

AMENDMENTS TO HOUSE BILL NO. 1511

Sponsor: SENATOR GREENLEAF

Printer's No. 3764

1 Amend Title, page 1, line 2, by inserting after "Statutes,"
2 in juvenile matters, adding definitions;

3 Amend Title, page 1, line 3, by striking out "in juvenile
4 matters." and inserting

5 , for other basic rights and for adjudications of
6 juveniles.

7 Amend Bill, page 1, lines 8 through 10, by striking out all
8 of said lines and inserting

9 Section 1. Section 6302 of Title 42 of the Pennsylvania
10 Consolidated Statutes is amended by adding definitions to read:
11 6302. Definitions.

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

15 * * *

16 "Assessment." An individualized examination of a child to
17 determine the child's psychosocial needs and problems, including
18 the type and extent of any mental health, substance abuse or co-
19 occurring mental health and substance abuse disorders and
20 recommendations for treatment. The term includes, but is not
21 limited to, a drug and alcohol, psychological and psychiatric
22 evaluation, records review, clinical interview and the
23 administration of a formal test and instrument.

24 * * *

25 "Screening." A process, regardless of whether it includes
26 the administration of a formal instrument, that is designed to
27 identify a child who is at increased risk of having mental
28 health, substance abuse or co-occurring mental health and
29 substance abuse disorders that warrant immediate attention,
30 intervention or more comprehensive assessment.

31 * * *

32 Section 2. Section 6336.1 of Title 42 is amended to read:

33 Amend Bill, page 5, by inserting between lines 19 and 20

34 Section 3. Section 6338 of Title 42 is amended by adding a
35 subsection to read:

1 6338. Other basic rights.

2 * * *

3 (c) Statements and information obtained during screening or
4 assessment.--

5 (1) No statements, admissions or confessions made by or
6 incriminating information obtained from a child in the course
7 of a screening or assessment that is undertaken in
8 conjunction with any proceedings under this chapter,
9 including, but not limited to, that which is court-ordered,
10 shall be admitted into evidence against the child on the
11 issue of whether the child committed a delinquent act under
12 this chapter or on the issue of guilt in any criminal
13 proceeding.

14 (2) The provisions of paragraph (1) are in addition to
15 and do not override any existing statutory and constitutional
16 prohibition on the admission into evidence in delinquency and
17 criminal proceedings of information obtained during
18 screening, assessment or treatment.

19 Section 4. Section 6341(d) of Title 42 is amended and the
20 section is amended by adding a subsection to read:

21 6341. Adjudication.

22 * * *

23 (b.2) Evidence on the finding of delinquency.--

24 (1) No statements, admissions or confessions made by or
25 incriminating information obtained from a child in the course
26 of a screening or assessment that is undertaken in
27 conjunction with any proceedings under this chapter,
28 including, but not limited to, that which is court-ordered,
29 shall be admitted into evidence against the child on the
30 issue of whether the child committed a delinquent act under
31 this chapter or on the issue of guilt in any criminal
32 proceeding.

33 (2) The provisions of paragraph (1) are in addition to
34 and do not override any existing statutory and constitutional
35 prohibition on the admission into evidence in delinquency and
36 criminal proceedings of information obtained during
37 screening, assessment or treatment.

38 * * *

39 (d) Evidence on issue of disposition.--

40 (1) (i) In disposition hearings under subsections (b)
41 and (c) all evidence helpful in determining the questions
42 presented, including oral and written reports, may be
43 received by the court and relied upon to the extent of
44 its probative value even though not otherwise competent
45 in the hearing on the petition.

46 (ii) Subparagraph (i) includes any screening and
47 assessment examinations ordered by the court to aid in
48 disposition, even though no statements or admissions made
49 during the course thereof may be admitted into evidence
50 against the child on the issue of whether the child
51 committed a delinquent act.

52 (2) The parties or their counsel shall be afforded an
53 opportunity to examine and controvert written reports so
54 received and to cross-examine individuals making the reports.
55 Sources of information given in confidence need not be
56 disclosed.

57 * * *

58 Amend Sec. 2, page 5, line 20, by striking out "2" and

1 inserting

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