

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 403 Session of 1999

INTRODUCED BY EVANS, BEBKO-JONES, BELARDI, BROWNE, BUNT, CAPPABIANCA, CARN, M. COHEN, CURRY, DeWEESE, GEORGE, GRUITZA, HARHAI, JAMES, JOSEPHS, LAUGHLIN, MANDERINO, MELIO, MYERS, PESCI, PRESTON, RAMOS, ROBINSON, SAINATO, STABACK, STEELMAN, STURLA, J. TAYLOR, THOMAS, TRELLO, TRICH, VAN HORNE, WALKO, WOJNAROSKI, YOUNGBLOOD, MANN AND WASHINGTON, FEBRUARY 8, 1999

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 23, 1999

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 authorizing a crime prevention program; and providing for the
7 duties of the commission and for technical and financial
8 assistance to law enforcement agencies; AND MAKING AN
9 APPROPRIATION.

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

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

15 The General Assembly finds and declares that:

16 (a) crime and delinquency are essentially State and local
17 problems;

18 (b) crime and delinquency are complex social phenomena
19 requiring the attention and efforts of the criminal justice

1 system, State and local governments, and private citizens alike;

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

5 (d) the functions of the criminal justice system must be  
6 coordinated more efficiently and effectively;

7 (e) the full and effective use of resources affecting State  
8 and local criminal justice systems requires the complete  
9 cooperation of State and local government agencies; [and]

10 (f) training, research, evaluation, technical assistance and  
11 public education activities must be encouraged and focused on  
12 the improvement of the criminal justice system and the  
13 generation of new methods for the prevention and reduction of  
14 crime and delinquency[.];

15 (g) the efforts of law enforcement to combat the incidence  
16 of crime are enhanced substantially when communities take steps  
17 to reduce the opportunity for crime through effective police  
18 leadership in crime prevention planning, public education and  
19 the responsible organization of community resources; and

20 (h) it is in the public interest for the Commonwealth to  
21 establish a central crime prevention program to provide  
22 leadership and technical and financial assistance to law  
23 enforcement agencies to develop and maintain community crime  
24 prevention initiatives.

25 Section 2. Section 1 of the act, amended April 30, 1986  
26 (P.L.125, No.38), is amended to read:

27 Section 1. Definitions.

28 The following words and phrases when used in this act shall  
29 have, unless the context clearly indicates otherwise, the  
30 meanings given to them in this section:

1       "Citizens advisory committee." A group of not less than ten  
2 private citizens from a municipality whose duty is to assist the  
3 servicing law enforcement agency in developing its crime  
4 prevention program.

5       "Commission." The Pennsylvania Commission on Crime and  
6 Delinquency.

7       "Crime prevention." The elimination or reduction of the  
8 opportunity for criminal activity through the initiatives of  
9 agencies of State and local government undertaken in cooperation  
10 with members of the public.

11       "Governing body." The council in a city, borough or  
12 incorporated town, the board of commissioners in a township of  
13 the first class, the board of supervisors in a township of the  
14 second class, the legislative policymaking body in a county or  
15 home rule municipality or other general purpose unit of  
16 government that may be created by the General Assembly,  
17 including the council of a government organized pursuant to 53  
18 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental  
19 cooperation).

20       "Local law enforcement agency." A law enforcement agency  
21 created by a municipality pursuant to statute.

22       "Municipality." A city, borough, county, incorporated town,  
23 township and home rule municipality or other general purpose  
24 unit of government which may be created by the General Assembly,  
25 including the council of a government organized pursuant to 53  
26 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental  
27 cooperation).

28       "Private citizen." An individual who is not an elected or  
29 appointed official in a branch of government of the United  
30 States, the Commonwealth or a political subdivision.

1       "State law enforcement agency." The Pennsylvania State  
2 Police.

3       Section 3. Section 2(b) of the act, amended April 30, 1986  
4 (P.L.125, No.38), is amended to read:

5 Section 2. Pennsylvania Commission on Crime and Delinquency.

6       \* \* \*

7       (b) Composition.--The commission shall consist of the  
8 following members:

9           (1) The Attorney General.

10          (2) The Chief Justice of Pennsylvania.

