



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 815

PRINTERS NO. 2033

PRIME SPONSOR: Baker

COST / (SAVINGS)

FUND	FY 2011/12	FY 2012/13
General Fund	\$0	\$0

SUMMARY: Senate Bill 815 amends the Judicial Code concerning the right to counsel in juvenile proceedings. It would take effect in 60 days.

ANALYSIS: This legislation deletes language in current statute that permits the waiver of counsel for a child by a parent or guardian. It also adds a section 6337.1 to the Judicial Code concerning the right to counsel for children in dependency and delinquency proceedings. It states that a child shall be presumed indigent in any delinquency proceeding. This presumption holds unless the court ascertains that the child has the financial resources to retain counsel at the child's own expense. In addition, the court may not consider the financial resources of the child's parent, guardian or custodian when determining the child's financial resources. This legislation also allows a child 14 years of age or older to waive the right to counsel if the court determines that the waiver is knowingly, intelligently and voluntarily made after having conducted a colloquy with the child on the record. Such waiver is not allowed for certain hearings enumerated in the bill.

FISCAL IMPACT: Enactment of this legislation will have no adverse fiscal impact on Commonwealth funds, and it is expected that any additional costs to the counties would be minimal. Many counties currently require mandatory representation by counsel in juvenile court. This legislation would mandate it statewide. In addition, this legislation essentially codifies the current practice of the courts pursuant to Rule 151 of the PA Rules of Juvenile Court Procedures, which also states that all juveniles are presumed indigent. Testimony in a Pennsylvania House of Representatives Judiciary Committee meeting during the previous legislative session revealed that in "well over 90% of juvenile cases, the youth will have an attorney." Therefore, the population that would be impacted by this legislation would be minimal.

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House Appropriations Committee (R)

DATE: March 27, 2012

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.