

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

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 25, 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.

8 The General Assembly finds and declares that:

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

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

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

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

20 (5) the full and effective use of resources affecting

1 State and local criminal justice systems requires the
2 complete cooperation of State and local government agencies;
3 and

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

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

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

14 Section 7.3. Indigent Defense Advisory Committee.

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

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

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

22 (2) The executive director of the Public Defender
23 Association of Pennsylvania or a designee.

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

27 (4) The executive director of the Pennsylvania District
28 Attorneys Association, or a designee, who shall serve as an
29 ex officio and nonvoting member.

30 (5) The Commonwealth Victim Advocate, or a designee, who

1 shall serve as an ex officio and nonvoting member.

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

5 (7) THE EXECUTIVE DIRECTOR OF THE JUVENILE COURT JUDGES' <--
6 COMMISSION, OR A DESIGNEE, WHO SHALL SERVE AS AN EX OFFICIO
7 AND NONVOTING MEMBER.

8 ~~(7)~~ (8) An individual appointed by the President pro <--
9 tempore of the Senate.

10 ~~(8)~~ (9) An individual appointed by the Minority Leader <--
11 of the Senate.

12 ~~(9)~~ (10) An individual appointed by the Speaker of the <--
13 House of Representatives.

14 ~~(10)~~ (11) An individual appointed by the Minority Leader <--
15 of the House of Representatives.

16 ~~(11)~~ (12) The following members appointed by the <--
17 Governor:

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

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

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

29 (iv) One member from the law school academic
30 community with a background in public defense or legal

1 services appointed from a list of qualified individuals
2 recommended by each law school in this Commonwealth.

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

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

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

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

19 ~~(12) Three judges who serve in the criminal court area <--~~

20 ~~(13) THREE JUDGES WHO ROUTINELY PRESIDE OVER CRIMINAL OR <--~~

21 JUVENILE CASES and are representative of the geographic and
22 demographic diversity of the Commonwealth, appointed by the
23 Chief Justice of the Pennsylvania Supreme Court.

24 ~~(13)~~ (14) The following members appointed by the Chief <--
25 Justice of the Pennsylvania Supreme Court:

26 (i) One county chief public defender from a list of
27 three recommendations from the Public Defender
28 Association of Pennsylvania.

29 (ii) One public defender from the second or 2 A <--
30 class CLASS OR SECOND CLASS A counties from a list of <--

1 four recommendations from the Public Defender Association
2 of Pennsylvania.

3 (iii) One public defender from the third or fourth
4 class counties from a list of four recommendations from
5 the Public Defender Association of Pennsylvania.

6 (iv) ~~One public defender~~ TWO PUBLIC DEFENDERS from <--
7 the fifth, sixth, seventh or eighth class counties from a
8 list of four recommendations from the Public Defender
9 Association of Pennsylvania.

10 (c) Chairperson and vice chairperson.--The chairperson of
11 the committee shall be selected by the Governor from among the
12 voting members of the committee. A vice chairperson shall be
13 designated by the chairperson of the committee from among the
14 voting members of the committee to preside at meetings in the
15 absence of the chairperson.

16 (d) Term.--Members of the committee shall serve a four-year
17 term. Members are eligible for reappointment for no more than
18 two consecutive terms. Members appointed under subsection (b)
19 (1), (2), (3), (4), (5) and ~~(6)~~, (6) AND (7) shall serve by <--
20 virtue of the member's office, and the term shall be concurrent
21 with the member's service in the office. Vacancies on the
22 committee shall be filled by the appointing authority within 60
23 days of the vacancy. For the purposes of this subsection, a
24 vacancy occurs when a member resigns from the committee or no
25 longer holds the employment that originally qualified the member
26 for the appointment.

27 (e) Quorum.--A majority of the voting members of the
28 committee shall constitute a quorum and a quorum shall be
29 required for all actions. A vote of the majority of the voting
30 members of the committee present shall be sufficient for all

1 actions taken by the committee.

