

No. 1979-114

AN ACT

SB 395

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," providing for certain notification responsibilities of local law enforcement agencies, providing for an exception to credits against claims and to the minimum allowable claim and changing an effective date.

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

Section 1. Section 477, act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," amended December 10, 1976 (P.L.1305, No.287), 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:

* * *

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

* * *

Section 2. Section 477.5 and subsection (e) of section 477.9 of the act, added July 9, 1976 (P.L.574, No.139), are amended to read:

Section 477.5. Minimum Allowable Claim.—(a) No award shall be made on a claim unless the claimant has incurred a minimum out-of-pocket loss of one hundred dollars (\$100) or has lost at least two continuous weeks' earnings or support.

(b) The requirements of subsection (a) shall not apply where the victim was sixty (60) years of age or older at the time the crime occurred.

Section 477.9. Awards.—* * *

(e) [Any] ***Except for claims involving dismemberment or loss of an eye, any*** award made pursuant to this act shall be reduced by the amount of any payments received or to be received by the claimant as a result of the injury (i) from or on behalf of the person who committed the crime, (ii) under any insurance programs including those mandated by law, (iii) under any contract of insurance wherein the claimant is the insured beneficiary, (iv)

from public funds, or (v) as an emergency award pursuant to section 477.8 of this act.

* * *

Section 3. Section 477.16 of the act, added December 10, 1976 (P.L.1305, No.287), is amended to read:

Section 477.16. Effective Date.—The provisions of sections 477 through 477.15, inclusive, of this act shall be deemed to be in effect as of [October 29, 1976] **October 25, 1976** notwithstanding prior provisions to the contrary. Claims shall be accepted for crimes committed on or subsequent to such date.

Section 4. The act is amended by adding a section to read:

Section 477.17. Responsibilities of Local Law Enforcement Agencies.—(a) All local law enforcement agencies shall insure that all of its officers and employes are familiar with crime victim's compensation as provided for in sections 477 through 477.17 of this act. Instruction concerning crime victim's compensation shall be made a part of the training curriculum for all trainee officers.

(b) Local law enforcement agencies shall advise the victims of crimes reported to it of the availability of crime victim's compensation as provided by this act. The term "victim" as used in this subsection shall be a victim as defined by this act. The notice required under this subsection shall be in writing and shall include the following paragraph:

"If you have sustained physical injury as a direct result of a crime of violence, or are legally dependent for support upon a person who has sustained physical injury or death as a direct result of a crime of violence, or, in the event of a death caused by a crime of violence, you have legally assumed or voluntarily paid the medical or burial expenses incurred as a direct result thereof, you may qualify for indemnification by the State of Pennsylvania for the out-of-pocket wages, medical or burial expenses which you have incurred as a result of the crime. Claims must be filed with the Crime Victim's Compensation Board for the State of Pennsylvania. For further information regarding this program, please contact:

(Name, business address and telephone number of the local law enforcement agency)

or

**Crime Victim's Compensation Board
Department of Justice
Harrisburg, Pennsylvania**

Important: The statute provides that, absent certain extenuating circumstances, a claimant has one year from the date of the crime to file his claim with the Crime Victim's Compensation Board."

(c) The written notification provided for in subsection (b) shall be accompanied by three copies of the application form for crime victim's compensation. These forms shall be supplied by the Crime Victim's

Compensation Board to all local law enforcement agencies. The record of the date and address of all letters of notification shall be maintained by every local law enforcement agency.

(d) Any officer of a local law enforcement agency whose duties include the investigation of crimes may notify victims or their families of the availability of compensation under this act by giving them a card or sheet bearing the paragraph as quoted in subsection (b) above. A record of such personal notice shall be maintained by the local law enforcement agency.

(e) In municipalities which do not have a local law enforcement agency, the board shall by rule establish procedures whereby it, together with the State Police, shall give the notice to victims of crimes as provided in this section.

Section 5. This act shall take effect immediately except that the notice requirements of section 477.17 (b), (c) and (d) shall take effect in three months.

APPROVED—The 13th day of December, A. D. 1979.

DICK THORNBURGH