

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 813 Session of 1991

INTRODUCED BY HAGARTY, BLAUM, CALTAGIRONE, HECKLER, MAIALE, O'BRIEN, CLARK, NAILOR, DEMPSEY, PESCI, BUSH, FARMER, FARGO, MARSICO, TRELLO, CAWLEY, GEIST, GODSHALL, BELARDI, JAROLIN, MERRY, BILLOW, JOHNSON, GLADECK, HERMAN, RAYMOND, FAIRCHILD, E. Z. TAYLOR, PITTS, NOYE, SCHEETZ, J. TAYLOR, CIVERA, BATTISTO, NICKOL AND SAURMAN, MARCH 18, 1991

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 18, 1991

## AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 findings of delinquency.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 6341(b) of Title 42 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 6341. Adjudication.

9 \* \* \*

10 (b) Finding of delinquency.--If the court finds on proof  
11 beyond a reasonable doubt that the child committed the acts by  
12 reason of which he is alleged to be delinquent it shall enter  
13 such finding on the record [and]. The common law presumption  
14 that a child lacks capacity to commit a crime shall not apply to  
15 a child who has attained ten years of age at the time of the  
16 occurrence of the act. If the court determines that the acts

1 occurred, it shall then proceed immediately or at a postponed  
2 hearing, which shall occur not later than 20 days after  
3 adjudication if the child is in detention, to hear evidence as  
4 to whether the child is in need of treatment, supervision or  
5 rehabilitation and to make and file its findings thereon. In the  
6 absence of evidence to the contrary, evidence of the commission  
7 of acts which constitute a felony shall be sufficient to sustain  
8 a finding that the child is in need of treatment, supervision or  
9 rehabilitation. If the court finds that the child is not in need  
10 of treatment, supervision or rehabilitation it shall dismiss the  
11 proceeding and discharge the child from any detention or other  
12 restriction theretofore ordered.

13 \* \* \*

14 Section 2. This act shall take effect immediately.