

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1317 Session of  
2022

INTRODUCED BY BROWNE, HUGHES, PITTMAN, SCHWANK, COLLETT,  
COMITTA, FONTANA, KEARNEY, CAPPELLETTI, KANE, SAVAL AND MUTH,  
SEPTEMBER 7, 2022

SENATOR BAKER, JUDICIARY, AS AMENDED, SEPTEMBER 20, 2022

## AN ACT

1 Amending the act of November 22, 1978 (P.L.1166, No.274),  
2 entitled "An act establishing the Pennsylvania Commission on  
3 Crime and Delinquency, providing for its powers and duties  
4 establishing several advisory committees within the  
5 commission and providing for their powers and duties,"  
6 providing for Indigent Defense Advisory Committee; and  
7 establishing the Indigent Defense Grant Program and the  
8 ~~Indigent Defense Fund.~~ <--

9 The General Assembly finds and declares that:

10 (1) crime and delinquency are essentially State and  
11 local problems;

12 (2) crime and delinquency are complex social phenomena  
13 requiring the attention and efforts of the criminal justice  
14 system, State and local governments and private citizens  
15 alike;

16 (3) the establishment of appropriate goals, objectives  
17 and standards for the reduction of crime and delinquency and  
18 for the administration of justice must be a priority concern;

19 (4) the functions of the criminal justice system must be  
20 coordinated more efficiently and effectively;

1           (5) the full and effective use of resources affecting  
2 State and local criminal justice systems requires the  
3 complete cooperation of State and local government agencies;  
4 and

5           (6) training, research, evaluation, technical assistance  
6 and public education activities must be encouraged and  
7 focused on the improvement of the criminal justice system and  
8 the generation of new methods for the prevention and  
9 reduction of crime and delinquency.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. The act of November 22, 1978 (P.L.1166, No.274),  
13 referred to as the Pennsylvania Commission on Crime and  
14 Delinquency Law, is amended by adding a section to read:

15 Section 7.3. Indigent Defense Advisory Committee.

16 (a) Establishment.--The Indigent Defense Advisory Committee  
17 is established within the commission.

18 (b) Composition.--The committee shall consist of a  
19 chairperson and the following members to be selected as follows:

20 (1) The executive director of the Interbranch Commission  
21 for Gender, Racial and Ethnic Fairness, or a designee, who  
22 shall serve as an ex officio and nonvoting member.

23 (2) The executive director of the Public Defender  
24 Association of Pennsylvania, or a designee, who shall serve <--  
25 as an ex officio and nonvoting member. OR A DESIGNEE. <--

26 (3) The executive director of the Pennsylvania  
27 Commission on Sentencing, or a designee, who shall serve as  
28 an ex officio and nonvoting member.

29 (4) The executive director of the Pennsylvania District  
30 Attorneys Association, or a designee, who shall serve as an

1 ex officio and nonvoting member.

2 (5) The Commonwealth Victim Advocate, or a designee, who  
3 shall serve as an ex officio and nonvoting member.

4 (6) The executive director of the Pennsylvania Chiefs of  
5 Police Association, or a designee, who shall serve as an ex  
6 officio and nonvoting member.

7 (7) An individual appointed by the President pro tempore  
8 of the Senate.

9 (8) An individual appointed by the Minority Leader of  
10 the Senate.

11 (9) An individual appointed by the Speaker of the House  
12 of Representatives.

13 (10) An individual appointed by the Minority Leader of  
14 the House of Representatives.

15 (11) The following members appointed by the Governor:

16 (i) One representative of public defenders appointed  
17 from a list of three qualified attorneys recommended by  
18 the Public Defender Association of Philadelphia.

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19 (ii) One criminal defense attorney with public  
20 defender experience appointed from a list of three  
21 qualified individuals recommended by the Pennsylvania  
22 Association of Criminal Defense Lawyers.

23 (iii) One attorney with experience defending  
24 juveniles in delinquency proceedings, appointed from a  
25 list of three qualified individuals recommended by the  
26 Juvenile Defenders Association of Pennsylvania.

