

## Select Victims' Rights – Pennsylvania

### USING THIS RESOURCE

This resource is intended to provide a base of knowledge regarding crime victims' rights in Pennsylvania and promising practices to ensure compliance with and enforcement of those rights. To keep this *Guide* as user-friendly as possible in light of the breadth, complexity and evolving nature of law, the *Guide* does not include all laws. The *Guide* is intended for informational purposes only. It does not constitute legal advice, nor does it substitute for legal advice. For more in-depth information about the laws governing privacy, confidentiality and privilege in Pennsylvania, see the companion resource: *Law Enforcement-Based Victim Services in Pennsylvania: Privacy, Privilege and Confidentiality*.

The following icons are used throughout this resource to highlight key moments for the user.



= Promising Practices: As used in this *Guide*, the “promising practices” indicator highlights procedures, methods or techniques, grounded in victim-centered and trauma-informed research and experience, that afford victims meaningful rights in the justice system.



= Take Note: As used in this *Guide*, the “take note” indicator provides context for the law cited or discussed. For example, if a law has a particularly narrow application or does not explicitly prohibit an action the “take note” indicator is used to highlight or provide clarity around the law.

This resource was developed by the National Crime Victim Law Institute (NCVLI) under 2020-V3-GX-K001, awarded to the International Association of Chiefs of Police (IACP) by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this draft publication are those of the contributors and do not necessarily represent the official position of the U.S. Department of Justice.

**TABLE OF CONTENTS AND INDEX OF RIGHTS<sup>1</sup>**

**Using This Resource** ..... 1

**Select Definitions** ..... 4

**Select Crime Victims’ Rights** ..... 16

    Right to Fairness, Dignity and Respect..... 16

    Right to Privacy ..... 16, 28, 52-56, 65-66, 69-72, 74-82

    Right to Protection/Safety ..... 16, 18, 25, 62, 76, 78-79

    Right to Notice ..... 19, 21, 23, 26, 35, 38, 41-44, 46, 59, 61

    Right to Be Present ..... 19, 36

    Right to Be Heard/Participation/Prior Comment ..... 22-23, 37, 39, 41

    Right to Refuse Discovery ..... 28

    Right to Proceedings Free from Unreasonable Delay and to a Prompt and Final Conclusion ..... 31

    Right to Confer ..... 32, 37

    Right to Prompt Return of Property ..... 30

---



<sup>1</sup> This table of contents and index of rights provides specific page references for many of the victims’ rights laws contained within this *Guide*. The referenced laws are often narrower in scope than the broader rights identified in the index and may contain components of multiple core rights. Not all of the laws contained within this *Guide* are referenced in the table of contents and index; therefore, it is recommended that this document be reviewed in full.

Right to Financial Recovery ..... 29, 40, 45, 47-51, 73



Right to Information About Victims' Rights and Services.....33-34, 62-64


Right to an Advocate or to Be Accompanied .....36, 68


Right to a Forensic Examination and Knowledge Around Testing, Analysis and Comparison..... 57-62

<p><b>SELECT DEFINITIONS</b></p>	<p><b>Pennsylvania Constitutional Provisions and Statutes</b></p>
<p><b>Constitutional Definition of “Victim.”</b></p> <p>As used in this section and as further defined by the General Assembly, the term “victim” includes any person against whom the criminal offense or delinquent act is committed or who is directly harmed by the commission of the offense or act. The term “victim” does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor or incapacitated victim.</p> <p> Article I, Section 9.1 of the Pennsylvania Constitution was subject to voter approval at the November 5, 2019 Municipal Election. Before the election, litigation prevented the counting or certifying of ballots until the resolution of a legal challenge to this provision. In January of 2021, the proposed amendment that would have added this section to Pennsylvania’s Constitution was found to be unconstitutional and the votes cast were declared invalid. <i>See League of Women Voters of Pennsylvania v. Boockvar</i>, No. 578 M.D. 2019, 2021 WL 62268 (Pa. Commw. Ct. Jan. 7, 2021) (per curiam) (unpublished). As of October 2021, that decision is being reviewed by the Pennsylvania Supreme Court and the validity of this provision will remain unclear until the Pennsylvania Supreme Court issues its decision. Legislative efforts are also underway to incorporate the rights included in this section into Pennsylvania’s statutes.</p> <p> This definition applies to Pennsylvania’s constitutional victims’ rights provisions, Pa. Const. art. I, § 9.1. These constitutional provisions are included below in the section “Select Crime Victims’ Rights.”</p>	<p>Pa. Const. art. I, § 9.1(c).</p>


<p><b>Statutory Definitions (“Crime Victims Act”).</b></p> <p>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:</p> <p>...</p> <p>“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.).</p> <p>...</p> <p>“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.</p> <p>...</p>	<p>18 Pa. Stat. and Cons. Stat. Ann. § 11.103.</p>
---	--


<p>“Victim advocate.” The victim advocate in the Office of Victim Advocate within the Pennsylvania Board of Probation and Parole.</p> <p> These definitions apply to Pennsylvania’s Crime Victims Act, 18 Pa. Stat. and Cons. Stat. Ann. §§ 11.101-11.5102. These statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p><b>Victims’ Right to Restitution; Definition of “Victim.”</b></p> <p>Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:</p> <p>...</p> <p>“Victim.” As defined in section 103 of the act of November 24, 1998 (P.L. 882, No. 111), known as the Crime Victims Act.<sup>1</sup> The term includes an affected government agency, the Crime Victim’s Compensation Fund, if compensation has been paid by the Crime Victim’s Compensation Fund to the victim, any insurance company that has compensated the victim for loss under an insurance contract and any business entity.</p> <p>1. 18 P.S. § 11.103.</p> <p> This definition applies to Pennsylvania’s statutory provision addressing restitution for injuries to person or property, 18 Pa. Stat. and Cons. Stat. Ann. § 1106. This provision is included below in the section “Select Crime Victims’ Rights.”</p>	<p>18 Pa. Stat. and Cons. Stat. Ann. § 1106(h).</p>


<p><b>Statutory Definition of “Victim of Human Trafficking” or “Victim.”</b></p> <p>The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:</p> <p>...</p> <p>“Victim of human trafficking” or “victim.” An individual who has been subjected to human trafficking.</p> <p> This definition applies to Pennsylvania’s statutes regarding human trafficking, 18 Pa. Stat. and Cons. Stat. Ann. §§ 3001-3072. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	<p>18 Pa. Stat. and Cons. Stat. Ann. § 3001.</p>
<p><b>Protection from Abuse/Domestic Violence; Definitions.</b></p> <p>General rule.--The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:</p> <p>...</p> <p>“Confidential communications.” All information, whether written or spoken, transmitted between a victim and a domestic violence counselor or advocate in the course of the relationship. The term includes information received or given by the domestic violence counselor or advocate in the course of the relationship, as well as advice, reports, statistical data, memoranda or working papers, records or the like, given or made in the course of the relationship. The term also includes communications made by or to a linguistic interpreter assisting the victim, counselor or advocate in the course of the relationship.</p>	<p>23 Pa. Stat. and Cons. Stat. Ann. § 6102(a).</p>


<p>“Domestic violence counselor/advocate.” An individual who is engaged in a domestic violence program, the primary purpose of which is the rendering of counseling or assistance to victims of domestic violence, who has undergone 40 hours of training.</p> <p>“Domestic violence program.” A nonprofit organization or program whose primary purpose is to provide services to domestic violence victims which include, but are not limited to, crisis hotline; safe homes or shelters; community education; counseling systems intervention and interface; transportation, information and referral; and victim assistance.</p> <p>...</p> <p>“Victim.” A person who is physically or sexually abused by a family or household member. For purposes of section 6116 (relating to confidentiality), a victim is a person against whom abuse is committed who consults a domestic violence counselor or advocate for the purpose of securing advice, counseling or assistance. The term shall also include persons who have a significant relationship with the victim and who seek advice, counseling or assistance from a domestic violence counselor or advocate regarding abuse of the victim.</p> <p> These definitions apply to Pennsylvania’s statutes regarding protection from abuse, 23 Pa. Stat. and Cons. Stat. Ann. §§ 6101-6122. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p><b>Domestic and Sexual Violence Victim Address Confidentiality; Definitions.</b></p> <p>The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:</p> <p>“Actual address.” A residential address, school address or work address of an individual.</p>	<p>23 Pa. Stat. and Cons. Stat. Ann. § 6702.</p>





<p>“Law enforcement agency.” A police department of a city, borough, incorporated town or township, the Pennsylvania State Police, district attorneys’ offices and the Office of Attorney General.</p> <p>“Office of Victim Advocate.” The office established under section 301 of the act of November 24, 1998 (P.L. 882, No. 111),<sup>1</sup> known as the Crime Victims Act, that is responsible for the address confidentiality program pursuant to this chapter.</p> <p>“Program participant.” A person certified by the Office of Victim Advocate as eligible to participate in the address confidentiality program established by this chapter.</p> <p>“Substitute address.” The official address of the Office of Victim Advocate or a confidential address designated by the Office of Victim Advocate.</p> <p>“Victim of domestic violence.” A person who is a victim as defined by section 6102 (relating to definitions).</p> <p>“Victim of sexual assault.” A victim of an offense enumerated in 18 Pa.C.S. §§ 3121 (relating to rape), 4302 (relating to incest), 6312 (relating to sexual abuse of children), 6318 (relating to unlawful contact with minor) and 6320 (relating to sexual exploitation of children).</p> <p>“Victim of stalking.” A victim of an offense enumerated in 18 Pa.C.S. § 2709.1 (relating to stalking).</p> <p> These definitions apply to Pennsylvania’s statutes regarding address confidentiality for victims of domestic and sexual violence, 23 Pa. Stat. and Cons. Stat. Ann. §§ 6701-6713. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
--	--


<p><b>Rights of Sexual Assault Victims; Definitions.</b></p> <p>Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:</p> <p>“Close relative of a deceased sexual assault victim.” An individual who:</p> <ul style="list-style-type: none"> <li>(1) was the spouse of a deceased sexual assault victim at the time of the victim’s death; or</li> <li>(2) is a parent, legal guardian or adult brother, sister or child of a deceased sexual assault victim.</li> </ul> <p>“Sexual assault counselor.” As defined in 42 Pa.C.S. § 5945.1 (relating to confidential communications with sexual assault counselors).</p> <p> These definitions apply to Pennsylvania’s provision regarding the rights of victims of sexual assault, 35 Pa. Stat. and Cons. Stat. Ann. § 10172.5. This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	<p>35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(c).</p>
<p><b>Sexual Assault Counselor-Victim Privilege; Definitions.</b></p> <p>The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:</p> <p>...</p> <p>“Confidential communications.” As defined in section 5945.1 (relating to confidential communications with sexual assault counselors).</p>	<p>42 Pa. Stat. and Cons. Stat. Ann. § 62A03.</p>



<p>“Coparticipant.” As defined in section 5945.1 (relating to confidential communications with sexual assault counselors).</p> <p>...</p> <p>“Sexual assault counselor.” As defined in section 5945.1 (relating to confidential communications with sexual assault counselors).</p> <p>...</p> <p>“Victim.” A person who is the victim of sexual violence or intimidation.</p> <p> These definitions apply to Pennsylvania’s statute regarding the confidentiality of communications with sexual assault counselors, 42 Pa. Stat. and Cons. Stat. Ann. § 62A16. This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	
<p><b>Sexual Assault Counselor-Victim Privilege; Definitions.</b></p> <p>Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:</p> <p>“Confidential communication.” All information, oral or written, transmitted between a victim of sexual assault and a sexual assault counselor in the course of their relationship, including, but not limited to, any advice, reports, statistical data, memoranda, working papers, records or the like, given or made during that relationship, including matters transmitted between the sexual assault counselor and the victim through the use of an interpreter.</p> <p>“Coparticipant.” A victim participating in group counseling.</p>	<p>42 Pa. Stat. and Cons. Stat. Ann. § 5945.1(a).</p>

<p>“Interpreter.” A person who translates communications between a sexual assault counselor and a victim through the use of sign language, visual, oral or written translation.</p> <p>“Rape crisis center.” Any office, institution or center offering assistance to victims of sexual assault and their families through crisis intervention, medical and legal accompaniment and follow-up counseling.</p> <p>“Sexual assault counselor.” A person who is engaged in any office, institution or center defined as a rape crisis center under this section, who has undergone 40 hours of sexual assault training and is under the control of a direct services supervisor of a rape crisis center, whose primary purpose is the rendering of advice, counseling or assistance to victims of sexual assault.</p> <p>“Victim.” A person who consults a sexual assault counselor for the purpose of securing advice, counseling or assistance concerning a mental, physical or emotional condition caused or reasonably believed to be caused by a sexual assault. The term shall also include those persons who have a significant relationship with a victim of sexual assault and who seek advice, counseling or assistance from a sexual assault counselor concerning a mental, physical or emotional condition caused or reasonably believed to be caused by a sexual assault of a victim.</p> <p> These definitions apply to Pennsylvania’s statute regarding the confidentiality of communications with sexual assault counselors, 42 Pa. Stat. and Cons. Stat. Ann. § 5945.1. This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	
<p><b>Human Trafficking Counselor-Victim Privilege; Definitions.</b></p> <p>Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:</p>	<p>42 Pa. Stat. and Cons. Stat. Ann. § 5945.3(c).</p>


