
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1072 Session of
2018

INTRODUCED BY GREENLEAF, LEACH, HUGHES, SCHWANK, YUDICHAK AND
BROWNE, MARCH 12, 2018

REFERRED TO JUDICIARY, MARCH 12, 2018

AN ACT

1 Amending the act of November 24, 1998 (P.L.882, No.111),
2 entitled "An act providing for victims' rights; imposing
3 penalties; establishing remedies; establishing the Office of
4 Victim Advocate, the Bureau of Victims' Services, the
5 Victims' Services Advisory Committee, the State Offender
6 Supervision Fund and other funds; and making repeals," in
7 preliminary provisions, further providing for definitions; in
8 crime victims, further providing for rights, for
9 responsibilities of victims of crime under basic bill of
10 rights, for responsibilities of State and local law
11 enforcement agencies and for responsibilities of prosecutor's
12 office; in administration, further providing for office, for
13 powers and duties of victim advocate and for powers and
14 duties of Office of Victims' Services; in compensation,
15 further providing for persons eligible for compensation, for
16 filing of claims for compensation, for minimum allowable
17 claim, for determination of claims, for emergency awards, for
18 awards and for confidentiality of records; in services,
19 further providing for eligibility of victims; in financial
20 matters, further providing for costs and for costs for
21 offender supervision programs; and, in enforcement, further
22 providing for subrogation.

23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:

25 Section 1. The definitions of "board," "crime," "family,"
26 "loss of earnings," "out-of-pocket loss" and "personal injury
27 crime" in section 103 of the act of November 24, 1998 (P.L.882,
28 No.111), known as the Crime Victims Act, are amended and the

1 section is amended by adding a definition to read:

2 Section 103. Definitions.

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

6 * * *

7 "Board." The Pennsylvania [Board of Probation and] Parole
8 Board.

9 * * *

10 "Crime." An act which was committed:

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

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

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

19 30 Pa.C.S. § 5502 (relating to operating
20 watercraft under influence of alcohol or controlled
21 substance).

22 30 Pa.C.S. § 5502.1 (relating to homicide by
23 watercraft while operating under influence).

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

26 75 Pa.C.S. § 3732 (relating to homicide by
27 vehicle).

28 75 Pa.C.S. § 3735 (relating to homicide by
29 vehicle while driving under influence).

30 75 Pa.C.S. § 3735.1 (relating to aggravated

1 assault by vehicle while driving under the
2 influence).

3 75 Pa.C.S. § 3742 (relating to accidents
4 involving death or personal injury).

5 75 Pa.C.S. § 3742.1 (relating to accidents
6 involving death or personal injury while not properly
7 licensed) when the nature and circumstances of the
8 offense committed are substantially similar to an
9 offense under 75 Pa.C.S. § 3742.

10 75 Pa.C.S. Ch. 38 (relating to driving after
11 imbibing alcohol or utilizing drugs).

12 (iii) The laws of the United States.

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

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

18 * * *

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 that individual prior to January 1, 2005; or

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

26 * * *

27 "Loss of earnings." [Includes] An economic loss or expense
28 resulting from an injury or death to a victim of crime that has
29 not been and will not be reimbursed from another source. The
30 term includes the loss of the cash equivalent of one month's

1 worth of Social Security, railroad retirement, pension plan,
2 retirement plan, disability, veteran's retirement, [court-
3 ordered child support or court-ordered spousal] loss of support
4 [payments] if the [payments are] support is the primary source
5 of the victim's income or other similar benefit and the victim
6 is deprived of money as a direct result of a crime.

7 "Loss of support." The loss of verifiable financial support
8 the direct victim would have contributed to surviving dependents
9 that is lost due to the death of the direct victim as a result
10 of a crime. The term includes the loss of court-ordered child
11 support or court-ordered spousal support payments if the
12 payments are the primary source of the victim's income and the
13 victim is deprived of money as a direct result of a crime.