27 (iv) One member from the law school academic  
28 community with a background in public defense or legal  
29 services appointed from a list of qualified individuals  
30 recommended by each law school in this Commonwealth.

1           (v) One attorney with capital case indigent defense  
2           trial, appellate or postconviction experience associated  
3           with the Pennsylvania Innocence Project at Temple  
4           University Beasley School of Law.

5           (vi) One representative of county government from  
6           the second class or second class A counties appointed  
7           from a list of three qualified individuals recommended by  
8           the County Commissioners Association of Pennsylvania.

9           (vii) One representative of county government from  
10          the third, fourth, fifth, sixth, seventh or eighth class  
11          counties appointed from a list of three qualified  
12          individuals recommended by the County Commissioners  
13          Association of Pennsylvania.

14          (viii) One advocate for current and former prison  
15          inmates appointed from a list of three individuals  
16          recommended by the Pennsylvania Prison Society.

17          (12) Three judges who serve in the criminal court area  
18          and are representative of the geographic and demographic  
19          diversity of the Commonwealth, appointed by the Chief Justice  
20          of the Pennsylvania Supreme Court.

21          (13) The following members appointed by the Chief  
22          Justice of the Pennsylvania Supreme Court:

23               (i) One county chief public defender from a list of  
24               three recommendations from the Public Defender  
25               Association of Pennsylvania.

26               (ii) One public defender from the second or 2-A  
27               class counties from a list of four recommendations from  
28               the Public Defender Association of Pennsylvania.

29               (iii) One public defender from the third or fourth  
30               class counties from a list of four recommendations from

1 the Public Defender Association of Pennsylvania.

2 (iv) One public defender from the fifth, sixth,  
3 seventh or eighth class counties from a list of four  
4 recommendations from the Public Defender Association of  
5 Pennsylvania.

6 (c) Chairperson and vice chairperson.--The chairperson of  
7 the committee shall be selected by the Governor from among the  
8 VOTING members of the committee. A vice chairperson shall be <--  
9 designated by the chairperson of the committee from among the  
10 VOTING members of the committee to preside at meetings in the <--  
11 absence of the chairperson.

12 (d) Term.--Members of the committee shall serve a four-year  
13 term. Members may be eligible for reappointment. Vacancies on <--  
14 the committee shall be filled by the appointing authority within  
15 60 days of the vacancy. MEMBERS ARE ELIGIBLE FOR REAPPOINTMENT <--  
16 FOR NO MORE THAN TWO CONSECUTIVE TERMS. MEMBERS APPOINTED UNDER  
17 SUBSECTION (B) (1), (2), (3), (4), (5) AND (6) SHALL SERVE BY  
18 VIRTUE OF THE MEMBER'S OFFICE, AND THE TERM SHALL BE CONCURRENT  
19 WITH THE MEMBER'S SERVICE IN THE OFFICE. VACANCIES ON THE  
20 COMMITTEE SHALL BE FILLED BY THE APPOINTING AUTHORITY WITHIN 60  
21 DAYS OF THE VACANCY. FOR THE PURPOSES OF THIS SUBSECTION, A  
22 VACANCY OCCURS WHEN A MEMBER RESIGNS FROM THE COMMITTEE OR NO  
23 LONGER HOLDS THE EMPLOYMENT THAT ORIGINALLY QUALIFIED THE MEMBER  
24 FOR THE APPOINTMENT.

25 (e) Quorum.--A majority of the VOTING members of the <--  
26 committee shall constitute a quorum and a quorum shall be  
27 required for all actions. A vote of the majority of the VOTING <--  
28 members of the committee present shall be sufficient for all  
29 actions taken by the committee.