<p>“Confidential communication.” All information, oral or written, transmitted between a victim of human trafficking and a human trafficking caseworker in the course of their relationship. The term includes advice, reports, statistical data, memoranda, working papers and records, given or made during that relationship, including matters transmitted between the human trafficking caseworker and the victim through the use of an interpreter.</p> <p>“Human trafficking caseworker.” An individual: (1) who is engaged by any organization whether financially compensated or not; (2) whose primary purpose is the rendering of advice or assistance to a victim of human trafficking, as defined in 18 Pa.C.S. § 3001 (relating to definitions); and (3) who: (i) holds a master’s degree or higher in counseling or a related field; (ii) has an undergraduate degree or equivalent in a human services profession; or (iii) is supervised by an individual qualified under subparagraph (i) or (ii) and has at least 80 hours of training received under that supervision in: (A) the history of human trafficking; (B) civil law and criminal law as they relate to human trafficking; (C) societal attitudes toward human trafficking; (D) peer counseling techniques; (E) housing, public assistance and other financial resources available to meet the needs of victims of human trafficking; (F) referral services available to victims of human trafficking; (G) privileged communications; or (H) human trauma therapy counseling.</p> <p>“Interpreter.” An individual who translates communications between a human trafficking caseworker and a victim of human trafficking through the use of sign language, visual, oral or written translation.</p> <p> These definitions apply to Pennsylvania’s statute regarding the confidentiality of communications with human trafficking caseworkers, 42 Pa. Stat. and Cons. Stat. Ann. § 5945.3. This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	
---	--


<p><b>Rights Specific to Child-Victims and Child-Witnesses; Definitions.</b></p> <p>The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:</p> <p>“Child” or “children.” An individual or individuals under 18 years of age.</p> <p>“Contemporaneous alternative method.” Any method of capturing the visual images, oral communications and other information presented during a prosecution or adjudication involving a child victim or a child material witness and transmitting and receiving such images, communications and other information at or about the time of their creation, including, but not limited to, closed-circuit television, streaming image sent via the Internet or an intranet and any other devices or systems used to accomplish such ends.</p> <p>“Minor.” An individual who, at the time of the commission of the offense involving sexual or physical abuse, is under 18 years of age.</p> <p>“Qualified shorthand reporter.” An individual engaged in the active practice of general shorthand reporting who is skilled in the art of verbatim reporting by the use of a written shorthand system, whether manual or machine; or any individual who is an official court or legislative reporter; or any individual who is the holder of a certified shorthand reporter certificate mandated by State or Federal law.</p> <p> These definitions apply to Pennsylvania’s statutes specific to protections for child-victims and child-witnesses, 42 Pa. Stat. and Cons. Stat. Ann. §§ 5981-5988. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	<p>42 Pa. Stat. and Cons. Stat. Ann. § 5982.</p>
---	--


<p><b>Victims' Right to Restitution; Definition of "Victim."</b></p> <p>(c) Mandatory restitution.--In addition to the alternatives set forth in subsection (a) of this section the court shall order the defendant to compensate the victim of his criminal conduct for the damage or injury that he sustained. For purposes of this subsection, the term "victim" shall be as defined in section 479.1 of the act of April 9, 1929 (P.L. 177, No. 175), known as The Administrative Code of 1929.<sup>2</sup></p> <p>2. 71 P.S. § 180-9.1.</p> <p> This definition applies to Pennsylvania's statute regarding mandatory restitution, 42 Pa. Stat. and Cons. Stat. Ann. § 9721.</p>	<p>42 Pa. Stat. and Cons. Stat. Ann. § 9721(c).</p>
--	---



<p><b>SELECT CRIME VICTIMS' RIGHTS</b></p>	<p><b>Pennsylvania Constitutional Provisions and Statutes</b></p>
<p><b>Victims' Right to Be Treated with Fairness and Respect for the Victim's Safety, Dignity and Privacy.</b></p> <p>To secure for victims justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following right[], as further provided and as defined by the General Assembly, which shall be protected in a manner no less vigorous than the rights afforded to the accused: to be treated with fairness and respect for the victim's safety, dignity and privacy . . . .</p> <p> Article I, Section 9.1 of the Pennsylvania Constitution was subject to voter approval at the November 5, 2019 Municipal Election. Before the election, litigation prevented the counting or certifying of ballots until the resolution of a legal challenge to this provision. In January of 2021, the proposed amendment that would have added this section to Pennsylvania's Constitution was found to be unconstitutional and the votes cast were declared invalid. <i>See League of Women Voters of Pennsylvania v. Boockvar</i>, No. 578 M.D. 2019, 2021 WL 62268 (Pa. Commw. Ct. Jan. 7, 2021) (per curiam) (unpublished). As of October 2021, that decision is being reviewed by the Pennsylvania Supreme Court and the validity of this provision will remain unclear until the Pennsylvania Supreme Court issues its decision. Legislative efforts are also underway to incorporate the rights included in this section into Pennsylvania's statutes.</p> <p> Pa. Const. art. I, § 9.1(c) defines the term "victim" for purposes of this provision. This definition is included above in the section "Select Definitions."</p>	<p>Pa. Const. art. I, § 9.1(a).</p>










 A number of statutory provisions provide additional confidentiality and/or privilege guarantees with respect to victims' private communications. *See, e.g.*, 23 Pa. Stat. and Cons. Stat. Ann. § 6116 (addressing the privilege of communications with a domestic violence counselor/advocate); 42 Pa. Stat. and Cons. Stat. Ann. § 5944 (addressing the privilege of communications with a psychiatrist or licensed psychologist); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.1(b) (addressing the privilege of communications with a sexual assault counselor); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.3 (addressing the privilege of communications with a human trafficking caseworker). These provisions are included below.




 A number of statutory provisions provide specific exemptions from records requests for records that contain information about a victim. *See, e.g.*, 23 Pa. Stat. and Cons. Stat. Ann. § 6703(d) (addressing confidentiality of and exempting from disclosure records held by the Office of Victim Advocate); 65 Pa. Stat. and Cons. Stat. Ann. § 67.708(b) (exempting a number of records from disclosure, including records that are reasonably likely to result in a risk of harm, records relating to an individual's medical history/status and health information, personal identification information, victim information relating to a criminal investigation, emergency personnel communications, DNA and RNA records, and autopsy records). Additional provisions explicitly provide for the nondisclosure of the name of a child-victim of physical or sexual abuse and the names of victims of human trafficking. 18 Pa. Stat. and Cons. Stat. Ann. § 3019 (addressing the right of victims of human trafficking to prevent the release of their names); 42 Pa. Stat. and Cons. Stat. Ann. § 5988 (addressing the right of child-victims of sexual or physical abuse to prevent the release of their names). These provisions are included below.



 To ensure compliance with this law, a promising practice is to have policies and procedures in place to ensure that victims' locating and identifying information (e.g., dates of birth, social security numbers, official state or government issued driver licenses, official state or government issued identification numbers, addresses, telephone numbers,




<p>e-mail addresses and name or location of school or employer) is redacted when law enforcement compiles or reports victim information.</p>	
<p><b>Victims' Right to Have Their Safety Considered in Connection with Bail and Release Conditions.</b></p> <p>To secure for victims justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following right[], as further provided and as defined by the General Assembly, which shall be protected in a manner no less vigorous than the rights afforded to the accused: . . . to have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the accused . . . .</p> <p> Article I, Section 9.1 of the Pennsylvania Constitution was subject to voter approval at the November 5, 2019 Municipal Election. Before the election, litigation prevented the counting or certifying of ballots until the resolution of a legal challenge to this provision. In January of 2021, the proposed amendment that would have added this section to Pennsylvania's Constitution was found to be unconstitutional and the votes cast were declared invalid. <i>See League of Women Voters of Pennsylvania v. Boockvar</i>, No. 578 M.D. 2019, 2021 WL 62268 (Pa. Commw. Ct. Jan. 7, 2021) (per curiam) (unpublished). As of October 2021, that decision is being reviewed by the Pennsylvania Supreme Court and the validity of this provision will remain unclear until the Pennsylvania Supreme Court issues its decision. Legislative efforts are also underway to incorporate the rights included in this section into Pennsylvania's statutes.</p> <p> Pa. Const. art. I, § 9.1(c) defines the term "victim" for the purposes of this provision. This definition is included above in the section "Select Definitions."</p>	<p>Pa. Const. art. I, § 9.1(a).</p>


<p> 18 Pa. Stat. and Cons. Stat. Ann. §§ 11.201(2), (7)-(10) afford victims, <i>inter alia</i>, the rights to be heard and to notice of release, escape, transfer, and apprehension under certain circumstances. These provisions are included below.</p>	
<p><b>Victims' Right to Reasonable and Timely Notice of and to Be Present at All Public Proceedings Involving the Crime.</b></p> <p>To secure for victims justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following right[], as further provided and as defined by the General Assembly, which shall be protected in a manner no less vigorous than the rights afforded to the accused: . . . to reasonable and timely notice of and to be present at all public proceedings involving the criminal or delinquent conduct . . . .</p> <p> Article I, Section 9.1 of the Pennsylvania Constitution was subject to voter approval at the November 5, 2019 Municipal Election. Before the election, litigation prevented the counting or certifying of ballots until the resolution of a legal challenge to this provision. In January of 2021, the proposed amendment that would have added this section to Pennsylvania's Constitution was found to be unconstitutional and the votes cast were declared invalid. <i>See League of Women Voters of Pennsylvania v. Boockvar</i>, No. 578 M.D. 2019, 2021 WL 62268 (Pa. Commw. Ct. Jan. 7, 2021) (per curiam) (unpublished). As of October 2021, that decision is being reviewed by the Pennsylvania Supreme Court and the validity of this provision will remain unclear until the Pennsylvania Supreme Court issues its decision. Legislative efforts are also underway to incorporate the rights included in this section into Pennsylvania's statutes.</p> <p> Pa. Const. art. I, § 9.1(c) defines the term "victim" for the purposes of this provision. This definition is included above in the section "Select Definitions."</p>	<p>Pa. Const. art. I, § 9.1(a).</p>


<p> A victim’s right to be present should provide for the victim’s presence during the entirety of the trial. Even if the victim is to be a witness and the court concludes that the victim’s testimony would be materially altered if the victim hears other testimony, consider discussing with the prosecutor the possibility of the victim testifying first to best ensure the victim’s right to be present during the entirety of the trial.</p> <p> A number of statutory provisions provide for a victim’s right to receive notice of and/or to be present at criminal proceedings. <i>See, e.g.</i>, 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(2) (guaranteeing victims, <i>inter alia</i>, the right to “be notified of certain significant actions and proceedings within the criminal and juvenile justice systems pertaining to their case”); 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(2.1) (guaranteeing victims, <i>inter alia</i>, the right to “not be excluded from any criminal proceeding” unless a specific showing is met and the relevant finding made on the record); 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(5) (guaranteeing victims, <i>inter alia</i>, the right to “offer prior comment” on sentencing, which includes a written and oral impact statement); 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(5.1) (guaranteeing victims the rights to notice and to be heard regarding a judicial recommendation that the defendant participate in a motivational boot camp); 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(5.2) (guaranteeing victims, <i>inter alia</i>, the right to “present oral testimony at a disposition review hearing”); 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(7) (guaranteeing victims, <i>inter alia</i>, the right to “receive notice of and to provide prior comment on” post-sentencing release conditions and on recommendations sought by the Department of Corrections relating to participation in a motivational boot camp). These provisions are included below.</p> <p> A promising practice is to have a policy in place to establish what constitutes “reasonable and timely notice.”</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
--	--


<p><b>Victims' Right to Be Notified of Any Pretrial Disposition of the Case.</b></p> <p>To secure for victims justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following right[], as further provided and as defined by the General Assembly, which shall be protected in a manner no less vigorous than the rights afforded to the accused: . . . to be notified of any pretrial disposition of the case . . . .</p> <p> Article I, Section 9.1 of the Pennsylvania Constitution was subject to voter approval at the November 5, 2019 Municipal Election. Before the election, litigation prevented the counting or certifying of ballots until the resolution of a legal challenge to this provision. In January of 2021, the proposed amendment that would have added this section to Pennsylvania's Constitution was found to be unconstitutional and the votes cast were declared invalid. <i>See League of Women Voters of Pennsylvania v. Boockvar</i>, No. 578 M.D. 2019, 2021 WL 62268 (Pa. Commw. Ct. Jan. 7, 2021) (per curiam) (unpublished). As of October 2021, that decision is being reviewed by the Pennsylvania Supreme Court and the validity of this provision will remain unclear until the Pennsylvania Supreme Court issues its decision. Legislative efforts are also underway to incorporate the rights included in this section into Pennsylvania's statutes.</p> <p> Pa. Const. art. I, § 9.1(c) defines the term "victim" for the purposes of this provision. This definition is included above in the section "Select Definitions."</p> <p> A number of statutory provisions address victims' rights relating to pretrial disposition. <i>See, e.g.</i>, 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(2) (guaranteeing victims, <i>inter alia</i>, the right to "be notified of certain significant actions and proceedings within the criminal and juvenile justice systems pertaining to their case"); 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(4) (guaranteeing victims, <i>inter alia</i>, the right to "submit prior comment" regarding "the potential reduction or dropping of any charge or changing of a plea . . . or, diversion of any case, including an information adjustment or consent decree"); 18 Pa. Stat. and Cons.</p>	<p>Pa. Const. art. I, § 9.1(a).</p>
--	-------------------------------------


<p>Stat. Ann. § 11.201(5) (guaranteeing victims, <i>inter alia</i>, the right to “offer prior comment” on sentencing, which includes a written and oral impact statement). These provisions are included below.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
<p><b>Victims’ Right to Be Heard.</b></p> <p>To secure for victims justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following right[], as further provided and as defined by the General Assembly, which shall be protected in a manner no less vigorous than the rights afforded to the accused: . . . with the exception of grand jury proceedings, to be heard in any proceeding where a right of the victim is implicated, including, but not limited to, release, plea, sentencing, disposition, parole and pardon . . . .</p> <p> Article I, Section 9.1 of the Pennsylvania Constitution was subject to voter approval at the November 5, 2019 Municipal Election. Before the election, litigation prevented the counting or certifying of ballots until the resolution of a legal challenge to this provision. In January of 2021, the proposed amendment that would have added this section to Pennsylvania’s Constitution was found to be unconstitutional and the votes cast were declared invalid. <i>See League of Women Voters of Pennsylvania v. Boockvar</i>, No. 578 M.D. 2019, 2021 WL 62268 (Pa. Commw. Ct. Jan. 7, 2021) (per curiam) (unpublished). As of October 2021, that decision is being reviewed by the Pennsylvania Supreme Court and the validity of this provision will remain unclear until the Pennsylvania Supreme Court issues its decision. Legislative efforts are also underway to incorporate the rights included in this section into Pennsylvania’s statutes.</p>	<p>Pa. Const. art. I, § 9.1(a).</p>

