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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 169 Session of  
2023

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INTRODUCED BY BAKER, SANTARSIERO, LAUGHLIN, COSTA, HAYWOOD,  
ROTHMAN, SCHWANK, COLLETT, KANE, DILLON, TARTAGLIONE,  
COMITTA, CAPPELLETTI AND KEARNEY, JANUARY 30, 2023

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REFERRED TO JUDICIARY, JANUARY 30, 2023

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in juvenile matters,  
3 further providing for limitation on and change in place of  
4 commitment; and making editorial changes.

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

7 Section 1. Section 6352(a)(6) of Title 42 of the  
8 Pennsylvania Consolidated Statutes is amended to read:

9 § 6352. Disposition of delinquent child.

10 (a) General rule.--If the child is found to be a delinquent  
11 child the court may make any of the following orders of  
12 disposition determined to be consistent with the protection of  
13 the public interest and best suited to the child's treatment,  
14 supervision, rehabilitation and welfare, which disposition  
15 shall, as appropriate to the individual circumstances of the  
16 child's case, provide balanced attention to the protection of  
17 the community, the imposition of accountability for offenses  
18 committed and the development of competencies to enable the

1 child to become a responsible and productive member of the  
2 community:

3 \* \* \*

4 (6) An order of the terms of probation may include an  
5 appropriate fine considering the nature of the act committed  
6 or restitution not in excess of actual damages caused by the  
7 child which shall be paid from the earnings of the child  
8 received through participation in a constructive program of  
9 service or education acceptable to the victim and the court  
10 whereby, during the course of such service, the child shall  
11 be paid not less than the minimum wage of this Commonwealth.  
12 In ordering such service, the court shall take into  
13 consideration the age, physical and mental capacity of the  
14 child and the service shall be designed to impress upon the  
15 child a sense of responsibility for the injuries caused to  
16 the person or property of another. The order of the court  
17 shall be limited in duration consistent with the limitations  
18 in section 6353 (relating to limitation on and change in  
19 place of commitment and disposition review hearing) and in  
20 the act of May 13, 1915 (P.L.286, No.177), known as the Child  
21 Labor Law. The court order shall specify the nature of the  
22 work, the number of hours to be spent performing the assigned  
23 tasks, and shall further specify that as part of a plan of  
24 treatment and rehabilitation that up to 75% of the earnings  
25 of the child be used for restitution in order to provide  
26 positive reinforcement for the work performed.

27 \* \* \*

28 Section 2. Section 6353 heading and (a) of Title 42 are  
29 amended and the section is amended by adding a subsection to  
30 read:

1 § 6353. Limitation on and change in place of commitment and  
2 disposition review hearing.

3 (a) General rule.--No child shall initially be committed to  
4 an institution for a period longer than four years or a period  
5 longer than he could have been sentenced by the court if he had  
6 been convicted of the same offense as an adult, whichever is  
7 less. The initial commitment may be extended for a similar  
8 period of time, or modified, if the court finds after hearing  
9 that the extension or modification will effectuate the original  
10 purpose for which the order was entered. The child shall have  
11 notice of the extension or modification hearing and shall be  
12 given an opportunity to be heard. [The committing court shall  
13 review each commitment every six months and shall hold a  
14 disposition review hearing at least every nine months.]

15 (a.1) Disposition review hearings.--

16 (1) The court shall hold a disposition review hearing at  
17 least every three months in accordance with the Pennsylvania  
18 Rules of Juvenile Court Procedure for the purpose of ensuring  
19 that each child committed to out-of-home placement under  
20 section 6352 (relating to disposition of delinquent child) is  
21 receiving necessary services and treatment and that the terms  
22 and conditions of the disposition ordered under section 6352  
23 are being met.

24 (2) At a disposition review hearing under paragraph (1),  
25 the court shall, at a minimum, determine:

26 (i) whether the child is receiving the necessary  
27 services or treatment contemplated by the court's  
28 disposition;

29 (ii) whether the child continues to pose a threat to  
30 the community;

1           (iii) whether additional services or treatment are  
2           needed;  
3           (iv) whether the child should continue in placement  
4           or be released from placement under aftercare  
5           supervision; and  
6           (v) the date of the next disposition review hearing.

7           (3) At the conclusion of a disposition review hearing  
8           under paragraph (1), and prior to entering an order, the  
9           court shall state the determinations required under paragraph  
10           (2), along with the reason for each determination, on the  
11           record in open court.

12           \* \* \*

13           Section 3. Sections 6358(e) and 9728(c) of Title 42 are  
14 amended to read:

15 § 6358. Assessment of delinquent children by the State Sexual  
16           Offenders Assessment Board.

17           \* \* \*

18           (e) Dispositional review hearing.--Where the board has  
19 concluded that the child is in need of involuntary treatment  
20 pursuant to the provisions of Chapter 64 (relating to court-  
21 ordered involuntary treatment of certain sexually violent  
22 persons), the court shall conduct a hearing at which the county  
23 solicitor or a designee, the probation officer and the child's  
24 attorney are present. The court shall consider the assessment,  
25 treatment information and any other relevant information  
26 regarding the delinquent child at the dispositional review  
27 hearing pursuant to section 6353 (relating to limitation on and  
28 change in place of commitment and disposition review hearing),  
29 which shall be held no later than 180 days before the 21st  
30 birthday of the child. Where the submission of the report was

1 delayed pursuant to subsection (c), the dispositional review  
2 hearing shall be held no later than 90 days before the 21st  
3 birthday of the child.

4 \* \* \*

5 § 9728. Collection of restitution, reparation, fees, costs,  
6 fines and penalties.

7 \* \* \*

8 (c) Period of time.--Notwithstanding section 6353 (relating  
9 to limitation on and change in place of commitment and  
10 disposition review hearing) or 18 Pa.C.S. § 1106(c)(2) (relating  
11 to restitution for injuries to person or property), the period  
12 of time during which such judgments shall have full effect may  
13 exceed the maximum term of imprisonment to which the offender  
14 could have been sentenced for the crimes of which he was  
15 convicted or the maximum term of confinement to which the  
16 offender was committed.

17 \* \* \*

18 Section 4. This act shall take effect in 180 days.