OFFICE OF VICTIMS' SERVICES REGULATIONS.

8 (B) AMOUNT.--

9 (1) ANY AWARD MADE UNDER THIS CHAPTER SHALL BE IN AN
10 AMOUNT NOT EXCEEDING OUT-OF-POCKET LOSS, TOGETHER WITH LOSS
11 OF PAST, PRESENT OR FUTURE EARNINGS OR SUPPORT RESULTING FROM
12 SUCH INJURY. IN NO CASE SHALL THE TOTAL AMOUNT OF AN AWARD
13 EXCEED \$35,000[.], EXCEPT FOR PAYMENT OF THE FOLLOWING:

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

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

19 (III) REASONABLE AND NECESSARY COSTS OF CLEANING THE
20 CRIME SCENE OF A PRIVATE RESIDENCE, THE AMOUNT OF WHICH
21 SHALL NOT EXCEED \$500.

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

26 (I) NO SUCH AWARD SHALL EXCEED THE AVERAGE WEEKLY
27 WAGE FOR ALL PERSONS COVERED BY THE ACT OF DECEMBER 5,
28 1936 (2ND SP.SESS., 1937 P.L.2897, NO.1), KNOWN AS THE
29 UNEMPLOYMENT COMPENSATION LAW, IN THIS COMMONWEALTH AS
30 DETERMINED ANNUALLY BY THE DEPARTMENT OF LABOR AND

1 INDUSTRY FOR EACH WEEK OF LOST EARNINGS OR SUPPORT.

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

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

6 (3) IF AN ORDER OF RESTITUTION HAS BEEN ENTERED ON
7 BEHALF OF THE DIRECT VICTIM, THOSE AMOUNTS ACTUALLY COLLECTED
8 SHALL BE APPLIED FIRST TO PROPERTY LOSSES INCIDENT TO THE
9 CRIME AND SECONDLY TO PERSONAL INJURY LOSSES AS SET FORTH IN
10 SUBSECTION (F).

11 (4) AN AWARD FOR COUNSELING PERFORMED BY OR UNDER THE
12 SUPERVISION OF A PSYCHIATRIST, PSYCHOLOGIST, LICENSED
13 PROFESSIONAL COUNSELOR OR LICENSED SOCIAL WORKER AND SUBJECT
14 TO THE PROVISIONS OF PARAGRAPH (4.1) MAY BE MADE TO:

15 (I) A DIRECT VICTIM;

16 (II) AN INDIVIDUAL RESPONSIBLE FOR THE DIRECT
17 VICTIM'S WELFARE;

18 (III) AN INDIVIDUAL WHO IS PHYSICALLY PRESENT AT THE
19 CRIME SCENE AND WITNESSES A VIOLENT CRIME;

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

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

24 (VI) ANYONE MAINTAINING A COMMON-LAW RELATIONSHIP
25 WITH THE DIRECT VICTIM;

26 (VII) ANYONE RESIDING IN THE SAME HOUSEHOLD WITH THE
27 DIRECT VICTIM; OR

28 (VIII) ANYONE ENGAGED TO BE MARRIED TO THE DIRECT
29 VICTIM.

30 (4.1) IN THE CASE OF AN AWARD MADE PURSUANT TO PARAGRAPH

1 (4), THE FOLLOWING SHALL APPLY:

2 (I) THE AMOUNT OF AN AWARD UNDER PARAGRAPH (4)(I)
3 SHALL NOT EXCEED \$5,000 WHERE THE DIRECT VICTIM IS AN
4 ADULT AND SHALL NOT EXCEED \$10,000 WHERE THE DIRECT
5 VICTIM IS A MINOR.

6 (II) THE AMOUNT OF AN AWARD UNDER PARAGRAPH (4)(II),
7 (V), (VI), (VII) OR (VIII) SHALL NOT EXCEED \$2,500,
8 EXCEPT IN THE CASE OF A HOMICIDE WHEREBY THE AMOUNT OF
9 THIS AWARD SHALL NOT EXCEED \$5,000.