<p> Pa. Const. art. I, § 9.1(c) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> A number of statutes protect a victim’s right to be heard. <i>See, e.g.</i>, 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(5) (guaranteeing victims, <i>inter alia</i>, the right to be heard in connection with sentencing/disposition proceedings); 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(5.1) (guaranteeing victims, <i>inter alia</i>, the right to be heard in connection with a judicial recommendation that the defendant participate in a motivational boot camp); 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(5.2) (guaranteeing victims, <i>inter alia</i>, the right to be heard at a disposition review hearing); 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(7) (guaranteeing victims, <i>inter alia</i>, the right to be heard in connection with post-sentencing release decisions). These provisions are included below.</p> <p> A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction’s law, victims may choose to: (1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.</p>	
<p><b>Victims’ Rights to Notice and Participation in Connection with Parole.</b></p> <p>To secure for victims justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following right[], as further provided and as defined by the General Assembly, which shall be protected in a manner no less vigorous than the rights afforded to the accused: . . . to be notified of all parole procedures, to participate in the parole process, to provide information to be considered before the parole of the offender and to be notified of the parole of the offender . . . .</p>	<p>Pa. Const. art. I, § 9.1(a).</p>




 Article I, Section 9.1 of the Pennsylvania Constitution was subject to voter approval at the November 5, 2019 Municipal Election. Before the election, litigation prevented the counting or certifying of ballots until the resolution of a legal challenge to this provision. In January of 2021, the proposed amendment that would have added this section to Pennsylvania's Constitution was found to be unconstitutional and the votes cast were declared invalid. *See League of Women Voters of Pennsylvania v. Boockvar*, No. 578 M.D. 2019, 2021 WL 62268 (Pa. Commw. Ct. Jan. 7, 2021) (per curiam) (unpublished). As of October 2021, that decision is being reviewed by the Pennsylvania Supreme Court and the validity of this provision will remain unclear until the Pennsylvania Supreme Court issues its decision. Legislative efforts are also underway to incorporate the rights included in this section into Pennsylvania's statutes.


 Pa. Const. art. I, § 9.1(c) defines the term "victim" for the purposes of this provision. This definition is included above in the section "Select Definitions."


 A number of statutes provide for a victim's right to be notified of and participate in parole proceedings. *See, e.g.*, 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(7) (guaranteeing victims, *inter alia*, the rights to be heard and to receive notice of decisions in connection with post-sentencing release, escape and apprehension, and recommendations regarding motivational boot camp); 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(8) (guaranteeing victims, *inter alia*, the right to notice of release dates, escape, and apprehension). These provisions are included below


 A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.







<p><b>Victims' Right to Reasonable Protection.</b></p> <p>To secure for victims justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following right[], as further provided and as defined by the General Assembly, which shall be protected in a manner no less vigorous than the rights afforded to the accused: . . . to reasonable protection from the accused or any person acting on behalf of the accused . . . .</p> <p> Article I, Section 9.1 of the Pennsylvania Constitution was subject to voter approval at the November 5, 2019 Municipal Election. Before the election, litigation prevented the counting or certifying of ballots until the resolution of a legal challenge to this provision. In January of 2021, the proposed amendment that would have added this section to Pennsylvania's Constitution was found to be unconstitutional and the votes cast were declared invalid. <i>See League of Women Voters of Pennsylvania v. Boockvar</i>, No. 578 M.D. 2019, 2021 WL 62268 (Pa. Commw. Ct. Jan. 7, 2021) (per curiam) (unpublished). As of October 2021, that decision is being reviewed by the Pennsylvania Supreme Court and the validity of this provision will remain unclear until the Pennsylvania Supreme Court issues its decision. Legislative efforts are also underway to incorporate the rights included in this section into Pennsylvania's statutes.</p> <p> Pa. Const. art. I, § 9.1(c) defines the term "victim" for the purposes of this provision. This definition is included above in the section "Select Definitions."</p> <p> A number of statutory provisions relate to a victim's right to be reasonably protected from the accused or any person acting on behalf of the accused. <i>See, e.g.</i>, 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(2) (guaranteeing victims, <i>inter alia</i>, the right to "be notified of certain significant actions and proceedings within the criminal and juvenile justice systems pertaining to their case," which includes information about the denial or grant of bail, as well as information about escape and apprehension); 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(5)</p>	<p>Pa. Const. art. I, § 9.1(a).</p>
--	-------------------------------------




<p>(guaranteeing victims, <i>inter alia</i>, the right to “offer prior comment” on sentencing, which includes a written and oral impact statement); 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(7) (guaranteeing victims, <i>inter alia</i>, the rights to be heard and to receive notice of decisions in connection with post-sentencing release, escape and apprehension, and recommendations regarding motivational boot camp); 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(8) (guaranteeing victims, <i>inter alia</i>, the right to notice of release dates, escape, and apprehension); 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(8.1) (guaranteeing victims, <i>inter alia</i>, the right, upon request, to notice of release dates, escape, apprehension, and transfer of a juvenile); 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(9) (guaranteeing victims, <i>inter alia</i>, the right to immediate notice of release on bail for persons subject to abuse protection orders) 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(10) (guaranteeing victims, <i>inter alia</i>, the right to notice of release, escape, or transfer of a person committed to a mental health facility from a correctional institution); 35 Pa. Stat. Ann. § 10172.5(a)(8) (guaranteeing victims of sexual assault, <i>inter alia</i>, the right to information about the availability of protective orders and enforcement of those orders); 65 Pa. Stat. Ann. § 67.708(b)(1) (addressing exemptions to records requests that are reasonably likely to result in a risk of harm). These provisions are included below.</p> <p> A promising practice is to have a policy in place to establish what constitutes “reasonable protection.”</p>	
<p><b>Victims’ Right to Reasonable Notice of Release or Escape.</b></p> <p>To secure for victims justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following right[], as further provided and as defined by the General Assembly, which shall be protected in a manner no less vigorous than the rights afforded to the accused: . . . to reasonable notice of any release or escape of the accused . . .</p> <p>..</p>	<p>Pa. Const. art. I, § 9.1(a).</p>




 Article I, Section 9.1 of the Pennsylvania Constitution was subject to voter approval at the November 5, 2019 Municipal Election. Before the election, litigation prevented the counting or certifying of ballots until the resolution of a legal challenge to this provision. In January of 2021, the proposed amendment that would have added this section to Pennsylvania's Constitution was found to be unconstitutional and the votes cast were declared invalid. *See League of Women Voters of Pennsylvania v. Boockvar*, No. 578 M.D. 2019, 2021 WL 62268 (Pa. Commw. Ct. Jan. 7, 2021) (per curiam) (unpublished). As of October 2021, that decision is being reviewed by the Pennsylvania Supreme Court and the validity of this provision will remain unclear until the Pennsylvania Supreme Court issues its decision. Legislative efforts are also underway to incorporate the rights included in this section into Pennsylvania's statutes.




 Pa. Const. art. I, § 9.1(c) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”




 A number of statutes address victims' right to notice of any release and/or escape. *See, e.g.*, 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(2) (guaranteeing victims, *inter alia*, the right to “be notified of certain significant actions and proceedings within the criminal and juvenile justice systems pertaining to their case,” which includes information about the denial or grant of bail, as well as information about escape and apprehension); 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(7) (guaranteeing victims, *inter alia*, the right to receive notice of decisions in connection with post-sentencing release, escape, and apprehension); 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(8) (guaranteeing victims, *inter alia*, the right to notice of release dates, escape, and apprehension); 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(8.1) (guaranteeing victims, *inter alia*, the right, upon request, to notice of release dates, escape, apprehension, and transfer of a juvenile); 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(9) (guaranteeing victims, *inter alia*, the right to immediate notice of the release on bail of an adult subject to an order of protection from abuse); 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(10) (guaranteeing victims, *inter alia*, the right to notice of release, escape, or transfer of a person

<p>committed to a mental health facility from a correctional institution). These provisions are included below.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p> <p> A promising practice is to have a policy in place to establish what constitutes “reasonable notice.”</p>	
<p><b>Victims’ Right to Refuse an Interview, Deposition or Other Discovery Request Made by the Accused.</b></p> <p>To secure for victims justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following right[], as further provided and as defined by the General Assembly, which shall be protected in a manner no less vigorous than the rights afforded to the accused: . . . to refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused . . . .</p> <p> Article I, Section 9.1 of the Pennsylvania Constitution was subject to voter approval at the November 5, 2019 Municipal Election. Before the election, litigation prevented the counting or certifying of ballots until the resolution of a legal challenge to this provision. In January of 2021, the proposed amendment that would have added this section to Pennsylvania’s Constitution was found to be unconstitutional and the votes cast were declared invalid. <i>See League of Women Voters of Pennsylvania v. Boockvar</i>, No. 578 M.D. 2019, 2021 WL 62268 (Pa. Commw. Ct. Jan. 7, 2021) (per curiam) (unpublished). As of October 2021, that decision is being reviewed by the Pennsylvania Supreme Court and the validity of this provision will remain unclear until the Pennsylvania Supreme Court issues its decision. Legislative efforts are also underway to incorporate the rights included in this section into Pennsylvania’s statutes.</p>	<p>Pa. Const. art. I, § 9.1(a).</p>




<p> Pa. Const. art. I, § 9.1(c) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p>	
<p><b>Victims’ Right to Full and Timely Restitution.</b></p> <p>To secure for victims justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following rights, as further provided and as defined by the General Assembly, which shall be protected in a manner no less vigorous than the rights afforded to the accused: . . . full and timely restitution from the person or entity convicted for the unlawful conduct; full and timely restitution as determined by the court in a juvenile delinquency proceeding . . . .</p> <p> Article I, Section 9.1 of the Pennsylvania Constitution was subject to voter approval at the November 5, 2019 Municipal Election. Before the election, litigation prevented the counting or certifying of ballots until the resolution of a legal challenge to this provision. In January of 2021, the proposed amendment that would have added this section to Pennsylvania’s Constitution was found to be unconstitutional and the votes cast were declared invalid. <i>See League of Women Voters of Pennsylvania v. Boockvar</i>, No. 578 M.D. 2019, 2021 WL 62268 (Pa. Commw. Ct. Jan. 7, 2021) (per curiam) (unpublished). As of October 2021, that decision is being reviewed by the Pennsylvania Supreme Court and the validity of this provision will remain unclear until the Pennsylvania Supreme Court issues its decision. Legislative efforts are also underway to incorporate the rights included in this section into Pennsylvania’s statutes.</p> <p> Pa. Const. art. I, § 9.1(c) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p>	<p>Pa. Const. art. I, § 9.1(a).</p>





<p> A number of statutory provisions address victims' right to restitution. <i>See, e.g.</i>, 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(6) (guaranteeing victims, <i>inter alia</i>, the right to “be restored, to the extent possible, to the precrime economic status through the provision of restitution,” as well as through compensation and the return of property); 18 Pa. Stat. and Cons. Stat. Ann. §§ 1106-1107.1, 1110 (addressing restitution for injuries to persons or property, for theft of timber, for identity theft, and for cleanup of clandestine laboratories); 35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(a)(9) (guaranteeing victims of sexual assault, <i>inter alia</i>, the right to information about restitution); 42 Pa. Stat. and Cons. Stat. Ann. § 6352(a)(5), (6) (addressing restitution as part of the disposition orders authorized for a delinquent child). Some of these provisions are included below.</p> <p> A promising practice is to inform victims that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p><b>Victims’ Right to the Prompt Return of Property.</b></p> <p>To secure for victims justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following right[], as further provided and as defined by the General Assembly, which shall be protected in a manner no less vigorous than the rights afforded to the accused: . . . to the prompt return of property when no longer needed as evidence . . . .</p> <p> Article I, Section 9.1 of the Pennsylvania Constitution was subject to voter approval at the November 5, 2019 Municipal Election. Before the election, litigation prevented the counting or certifying of ballots until the resolution of a legal challenge to this provision. In January of 2021, the proposed amendment that would have added this section to Pennsylvania’s Constitution was found to be unconstitutional and the votes cast were</p>	<p>Pa. Const. art. I, § 9.1(a).</p>





<p>declared invalid. <i>See League of Women Voters of Pennsylvania v. Boockvar</i>, No. 578 M.D. 2019, 2021 WL 62268 (Pa. Commw. Ct. Jan. 7, 2021) (per curiam) (unpublished). As of October 2021, that decision is being reviewed by the Pennsylvania Supreme Court and the validity of this provision will remain unclear until the Pennsylvania Supreme Court issues its decision. Legislative efforts are also underway to incorporate the rights included in this section into Pennsylvania’s statutes.</p> <p> Pa. Const. art. I, § 9.1(c) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(6) affords victims the right, <i>inter alia</i>, to the expeditious return of property. This provision is included below.</p> <p> It is a promising practice to have a policy and procedure in place that clearly defines what “prompt” means in the context of the victim’s right to return of property. Instructions should be ready and available to provide to victims, explaining how they may promptly obtain their property, in addition to the name of a person they may contact to check the status of the return.</p>	
<p><b>Victims’ Right to Proceedings Free from Unreasonable Delay and a Prompt and Final Conclusion of the Case and Related Post-Conviction Proceedings.</b></p> <p>To secure for victims justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following right[], as further provided and as defined by the General Assembly, which shall be protected in a manner no less vigorous than the rights afforded to the accused: . . . to proceedings free from unreasonable delay and a prompt and final conclusion of the case and any related postconviction proceedings . . . .</p>	<p>Pa. Const. art. I, § 9.1(a).</p>




