

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 67

Session of
2005

INTRODUCED BY KASUNIC, COSTA, GREENLEAF, O'PAKE, STOUT,
RAFFERTY, LAVALLE, KITCHEN, D. WHITE, PIPPY, LOGAN, BOSCOLA
AND STACK, FEBRUARY 10, 2005

REFERRED TO JUDICIARY, FEBRUARY 10, 2005

AN ACT

1 Establishing a motivational boot camp system for juveniles;
2 imposing powers and duties on the Department of Public
3 Welfare and the Department of Health; and providing for a
4 performance audit.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Juvenile
9 Motivational Boot Camp Act.

10 Section 2. Definitions.

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

14 "Department." The Department of Public Welfare of the
15 Commonwealth.

16 "Juvenile." A first-time or second-time juvenile offender
17 who has not in the past demonstrated violent behavior and who
18 does not presently demonstrate violent behavior.

1 "Secretary." The Secretary of Public Welfare of the
2 Commonwealth.

3 "System." The motivational boot camp system for juveniles
4 established under section 3 (relating to system).

5 Section 3. System.

6 (a) Establishment.--The department shall develop and
7 implement a motivational boot camp system for juveniles
8 committed to the system by the court pursuant to 42 Pa.C.S. §
9 6352 (relating to disposition of delinquent child).

10 (b) Criteria.--The system shall be based on all of the
11 following criteria:

12 (1) The system shall include a highly structured routine
13 of discipline; a dress code; physical exercise; manual labor
14 assignments; substance abuse education, treatment and
15 rehabilitation; academic and vocational education; training
16 in decision making; and personal development and prerelease
17 counseling.

18 (2) The substance abuse education, treatment and
19 rehabilitation programs shall be licensed by the Office of
20 Drug and Alcohol Programs in the Department of Health.

21 (3) Participants must be medically and psychologically
22 fit to participate in the motivational boot camp.
23 Participants must remain medically and psychologically fit
24 throughout participation in the system.

25 (4) If a participant in the system becomes unmanageable
26 or is determined to be medically or psychologically unfit to
27 continue the system, the department shall return the
28 participant to the court for further disposition.

29 (5) The system shall use staff models and mentors to
30 promote within a participant the development of socially

1 accepted attitudes and behaviors.

2 (6) The system shall provide participants the
3 opportunity to gradually reenter the community while
4 demonstrating the capacity for self-discipline and the
5 attainment of respect for the community.

6 (7) Upon the participant's completion of the system, the
7 department shall submit a report to the court that describes
8 the participant's performance. If the participant's
9 performance has been satisfactory, the court may issue an
10 order modifying the disposition imposed and place the
11 participant on probation.

12 (c) Staff.--The secretary shall have final approval on the
13 hiring and transferring of staff for the system. In staffing the
14 system, the department shall select persons who are trained in
15 the treatment of juveniles or will be trained in the treatment
16 of juveniles prior to working with such juveniles, are trained
17 to act as role models and mentors and are best equipped to
18 enable the system to meet the purposes of this act. The
19 secretary shall make a recommendation to the Secretary of
20 Administration regarding the classification of positions with
21 the system, taking into account the level of education and
22 training required for such positions.

23 (d) Probation supervision.--The system shall provide for
24 probation supervision which shall consist of highly structured
25 surveillance and monitoring and educational and treatment
26 programs. The system shall also provide for community service by
27 juveniles while on probation. This subsection shall be
28 implemented and administered jointly by the department and the
29 county juvenile probation office.

30 Section 4. Departmental duties.

1 (a) Rules and regulations.--The department shall promulgate
2 rules and regulations for the system.

3 (b) Numbers.--The number of juveniles under the system shall
4 be determined by the department within available appropriations.

5 (c) Report.--Beginning with the first full calendar year,
6 and annually thereafter, the secretary shall submit a report to
7 the Governor and the General Assembly concerning the system that
8 includes, but is not limited to, the following:

9 (1) The specific content and structure of the programs
10 for juveniles in the system, including staffing ratios for
11 each program, a description of the daily routine of juveniles
12 that includes the amount of juveniles' time that is allocated
13 to each program and an explanation of how the programs are
14 related.

15 (2) The process used for transition to probation
16 supervision, whether juveniles may be returned to their
17 original environment for the probation period, the specific
18 means of probation supervision and the specific educational
19 and treatment programs provided to juveniles during their
20 probation period.

21 (3) The procedure for transferring a juvenile to another
22 facility for vocational or training services or when a
23 juvenile poses a danger to himself or others and
24 identification of the facilities used for such purposes.

25 (4) The specific criteria and procedures for determining
26 successful completion of the programs in the system, for
27 determining whether a juvenile cannot successfully complete
28 the sentence and for revocation of probation.

29 Section 5. Program site.

30 The department shall operate or, through a contract, arrange

1 for the operation of the program established under this act.

2 Section 6. Performance audit.

3 The Legislative Budget and Finance Committee shall submit to
4 the General Assembly and the secretary a performance audit as
5 defined under the act of December 22, 1981 (P.L.508, No.142),
6 known as the Sunset Act, within two years of the effective date
7 of this act.

8 Section 7. Placement of motivational boot camp.

9 The Secretary of Corrections shall cooperate with the
10 secretary in the placement of the motivational boot camps. The
11 camps may be placed next to similar existing camps. Although the
12 camps shall be separate, agreements may be made to share some of
13 the facilities.

14 Section 8. Effective date.

15 This act shall take effect in 60 days.