

PENNSYLVANIA VICTIMS' RIGHTS LAWS¹

Constitution

Pennsylvania does not have a victims' rights amendment to its constitution.

Statutes

Title 18, Crimes and Offenses; Chapter 2, Crime Victims Act Chapter 1, Preliminary Provisions

§ 11.101 – Short title

This act shall be known and may be cited as the Crime Victims Act.

§ 11.102 – Legislative Intent

The General Assembly finds and declares as follows:

- (1) In recognition of the civic and moral duty of victims of crime to fully and voluntarily cooperate with law enforcement and prosecutorial agencies and in further recognition of the continuing importance of victim cooperation to State and local law enforcement efforts and the general effectiveness and well-being of the criminal justice system of this Commonwealth, all victims of crime are to be treated with dignity, respect, courtesy and sensitivity.
- (2) The rights extended to victims of crime in Chapter 2 are to be honored and protected by law enforcement agencies, prosecutors and judges in a manner no less vigorous than the protections afforded criminal defendants.

§ 11.103 – Definitions

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

¹ Not intended to be exhaustive.

"Adult." Any of the following:

- (1) An individual charged with a crime who is 18 years of age or older.
- (2) An individual who is subject to criminal court jurisdiction following the transfer of a case to criminal proceedings.
- (3) An individual who is subject to criminal court jurisdiction after having been charged with a crime excluded from the definition of "delinquent act" pursuant to 42 Pa.C.S. § 6302 "delinquent act" (2)(i), (ii), (iii) or (v) (relating to definitions).

"Board." The Pennsylvania Board of Probation and Parole.

"Claimant." The person filing a claim under Chapter 7. (fn 1)

"Commission." The Pennsylvania Commission on Crime and Delinquency.

"Committee." The Victims' Services Advisory Committee established in section 321. (fn 2)

"Crime." An act which was committed:

- (1) In this Commonwealth by a person, including a juvenile, without regard to legal exemption or defense which would constitute a crime under the following:
 - (i) The act of April 14, 1972 (P.L.233, No.64), (fn 3) known as The Controlled Substance, Drug, Device and Cosmetic Act.
 - (ii) 18 Pa.C.S. (relating to crimes and offenses).
 - 30 Pa.C.S. § 5502 (relating to operating watercraft under influence of alcohol or controlled substance).
 - 30 Pa.C.S. § 5502.1 (relating to homicide by watercraft while operating under influence).
 - The former 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance).
 - 75 Pa.C.S. § 3732 (relating to homicide by vehicle).
 - 75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under influence).
 - 75 Pa.C.S. § 3735.1 (relating to aggravated assault by vehicle while driving under the influence).
 - 75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury).
 - 75 Pa.C.S. Ch. 38 (relating to driving after imbibing alcohol or utilizing drugs).
 - (iii) The laws of the United States.
- (2) Against a resident of this Commonwealth which would be a crime under paragraph (1) but for its occurrence in a location other than this Commonwealth.
- (3) Against a resident of this Commonwealth which is an act of international terrorism.

"Department." The Department of Corrections of the Commonwealth.

"Direct victim." An individual against whom a crime has been committed or attempted and who as a direct result of the criminal act or attempt suffers physical or mental injury, death or the loss of earnings under this act. The term shall not include the alleged offender. The term includes a resident of this Commonwealth against whom an act has been committed or attempted which otherwise would constitute a crime as defined in this act but for its occurrence in a location other than this Commonwealth and for which the individual would otherwise be compensated by the crime victim compensation program of the location where the act occurred but for the ineligibility of such program under the provisions of the Victims of Crime Act of 1984 (Public Law 98-473, 42 U.S.C. § 10601 et seq.).

"Dispositional proceeding." A proceeding which occurs in open common pleas court which potentially could dispose of the case. The term includes Accelerated Rehabilitative Disposition, pleas, trial and sentence.

"Diversionary program." A program which is used to divert the defendant to an alternative form of disposition under the Pennsylvania Rules of Criminal Procedure or statutory authority. The term includes dispositions authorized by Rules 160, 176 and 314 of the Pennsylvania Rules of Criminal Procedure and sections 17 and 18 of the act of April 14, 1972 (P.L. 233, No. 64), (fn 4) known as The Controlled Substance, Drug, Device and Cosmetic Act.

