

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 897 Session of 2017

INTRODUCED BY STEFANO, BOSCOLA, BROWNE, MENSCH, RAFFERTY,
EICHELBERGER, FOLMER AND MARTIN, SEPTEMBER 25, 2017

REFERRED TO JUDICIARY, SEPTEMBER 25, 2017

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in authorized disposition of offenders, further
4 providing for restitution for injuries to person or property;
5 and, in sentencing, further providing for victim impact
6 statements.

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

9 Section 1. Section 1106(a), (b), (c)(1), (g) and (h) of
10 Title 18 of the Pennsylvania Consolidated Statutes are amended
11 to read:

12 § 1106. Restitution for injuries to person or property.

13 (a) General rule.--Upon conviction for any crime wherein:

14 (1) property of a victim has been stolen, converted or
15 otherwise unlawfully obtained, or its value substantially
16 decreased as a direct result of the crime[, or wherein]; or

17 (2) the victim, if an individual, suffered personal
18 injury directly resulting from the crime,

19 the offender shall be sentenced to make restitution in addition
20 to the punishment prescribed therefor.

1 (b) Condition of probation or parole.--Whenever restitution
2 has been ordered pursuant to subsection (a) and the offender has
3 been placed on probation or parole, [his] the offender's
4 compliance with such order may be made a condition of such
5 probation or parole.

6 (c) Mandatory restitution.--

7 (1) The court shall order full restitution:

8 (i) Regardless of the current financial resources of
9 the defendant, so as to provide the victim with the
10 fullest compensation for the loss. The court shall not
11 reduce a restitution award by any amount that the victim
12 has received from the Crime Victim's Compensation Board
13 or other [governmental] government agency but shall order
14 the defendant to pay any restitution ordered for loss
15 previously compensated by the board to the Crime Victim's
16 Compensation Fund or other designated account when the
17 claim involves a government agency in addition to or in
18 place of the board. The court shall not reduce a
19 restitution award by any amount that the victim has
20 received from an insurance company but shall order the
21 defendant to pay any restitution ordered for loss
22 previously compensated by an insurance company to the
23 insurance company.

24 (ii) If restitution to more than one [person] victim
25 is set at the same time, the court shall set priorities
26 of payment. However, when establishing priorities, the
27 court shall order payment in the following order:

28 (A) [The victim] Any individual.

29 (A.1) Any affected government agency.

30 (B) The Crime Victim's Compensation Board.

1 (C) Any other government agency which has
2 provided reimbursement to the victim as a result of
3 the defendant's criminal conduct.

4 (D) Any insurance company which has provided
5 reimbursement to the victim as a result of the
6 defendant's criminal conduct.

7 (E) Any nonprofit corporation, nonprofit
8 unincorporated association or nonprofit organization.

9 (F) Any for-profit corporation.

10 * * *

11 (g) Preservation of private remedies.--No judgment or order
12 of restitution shall debar the [owner of the property or the
13 victim who sustained personal injury] victim, by appropriate
14 action, to recover from the offender as otherwise provided by
15 law, provided that any civil award shall be reduced by the
16 amount paid under the criminal judgment.

17 (h) Definitions.--As used in this section, the following
18 words and phrases shall have the meanings given to them in this
19 subsection:

20 "Affected government agency." The Commonwealth, a political
21 subdivision or local authority that has sustained injury to
22 property.

23 "Crime." Any offense punishable under this title or by a
24 magisterial district judge.

25 "Injury to property." Loss of real or personal property,
26 including negotiable instruments, or decrease in its value,
27 directly resulting from the crime.

28 "Offender." Any person who has been found guilty of any
29 crime.

30 "Personal injury." Actual bodily harm, including pregnancy,

1 directly resulting from the crime.

2 "Property." Any real or personal property, including
3 currency and negotiable instruments, of the victim.

4 "Restitution." The return of the property of the victim or
5 payments in cash or the equivalent thereof pursuant to an order
6 of the court.

7 "Victim." As defined in section [479.1 of the act of April
8 9, 1929 (P.L.177, No.175), known as The Administrative Code of
9 1929] 103 of the act of November 24, 1998 (P.L.882, No.111),
10 known as the Crime Victims Act. The term includes an affected
11 government agency, the Crime Victim's Compensation Fund, if
12 compensation has been paid by the Crime Victim's Compensation
13 Fund to the victim [and], any insurance company that has
14 compensated the victim for loss under an insurance contract and
15 any nonprofit corporation, nonprofit unincorporated association,
16 nonprofit organization or for-profit corporation.

17 Section 2. Section 9738(b) of Title 42 is amended to read:
18 § 9738. Victim impact statements.

19 * * *

20 (b) Definition.--As used in this section, the term "victim"
21 shall mean a "victim" as defined in:

22 (1) [section 103 of the act of November 24, 1998
23 (P.L.882, No.111), known as the Crime Victims Act] 18 Pa.C.S.
24 § 1106 (relating to restitution for injuries to person or
25 property); or

26 (2) 18 Pa.C.S. § 3001 (relating to definitions).

27 Section 3. This act shall take effect in 60 days.