LEGISLATIVE JOURNAL

MONDAY, FEBRUARY 27, 1995

FIRST SPECIAL SESSION OF 1995

HOUSE OF REPRESENTATIVES The House convened at 1:05 p.m., e.s.:

THE SPEAKER (MATTHEW J, RYAN) PRESIDING

PRAYER

The SPEAKER. Without objection, the prayer from today's regular session will be printed in today's special session Journal

REV. CLYDE W ROACH, pastor of Riverside United Methodist Church, Harrisburg, Pennsylvania, offered the following prayer:

Let us pray

Let us pray. Hear our prayers, O Lord: hear our prayers, O Lord; hear our prayers, O Lord, and grant us Your peace. And, Lord, bless in a special way the members of this legislature, the aervants of Your people. Give them Your blessings and Your guidance. May they always faithfully and courageously do what is best for Your people and right in Your eyes, and grant that they might always work together for the benefit of others. Give these legislators the courage to withstand the pressures of the solifish, and give their people the vision to understand that sacrifices must be shared by all. Remind our legislators that there is no substitute for hard work and no joy in getting anything for nothing. For it is in Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE DISPENSED WITH

The SPEAKER. Without objection, the Pledge of Allegiance will be dispensed with.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Wednesday, February 15, 1995, will be postpored until printed. The Chair heavs no objection.

LEAVES OF ABSENCE

The SPEAKER The leaves of absence granted in today's regular session will also be granted in the special session, with the exception of the gentleman, Mr. Veon, who has since been added to the master roll call.

MASTER ROLL CALL

The SPEAKER. The master roll call taken in today's regular session will be the roll call for the special session.

No. 14

No. 14

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Pitts,

in special session. Mr. FITTS. Thank you, Mr. Speaker. In special session, I would like to call a meeting of the House Appropriations Committee at 2:30 in room 245, the conference room

at the rear of the House. The SPEAKER. The geotleman, Mr. Pitts, calls for a meeting of the Appropriations Committee at 2:30 in the majority Appropriations Committee's conference room.

Are there any further announcements in special session?

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Mr. Fargo, for the purpose of a cancus announcement. Mr. FARGO. Thank you, Mr. Speaker. The Republican members will caucus immediately in the majority

caucus room, and we will reconvene at 3 o'clock

DEMOCRATIC CAUCUS

The SPHAKER The Chair recognizes the gentleman, Mr. Cohen, for the purpose of making an announcement. Mr. COHEN, Mr. Speaker, the Democratic caucus will take place immediately upon recess today.

RECESS

The SPEAKER Does the majority leader or minority leader have any further business in special session? Hearing none, this House will stand in recess until 3 p m.

AFTER RECESS

The time of recess having expired, the House was called to order.

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, FEBRUARY 27, 1995 FIRST SPECIAL SESSION OF 1995

| HOUSE OF REPRESENTATIVES | MASTER ROLL CALL |
|---|---|
| THE SPEAKER (MATTHEW J. RYAN) PRESIDING | The SPEAKER. The master roll call taken in today's regular session will be the roll call for the special session. |
| FRESTOING | APPROPRIATIONS COMMITTEE MEETING |
| PRAYER | The SPEAKER. The Chair recognizes the gentleman, Mr. Pius, |
| The SPEAKER. Without objection, the prayer from today's regular session will be printed in today's special session Journal | in special session. Mr. PHTTS, Thank you, Mr. Speaker. In special session, I would like to call a meeting of the House |
| REV. CLYDE W ROACH, pastor of Riverside United Methodist Church, Harrisborg, Pennsylvania, offered the following prayer: | Appropriations Committee at 2:30 in room 245, the conference room at the rear of the House. The SPEAKER. The geotleman, Mr. Pitts, calls for a meeting of |
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| prayers, O Lord, and grant us Your peace. And, Lord, bless in a special way the members of this legislature, the servents of Your people. Give them Your blessings and Your | Are there any further announcements in special session? |
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| best for Your people and right in Your eyes, and grant that they might always work together for the benefit of others. Give these legislators the courage to withstand the pressures of the solfish, and give their people the vision to understand that | The SPEAKER. The Chair recognizes the gentleman, Mr. Fargo, for the purpose of a caucus announcement. Mr. FARGO, Thank you, Mr. Speaker. |
| sacrifices must be shared by all. Remind our legislators that there is no substitute for hard work | The Republican members will caucus immediately in the majority caucus room, and we will reconvene at 3 o'clock. |
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| For it is in Your dear name we pray Amen. | DEMOCRATIC CAUCUS |