"Family." When used in reference to an individual:

- (1) anyone related to that individual within the third degree of consanguinity or affinity;
- (2) anyone maintaining a common-law relationship with that individual; or
- (3) anyone residing in the same household with that individual.

"Injury." Includes 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.

"International terrorism." Activities which meet all of the following:

- (1) Involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any state or that would be a criminal violation if committed within the jurisdiction of the United States or of any state.
- (2) Appear to be intended:
 - (i) to intimidate or coerce a civilian population;
 - (ii) to influence the policy of a government by intimidation or coercion; or
 - (iii) to affect the conduct of a government by assassination or kidnapping.
- (3) Occur primarily outside of the territorial jurisdiction of the United States or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce or the locale in which their perpetrators operate or seek asylum.

"Intervenor." An individual who goes to the aid of another and suffers physical or mental injury or death as a direct result of acting not recklessly to prevent the commission of a crime, to lawfully

apprehend a person reasonably suspected of having committed such crime or to aid the victim of such crime.

"Juvenile." An individual who is alleged or has been determined to be a "delinquent child" as defined in 42 Pa.C.S. § 6302 (relating to definitions).

"Law enforcement agency." The Pennsylvania State Police and a local law enforcement agency.

"Local correctional facility." A jail, prison or detention facility operated by a county or jointly by more than one county and used for the confinement of individuals for safe custody. The term does not include any facility used for the detention or confinement of juveniles.

"Local law enforcement agency." A police department of a city, borough, incorporated town or township.

"Loss of earnings." Includes the loss of the cash equivalent of one month's worth of Social Security, railroad retirement, pension plan, retirement plan, disability, veteran's retirement, court-ordered child support or court-ordered spousal support payments if the payments are the primary source of the victim's income and the victim is deprived of money as a direct result of a crime.

"Office." The Office of Victim Advocate established in section 302. (fn 5)

"Office of Victims' Services." The Office of Victims' Services in the Pennsylvania Commission on Crime and Delinquency.

"Out-of-pocket loss." The term includes the following losses which shall be reimbursed at a rate set by the Office of Victims' Services:

- (1) expenses for unreimbursed and unreimbursable expenses or indebtedness incurred for medical care, nonmedical remedial care and treatment as approved by the Office of Victims' Services or other services;
- (2) expenses for counseling, prosthetic devices, wheelchairs, canes, walkers, hearing aids, eyeglasses or other corrective lenses or dental devices reasonably necessary as a result of the crime upon which the claim is based and for which the claimant either has paid or is liable;
- (3) expenses related to the reasonable and necessary costs of cleaning the crime scene of a private residence. "Cleaning" means to remove or attempt to remove stains or blood caused by the crime or other dirt or debris caused by the processing of the crime scene;
- (4) expenses resulting from the temporary or permanent relocation of a direct victim and individuals residing in the household of the direct victim due to the incident forming the basis of the victim's claim when there is an immediate need to protect the safety and health of the victim and individuals residing in the household, as verified by a medical provider, human services provider or law enforcement;
- (5) expenses for physical examinations and materials used to obtain evidence; or
- (6) other reasonable expenses which are deemed necessary as a direct result of the criminal incident. Except as otherwise provided, the term does not include property damage or pain and suffering.

"Personal injury crime." An act, attempt or threat to commit an act which would constitute a misdemeanor or felony under the following:

- 18 Pa.C.S. Ch. 25 (relating to criminal homicide).
- 18 Pa.C.S. Ch. 27 (relating to assault).
- 18 Pa.C.S. Ch. 29 (relating to kidnapping).
- 18 Pa.C.S. Ch. 31 (relating to sexual offenses).
- 18 Pa.C.S. § 3301 (relating to arson and related offenses).
- 18 Pa.C.S. Ch. 37 (relating to robbery).
- 18 Pa.C.S. Ch. 49 Subch. B (relating to victim and witness intimidation).
- 30 Pa.C.S. § 5502.1 (relating to homicide by watercraft while operating under influence).
- The former 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance) in cases involving bodily injury.
- 75 Pa.C.S. § 3732 (relating to homicide by vehicle).
- 75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under influence).
- 75 Pa.C.S. § 3735.1 (relating to aggravated assault by vehicle while driving under the influence).
- 75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury).
- 75 Pa.C.S. Ch. 38 (relating to driving after imbibing alcohol or utilizing drugs) in cases involving bodily injury.