14 * * *

15 "Out-of-pocket loss." The term includes the following losses
16 which shall be reimbursed at a rate set by the Office of
17 Victims' Services:

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

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

28 (3) expenses related to the reasonable and necessary
29 costs of cleaning the crime scene of a private residence or
30 privately owned motor vehicle. "Cleaning" means to remove or

1 attempt to remove stains or blood caused by the crime or
2 other dirt or debris caused by the processing of the crime
3 scene;

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

11 (5) expenses for physical examinations and materials
12 used to obtain evidence; or

13 (6) other reasonable expenses which are deemed necessary
14 as a direct result of the criminal incident.

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

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

20 18 Pa.C.S. Ch. 25 (relating to criminal homicide).

21 18 Pa.C.S. Ch. 27 (relating to assault).

22 18 Pa.C.S. Ch. 29 (relating to kidnapping).

23 18 Pa.C.S. Ch. 31 (relating to sexual offenses).

24 18 Pa.C.S. § 3301 (relating to arson and related
25 offenses).

26 18 Pa.C.S. Ch. 37 (relating to robbery).

27 18 Pa.C.S. Ch. 49 Subch. B (relating to victim and
28 witness intimidation).

29 30 Pa.C.S. § 5502.1 (relating to homicide by watercraft
30 while operating under influence).

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

4 75 Pa.C.S. § 3732 (relating to homicide by vehicle).

5 75 Pa.C.S. § 3735 (relating to homicide by vehicle while
6 driving under influence).

7 75 Pa.C.S. § 3735.1 (relating to aggravated assault by
8 vehicle while driving under the influence).

9 75 Pa.C.S. § 3742 (relating to accidents involving death
10 or personal injury).

11 75 Pa.C.S. § 3742.1 (relating to accidents involving
12 death or personal injury while not properly licensed) when
13 the nature and circumstances of the offense committed are
14 substantially similar to an offense under 75 Pa.C.S. § 3742.

15 75 Pa.C.S. Ch. 38 (relating to driving after imbibing
16 alcohol or utilizing drugs) in cases involving bodily injury.
17 The term includes violations of any protective order issued as a
18 result of an act related to domestic violence.

19 * * *

20 Section 2. Section 201(7) and (11) of the act are amended
21 and the section is amended by adding a paragraph to read:

22 Section 201. Rights.

23 Victims of crime have the following rights:

24 * * *

25 (1.1) If eligible to apply, to be notified of the
26 Address Confidentiality Program under 23 Pa.C.S. § 6703
27 (relating to Address Confidentiality Program).

28 * * *

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

1 (i) given the opportunity to provide prior comment
2 on and to receive State postsentencing release decisions,
3 including work release, furlough, parole, pardon or
4 community treatment center placement;

5 (ii) provided immediate notice of an escape of the
6 adult and of subsequent apprehension; and

7 (iii) given the opportunity to receive notice of and
8 to provide prior comment on a recommendation sought by
9 the Department of Corrections that the offender
10 participate in a motivational boot camp pursuant to the
11 Motivational Boot Camp Act[.] or that the offender
12 participate in the State drug treatment program under 61
13 Pa.C.S. § 4105 (relating to State drug treatment
14 program).

15 * * *

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

19 * * *

20 Section 3. Sections 211, 212(b), (c) and (e) and 213(a), (d)
21 and (g) of the act are amended to read:

22 Section 211. Responsibilities of victims of crime under basic
23 bill of rights.

24 [A] Except as provided for victims enrolled in the Address
25 Confidentiality Program under 23 Pa.C.S. § 6703 (relating to
26 Address Confidentiality Program), a victim shall provide a valid
27 address and telephone number and any other required information
28 to all agencies responsible for providing information and notice
29 to the victim. The victim shall be responsible for providing
30 timely notice of any changes in the status of the information.

