

AN ACT

HB 683

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding provisions on restitution of victims of crimes and repealing part of an act relating thereto.

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

Section 1. Title 18, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, amended December 6, 1972 (P.L.1482, No.334), is amended by adding a section to read:

§ 1106. Restitution for injuries to person or property.

(a) General rule.—Upon conviction for any crime wherein property has been stolen, converted or otherwise unlawfully obtained, or its value substantially decreased as a direct result of the crime, or wherein the victim suffered personal injury directly resulting from the crime, the offender may be sentenced to make restitution in addition to the punishment prescribed therefor.

(b) Condition of probation or parole.—Whenever restitution has been ordered pursuant to subsection (a) and the offender has been placed on probation or parole, his compliance with such order may be made a condition of such probation or parole.

(c) Authority of sentencing court.—In determining whether to order restitution as a part of the sentence or as a condition of probation or parole, the court:

(1) Shall consider the extent of injury suffered by the victim and such other matters as it deems appropriate.

(2) May order restitution in a lump sum, by monthly installments or according to such other schedule as it deems just, provided that the period of time during which the offender is ordered to make restitution shall not exceed the maximum term of imprisonment to which the offender could have been sentenced for the crime of which he was convicted.

(3) May at any time alter or amend any order of restitution made pursuant to this section providing, however, that the court state its reasons and conclusions as a matter of record for any change or amendment to any previous order.

(d) Limitations on justices of the peace.—Restitution ordered by a justice of the peace shall be limited to the return of the actual property or its undisputed dollar amount or, where the claim for restitution does not exceed \$1,000 and is disputed as to amount, the justice of the peace shall determine and order the dollar amount of restitution to be made.

(e) Restitution payments and records.—Restitution, when ordered by a judge, shall be made by the offender to the probation department of the county in which he was convicted according to the order of the court or, when ordered by a justice of the peace, shall be made to the justice of the peace. The probation department and the justice of the peace shall maintain records of the restitution order and its satisfaction and shall forward to the victim the property or payments made pursuant to the restitution order. The probation department and the justice of the peace may assess additional fees to cover administrative costs of collecting payments. Amount and manner of collection shall be established by the probation department or the justice of the peace.

(f) Noncompliance with restitution order.—Whenever the offender shall fail to make restitution as provided in the order of a judge, the probation department shall notify the court within 20 days of such failure. Whenever the offender shall fail to make restitution within 20 days to a justice of the peace, as ordered, the justice of the peace shall declare the offender in contempt of court and forward the case to the court of common pleas. Upon such notice of failure to make restitution, or upon receipt of the contempt decision from a justice of the peace, the court shall order a hearing to determine if the offender is in contempt of court or has violated his probation or parole.

(g) Preservation of private remedies.—No judgment or order of restitution shall debar the owner of the property or the victim who sustained personal injury, by appropriate action, to recover from the offender as otherwise provided by law, provided that any civil award shall be reduced by the amount paid under the criminal judgment.

(h) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

“Court.” Includes a judge of a court of record and a justice of the peace.

“Crime.” Any offense punishable under this title.

“Injury to property.” Loss of real or personal property, including negotiable instruments, or decrease in its value, directly resulting from the crime.

“Justice of the peace.” Includes a district justice.

“Offender.” Any person who has been found guilty of any crime.

“Personal injury.” Actual bodily harm, including pregnancy, directly resulting from the crime.

“Property.” Any real or personal property, including currency and negotiable instruments, of the victim.

“Restitution.” The return of the property of the victim or payments in cash or the equivalent thereof pursuant to an order of the court.

“Victim.” Any person, except an offender, who suffered injuries to his person or property as a direct result of the crime.

Section 2. Section 1109 (relating to restitution for injuries to the person or property), act of June 24, 1939 (P.L.872, No.375), known as “The Penal Code,” amended September 22, 1972 (P.L.876, No.200), is repealed.

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

APPROVED—The 18th day of June, A. D. 1976.

MILTON J. SHAPP