30 (f) ~~Initial meeting~~ MEETINGS.--The committee shall hold its <--

1 first meeting no later than 60 days from the effective date of  
2 this subsection. EXCEPT FOR THE FIRST MEETING, MEETINGS RELATED <--  
3 TO THE IMPLEMENTATION AND OPERATION OF THE INDIGENT DEFENSE  
4 GRANT PROGRAM ESTABLISHED UNDER SUBSECTION (K) AND MEETINGS  
5 RELATED TO COMMITTEE DUTIES UNDER SUBSECTION (I) (13), MEMBERS  
6 APPOINTED UNDER SUBSECTION (B) (4), (5) AND (6) MAY NOT  
7 PARTICIPATE IN MEETINGS AND COMMITTEE WORK RELATED TO COMMITTEE  
8 DUTIES UNDER SUBSECTION (I) (1), (2), (3), (4), (5), (6), (7),  
9 (8), (9), (10), (11) AND (12), UNLESS REQUESTED BY A MAJORITY OF  
10 THE VOTING MEMBERS.

11 (g) Compensation and expenses.--The committee members shall  
12 not receive a salary or per diem allowance for serving as board  
13 members, but shall be reimbursed for actual and necessary  
14 expenses incurred in the performance of duties as members of the  
15 committee. Expenses may include reimbursement of travel and  
16 living expenses while engaged in committee business.

17 (h) Staff.--Staff support shall be made available to the  
18 committee by the executive director of the commission in order  
19 to adequately assist the committee in carrying out its duties  
20 and responsibilities.

21 (i) Duties and responsibilities.--The WITH THE REVIEW AND <--  
22 APPROVAL OF THE COMMISSION, THE committee shall have the  
23 following duties and responsibilities:

24 (1) Propose minimum standards for the delivery of  
25 effective indigent defense services throughout this  
26 Commonwealth that are consistent with the requirements of the  
27 Constitution of the United States and the Constitution of  
28 Pennsylvania.

29 (2) Propose minimum standards for attorneys providing  
30 indigent defense services to ensure that the ability,

1 training and experience of the attorneys match the cases  
2 assigned to the attorneys.

3 (3) Submit proposed standards to the Pennsylvania  
4 Supreme Court for adoption through a manner prescribed by the  
5 Supreme Court.

6 (4) Identify, develop or provide appropriate Statewide  
7 continuing legal education courses, practical training  
8 programs and skill development resources, including  
9 preservice training for newly hired public defenders, public  
10 defender staff attorneys, assigned counsel and contract  
11 public defenders and other counsel who provide indigent  
12 defense services.

13 (5) Identify, develop or provide appropriate programs  
14 for capital case defense skills training, adult criminal  
15 defense training, juvenile delinquency defense training and  
16 management and leadership training for chief defenders and  
17 public defender office leaders and other counsel who provide  
18 indigent defense services.

19 (6) Establish a virtual defender training library  
20 consisting of all programs approved by the committee.

21 (7) Adopt standards by which counties shall collect and  
22 report, at a minimum, the following to the committee:

23 (i) The caseload and workload of each attorney in  
24 the county's public defender office.

25 (ii) The caseload and workload of attorneys who are  
26 assigned to represent an indigent defendant as conflict  
27 counsel or contract counsel in the county.

28 (iii) The total expenditures and per capita spending  
29 for indigent criminal defense services in the county.

30 (8) Adopt standards for the use of case management

1 systems or software by county public defender offices.

2 (9) Develop, in partnership with the Administrative  
3 Office of Pennsylvania Courts, ~~the Juvenile Court Judges'~~ <--  
4 ~~Commission~~ AND THE JUVENILE COURT JUDGES' COMMISSION, data <--  
5 requests that include, at a minimum, the following:

6 (i) The total number of criminal cases involving a  
7 public defender by category of criminal offense and by  
8 county.

9 (ii) The total number of criminal cases ~~disposed of~~ <--  
10 ~~by trial or plea involving a public defender. ADJUDICATED <--~~  
11 OR CLOSED INVOLVING A PUBLIC DEFENDER BY CATEGORY OF  
12 DISPOSITION TYPE AND BY COUNTY.

13 ~~(iii) The total number of criminal cases disposed of <--~~  
14 ~~by trial or plea involving a public defender by county.~~

15 ~~(iv)~~ (III) The total number of juvenile delinquency <--  
16 cases involving a public defender by category of offense  
17 and by county.