1 The information provided shall not be disclosed to any person
2 other than a law enforcement agency, corrections agency or
3 prosecutor's office without the prior written consent of the
4 victim.

5 Section 212. Responsibilities of State and local law
6 enforcement agencies.

7 * * *

8 (b) Notice.--

9 [(1) Law enforcement agencies shall within 48 hours of
10 reporting give notice to the direct victim or, if
11 appropriate, a member of the direct victim's family of the
12 availability of crime victims' compensation. The notice
13 required under this subsection shall be in writing and in a
14 manner and form developed by the Office of Victims' Services.

15 (2) Law enforcement agencies shall provide basic
16 information on the rights and services available for crime
17 victims. The information shall be in writing and shall be
18 provided to the victim within 24 hours of the law enforcement
19 agency's first contact with the victim in a manner and form
20 to be developed by the Office of Victims' Services.]

21 (3) The law enforcement officer responding to or
22 investigating an incident shall provide basic information on
23 the rights and services available for victims and the
24 availability of victims' compensation to the victim or a
25 member of the victim's family. The information shall be
26 provided when the officer has first contact with the victim
27 or as soon as reasonably possible. The information required
28 under this subsection shall be in a manner and form developed
29 by the Office of Victims' Services.

30 (4) Law enforcement agencies shall be responsible for

1 providing the notification required under paragraph (3)
2 within 48 hours of the reporting of the crime if the law
3 enforcement officer does not provide the notification
4 required under paragraph (3).

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

17 (e) [Forms.--The form developed by the Office of Victims'
18 Services shall be attached to the police report and shall
19 include a victim checkoff signifying that the information has
20 been provided to the crime victim.] Confirmation.--The law
21 enforcement officer responding to or investigating an incident
22 shall indicate the reason for not providing the information
23 under subsection (b) if the information required under
24 subsection (b) was not provided to the victim.

25 * * *

26 Section 213. Responsibilities of prosecutor's office.

27 (a) Forms.--The prosecutor's office shall provide the victim
28 of a personal injury crime with all forms developed pursuant to
29 sections 214 and 215, unless forms are provided directly by the
30 victim advocate.

1 * * *

2 (d) Release.--In a personal injury crime, the prosecutor's
3 office shall provide the victim advocate with victim information
4 when a State sentence is imposed so that the victim advocate may
5 provide notice of the opportunity to submit input into State
6 correctional release decisions, to receive notice of any release
7 of an adult from a State [or local] correctional facility and to
8 receive notice of the commitment to a mental health institution
9 from a State [or local] correctional institution. The
10 prosecutor's office shall provide notice to the victim of the
11 opportunity to receive notice of the release of an adult from a
12 local correctional facility and to receive notice of the
13 commitment to a mental health institution from a local
14 correctional institution.

15 * * *

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

18 (1) Preparation of statements under section 201(5).

19 (2) Preparation of, submission of and follow-up on
20 financial assistance claims filed with the [bureau.] Office
21 of Victims' Services.

22 (3) Notification to the victim advocate on behalf of the
23 victim for personal injury crimes where the offender is
24 sentenced to a State correctional facility.

25 * * *

26 Section 4. Section 301(a) and (c) of the act are amended and
27 the section is amended by adding a subsection to read:

28 Section 301. Office.

29 (a) Establishment.--There is established [within the board]
30 the Office of Victim Advocate, a criminal justice agency, to

1 represent and advocate for the interests of crime victims
2 [before the board or department]. The office shall operate under
3 the direction of the victim advocate as provided in this
4 section.

5 * * *

6 (c) Service and employees.--The victim advocate shall
7 operate from the central office of the board with such clerical,
8 technical and professional staff as may be available within the
9 budget of the board. The compensation of employees of the office
10 shall be set by the Executive Board. The home address of an
11 employee of the Office of Victim Advocate shall not be
12 considered a public record under the act of February 14, 2008
13 (P.L.6, No.3), known as the Right-to-Know Law.