<p> Article I, Section 9.1 of the Pennsylvania Constitution was subject to voter approval at the November 5, 2019 Municipal Election. Before the election, litigation prevented the counting or certifying of ballots until the resolution of a legal challenge to this provision. In January of 2021, the proposed amendment that would have added this section to Pennsylvania's Constitution was found to be unconstitutional and the votes cast were declared invalid. <i>See League of Women Voters of Pennsylvania v. Boockvar</i>, No. 578 M.D. 2019, 2021 WL 62268 (Pa. Commw. Ct. Jan. 7, 2021) (per curiam) (unpublished). As of October 2021, that decision is being reviewed by the Pennsylvania Supreme Court and the validity of this provision will remain unclear until the Pennsylvania Supreme Court issues its decision. Legislative efforts are also underway to incorporate the rights included in this section into Pennsylvania's statutes.</p> <p> Pa. Const. art. I, § 9.1(c) defines the term "victim" for the purposes of this provision. This definition is included above in the section "Select Definitions."</p>	
<p><b>Victims' Right to Confer.</b></p> <p>To secure for victims justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following right[], as further provided and as defined by the General Assembly, which shall be protected in a manner no less vigorous than the rights afforded to the accused: . . . to confer with the attorney for the government . . . .</p> <p> Article I, Section 9.1 of the Pennsylvania Constitution was subject to voter approval at the November 5, 2019 Municipal Election. Before the election, litigation prevented the counting or certifying of ballots until the resolution of a legal challenge to this provision. In January of 2021, the proposed amendment that would have added this section to Pennsylvania's Constitution was found to be unconstitutional and the votes cast were declared invalid. <i>See League of Women Voters of Pennsylvania v. Boockvar</i>, No. 578 M.D. 2019, 2021 WL 62268 (Pa. Commw. Ct. Jan. 7, 2021) (per curiam) (unpublished). As of</p>	<p>Pa. Const. art. I, § 9.1(a).</p>









<p>October 2021, that decision is being reviewed by the Pennsylvania Supreme Court and the validity of this provision will remain unclear until the Pennsylvania Supreme Court issues its decision. Legislative efforts are also underway to incorporate the rights included in this section into Pennsylvania's statutes.</p> <p> Pa. Const. art. I, § 9.1(c) defines the term "victim" for the purposes of this provision. This definition is included above in the section "Select Definitions."</p> <p> 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(4) affords victims the right, <i>inter alia</i>, to "submit prior comment to the prosecutor's office or juvenile probation office" regarding reduction or dropping of charges, pleas, and diversion. This provision is included below.</p>	
<p><b>Victims' Right to Be Informed of All Constitutional Rights.</b></p> <p>To secure for victims justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following right[], as further provided and as defined by the General Assembly, which shall be protected in a manner no less vigorous than the rights afforded to the accused: . . . to be informed of all rights enumerated in this section.</p> <p> Article I, Section 9.1 of the Pennsylvania Constitution was subject to voter approval at the November 5, 2019 Municipal Election. Before the election, litigation prevented the counting or certifying of ballots until the resolution of a legal challenge to this provision. In January of 2021, the proposed amendment that would have added this section to Pennsylvania's Constitution was found to be unconstitutional and the votes cast were declared invalid. <i>See League of Women Voters of Pennsylvania v. Boockvar</i>, No. 578 M.D. 2019, 2021 WL 62268 (Pa. Commw. Ct. Jan. 7, 2021) (per curiam) (unpublished). As of October 2021, that decision is being reviewed by the Pennsylvania Supreme Court and the validity of this provision will remain unclear until the Pennsylvania Supreme Court issues</p>	<p>Pa. Const. art. I, § 9.1(a).</p>





<p>its decision. Legislative efforts are also underway to incorporate the rights included in this section into Pennsylvania’s statutes.</p> <p> Pa. Const. art. I, § 9.1(c) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> A number of statutes guarantee victims the right to be informed of their rights. <i>See, e.g.,</i> 35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(a)(8) (addressing sexual assault victims’ right to receive information about the availability of protective orders and enforcement of those orders); 35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(a)(9) (addressing sexual assault victims’ right, <i>inter alia</i>, to receive information about their right to restitution); 35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(a)(10) (guaranteeing victims of sexual assault the right to be informed of the rights that are specific to victims of that type of offense).</p> <p> A promising practice is to have a policy and procedure determining who is responsible for providing victims with information regarding their rights and when. If the timing of notice is not otherwise specified, consideration should be given to providing such information at or promptly after the victims’ initial contact with law enforcement. The notice should be provided in the primary language of the victim when possible, as well as in a form accessible to those with vision impairment.</p>	
<p><b>Victims’ Right to Information Concerning Services.</b></p> <p>Victims of crime have the . . . right[]: [t]o receive basic information concerning the services available for victims of crime.</p> <p> 18 Pa. Stat. and Cons. Stat. Ann. § 11.103 defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p>	<p>18 Pa. Stat. and Cons. Stat. Ann. § 11.201(1).</p>

<p> A promising practice is to have a policy and procedure determining who is responsible for providing victims with information regarding the services available and when. If the timing of notice is not otherwise specified, consideration should be given to providing such information at or promptly after the victims' initial contact with law enforcement. Consideration should be given to providing written information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p><b>Victims' Right to Be Notified of Certain Significant Actions and Proceedings.</b></p> <p>Victims of crime have the . . . right[]: [t]o 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.</p> <p> 18 Pa. Stat. and Cons. Stat. Ann. § 11.103 defines the term "victim" for the purposes of this provision. This definition is included above in the section "Select Definitions."</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the right, <i>inter alia</i>, to reasonable and timely notice of all public proceedings, any pretrial disposition of the case, parole, and any release or escape. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	<p>18 Pa. Stat. and Cons. Stat. Ann. § 11.201(2).</p>

<p><b>Victims’ Right Not to Be Excluded.</b></p> <p>Victims of crime have the . . . right[]: [t]o not be excluded from any criminal proceeding unless the court, based on the record before it, determines that testimony by the victim would be materially altered if the victim heard other testimony at the proceeding. Before making a determination, the court shall make every effort to permit the fullest attendance possible by the victim and shall consider reasonable alternatives to the exclusion of the victim. The reason for any exclusion shall be clearly stated on the record.</p> <p> 18 Pa. Stat. and Cons. Stat. Ann. § 11.103 defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the right, <i>inter alia</i>, to be present at all public proceedings. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p>	<p>18 Pa. Stat. and Cons. Stat. Ann. § 11.201(2.1).</p>
<p><b>Victims’ Right to Be Accompanied.</b></p> <p>Victims of crime have the . . . right[]: [t]o 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.</p> <p> 18 Pa. Stat. and Cons. Stat. Ann. § 11.103 defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p>	<p>18 Pa. Stat. and Cons. Stat. Ann. § 11.201(3).</p>

<p><b>Victims' Right to Submit Prior Comment Concerning Potential Reduction or Dropping of Charges, Plea Changes or Diversion.</b></p> <p>Victims of crime have the . . . right[]: [i]n 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.</p> <p> 18 Pa. Stat. and Cons. Stat. Ann. § 11.103 defines the term "victim" for the purposes of this provision. This definition is included above in the section "Select Definitions."</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, <i>inter alia</i>, to confer with the attorney for the government and to be heard in any proceeding where the right of a victim is implicated, with the exception of grand jury proceedings. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p>	<p>18 Pa. Stat. and Cons. Stat. Ann. § 11.201(4).</p>
<p><b>Victims' Right to Submit Prior Comment on Sentencing or Disposition.</b></p> <p>Victims of crime have the . . . right[]: [t]o 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.</p>	<p>18 Pa. Stat. and Cons. Stat. Ann. § 11.201(5).</p>

<p> 18 Pa. Stat. and Cons. Stat. Ann. § 11.103 defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the right, <i>inter alia</i>, to be heard in any proceeding where the right of a victim is implicated, with the exception of grand jury proceedings. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p> <p> A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction’s law, victims may choose to: (1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.</p>	
<p><b>Victims’ Right to Notice and to Submit Prior Comment on Judicial Recommendations for Boot Camp.</b></p> <p>Victims of crime have the . . . right[]: [t]o 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.</p> <p> 18 Pa. Stat. and Cons. Stat. Ann. § 11.103 defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p>	<p>18 Pa. Stat. and Cons. Stat. Ann. § 11.201(5.1).</p>

<p> Pa. Const. art. I, § 9.1(a) affords victims of crime the right, <i>inter alia</i>, to be heard in any proceeding where the right of a victim is implicated, with the exception of grand jury proceedings. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p>	
<p><b>Victims' Right to Submit Written Comment or Present Oral Testimony at a Disposition Review Hearing.</b></p> <p>Victims of crime have the . . . right[]: [u]pon 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.</p> <p> 18 Pa. Stat. and Cons. Stat. Ann. § 11.103 defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the right, <i>inter alia</i>, to be heard in any proceeding where the right of a victim is implicated, with the exception of grand jury proceedings. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims should be reminded that their contact information, or their attorney’s contact information, must be kept current.</p>	<p>18 Pa. Stat. and Cons. Stat. Ann. § 11.201(5.2).</p>

**Victims' Right to Be Restored to Pre-Crime Economic Status.**

Victims of crime have the . . . right[]: [t]o 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.



18 Pa. Stat. and Cons. Stat. Ann. § 11.103 defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”



Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, *inter alia*, to restitution and to the prompt return of their property. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.







A number of other statutory provisions address victims’ right to restitution. *See, e.g.*, 18 Pa. Stat. and Cons. Stat. Ann. §§ 1106-1107.1, 1110 (addressing restitution for injuries to persons or property, for theft of timber, for identity theft, and for cleanup of clandestine laboratories); 35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(a)(9) (guaranteeing victims of sexual assault, *inter alia*, the right to information about restitution); 42 Pa. Stat. and Cons. Stat. Ann. § 6352(a)(5), (6) (addressing restitution as part of the disposition orders authorized for a delinquent child). Some of these provisions are included below.







It is a promising practice to have a policy and procedure in place to ensure that victims’ property is returned to them as soon as possible, once it is no longer needed for evidentiary purposes. Instructions should be ready and available to provide to victims, explaining how they may promptly obtain their property, in addition to the name of a person they may contact to check the status of the return.

18 Pa. Stat. and Cons. Stat. Ann. § 11.201(6).



<p> If the accused files a request for return of property, victims and the prosecution must be notified immediately to ensure that they are on notice and have an opportunity to be meaningfully heard on the matter.</p> <p> A promising practice, when informing victims about their right to restitution, is to notify victims that they should collect and organize all documentation relating to their losses. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p><b>Victims’ Right to Provide Prior Comment on and to Receive Notice About State Post-Sentencing Release Decisions, to Immediate Notice of an Escape and Subsequent Apprehension, and to Notice of and to Provide Prior Comment on a Recommendation for Boot Camp.</b></p> <p>Victims of crime have the . . . right[]: [i]n 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.</p> <p> 18 Pa. Stat. and Cons. Stat. Ann. § 11.103 defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, <i>inter alia</i>, to have their safety considered in connection with release decisions, to be heard in connection with post-sentencing proceedings, to notice and participation in parole the parole process, and to</p>	<p>18 Pa. Stat. and Cons. Stat. Ann. § 11.201(7).</p>

<p>notice of any release or escape of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
<p><b>Victims’ Right to Receive Notice of the Release Date and to Immediate Notice of Escape and Subsequent Apprehension.</b></p> <p>Victims of crime have the . . . right[]: [i]n 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.</p> <p> 18 Pa. Stat. and Cons. Stat. Ann. § 11.103 defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, <i>inter alia</i>, to have their safety considered in connection with release decisions, to be heard in connection with post-sentencing proceedings, to notice and participation in parole the parole process, and to notice of any release or escape of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	<p>18 Pa. Stat. and Cons. Stat. Ann. § 11.201(8).</p>

**Victims' Right to Notice of the Release Date and Transfer, and to Immediate Notice of Escape and Re-Apprehension of Juvenile Offender).**

18 Pa. Stat. and Cons. Stat. Ann. § 11.201(8.1).

Victims of crime have the . . . right[]: [i]f, 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.







18 Pa. Stat. and Cons. Stat. Ann. § 11.103 defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”












Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, *inter alia*, to have their safety considered in connection with release decisions, to be heard in connection with post-sentencing proceedings, to notice and participation in parole the parole process, and to notice of any release or escape of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.




A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims should be reminded that their contact information, or their attorney’s contact information, must be kept current.

