

# FISCAL NOTE

April 8, 2019

<b>Bill No:</b>	SB 149	<b>Printer's No:</b>	127	<b>Sponsor:</b>	Sabatina (D)
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## COST / (SAVINGS)

Fund (s)	2018-19	2019-20
	First Legislative Session	Second Legislative Session
General Fund	\$1.3 million to \$1.5 million	\$1.3 million to \$1.5 million

**SUMMARY:** This bill amends the Constitution of the Commonwealth of Pennsylvania providing for rights of victims of crime.

**ANALYSIS:** SB 149 establishes a victim shall have the following rights, 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;
- 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;
- to reasonable and timely notice of and to be present at all public proceedings involving the criminal or delinquent conduct;
- to be notified of any pretrial disposition of the case;
- 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;
- 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;
- to reasonable protection from the accused or any person acting on behalf of the accused;
- to reasonable notice of any release or escape of the accused;
- to refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of 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;
- to the prompt return of property when no longer needed as evidence;
- to proceedings free from unreasonable delay and a prompt and final conclusion of the case and any related postconviction proceedings;
- to confer with the attorney for the government;
- and to be informed of all rights enumerated in this section.

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This section does not grant the victim party status or create any cause of action for compensation or damages against the Commonwealth, any political subdivision or government agent.

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, and 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.

**FISCAL IMPACT:** Constitutional amendments carry a cost of \$1.3 to \$1.5 million in two consecutive legislative sessions to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania.

SB 1011 of 2018 was passed on June 22, 2018, and advertising requirements were carried out in the 2018-19 Fiscal Year.

If passed, a second round of advertising requirements and a voter referendum would be required.