

## No. 1995-2 (SS1)

## AN ACT

## SB 14

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," further providing for rights of crime victims and local correctional facilities.

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

Section 1. The definition of "personal injury crime" in section 479.1 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, amended December 16, 1992 (P.L.1203, No.155), is amended and the section is amended by adding a definition to read:

Section 479.1. Definitions.—The following words and phrases when used in sections 479 through 479.11 shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

***"Local correctional facility" means any jail, prison or detention facility operated by a county or jointly by more than one county and used for the confinement of persons for safe custody. The term does not include any facility used for the detention or confinement of juveniles.***

**"Personal injury crime" means an act, attempt or threat to commit an act which would constitute a misdemeanor or felony as defined in and prescribed by the following:**

- 18 Pa.C.S. Ch. 25 (relating to criminal homicide).
- 18 Pa.C.S. Ch. 27 (relating to assault).
- 18 Pa.C.S. Ch. 29 (relating to kidnapping).
- 18 Pa.C.S. Ch. 31 (relating to sexual offenses).
- 18 Pa.C.S. § 3301 (relating to arson and related offenses).
- 18 Pa.C.S. Ch. 37 (relating to robbery).
- 18 Pa.C.S. Ch. 49 Subch. B (relating to victim and witness intimidation).

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

***The term shall include violations of any protective order issued as a result of an act related to domestic violence.***

\* \* \*

Section 2. Sections 479.3, 479.7(d) and 479.8 of the act, amended or added December 16, 1992 (P.L.1203, No.155), are amended to read:

Section 479.3. Basic Bill of Rights for Victims.—Victims of crime have the following rights:

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

(2) To be notified of certain significant actions and proceedings within the criminal justice system pertaining to their case, as provided in sections 479.6 through 479.9.

(3) To be accompanied at all public criminal proceedings by a family member, a victim advocate or another person.

(4) In cases involving personal injury crimes, burglary or violations of 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance) which involve bodily injury, to submit prior comment to the prosecutor's office on the potential reduction or dropping of any charge or changing of a plea.

(5) To have opportunity to offer prior comment on the sentencing of a defendant to include the submission of a written victim impact statement detailing the physical, psychological and economic effects of the crime on the victim and the victim's family, which statement shall be considered by the judge when determining the defendant's sentence.

(6) To be restored, to the extent possible, to the precrime economic status through the provision of restitution, compensation as provided under the crime victims' compensation program pursuant to sections 477 through 477.19 and the expeditious return of property which is seized as evidence in the case when, in the judgment of the prosecutor, the evidence is no longer needed for prosecution of the case.

(7) In personal injury crimes where the offender is sentenced to a State correctional facility, to be given the opportunity to provide prior comment on and to receive State postsentencing release decisions, including work release, furlough, parole, pardon or community treatment center placement and to be provided immediate notice of an escape of the offender.

***(7.1) In personal injury crimes where the offender is sentenced to a local correctional facility, to receive notice of the date of the release of the offender, including, but not limited to, work release, furlough, parole or community treatment center placement and to be provided with immediate notice of an escape of the offender.***

(8) To receive notice when an offender is committed to a mental health facility from a State correctional institution and of the discharge, transfer or escape of the offender from the mental health facility.

(9) To have assistance in the preparation of, submission of and follow-up on financial assistance claims to the Crime Victim's Compensation Board.

Section 479.7. Responsibilities of Prosecutor's Office.—\* \* \*

(d) In personal injury crimes, the prosecutor's office shall provide notice of the opportunity to submit input into State correctional release decisions, *to receive notice of any release of an offender from a State or local correctional facility* and to receive notice of the commitment to a mental health institution from a State *or local* correctional institution.

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Section 479.8. Responsibilities of Department of Corrections, *Local Correctional Facilities* and Board.—(a) Within one year of the effective date of this act, the Department of Corrections and the board shall develop standardized forms regarding victim notification. The form shall include the address where the form is to be sent. *The Department of Corrections shall develop a standardized form which may be used by local correctional facilities. In the case of counties with victim-witness coordinators, the local correctional facility shall perform its responsibilities under this section in cooperation with the county's victim-witness coordinator.*

(b) Where the department and board have received notice of a victim's desire to have input pursuant to section 479.3(7), the appropriate agency shall notify the victim sufficiently in advance of a pending release decision to extend an opportunity for prior comment.

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

(d) Where the department *or local correctional facility* has received notice of a victim's desire to receive notification regarding escape of the offender, the superintendent of the State correctional institution *or warden of a local correctional facility* shall immediately notify the victim of the escape.

(e) Where the department *or local correctional facility* has received notice of a victim's desire to receive notification as provided for in section 479.3(8), the superintendent of the State correctional institution *or warden of a local correctional facility* shall notify the victim of the commitment of the offender to a mental health facility and the location of the facility within twenty-four hours of the commitment.

(f) All records maintained by the department, *local correctional facility* and the board pertaining to victims shall be kept separate, and current address, telephone number and any other personal information of the victim and family members shall be deemed confidential.

(g) The department, *local correctional facility* or the board shall notify the victim of the final decision rendered, *the date of any release* and relevant conditions imposed prior to the release of the offender.

Section 3. This act shall take effect in 90 days.

APPROVED—The 9th day of March, A.D. 1995.

THOMAS J. RIDGE