The term includes violations of any protective order issued as a result of an act related to domestic violence.

"Preadjudication disposition." Any of the following:

- (1) Disposition of an adult without a trial. This paragraph includes accelerated rehabilitative disposition.
- (2) Disposition of a juvenile prior to an adjudication of delinquency under 42 Pa.C.S. Ch. 63 (relating to juvenile matters), including informal adjustment as set forth in 42 Pa.C.S. § 6323 (relating to informal adjustment), and consent decree as set forth in 42 Pa.C.S. § 6340 (relating to consent decree).

"Prosecutor's office." The Office of Attorney General or the office of a district attorney of a county.

"Victim." The term means the following:

- (1) A direct victim.
- (2) A parent or legal guardian of a child who is a direct victim, except when the parent or legal guardian of the child is the alleged offender.
- (3) A minor child who is a material witness to any of the following crimes and offenses under 18 Pa.C.S. (relating to crimes and offenses) committed or attempted against a member of the child's family:
 - Chapter 25 (relating to criminal homicide).
 - Section 2702 (relating to aggravated assault).
 - Section 3121 (relating to rape).
- (4) A family member of a homicide victim, including stepbrothers or stepsisters, stepchildren, stepparents or a fiancé, one of whom is to be identified to receive communication as provided for in this act, except where the family member is the alleged offender.

"Victim advocate." The victim advocate in the Office of Victim Advocate within the Pennsylvania Board of Probation and Parole.

(fn 1: 18 P.S. § 11.701 et seq.)

(fn 2: 18 P.S. § 11.321)

(fn 3: 35 P.S. § 780-101 et seq.)

(fn 4: 35 P.S. §§ 780-117, 780-118)

(fn 5: 18 P.S. § 11.302)

Chapter 2, Crime Victims; Subchapter A, Bill of Rights

§ 11.201 – Rights

Victims of crime have the following rights:

- (1) To receive basic information concerning the services available for victims of crime.
- (2) To be notified of certain significant actions and proceedings within the criminal and juvenile justice systems pertaining to their case. This paragraph includes all of the following:
 - (i) Access to information regarding whether the juvenile was detained or released following arrest and whether a petition alleging delinquency has been filed.
 - (ii) Immediate notification of a juvenile's preadjudication escape from a detention center or shelter facility and of the juvenile's subsequent apprehension.
 - (iii) Access to information regarding the grant or denial of bail to an adult.
 - (iv) Immediate notification of an adult offender's pretrial escape from a local correctional facility and of the offender's subsequent apprehension.
- (3) To be accompanied at all criminal and all juvenile proceedings in accordance with 42 Pa.C.S. § 6336 (relating to conduct of hearings) by a family member, a victim advocate or other person providing assistance or support.
- (4) In cases involving a personal injury crime or burglary, to submit prior comment to the prosecutor's office or juvenile probation office, as appropriate to the circumstances of the case, on the potential reduction or dropping of any charge or changing of a plea in a criminal
- (3) A minor child who is a material witness to any of the following crimes and offenses under 18 Pa.C.S. (relating to crimes and offenses) committed or attempted against a member of the child's family:
 - Chapter 25 (relating to criminal homicide).
 - Section 2702 (relating to aggravated assault).
 - Section 3121 (relating to rape).
- (4) A family member of a homicide victim, including stepbrothers or stepsisters, stepchildren, stepparents or a fiancé, one of whom is to be identified to receive communication as provided for in this act, except where the family member is the alleged offender.

"Victim advocate." The victim advocate in the Office of Victim Advocate within the Pennsylvania Board of Probation and Parole.

(fn 1: 18 P.S. § 11.701 et seq.)

(fn 2: 18 P.S. § 11.321)

(fn 3: 35 P.S. § 780-101 et seq.)