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

12 (5) AN AWARD FOR THE REASONABLE AND NECESSARY COSTS FOR
13 THE REPLACEMENT OF PROSTHETIC DEVICES, WHEELCHAIRS, CANES,
14 WALKERS, HEARING AIDS, EYEGASSES OR OTHER CORRECTIVE LENSES,
15 DENTAL DEVICES OR PRESCRIPTION MEDICATIONS DAMAGED OR STOLEN
16 AS A RESULT OF THE CRIME SHALL BE AT A RATE SET BY THE OFFICE
17 OF VICTIMS' SERVICES. EXPENSES FOR PROSTHETIC DEVICES,
18 WHEELCHAIRS, CANES, WALKERS, HEARING AIDS, EYEGASSES OR
19 OTHER CORRECTIVE LENSES, DENTAL DEVICES OR PRESCRIPTION
20 MEDICATIONS NEEDED AS A RESULT OF THE CRIME SHALL BE COUNTED
21 AGAINST THE \$35,000 AWARD LIMITATION.

22 (C) PUBLIC ASSISTANCE.--PROVISIONS OF AWARDS MADE PURSUANT
23 TO A STATUTE COMPENSATING OR BENEFITING A DIRECT VICTIM OR
24 CLAIMANT SHALL IN NO WAY AFFECT THE CLAIMANT'S OR DIRECT
25 VICTIM'S ELIGIBILITY UNDER PUBLIC ASSISTANCE OR ANY OTHER
26 FEDERAL OR COMMONWEALTH SOCIAL BENEFIT OR ASSISTANCE PROGRAM.

27 (D) APPORTIONMENT.--IF THERE ARE TWO OR MORE [PERSONS]
28 INDIVIDUALS ENTITLED TO AN AWARD AS A RESULT OF THE DEATH OF A
29 DIRECT VICTIM OR INTERVENOR, THE AWARD SHALL BE APPORTIONED
30 AMONG THE CLAIMANTS.

1 (E) REDUCTION.--EXCEPT [FOR PAYMENTS OR PROCEEDS THAT ARE
2 SPECIFICALLY DENOMINATED AS COMPENSATION FOR DISMEMBERMENT OR
3 LOSS OF AN EYE] AS OTHERWISE PROVIDED IN THIS ACT, AN AWARD MADE
4 UNDER THIS CHAPTER SHALL BE REDUCED BY THE AMOUNT OF ANY
5 PAYMENTS RECEIVED OR TO BE RECEIVED BY THE CLAIMANT AS A RESULT
6 OF THE INJURY:

7 (1) FROM OR ON BEHALF OF THE [PERSON] INDIVIDUAL WHO
8 COMMITTED THE CRIME;

9 (2) UNDER ANY INSURANCE OR HEALTH AND WELFARE PROGRAMS,
10 INCLUDING THOSE MANDATED BY LAW;

11 (3) UNDER ANY CONTRACT OF INSURANCE WHEREIN THE CLAIMANT
12 IS THE BENEFICIARY;

13 (4) FROM PUBLIC FUNDS;

14 (5) AS AN EMERGENCY AWARD UNDER SECTION 706; [OR]

15 (6) UNDER ANY PENSION PROGRAM, INCLUDING THOSE PROVIDING
16 FOR DISABILITY OR SURVIVOR'S BENEFITS[.]; OR

17 (7) UNDER A SETTLEMENT OR AWARD MADE BY OR ON BEHALF OF
18 A PARTY ALLEGED TO BE RESPONSIBLE IN WHOLE OR IN PART FOR THE
19 INJURY, WITHOUT REGARD TO THE PARTY'S CRIMINAL CULPABILITY.

20 (F) DIRECT VICTIM RESPONSIBILITY.--

21 (1) EXCEPT AS SET FORTH IN [PARAGRAPH (2)] PARAGRAPHS
22 (2) AND (3), IN DETERMINING THE AMOUNT OF AN AWARD, THE
23 [BUREAU] OFFICE OF VICTIMS' SERVICES SHALL DETERMINE WHETHER
24 THE DIRECT VICTIM OR INTERVENOR, BECAUSE OF CONDUCT,
25 CONTRIBUTED TO THE INFLECTION OF THE INJURY. THE [BUREAU]
26 OFFICE OF VICTIMS' SERVICES SHALL REDUCE THE AMOUNT OR DENY
27 THE CLAIM ALTOGETHER IN ACCORDANCE WITH THE DETERMINATION.