<p><b>Victims' Right to Immediate Notice of Release.</b></p> <p>Victims of crime have the . . . right[]: [i]f 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.</p> <p> 18 Pa. Stat. and Cons. Stat. Ann. § 11.103 defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, <i>inter alia</i>, to have their safety considered in connection with release decisions and to notice of any release or escape of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	<p>18 Pa. Stat. and Cons. Stat. Ann. § 11.201(9).</p>
<p><b>Victims' Right to Notice of Commitment to and Discharge, Transfer or Escape from a Mental Health Facility.</b></p> <p>Victims of crime have the . . . right[]: [t]o 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.</p> <p> 18 Pa. Stat. and Cons. Stat. Ann. § 11.103 defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p>	<p>18 Pa. Stat. and Cons. Stat. Ann. § 11.201(10).</p>

<p> Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, <i>inter alia</i>, to have their safety considered in connection with release decisions and to notice of any release or escape of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
<p><b>Victims' Right to Assistance in the Preparation of, Submission of and Follow-Up on Financial Assistance Claims to the Bureau.</b></p> <p>Victims of crime have the . . . right[]: [t]o have assistance in the preparation of, submission of and follow-up on financial assistance claims to the bureau.</p> <p> 18 Pa. Stat. and Cons. Stat. Ann. § 11.103 defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, <i>inter alia</i>, to restitution and to the prompt return of their property. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p> <p> A number of other statutory provisions address victims' rights relating to financial loss. <i>See, e.g.</i>, 18 Pa. Stat. and Cons. Stat. Ann. §§ 1106-1107.1, 1110 (addressing restitution for injuries to persons or property, for theft of timber, for identity theft, and for cleanup of clandestine laboratories); 35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(a)(9) (guaranteeing victims of sexual assault, <i>inter alia</i>, the right to information about victim compensation and restitution); 42 Pa. Stat. and Cons. Stat. Ann. § 6352(a)(5), (6) (addressing restitution as part</p>	<p>18 Pa. Stat. and Cons. Stat. Ann. § 11.201(11).</p>

<p>of the disposition orders authorized for a delinquent child). Some of these provisions are included below.</p>	
<p><b>Victims’ Right to Be Notified of the Final Disposition of Juvenile.</b></p> <p>Victims of crime have the . . . right[]: [t]o be notified of the details of the final disposition of the case of a juvenile consistent with 42 Pa.C.S. § 6336(f).</p> <p> 18 Pa. Stat. and Cons. Stat. Ann. § 11.103 defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the right, <i>inter alia</i>, to notice of all public proceedings. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	<p>18 Pa. Stat. and Cons. Stat. Ann. § 11.201(12).</p>
<p><b>Victims’ Right to Be Notified of the Termination of the Courts’ Jurisdiction.</b></p> <p>Victims of crime have the . . . right[]: [u]pon the request of the victim of a personal injury crime, to be notified of the termination of the courts’ jurisdiction.</p> <p> 18 Pa. Stat. and Cons. Stat. Ann. § 11.103 defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p>	<p>18 Pa. Stat. and Cons. Stat. Ann. § 11.201(13).</p>

 <p>A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims should be reminded that their contact information, or their attorney’s contact information, must be kept current.</p>	
<p><b>Victims’ Right to Restitution for Injuries to Person or Property.</b></p> <p>(a) General rule.--Upon conviction for any crime wherein:</p> <ul style="list-style-type: none"> <li>(1) property of a victim has been stolen, converted or otherwise unlawfully obtained, or its value substantially decreased as a direct result of the crime; or</li> <li>(2) the victim, if an individual, suffered personal injury directly resulting from the crime,</li> </ul> <p>the offender shall be sentenced to make restitution in addition to the punishment prescribed therefor.</p> <p>(b) Condition of probation or parole.--Whenever restitution has been ordered pursuant to subsection (a) and the offender has been placed on probation or parole, the offender’s compliance with such order may be made a condition of such probation or parole.</p> <p>(c) Mandatory restitution.--</p> <ul style="list-style-type: none"> <li>(1) The court shall order full restitution:             <ul style="list-style-type: none"> <li>(i) Regardless of the current financial resources of the defendant, so as to provide the victim with the fullest compensation for the loss. The court shall not reduce a restitution award by any amount that the victim has received from the Crime Victim’s Compensation Board or other government agency but shall order the defendant to pay any restitution ordered for loss previously compensated by the board to the Crime Victim’s Compensation Fund or other designated account when the claim involves a government agency in addition to or in place of the board. The court shall not reduce a restitution award by any amount that the victim has received from an insurance company but shall order the defendant to pay any restitution</li> </ul> </li> </ul>	<p>18 Pa. Stat. and Cons. Stat. Ann. §1106(a)-(g).</p>

<p>ordered for loss previously compensated by an insurance company to the insurance company.</p> <p>(ii) If restitution to more than one victim is set at the same time, the court shall set priorities of payment. However, when establishing priorities, the court shall order payment in the following order:</p> <ul style="list-style-type: none"><li>(A) Any individual.</li><li>(A.1) Any affected government agency.</li><li>(B) The Crime Victim's Compensation Board.</li><li>(C) Any other government agency which has provided reimbursement to the victim as a result of the defendant's criminal conduct.</li><li>(D) Any insurance company which has provided reimbursement to the victim as a result of the defendant's criminal conduct.</li><li>(E) Any estate or testamentary trust.</li><li>(F) Any business entity organized as a nonprofit or not-for-profit entity.</li><li>(G) Any other business entity.</li></ul> <p>(2) At the time of sentencing the court shall specify the amount and method of restitution. In determining the amount and method of restitution, the court:</p> <ul style="list-style-type: none"><li>(i) Shall consider the extent of injury suffered by the victim, the victim's request for restitution as presented to the district attorney in accordance with paragraph (4) and such other matters as it deems appropriate.</li><li>(ii) May order restitution in a lump sum, by monthly installments or according to such other schedule as it deems just.</li><li>(iii) Shall not order incarceration of a defendant for failure to pay restitution if the failure results from the offender's inability to pay.</li><li>(iv) Shall consider any other preexisting orders imposed on the defendant, including, but not limited to, orders imposed under this title or any other title.</li></ul> <p>(3) The court may, at any time or upon the recommendation of the district attorney that is based on information received from the victim and the probation section of the county or other agent designated by the county commissioners of the county with the approval of the president judge to collect restitution, alter or amend any order of restitution made pursuant to paragraph (2), provided, however, that the court states its reasons and conclusions as a matter of record for any change or amendment to any previous order.</p>	
--	--



<p>(4)(i) It shall be the responsibility of the district attorneys of the respective counties to make a recommendation to the court at or prior to the time of sentencing as to the amount of restitution to be ordered. This recommendation shall be based upon information solicited by the district attorney and received from the victim.</p> <p>(ii) Where the district attorney has solicited information from the victims as provided in subparagraph (i) and has received no response, the district attorney shall, based on other available information, make a recommendation to the court for restitution.</p> <p>(iii) The district attorney may, as appropriate, recommend to the court that the restitution order be altered or amended as provided in paragraph (3).</p> <p>(d) Limitations on district justices.--Restitution ordered by a magisterial district judge shall be limited to the return of the actual property or its undisputed dollar amount or, where the claim for restitution does not exceed the civil jurisdictional limit specified in 42 Pa.C.S. § 1515(a)(3) (relating to jurisdiction) and is disputed as to amount, the magisterial district judge shall determine and order the dollar amount of restitution to be made.</p> <p>(e) Restitution payments and records.--Restitution, when ordered by a judge, shall be made by the offender to the probation section of the county in which he was convicted or to another agent designated by the county commissioners with the approval of the president judge of the county to collect restitution according to the order of the court or, when ordered by a magisterial district judge, shall be made to the magisterial district judge. The probation section or other agent designated by the county commissioners of the county with the approval of the president judge to collect restitution and the magisterial district judge shall maintain records of the restitution order and its satisfaction and shall forward to the victim the property or payments made pursuant to the restitution order.</p> <p>(f) Noncompliance with restitution order.--Whenever the offender shall fail to make restitution as provided in the order of a judge, the probation section or other agent designated by the county commissioners of the county with the approval of the president judge to collect restitution shall notify the court within 20 days of such failure. Whenever the offender shall fail to make restitution within 20 days to a magisterial district judge, as ordered, the magisterial district judge shall declare the offender in contempt and forward the case to the</p>	
--	--

court of common pleas. Upon such notice of failure to make restitution, or upon receipt of the contempt decision from a magisterial district judge, the court shall order a hearing to determine if the offender is in contempt of court or has violated his probation or parole.

(g) Preservation of private remedies.--No judgment or order of restitution shall debar the victim, by appropriate action, to recover from the offender as otherwise provided by law, provided that any civil award shall be reduced by the amount paid under the criminal judgment.





18 Pa. Stat. and Cons. Stat. Ann. § 1106(h) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”





Pa. Const. art. I, § 9.1(a) affords victims of crime the right, *inter alia*, to full and timely restitution from the person or entity convicted for the unlawful conduct. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.



A number of other statutory provisions address victims’ right to restitution. *See, e.g.*, 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(6) (guaranteeing victims the right, *inter alia*, to be restored, to the extent possible, to their precrime economic status through the provision of restitution); 18 Pa. Stat. and Cons. Stat. Ann. §1107 (addressing restitution for theft of timber); 18 Pa. Stat. and Cons. Stat. Ann. § 1107.1 (addressing restitution for identity theft); 18 Pa. Stat. and Cons. Stat. Ann. § 1110 (addressing restitution for cleanup of clandestine laboratories); 35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(a)(9) (guaranteeing victims of sexual assault, *inter alia*, the right to information about restitution); 42 Pa. Stat. and Cons. Stat. Ann. § 6352(a)(5), (6) (addressing restitution as part of the disposition orders authorized for a delinquent child). Some of these provisions are included either above or below.

<p> A promising practice is to inform victims that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p><b>Victims’ Right to Restitution for Identity Theft.</b></p> <p>(a) General rule.--The court shall, in addition to any other restitution sentence or order authorized by law, sentence a person convicted of a violation of section 4106 (relating to access device fraud) or 4120 (relating to identity theft) to make restitution for all reasonable expenses incurred by the victim or on the victim’s behalf:</p> <ul style="list-style-type: none"> <li>(1) to investigate theft of the victim’s identity;</li> <li>(2) to bring or defend civil or criminal actions related to theft of the victim’s identity;</li> <li>or</li> <li>(3) to take other efforts to correct the victim’s credit record or negative credit reports related to theft of the victim’s identity.</li> </ul> <p>(b) Types of expenses.--The types of expenses recoverable under this section include, but are not limited to:</p> <ul style="list-style-type: none"> <li>(1) fees for professional services by attorneys or accountants;</li> <li>(2) fees and costs imposed by credit bureaus, associated with efforts to correct the victim’s credit record, incurred in private investigations or associated with contesting unwarranted debt collections; and</li> <li>(3) court costs and filing fees.</li> </ul> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the right, <i>inter alia</i>, to full and timely restitution from the person or entity convicted for the unlawful conduct. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p>	<p>18 Pa. Stat. and Cons. Stat. Ann. § 1107.1.</p>

<p> A number of other statutory provisions address victims' right to restitution. <i>See, e.g.</i>, 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(6) (guaranteeing victims the right, <i>inter alia</i>, to be restored, to the extent possible, to their precrime economic status through the provision of restitution); 18 Pa. Stat. and Cons. Stat. Ann. § 1106 (addressing restitution for injuries to person or property); 18 Pa. Stat. and Cons. Stat. Ann. § 1107 (addressing restitution for theft of timber); 18 Pa. Stat. and Cons. Stat. Ann. § 1110 (addressing restitution for cleanup of clandestine laboratories); 35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(a)(9) (guaranteeing victims of sexual assault, <i>inter alia</i>, the right to information about restitution); 42 Pa. Stat. and Cons. Stat. Ann. § 6352(a)(5), (6) (addressing restitution as part of the disposition orders authorized for a delinquent child). Some of these provisions are included either above or below.</p> <p> A promising practice is to inform victims that they are entitled to restitution upon the conviction of defendant for losses caused by defendant's criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p><b>Victims' Right to Nondisclosure of Victim Compensation Claim Information.</b></p> <p>(a) General rule.--All reports, records or other information obtained or produced by the bureau during the processing or investigation of a claim shall be confidential and privileged, shall not be subject to subpoena or discovery, shall be used for no purpose other than the processing of a claim and, except as otherwise provided by law or as provided in this section, shall not be introduced into evidence in any judicial or administrative proceeding.</p> <p>(b) Disclosure restricted.--Except as otherwise provided by law, no person who has had access to a report, record or any other information under this subsection shall disclose the content of such a report, record or other information or testify in a judicial or administrative proceeding without the written consent of the direct victim or intervenor or, if the direct victim or intervenor is deceased, the claimant.</p>	<p>18 Pa. Stat. and Cons. Stat. Ann. § 11.709.</p>

(c) Construction.--This section shall not be construed to preclude or limit introduction of the contents of a report, record or other information in an appeal hearing before the Office of Victims' Services or in an investigation, prosecution or judicial proceeding enforcing section 1303<sup>1</sup> or in communicating with the prosecutor's office regarding restitution.

1. 18 P.S. § 11.1303.





Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, *inter alia*, to be treated with respect for their safety, dignity and privacy; to reasonable protection from the accused or any person acting on behalf of the accused; and to refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.








A number of statutory provisions provide additional confidentiality and/or privilege guarantees with respect to victims' private communications. *See, e.g.*, 23 Pa. Stat. and Cons. Stat. Ann. § 6116 (addressing the privilege of communications with a domestic violence counselor/advocate); 42 Pa. Stat. and Cons. Stat. Ann. § 5944 (addressing the privilege of communications with a psychiatrist or licensed psychologist); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.1(b) (addressing the privilege of communications with a sexual assault counselor); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.3 (addressing the privilege of communications with a human trafficking caseworker). These provisions are included below.