(fn 4: 35 P.S. §§ 780-117, 780-118)

(fn 5: 18 P.S. § 11.302)

Chapter 2, Crime Victims; Subchapter A, Bill of Rights

§ 11.201 – Rights

Victims of crime have the following rights:

- (1) To receive basic information concerning the services available for victims of crime.
- (2) To be notified of certain significant actions and proceedings within the criminal and juvenile justice systems pertaining to their case. This paragraph includes all of the following:
 - (i) Access to information regarding whether the juvenile was detained or released following arrest and whether a petition alleging delinquency has been filed.
 - (ii) Immediate notification of a juvenile's preadjudication escape from a detention center or shelter facility and of the juvenile's subsequent apprehension.
 - (iii) Access to information regarding the grant or denial of bail to an adult.
 - (iv) Immediate notification of an adult offender's pretrial escape from a local correctional facility and of the offender's subsequent apprehension.
- (3) To be accompanied at all criminal and all juvenile proceedings in accordance with 42 Pa.C.S. § 6336 (relating to conduct of hearings) by a family member, a victim advocate or other person providing assistance or support.
- (4) In cases involving a personal injury crime or burglary, to submit prior comment to the prosecutor's office or juvenile probation office, as appropriate to the circumstances of the case, on the potential reduction or dropping of any charge or changing of a plea in a criminal or delinquency proceeding, or, diversion of any case, including an informal adjustment or consent decree.
- (5) To have opportunity to offer prior comment on the sentencing of a defendant or the disposition of a delinquent child, to include the submission of a written and oral victim impact statement detailing the physical, psychological and economic effects of the crime on the victim and the victim's family. The written statement shall be included in any predisposition or presentence report submitted to the court. Victim-impact statements shall be considered by a court when determining the disposition of a juvenile or sentence of an adult.
 - (5.1) To have notice and to provide prior comment on a judicial recommendation that the defendant participate in a motivational boot camp pursuant to the act of December 19, 1990 (P.L. 1391, No. 215), known as the Motivational Boot Camp Act.

- (5.2) Upon request of the victim of a personal injury crime, to have the opportunity to submit written comment or present oral testimony at a disposition review hearing, which comment or testimony shall be considered by the court when reviewing the disposition of the juvenile.
- (6) To be restored, to the extent possible, to the precrime economic status through the provision of restitution, compensation and the expeditious return of property which is seized as evidence in the case when in the judgment of the prosecutor the evidence is no longer needed for prosecution of the case.
- (7) In personal injury crimes where the adult is sentenced to a State correctional facility, to be:
- (i) given the opportunity to provide prior comment on and to receive State postsentencing release decisions, including work release, furlough, parole, pardon or community treatment center placement;
 - (ii) provided immediate notice of an escape of the adult and of subsequent apprehension; and
 - (iii) given the opportunity to receive notice of and to provide prior comment on a recommendation sought by the Department of Corrections that the offender participate in a motivational boot camp pursuant to the Motivational Boot Camp Act.
- (8) In personal injury crimes where the adult is sentenced to a local correctional facility, to:
- (i) receive notice of the date of the release of the adult, including work release, furlough, parole, release from a boot camp or community treatment center placement; and
 - (ii) be provided with immediate notice of an escape of the adult and of subsequent apprehension.
- (8.1) If, upon the request of the victim of a personal injury crime committed by a juvenile, the juvenile is ordered to residential placement, a shelter facility or a detention center, to:
- (i) Receive prior notice of the date of the release of the juvenile, including temporary leave or home pass.
 - (ii) Be provided with:
 - (A) immediate notice of an escape of the juvenile, including failure to return from temporary leave or home pass; and
 - (B) immediate notice of reapprehension of the juvenile.
 - (iii) Be provided with notice of transfer of a juvenile who has been adjudicated delinquent from a placement facility that is contrary to a previous court order or placement plan approved at a disposition review hearing and to have the opportunity to express a written objection prior to the release or transfer of the juvenile.
- (9) If the adult 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 adult on bail.