28 (2) IF THE CRIME INVOLVED IS RAPE OR SEXUAL ASSAULT, THE
29 CONDUCT OF THE DIRECT VICTIM SHALL NOT BE CONSIDERED. IF THE
30 CRIME INVOLVED IS RELATED TO DOMESTIC VIOLENCE, THE CONDUCT

1 OF THE DIRECT VICTIM SHALL NOT BE CONSIDERED UNLESS THE
2 DIRECT VICTIM WAS THE PRIMARY AGGRESSOR.

3 (3) IF THE CRIME INVOLVED IS A HOMICIDE, THE CONDUCT OF
4 THE DIRECT VICTIM SHALL NOT BE CONSIDERED FOR CLAIMS BY
5 ELIGIBLE CLAIMANTS FOR COUNSELING.

6 (G) INTERVENOR RESPONSIBILITY.--IN DETERMINING THE AMOUNT OF
7 AN AWARD TO AN INTERVENOR, THE [BUREAU] OFFICE OF VICTIMS'
8 SERVICES MAY CONSIDER WHETHER THE INTERVENOR, BECAUSE OF
9 CONDUCT, CONTRIBUTED TO THE INFLECTION OF THE INJURY. THE
10 [BUREAU] OFFICE OF VICTIMS' SERVICES SHALL REDUCE THE AMOUNT OR
11 DENY THE CLAIM ALTOGETHER IN ACCORDANCE WITH THE DETERMINATION.

12 (H) FORENSIC RAPE INVESTIGATION.--

13 (1) A HOSPITAL OR OTHER LICENSED HEALTH CARE PROVIDER
14 MAY SUBMIT A CLAIM FOR REIMBURSEMENT FOR THE COST OF A
15 FORENSIC RAPE EXAMINATION IF THE COST IS NOT COVERED BY
16 INSURANCE[, UPON APPROVAL BY THE DISTRICT ATTORNEY WITH
17 JURISDICTION OF THE RAPE OR SEXUAL ASSAULT INVESTIGATION AND
18 PROSECUTION. IN NO EVENT SHALL THE BUREAU PAY AN AMOUNT TO
19 EXCEED \$500 FOR A FORENSIC RAPE EXAMINATION NOR \$100 FOR
20 MEDICATIONS DIRECTLY RELATED TO THE SEXUAL ASSAULT OR RAPE.]
21 OR IF THE VICTIM REQUESTS THAT THE INSURANCE CARRIER NOT BE
22 BILLED. UPON FILING OF A CLAIM, THE OFFICE OF VICTIMS'
23 SERVICES SHALL PROMPTLY NOTIFY THE PROSECUTOR OF THE COUNTY
24 WHERE THE CRIME IS ALLEGED TO HAVE OCCURRED. THE
25 REIMBURSEMENT, WHERE APPLICABLE, SHALL BE AT A RATE SET BY
26 THE OFFICE OF VICTIMS' SERVICES.

27 (2) THE COST OF A FORENSIC RAPE EXAMINATION AND THE COST
28 OF MEDICATIONS PRESCRIBED TO THE DIRECT VICTIM SHALL NOT BE
29 CHARGED TO THE VICTIM.

30 (3) A SEXUAL ASSAULT OR RAPE VICTIM NEED NOT BE AN

1 APPLICANT FOR ANY OTHER COMPENSATION UNDER THIS CHAPTER.

2 SECTION 708. MANNER OF PAYMENT.

3 (A) LUMP SUM.--THE AWARD SHALL BE PAID IN A LUMP SUM, EXCEPT
4 THAT, IN THE CASE OF DEATH OR PROTRACTED DISABILITY, THE AWARD
5 MAY PROVIDE FOR PERIODIC PAYMENTS. NO AWARD MADE UNDER THIS
6 CHAPTER SHALL BE SUBJECT TO EXECUTION OR ATTACHMENT OTHER THAN
7 FOR EXPENSES RESULTING FROM THE INJURY WHICH IS THE BASIS FOR
8 THE CLAIM. ALL AWARDS SHALL BE PAID BY OR UNDER THE AUTHORITY OF
9 THE STATE TREASURER. AN AWARD SHALL NOT BE CONSIDERED AS
10 COMPENSATION TAXABLE AS INCOME UNDER ARTICLE III OF THE ACT OF
11 MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF
12 1971. THE [BUREAU] OFFICE OF VICTIMS' SERVICES SHALL RECONSIDER
13 AT LEAST ANNUALLY EVERY AWARD BEING PAID IN INSTALLMENTS. THE
14 [BUREAU] OFFICE OF VICTIMS' SERVICES MAY RECONSIDER A CLAIM AT
15 ANY TIME AND MODIFY OR RESCIND PREVIOUS ORDERS FOR COMPENSATION
16 BASED UPON A CHANGE IN FINANCIAL CIRCUMSTANCES OF A DIRECT
17 VICTIM OR ONE OR MORE SURVIVING DEPENDENTS.

