
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1648 Session of
2009

INTRODUCED BY EACHUS, BOBACK, BOYLE, CARROLL, D. COSTA, DALLY,
GOODMAN, JOHNSON, McCALL, MELIO, MUNDY, MURPHY, PASHINSKI,
PAYTON, SIPTROTH, WALKO, WANSACZ AND YUDICHAK, JUNE 10, 2009

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 10, 2009

AN ACT

1 Establishing a joint legislative, executive and judicial
2 commission on juvenile justice.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Interbranch
7 Commission on Juvenile Justice Act.

8 Section 2. Declaration of policy.

9 The General Assembly finds and declares as follows:

10 (1) Recent events involving the actions of several
11 judges in Luzerne County with respect to juvenile delinquency
12 proceedings require an investigation and review of the
13 operations of the juvenile justice system in that county.

14 (2) These events may have violated the principles in the
15 Pennsylvania Constitution and State law and have eroded the
16 trust and confidence in Luzerne County's juvenile justice
17 system.

1 (3) Therefore, the legislative, judicial and executive
2 branches of State government shall undertake a joint
3 investigation and review to:

4 (i) ascertain how the Luzerne County juvenile
5 justice system failed;

6 (ii) restore public confidence in the administration
7 of justice; and

8 (iii) prevent similar events from occurring.

9 Section 3. 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 "Commission." The Interbranch Commission on Juvenile Justice
14 established in section 4.

15 Section 4. Commission.

16 (a) Establishment.--The Interbranch Commission on Juvenile
17 Justice is established.

18 (b) Membership.--The commission shall consist of the
19 following members, appointed within 15 days of the effective
20 date of this section:

21 (1) Four members appointed by the Chief Justice of the
22 Supreme Court of Pennsylvania. One of the members must have
23 served on the Juvenile Court Judges' Commission.

24 (2) Four members knowledgeable and experienced in
25 juvenile law or providing services to juveniles who are not
26 members of the General Assembly. One member shall be
27 appointed by each of the following:

28 (i) The President pro tempore of the Senate.

29 (ii) The Minority Leader of the Senate.

30 (iii) The Speaker of the House of Representatives.

1 (iv) The Minority Leader of the House of
2 Representatives.

3 (3) Three members appointed by the Governor. One member
4 under this paragraph must be a member of the general public.
5 One member under this paragraph must be a member of the
6 Coalition of Pennsylvania Crime Victim Organizations who is
7 directly involved in providing services to victims associated
8 with juvenile crime in a county.

9 (c) Chairperson.--The chief justice shall select the
10 chairperson of the commission.

11 (d) Quorum and voting.--

12 (1) The physical presence of six members constitutes a
13 quorum.

14 (2) Action of the commission must be authorized or
15 ratified by majority vote of participating members.

16 (e) Participation.--A member not physically present may
17 participate by teleconference or video conference.

18 (f) Meetings.--The following shall apply:

19 (1) The commission shall meet at least once a month.
20 Additional meetings may be called by the chairperson as
21 necessary. The chairperson shall schedule a meeting upon
22 written request of four members of the commission.

23 (2) The first meeting shall be convened within 45 days
24 of the effective date of this section.

25 (3) The commission shall hold public hearings as
26 necessary to obtain the information required to conduct the
27 investigation and review under section 5.

28 (g) Expenses.--Members shall not receive compensation but
29 shall be reimbursed for expenses incurred in service of the
30 commission.

1 (h) Support.--

2 (1) The Administrative Office of Pennsylvania Courts
3 shall provide administrative services to the commission.

4 (2) Upon request, the Pennsylvania Commission on Crime
5 and Delinquency and the Joint State Government Commission
6 shall provide administrative assistance to the commission.

7 (3) The Juvenile Court Judges' Commission may provide
8 analyses, reports and recommendations to the commission.

9 Section 5. Functions of commission.

10 (a) Powers.--The commission has the following powers:

11 (1) To investigate and analyze the events, practices,
12 processes, procedures and other authority in Luzerne County
13 involving judges, attorneys, county officials, probation and
14 parole officers and providers of juvenile services.

15 (2) To review the procedures, practices and rules
16 relating to the appointment of counsel to represent juvenile
17 offenders and the exercise of the right to counsel in Luzerne
18 County.

19 (3) To review the exercise of authority and abuse of
20 power with regard to the disposition and placement of
21 juveniles in Luzerne County.

22 (4) To review procedures used in responding to judicial
23 and attorney conduct and to make recommendations as necessary
24 with respect to both disciplinary systems.

25 (5) To review the oversight of juvenile detention
26 facilities and investigate the utilization of facilities in
27 Luzerne County.

28 (b) Duties.--The commission has the following duties:

29 (1) To accept and review written comments from
30 individuals and organizations.

1 (2) To make, by May 31, 2010, recommendations to the
2 Governor, the Supreme Court, the Senate and the House of
3 Representatives based on the investigation of issues under
4 subsection (a). This paragraph includes recommendations:

5 (i) To improve the juvenile justice system.

6 (ii) To prevent the reoccurrence of events similar
7 to those identified in section 2.

8 (iii) To change to State statutes and State and
9 local practices, rules, policies and procedures.

10 (3) To make reports as follows:

11 (i) The commission may file status reports and
12 updates with the Governor, the Supreme Court, the Senate
13 and the House of Representatives as it deems appropriate.

14 (ii) The commission shall issue a final report by
15 May 31, 2010.

16 (iii) A report under under this paragraph must be
17 adopted at a public meeting.

18 (iv) A report under this paragraph shall be a public
19 record under the act of February 14, 2008 (P.L.6, No.3),
20 known as the Right-to-Know Law.

21 Section 19. Expiration.

22 This act shall expire June 30, 2010.

23 Section 20. Effective date.

24 This act shall take effect immediately.