

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2938 Session of  
2006

INTRODUCED BY KENNEY, PHILLIPS, CALTAGIRONE, CAWLEY, DALEY,  
MANN, READSHAW, FREEMAN, CAPPELLI, SONNEY, E. Z. TAYLOR,  
BEBKO-JONES, O'NEILL AND GINGRICH, SEPTEMBER 25, 2006

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 25, 2006

AN ACT

1 Amending Title 44 (Law and Justice) of the Pennsylvania  
2 Consolidated Statutes, providing for Supplement Safe  
3 Neighborhoods Program and for powers and duties of  
4 Pennsylvania Commission on Crime and Delinquency;  
5 establishing the Supplement Safe Neighborhoods Fund; and  
6 making an appropriation.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Title 44 of the Pennsylvania Consolidated  
10 Statutes is amended by adding a part to read:

11 PART III

12 PROGRAMS

13 Chapter

14 31. Supplement Safe Neighborhoods Program

15 CHAPTER 31

16 SUPPLEMENT SAFE NEIGHBORHOODS PROGRAM

17 Subchapter

18 A. Preliminary Provisions

19 B. General Provisions

1 SUBCHAPTER A

2 PRELIMINARY PROVISIONS

3 Sec.

4 3101. Scope of chapter.

5 3102. Legislative findings and declarations.

6 3103. Definitions.

7 § 3101. Scope of chapter.

8 This chapter provides for the creation of the Supplement Safe  
9 Neighborhoods Program in the Pennsylvania Commission on Crime  
10 and Delinquency.

11 3102. Legislative findings and declarations.

12 The General Assembly finds and declares as follows:

13 (1) In 2001, President Bush announced Project Safe  
14 Neighborhoods, a comprehensive initiative to reduce firearm  
15 crime in America.

16 (2) By combining Federal, State and local prosecutors,  
17 law enforcement officers and community leaders, Project Safe  
18 Neighborhoods has offered a uniquely effective approach to  
19 deter, prevent and penalize firearm crime.

20 (3) The Federal Government has devoted more than  
21 \$1,600,000,000 to Project Safe Neighborhoods since its  
22 inception.

23 (4) One important use of these dollars is to fund the  
24 cost of new State and local prosecutors to work as Special  
25 Assistant United States Attorneys and move gun crime cases  
26 into the Federal court system.

27 (5) Under Project Safe Neighborhoods, Federal  
28 prosecutions for gun crimes have increased dramatically, an  
29 increase of 62% from 2000 to 2005.

30 (6) Increased Federal penalties have had positive

effects on gun crime levels.

(7) It is therefore in the best interests of this Commonwealth to establish the Supplement Safe Neighborhoods Program within the Pennsylvania Commission on Crime and Delinquency to provide resources and direct grant money to prosecute gun crimes through Project Safe Neighborhoods.

§ 3103. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Firearm." Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

"Fund." The Supplement Safe Neighborhoods Fund established in section 3106 (relating to Supplement Safe Neighborhoods Fund).

"Program." The Supplement Safe Neighborhoods Program established in section 3104 (relating to Supplement Safe Neighborhoods Program).

"Project Safe Neighborhoods." A program established by the United States Attorney General, pursuant to Title 1, § 104 of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107-273, 28 U.S.C. § 509) to provide for coordination with State and local law enforcement officials in the identification and prosecution of violations of Federal firearms laws, including school gun violence and juvenile gun offenses.

SUBCHAPTER B

GENERAL PROVISIONS

Sec.

1 3104. Supplement Safe Neighborhoods Program.

2 3105. Powers and duties of Pennsylvania Commission on Crime  
3 and Delinquency.

4 3106. Supplement Safe Neighborhoods Fund.

5 § 3104. Supplement Safe Neighborhoods Program.

6 (a) Purpose.--The program shall provide grant moneys to  
7 underwrite all of the pay and benefits for three years of  
8 assistant district attorneys cross designated as Special  
9 Assistant United States Attorneys for the purpose of bringing  
10 Federal prosecutions pursuant to Project Safe Neighborhoods.

11 (b) Application.--Any district attorney in this Commonwealth  
12 may make application under the program.

13 (c) Priority of grants.--Grant moneys shall be prioritized  
14 based on:

15 (1) The incidence of firearm homicides and other crimes  
16 involving firearms in a county within this Commonwealth.

17 (2) Demonstration of current successful participation in  
18 Federal prosecutions conducted under Project Safe  
19 Neighborhoods.

20 (3) Establishment of a public information campaign aimed  
21 at gun crimes and informing county residents of the terms of  
22 Project Safe Neighborhoods as well as applicable Federal  
23 penalties. A district attorney's office shall seek all  
24 available funding, including Federal funding or funding  
25 available from nonprofit corporations, and shall seek to  
26 engage pro bono services from public relations and  
27 advertising firms and other entities to carry out this public  
28 information campaign.

29 (d) Limitation.--No county shall be eligible to receive more  
30 than 20% of the moneys dispensed from the fund in any year.

(e) Supplementary funding.--Program moneys shall only be used to underwrite the pay and benefits of assistant district attorneys newly cross designated as Special Assistant United States Attorneys. Program moneys shall not be used to fund current positions. Each district attorney applying for program moneys shall include in the application:

(1) A statement that moneys shall be used solely to fund additional positions and that no moneys will be used to offset the expenses associated with participation in Project Safe Neighborhoods at the time of application.

(2) The number of assistant district attorneys in the office cross designated as Special Assistant United States Attorneys for the purpose of bringing Federal prosecution pursuant to Project Safe Neighborhoods each year for the last four years.

§ 3105. Powers and duties of Pennsylvania Commission on Crime and Delinquency.

In addition to any other powers and duties, the Pennsylvania Commission on Crime and Delinquency shall:

(1) Establish a grant program to provide moneys from the fund pursuant to section 3104 (relating to Supplement Safe Neighborhoods Program).

(2) Promulgate rules and regulations to carry out the provisions of this chapter.

§ 3106. Supplement Safe Neighborhoods Fund.

The Supplement Safe Neighborhoods Fund is hereby established in the State Treasury as a restricted account. The fund shall consist of funds appropriated by the General Assembly. All moneys in the fund and the interest accruing thereon are hereby appropriated to the Pennsylvania Commission on Crime and

1 Delinquency on a continuing basis to carry out the provisions of  
2 this chapter.

3 Section 2. The sum of \$5,000,000, is hereby appropriated  
4 from the General Fund to the Project Safe Neighborhoods Fund for  
5 the fiscal year July 1, 2006, to June 30, 2007, to carry out the  
6 provisions of 44 Pa.C.S. Ch. 31.

7 Section 3. This act shall take effect in 60 days.