18 (B) MEDICAL EXPENSES.--MEDICAL EXPENSES, EXCEPT AS OTHERWISE
19 PROVIDED, SHALL BE PAID TO A HOSPITAL OR OTHER LICENSED HEALTH
20 CARE PROVIDER ON BEHALF OF THE VICTIM AT A RATE SET BY THE
21 OFFICE OF VICTIMS' SERVICES. IF THE OFFICE OF VICTIMS' SERVICES
22 ACCEPTS A CLAIM, THE HOSPITAL OR OTHER LICENSED HEALTH CARE
23 PROVIDER SHALL ACCEPT SUCH PAYMENT AS PAYMENT IN FULL AND MAY
24 NOT ATTEMPT TO COLLECT FROM THE VICTIM ANY AMOUNT EXCEEDING THE
25 AMOUNT OF REIMBURSEMENT MADE BY THE OFFICE OF VICTIMS' SERVICES.

26 SECTION 709. CONFIDENTIALITY OF RECORDS.

27 [THE RECORD OF A PROCEEDING BEFORE THE BUREAU OR A HEARING
28 EXAMINER SHALL BE A PUBLIC RECORD; HOWEVER, A RECORD OR REPORT
29 OBTAINED BY THE BUREAU OR A HEARING EXAMINER, THE
30 CONFIDENTIALITY OF WHICH IS PROTECTED BY ANY OTHER LAW OR

1 REGULATION, SHALL REMAIN CONFIDENTIAL SUBJECT TO THAT LAW OR
2 REGULATION.]

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

11 (B) DISCLOSURE RESTRICTED.--EXCEPT AS OTHERWISE PROVIDED BY
12 LAW, NO PERSON WHO HAS HAD ACCESS TO A REPORT, RECORD OR ANY
13 OTHER INFORMATION UNDER THIS SUBSECTION SHALL DISCLOSE THE
14 CONTENT OF SUCH A REPORT, RECORD OR OTHER INFORMATION OR TESTIFY
15 IN A JUDICIAL OR ADMINISTRATIVE PROCEEDING WITHOUT THE WRITTEN
16 CONSENT OF THE DIRECT VICTIM OR INTERVENOR OR, IF THE DIRECT
17 VICTIM OR INTERVENOR IS DECEASED, THE CLAIMANT.

18 (C) CONSTRUCTION.--THIS SECTION SHALL NOT BE CONSTRUED TO
19 PRECLUDE OR LIMIT INTRODUCTION OF THE CONTENTS OF A REPORT,
20 RECORD OR OTHER INFORMATION IN AN APPEAL HEARING BEFORE THE
21 OFFICE OF VICTIMS' SERVICES, OR IN AN INVESTIGATION, PROSECUTION
22 OR JUDICIAL PROCEEDING ENFORCING SECTION 1303 OR IN
23 COMMUNICATING WITH THE PROSECUTOR'S OFFICE REGARDING
24 RESTITUTION.

25 SECTION 710. RESPONSIBILITIES OF EMPLOYERS, SERVICE PROVIDERS
26 AND INSURANCE COMPANIES.

27 (A) RESPONSE.--[PROVIDERS] EMPLOYERS, INSURANCE COMPANIES OR
28 PROVIDERS OF SERVICES TO DIRECT VICTIMS, INTERVENORS OR
29 CLAIMANTS INCLUDING, BUT NOT LIMITED TO, DOCTORS, HOSPITALS[,]
30 AND COUNSELORS [AND INSURANCE COMPANIES PROVIDING OR LIABLE FOR

1 REIMBURSEMENT TO DIRECT VICTIMS OR ANY OTHER CLAIMANTS], SHALL
2 RESPOND IN WRITING TO THE [BUREAU'S] OFFICE OF VICTIMS'
3 SERVICES' REQUEST FOR CONFIRMATION OR OTHER INFORMATION UNDER
4 THIS CHAPTER WITHIN 30 DAYS OF RECEIPT OF THE [BUREAU'S] OFFICE
5 OF VICTIMS' SERVICES' REQUEST.

