

No. 1995-20 (SS1)

## AN ACT

HB 127

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, authorizing the court to order an offender to pay the cost of a reward; further providing for exceptions to the interception and disclosure of communications by inmates of correctional institutions; and providing for costs for forensic examination for sexual offenses and criminal prosecution involving domestic violence.

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

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

**§ 1109. Costs.**

*In addition to any other sentence imposed, the court may order an offender to pay the cost of any reward paid for the apprehension and conviction of the offender.*

Section 2. Section 5704 of Title 18 is amended by adding a paragraph to read:

§ 5704. Exceptions to prohibition of interception and disclosure of communications.

It shall not be unlawful under this chapter for:

\* \* \*

*(13) An investigative officer, a law enforcement officer or employees of the Department of Corrections for State correctional facilities to intercept, record, monitor or divulge any telephone calls from or to an inmate in a facility under the following conditions:*

*(i) The Department of Corrections shall adhere to the following procedures and restrictions when intercepting, recording, monitoring or divulging any telephone calls from or to an inmate in a State correctional facility as provided for by this paragraph:*

*(A) Before the implementation of this paragraph, all inmates of the facility shall be notified in writing that, as of the effective date of this paragraph, their telephone conversations may be intercepted, recorded, monitored or divulged.*

*(B) Unless otherwise provided for in this paragraph, after intercepting or recording a telephone conversation, only the superintendent, warden or a designee of the superintendent or warden or other chief administrative official or his or her designee shall have access to that recording.*

*(C) The contents of an intercepted and recorded telephone conversation shall be divulged only as is necessary to safeguard the orderly operation of the facility, in response to a court order or in the prosecution or investigation of any crime.*

*(ii) So as to safeguard the attorney-client privilege, the Department of Corrections shall not intercept, record, monitor or divulge any conversation between an inmate and an attorney.*

*(iii) Persons who are calling in to a facility to speak to an inmate shall be notified that the call may be recorded or monitored.*

*(iv) The Department of Corrections shall promulgate guidelines to implement the provisions of this paragraph for State correctional facilities.*

Section 3. Title 42 is amended by adding sections to read:

**§ 1726.1. Forensic examination costs for sexual offenses.**

*The cost of a forensic rape examination or other physical examination conducted for the purpose of gathering evidence in any criminal investigation and prosecution under 18 Pa.C.S. Ch. 31 (relating to sexual offenses) and the cost to provide medications prescribed to the victim therein shall not be charged to the victim. If appropriate insurance is unavailable, reimbursement may be sought pursuant to the provisions of section 477.9 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.*

**§ 1726.2. Criminal prosecutions involving domestic violence.**

*(a) General rule.—In any criminal prosecution of an offense related to an incident involving domestic violence, of any type or grade, whether the charges were filed by private criminal complaint, by the police or by the district attorney, no fees, costs or fines associated with the filing of the criminal charges, the issuance or service of a warrant, protection order or subpoena and other generated costs shall be charged to the victim.*

*(b) Definition.—For purposes of this section, an offense related to an incident involving domestic violence shall be defined as any of the offenses or crimes set forth in Title 18 (relating to crimes and offenses), where the alleged perpetrator and victim have one of the relationships set forth in the definition of “family or household member” in 23 Pa.C.S. § 6102 (relating to definitions) or are persons who reside or resided temporarily or permanently in the same dwelling.*

Section 4. The addition of 18 Pa.C.S. § 1109 shall apply to sentences imposed on or after the effective date of this act.

Section 5. This act shall take effect in 60 days.

APPROVED—The 26th day of September, A.D. 1995.

THOMAS J. RIDGE