18 ~~(v)~~ (IV) The total number of juvenile delinquency <--  
19 cases ~~disposed of by hearing or admission involving a~~ <--  
20 ~~public defender. ADJUDICATED OR CLOSED INVOLVING A PUBLIC <--~~  
21 DEFENDER BY CATEGORY OF DISPOSITION TYPE AND BY COUNTY.

22 ~~(vi) The total number of juvenile delinquency cases <--~~  
23 ~~disposed of by hearing or admission involving a public~~  
24 ~~defender by county.~~

25 ~~(vii)~~ (V) The total number of criminal cases with a <--  
26 court appointed attorney, not a public defender.

27 ~~(viii)~~ (VI) The total number of juvenile delinquency <--  
28 cases with a court appointed attorney, not a public  
29 defender.

30 ~~(ix)~~ (VII) The total number of criminal and juvenile <--



1 delinquency cases appealed involving a public defender by  
2 county.

3 (10) Partner with other departments or agencies for the  
4 collection of data related to the delivery of indigent  
5 defense services, as may be required by the committee.

6 (11) Analyze the data to identify trends and overall  
7 effectiveness of indigent defense services in the State and  
8 the impact of the standards adopted on the effectiveness of  
9 indigent defense services in the future.

10 (12) Prepare a report which includes, at a minimum, the  
11 actions of the committee, details of grants awarded,  
12 summaries of data collected with statistics regarding the  
13 delivery of indigent defense services and recommendations for  
14 improvement of the indigent defense system in this  
15 Commonwealth. The report shall be submitted two years from  
16 the effective date of this section and biennially thereafter.  
17 The report shall be published on the commission's publicly  
18 accessible Internet website. A copy of the report shall be  
19 submitted to the Governor, the chair and minority chair of  
20 the Judiciary Committee of the Senate, the chair and minority  
21 chair of the Judiciary Committee of the House of  
22 Representatives, the chair and minority chair of the  
23 Appropriations Committee of the Senate, the chair and  
24 minority chair of the Appropriations Committee of the House  
25 of Representatives and the Pennsylvania Supreme Court.

26 ~~(j) Indigent Defense Grant Program. The Indigent Defense~~ <--  
27 ~~Grant Program is established by the commission. The committee~~  
28 ~~shall perform those functions related to the direct approval and~~  
29 ~~disbursement of grants under this program in an advisory~~  
30 ~~capacity only. The committee shall have the opportunity to~~

~~review and comment on grant applications and shall ensure that grant funding or services provided under the program are geographically dispersed throughout this Commonwealth. Grant money allocated through the program shall be used to supplement and not supplant existing county spending on indigent criminal defense services. Nothing shall preclude a county from making an application in a subsequent year for the same purpose and amount awarded in a prior year. Grants awarded shall be consistent with the standards established by the committee and the standards adopted by the Pennsylvania Supreme Court.~~

~~(k) Indigent Defense Fund establishment. The Indigent Defense Fund is established as a special fund in the State Treasury. All money deposited into the fund, and the interest it accrues, are appropriated to the committee on a continuing basis to award grants under this section. No administrative action shall prevent the deposit of money into the fund in the fiscal year in which the money is received. The following shall apply:~~

~~(1) The fund may only be used for the grant and training programs authorized under this section and no money in the fund may be transferred or diverted to any other purpose by administrative action.~~

~~(2) Money available to the fund shall include appropriations and transfers from the General Fund, special funds, Federal funds and other sources of revenue made available to it and the commission.~~

~~(3) The commission may use up to 10% of the money appropriated each year for the costs of supporting the committee and administering the grant program, which may include the costs relating to the employment of personnel, providing technical assistance to grantees and evaluating the~~

~~impact of initiatives supported by the grants. The commission  
may randomly audit and monitor grant recipients to ensure the  
appropriate use of grant funds and compliance with the  
provisions of this section.~~

(13) PERFORM FUNCTIONS RELATED TO THE DIRECT APPROVAL  
AND DISBURSEMENT OF GRANTS UNDER THE INDIGENT DEFENSE GRANT  
PROGRAM ESTABLISHED UNDER SUBSECTION (K) IN AN ADVISORY  
CAPACITY ONLY.