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AFTER RECESS

The time of recess having expired, the House was called to order.

HOUSE BILLS INTRODUCED AND REFERRED

No. 86 By Representatives KUKOVICH, THOMAS, GEIST. BELARDI, STURIA, CURRY, MUNDY, TIGUE, LEVDANSKY, SCHITTER, HERMAN, CAPPABIANCA, TRELLO, COLAFELLA, MELIO, STABACK, DELUCA, ROONEY, MIHALICH, WOZNIAK, MCCALL, MERRY, SCRIMENTI, BATTISTO, HALUSKA, WALKO, ITKIN, BEBRO-JONES, RUDY, READSHAW, YOUNGBLOOD, JOSEPHS, LAUGHLIN, STEELMAN, LEDERER, BOSCOLA, GIGLIOTTI and TRICH

An Act amonding the act of November 22, 1978 (P.L.1166, No 274), referred to as the Pennsylvania Commission on Comic and Delinquency Law, authorizing a crime prevention program, providing for technical and inanoial assistance to law enforcement agencies, and making an appropriation.

Referred to Committee on JUDICIARY, February 21, 1995

No. 87 By Representatives STURIA, PICCOLA, FAIT, STRITTMATTER, TRUE, ARMSTRONG, ROBINSON, YOUNGBLOOD, ROONEY, NALOR, MULER, BUXTON, DELUCA, BATTISTO, FLICK, PISTELLA, MILLALI, BROWN, E.Z. TAYLOR, GEIST, STABACK, CAPPABIANCA, MARSICO, LAUGHLIN and PETRARCA

An Act amending Titles 18 (Crimes and Offenaes) and 42 (Judiciary and Judicial Procedure) of the Pernsylvania Consolidated Statutes, defining the offense of "criminal gang activity"; further defining "dangerous juvenile offender"; further providing for law enforcement records, for disposition of delinquent child and for loss of property rights to the Commonwealth; providing for sontences for criminal gang activity, providing penalties; and making an appropriation

Referred to Committee on JUDICIARY, February 21, 1995

No. 88 By Representatives RUDY, CLARK, SAYLOR, BELARDI, THOMAS, COWELL, E. Z. TAYLOR, WASHINGTON, JAROLIN, MELIO, FAIRCHILD, MUIALICH, MECALL, HENNISSEY, BAKER, READSHAW, ARGALL, YOUNGBLOOD, SATHER, DELUCA, STABACK, ROONEY, JOSEPHIS, LAUGILIN, TRIELLO, WALKO, MILLER, TRAVAGLIO, OLASZ, LEDERER, HUTCHINSON, CIVIERA, J. TAYLOR, TIGUE, FLICK, MERRY, BATTISTO, PISTELLA and RAMOS

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, requiring the presence of parents, guardians or custodians at proceedings involving juveniles.

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An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, requiring the presence of parents, guardians or custodians at proceedings involving juveniles.

Referred to Committee on JUDICLARY, February 27, 1995 CALENDAR

BILLS ON THIRD CONSIDERATION

BILL PASSED OVER

The SPEAKER. The Chair turns to page 1 of today's special session House calendar, HB 9 is not called up.

