

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 869 Session of
2001

INTRODUCED BY GREENLEAF, HELFRICK, COSTA, LEMMOND, ORIE,
BOSCOLA, EARLL, GERLACH, KUKOVICH, O'PAKE, SCHWARTZ,
M. WHITE, MELLOW, FUMO, HUGHES, KITCHEN, MADIGAN, MUSTO,
PUNT, THOMPSON, TOMLINSON, STACK, WILLIAMS, WOZNIAK, LAVALLE,
JUBELIRER AND ERICKSON, MAY 11, 2001

REFERRED TO JUDICIARY, MAY 11, 2001

AN ACT

1 Establishing the Capital Representation Resource Center of
2 Pennsylvania for capital offense litigation; and providing
3 for its duties and responsibilities.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Capital
8 Representation Resource Center Act.

9 Section 2. Definitions.

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

13 "Board of directors" or "directors." The board of directors
14 of the Capital Representation Resource Center of Pennsylvania.

15 "Executive director." The executive director of the Capital
16 Representation Resource Center of Pennsylvania.

17 "Resource center." The Capital Representation Resource

1 Center of Pennsylvania.

2 Section 3. Resource center.

3 (a) Establishment.--There is hereby established an
4 independent agency to be known as the Capital Representation
5 Resource Center of Pennsylvania.

6 (b) Operation.--A board of directors representative of the
7 criminal defense bar of this Commonwealth shall oversee the
8 operation of the resource center.

9 (c) Rules and regulations.--The board of directors may
10 promulgate rules and regulations necessary to carry out its
11 duties and the duties of the resource center under this act.

12 Section 4. Board of directors.

13 (a) Composition.--The board of directors shall consist of
14 five directors and be representative of the criminal defense bar
15 of this Commonwealth. Directors shall be as follows:

16 (1) A county public defender, appointed by the Chief
17 Justice of Pennsylvania.

18 (2) A member of the Pennsylvania Bar Association with a
19 background in criminal defense, appointed by the Chief
20 Justice of Pennsylvania.

21 (3) A member of the Pennsylvania Association of Criminal
22 Defense Lawyers, appointed by the Governor.

23 (4) Two representatives of the legal academic community
24 with a background in criminal defense from law schools in
25 this Commonwealth, appointed by the Governor.

26 (b) Chairperson and vice chairperson.--The directors shall
27 annually elect, by a majority vote of the voting members, a
28 chairperson and a vice chairperson.

29 (c) Quorum.--Three directors shall constitute a quorum for
30 the transaction of any business, and any act by the majority of

1 the directors present at any meeting in which there is a quorum
2 shall be deemed to be an act of the board of directors.

3 (d) Compensation and expenses.--The directors shall not
4 receive a salary or per diem allowance for serving as directors
5 but shall be reimbursed for actual and necessary expenses
6 incurred in the performance of their duties. Expenses may
7 include reimbursement of travel and living expenses while
8 engaged in resource center business.

9 (e) Terms of directors.--

10 (1) Each director shall serve for a term of three years
11 and shall continue to serve thereafter until a successor is
12 appointed, except that, of the directors first appointed:

13 (i) The director appointed by the Chief Justice of
14 Pennsylvania from the Pennsylvania Bar Association and
15 the director appointed by the Governor from the
16 Pennsylvania Association of Criminal Defense Lawyers
17 shall serve for terms to expire on June 30 of the year
18 following their appointments.

19 (ii) The director who is a county public defender
20 appointed by the Chief Justice of Pennsylvania shall
21 serve for a term to expire on June 30 of the second year
22 following the appointment.

23 (iii) The directors appointed by the Governor from
24 the legal academic community shall serve for terms to
25 expire on June 30 of the third year following their
26 appointments.

27 (2) Directors shall be eligible for reappointment.
28 Vacancies on the board of directors shall be filled by the
29 appointing authority within 60 days of the vacancy.

30 (3) A director may be removed for just cause by the

1 appointing authority.

