

## ACLU-PA Position: Support

### Bill summary

[SB 502](#) is one of three Justice Reinvestment (JRI) bills introduced this session — SB 500, SB 501, and SB 502. Together, they are referred to as JRI II. SB 502 focuses on improving victim services and compensation. The bill expands the definition of crimes under the Crime Victims Act, improves the flow of information from law enforcement to victims, expands the statute of limitations for victim compensation, and lowers the minimum out-of-pocket loss amount required for victims to receive compensation, among other reforms.

### Bill details

SB 502 would make numerous changes to Pennsylvania law regarding crime victims and victim compensation, including:

#### Expands definition of crimes

SB 502 adds the following offenses to the definition of “crime” and “personal injury crime” under the Crime Victim Act:

- Aggravated assault by vehicle;
- Fleeing or attempting to elude a police officer;
- Driving without lights to avoid identification or arrest;
- Car accidents involving death or personal injury if the driver is not properly licensed; and
- It also adds second and subsequent crimes of violence to the definition of “personal injury crime.”

#### Victims’ rights

The bill adds a right for domestic and sexual violence victims to be notified of the Address Confidentiality Program, if they are eligible to apply.

#### Law enforcement notice requirements

SB 502 would require a responding law enforcement officers to provide the following information when the officer makes first contact with the victim or as soon as reasonably possible:

- Basic information on the rights and services available to crime victims; and
- The availability of crime victims’ compensation to the direct victim or, if appropriate, a member of the direct victim’s family.

#### Prosecution notice requirements

- SB 502 would require the prosecutor’s office to provide victim information to the victim advocate in all personal injury cases when a state sentence is imposed, so the victim advocate may:
  - provide notice of the opportunity to submit input into state correctional release decisions (for example, parole hearings);
  - provide notice of a person’s release from a state correctional institution; and
  - provide notice of a person’s commitment to a mental health institution from a State correctional institution.
- When a state sentence is not imposed, the prosecutor’s office must provide the victim advocate with notice of a person’s release from a local correctional institution and provide notice of the commitment to a mental health institution from a local correctional institution.

## Disclosure and confidentiality

- Home addresses of Victim Advocate's Office employees are protected from disclosure under the Right-to-Know Law.
- Victim information or records maintained by the Victim Advocate's Office are private, confidential, and privileged, and cannot be subject to Right-to-Know Law, and cannot be:
  - subject to subpoena or discovery;
  - introduced into evidence in a judicial or administrative proceeding; or
  - released to the prisoner, parolee, or probationer.
- Unless given a written waiver by the victim, an employee of the Victim Advocate's Office cannot testify or disclose confidential communications made to or by the employee of the office. This privilege against testifying ends when the victim dies. Office of Victim Advocate powers: The bill gives the Victim Advocate's Office the power to advocate for victims generally, including victims of crimes committed by juveniles.

## Victim compensation

- SB 502 makes the following individuals eligible for victim compensation:
  - Hospitals or other licensed healthcare providers; and
  - A person eligible for counseling under the Crime Victims Act.
- SB 502 raises the statute of limitations for filing a victim compensation claim from two years after the discovery of the occurrence of a crime to three years, and allows for a good faith extension beyond three years if, at the time of the crime or the discovery of the crime:
  - The direct victim, intervener, or claimant was mentally or physically incapacitated;
  - The victim was a minor;
  - There was a fear of retaliation;
  - The occurrence of the crime was not readily apparent; or
  - Other occasions when good cause is shown by the claimant.
- SB 502 allows victims to file compensation claims if their aggregate minimum out-of-pocket loss, loss of earning, or loss of support is \$50 (down from \$100 under current law).
- SB 502 removes the \$1,500 cap on an emergency award to a victim by the Office of the Victim Advocate.
- SB 502 changes the definition of prompt reporting: under current law, victims may receive an award if they report the crime within 72 hours of its occurrence, but under SB 502, victims can receive an award as long as they report the crime within 72 hours of its discovery.
- SB 502 would make the following changes to reimbursements for crime victims:
  - Allow for the reimbursement of transportation costs associated with counseling for victims; and
  - Allow a minor who is the direct victim of sexual assault to request that their primary insurance carrier not be billed for counseling services if the insurance policyholder is the perpetrator of the crime or an individual who is responsible for the minor's welfare but is not supportive of counseling.

## Crime Victim Services and Compensation Fund

- By July 1, 2019, the current Crime Victims Compensation Fund will merge into a single non-lapsing fund, known as the Crime Services and Compensation Fund.
- The fund will be used by the Office of Victims' Services for payment to victims and victim-witness services, and for technical assistance.

## Bill status

- Read and check the bill status here: [SB 502](#).