

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 135 Session of 2011

INTRODUCED BY SABATINA, CALTAGIRONE, CARROLL, P. COSTA, CRUZ, FABRIZIO, HARHAI, JOSEPHS, W. KELLER, KORTZ, MURPHY, MURT, MYERS, M. O'BRIEN, PAYTON, PRESTON, READSHAW, K. SMITH AND WATERS, MARCH 17, 2011

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 17, 2011

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 the Pennsylvania Commission on Crime
 7 and Delinquency, for powers and duties of the commission, for
 8 duties of the commission relative to criminal statistics, for
 9 duties of public agencies and officers in reporting criminal
 10 statistics, for the Juvenile Justice and Delinquency
 11 Prevention Committee, for powers and duties of the Juvenile
 12 Justice and Delinquency Prevention Committee, for Targeted
 13 Community Revitalization and Crime Prevention Advisory
 14 Committee and for powers and duties of Targeted Community
 15 Revitalization and Crime Prevention Advisory Committee.

16 The General Assembly of the Commonwealth of Pennsylvania
 17 hereby enacts as follows:

18 Section 1. Section 2(b), (c), (c.1), (d) and (l) of the act
 19 of November 22, 1978 (P.L.1166, No.274), referred to as the
 20 Pennsylvania Commission on Crime and Delinquency Law, amended
 21 December 17, 1981 (P.L.429, No.134) and June 22, 2001 (P.L.396,
 22 No.30), are amended and the section is amended by adding a
 23 subsection to read:

1 Section 2. Pennsylvania Commission on Crime and Delinquency.

2 * * *

3 (b) Composition.--The commission shall consist of the
4 following members:

5 (1) The Attorney General.

6 (2) The Chief Justice of the Supreme Court of
7 Pennsylvania.

8 (3) The Court Administrator of Pennsylvania.

9 (4) A judge of a court of common pleas, appointed under
10 subsection (c).

11 (5) Commissioner of State Police.

12 (6) The majority chairmen of the House and Senate
13 [Majority] Appropriations Committees.

14 (7) The chairman of the Juvenile Justice and Delinquency
15 Prevention Committee.

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

22 (9) Seven members appointed by the Governor, one
23 representative of local law enforcement agencies, one
24 representative of local correctional facilities, one
25 representative of local elected officials, one district
26 attorney representative, one representative of county
27 sheriffs, one representative of a local victims' service
28 agency and one representative of county commissioners.

29 (10) Seven private citizens appointed by the Governor,
30 at least two of which serve on the Juvenile Justice and

1 Delinquency Prevention Committee.

2 (11) Secretary of Corrections.

3 (12) The Victim Advocate.

4 (13) Secretary of Public Welfare.

5 (14) Secretary of Education.

6 (15) Secretary of Health.

7 (16) Chairman of the Board of Probation and Parole.

8 (17) Executive Director of the Juvenile Court Judges'
9 Commission.

10 (17.1) Executive Director of the Pennsylvania Commission
11 on Sentencing.

12 (18) Such additional members appointed by the Governor
13 as are necessary to implement programs authorized by State
14 and Federal law.

15 (c) Judicial [appointment] appointments.--

16 (1) The judge of a court of common pleas shall be
17 appointed by the Governor from a list of no less than three
18 nominees for each position submitted by the Chief Justice.

19 (2) If the Chief Justice cannot or does not choose to
20 serve, an Associate Justice of the Supreme Court of
21 Pennsylvania shall be appointed by the Governor from a list
22 of no less than three nominees submitted by the Chief
23 Justice.

24 (3) If the Court Administrator cannot or does not choose
25 to serve, another appropriate judicial administrative officer
26 of the State shall be appointed by the Governor from a list
27 of no less than three nominees submitted by the Chief
28 Justice.

29 [(c.1) Appropriations chairmen alternates.--The chairman of
30 the House Majority Appropriations Committee and the chairman of

1 the Senate Majority Appropriations Committee may authorize, in
2 writing, a named member of the committee to serve in his stead
3 on the commission.]

4 (c.2) Delegates.--The Attorney General, Chief Justice, judge
5 of a court of common pleas and any member of the Cabinet or the
6 General Assembly who is a member of the commission may delegate
7 one of their employees to represent the member at meetings of
8 the commission, who may lawfully vote and otherwise act on
9 behalf of the member. The delegation may only be made for up to
10 two regularly scheduled commission meetings per year and must be
11 in writing and delivered to the chairman prior to the start of
12 the meeting.