14 (d) Disclosure and confidentiality.--

15 (1) All records pertaining to the victim in the
16 possession of or maintained by the Office of Victim Advocate,
17 including information regarding a victim's current contact
18 information and any other information or record relating to a
19 victim, are private, confidential and privileged and the
20 property of the Office of Victim Advocate, and shall not be
21 subject to the provisions of the Right-To-Know Law. Records
22 of the Office of Victim Advocate shall not be subject to
23 subpoena or discovery, introduced into evidence in any
24 judicial or administrative proceedings or released to the
25 inmate, parolee or probationer.

26 (2) Unless a victim waives the privilege in a signed
27 writing prior to testimony or disclosure, an employee of the
28 Office of the Victim Advocate shall not be competent nor
29 permitted to testify or to otherwise disclose confidential
30 communications made to or by the employee of the Office of

1 Victim Advocate. The privilege shall terminate upon the death
2 of the victim. Neither the employee of the Office of Victim
3 Advocate nor the victim shall waive the privilege of
4 confidential communications by reporting facts of physical or
5 sexual assault under 23 Pa.C.S. Ch. 63 (relating to child
6 protective services), a Federal or State mandatory reporting
7 statute or a local mandatory reporting ordinance.

8 Section 5. Section 302 of the act is amended by adding
9 paragraphs to read:

10 Section 302. Powers and duties of victim advocate.

11 The victim advocate has the following powers and duties:

12 * * *

13 (6) To ensure eligible victims are informed of the
14 Address Confidentiality Program under 23 Pa.C.S. § 6703
15 (relating to Address Confidentiality Program)

16 (7) To advocate for the interests of victims generally,
17 including the victims of crimes committed by juveniles.

18 Section 6. Section 312(3) of the act is amended to read:

19 Section 312. Powers and duties of Office of Victims' Services.

20 The Office of Victims' Services, subject to approval of the
21 commission, has the following powers and duties:

22 * * *

23 (3) To adopt, promulgate, amend and rescind suitable
24 rules and regulations to carry out the provisions and
25 purposes of Chapter 7. These regulations shall provide for
26 the following:

27 (i) The approval of attorney fees for representation
28 before the Office of Victims' Services, a hearing
29 examiner or before the Commonwealth Court upon judicial
30 review under section 705. Awards of the attorney fees

1 shall be in addition to awards made to direct victims or
2 claimants. Awards of attorney fees shall in no case
3 exceed 15% of the award to the direct victim or [victims]
4 claimants. It shall be unlawful for an attorney to
5 contract for or receive any sum larger than the amount
6 allowed. [Regulations under this paragraph shall include
7 policies,]

8 (ii) Policies, procedures and standards of review
9 regarding claims for compensation[; approval].

10 (iii) Approval or denial of claims, including
11 contributory conduct by direct victims[; verification].

12 (iv) Verification of information and documents[;
13 prioritization].

14 (v) Prioritization of review[; and all].

15 (vi) All other matters related to the processing of
16 claims.

17 * * *

18 Section 7. Section 701(a) of the act is amended by adding
19 paragraphs to read:

20 Section 701. Persons eligible for compensation.

21 (a) General rule.--Except as otherwise provided in this act,
22 the following persons shall be eligible for compensation:

23 * * *

24 (7) Hospitals or other licensed health care providers
25 under section 707(h).

26 (8) A person eligible for counseling under this chapter.

27 * * *

28 Section 8. Sections 702(b), (b.1) and (c), 703, 704(b)(1)
29 and (e) and 706(a)(1) and (b) of the act are amended to read:

30 Section 702. Filing of claims for compensation.

1 * * *

2 (b) Time.--

3 (1) Except as set forth in paragraph (2), a claim must
4 be filed not later than [two] three years after the discovery
5 of the occurrence of the crime upon which the claim is based
6 or not later than [two] three years after the death of the
7 direct victim or intervenor as a result of the crime or the
8 discovery and identification of the body of a murder victim.

