



The Judiciary Review

Report from the Senate Judiciary Committee (D)

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CRIME VICTIM RIGHTS, DNA TESTING AND ANTI-TERRORISM INITIATIVES MOVE WITH STATE BUDGET

■ **Senate Bill No. 589**
Printer's No. 2169

The legislation amends the Judicial Code by adding a new section to the Post Conviction Relief Act which provides the procedures to request DNA testing of forensic evidence used in a criminal conviction. The legislation creates a statutory framework for the post conviction presentation and consideration of newly discovered DNA evidence under the Post Conviction Relief Act.

Current Status: Act 109—2002

■ **Senate Bill No. 212**
Printer's No. 2153

The legislation provides an additional twelve-year statute of limitations after a person reaches the age of eighteen (18) to institute a civil action for damages resulting from childhood sexual abuse. Further, a twelve-year statute of limitations is provided for the prosecution of the criminal offenses of rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, incest, and sexual abuse of children. Finally, this measure authorizes the use of a facsimile or reprinted magisterial seal.

Current Status: Act 86—2002

■ **Senate Bill No. 1109**
Printer's No. 2105

The legislation amends several sections of the Crimes Code to increase the grading of certain

offenses committed during a declared state of emergency when the commission of the specified offense causes the occupants of a building, place of assembly or facility of public transportation to be diverted from customary operations. Sections amended include terroristic threats, bomb threats, false alarms to agencies of public safety and law enforcement authorities, harassment and stalking by communication or address.

Additionally, a criminal offense is added making it a felony of the third degree to deliver a facsimile nuclear, biological or chemical agent with the intent to threaten, terrify or intimidate, cause the evacuation of a building, place of assembly or public transportation, or cause serious public inconvenience.

Further, the legislation amends section 110 of the Crimes Code. To bar prosecution for an existing offense, the defendant must have requested joinder of an existing charge with a prior prosecution in which he was acquitted, occurring in the same judicial district as the prior offense. Last, the bill amends section 5111 to place venue for the commission of an offense in the county where any element of the offense has occurred.

Current Status: Act 86—2002

■ **Senate Bill No. 592**
Printer's No. 1438

The bill amends the Probate Code to authorize the State Treasurer to distribute unclaimed or abandoned property or funds of a decedent, who was a resident of the Commonwealth,

for funeral expenses when the value of such property does not exceed \$11,000 and when a personal representative of the decedent has not been appointed or five years has lapsed since the appointment of such representative. The act would take effect immediately.

Current Status: Act 80—2002

■ **Senate Bill No. 380**
Printer's No. 2060

The legislation amends the Crime Victims Act by adding the following items as reimbursable losses: hearing aids, the cost of cleaning a crime scene, temporary or permanent relocation of direct victims, and physical examinations used to obtain evidence. Direct expense awards may exceed the cap of \$35,000 for psychological or psychiatric examinations, forensic rape examinations, the reasonable and necessary costs of cleaning the crime scene of a private residence and for other medical, physical assistance and orthopedic devices. Awards may be reduced by an amount of settlement between the victim and a party alleged to be responsible. The legislation removes the requirement that the applicant be related to the crime victim in order to be eligible for compensation under certain circumstances; extends the application period from one year to two years or until age 21 for a minor victim. The bill revises the reimbursement and travel allowance for victims and witnesses; provides that the costs of a forensic examination for sex shall be at a rate established by the bureau and shall not be charged to the victim;

expenses paid to a hospital or other licensed provider by the bureau be accepted as payment in full and prohibits providers from collecting additional amounts from a victim. Last, victims are given certain rights to comment regarding placement and release of offenders from boot camps.

Current Status: Act 85—2002

■ **Senate Bill No. 820
Printer's No. 1798**

The bill amends the Crimes Code providing for protection of crime victims, family members of crime victims, and witnesses making these terms consistent with the Crimes Victims Act. The bill prohibits an inmate of a correctional institution, prison, jail, detention facility or mental hospital from possessing certain telecommunication devices without written permission. Additionally it is unlawful for any person to furnish an inmate with a telecommunication device without written permission. A telecommunication device includes cellular phones, digital phones and modem equipment devices. The act shall take effect in 60 days.

Current Status: Act 84—2002

■ **Senate Bill No. 391
Printer's No. 2068**

The legislation adopts the Interstate Compact for the Supervision of Adult Offenders Act establishing an Interstate Commission composed of members from each state that is responsible for creating a framework promoting public safety and the protection of crime victims through the control and regulation of the interstate movement of offenders. The Interstate Commission is responsible for promulgating rules which have the effect of statutory law and which are binding on signatory states regarding probationers and parolees; over-

seeing, supervising and coordinating the movement of offenders; enforcing compliance with compact provisions; and providing dispute resolution between compacting states. The act becomes effective on July 1, 2002 or when thirty-five (35) states or territories adopt the compact. The repeal of the current statutes providing for the 1937 Interstate Compact is operative upon the effective date of the new compact.

Current Status: Act 56—2002

■ **Senate Bill No. 1017
Printer's No. 1867**

The bill amends the Volunteer Health Services Act to further provide for health care practitioners working as volunteers in approved health care clinics. The act would take effect in 60 days.

Current Status: Act 58—2002

■ **House Bill No. 1546
Printer's No. 3866**

This bill provides for identity theft by increasing the grading for first-time identity theft offenses involving more than \$2000 or that are part of a criminal conspiracy. Second or subsequent offenses are classified as a felony of the second degree. Further, the bill includes electronic signatures as identifying information; increases the statute of limitations to four years; increases penalties if the victim is over the age of 60 or a care-dependent person; and creates a private cause of action. This act shall take effect in 60 days.

Current Status: Act 62—2002



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