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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 159 Session of  
2017

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INTRODUCED BY NESBIT, MARSICO, WATSON, ROZZI, A. HARRIS, WARD,  
RADER AND GABLER, JANUARY 23, 2017

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REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 23, 2017

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in juvenile matters,  
3 further providing for definitions and for summary offenses.

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

6 Section 1. The definition of "delinquent act" in section  
7 6302 of Title 42 of the Pennsylvania Consolidated Statutes is  
8 amended to read:

9 § 6302. Definitions.

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

13 \* \* \*

14 "Delinquent act."

15 (1) The term means an act designated a crime under the  
16 law of this Commonwealth, or of another state if the act  
17 occurred in that state, or under Federal law, [or under local  
18 ordinances] or an act which constitutes indirect criminal

1 contempt under Chapter 62A (relating to protection of victims  
2 of sexual violence or intimidation) with respect to sexual  
3 violence or 23 Pa.C.S. Ch. 61 (relating to protection from  
4 abuse) or the failure of a child to comply with a lawful  
5 sentence imposed for a summary offense, in which event notice  
6 of the fact shall be certified to the court.

7 (2) The term shall not include:

8 (i) The crime of murder.

9 (ii) Any of the following prohibited conduct where  
10 the child was 15 years of age or older at the time of the  
11 alleged conduct and a deadly weapon as defined in 18  
12 Pa.C.S. § 2301 (relating to definitions) was used during  
13 the commission of the offense which, if committed by an  
14 adult, would be classified as:

15 (A) Rape as defined in 18 Pa.C.S. § 3121

16 (relating to rape).

17 (B) Involuntary deviate sexual intercourse as  
18 defined in 18 Pa.C.S. § 3123 (relating to involuntary  
19 deviate sexual intercourse).

20 (C) Aggravated assault as defined in 18 Pa.C.S.  
21 § 2702(a)(1) or (2) (relating to aggravated assault).

22 (D) Robbery as defined in 18 Pa.C.S. § 3701(a)  
23 (1)(i), (ii) or (iii) (relating to robbery).

24 (E) Robbery of motor vehicle as defined in 18  
25 Pa.C.S. § 3702 (relating to robbery of motor  
26 vehicle).

27 (F) Aggravated indecent assault as defined in 18  
28 Pa.C.S. § 3125 (relating to aggravated indecent  
29 assault).

30 (G) Kidnapping as defined in 18 Pa.C.S. § 2901

1 (relating to kidnapping).

2 (H) Voluntary manslaughter.

3 (I) An attempt, conspiracy or solicitation to  
4 commit murder or any of these crimes as provided in  
5 18 Pa.C.S. §§ 901 (relating to criminal attempt), 902  
6 (relating to criminal solicitation) and 903 (relating  
7 to criminal conspiracy).

8 (iii) Any of the following prohibited conduct where  
9 the child was 15 years of age or older at the time of the  
10 alleged conduct and has been previously adjudicated  
11 delinquent of any of the following prohibited conduct  
12 which, if committed by an adult, would be classified as:

13 (A) Rape as defined in 18 Pa.C.S. § 3121.

14 (B) Involuntary deviate sexual intercourse as  
15 defined in 18 Pa.C.S. § 3123.

16 (C) Robbery as defined in 18 Pa.C.S. § 3701(a)  
17 (1) (i), (ii) or (iii).

18 (D) Robbery of motor vehicle as defined in 18  
19 Pa.C.S. § 3702.

20 (E) Aggravated indecent assault as defined in 18  
21 Pa.C.S. § 3125.

22 (F) Kidnapping as defined in 18 Pa.C.S. § 2901.

23 (G) Voluntary manslaughter.

24 (H) An attempt, conspiracy or solicitation to  
25 commit murder or any of these crimes as provided in  
26 18 Pa.C.S. §§ 901, 902 and 903.

27 (iv) Summary offenses[, unless the child fails to  
28 comply with a lawful sentence imposed thereunder, in  
29 which event notice of such fact shall be certified to the  
30 court].

1 (v) A crime committed by a child who has been found  
2 guilty in a criminal proceeding for other than a summary  
3 offense.

4 \* \* \*

5 Section 2. Section 6304.1(a) of Title 42 is amended to read:

6 § 6304.1. Summary offenses.

7 (a) Review.--

8 (1) Upon notice being certified to the court that a  
9 child has failed to comply with a lawful sentence imposed for  
10 a summary offense, a probation officer shall review the  
11 complaints and charges of delinquency pursuant to section  
12 6304 (relating to powers and duties of probation officers)  
13 for the purpose of considering the commencement of  
14 proceedings under this chapter.

15 (2) A proceeding commenced under the review in this  
16 subsection is a separate action from the underlying summary  
17 conviction. For the purposes of proceedings commenced under  
18 this section, failure to comply with a lawful sentence  
19 imposed for a summary offense is an alleged delinquent act.

20 (3) Any reference to the underlying summary conviction  
21 is solely for the purpose of the certification from the  
22 magisterial district judge to the court of common pleas that  
23 the juvenile was convicted of the summary offense and failed  
24 to comply under section 4132(2) (relating to attachment and  
25 summary punishment for contempts).

26 \* \* \*

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