9 (2) Exceptions shall be as follows:

10 (ii) If a direct victim is under 18 years of age at
11 the time of the occurrence of the crime and the alleged
12 offender is the direct victim's parent or a person
13 responsible for the direct victim's welfare, an
14 individual residing in the same home as the direct victim
15 or a paramour of the direct victim's parent, all of the
16 following shall apply:

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

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

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

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

27 (ii.1) If a direct victim is under 18 years of age
28 at the time of the occurrence of the crime and the direct
29 victim is seeking reimbursement for counseling services
30 only, all of the following shall apply:

1 (A) The limitation period under this subsection
2 is tolled until the direct victim reaches 21 years of
3 age.

4 (B) The limitation period shall run until the
5 later of:

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

9 (II) the end of the limitation period under
10 paragraph (1).

11 (iii) The Office of Victims' Services may find good
12 cause to accept a claim beyond the three-year limitation
13 when one of the following circumstances exists:

14 (A) The direct victim, intervenor or claimant is
15 mentally or physically incapacitated.

16 (B) The victim is a minor.

17 (C) There is a fear of retaliation.

18 (D) The occurrence of the crime is not readily
19 apparent.

20 (E) Other circumstances when good cause is shown
21 by the claimant.

22 (b.1) Returned claims.--If a claim has been filed but
23 subsequently returned to the claimant for correction or for
24 additional verification or information, the date the claim was
25 first received by the [bureau] Office of Victims' Services shall
26 be the permanent filing date for purposes of subsection (b). The
27 correction or additional verification or information must be
28 filed within a period of time established by the Office of
29 Victims' Services.

30 (c) Manner.--Claims must be filed with the [bureau] Office

1 of Victims' Services in person, by mail or by any electronic
2 means authorized by the Office of Victims' Services.

3 Section 703. Minimum allowable claim.

4 (a) General rule.--Except as set forth in subsection (b), no
5 award shall be made on a claim unless the claimant has incurred
6 an aggregate minimum out-of-pocket loss, loss of earnings or
7 loss of support of [\$100] \$50.

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

11 Section 704. Determination of claims.

12 * * *

13 (b) Review.--

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

27 * * *

28 (e) Records.--The Office of Victims' Services shall maintain
29 complete records and histories on all claims filed, supplemental
30 awards paid to claimants, claims status and third-party

1 entitlements and recoveries in accordance with the commission's
2 established records retention schedule.

3 Section 706. Emergency awards.

4 (a) Authorization.--Notwithstanding the provisions of
5 sections 704 and 707, if it appears to the Office of Victims'
6 Services that the claim is one with respect to which an award
7 probably will be made and that undue hardship will result to the
8 claimant if immediate payment is not made, the Office of
9 Victims' Services may make an emergency award to the claimant
10 pending a final decision in the case. The following shall apply:

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

14 * * *

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

20 * * *

21 Section 9. Section 707(a)(3), (a.1)(2) and (b)(1), (2) and
22 (4) of the act are amended and the section is amended by adding
23 subsections to read:

24 Section 707. Awards.

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

27 * * *

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

1 discovery of the occurrence of the crime unless:

2 (i) the victim is under 18 years of age at the time
3 of the occurrence of the crime and the alleged offender
4 is the victim's parent or a person responsible for the
5 victim's welfare, an individual residing in the same home
6 as the victim or a paramour of the victim's parent; or

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

10 * * *

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

19 * * *

20 (2) Filed more than 72 hours after the discovery of the
21 occurrence of the criminal conduct leading to the
22 commencement of the action, unless:

23 (i) the victim is under 18 years of age at the time
24 of the occurrence of the criminal conduct and the alleged
25 offender is the victim's parent or a person responsible
26 for the victim's welfare, an individual residing in the
27 same home as the victim or a paramour of the victim's
28 parent; or

29 (ii) the Office of Victim Services finds the delay
30 to have been justified, consistent with regulations of

1 the Office of Victim Services.