11          (3) The Court Administrator of Pennsylvania.

12          (4) A judge of a court of common pleas.

13          (5) Commissioner of State Police.

14          (6) The chairmen of the House and Senate Majority  
15 Appropriations Committees.

16          (7) The chairman of the Juvenile Advisory Committee.

17          (8) Four members of the General Assembly, of whom one  
18 shall be designated by, and serve at the pleasure of the  
19 President pro tempore of the Senate, one by the Minority  
20 Leader of the Senate, one by the Speaker of the House of  
21 Representatives and one by the Minority Leader of the House  
22 of Representatives.

23          (9) Four members appointed by the Governor, one  
24 representative of local law enforcement agencies, one  
25 representative of adult correctional rehabilitative agencies,  
26 one representative of local elected officials and one  
27 district attorney representative.

28          (10) Seven private citizens appointed by the Governor,  
29 at least two of which serve on the Juvenile Advisory  
30 Committee.

1 (11) Secretary of Corrections.

2 (11.1) The Victim Advocate.

3 (12) Such additional members appointed by the Governor  
4 as are necessary to implement programs authorized by State  
5 and Federal law.

6 \* \* \*

7 Section 4. The act is amended by adding sections to read:

8 Section 3.1. Duties of commission relative to certain  
9 incarceration legislation.

10 (a) Analysis required.--The commission shall have the power  
11 and its duty shall be to prepare and present to the Governor and  
12 the General Assembly an analysis of any bill introduced in the  
13 General Assembly that would have an impact on prison or jail  
14 systems, as well as on State and local probation and parole  
15 populations and programs. The analysis shall be factual and, if  
16 possible, provide a reliable estimate of both the immediate cost  
17 and effect of the bill and, if determinable or reasonably  
18 forseeable, the long-range fiscal cost and effect of the bill.

19 (b) Time period for preparing analysis.--The commission  
20 shall prepare the analysis at the written request of the  
21 Chairman or Minority Chairman of the Senate Judiciary Committee,  
22 the President pro tempore of the Senate, the minority leader of  
23 the Senate or the chairman or the minority chairman of the  
24 Appropriations Committee of the Senate, the Chairman or Minority  
25 Chairman of the Judiciary Committee of the House of  
26 Representatives, the Speaker of the House of Representatives,  
27 the Majority Leader or Minority Leader of the House of  
28 Representatives or the chairman or minority chairman of the  
29 Appropriations Committee of the House of Representatives within  
30 45 days of the request.

1     (c) Effect of request.--The request shall have no effect  
2 whatsoever upon the method, manner or ability of the General  
3 Assembly to consider any bill.

4     (d) Supplements authorized.--The commission may supplement  
5 an analysis prepared and presented under this section with  
6 additional information at any time.

7 Section 3.2. Duties of commission relative to crime prevention.

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

9         (1) To develop Statewide strategies to implement crime  
10 prevention programs at the State and local level.

11         (2) To review State agency plans to ensure the  
12 coordination of the delivery of crime prevention services.

13         (3) To develop, coordinate and administer crime  
14 prevention-related training programs for State and local law  
15 enforcement agency personnel on current issues and techniques  
16 in the field of crime prevention.

17         (4) To provide leadership and on-site technical  
18 assistance services to State agencies and local law  
19 enforcement agencies in developing and implementing crime  
20 prevention programs.

21         (5) To assure the design, development and availability  
22 of crime prevention materials.

23         (6) To promote the involvement of community  
24 organizations in the development and implementation of crime  
25 prevention programs.

26         (7) To submit, on a biennial basis, a report to the  
27 Governor and the General Assembly concerning the status of  
28 crime prevention programs throughout this Commonwealth.

29 Section 3.3. Crime prevention financial assistance.

30     (a) Applications.--The commission shall solicit and receive

1 applications from local law enforcement agencies for financial  
2 assistance to implement crime prevention programs and allocate  
3 State funds to applicants in accordance with the provisions of  
4 applicable statutes and regulations.