- (10) To receive notice if an adult is committed to a mental health facility from a State correctional institution and notice of the discharge, transfer or escape of the adult from the mental health facility.
- (11) To have assistance in the preparation of, submission of and follow-up on financial assistance claims to the bureau.
- (12) To be notified of the details of the final disposition of the case of a juvenile consistent with 42 Pa.C.S. § 6336(f) (relating to conduct of hearings).
- (13) Upon the request of the victim of a personal injury crime, to be notified of the termination of the courts' jurisdiction.

Subchapter B, Responsibilities

§ 11.211 – Responsibilities of victims of crime under basic bill of rights

A victim shall provide a valid address and telephone number and any other required information to all agencies responsible for providing information and notice to the victim. The victim shall be responsible for providing timely notice of any changes in the status of the information. The information provided shall not be disclosed to any person other than a law enforcement agency, corrections agency or prosecutor's office without the prior written consent of the victim.

§ 11.212 – Responsibilities of state and local law enforcement agencies

- (a) Training. A law enforcement agency shall insure that all of its officers and employees are familiar with crime victims' compensation as provided for in Chapter 7. (fn 1) Instruction concerning crime victims' compensation shall be made a part of the training curriculum for all trainee officers.
- (b) Notice.
 - (1) Law enforcement agencies shall within 48 hours of reporting give notice to the direct victim or, if appropriate, a member of the direct victim's family of the availability of crime victims' compensation. The notice required under this subsection shall be in writing and in a manner and form developed by the Office of Victims' Services.
 - (2) Law enforcement agencies shall provide basic information on the rights and services available for crime victims. The information shall be in writing and shall be provided to the victim within 24 hours of the law enforcement agency's first contact with the victim in a manner and form to be developed by the Office of Victims' Services.
- (c) Application. The written notification provided for in subsection (b)(1) shall be accompanied by one copy of the application form for crime victims' compensation. Application forms shall be supplied by the Office of Victims' Services to law enforcement agencies. A record of the date of notification shall be maintained by the law enforcement agency. The Office of Victims' Services shall maintain a mailing list of all local law enforcement agencies and provide law enforcement agencies with forms by which they can order additional claim forms. The Office of Victims' Services shall also provide updates to law enforcement agencies on changes which affect their responsibilities under this act.

(d) Deleted.

(e) Forms. The form developed by the Office of Victims' Services shall be attached to the police report and shall include a victim checkoff signifying that the information has been provided to the crime victim.

(f) Notice in personal injury crimes.

(1) In personal injury crimes, the law enforcement agency shall make reasonable efforts to notify the victim of the arrest of the suspect and of the filing or forwarding of a complaint relating to the crime as soon as possible. Unless the victim cannot be located, notice of the arrest shall be provided not more than 24 hours after the preliminary arraignment. In cases alleging delinquency, notice of the filing or forwarding of a complaint shall be provided not more than 24 hours after the complaint has been filed or forwarded to the juvenile probation office or district attorney.

(2) In personal injury crimes, a law enforcement agency, sheriff, deputy sheriff or constable shall notify the victim of an inmate's escape from the custody of the law enforcement agency, sheriff, deputy sheriff or constable.

(g) Return of property. The appropriate law enforcement agency shall return to the victim property seized as evidence if the prosecutor's office determines that the evidence is no longer needed for prosecution.

(fn 1: 18 P.S. § 11.701 et seq.)

§ 11.213 – Responsibilities of prosecutor's office

(a) Training. A law enforcement agency shall insure that all of its officers and employees are familiar with crime victims' compensation as provided for in Chapter 7. (fn 1) Instruction concerning crime victims' compensation shall be made a part of the training curriculum for all trainee officers.

(b) Notice.

(1) Law enforcement agencies shall within 48 hours of reporting give notice to the direct victim or, if appropriate, a member of the direct victim's family of the availability of crime victims' compensation. The notice required under this subsection shall be in writing and in a manner and form developed by the Office of Victims' Services.

(2) Law enforcement agencies shall provide basic information on the rights and services available for crime victims. The information shall be in writing and shall be provided to the victim within 24 hours of the law enforcement agency's first contact with the victim in a manner and form to be developed by the Office of Victims' Services.