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The House proceeded to third consideration of SB 10, PN 83, entitled

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for law enforcement records, juvenite history record information and adjudications involving certain children

On the question, Will the House agree to the bill on third consideration? Bill was agreed to.

The SPEAKER This bill has been considered on three different days and agreed to and is now on final passage The question is, shall the bill pass insulty? Agreeable to the provisions of the Constitution, the yeas and nays

will now be taken.

YEAS-200

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| Adolph | Evans | Maitland | Saylor |
| Allen | Farchild | Major | Selunder |
| Argali | FAIT | Manderino | Schuler |
| Amistrong | Pargo | Markosck | Scrimenti |
| Baker | Fairner | Marsieo | Seminal |
| Bard | Feese | Masland | Nerafini |
| Barley | Tichter | Massemik | Shaner |
| Ballusio | Floreste | MeCall | Sheehan |
| Bebko Jones | Llick | McGeehan | Smith, B. |
| Belardi | Gamble | N1cCrt11 | Smith, S. H |
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LEGISLATIVE JOURNAL - HOUSE

HOUSE BILLS INTRODUCED AND REFERRED

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Referred to Committee on JUDICLARY, February 27, 1995

CALENDAR

BILLS ON THIRD CONSIDERATION

BILL PASSED OVER

The SPEAKER. The Chair turns to page 1 of today's special session House calendar. HB 9 is not called up.

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On the question, Wijl the House agree to the bill on third consideration? Bill was agreed to.

The SPEAKER This bill has been considered on three different

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

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| Adolph | R vans | Maitland | Saylor |
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| Hard | Heese | Masland | Scrafini |
| Barley | Fichter | Mayornik | Shanor |
| Ballisto | Florence | MeCall | Sheehan |
| Bebko Jones | t hizk | McGeehan | Smith, B. |
| Belardi | Gamble | N1c(5111 | Smith, S. H |
| Belfanti | Chamon | Melia | Snyder, D. W. |
| Directory | Ceist | MATTY | Staback |
| Hlaum | George | Michlovic | NIAITS |
| Boscola | Grippinotal | Macozzie | Stechmen |
| Boyes | Gladeck | Mihalich | Steil |
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| Browne | Ciordner | Mundy | Sterler |
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| Butkovitz | Gruppo | Nickol | Strittmatter |
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| Cappaluanca | Hanna | Olasz | Tangretti |
| Clarra | Harbart | Oliver | Taylor, E. Z. |
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| Chadwick | Herman | Petrarua | Tigue |
| Cavera | Hershey | Petrone | Travagino |
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| Cohen, L. I. | Hutchinson | Piccola | Time |

FEBRUARY 27

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LEGISLATIVE JOURNAL — HOUSE

| Cohen, M. | Ttkin | Pistella | Tulli |
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| Cotatella | Jadlowies | Pius | Vance |
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| Corrigan | Kenney | Reber | Washington |
| COWAT | King | Reinard | Waugh |
| Cov | Kirkland | Richardson | Williams |
| Charry | Krebs | Rieger | Wogan |
| Daley | Kakovich | Roberts | Wozniak |
| Del.uea | LaCirotta | Robinson | Wright, D. R. |
| Dempsey | Laughtur | Resultance | Wright, M. N. |
| Dent | Lawless | Rohrer | Yewcio |
| Dermody | Lederer | Roomay | Younghland |
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| DUNINTIACO | Levdansky | Sainato | - |
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| Dua Institu | Lacyk | Sather | Speaker |
| | Locustr | | • |

NOT VOTING 1

Remos

EXCUSED-2

Bishop

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally. Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

BILLS PASSED OVER

The SPEAKER, Page 2 of today's calendar. All the bills on page 2 are over

BILL REREPORTED FROM COMMITTEE

SB 2, PN 92 (Amended)

Jarolin

By Rep. PITTS

An Act amending Fitles 18 (Crimes and Offenses), 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sexual offenses and the consequences of committing sexual offenses, for incest, for statutery rape, for prostitution and related offenses and for award of custody, further defining "abuse", further providing for sexual abuse of children and for information relating to prospective child-care personnel; providing for competency of victims or witnesses; and further providing for sentences for offenses against infant persons and for intermediate punishment

APPROPRIATIONS.