2 (f) General powers.--The board of directors shall exercise
3 all powers necessary and appropriate to carry out its duties,
4 including the following:

5 (1) To employ an executive director and other staff
6 necessary to carry out the responsibilities of the resource
7 center and engage professional consultants, as it deems
8 necessary to the performance of the responsibilities of the
9 resource center.

10 (2) To fix the compensation of all employees and
11 prescribe their duties.

12 (3) To oversee the operation of the resource center.

13 (4) To prepare an annual budget for the operation of the
14 resource center.

15 (5) To solicit funds from any source for the operation
16 of the resource center.

17 Section 5. Executive director.

18 (a) Appointment.--The board of directors shall appoint an
19 executive director for the resource center.

20 (b) Qualifications.--The executive director shall have the
21 following qualifications:

22 (1) Extensive trial and appellate experience in the
23 defense of capital cases.

24 (2) Administrative skills necessary to coordinate the
25 activities of the resource center and its staff.

26 (c) Responsibilities.--The responsibilities of the executive
27 director shall include the following:

28 (1) To oversee the overall daily operation of the
29 resource center.

30 (2) To make personnel decisions for the resource center

1 with the approval of the board of directors.

2 (3) To develop an operational budget for the resource
3 center and aid the board of directors in raising the
4 necessary finances to sustain the operation of the resource
5 center.

6 (4) To identify and develop resources.

7 (5) To aid attorneys involved in capital litigation in
8 the Federal and State courts of this Commonwealth.

9 (6) To represent capital litigants sentenced to death in
10 this Commonwealth in direct appeals or postconviction
11 proceedings in the courts of this Commonwealth and in the
12 United States Supreme Court on an as-needed basis where
13 counsel is not otherwise available.

14 (d) Term of office.--The executive director shall serve at
15 the pleasure of the board of directors.

16 Section 6. Resource center.

17 The resource center is hereby authorized to and shall perform
18 the following duties and have the following responsibilities:

19 (1) Track all capital cases through the trial, appellate
20 and postconviction levels in order to further the providing
21 of continuing, competent representation and gather data
22 relevant to ongoing representation.

23 (2) Through recruitment and screening, establish and
24 maintain a panel of attorneys who are qualified and available
25 to represent persons at all levels of litigation in capital
26 cases in the courts of this Commonwealth.

27 (3) When requested, provide assistance to attorneys
28 involved in capital litigation at all stages in identifying
29 legal issues and preparing appropriate legal documents and
30 arguments on behalf of their clients.

1 (4) Coordinate educational resources with national and
2 other state organizations which provide legal assistance to
3 inmates charged with capital offenses or under death
4 sentences in other states at both the Federal and state
5 levels.

6 (5) Develop Commonwealth-specific resources and
7 coordinate continuing legal education activities concerning
8 capital litigation.

9 (6) Directly represent capital litigants sentenced to
10 death in this Commonwealth in direct appeals or
11 postconviction proceedings in the courts of this Commonwealth
12 and in appeals therefrom in the United States Supreme Court,
13 on an as-needed basis where counsel is not otherwise
14 available to the extent possible given the limited resources
15 and other primary duties and responsibilities of the resource
16 center as set forth in paragraphs (1) through (5). Resource
17 center staff attorneys shall not represent or participate in
18 the representation of capital litigants other than as
19 provided in this act.

20 (7) Identify counsel from across this Commonwealth and
21 outside this Commonwealth who are available for appointment
22 and assist the courts involved in the appointment process and
23 offer support for appointed attorneys.

24 (8) Serve, upon request, as a liaison between counsel
25 litigating Federal appeals and those litigating unexhausted
26 issues in the State courts.

27 (9) Assume responsibility for monitoring representation
28 in all capital trials, appeals and postconviction
29 proceedings.

30 (10) Carefully track and, upon request, provide

1 assistance to all attorneys involved in capital litigation in
2 this Commonwealth ensuring the quality of ongoing litigation
3 while developing, through education and training, attorneys
4 with expertise in these issues for appointment in future
5 cases.

6 (11) Assist in providing investigators and experts in
7 capital case trials, appeals and postconviction proceedings
8 in the courts of this Commonwealth.

9 Section 7. Effective date.

10 This act shall take effect in 60 days.