

## No. 1995-26 (SS1)

## AN ACT

## HB 103

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 basic bill of rights for victims and for responsibilities of local correctional facilities.

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

Section 1. Section 479.3 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is amended by adding a clause to read:

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

\* \* \*

***(7.2) Where the offender is subject to an order under 23 Pa.C.S. Ch. 61 (relating to protection from abuse) and is committed to a local correctional facility for a violation of the order or for a personal injury crime against a victim protected by the order, to receive immediate notice of the release of the offender on bail.***

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Section 2. Section 479.8 of the act, amended March 9, 1995 (1st Sp.Sess., P.L.960, No.2), is amended to read:

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.

***(b.1) Local correctional facilities notice to the victim pursuant to section 479.3(7.2) shall occur immediately.***

(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 180 days.

APPROVED—The 17th day of November, A.D. 1995.

THOMAS J. RIDGE