RECESS

The SPEAKER. Does the majority leader or minority leader have any further business in the special session? Are there any reports of committee in the special session? Are there any bills to be introduced not yet introduced in the special session? Are there any committee meetings to be called, argumerments to be made with respect to the special session? Hearing none, the Chair declares the special session in recess to the call of the Chair.

AFTER RECESS

The time of recess having expired, the House was called to order

SB 10 RECONSIDERED

The SPEAKER. The Char recognizes the gentleman, Mr. Itkin Mr. ITKIN, Mr. Speaker, I move that the vote by which SB 10, PN 83, passed the special session on the 27th day of February be reconsidered.

On the question, Will the House agree to the motion?

The following roll call was recorded:

YEAS-200

| Adolph | E varis | Maitland | Saylor |
|---------------|------------------|-----------|---------------|
| Alten | Fairchild | Major | Schroder |
| Argall | Faut | Manderino | Schuler |
| Amustrong | Fargo | Markosek | Scrimenti |
| Haker | Farmer | Marsico | Semmel |
| Bard | Feese | Masland | Serafini |
| Harley | Fichter | Mayernik | Shaner |
| Battisto | Fleagle | McCall | Sheehan |
| Bebko-Jones | Flick | McGreehan | Smith, B. |
| Fielardi | Gamble | McGill | Smitt, S. H. |
| Bellanti | Gamon | Melia | Snyder, D. W. |
| Birmelin | Creist | Merry | Staback. |
| Blaum | George | Michlovie | STAIRS |
| Boscola | Cristions | Micozzie | Steeiman |
| Boyes | Ciladeck | Mihalich | Steil |
| Brown | Godshall | Millea | Stern |
| Browne | Chandner | Mundy | Stetler |
| Bunt | Gruitza | Natior | Stish |
| Butkovitz | C.++ 31(3)(3)(3) | Nickol | Strittmatter |
| Buston | Habay | Nyce | Sturla |
| Caltagirone | Haluska | O'Brion | Surra |
| Cappenlyances | Hanna | Olasz | Tangretti |
| Cam | liarhart | Oliver | Taylor, E. Z. |
| Carone | Hasay | Perzel | Taylor, J |
| Cawley | Hennessey | Pesci | Thomas |
| Chadwick | Herman | Petrarea | Tigue |
| Clivera | Hershey | Petrone | Travaglio |
| Clark | Iless | Pettit | Trello |
| Clymer | Horsey | Phillips | Trich |
| Cohen, L. L | Ilutohinson | Piccola | True |
| Cohen, M. | Itkin | Pistella | 11.04111 |
| Costafella | .tadlosviec | Pitts | Vance |
| Colaizzo | James | Platts | Van Horne |
| Conti | Josepha | Preston | Veon |
| Comell | Kaiser | Ramos | Vitali |
| Corpora | N.eller | Reymond | Walko |
| Contractor | Kenney | Readshaw | Washington |
| Cowell | King | Reber | Waugh |
| Coy | Kirkland | Romand | Williams |
| | | | |

The SPEAKER. Does the majority leader or minority leader have any further business in the special session? Are there any reports of committee in the special session? Are there any bills to be introduced not yet introduced in the special session? Are there any committee meetings to be called, argumerments to be made with respect to the special session? Hearing none, the Chair declares the special session in recess to the call of the Chair.

AFTER RECESS The time of recess having expired, the House was called to order. SB 10 RECONSIDERED The SPEAKER. The Chair recognizes the gentleman, Mr. Itkin Mr. ITKIN. Mr. Speaker, 1 move that the vote by which SB 10, PN 83, passed the special session on the 27th day of February be reconsidered.

