

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 371

PRINTER NO. 314

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

February 21, 2023

PRIME SPONSOR

Senator Baker

DESCRIPTION

Senate Bill 371 amends Act 274 of 1978, referred to as the Pennsylvania Commission on Crime and Delinquency Law (PCCD law), to establish the Indigent Defense Advisory Committee (committee).

The PCCD law is amended by adding a new section 7.3 (relating to Indigent Defense Advisory Committee). The committee is established within the Pennsylvania Commission on Crime and Delinquency (commission) and shall consist of a chairperson and the following members to be selected as follows:

- Executive Director of the Interbranch Commission for Gender, Racial and Ethnic Fairness, or a designee, who shall serve as an ex officio and nonvoting member;
- Executive Director of the Public Defender Association of Pennsylvania or a designee;
- Executive Director of the Pennsylvania Commission on Sentencing, or a designee, who shall serve as an ex officio and nonvoting member;
- Executive Director of the Pennsylvania District Attorneys Association (PDAA), or a designee, who shall serve as an ex officio and nonvoting member;
- The Commonwealth Victim Advocate (CVA), or a designee, who shall serve as an ex officio and nonvoting member;
- Executive Director of the Pennsylvania Chiefs of Police Association (PCPA), or a designee, who shall serve as an ex officio and nonvoting member;
- Executive Director of the Juvenile Court Judges' Commission, or a designee, who shall serve as an ex officio and nonvoting member;
- An individual appointed by the President Pro Tempore of the Senate;
- An individual appointed by the Minority Leader of the Senate;
- An individual appointed by the Speaker of the House of Representatives;
- An individual appointed by the Minority Leader of the House;
- The following members appointed by the governor:

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

- One representative of public defenders appointed from a list of three qualified attorneys recommended by the Defender Association of Philadelphia;
- One criminal defense attorney with public defender experience appointed from a list of three qualified individuals recommended by the Pennsylvania Association of Criminal Defense Lawyers;
- One attorney with experience defending juveniles in delinquency proceedings, appointed from a list of three qualified individuals recommended by the Juvenile Defenders Association of Pennsylvania;
- One member from the law school academic community with a background in public defense or legal services appointed from a list of qualified individuals recommended by each Pennsylvania law school;
- One attorney with capital case indigent defense trial, appellate or post-conviction experience associated with the Pennsylvania Innocence Project at Temple University Beasley School of Law;
- One representative of county government from the second class or second class A counties appointed from a list of three qualified individuals recommended by the County Commissioners Association of Pennsylvania;
- One representative of county government from the third, fourth, fifth, sixth, seventh or eighth class counties appointed from a list of three qualified individuals recommended by the County Commissioners Association of Pennsylvania; and
- One advocate for current or former prison inmates appointed from a list of three individuals recommended by the Pennsylvania Prison Society;
- Three judges who routinely preside over criminal or juvenile cases and are representative of the geographic and demographic diversity of the Commonwealth, appointed by the Chief Justice of the Pennsylvania Supreme Court; and
- The following members appointed by the Chief Justice of the Pennsylvania Supreme Court:
 - One county chief public defender from a list of three recommendations from the Public Defender Association of Pennsylvania;
 - One public defender from the second or second class A counties from a list of four recommendations from the Public Defender Association of Pennsylvania;
 - One public defender from the third or fourth class counties from a list of four recommendations from the Public Defender Association of Pennsylvania; and
 - Two public defenders from the fifth, sixth, seventh or eighth class counties from a list of four recommendations from the Public Defender Association of Pennsylvania.

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

The chairperson of the committee shall be selected by the governor from among the voting members of the committee. The vice-chairperson shall be designated by the chairperson of the committee.

Members of the committee shall serve a four-year term and are eligible for reappointment for no more than two consecutive terms. Vacancies on the committee shall be filled by the appointing authority within 60 days of the vacancy. A majority of the voting members shall constitute a quorum.

The committee shall hold its first meeting no later than 60 days from the effective date. Except for the first meeting, meetings related to the implementation and operation of the Indigent Defense Grant Program and meetings related to direct approval and disbursement of grants, the Executive Director of the PDAA, the CVA and the Executive Director of the PCPA may not participate in meetings and committee work related to the other committee duties unless requested by a majority of the voting members.

Committee members shall not receive a salary or per diem allowance but shall be reimbursed for actual and necessary expenses incurred in the performance of duties as members of the committee. Support staff shall be made available to the committee by the executive director of the commission.

With the review and approval of the commission, the committee shall propose minimum standards for the delivery of effective indigent defense and for attorneys providing indigent defense services, develop appropriate statewide continuing legal education courses, develop programs for capital case defense skills training, adopt standards for counties to collect and report data, develop data requests in conjunction with the Administrative Office of Pennsylvania Courts (AOPC) and the Juvenile Court Judges' Commission (JCJC) and prepare a biennial report on any grants that were awarded and data that was collected.

The legislation establishes the Indigent Defense Grant Program in the commission and provides that money available to the program shall include appropriations and transfers from the General Fund, special funds, federal funds and other sources of revenue made available to the program and the commission. The following shall apply:

- 1) Program funding may only be used for the grant and training activities, and no money may be transferred or diverted to any other purpose by administrative action;
- 2) The committee shall have the opportunity to review and comment on grant applications and shall ensure that grant funding or services provided under the program are geographically dispersed throughout this Commonwealth;
- 3) Grant money allocated through the program shall be used to supplement and not supplant existing county spending on indigent defense services;
- 4) Nothing shall preclude a grant recipient from making an application in a subsequent year for the same purpose and amount awarded in a prior year;

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

- 5) Grants awarded shall be consistent with the standards established by the committee and the standards adopted by the Pennsylvania Supreme Court;
- 6) The commission may randomly audit and monitor grant recipients to ensure the appropriate use of grant funds and compliance with the provisions of this section; and
- 7) The commission may use up to 10% of the money appropriated each year for the costs of supporting the committee and administering the grant program, which may include the costs relating to the employment of personnel, providing technical assistance to grantees and evaluating the impact of initiatives supported by the grants.

“Indigent Defense Services” is defined in the legislation as the legal representation provided to indigent adult defendants and juvenile respondents through either a public defender’s office, contracted counsel or conflict counsel.

This act shall take effect in 30 days.

FISCAL IMPACT:

Funding for the Indigent Defense Program within the commission is dependent upon future appropriations and transfers from the General Fund, special funds, federal funds and other sources of revenue made available to the program and the commission. The Commission on Crime and Delinquency is able to provide administrative support for the committee within existing staffing and budget levels. Therefore, enactment of this legislation will have no fiscal impact on Commonwealth funds.