A number of additional statutory provisions provide specific exemptions from public records requests for records that contain information about a victim. *See, e.g.*, 23 Pa. Stat. and Cons. Stat. Ann. § 6703(d) (addressing confidentiality of and exempting from disclosure records held by the Office of Victim Advocate); 65 Pa. Stat. and Cons. Stat. Ann. § 67.708(b) (exempting a number of records from disclosure, including records that are reasonably likely to result in a risk of harm, records relating to an individual's medical




<p>history/status and health information, personal identification information, victim information relating to a criminal investigation, emergency personnel communications, DNA and RNA records, and autopsy records). Additional provisions explicitly provide for the nondisclosure of the name of a child-victim of physical or sexual abuse and the names of victims of human trafficking. 18 Pa. Stat. and Cons. Stat. Ann. § 3019 (addressing the right of victims of human trafficking to prevent the release of their names); 42 Pa. Stat. and Cons. Stat. Ann. § 5988 (addressing the right of child-victims of sexual or physical abuse to prevent the release of their names). These provisions are included below.</p>	
<p><b>Human Trafficking Victims' Right to Nondisclosure of Their Name.</b></p> <p>Disclosure of name of victim of human trafficking.--Notwithstanding any other provision of law to the contrary, unless the court otherwise orders in a prosecution involving a victim of human trafficking, an officer or employee of the court may not disclose the identity of the victim of human trafficking to the public. Any record revealing the name of the victim of human trafficking shall not be open to public inspection.</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, <i>inter alia</i>, to be treated with respect for their safety, dignity and privacy; to reasonable protection from the accused or any person acting on behalf of the accused; and to refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p> <p> A number of statutory provisions provide additional privacy guarantees with respect to victims' private communications and/or information. <i>See, e.g.</i>, 23 Pa. Stat. and Cons. Stat. Ann. § 6116 (addressing the privilege of communications with a domestic violence counselor/advocate); 42 Pa. Stat. and Cons. Stat. Ann. § 5944 (addressing the privilege of communications with a psychiatrist or licensed psychologist); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.1(b) (addressing the privilege of communications with a sexual assault</p>	<p>18 Pa. Stat. and Cons. Stat. Ann. § 3019(a).</p>

<p>counselor); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.3 (addressing the privilege of communications with a human trafficking caseworker); 42 Pa. Stat. and Cons. Stat. Ann. § 5988 (addressing the right of child-victims of sexual or physical abuse to prevent the release of their names); 65 Pa. Stat. and Cons. Stat. Ann. § 67.708(b) (exempting a number of records from disclosure, including records that are reasonably likely to result in a risk of harm, records relating to an individual’s medical history/status and health information, personal identification information, victim information relating to a criminal investigation, emergency personnel communications, DNA and RNA records, and autopsy records). These provisions are included below.</p> <p> To ensure compliance with this law, a promising practice is to have policies and procedures in place to ensure that victims’ locating and identifying information (e.g., dates of birth, social security numbers, official state or government issued driver licenses, official state or government issued identification numbers, addresses, telephone numbers, e-mail addresses and name or location of school or employer) is redacted when law enforcement compiles or reports victim information.</p>	
<p><b>Domestic Violence Advocate-Victim Privilege.</b></p> <p>Unless a victim waives the privilege in a signed writing prior to testimony or disclosure, a domestic violence counselor/advocate or a coparticipant who is present during domestic violence counseling/advocacy shall not be competent nor permitted to testify or to otherwise disclose confidential communications made to or by the counselor/advocate by or to a victim. The privilege shall terminate upon the death of the victim. Neither the domestic violence counselor/advocate nor the victim shall waive the privilege of confidential communications by reporting facts of physical or sexual assault under Chapter 63 (relating to child protective services), a Federal or State mandatory reporting statute or a local mandatory reporting ordinance.</p>	<p>23 Pa. Stat. and Cons. Stat. Ann. § 6116.</p>

<p> 23 Pa. Stat. and Cons. Stat. Ann. § 6102 defines all relevant terms for the purposes of this provision. These definitions are included above in the section “Select Definitions.”</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, <i>inter alia</i>, to be treated with respect for their privacy, and to refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p>	
<p><b>Address Confidentiality Program—Confidentiality of Applicants and Program Participants’ Records.</b></p> <p>All records relating to applicants and program participants are the property of the Office of Victim Advocate. These records, including program applications, participants’ actual addresses and waiver proceedings, shall be kept confidential and shall not be subject to the provisions of the act of June 21, 1957 (P.L. 390, No. 212), referred to as the Right-to-Know Law, except that records may be released as specifically set forth in this chapter and to a district attorney to the extent necessary for the prosecution of conduct as set forth in section 6711 (relating to penalties).</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, <i>inter alia</i>, to be treated with respect for their safety, dignity and privacy; to reasonable protection from the accused or any person acting on behalf of the accused; and to refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p> <p> A number of statutory provisions provide additional privacy guarantees with respect to victims’ private communications and/or information. <i>See, e.g.</i>, 18 Pa. Stat. and Cons. Stat.</p>	<p>23 Pa. Stat. and Cons. Stat. Ann. § 6703(d).</p>



<p>Ann. § 3019 (addressing the right of victims of human trafficking to prevent the release of their names); 23 Pa. Stat. and Cons. Stat. Ann. § 6116 (addressing the privilege of communications with a domestic violence counselor/advocate); 42 Pa. Stat. and Cons. Stat. Ann. § 5944 (addressing the privilege of communications with a psychiatrist or licensed psychologist); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.1(b) (addressing the privilege of communications with a sexual assault counselor); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.3 (addressing the privilege of communications with a human trafficking caseworker); 42 Pa. Stat. and Cons. Stat. Ann. § 5988 (addressing the right of child-victims of sexual or physical abuse to prevent the release of their names); 65 Pa. Stat. and Cons. Stat. Ann. § 67.708(b) (exempting a number of records from disclosure, including records that are reasonably likely to result in a risk of harm, records relating to an individual’s medical history/status and health information, personal identification information, victim information relating to a criminal investigation, emergency personnel communications, DNA and RNA records, and autopsy records). These provisions are included either above or below.</p>	
<p><b>Victims’ Right to Disclosure of Information Regarding the Submission of Evidence for Forensic Testing That Was Collected from the Victim During the Investigation.</b></p> <p>In addition to the rights provided under the . . . Crime Victims Act, a sexual assault victim, guardian of a sexual assault victim or close relative of a deceased sexual assault victim shall have all of the following rights, if requested by the victim, guardian or relative: . . . [t]he right to a disclosure of information regarding the submission of any evidence for forensic testing that was collected from the victim during the investigation of the offense, unless disclosing the information would interfere with the investigation or prosecution of the offense, in which case the victim, guardian or relative shall be informed of the estimated date on which the information is expected to be disclosed, if known.</p> <p> 35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(c) defines the terms “victim” and “victim of sexual assault” for the purposes of this provision. These definitions are included above in the section “Select Definitions.”</p>	<p>35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(a)(1).</p>

<p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims should be reminded that their contact information, or their attorney’s contact information, must be kept current.</p>	
<p><b>Victims’ Right to Disclosure of Information Regarding the Status of Analysis Performed on Evidence Collected During the Investigation.</b></p> <p>In addition to the rights provided under the . . . Crime Victims Act, a sexual assault victim, guardian of a sexual assault victim or close relative of a deceased sexual assault victim shall have all of the following rights, if requested by the victim, guardian or relative: . . . [t]he right to a disclosure of information regarding the status of any analysis being performed on any evidence that was collected during the investigation of the offense.</p> <p> 35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(c) defines the terms “victim” and “victim of sexual assault” for the purposes of this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims should be reminded that their contact information, or their attorney’s contact information, must be kept current.</p>	<p>35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(a)(2).</p>

**Victims' Right to be Notified at the Time a Request Is Submitted to a Crime Laboratory to Test, Analyze or Compare Biological Evidence; and Whether the Comparison Resulted in a Match.**

35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(a)(3).



In addition to the rights provided under the . . . Crime Victims Act, a sexual assault victim, guardian of a sexual assault victim or close relative of a deceased sexual assault victim shall have all of the following rights, if requested by the victim, guardian or relative: . . . [t]he right to be notified: (i) at the time a request is submitted to a crime laboratory to test and analyze any evidence that was collected during the investigation of the offense; (ii) at the time of the submission of a request to compare any biological evidence collected during the investigation of the offense with DNA profiles maintained in CODIS, or any other federally administered national DNA database, or a state DNA database; and (iii) of whether the comparison provided under subparagraph (ii) resulted in a match, unless disclosing the results would interfere with the investigation or prosecution of the offense, in which case the victim, guardian or relative shall be informed of the estimated date on which the results are expected to be disclosed, if known.









35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(c) defines the terms “victim” and “victim of sexual assault” for the purposes of this provision. These definitions are included above in the section “Select Definitions.”







A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims should be reminded that their contact information, or their attorney’s contact information, must be kept current.


<p><b>Victims' Right Not to Be Prevented from Receiving or Charged for a Medical Forensic Examination.</b></p> <p>In addition to the rights provided under the . . . Crime Victims Act, a sexual assault victim, guardian of a sexual assault victim or close relative of a deceased sexual assault victim shall have all of the following rights, if requested by the victim, guardian or relative: . . . [t]he right to not be prevented from, or charged for, receiving a medical forensic examination.</p> <p> 35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(c) defines the terms “victim” and “victim of sexual assault” for the purposes of this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims should be reminded that their contact information, or their attorney’s contact information, must be kept current.</p>	<p>35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(a)(4).</p>
<p><b>Victims' Right to Have a Sexual Assault Evidence Collection Kit or Its Probative Contents Preserved, Without Charge, for the Maximum Applicable Criminal Statute of Limitation and to Be Informed in Writing of Policies Governing Collection and Preservation.</b></p> <p>In addition to the rights provided under the . . . Crime Victims Act, a sexual assault victim, guardian of a sexual assault victim or close relative of a deceased sexual assault victim shall have all of the following rights, if requested by the victim, guardian or relative: . . . [t]he right to: (i) subject to paragraph (6) and section 3(c)(1),2 have a sexual assault evidence collection kit or its probative contents relating to the victim preserved, without charge, for the duration of the maximum applicable criminal statute of limitations; and (ii) be informed</p>	<p>35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(a)(5).</p>


<p>in writing of policies governing the collection and preservation of a sexual assault evidence collection kit.</p> <p> 35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(c) defines the terms “victim” and “victim of sexual assault” for the purposes of this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims should be reminded that their contact information, or their attorney’s contact information, must be kept current.</p>	
<p><b>Victims’ Right to Receive Written Notification from the Appropriate Official with Custody of a Sexual Assault Evidence Collection Kit or Its Probative Contents Relating to the Victim Not Later Than 60 Days Before the Date of the Intended Destruction or Disposal.</b></p> <p>In addition to the rights provided under the . . . Crime Victims Act, a sexual assault victim, guardian of a sexual assault victim or close relative of a deceased sexual assault victim shall have all of the following rights, if requested by the victim, guardian or relative: . . . [t]he right to, upon written request, receive written notification from the appropriate official with custody of a sexual assault evidence collection kit or its probative contents relating to the victim not later than 60 days before the date of the intended destruction or disposal of the sexual assault evidence collection kit or its probative contents.</p> <p> 35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(c) defines the terms “victim” and “victim of sexual assault” for the purposes of this provision. These definitions are included above in the section “Select Definitions.”</p>	<p>35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(a)(6).</p>


<p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims should be reminded that their contact information, or their attorney’s contact information, must be kept current.</p>	
<p><b>Victims’ Right to Consult with a Sexual Assault Counselor.</b></p> <p>In addition to the rights provided under the . . . Crime Victims Act, a sexual assault victim, guardian of a sexual assault victim or close relative of a deceased sexual assault victim shall have all of the following rights, if requested by the victim, guardian or relative: . . . [t]he right to consult with a sexual assault counselor.</p> <p> 35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(c) defines the terms “victim” and “victim of sexual assault” for the purposes of this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims should be reminded that their contact information, or their attorney’s contact information, must be kept current.</p>	<p>35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(a)(7).</p>
<p><b>Victims’ Right to Information Concerning Availability of Protective Orders and Policies Related to Enforcement.</b></p> <p>In addition to the rights provided under the . . . Crime Victims Act, a sexual assault victim, guardian of a sexual assault victim or close relative of a deceased sexual assault victim shall have all of the following rights, if requested by the victim, guardian or relative: . . . [t]he</p>	<p>35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(a)(8).</p>


<p>right to receive information concerning availability of protective orders and policies related to the enforcement of protective orders.</p> <p> 35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(c) defines the terms “victim” and “victim of sexual assault” for the purposes of this provision. These definitions are included above in the section “Select Definitions.”</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, <i>inter alia</i>, to be treated with respect for their safety, to have their safety considered when fixing the amount of bail and release conditions, and to reasonable protection from the accused or any person acting on behalf of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims should be reminded that their contact information, or their attorney’s contact information, must be kept current.</p>	
<p><b>Victims’ Right to Information About the Availability of and Eligibility for Victim Compensation and Restitution.</b></p> <p>In addition to the rights provided under the . . . Crime Victims Act, a sexual assault victim, guardian of a sexual assault victim or close relative of a deceased sexual assault victim shall have all of the following rights, if requested by the victim, guardian or relative: . . . [t]he right to receive information about the availability of, and eligibility for, victim compensation and restitution.</p>	<p>35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(a)(9).</p>

 35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(c) defines the terms “victim” and “victim of sexual assault” for the purposes of this provision. These definitions are included above in the section “Select Definitions.”




 Pa. Const. art. I, § 9.1(a) affords victims of crime the right, *inter alia*, to restitution. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.



 A number of other statutory provisions address victims’ rights in the context of financial recovery. *See, e.g.*, 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(6) (guaranteeing victims, *inter alia*, the right to “be restored, to the extent possible, to the precrime economic status through the provision of restitution,” as well as through compensation and the return of property); 18 Pa. Stat. and Cons. Stat. Ann. §§ 1106-1107.1, 1110 (addressing restitution for injuries to persons or property, for theft of timber, for identity theft, and for cleanup of clandestine laboratories); 42 Pa. Stat. and Cons. Stat. Ann. § 6352(a)(5), (6) (addressing restitution as part of the disposition orders authorized for a delinquent child). Some of these provisions are included above.

 A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims should be reminded that their contact information, or their attorney’s contact information, must be kept current.

 A promising practice, when informing victims about their right to restitution, is to notify victims that they should collect and organize all documentation relating to their losses. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.