(c) Application. The written notification provided for in subsection (b)(1) shall be accompanied by one copy of the application form for crime victims' compensation. Application forms shall be supplied by the Office of Victims' Services to law enforcement agencies. A record of the date of notification shall be maintained by the law enforcement agency. The Office of Victims' Services shall maintain a mailing list of all local law enforcement agencies and provide law enforcement agencies with forms by which they can order additional claim forms. The Office of Victims'

Services shall also provide updates to law enforcement agencies on changes which affect their responsibilities under this act.

- (d) Deleted.
- (e) Forms. The form developed by the Office of Victims' Services shall be attached to the police report and shall include a victim checkoff signifying that the information has been provided to the crime victim.
- (f) Notice in personal injury crimes.
 - (1) In personal injury crimes, the law enforcement agency shall make reasonable efforts to notify the victim of the arrest of the suspect and of the filing or forwarding of a complaint relating to the crime as soon as possible. Unless the victim cannot be located, notice of the arrest shall be provided not more than 24 hours after the preliminary arraignment. In cases alleging delinquency, notice of the filing or forwarding of a complaint shall be provided not more than 24 hours after the complaint has been filed or forwarded to the juvenile probation office or district attorney.
 - (2) In personal injury crimes, a law enforcement agency, sheriff, deputy sheriff or constable shall notify the victim of an inmate's escape from the custody of the law enforcement agency, sheriff, deputy sheriff or constable.
- (g) Return of property. The appropriate law enforcement agency shall return to the victim property seized as evidence if the prosecutor's office determines that the evidence is no longer needed for prosecution.
(fn 1: 18 P.S. § 11.201)

§ 11.214 – Responsibilities of department, local correctional facilities, and board

- (a) Forms.--The department 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 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) Notice.--If the department and board have received notice of a victim's desire to have input under section 201(7), the appropriate agency shall notify the victim sufficiently in advance of a pending release decision to extend an opportunity for prior comment. The local correctional facility's notice to the victim under section 201(9) shall occur immediately.
- (c) Comment.--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) Escape notification.--If the department or local correctional facility has received notice of a victim's desire to receive notification regarding escape of the offender as provided for in section 201(8), the superintendent of the State correctional institution or warden of a local correctional facility shall immediately notify the victim of the escape.

- (e) Mental health.--If the department or local correctional facility has received notice of a victim's desire to receive notification as provided for in section 201(10), 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 24 hours of the commitment.
- (f) Records.--Records maintained by the department, the local correctional facility and the board pertaining to victims shall be kept separate. Current address, telephone number and any other personal information of the victim and family members shall be deemed confidential.
- (g) Release of offender.--The department, the 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.

§ 411.215 – Responsibilities of Department of Public Welfare, and mental health institutions under basic bill of rights

- (a) Forms.--The Department of Public Welfare shall develop standardized forms, which shall include the address where the completed form is to be sent, for the receipt of notice from the victim concerning the victim's interest in discharge decisions and notification of an escape. Sufficient copies of the forms shall be provided to the office of the district attorney for distribution to victims upon court-ordered commitment of the offender to a mental health institution in the State system.
- (b) Designated staff.--If the Department of Public Welfare has received notice of a victim's desire to receive notification as provided for in section 201(10) regarding release, placement or escape of the offender, the Department of Public Welfare shall designate the appropriate official to notify the victim of the discharge of the offender from the mental health institution and the facility to which the offender was discharged within 24 hours of the discharge. The Department of Public Welfare or the designated official shall immediately notify the victim of an escape of the offender from the mental health institution.

§ 411.216 – Responsibilities of juvenile probation office

- (a) Notice.--The juvenile probation office shall provide the following to victims:
 - (1) Prior notice of delinquency adjudication hearings unless such hearings have been scheduled by the prosecutor's office.
 - (2) Notification of disposition hearings.
 - (3) Notice of a juvenile's preadjudication escape from a detention center or shelter facility and of the juvenile's subsequent apprehension.
 - (4) Upon request, notice of whether the juvenile probation office has detained or released the juvenile following arrest and whether a delinquency petition has been filed.
 - (5) Notice of the details of the final disposition of the case consistent with 42 Pa.C.S. § 6336(f) (relating to conduct of hearings) unless provided by the prosecutor's office.