2 (f) Meetings.--The committee shall hold its first meeting no
3 later than 60 days from the effective date of this subsection.
4 Except for the first meeting, meetings related to the
5 implementation and operation of the Indigent Defense Grant
6 Program established under subsection (k) and meetings related to
7 committee duties under subsection (i)(13), members appointed
8 under subsection (b)(4), (5) and (6) may not participate in
9 meetings and committee work related to committee duties under
10 subsection (i)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10),
11 (11) and (12), unless requested by a majority of the voting
12 members.

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

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

23 (i) Duties and responsibilities.--With the review and
24 approval of the commission, the committee shall have the
25 following duties and responsibilities:

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

1 (2) Propose minimum standards for attorneys providing
2 indigent defense services to ensure that the ability,
3 training and experience of the attorneys match the cases
4 assigned to the attorneys.

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

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

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

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

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

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

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

30 (iii) The total expenditures and per capita spending

1 for indigent criminal defense services in the county.

2 (8) Adopt standards for the use of case management
3 systems or software by county public defender offices.

4 (9) Develop, in partnership with the Administrative
5 Office of Pennsylvania Courts and the Juvenile Court Judges'
6 Commission, data requests that include, at a minimum, the
7 following:

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

11 (ii) The total number of criminal cases adjudicated
12 or closed involving a public defender by category of
13 disposition type and by county.

14 (iii) The total number of juvenile delinquency cases
15 involving a public defender by category of offense and by
16 county.

17 (iv) The total number of juvenile delinquency cases
18 adjudicated or closed involving a public defender by
19 category of disposition type and by county.

20 (v) The total number of criminal cases with a court
21 appointed attorney, not a public defender.

22 (vi) The total number of juvenile delinquency cases
23 with a court appointed attorney, not a public defender.

24 (vii) The total number of criminal and juvenile
25 delinquency cases appealed involving a public defender by
26 county.

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

30 (11) Analyze the data to identify trends and overall

1 effectiveness of indigent defense services in the State and
2 the impact of the standards adopted on the effectiveness of
3 indigent defense services in the future.

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

20 (13) Perform functions related to the direct approval
21 and disbursement of grants under the Indigent Defense Grant
22 Program established under subsection (k) in an advisory
23 capacity only.

24 (j) Confidentiality of data.--County-specific data received
25 and collected by the committee shall remain confidential. The
26 committee may release aggregate data at the committee's
27 discretion when preparing and submitting its biennial report.

28 (k) Indigent Defense Grant Program.--The Indigent Defense
29 Grant Program is established in the commission. The following
30 shall apply:

1 (1) Money available to the program shall include
2 appropriations and transfers from the General Fund, special
3 funds, Federal funds and other sources of revenue made
4 available to the program and the commission.

5 (2) Program funding may only be used for the grant and
6 training activities authorized under this section and no
7 money may be transferred or diverted to any other purpose by
8 administrative action.

9 (3) The committee shall have the opportunity to review
10 and comment on grant applications and shall ensure that grant
11 funding or services provided under the program are
12 geographically dispersed throughout this Commonwealth.

13 (4) Grant money allocated through the program shall be
14 used to supplement and not supplant existing county spending
15 on indigent defense services.

16 (5) Nothing shall preclude a ~~county~~ GRANT RECIPIENT from <--
17 making an application in a subsequent year for the same
18 purpose and amount awarded in a prior year.

19 (6) Grants awarded shall be consistent with the
20 standards established by the committee and the standards
21 adopted by the Pennsylvania Supreme Court.

22 (7) The commission may randomly audit and monitor grant
23 recipients to ensure the appropriate use of grant funds and
24 compliance with the provisions of this section.

25 (8) The commission may use up to 10% of the money
26 appropriated each year for the costs of supporting the
27 committee and administering the program, which may include
28 the costs relating to the employment of personnel, providing
29 technical assistance to grantees and evaluating the impact of
30 initiatives supported by the grants.

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

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