5 (b) Pennsylvania State Police applications.--The  
6 Pennsylvania State Police may apply for and receive financial  
7 assistance under the provisions of this section for crime  
8 prevention programs implemented in those areas of the  
9 Commonwealth for which the Pennsylvania State Police serves as  
10 the principal law enforcement agency.

11 (c) Assurances and plan.--An application for financial  
12 assistance under this section shall contain an assurance that  
13 the applicant will submit semiannual reports on the progress of  
14 its crime prevention activities and will comply with those  
15 requirements that the commission may reasonably adopt. The  
16 application shall also include a crime prevention services plan  
17 containing, as a minimum, all of the following elements:

18 (1) A project plan which includes a goal statement,  
19 specific project objectives, a project budget statement, a  
20 description of the quantity and type of resource materials  
21 needed and a project evaluation methodology.

22 (2) A description of the types of crime prevention  
23 activities proposed to be conducted by the applicant and a  
24 specification of the nature and extent of the direct  
25 participation of community organizations in the proposed  
26 activities.

27 (3) A description of the nature and extent of  
28 participation by persons representing the business community  
29 in the proposed activities and a specification of those  
30 proposed activities which are intended to have an impact upon

1 crimes affecting the local business community.

2 (4) A specific identification of the nature and types of  
3 crimes upon which the proposed activities are intended to  
4 impact and the level of impact the activities are projected  
5 to achieve.

6 (5) A description of the geographic area within which  
7 the proposed activities will be primarily conducted.

8 (d) Approval of application.--The commission may not approve  
9 an application for financial assistance under this section  
10 unless:

11 (1) the application has been duly authorized and  
12 approved in writing by the governing body of the municipality  
13 served by a local law enforcement agency applicant or by the  
14 Commissioner of the Pennsylvania State Police in the case of  
15 a State law enforcement agency application; and

16 (2) the application has been presented for review and  
17 comment to an advisory committee composed of not less than  
18 ten residents of the municipality to be served under the  
19 application. The advisory committee referred to in this  
20 paragraph must be appointed by the governing body of the  
21 municipality served by a local law enforcement agency  
22 applicant or by the Commanding Officer of the Pennsylvania  
23 State Police installation for the jurisdiction to be served  
24 in the case of a State law enforcement agency application and  
25 must be fairly representative of the interests of residents  
26 and business in the municipality.

27 (e) Allocation of funds.--

28 (1) The commission shall make available not less than  
29 80% of the State funds appropriated annually for the  
30 administration of this section for financial assistance to

1 State and local enforcement agencies for the support of  
2 municipal, county or regional crime prevention projects.

3 (2) The funds shall be used to pay 50% of an individual  
4 project's cost, provided the projects are operated under the  
5 guidance of a law enforcement officer or other governmental  
6 employee, who has successfully completed those courses of  
7 instruction required by the commission.

8 (3) No one project shall be eligible to receive more  
9 than three years of funding.

10 (4) The remaining 50% of a project's funding shall come  
11 from local resources, except that the commission may lower  
12 this requirement where the crime prevention program is part  
13 of a local economic development initiative and a lower match  
14 is deemed necessary for project implementation. The 50% match  
15 requirement of this paragraph shall be waived completely for  
16 a municipality determined to be distressed under the act of  
17 July 10, 1987 (P.L.246, No.47), known as the "Municipalities  
18 Financial Recovery Act."

19 (5) Individual counties or groups of counties acting in  
20 concert may apply for funding to support countywide or  
21 regional crime prevention plans.

22 (f) Commission use of funds.--The commission may retain the  
23 balance of the State funds appropriated annually for the  
24 operation of a centralized crime prevention program and  
25 administration of the financial assistance requirements  
26 contained in this section.

27 (g) Grant administration.--Grants of financial assistance  
28 made under this section shall be subject to the provisions of  
29 section 3(4) and (5).

30 SECTION 5. THE SUM OF \$10,000,000 IS HEREBY APPROPRIATED TO

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1 THE PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY FOR THE  
2 PURPOSE OF MAKING GRANTS TO STATE AND LOCAL POLICE DEPARTMENTS  
3 LOCATED IN AREAS WHERE VIOLENT CRIMES ARE INCREASING.

4 Section ~~5~~ 6. This act shall take effect immediately.

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