- (b) Additional notice in cases involving a personal injury crime or burglary.-- In cases involving a personal injury crime or burglary, the juvenile probation office shall provide notice and the opportunity to provide prior comment on the potential reduction or dropping of a charge or diversion of any case, including informal adjustment and consent decree, unless such notice and opportunity is provided by the prosecutor's office. Upon request, the victim shall also receive notification of a review of disposition hearing.
- (c) Dispositions.--The juvenile probation office shall:
- (1) Offer the victim the opportunity to provide a written victim impact statement to be considered in the disposition of any case and included as part of any predisposition report submitted to the court.
 - (2) Notify the victim of the right to provide an oral victim impact statement at the time of disposition in cases of juveniles who have been adjudicated delinquent.
- (d) Postdisposition notice.--Upon the request of the victim of a personal injury crime, the juvenile probation office shall:
- (1) Provide prior notice to the victim when an adjudicated delinquent ordered into residential placement or official detention will be granted temporary leave or home pass or release.
 - (2) Notify the victim of a proposed release or transfer of an adjudicated delinquent from placement that is contrary to a previous court order or placement plan approved at a disposition review hearing and shall extend the victim the opportunity to provide a written objection prior to the release or transfer of the juvenile from placement.
 - (3) Notify the victim immediately of a juvenile's escape from official detention or failure to return from temporary leave or home pass and of the juvenile's subsequent apprehension.
 - (4) Notify the victim of the termination of the juvenile court jurisdiction.
 - (5) Provide the opportunity to submit written comment and of their right to provide oral testimony at a disposition review hearing.

Chapter 5, Parole Advocacy

§ 11-501 – Preparole notification to victim

- (a) Persons to be notified.--No later than 90 days prior to the parole date of an offender, the victim advocate shall notify the victim of the offense for which the offender was sentenced, the parent or legal guardian of a victim who is a minor or a member of the family if the victim is incapable of communicating or has died and shall provide the appropriate person with an opportunity to submit a preparole statement expressing concerns or recommendations regarding the parole or parole supervision of the offender.
- (b) Enrollment.--A victim or member of the family is responsible for notifying the victim advocate of the victim's or family member's intent to submit a preparole statement regarding the parole or parole supervision of the offender. The notice shall include a mailing address or change of address notification.

- (c) Procedure.--The victim advocate shall notify the person at the person's last known mailing address. The person shall submit the oral, written or videotaped preparole statement to the victim advocate within 30 days of the date of notice. The preparole statement shall be considered by the board during preparation of the parole plan.

§ 11-502 – Petitions to deny parole upon expiration of minimum sentence

- (a) Petition.--Upon the request of a victim who has notified the board in writing of the victim's desire to have input and make comment prior to a parole release decision, the victim advocate shall either petition the board as to the special conditions of release which may be imposed or that the offender not be paroled based upon the statement that the victim submitted under section 501.
(fn 1)
- (b) Appearance.--The victim or the victim's representative shall be permitted to appear in person before the board or hearing examiner or, in the alternative, the victim's testimony may be presented by conference call. The testimony of a victim before the board shall be confidential. Records maintained by the department and the board pertaining to victims shall be kept separate. Current address, telephone number and any other personal information of the victim and family members shall be deemed confidential.
- (c) Action.--The board, upon petition and after an interview, may do any of the following:
- (1) Order that special conditions of parole be placed upon the offender or the offender not be paroled based upon the continuing effect of the crime on the victim.
 - (2) Order that the offender not be paroled if the board finds that:
 - (i) the offender would pose a risk or danger to the victim or the family of the victim if the offender were released on parole; or
 - (ii) the interests of the Commonwealth would otherwise be injured.
- (d) Notice.--The board shall notify the victim of its decision prior to a release of the offender.
- (e) District attorney.--Notwithstanding any other statutory provision, the office of the district attorney of the sentencing county may notify a crime victim of a pending release decision and act on the victim's behalf or on its own initiative to submit comments and represent the interests of a crime victim before the board prior to a release decision.
(fn 1: 18 P.S. § 11.501).