

No. 1986-155

AN ACT

SB 1373

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," adding and changing definitions relating to crime victims' compensation; further providing for eligibility for crime victims' compensation and for awards; providing for the responsibilities of providers of service to crime victims; further providing for the allocation of certain funds; extending the limitations period for the filing of claims for crime victims' compensation by child victims; and continuing the Crime Victim's Compensation Board.

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

Section 1. The definitions of "intervenor," "loss of earnings" and "victim" in section 477 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, amended June 30, 1984 (P.L.458, No.96), are amended and the section is amended by adding a definition to read:

Section 477. Definitions.—So far as it relates to the crime victim's compensation provisions, the following terms shall be defined as:

* * *

"Injury" shall include physical or mental damages incurred as a direct result of the crime and aggravation of existing injuries if additional losses can be attributed to the direct result of the crime. Compensation for mental damages shall be limited to expenses incurred for psychological or psychiatric services which became necessary as a direct result of the crime.

"Intervenor" shall mean a person who goes to the aid of another and suffers [bodily] *physical or mental* injury or death as a direct result of acting not recklessly to prevent the commission of a crime, or to lawfully apprehend a person reasonably suspected of having committed such crime, or to aid the victim of such crime.

* * *

"Loss of earnings," in addition to its ordinary meaning, shall mean the loss of the cash equivalent of a social security [payment where social

security], *railroad retirement, child support or spousal support payment, where said payment is the primary source of the victim's income and where the victim is deprived of the money as a direct result of a crime.*

* * *

“Victim” shall mean a person *against whom a crime has been committed*, other than the alleged offender, who, *as a direct result of the crime*, suffers [bodily] *physical or mental* injury, death or the loss of [the proceeds of a social security payment which is the primary income of the recipient as a direct result of a crime] *earnings as herein defined.*

Section 2. Section 477.3(c) and (d) of the act, amended June 30, 1984 (P.L.458, No.96), are amended to read:

Section 477.3. Persons Eligible for Compensation.—* * *

(c) [A person who is not a resident of Pennsylvania at the time of occurrence of the crime upon which the claim is based, shall be eligible for compensation only if the law of the state of which he is a resident at the time of occurrence of the crime upon which the claim is based provides for compensation to Pennsylvania residents who are victims of crime in such state.

(d) *If the victim's state of residence provides payments to its residents injured in Pennsylvania, primary responsibility for payment to the victim shall rest with the victim's state of residence.] A person who is a resident of the United States, including the District of Columbia, the Commonwealth of Puerto Rico and all territories and possessions of the United States, shall be eligible for compensation.*

(d) *Where a crime results in death, the spouse, children, parents or siblings of the victim, who reside within the same household as the victim, shall be eligible for compensation for the cost of psychological counseling which is deemed necessary as a direct result of the criminal incident.*

Section 3. Section 477.4(b) of the act, added July 9, 1976 (P.L.574, No.139), is amended to read:

Section 477.4. Filing of Claims for Compensation.—* * *

(b) A claim must be filed not later than one year after the occurrence of the crime upon which the claim is based, or not later than one year after the death of the victim or intervenor: Provided, however, That for good cause the board may extend the time for filing for a period not exceeding two years after such occurrence. *Where a victim is under the age of eighteen at the time of the occurrence of the crime and the alleged offender is the victim's parent or a person responsible for the victim's welfare, or any individual residing in the same home as the victim, or a paramour of the victim's parent, the board may, for good cause, extend the time for filing for a period not exceeding five years after such occurrence.*

* * *

Section 4. Section 477.9 of the act is amended by adding subsections to read:

Section 477.9. Awards.—* * *

(c.1) *Where an order of restitution has been entered on behalf of the victim, those amounts actually collected shall be applied first to property losses incident to the crime and secondly to personal injury losses as set forth in subsection (f) of this section.*

(c.2) Provisions of awards made pursuant to this or any other act compensating or benefiting a victim or claimant as defined by this act shall in no way affect the claimant or victim's eligibility under public assistance or any other State or federally created social benefit or assistance program.

* * *

Section 5. The act is amended by adding a section to read:

Section 477.19. Responsibilities of Service Providers and Insurance Companies.—(a) Providers of services, including, but not limited to, doctors, hospitals, counselors and insurance companies providing reimbursement to victims or claimants, shall respond, in writing, to the board's request for confirmation under this act within thirty (30) days of receipt of the board's request.

(b) Any provider who fails to respond within thirty (30) days of receipt of the request shall be subject to civil penalty of not more than ten dollars (\$10) per day, up to and including the date of compliance.

(c) The office of district attorney of the county in which the provider is located or the Attorney General shall be charged with enforcement of this section.

Section 6. Section 479.5 of the act is amended by adding a subsection to read:

Section 479.5. Grant Program for Services.—* * *

(f) In the allocation of funds for services under section 479.4, the commission shall consider the revenue collected by potential grant recipients under the penalty assessments authorized in section 477.15 of this act and section 1203 of the act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code," pertaining to domestic violence and rape crisis services.

Section 7. Notwithstanding section 9 of the act of June 30, 1984 (P.L.458, No.96), entitled "An act 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,' changing provisions relating to crime victim's compensation; reestablishing and continuing the Crime Victim's Compensation Board; further providing for the Crime Victim's Compensation Fund; changing pro-

visions relating to the rights of victims of crime; making an editorial change; and making an appropriation," the Crime Victim's Compensation Board is hereby reestablished and continued until December 31, 1991. This section shall constitute the legislation required to reestablish and continue the board pursuant to the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Section 8. This act shall take effect immediately.

APPROVED—The 11th day of December, A. D. 1986.

DICK THORNBURGH