2 (a.2) Sexual violence and intimidation orders.--A claimant
3 who satisfies the eligibility requirements of subsection (a)(1),
4 (2) and (4) may satisfy the eligibility requirement under
5 subsection (a)(3) for reporting a crime to the proper
6 authorities by commencing an action brought in accordance with
7 42 Pa.C.S. Ch. 62A (relating to protection of victims of sexual
8 violence or intimidation). In no case may an award be made if
9 the record shows that the petition was:

10 (1) Withdrawn, unless the Office of Victims' Services
11 finds the withdrawal to have been justified, consistent with
12 regulations of the Office of Victims' Services.

13 (2) Filed more than 72 hours after the discovery of the
14 occurrence of the criminal conduct leading to the
15 commencement of the action, unless:

16 (i) the victim is under 18 years of age at the time
17 of the occurrence of the criminal conduct and the alleged
18 offender is the victim's parent or a person responsible
19 for the victim's welfare, an individual residing in the
20 same home as the victim or a paramour of the victim's
21 parent; or

22 (ii) the Office of Victims' Services finds the delay
23 to have been justified, consistent with regulations of
24 the Office of Victims' Services.

25 (b) Amount.--

26 (1) Any award made under this chapter shall be
27 contingent upon available funds and in an amount not
28 exceeding out-of-pocket loss, together with loss of past,
29 present or future earnings or support resulting from such
30 injury. In no case shall the total amount of an award exceed

1 \$35,000 except for payment of the following:

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

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

7 (iii) reasonable and necessary costs of cleaning the
8 crime scene of a private residence or privately owned
9 motor vehicle, the amount of which shall not exceed \$500.

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

14 (i) No such award shall exceed the average weekly
15 wage for all persons covered by the act of December 5,
16 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the
17 Unemployment Compensation Law, in this Commonwealth as
18 determined annually by the Department of Labor and
19 Industry for each week of lost earnings or support.

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

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

24 * * *

25 (4) An award for counseling performed by or under the
26 supervision of a psychiatrist, psychologist, licensed
27 professional counselor or licensed social worker and
28 reimbursement of associated transportation costs subject to
29 the provisions of paragraph (4.1) may be made to:

30 (i) a direct victim;

1 (ii) an individual responsible for the direct
2 victim's welfare;

3 (iii) an intervenor or individual who is physically
4 present at the crime scene and witnesses a violent crime;

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

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

9 (vi) anyone maintaining a common-law relationship
10 prior to January 1, 2005, with the direct victim;

11 (vii) anyone residing in the same household with the
12 direct victim; or

13 (viii) anyone engaged to be married to the direct
14 victim.

15 * * *

16 (e.1) Special provision for counseling.--No victim under the
17 age of 18 who is a victim of a sexual offense shall be required
18 to use insurance or a health and welfare program benefit,
19 including those mandated by law, for counseling services if the
20 claimant requests insurance not be billed.

21 * * *

22 Section 10. Sections 709(a) and 901 of the act are amended
23 to read:

24 Section 709. Confidentiality of records.

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

1 or as provided in this section, shall not be introduced into
2 evidence in any judicial or administrative proceeding.

3 * * *

4 Section 901. Eligibility of victims.

5 A victim has the rights and is eligible for the services
6 under sections 201 and 902 only if the victim reported the crime
7 to law enforcement authorities without unreasonable delay after
8 [its occurrence or discovery] the occurrence of the crime or the
9 discovery of the occurrence of the crime, unless the victim had
10 a reasonable excuse not to do so.