<--

(J) CONFIDENTIALITY OF DATA.--COUNTY-SPECIFIC DATA RECEIVED  
AND COLLECTED BY THE COMMITTEE SHALL REMAIN CONFIDENTIAL. THE  
COMMITTEE MAY RELEASE AGGREGATE DATA AT THE COMMITTEE'S  
DISCRETION WHEN PREPARING AND SUBMITTING ITS BIENNIAL REPORT.

(K) INDIGENT DEFENSE GRANT PROGRAM.--THE INDIGENT DEFENSE  
GRANT PROGRAM IS ESTABLISHED IN THE COMMISSION. THE FOLLOWING  
SHALL APPLY:

(1) MONEY AVAILABLE TO THE PROGRAM SHALL INCLUDE  
APPROPRIATIONS AND TRANSFERS FROM THE GENERAL FUND, SPECIAL  
FUNDS, FEDERAL FUNDS AND OTHER SOURCES OF REVENUE MADE  
AVAILABLE TO THE PROGRAM AND THE COMMISSION.

(2) PROGRAM FUNDING MAY ONLY BE USED FOR THE GRANT AND  
TRAINING ACTIVITIES AUTHORIZED UNDER THIS SECTION AND NO  
MONEY MAY BE TRANSFERRED OR DIVERTED TO ANY OTHER PURPOSE BY  
ADMINISTRATIVE ACTION.

(3) THE COMMITTEE SHALL HAVE THE OPPORTUNITY TO REVIEW  
AND COMMENT ON GRANT APPLICATIONS AND SHALL ENSURE THAT GRANT  
FUNDING OR SERVICES PROVIDED UNDER THE PROGRAM ARE  
GEOGRAPHICALLY DISPERSED THROUGHOUT THIS COMMONWEALTH.

(4) GRANT MONEY ALLOCATED THROUGH THE PROGRAM SHALL BE  
USED TO SUPPLEMENT AND NOT SUPPLANT EXISTING COUNTY SPENDING  
ON INDIGENT DEFENSE SERVICES.

1       (5) NOTHING SHALL PRECLUDE A COUNTY FROM MAKING AN  
2       APPLICATION IN A SUBSEQUENT YEAR FOR THE SAME PURPOSE AND  
3       AMOUNT AWARDED IN A PRIOR YEAR.

4       (6) GRANTS AWARDED SHALL BE CONSISTENT WITH THE  
5       STANDARDS ESTABLISHED BY THE COMMITTEE AND THE STANDARDS  
6       ADOPTED BY THE PENNSYLVANIA SUPREME COURT.

7       (7) THE COMMISSION MAY RANDOMLY AUDIT AND MONITOR GRANT  
8       RECIPIENTS TO ENSURE THE APPROPRIATE USE OF GRANT FUNDS AND  
9       COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

10       (8) THE COMMISSION MAY USE UP TO 10% OF THE MONEY  
11       APPROPRIATED EACH YEAR FOR THE COSTS OF SUPPORTING THE  
12       COMMITTEE AND ADMINISTERING THE PROGRAM, WHICH MAY INCLUDE  
13       THE COSTS RELATING TO THE EMPLOYMENT OF PERSONNEL, PROVIDING  
14       TECHNICAL ASSISTANCE TO GRANTEEES AND EVALUATING THE IMPACT OF  
15       INITIATIVES SUPPORTED BY THE GRANTS.

16       (1) Definitions.--As used in this section, the term  
17       "indigent defense services" means the legal representation  
18       provided to indigent adult defendants and juvenile respondents  
19       through either a public defender's office, contracted counsel or  
20       conflict counsel.

21       Section 2. This act shall take effect in 30 days.