



# Basic Bill of Rights for Victims

Pennsylvania Commission on Crime and Delinquency 3101 N. Front Street, Harrisburg, PA 17110

For further information on additional victims' rights, please contact either the district attorney in your jurisdiction or the PCCD's Victims' Services Program at 1-800-692-7292.

## Victims of crime have the following rights:

**To receive** basic information concerning the services available for victims of crime.

**To be** notified of certain significant actions and proceedings within the criminal and juvenile justice systems pertaining to their case. This includes all of the following:

- Access to information regarding whether the juvenile was detained or released following arrest and whether a petition alleging delinquency has been filed.
- Immediate notification of a juvenile's preadjudication escape from a detention center or shelter facility and of the juvenile's subsequent apprehension.
- Access to information regarding the grant or denial of bail to an adult.
- Immediate notification of an adult offender's pretrial escape from a local correctional facility and of the offender's subsequent apprehension.

**To be** accompanied at all criminal and all juvenile proceedings by a family member, a victim advocate or other person providing assistance or support.

**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.

**To have** the 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.

**To have** notice and to provide prior comment on a judicial recommendation that the defendant participate in a motivational boot camp.

**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.

**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 judgement of the prosecutor the evidence is no longer needed for prosecution of the case.

**In personal injury crimes** where the adult is sentenced to a **State** correctional facility, to be:

- 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.
- 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.
- Provided immediate notice of an escape of the adult and of subsequent apprehension.

**Upon the request** of the victim of a personal injury crime, to be notified of the termination of the courts' jurisdiction.

**To have** assistance in the preparation of, submission of and follow-up on crime victim compensation claims to the Office of Victims' Services.

**In personal injury crimes** where the adult is sentenced to a **local** correctional facility to:

- Receive notice of the date of the release of the adult, including work release, furlough, parole, release from boot camp or community treatment center placement; and
- Be provided with immediate notice of an escape of the adult and of subsequent apprehension.

**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:

- Receive prior notice of the date of the release of the juvenile, including temporary leave or home pass.
- Be provided with immediate notice of an escape of the juvenile, including failure to return from temporary leave or home pass; and immediate notice of reappréhension of the juvenile.
- 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.

**To receive** immediate notice of the release of an adult on bail, if the adult is subject to a protection from abuse order 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.

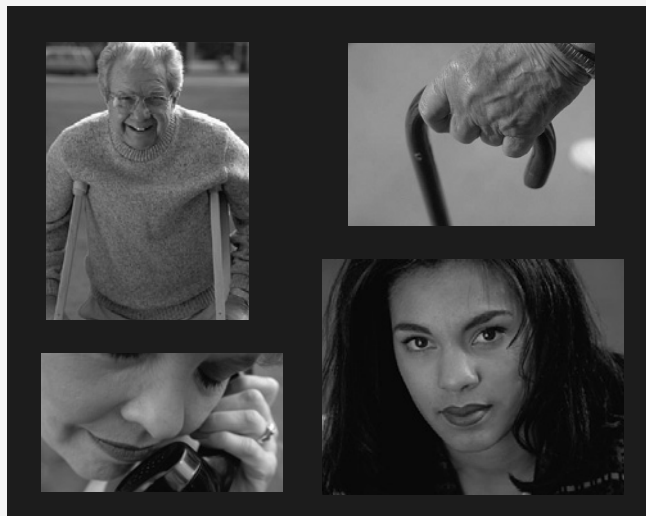
**To receive** notice if an adult is committed to a mental health facility from a State correctional institution and notice of the discharge, transfer or escape of the adult from the mental health facility.

**To be** notified of the details of the final disposition of the case of a juvenile.

### Additional Statutory Rights

**To be** present at executions providing the victim has registered with and been selected by the Victim Advocate, Office of the Victim Advocate.

**To be** present at trials, including murder trials, and the right not to be excluded from the trial if the victim will be providing input at sentencing.



## Questions regarding Victims Compensation?

### What expenses are not covered?

The fund will not reimburse victims for:  
-Pain and suffering  
-Stolen or damaged property except loss of medical devices as a result of the crime.

### How will the claim be considered?

After all of the information contained in the application is verified the victim/claimant will be notified if he/she is eligible for compensation. The time that it takes to arrive at this decision varies considerably, depending upon the complexity of the claim. The victim/claimant will be mailed a copy of the decision. If the claim is denied, the reason will be explained to the victim/claimant, along with the appeal procedure.

### What if the expenses can be paid by another source?

The Crime Victims Compensation Fund is regarded as "the payer of last resort." Other sources **must** be utilized before payment can be considered.

### What is meant by other source?

Payment will be reduced by the amount of any other source. They include but are not limited to: health or life insurance, awards from civil lawsuits or insurance, Medical Assistance, Medicare, disability insurance, Workers' Compensation, or Social Security.

### Must there be an arrest or conviction of the assailant before compensation will be paid?

No. It is not necessary for the alleged offender to be prosecuted for a claim to be filed. However, the victim/claimant must cooperate with law enforcement authorities in the investigation and prosecution of the offender if one is known.

### What is an emergency award?

In special circumstances an emergency award of up to \$1,500 may be considered.

### Are Motor Vehicle/Watercraft Crimes eligible for compensation?

Yes. These are limited to DUI, Aggravated Assault while DUI, Homicide by Vehicle while DUI, Hit and Run, and Homicide by Vehicle and acts that would constitute a crime under the Crimes Code, such as reckless endangerment.

### How is the program funded?

Passed by the Pennsylvania Legislature in 1976, the Pennsylvania Crime Victims Act created a fund and established eligibility guidelines for providing certain benefits to crime victims. This fund consists of fines and penalties assessed against persons convicted of crimes. No general tax revenues of the state are used, therefore, persons convicted of crime support a program to benefit their victims.

**Victims  
Compensation  
1-800-233-2339**