11 Section 11. Section 1101(b) of the act is amended by adding
12 a paragraph to read:

13 Section 1101. Costs.

14 * * *

15 (b) Disposition.--

16 * * *

17 (3) Effective July 1, 2018, the special nonlapsing funds
18 established in subsection (b)(1) and (2) are merged into a
19 single special nonlapsing fund, known as the Crime Victim
20 Services and Compensation Fund. The fund shall be used by the
21 Office of Victims' Services for payment to claimants, for
22 victim-witness services and for technical assistance. All
23 costs imposed under subsection (a) shall be paid into the
24 fund.

25 * * *

26 Section 12. Sections 1102(a), (b), (c) and (d) and 1301(b)
27 of the act are amended to read:

28 Section 1102. Costs for offender supervision programs.

29 (a) County fund.--The county treasurer of each county shall
30 establish and administer a [county offender supervision fund]

1 County Supervision Fee Restricted Receipts Account consisting of
2 the fees collected under this section. The county treasurer
3 shall disperse money from this [fund] account only at the
4 discretion of the president judge of the court of common pleas.
5 The money in this [fund] account shall be used to pay the
6 salaries and employee benefits of all probation and parole
7 personnel employed by the county probation and parole department
8 and the operational expenses of that department. Money from this
9 [fund] account shall be used to supplement Federal, State or
10 county appropriations for the county adult probation and parole
11 department. The president judge shall by August 31 provide the
12 [board] commission with an annual statement [which] that fully
13 reflects all collections deposited into and expenditures from
14 the [offender supervision fund] County Supervision Fee
15 Restricted Receipts Account for the preceding fiscal year. The
16 [board] commission shall promulgate regulations to provide for
17 the permanent administration of this program, as advised by the
18 County Adult Probation and Parole Advisory Committee.

19 (b) State fund.--There is established a State Offender
20 Supervision Fund to be administered by the board and comprised
21 of the supervision fees collected by the board under [this
22 section] subsection (d). The money in this fund shall be used to
23 supplement the Federal or State funds appropriated for the
24 improvement of [adult probation services] State parole
25 supervision.

26 (c) Court.--The court shall impose as a condition of
27 supervision a monthly supervision fee of at least \$25 on any
28 offender placed on probation, parole, accelerated rehabilitative
29 disposition, probation without verdict or intermediate
30 punishment unless the court finds that the fee should be

1 reduced, waived or deferred based on the offender's present
2 inability to pay. [Of the fee collected, 50%] All of the fees
3 shall be deposited into the County [Offender Supervision Fund]
4 Supervision Fee Restricted Receipts Account established in each
5 county pursuant to this section[, and the remaining 50% shall be
6 deposited into the State Offender Supervision Fund established
7 pursuant to this section]. All funds within the account shall be
8 accounted for consistent with the budget, accounting,
9 contracting, procurement, audit, salary board and other relevant
10 provisions of the act of August 9, 1955 (P.L.323, No.130), known
11 as The County Code, and may be subject to audit by the Auditor
12 General under section 401(d) of the act of April 9, 1929
13 (P.L.343, No.176), known as The Fiscal Code.

14 (d) Board.--The board shall impose as a condition of
15 supervision a monthly supervision fee of at least \$25 on any
16 offender under the board's supervision unless the board finds
17 that such fee should be reduced, waived or deferred based on the
18 offender's present inability to pay. All fees collected shall be
19 deposited into the State Offender Supervision Fund [established
20 under subsection (b)].

21 * * *

22 Section 1301. Subrogation.

23 * * *

24 (b) Excess.--If an amount greater than that paid under
25 Chapter 7 is recovered and collected in such an action, the
26 Commonwealth shall pay the balance to the claimant. The Attorney
27 General shall enforce any subrogation. A claimant who fails to
28 notify the Office of Victims' Services of the receipt of funds
29 from any other claim or award arising out of the crime shall
30 forfeit and pay to the Commonwealth an amount equal to all

1 awards paid by the [bureau] Office of Victims' Services to the
2 claimant or on the claimant's behalf.

3 Section 13. This act shall take effect in 60 days.