LEGISLATIVE JOURNAL — HOUSE

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RECESS

| Cohen, M. | Ttkin | Pistella | Tulli |
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| Cotatetta | Jadlowies | Pius | Vance |
| Colaizzo | James | Platts | Van Home |
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| Comell | Fuiser | Raymond | Vitali |
| Charpenne | Katlar | Readshaw | Walko |
| Corrigan | Kenney | Reber | Washington |
| COMPT | King | Reinard | Waugh |
| Cov | Kirkland | Richardson | Williams |
| Charry | Krebs | Rieger | Wogan |
| Daley | Kakovish | Roberts | Wozniak |
| Del.uca | I.aCirotta | Robinson | Wright, D. R. |
| Dempsey | Laughtur | Resultings | Wright, M. N. |
| Dent | Lawless | Rohrer | Yewcio |
| Dermody | Ledener | Roomay | Younghland |
| DeWeese | Leh | Rublev | Zimmennan |
| DiGirolamo | Lescovitz | Rudy | 1.11 <u>8</u> |
| DEMONTRACIÓN | Levdansky | Sainato | |
| Druce | Lioyd | Santoni | Ryan. |
| Dua Institu | Lacyk | Sather | Speaker |
| Egolf | Legender | | |

NAYS-0 NOT VOTING 1

Remos

1995

EXCUSED-2

Bishop

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally. Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

BILLS PASSED OVER

The SPEAKER, Page 2 of today's calendar. All the bills on page 2 are over

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By Rep. PITTS

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APPROPRIATIONS.

YEAS-200 Evans Fairchild Fai Fai Farmer Feese Fichter Fleagle Fhek Gamble Gamble George Adioph Antion Angali Anustrong Haker Bard Harley Bard Bolardi Catogica Chadweck Civera Clandi Comol Comil Comports Comell Coy Coy Maittand Magor Manderino Markosek Markosek Markosek Markosek Markosek Markosek Markosek Markova Michlova Percel Percel Percel Percel Percel Piccola Piccola Piccola Piccola Ramos Ramos Readshaw Reber George Orghotti Giadeck Giadeck Godshall Gordner Gruitza Gruppo Habay Habay Hanna Hanna Harhart Hasay Herman Hershey Hersey Horsey Hutshinson Ilkin Hutonu Ikin Jadlowiec James Josepha Kaiser Keller Kenney King Kirkland

On the question, Will the House agree to the motion?

The following roll call was recorded:

Saylor Schroder Schuler Scrimenti Scinnel Sciafini Nethonie Straffini Shachan Smith, B. Smith, S. H. Smith, S. H. Smith, S. H. Smith, S. H. Shaback, Stationa Steelman Steelman Steelman Strittmatter S Vance Van Horne Veon Vitali Walko Washington Waugh Walliams

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LEGISLATIVE JOURNAL — HOUSE

| Curry | Krebs | Richardson | Wogan |
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| Daley | Kukovich | Roberts | Wozniak |
| DeLuca | ACHIOTTA | Robinson | Wright, D. R. |
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| Druce | Llovd | Nantoni | Ryan, |
| Durham | Lucyk | Sather | Speaker |
| Egolf | Lynsile | | |

NAYS 0

NOT VOTING- 1

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EXCUSED-2

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The majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring Shall the bill pass finally?

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER The Chair recognizes the gentleman from

The SPEAKER The Chair recognizes the genteman from Philadelphia, Mr. Richardson, Mr. RICHARDSON, Thank you very much, Mr. Speaker, Mr. Speaker, I would like to submit some remarks for SB 10. The SPEAKER. The genteman is in order and may submit his remarks for the record. Will one of the pages kindly plek up from Mr. Richardson his

remarks.