13 (d) Term of office.--[Except for the Attorney General, the
14 Chief Justice, Court Administrator of Pennsylvania courts and
15 Commissioner of the Pennsylvania State Police, Commissioner of
16 Correction, the chairmen of the House and Senate Majority
17 Appropriations Committees and the four other members of the
18 General Assembly, members]

19 (1) Members appointed under subsection (b) (9), (10) and
20 (18) shall serve for a four-year term, and may be appointed
21 for no more than one additional consecutive term. The terms
22 of those members who serve by virtue of the public office
23 they hold shall be concurrent with their service in the
24 office from which they derive their membership.

25 (2) The term of the chairman of the Juvenile [Advisory]
26 Justice and Delinquency Prevention Committee shall be
27 concurrent with his service as chairman of that committee.

28 * * *

29 [(1) Advisory committees.--The commission may establish such
30 advisory committees, in addition to those provided for in this

1 act, as it deems advisable but only the commission may set
2 policy or take other official action. Members of advisory
3 committees shall serve without compensation but may be
4 reimbursed for necessary travel and other expenses in accordance
5 with applicable law and regulations.]

6 * * *

7 Section 2. Section 3 of the act is amended by adding a
8 paragraph to read:

9 Section 3. Powers and duties of the commission.

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

11 * * *

12 (18) To establish advisory committees, in addition to
13 those provided for under this act, as it deems advisable,
14 except that only the commission may set policy or take other
15 official action. Members of advisory committees shall serve
16 without compensation but may be reimbursed for necessary
17 travel and other expenses in accordance with applicable law
18 and regulations.

19 Section 3. Sections 4(8), (9) and (10) and 5 of the act are
20 amended to read:

21 Section 4. Duties of the commission relative to criminal
22 statistics.

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

24 * * *

25 (8) [The commission, at the request of any of the
26 following, may] To assist or advise in a statistical and
27 research capacity [the Bureau of Correction] as requested by
28 the Department of Corrections, the Pennsylvania Board of
29 Probation and Parole, the Pennsylvania State Police, the
30 Juvenile Court Judges' Commission and the [State] Court

1 Administrator.

2 (9) [It shall be the duty of the commission to] To give
3 adequate interpretation of such statistics and so to present
4 the information that it may be of value in guiding the
5 policies of the commission and of those in charge of the
6 apprehension, prosecution and treatment of the criminals and
7 delinquents, or concerned with the present state of crime and
8 delinquency. The report shall include also statistics which
9 are comparable with national uniform criminal statistics
10 published by Federal bureaus or departments heretofore
11 mentioned.

12 (10) [The commission shall take advantage of] To seek
13 and utilize all available Federal funds and establish new
14 programs as well as undertake a continuous analysis of future
15 data needs.

16 Section 5. Duties of public agencies and officers in reporting
17 criminal statistics.

18 It shall be the duty of every [constable, chief of police,
19 county police force, sheriff, coroner, district attorney, chief
20 probation officer and of the Bureau of Correction in the
21 Department of Justice, the Pennsylvania Board of Probation and
22 Parole, the Pennsylvania State Police, the State Court
23 Administrator, the Juvenile Court Judges' Commission, the
24 Department of Public Welfare, State Fire Marshal, Pennsylvania
25 Liquor Control Board, the Philadelphia Municipal and Traffic
26 Courts, justices of the peace, county prison wardens, and every
27 other person or agency dealing with crimes or criminals or with
28 delinquency or delinquents] Commonwealth agency and every person
29 in charge of the apprehension, prosecution and treatment of the
30 criminals and delinquents, when requested by the commission:

1 (1) To install and maintain records and recording
2 systems needed for the correct reporting of statistical data
3 required by the commission.

4 (2) To report statistical data to the commission at such
5 times and in such manner as the commission prescribes.

6 (3) To give to the staff of the commission access to
7 statistical data for the purpose of carrying out the duties
8 of the commission relative to criminal statistics.

9 Section 4. Section 6(a) of the act, amended June 22, 2001
10 (P.L.396, No.30), is amended and the section is amended by
11 adding subsections to read:

12 Section 6. Juvenile Justice and Delinquency Prevention
13 Committee.

14 (a) Establishment [and membership].--There is hereby
15 established the Juvenile Justice and Delinquency Prevention
16 Committee within the commission.