6 (B) PENALTY.--ANY [PROVIDER OF SERVICES OR INSURANCE
7 COMPANY] PERSON WHO FAILS TO RESPOND [WITHIN 30 DAYS OF RECEIPT
8 OF THE REQUEST] TO A REQUEST UNDER SUBSECTION (A) SHALL BE
9 SUBJECT TO A [CIVIL] PENALTY OF NOT MORE THAN \$50 PER DAY, UP TO
10 AND INCLUDING THE DATE OF COMPLIANCE.

11 (C) ENFORCEMENT.--THE OFFICE OF THE DISTRICT ATTORNEY OF THE
12 COUNTY IN WHICH THE CRIME OCCURRED AND THE [ATTORNEY GENERAL]
13 OFFICE OF VICTIMS' SERVICES SHALL BE CHARGED WITH ENFORCEMENT OF
14 THIS SECTION AND THE COLLECTION OF PENALTIES, WHICH MAY BE GIVEN
15 TO LOCAL VICTIM SERVICE AGENCIES OR USED FOR THE ENFORCEMENT AND
16 COLLECTION OF PENALTIES UNDER THIS SECTION.

17 SECTION 902. ESTABLISHMENT OF BASIC SERVICES FOR VICTIMS OF
18 CRIME.

19 THE COMMISSION SHALL PROVIDE TECHNICAL ASSISTANCE TO AND MAKE
20 GRANTS TO DISTRICT ATTORNEYS [AND], OTHER CRIMINAL JUSTICE
21 AGENCIES OR VICTIM SERVICE AGENCIES WHICH PROVIDE CRIME VICTIMS
22 WITH THE FOLLOWING SERVICES:

23 (1) NOTIFICATION SERVICES, INCLUDING ALL OF THE
24 FOLLOWING:

25 (I) INFORMATION CONCERNING FINANCIAL ASSISTANCE AND
26 OTHER SOCIAL SERVICES AVAILABLE AS A RESULT OF BEING A
27 VICTIM OF CRIME.

28 (II) NOTIFICATION THAT A COURT PROCEEDING TO WHICH
29 THEY HAVE BEEN SUBPOENAED WILL NOT GO ON AS SCHEDULED, IN
30 ORDER TO SAVE THE VICTIM AN UNNECESSARY TRIP TO COURT.

1 (III) NOTIFICATION OF THE FINAL DISPOSITION OF THE
2 CASE.

3 (2) PROTECTION SERVICES, INCLUDING ALL OF THE FOLLOWING:

4 (I) PROTECTION FROM HARM AND THREATS OF HARM ARISING
5 OUT OF COOPERATION WITH LAW ENFORCEMENT AND PROSECUTION
6 EFFORTS.

7 (II) A SECURE WAITING AREA DURING COURT PROCEEDINGS
8 WHICH DOES NOT REQUIRE THEM TO BE IN CLOSE PROXIMITY TO
9 DEFENDANTS AND FAMILIES AND FRIENDS OF DEFENDANTS.

10 (3) PROCEDURES FOR THE EXPEDITED RETURN BY LAW
11 ENFORCEMENT OFFICIALS OF PERSONAL PROPERTY OF VICTIMS WHICH
12 IS HELD FOR PROSECUTORIAL PURPOSES.

13 (4) SERVICES RELATED TO THE RIGHTS OF VICTIMS UNDER
14 CHAPTER 2.

15 (5) OTHER SERVICES AS DEFINED BY THE COMMISSION.