Mr. RICHARDSON submitted the following remarks for the Legislative Journa)

SH 10 would provide law enforcement officers with greater access to fingerprints and photographs of juvenile offenders. In addition, the separate file on juvenile delinquents would be disseminated to allow enforcement officers on Federal, State, and local levels to access records.

<u>Existing Law:</u> The availability of juvenile history records, including fingerprints and photographs, is currently strictly regulated by sections 6308, 6309, and 6341 of the Judicial Code. The child has to have been classified as a "<u>dangerous</u> <u>juvenile offender</u>" for such access to be permitted.

Analysis: SB 10 would authonic law enforcement officers to take fingerprints and photographs of any <u>child</u> who is alloged to have committed an act designated as a misdemeanor or felony under the Pennsylvania Judicial Code or any other State for that matter, which would then fail under Federal law. Also, references to the requirement of classification as a "dangerous juvenile offender" would be stricken throughout the statutes involved and replaced with references to alloged juvenile delinquents. (DPR) — this hill would have an adverse effect on our youth's ability to turn their lives around during such an early age.)

FEBRUARY 27 Furthermore, the arresting law enforcement authority would ensure that the ingerprints and photographs of an alleged delinquent child would be lowwarded to the central repository for immediate usage However, if the alleged delinquent child is fingerprinted and photographed and it was later revealed by the court of law that the charges were in fact false, then the court shall direct that these records be immediately destroyed by taw enforcement agencies (if it is not too latel) Naturally, the expurgement provisions of section 9123 of the Crimes Code would be available where otherwise applicable. In conclusion, this bill would also serve as a "Head Start" program for career criminals within the Commonwealth of Pennsylvania, therefore leaving very little room for error. I VOTE NO ON SENATE BILL 10.

The SPEAKER. Does the gentleman, Mr. Scrimenti, desire

The SPEAKER. Does the gentleman, Mr. Scrimenti, desire recognition? Mr. SCRIMENTI. Yes, sir. Yes, Mr. Speaker. Having withdrawn my amendment to this bill and after sharing my concerns with the Ridge administration, I stand today in full support of SB 10. We need to put repeat offenders behind bars, and as a former correctional officer, it does not matter whether they are 2 months over the age of 18 or 2 months under the age of 18. This bill would help law enforcement investigate and solve criminal acts committed by javeniles, helping to stop repeat javenile offenders. On that note, Mr. Speaker, I pledge my support to this bill. Thank you, sir.

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On the question recurring, Shall the bill pass finally? The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and mays will now be taken.

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LEGISLATIVE JOURNAL — HOUSE

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Bishop Jarolin

The majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

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Shall the bill pass finally? The SPFAKER, Agrocable to the provisions of the Constitution, the yeas and nays will now be taken.

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| Helardi | Floagle | McCreehan | Smith, B. |
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| Birmelin | Gamble | Mohro | Snyder, D. W. |
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed linally. Ordered, That the elerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

RECESS

The SPEAKER. Does the majority leader or the minority leader to any further business in the special session ? Hearing none, the special session is receased to the call of the have Chair

AFTER RECESS

The time of recess having expired, the House was called to order.

ADDITIONS AND DELETIONS OF SPONSORS

The SPHAKER. The Chair acknowledges receipt of additions and deletions of sponsorships of bills, which the clock will file.

(Copy of list is on file with the Journal clerk)

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ADJOURNMENT

The SPEAKER The Chair recognizes the gentleman. Mr. Sainato of Lawrence County. Mr. SAINATO Mr. Speaker, I move that the special session of 1995 do now adjourn until Tuesday, February 28, 1995, at 10:05 a.m., e.s.t., unless sooner recailed by the Speaker.

On the question, Will the House agree to the motion? Motion was agreed to, and at 3:42 p.m., e.s.t., the House adjourned

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165

On the question, Will the House agree to the motion? Motion was agreed to, and at 3:42 p.m., e.s.t., the House adjourned

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