17 (a.1) Composition.--The members of the committee shall be
18 appointed by the Governor and shall include:

19 (1) The Executive Director of the Juvenile Court Judges'
20 Commission.

21 (2) [representation] Representatives of units of local
22 government, law enforcement and juvenile justice agency
23 probation personnel, juvenile court judges, [the Executive
24 Director of the Juvenile Court Judges' Commission,] public
25 and private agencies and organizations concerned with
26 delinquency prevention or treatment and services to
27 delinquency prevention or treatment and services to dependent
28 children, community-based prevention in-treatment programs,
29 organizations concerned with the quality of juvenile justice
30 or that utilize volunteers to work with delinquent or

1 dependent children, businesses employing youth, youth workers
2 involved with alternative youth programs, persons with
3 special experience and competence in addressing the problem
4 of school violence and vandalism and the problem of learning
5 disabilities and representatives of public agencies concerned
6 with special education.

7 (a.2) Term.--Members shall serve for a four-year term, and
8 may be appointed for no more than one additional consecutive
9 term.

10 * * *

11 (f) Powers and duties.--The Juvenile Justice and Delinquency
12 Prevention Committee shall have the power, and its duty shall
13 be:

14 (1) To serve in an advisory capacity to the commission
15 through the committee's participation in the development of
16 that part of the commission's comprehensive plan relating to
17 juvenile justice and delinquency prevention.

18 (2) To perform those functions related to the direct
19 approval and disbursement of financial assistance in an
20 advisory capacity only, but the advisory committee shall have
21 the opportunity to review and comment on such applications
22 within 30 days after receipt of the application from the
23 commission.

24 (3) To advise the commission on the definition,
25 development and correlation of programs and projects and the
26 establishment of priorities for juvenile justice and
27 delinquency prevention.

28 (4) To develop standards, methods and procedures for
29 evaluating and monitoring services for delinquent and
30 dependent children.

1 (5) Upon request, to provide assistance and advice to
2 the commission on any other matters relating to juvenile
3 justice and delinquency prevention.

4 (6) To submit to the Governor and the General Assembly
5 such reports as may be required by Federal law.

6 (7) To advise the commission in defining and
7 collaborating with all State agencies on planning and
8 programming related to juvenile delinquency prevention and
9 the reduction and prevention of violence by and against
10 children.

11 (8) To advise and assist the commission in designing and
12 promoting comprehensive research-based initiatives to assist
13 communities and community-based organizations in reducing
14 risk to and promoting the positive development of children
15 and in preventing juvenile delinquency and youth violence.

16 (g) Staff support.--Staff support shall be made available to
17 the committee by the executive director in order to adequately
18 perform the duties provided for under this section.

19 Section 5. Section 7 of the act, amended June 22, 2001
20 (P.L.396, No.30), is repealed:

21 [Section 7. Powers and duties of the Juvenile Justice and
22 Delinquency Prevention Committee.

23 The Juvenile Justice and Delinquency Prevention Committee
24 shall have the power, and its duty shall be:

25 (1) Serve in an advisory capacity to the commission
26 through the committee's participation in the development of
27 that part of the commission's comprehensive plan relating to
28 juvenile justice and delinquency prevention.

29 (2) Those functions related to the direct approval and
30 disbursement of financial assistance shall be in an advisory

1 capacity only, but the advisory committee shall have the
2 opportunity to review and comment on such applications within
3 30 days after receipt of the application from the commission.

4 (3) To advise the commission on the definition,
5 development and correlation of programs and projects and the
6 establishment of priorities for juvenile justice and
7 delinquency prevention.

8 (4) To develop standards, methods and procedures for
9 evaluating and monitoring services for delinquent and
10 dependent children.

11 (5) Upon request provide whatever assistance and advice
12 to the commission on any other matters relating to juvenile
13 justice and delinquency prevention.

14 (6) Staff support shall be made available to the
15 Juvenile Justice and Delinquency Prevention Committee by the
16 executive director in order to adequately perform the duties
17 provided for in this section.

18 (7) Submit to the Governor and the General Assembly such
19 reports as may be required by Federal Law.

20 (8) To advise the commission in defining and
21 collaborating with all State agencies on planning and
22 programming related to juvenile delinquency prevention and
23 the reduction and prevention of violence by and against
24 children.

