

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 251

Session of
1985

INTRODUCED BY O'DONNELL, SEVENTY, J. L. WRIGHT, HALUSKA,
PETRARCA, BATTISTO, AFFLERBACH, DeWEESE, COHEN, KOSINSKI,
HAGARTY, TRELLO, DeLUCA, DALEY, VAN HORNE, SHOWERS,
E. Z. TAYLOR, RYBAK, SIRIANNI, D. R. WRIGHT, MICOZZIE,
HERMAN, WOGAN, NAHILL, BLAUM, PUNT, JOSEPHS, PISTELLA,
SCHEETZ, SAURMAN, ANGSTADT, DAWIDA, OLIVER, FREEMAN,
COLAFELLA, LINTON, BURD, BELARDI, STABACK AND FOX,
FEBRUARY 6, 1985

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 22, 1985

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 further providing for child abuse; imposing further duties
7 upon the commission and the advisory committee; establishing
8 the Child Abuse Fund and providing for its use; and providing
9 for the collection of certain fees.

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

12 Section 1. Sections 1, 3(1), (2) and (6) and 7(1) and (3) of
13 the act of November 22, 1978 (P.L.1166, No.274), referred to as
14 the Pennsylvania Commission on Crime and Delinquency Law, are
15 amended to read:

16 Section 1. Definitions.

17 The following words and phrases when used in this act shall
18 have, unless the context clearly indicates otherwise, the

1 meanings given to them in this section:

2 "Commission." The Pennsylvania Commission on Crime and
3 Delinquency.

4 "Fund." The Child Abuse Fund.

5 Section 3. Powers and duties of the commission.

6 The commission shall have the power and its duty shall be:

7 (1) To prepare and periodically update a comprehensive
8 juvenile and criminal justice plan on behalf of the
9 Commonwealth based on an analysis of the Commonwealth's
10 criminal justice needs and problems, including juvenile
11 justice and delinquency prevention. Every two years the
12 commission shall develop a State plan for the distribution of
13 money in the fund. This plan shall be promulgated in the <—
14 manner provided by law for the adoption of rules and
15 regulations.

16 (2) To apply for, contract for, receive, allocate,
17 disburse and account for funds, grants-in-aid, grants of
18 services and property, real and personal, particularly those
19 funds made available pursuant to the Omnibus Crime Control
20 and Safe Streets Act of 1968 (Public Law 90-351), as amended,
21 and the Juvenile Justice and Delinquency Prevention Act of
22 1974 (Public Law 93-415), as amended, Title IV of Public Law
23 98-473 (98 Stat. 2195), and sums collected under section 8.1
24 of this act.

25 * * *

26 (6) To monitor and evaluate program effectiveness,
27 funded in whole or in part by the Commonwealth through the
28 commission aimed at reducing or preventing crime and
29 delinquency, child abuse, and improving the administration of
30 justice as deemed appropriate.

1 * * *

2 Section 7. Powers and duties of the Juvenile Advisory
3 Committee.

4 The Juvenile Advisory Committee shall have the power, and its
5 duty shall be:

6 (1) Serve in an advisory capacity to the commission
7 through the committee's participation in the development of
8 that part of the commission's comprehensive plan relating to
9 juvenile justice and child abuse and delinquency prevention.

10 * * *

11 (3) To advise the commission on the definition,
12 development and correlation of programs and projects and the
13 establishment of priorities for juvenile justice and child
14 abuse and delinquency prevention.

15 * * *

16 Section 2. The act is amended by adding sections to read:
17 Section 8.1. Child Abuse Fund.

18 (a) Establishment and appropriation.--There is hereby
19 established a special restricted receipts account in the State
20 Treasury to be known as the Child Abuse Fund. All moneys in the
21 fund are hereby appropriated to the commission on a continuing
22 basis.

23 (b) Collection.--

24 (1) In addition to any other costs or fees imposed by
25 statute or rule of court, the clerk of ~~courts~~ ORPHANS' COURT <—
26 shall, prior to issuing a marriage license or declaration,
27 collect the sum of \$5.

28 (2) In addition to any other costs or fees imposed by
29 statute or rule of court, the ~~clerk of courts~~ PROTHONOTARY OR <—
30 THE EQUIVALENT IN HOME RULE COUNTIES shall, upon the ~~entry of~~ <—

~~a decree of divorce or annulment, collect the sum of \$5 from~~
~~each party to the proceedings. FILING OF A DIVORCE OR~~
~~ANNULMENT COMPLAINT, COLLECT THE SUM OF \$10.~~

(3) The amounts so collected under this subsection shall
be paid to the Department of Revenue for deposit in the fund.

Section 8.2. Distribution.

(A) PROGRAMS.--Moneys in the fund shall be distributed by
the commission to develop and implement new and innovative
programs for the prevention, reduction and elimination of child
abuse, including, but not limited to:

(1) Programs and service to children and their families
designed to prevent, reduce or eliminate child abuse.

(2) Instructional, educational and training programs
which disseminate information and techniques on the
prevention and recognition of child abuse.

(3) The study and evaluation of the causes and effects
of child abuse, the effectiveness of programs and services
designed to prevent or assist the victims of child abuse and
to plan and coordinate the delivery of necessary child abuse
services.

(B) AUDIT.--THE AUDITOR GENERAL SHALL CONDUCT AN AUDIT OF
THE ACCOUNT AS NECESSARY OR ADVISABLE BUT NO LESS THAN ONCE
EVERY THREE YEARS.

Section 8.3. Restrictions.

(a) Time period limited.--No political subdivision,
nonprofit organization or any other agency or individual shall
receive money from the fund for a specific program, service or
study for a period exceeding two years.

(b) Matching funds.--Political subdivisions, or other
organizations, agencies or individuals shall for the first year

1 match with money, 10% of the amount received from the fund.
2 Units of government or other organizations, agencies or
3 individuals shall in the second year match with money, 25% of
4 the amount received from the fund.

5 (c) Local government.--No more than 25% of the money from
6 the fund shall be allocated to political subdivisions.

7 (D) SUPPLANTATION PROHIBITED.--FUNDING FOR EXISTING OR <—
8 ONGOING SERVICES OR PROGRAMS OF LOCAL OR STATE AGENCIES SHALL
9 NOT BE REPLACED BY FUNDS MADE AVAILABLE UNDER THIS ACT.

10 Section 3. ~~Six months~~ ONE YEAR from the effective date of <—
11 this act, the commission shall promulgate the initial State plan
12 for the distribution of moneys in the Child Abuse Fund, as
13 provided in section 3(1) of the act.

14 Section 4. This act shall take effect in 60 days.