<p><b>Victims' Right to be Informed of the Rights Afforded to Victims of Sexual Assault.</b></p> <p>In addition to the rights provided under the . . . Crime Victims Act, a sexual assault victim, guardian of a sexual assault victim or close relative of a deceased sexual assault victim shall have all of the following rights, if requested by the victim, guardian or relative: . . . [t]he right to be informed of the rights under this subsection.</p> <p> 35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(c) defines the terms “victim” and “victim of sexual assault” for the purposes of this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims should be reminded that their contact information, or their attorney’s contact information, must be kept current.</p> <p> A promising practice is to have a policy and procedure determining who is responsible for providing victims with information regarding their rights and when. If the timing of notice is not otherwise specified, consideration should be given to providing such information at or promptly after the victims’ initial contact with law enforcement. The notice should be provided in the primary language of the victim when possible, as well as in a form accessible to those with vision impairment.</p>	<p>35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(a)(10).</p>
<p><b>Sexual Assault Counselor-Victim Privilege.</b></p> <p>(a) Nature of privilege.—</p>	<p>42 Pa. Stat. and Cons. Stat. Ann. § 62A16.</p>

<p>(1) Unless a victim of sexual violence who consults a sexual assault counselor for the purpose of securing advice, counseling or assistance waives the privilege in a signed writing prior to testimony or disclosure, a sexual assault counselor or a coparticipant who is present during sexual assault counseling or advocacy shall not be competent nor permitted to testify, release the records of or to otherwise disclose confidential communications made to or by the counselor by or to the victim. The privilege shall terminate upon the death of the victim.</p> <p>(2) Neither the sexual assault counselor nor the victim shall waive the privilege of confidential communications by reporting facts of physical or sexual violence under 23 Pa.C.S. Ch. 63 (relating to child protective services), a Federal or State mandatory reporting statute or a local mandatory reporting ordinance.</p> <p>(b) Scope.--The provisions of this section applicable to the victim of sexual violence shall also apply to a person who seeks advice, counseling or assistance from a sexual assault counselor regarding the victim.</p> <p> 42 Pa. Stat. and Cons. Stat. Ann. § 62A03 defines all relevant terms for the purposes of this provision. These definitions are included above in the section “Select Definitions.”</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, <i>inter alia</i>, to be treated with respect for their privacy, and to refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p>	
<p><b>Victims’ Right to Nondisclosure of Victim Information in the Law Enforcement Context.</b></p> <p>(a) Determination.--Except as provided in this section, if a law enforcement agency determines that an audio recording or video recording contains potential evidence in a</p>	<p>42 Pa. Stat. and Cons. Stat. Ann. § 67A04.</p>

criminal matter, information pertaining to an investigation or a matter in which a criminal charge has been filed, confidential information or victim information and the reasonable redaction of the audio or video recording would not safeguard potential evidence, information pertaining to an investigation, confidential information or victim information, the law enforcement agency shall deny the request in writing. The written denial shall state that reasonable redaction of the audio recording or video recording will not safeguard potential evidence, information pertaining to an investigation, confidential information or victim information.

(b) Agreement.--A law enforcement agency may enter into a memorandum of understanding with the Attorney General or the district attorney with jurisdiction to:



- (1) ensure consultation regarding the reviewing of audio recordings or video recordings in order to make a determination; or
- (2) require the Attorney General or district attorney with jurisdiction to issue a denial permitted under subsection (a).








Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, *inter alia*, to be treated with respect for their safety, dignity and privacy; to reasonable protection from the accused or any person acting on behalf of the accused; and to refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.








A number of statutory provisions provide additional confidentiality and/or privilege guarantees with respect to victims' private communications. *See, e.g.*, 23 Pa. Stat. and Cons. Stat. Ann. § 6116 (addressing the privilege of communications with a domestic violence counselor/advocate); 42 Pa. Stat. and Cons. Stat. Ann. § 5944 (addressing the privilege of communications with a psychiatrist or licensed psychologist); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.1(b) (addressing the privilege of communications with a sexual assault counselor); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.3 (addressing the privilege of

<p>communications with a human trafficking caseworker). These provisions are included either above or below.</p> <p> A number of additional statutory provisions provide specific exemptions from public records requests for records that contain information about a victim. <i>See, e.g.</i>, 23 Pa. Stat. and Cons. Stat. Ann. § 6703(d) (addressing confidentiality of and exempting from disclosure records held by the Office of Victim Advocate); 65 Pa. Stat. and Cons. Stat. Ann. § 67.708(b) (exempting a number of records from disclosure, including records that are reasonably likely to result in a risk of harm, records relating to an individual’s medical history/status and health information, personal identification information, victim information relating to a criminal investigation, emergency personnel communications, DNA and RNA records, and autopsy records). Additional provisions explicitly provide for the nondisclosure of the name of a child-victim of physical or sexual abuse and the names of victims of human trafficking. 18 Pa. Stat. and Cons. Stat. Ann. § 3019 (addressing the right of victims of human trafficking to prevent the release of their names); 42 Pa. Stat. and Cons. Stat. Ann. § 5988 (addressing the right of child-victims of sexual or physical abuse to prevent the release of their names). These provisions are included either above or below.</p> <p> To ensure compliance with this law, a promising practice is to have policies and procedures in place to ensure that victims’ locating and identifying information (e.g., dates of birth, social security numbers, official state or government issued driver licenses, official state or government issued identification numbers, addresses, telephone numbers, e-mail addresses and name or location of school or employer) is redacted when law enforcement compiles or reports victim information.</p>	
<p><b>Victims’ Right to a Child Advocate.</b></p> <p>Designation of persons to act on behalf of children.--Courts of common pleas may designate one or more persons as a child advocate to provide the following services on behalf of</p>	<p>42 Pa. Stat. and Cons. Stat. Ann. § 5983(a).</p>




<p>children who are involved in criminal proceedings as victims or material witnesses: (1) To explain, in language understood by the child, all legal proceedings in which the child will be involved. (2) As a friend of the court, to advise the judge, whenever appropriate, of the child's ability to understand and cooperate with any court proceedings. (3) To assist or secure assistance for the child and the child's family in coping with the emotional impact of the crime and subsequent criminal proceedings in which the child is involved.</p> <p> 42 Pa. Stat. and Cons. Stat. Ann. § 5982 defines the term "child" for the purposes of this provision. This definition is included above in the section "Select Definitions."</p>	
<p><b>Right of Child-Victims of Sexual or Physical Abuse to Prevent the Release of Their Names.</b></p> <p>(a) Release of name prohibited.--Notwithstanding any other provision of law to the contrary, in a prosecution involving a minor victim of sexual or physical abuse, the name of the minor victim shall not be disclosed by officers or employees of the court to the public, and any records revealing the name of the minor victim shall not be open to public inspection.</p> <p>(a.1) Application of section.--The provisions of this section shall apply to a prosecution involving a minor victim regardless of the date of the commencement of the prosecution.</p> <p>(a.2) Waiver.--A minor victim who is 18 years of age or older at the time of the commencement of the prosecution may waive the provisions of this section and allow the court to release the name of the minor victim. The court shall develop procedures to implement the provisions of this subsection.</p> <p>(b) Penalty.--Any person who violates this section commits a misdemeanor of the third degree.</p>	<p>42 Pa. Stat. and Cons. Stat. Ann. § 5988.</p>



<p> 42 Pa. Stat. and Cons. Stat. Ann. § 5982 defines the term “minor” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, <i>inter alia</i>, to be treated with respect for their privacy, and to refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p> <p> A number of statutory provisions provide additional privacy guarantees with respect to victims’ private communications and/or information. <i>See, e.g.</i>, 18 Pa. Stat. and Cons. Stat. Ann. § 3019 (addressing the right of victims of human trafficking to nondisclosure of their names); 23 Pa. Stat. and Cons. Stat. Ann. § 6116 (addressing the privilege of communications with a domestic violence counselor/advocate); 42 Pa. Stat. and Cons. Stat. Ann. § 5944 (addressing the privilege of communications with a psychiatrist or licensed psychologist); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.1(b) (addressing the privilege of communications with a sexual assault counselor); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.3 (addressing the privilege of communications with a human trafficking caseworker); 65 Pa. Stat. and Cons. Stat. Ann. § 67.708(b) (exempting a number of records from disclosure, including records that are reasonably likely to result in a risk of harm, records relating to an individual’s medical history/status and health information, personal identification information, victim information relating to a criminal investigation, emergency personnel communications, DNA and RNA records, and autopsy records). These provisions are included either above or below.</p> <p> To ensure compliance with this law, a promising practice is to have policies and procedures in place to ensure that victims’ locating and identifying information (e.g., dates of birth, social security numbers, official state or government issued driver licenses, official state or government issued identification numbers, addresses, telephone numbers,</p>	
--	--

<p>e-mail addresses and name or location of school or employer) is redacted when law enforcement compiles or reports victim information.</p>	
<p><b>Psychiatrist and Licensed Psychologist-Client Privilege.</b></p> <p>No psychiatrist or person who has been licensed under the act of March 23, 1972 (P.L. 136, No. 52),<sup>1</sup> to practice psychology shall be, without the written consent of his client, examined in any civil or criminal matter as to any information acquired in the course of his professional services on behalf of such client. The confidential relations and communications between a psychologist or psychiatrist and his client shall be on the same basis as those provided or prescribed by law between an attorney and client.</p> <p>1. 42 Pa. Stat. and Cons. Stat. Ann. § 5944.</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, <i>inter alia</i>, to be treated with respect for their privacy, and to refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p>	<p>42 Pa. Stat. and Cons. Stat. Ann. § 5944.</p>
<p><b>Sexual Assault Counselor-Victim Privilege.</b></p> <p>(1) No sexual assault counselor or an interpreter translating the communication between a sexual assault counselor and a victim may, without the written consent of the victim, disclose the victim's confidential oral or written communications to the counselor nor consent to be examined in any court or criminal proceeding.</p> <p>(2) No coparticipant who is present during counseling may disclose a victim's confidential communication made during the counseling session nor consent to be examined in any civil or criminal proceeding without the written consent of the victim.</p>	<p>42 Pa. Stat. and Cons. Stat. Ann. § 5945.1(b).</p>

<p> 42 Pa. Stat. and Cons. Stat. Ann. § 5945.1(a) defines all relevant terms for the purposes of this provision. These definitions are included above in the section “Select Definitions.”</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, <i>inter alia</i>, to be treated with respect for their privacy, and to refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p>	
<p><b>Human Trafficking Victim Advocate-Victim Privilege.</b></p> <p>(a) Sexual assault counselors.--An individual qualified as a sexual assault counselor under section 5945.1(a) (relating to confidential communications with sexual assault counselors) may serve as a human trafficking counselor under this section.</p> <p>(b) Privilege.--</p> <p>(1) This subsection applies to all of the following:</p> <ul style="list-style-type: none"> <li>(i) A human trafficking caseworker.</li> <li>(ii) An interpreter.</li> </ul> <p>(2) An individual designated in paragraph (1) may not disclose a confidential communication without the written consent of the victim of human trafficking who made the confidential communication.</p> <p> 42 Pa. Stat. and Cons. Stat. Ann. § 5945.3(c) defines all relevant terms for the purposes of this provision. These definitions are included above in the section “Select Definitions.”</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, <i>inter alia</i>, to be treated with respect for their privacy, and to refuse an interview, deposition or other discovery</p>	<p>42 Pa. Stat. and Cons. Stat. Ann. § 5945.3 (a)-(b).</p>



<p>request made by the accused or any person acting on behalf of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p>	
<p><b>Victims’ Right to Mandatory Restitution.</b></p> <p>Mandatory restitution.--In addition to the alternatives set forth in subsection (a) of this section the court shall order the defendant to compensate the victim of his criminal conduct for the damage or injury that he sustained. For purposes of this subsection, the term “victim” shall be as defined in section 479.1 of the act of April 9, 1929 (P.L. 177, No. 175), known as The Administrative Code of 1929.<sup>2</sup></p> <p>2. 71 P.S. § 180-9.1.</p> <p> 42 Pa. Stat. and Cons. Stat. Ann. § 9721(c) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the right, <i>inter alia</i>, to full and timely restitution from the person or entity convicted for the unlawful conduct. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p> <p> A number of other statutory provisions address victims’ right to restitution. <i>See, e.g.</i>, 18 Pa. Stat. and Cons. Stat. Ann. § 11.201(6) (guaranteeing victims the right, <i>inter alia</i>, to be restored, to the extent possible, to their precrime economic status through the provision of restitution); 18 Pa. Stat. and Cons. Stat. Ann. § 1106 (addressing restitution for injuries to person or property); 18 Pa. Stat. and Cons. Stat. Ann. § 1107 (addressing restitution for theft of timber); 18 Pa. Stat. and Cons. Stat. Ann. § 1107.1 (addressing restitution for identity theft); 18 Pa. Stat. and Cons. Stat. Ann. § 1110 (addressing restitution for cleanup of clandestine laboratories); 35 Pa. Stat. and Cons. Stat. Ann. § 10172.5(a)(9) (guaranteeing</p>	<p>42 Pa. Stat. and Cons. Stat. Ann. § 9721(c).</p>

<p>victims of sexual assault, <i>inter alia</i>, the right to information about restitution); 42 Pa. Stat. and Cons. Stat. Ann. § 6352(a)(5), (6) (addressing restitution as part of the disposition orders authorized for a delinquent child). Some of these provisions are included above.</p> <p> A promising practice is to inform victims that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p><b>Victims’ Right to the Nondisclosure of Information Submitted to the Department of Corrections.</b></p> <p>(a) General rule.--Notwithstanding any other provision of law, any and all statements or testimony of the victim and of any family member submitted to the department shall be:</p> <ol style="list-style-type: none"> <li>(1) Deemed confidential and privileged.</li> <li>(2) Not be subject to subpoena or discovery.</li> <li>(3) Not be introduced into evidence in any judicial or administrative proceeding.</li> <li>(4) Not be released to the inmate.</li> </ol> <p>(b) Records.--All records maintained by the department pertaining to victims shall be kept separate. Current address, telephone numbers and any other personal information of the victim and family members shall be deemed confidential.</p> <p>(c) Disclosure prohibited.--Notwithstanding any other provision of law, no person who has had access to a report, record or any other information under this section shall disclose the content of the report, record or other information or testify in a judicial or administrative proceeding without the written consent of the victim.</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, <i>inter alia</i>, to be treated with respect for their safety, dignity and privacy; to reasonable protection from the accused</p>	<p>61 Pa. Stat. and Cons. Stat. Ann. § 5906.</p>

or any person acting on behalf of the accused; and to refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.