25 (9) To advise and assist the commission in designing and
26 promoting comprehensive research-based initiatives to assist
27 communities and community-based organizations in reducing
28 risk to and promoting the positive development of children
29 and in preventing juvenile delinquency and youth violence.]

30 Section 6. Section 7.1(b)(16) of the act, added December 6,

1 2002 (P.L.1180, No.146), is amended and the section is amended
2 by adding subsections to read:

3 Section 7.1. Targeted Community Revitalization and Crime
4 Prevention Advisory Committee.

5 * * *

6 (b) Composition.--The committee shall consist of the
7 following members or their designees:

8 * * *

9 (16) [Eight members who are located in or serve a
10 targeted community, appointed by the Governor, one] One
11 district attorney representative, one representative of
12 county commissioners, one representative of community and
13 economic development agencies, one representative of crime
14 prevention agencies, one representative of a community-based
15 organization, one representative of a faith-based
16 organization, one nonsupervisory local law enforcement
17 officer representative and one nonsupervisory Pennsylvania
18 State Police representative, each of whom shall be appointed
19 by the Governor and shall reside in or serve a targeted
20 community.

21 * * *

22 (g) Powers and duties.--The Targeted Community
23 Revitalization and Crime Prevention Advisory Committee shall
24 have the power and its duty shall be to:

25 (1) Advise the commission through the committee's
26 participation in the development of that part of the
27 commission's comprehensive plan relating to targeted crime
28 prevention efforts and the revitalization of targeted
29 communities.

30 (2) Advise the commission on those functions related to

1 the direct approval and disbursement of financial assistance.
2 The committee shall have the opportunity to review and
3 comment on applications after their receipt from the
4 commission.

5 (3) Advise the commission on the definition, development
6 and correlation of programs and projects and the
7 establishment of priorities for supporting law enforcement
8 and community partnerships developing comprehensive, targeted
9 crime prevention efforts and a planning process for the
10 revitalization of high-crime and distressed communities.

11 (4) Develop standards, methods and procedures for
12 evaluating and monitoring services and programs for crime
13 prevention efforts and the revitalization of targeted
14 communities.

15 (5) Provide assistance and advice requested by the
16 commission on any other matters relating to the crime
17 prevention efforts and the revitalization of targeted
18 communities.

19 (6) Submit to the Governor and the General Assembly
20 reports as may be required by Federal and State law.

21 (h) Staff support.--Staff support shall be made available to
22 the committee by the executive director of the commission in
23 order for the committee to adequately perform the duties
24 provided for under this section.

25 Section 7. Section 7.2 of the act, added December 6, 2002
26 (P.L.1180, No.146), is repealed:

27 [Section 7.2. Powers and duties of Targeted Community
28 Revitalization and Crime Prevention Advisory
29 Committee.

30 (a) Powers and duties.--The Targeted Community

1 Revitalization and Crime Prevention Advisory Committee shall
2 have the power and its duty shall be to:

3 (1) Serve in an advisory capacity to the commission
4 through the committee's participation in the development of
5 that part of the commission's comprehensive plan relating to
6 targeted crime prevention efforts and the revitalization of
7 targeted communities.

8 (2) Serve in an advisory capacity to the commission on
9 those functions related to the direct approval and
10 disbursement of financial assistance. The committee shall
11 have the opportunity to review and comment on applications
12 after their receipt from the commission.

13 (3) Advise the commission on the definition, development
14 and correlation of programs and projects and the
15 establishment of priorities for supporting law enforcement
16 and community partnerships developing comprehensive, targeted
17 crime prevention efforts and a planning process for the
18 revitalization of high-crime and distressed communities.

19 (4) Develop standards, methods and procedures for
20 evaluating and monitoring services and programs for crime
21 prevention efforts and the revitalization of targeted
22 communities.

23 (5) Provide assistance and advice requested by the
24 commission on any other matters relating to the crime
25 prevention efforts and the revitalization of targeted
26 communities.

27 (6) Submit to the Governor and the General Assembly
28 reports as may be required by Federal and State law.

29 (b) Staff support.--Staff support shall be made available to
30 the committee by the executive director of the commission in

1 order for the committee to adequately perform the duties
2 provided for in this section.]

3 Section 8. This act shall take effect in 60 days.