

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO.

House Bill 1648

PRINTER'S NO.

2294

AMOUNT

\$250,000

FUND

General Fund

DATE INTRODUCED

June 10, 2009

PRIME SPONSOR

Representative Eachus

HISTORY OF BILL

Referred to JUDICIARY, June 10, 2009
Reported as amended, June 23, 2009
First consideration, June 23, 2009
Re-committed to RULES, June 23, 2009
Re-reported as committed, June 25, 2009
Re-committed to APPROPRIATIONS, June 25, 2009
Second consideration, with amendments, June 25, 2009
(Remarks see House Journal Page), June 29, 2009

IN THE SENATE

Referred to JUDICIARY, July 1, 2009
Reported as committed, July 14, 2009
First consideration, July 14, 2009
Second consideration, July 15, 2009
Re-referred to APPROPRIATIONS, July 15, 2009
Re-reported as committed, July 20, 2009

DESCRIPTION AND PURPOSE OF BILL

House Bill 1648 creates a freestanding act entitled the Interbranch Commission on Juvenile Justice Act. This act establishes a joint legislative, executive and judicial commission (Commission) on juvenile justice. The Commission would be responsible for conducting an investigation into the Luzerne County juvenile justice system and how it failed. Additional duties include restoring public confidence in the administration of justice, prevent similar events from occurring in the future, and make recommendations, no later than May 31, 2010,

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

to the Governor, Supreme Court, Senate of Pennsylvania and the House of Representatives.

Members:

The Commission shall consist of the following eleven members:

- (1) Four members appointed by the Chief Justice, of which one of them must have served on the Juvenile Court Judges' Commission;
- (2) Four members knowledgeable and experienced in juvenile law or providing services to juveniles, of which none of them may be a member of the General Assembly. These members are appointed, one each, by the President pro tempore of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, and Minority Leader of the House of Representatives; and
- (3) Three members appointed by the Governor, one of whom must be a member of the general public and another who must be a member of the Coalition of Pennsylvania Crime Victim Organizations who is directly involved in providing services to victims associated with juvenile crime.

The members of the Commission shall be appointed within 25 days of the effective date and the Chief Justice of Pennsylvania shall appoint the chairperson.

Meetings and Hearings:

The first meeting of the Commission shall occur within 45 days of the effective date and shall thereafter meet at least once a month. The Commission shall hold public hearings as necessary.

Compensation and Expenses:

Members of the Commission will not receive compensation but will be reimbursed for expenses incurred in the service of the Commission.

Administrative Services and Assistance:

The Administrative Office of Pennsylvania Courts will provide administrative services for the Commission and upon request, the Pennsylvania Commission on Crime and Delinquency and the Joint State Government Commission will provide administrative assistance. The Juvenile Court Judges' Commission may provide analyses, reports and recommendations.

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

Powers of the Commission:

The Commission will have the following powers:

- (1) Investigate and analyze the events, practices, processes and procedures in Luzerne County, involving judges, attorneys, public officials, public employees, probation and parole officers, and providers of juvenile services;
- (2) Review the procedures, practices and rules relating to the appointment of counsel to represent juvenile offenders and the exercise of the right to counsel in Luzerne County;
- (3) Review the exercise of authority and abuse of power with regard to the disposition and placement of juveniles in Luzerne County;
- (4) Review procedures used in responding to judicial and attorney conduct and make recommendations as necessary with respect to both disciplinary systems;
- (5) Review the oversight of juvenile detention facilities and investigate the utilization of facilities in Luzerne County; and
- (6) Hold public hearings for the taking of testimony and the requesting of documents. The Commission may issue subpoenas for a person to appear or document to be produced. The Chairperson may administer oaths or affirmation to witnesses appearing before the Commission. The Commission may also cause the deposition of witnesses either residing within or without the Commonwealth.

This act takes effect immediately and expires on June 30, 2010.

FISCAL IMPACT:

It is expected that the Commission will incur costs of approximately \$250,000 for holding mandatory monthly meetings and public hearings throughout the Commonwealth. Although there is a minimal fiscal impact on Commonwealth funds, the Administrative Office of Pennsylvania Courts and the Governor's Policy Office have indicated that funding is available from existing funds remaining in the current fiscal year. Some of these costs would be for the following:

- Work sessions;
- Travel / Lodging / Meals
- Mileage reimbursement / Airfare;
- Advertisement of Public Notices (Sunshine Law);

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

- Printing of meeting materials
- Expert testimony fees;
- Sign Language Interpreter fees;
- Stenographer fees;

Final report fees, including design, printing and postage.