16 SECTION 5. SECTION 1101(A), (B) AND (D) OF THE ACT, AMENDED
17 OCTOBER 30, 2000 (P.L.641, NO.86), ARE AMENDED TO READ:

18 SECTION 1101. COSTS.

19 (A) IMPOSITION.--

20 (1) A PERSON WHO PLEADS GUILTY OR NOLO CONTENDERE OR WHO
21 IS CONVICTED OF A CRIME SHALL, IN ADDITION TO COSTS IMPOSED
22 UNDER 42 PA.C.S. § 3571(C) (RELATING TO COMMONWEALTH PORTION
23 OF FINES, ETC.), PAY COSTS OF AT LEAST [\$40] ~~\$50~~ \$60 AND MAY <—
24 BE SENTENCED TO PAY ADDITIONAL COSTS IN AN AMOUNT UP TO THE
25 STATUTORY MAXIMUM MONETARY PENALTY FOR THE OFFENSE COMMITTED.

26 (2) A PERSON PLACED IN A DIVERSIONARY PROGRAM SHALL PAY
27 COSTS OF AT LEAST [\$40] ~~\$50~~ \$60 IN ADDITION TO COSTS IMPOSED <—
28 PURSUANT TO 42 PA.C.S. § 3571(C).

29 (3) A JUVENILE SHALL PAY COSTS OF AT LEAST [\$15] ~~\$25~~ IF
30 ANY OF THE FOLLOWING APPLY TO THE CASE:

1 (I) THERE IS A CONSENT DECREE.

2 (II) THERE IS AN ADJUDICATION OF DELINQUENCY.

3 (B) DISPOSITION.--

4 (1) THERE IS ESTABLISHED A SPECIAL NONLAPSING FUND,
5 KNOWN AS THE CRIME VICTIM'S COMPENSATION FUND. THIS FUND
6 SHALL BE USED BY THE [BUREAU] OFFICE OF VICTIMS' SERVICES FOR
7 PAYMENT TO [DIRECT VICTIMS] CLAIMANTS AND TECHNICAL
8 ASSISTANCE. [FIFTEEN] ~~TWENTY-FIVE~~ THIRTY-FIVE DOLLARS OF THE <—
9 COSTS IMPOSED UNDER SUBSECTION (A)(1) AND (2) PLUS 30% OF THE
10 COSTS IMPOSED UNDER SUBSECTION (A)(1) WHICH EXCEED [\$40] ~~\$50~~ <—
11 \$60 SHALL BE PAID INTO THIS FUND. ALL COSTS IMPOSED UNDER
12 SUBSECTION (A)(3) SHALL BE PAID INTO THIS FUND.

13 (2) THERE IS ESTABLISHED A SPECIAL NONLAPSING FUND,
14 KNOWN AS THE VICTIM WITNESS SERVICES FUND. THIS FUND SHALL BE
15 USED BY THE COMMISSION FOR VICTIM-WITNESS SERVICES AND
16 TECHNICAL ASSISTANCE IN NONVICTIM COMPENSATION-RELATED AREAS
17 IN ACCORDANCE WITH THIS SECTION. TWENTY-FIVE DOLLARS OF THE
18 COSTS IMPOSED UNDER SUBSECTION (A)(1) AND (2) PLUS 70% OF THE
19 COSTS IMPOSED UNDER SUBSECTION (A)(1) AND (2) WHICH EXCEED
20 [\$40] ~~\$50~~ \$60 SHALL BE PAID INTO THIS FUND. <—

21 * * *

22 (D) MANDAMUS.--THE DISTRICT ATTORNEY, THE [BUREAU] OFFICE OF
23 VICTIMS' SERVICES, THE COMMISSION OR ANY [DIRECT] VICTIM SHALL
24 HAVE STANDING TO SEEK A MANDAMUS ORDER REQUIRING THE COUNTY TO
25 COLLECT THE COSTS IMPOSED BY THIS SECTION.

26 * * *

27 SECTION 6. SECTIONS 1301(B) AND 1302 OF THE ACT ARE AMENDED
28 TO READ:

29 SECTION 1301. SUBROGATION.

30 * * *

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

10 SECTION 1302. RESTITUTION.

11 TO THE EXTENT THAT RESTITUTION IS ORDERED EITHER PRIOR TO OR
12 SUBSEQUENT TO THE MAKING OF AN AWARD BY THE [BUREAU] OFFICE OF
13 VICTIMS' SERVICES THE RESTITUTION SHALL BE PAID TO THE
14 COMMONWEALTH TO THE EXTENT OF THE AWARD BY THE [BUREAU] OFFICE
15 OF VICTIMS' SERVICES.

16 Section ~~2~~ 7. This act shall take effect in 60 days.

<—