

COMMITTEE BILL ANALYSIS

Bill: House Bill 492

Printer's No.: 968

Sponsor: Representative Vereb

Prepared by: Gregg Warner

Synopsis: This bill amends the Crime Victims Act, 1998 Act 111, to permit a victim or victim's representative to provide testimony before the Pennsylvania Board of Probation and Parole prior to the parole board making a parole release decision.

Summary: Section 502 of the Crime Victims Act, relating to petitions to deny parole upon expiration of the offender's minimum sentence, currently allows the victim or victim's representative to appear in person before the parole board or a hearing examiner. The bill amends section 502(b) to allow the victim or victim's representative to provide testimony to the parole board. The reference to the hearing examiner is deleted. The testimony may be provided in person or by electronic means as provided by the board. Current law references a conference call as the only other means to provide testimony.

The victim's representative is added to the current law relating to the confidentiality of records.

Effective date

This act takes effect in 60 days.

Background:

Legislative history

The House of Representatives passed House Bill 492 on March 13, 2013, by a vote of 194 to 0. On March 19, 2013, the Senate Judiciary Committee amended and reported similar legislation, Senate Bill 508, from committee. On March 19, 2013, the Senate re-referred Senate Bill 508 to the Senate Appropriations Committee.

Current law

Section 501 of the Crime Victims Act provides that "No later than 90 days prior to the parole date of an offender, the victim advocate shall notify the victim of the offense for which the offender was sentenced, the parent or legal guardian of a victim who is a minor or a member of the family if the victim is incapable of communicating or has died and shall provide the appropriate person with an opportunity to submit a preparole statement expressing concerns or recommendations regarding the parole or parole supervision of the offender."

“The person shall submit the oral, written or videotaped preparole statement to the victim advocate within 30 days of the date of notice. The preparole statement shall be considered by the board during preparation of the parole plan.”

Section 502 provides that “Upon the request of a victim who has notified the board in writing of the victim’s desire to have input and make comment prior to the prelease decision, the victim advocate shall either petition the board as to the special conditions of release which may be imposed or that the offender not be paroled based upon the statement that the victim submitted under section 501.”

Section 502 then provides for the appearance of the victim or the victim’s representative before the board or hearing examiner.