A number of statutory provisions provide additional confidentiality and/or privilege guarantees with respect to victims' private communications. *See, e.g.*, 23 Pa. Stat. and Cons. Stat. Ann. § 6116 (addressing the privilege of communications with a domestic violence counselor/advocate); 42 Pa. Stat. and Cons. Stat. Ann. § 5944 (addressing the privilege of communications with a psychiatrist or licensed psychologist); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.1(b) (addressing the privilege of communications with a sexual assault counselor); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.3 (addressing the privilege of communications with a human trafficking caseworker). These provisions are included above.



A number of additional statutory provisions provide specific exemptions from records requests for records that contain information about a victim. *See, e.g.*, 23 Pa. Stat. and Cons. Stat. Ann. § 6703(d) (addressing confidentiality of and exempting from disclosure records held by the Office of Victim Advocate); 65 Pa. Stat. and Cons. Stat. Ann. § 67.708(b) (exempting a number of records from disclosure, including records that are reasonably likely to result in a risk of harm, records relating to an individual's medical history/status and health information, personal identification information, victim information relating to a criminal investigation, emergency personnel communications, DNA and RNA records, and autopsy records). Additional provisions explicitly provide for the nondisclosure of the name of a child-victim of physical or sexual abuse and the names of victims of human trafficking. 18 Pa. Stat. and Cons. Stat. Ann. § 3019 (addressing the right of victims of human trafficking to prevent the release of their names); 42 Pa. Stat. and Cons. Stat. Ann. § 5988 (addressing the right of child-victims of sexual or physical abuse to prevent the release of their names). These provisions are included either above or below.

**Public Records Exemption—Records that Could Cause Risk of Physical Harm or Personal Security.**

Exceptions.--Except as provided in subsections (c) and (d), the following are exempt from access by a requester under this act: . . . A record, the disclosure of which: . . . would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual.








Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, *inter alia*, to be treated with respect for their safety, dignity and privacy; to reasonable protection from the accused or any person acting on behalf of the accused; and to refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.







A number of statutory provisions provide additional privacy guarantees with respect to victims' private communications and/or information. *See, e.g.*, 18 Pa. Stat. and Cons. Stat. Ann. § 3019 (addressing the right of victims of human trafficking to prevent the release of their names); 23 Pa. Stat. and Cons. Stat. Ann. § 6116 (addressing the privilege of communications with a domestic violence counselor/advocate); 23 Pa. Stat. and Cons. Stat. Ann. § 6703(d) (addressing confidentiality of and exempting from disclosure records held by the Office of Victim Advocate); 42 Pa. Stat. and Cons. Stat. Ann. § 5944 (addressing the privilege of communications with a psychiatrist or licensed psychologist); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.1(b) (addressing the privilege of communications with a sexual assault counselor); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.3 (addressing the privilege of communications with a human trafficking caseworker); 42 Pa. Stat. and Cons. Stat. Ann. § 5988 (addressing the right of child-victims of sexual or physical abuse to prevent the release of their names). These provisions are included above.

65 Pa. Stat. and Cons. Stat. Ann. § 67.708(b)(1).




<p> To ensure compliance with this law, a promising practice is to have policies and procedures in place to ensure that victims' locating and identifying information (e.g., dates of birth, social security numbers, official state or government issued driver licenses, official state or government issued identification numbers, addresses, telephone numbers, e-mail addresses and name or location of school or employer) is redacted when law enforcement compiles or reports victim information.</p>	
<p><b>Public Records Exemption—Victims' Medical and Mental Health History and Status or Other Individually Identifiable Health Information.</b></p> <p>Exceptions.--Except as provided in subsections (c) and (d), the following are exempt from access by a requester under this act: . . . A record of an individual's medical, psychiatric or psychological history or disability status, including an evaluation, consultation, prescription, diagnosis or treatment; results of tests, including drug tests; enrollment in a health care program or program designed for participation by persons with disabilities, including vocation rehabilitation, workers' compensation and unemployment compensation; or related information that would disclose individually identifiable health information.</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, <i>inter alia</i>, to be treated with respect for their dignity and privacy and to refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p> <p> A number of statutory provisions provide additional privacy guarantees with respect to victims' private communications and/or information. <i>See, e.g.</i>, 18 Pa. Stat. and Cons. Stat. Ann. § 3019 (addressing the right of victims of human trafficking to prevent the release of their names); 23 Pa. Stat. and Cons. Stat. Ann. § 6116 (addressing the privilege of communications with a domestic violence counselor/advocate); 23 Pa. Stat. and Cons. Stat.</p>	<p>65 Pa. Stat. and Cons. Stat. Ann. § 67.708(b)(5).</p>



<p>Ann. § 6703(d) (addressing confidentiality of and exempting from disclosure records held by the Office of Victim Advocate); 42 Pa. Stat. and Cons. Stat. Ann. § 5944 (addressing the privilege of communications with a psychiatrist or licensed psychologist); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.1(b) (addressing the privilege of communications with a sexual assault counselor); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.3 (addressing the privilege of communications with a human trafficking caseworker); 42 Pa. Stat. and Cons. Stat. Ann. § 5988 (addressing the right of child-victims of sexual or physical abuse to prevent the release of their names). These provisions are included above.</p>	
<p><b>Public Records Exemption—Select Personal Identification Information.</b></p> <p>Exceptions.--Except as provided in subsections (c) and (d), the following are exempt from access by a requester under this act: . . . The following personal identification information: . . . [a] record containing all or part of a person’s Social Security number, driver’s license number, personal financial information, home, cellular or personal telephone numbers, personal e-mail addresses, employee number or other confidential personal identification number.</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, <i>inter alia</i>, to be treated with respect for their safety, dignity and privacy; to reasonable protection from the accused or any person acting on behalf of the accused; and to refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p> <p> A number of statutory provisions provide additional privacy guarantees with respect to victims’ private communications and/or information. <i>See, e.g.</i>, 18 Pa. Stat. and Cons. Stat. Ann. § 3019 (addressing the right of victims of human trafficking to prevent the release of their names); 23 Pa. Stat. and Cons. Stat. Ann. § 6116 (addressing the privilege of communications with a domestic violence counselor/advocate); 23 Pa. Stat. and Cons. Stat.</p>	<p>65 Pa. Stat. and Cons. Stat. Ann. § 67.708(b)(6)(i)(A).</p>

<p>Ann. § 6703(d) (addressing confidentiality of and exempting from disclosure records held by the Office of Victim Advocate); 42 Pa. Stat. and Cons. Stat. Ann. § 5944 (addressing the privilege of communications with a psychiatrist or licensed psychologist); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.1(b) (addressing the privilege of communications with a sexual assault counselor); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.3 (addressing the privilege of communications with a human trafficking caseworker); 42 Pa. Stat. and Cons. Stat. Ann. § 5988 (addressing the right of child-victims of sexual or physical abuse to prevent the release of their names). These provisions are included above.</p> <p> To ensure compliance with this law, a promising practice is to have policies and procedures in place to ensure that victims' locating and identifying information (e.g., dates of birth, social security numbers, official state or government issued driver licenses, official state or government issued identification numbers, addresses, telephone numbers, e-mail addresses and name or location of school or employer) is redacted when law enforcement compiles or reports victim information.</p>	
<p><b>Public Records Exemption—Victim Information.</b></p> <p>Exceptions.--Except as provided in subsections (c) and (d), the following are exempt from access by a requester under this act: . . . [a] record of an agency relating to or resulting in a criminal investigation, including: . . . [v]ictim information, including any information that would jeopardize the safety of the victim.</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, <i>inter alia</i>, to be treated with respect for their safety, dignity and privacy; to reasonable protection from the accused or any person acting on behalf of the accused; and to refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p>	<p>65 Pa. Stat. and Cons. Stat. Ann. § 67.708(b)(16)(v).</p>

<p> A number of statutory provisions provide additional privacy guarantees with respect to victims' private communications and/or information. <i>See, e.g.</i>, 18 Pa. Stat. and Cons. Stat. Ann. § 3019 (addressing the right of victims of human trafficking to prevent the release of their names); 23 Pa. Stat. and Cons. Stat. Ann. § 6116 (addressing the privilege of communications with a domestic violence counselor/advocate); 23 Pa. Stat. and Cons. Stat. Ann. § 6703(d) (addressing confidentiality of and exempting from disclosure records held by the Office of Victim Advocate); 42 Pa. Stat. and Cons. Stat. Ann. § 5944 (addressing the privilege of communications with a psychiatrist or licensed psychologist); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.1(b) (addressing the privilege of communications with a sexual assault counselor); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.3 (addressing the privilege of communications with a human trafficking caseworker); 42 Pa. Stat. and Cons. Stat. Ann. § 5988 (addressing the right of child-victims of sexual or physical abuse to prevent the release of their names). These provisions are included above.</p> <p> To ensure compliance with this law, a promising practice is to have policies and procedures in place to ensure that victims' locating and identifying information (e.g., dates of birth, social security numbers, official state or government issued driver licenses, official state or government issued identification numbers, addresses, telephone numbers, e-mail addresses and name or location of school or employer) is redacted when law enforcement compiles or reports victim information.</p>	
<p><b>Public Records Exemption—Emergency Dispatch Audio Recordings and Telephone or Radio Transmissions.</b></p> <p>Exceptions.--Except as provided in subsections (c) and (d), the following are exempt from access by a requester under this act: . . . [r]ecords or parts of records, except time response logs, pertaining to audio recordings, telephone or radio transmissions received by emergency dispatch personnel, including 911 recordings.</p>	<p>65 Pa. Stat. and Cons. Stat. Ann. § 67.708(b)(18)(i).</p>



<p> Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, <i>inter alia</i>, to be treated with respect for their safety, dignity and privacy and to refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p>	
<p><b>Public Records Exemption—DNA and RNA Records.</b></p> <p>Exceptions.--Except as provided in subsections (c) and (d), the following are exempt from access by a requester under this act: . . . DNA and RNA records.</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, <i>inter alia</i>, to be treated with respect for their safety, dignity and privacy and to refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p> <p> A number of statutory provisions provide additional privacy guarantees with respect to victims' private communications and/or information. <i>See, e.g.</i>, 18 Pa. Stat. and Cons. Stat. Ann. § 3019 (addressing the right of victims of human trafficking to prevent the release of their names); 23 Pa. Stat. and Cons. Stat. Ann. § 6116 (addressing the privilege of communications with a domestic violence counselor/advocate); 23 Pa. Stat. and Cons. Stat. Ann. § 6703(d) (addressing confidentiality of and exempting from disclosure records held by the Office of Victim Advocate); 42 Pa. Stat. and Cons. Stat. Ann. § 5944 (addressing the privilege of communications with a psychiatrist or licensed psychologist); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.1(b) (addressing the privilege of communications with a sexual assault counselor); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.3 (addressing the privilege of communications with a human trafficking caseworker); 42 Pa. Stat. and Cons. Stat. Ann.</p>	<p>65 Pa. Stat. and Cons. Stat. Ann. § 67.708(b)(19).</p>

<p>§ 5988 (addressing the right of child-victims of sexual or physical abuse to prevent the release of their names). These provisions are included above.</p>	
<p><b>Public Records Exemption—Autopsy Record of a Coroner or Medical Examiner and Any Audiotape of a Postmortem Examination or Autopsy, or a Copy, Reproduction or Facsimile of an Autopsy Report, a Photograph, Negative or Print.</b></p> <p>Exceptions.--Except as provided in subsections (c) and (d), the following are exempt from access by a requester under this act: . . . [a]n autopsy record of a coroner or medical examiner and any audiotape of a postmortem examination or autopsy, or a copy, reproduction or facsimile of an autopsy report, a photograph, negative or print, including a photograph or videotape of the body or any portion of the body of a deceased person at the scene of death or in the course of a postmortem examination or autopsy taken or made by or caused to be taken or made by the coroner or medical examiner. This exception shall not limit the reporting of the name of the deceased individual and the cause and manner of death.</p> <p> Pa. Const. art. I, § 9.1(a) affords victims of crime the rights, <i>inter alia</i>, to be treated with respect for their safety, dignity and privacy and to refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused. This provision is included above, along with information about its current status, as it is subject to ongoing litigation.</p> <p> A number of statutory provisions provide additional privacy guarantees with respect to victims' private communications and/or information. <i>See, e.g.</i>, 18 Pa. Stat. and Cons. Stat. Ann. § 3019 (addressing the right of victims of human trafficking to prevent the release of their names); 23 Pa. Stat. and Cons. Stat. Ann. § 6116 (addressing the privilege of communications with a domestic violence counselor/advocate); 23 Pa. Stat. and Cons. Stat. Ann. § 6703(d) (addressing confidentiality of and exempting from disclosure records held by the Office of Victim Advocate); 42 Pa. Stat. and Cons. Stat. Ann. § 5944 (addressing the privilege of communications with a psychiatrist or licensed psychologist); 42 Pa. Stat. and</p>	<p>65 Pa. Stat. and Cons. Stat. Ann. § 67.708(b)(20).</p>

<p>Cons. Stat. Ann. § 5945.1(b) (addressing the privilege of communications with a sexual assault counselor); 42 Pa. Stat. and Cons. Stat. Ann. § 5945.3 (addressing the privilege of communications with a human trafficking caseworker); 42 Pa. Stat. and Cons. Stat. Ann. § 5988 (addressing the right of child-victims of sexual or physical abuse to prevent the release of their names). These provisions are included above.</p>	
---	--

This resource was developed by the National Crime Victim Law Institute (NCVLI) under 2020-V3-GX-K001, awarded to the International Association of Chiefs of Police (IACP) by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this draft publication are those of the contributors and do not necessarily represent the official position of the U.S. Department of Justice.