LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 17, 1995

FIRST SPECIAL SESSION OF 1995

HOUSE OF REPRESENTATIVES The House convened at 11:05 a.m., c.d.:

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. KENNETH F. SHAPTUR, Chaplain of the House of Representatives, from Seneca, Pennsylvania, offered the following prayer:

Let us pray:

Dear Lord, we recognize this morning that we are uniquely different, as You created no two of us exactly alike. As members of the House deal with the issues of the day, there will be differences of opinions, different views. In their discussion and debates, may they not become personal, allowing for these differences.

May we sense the presence of Your love that strengthens and unites. Grant wisdom and courage to obey their conscience, that when they make their decisions, they can live with them with peace of mind and peace of heart.

This we ask in the wonderful name of our Lord. Amen.

PLEDGE OF ALLEGIANCE DISPENSED WITH

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, October 16, 1995, will be postponed until printed.

LEAVES OF ABSENCE

The SPEAKER. The leaves of absence granted in today's regular session will be granted in the special session.

MASTER ROLL CALL

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

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader. Mr. Perzel, who calls for an immediate meeting of the Rules Committee in special session at the majority leader's desk.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges receipt of additions and deletions for sponsorships of bills, which the elerk will file.

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 72, PN 163 (Amended)

By Rep. PICCOLA

No. 61

An Act amending little 42 (Judiciary and Judicial Procedure) of the Permsylvania Consolidated Statutes, further providing for sentencing for first degree murder.

JUDICIARY.

SB 81, PN 164 (Amended).

By Rep. PICCOLA.

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for postconviction relieft and providing for unitary review in death penalty cases.

JUDICIARY.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL, Mr. Speaker, I move that SB 72 and SB 81 be removed from the table.

On the question, Will the House agree to the motion? Motion was agreed to.

COMMONWEALTH OF PENNSYLVANIA

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On the question, Will the House agree to the motion? Motion was agreed to.

BILLS RECOMMETTED

The SPEAKER, The Chair recognizes the majority leader.
Mr. PERZEL, Mr. Speaker, I move that SB 72 and SB 81 be recommitted to the Committee on Appropriations.

On the question. Will the House agree to the motion? Motion was agreed to,

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, prosented the following extract from the Journal of the Senate, which was read as follows:

In the Senate October 16, 1995

RESOLVED, (the House of Representatives concurring), That when Special Session No. 1 of the Senate adjourns this week it reconvente on Monday, October 23, 1995, unless asomer recalled by the President Pro Tempore of the Senate; and he it further RESOLVED. That when Special Senation No. 1 of the House of Representatives adjourns this week it reconvene on Monday. October 23, 1995, unless seener recalled by the Speaker of the House of Representatives.

Ordered. That the clerk present the same to the House of Representatives for its concurrence.

On the question, Will the House concur in the resolution of the Senate? Resolution was concurred in. Ordered, That the clerk inform the Senate accordingly.

RECESS

The SPEAKER. Does the Republican leader or Democratic floor leader have any further business in special session?

Hearing none, the special session is now recessed until the call session of the control of the Chair.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (J. SCOT CHADWICK) PRESIDING

BILL REMOVED FROM TABLE

SPLAKER pro tempore. The Chair recognizes the

majority leader.
Mr. PERZEL, Mr. Speaker, I move that SB 109 be removed from the table.

On the question, Will the House agree to the motion? Motion was agreed to.

BILL ON SECOND CONSIDERATION

The following bill, having been called up, was considered for the second time and agreed to, and ordered transcribed for third-consideration:

SB 109, PN 162.

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 23, PN 158,

An Act amending the act of August 6, 1941 (P. L. 861, No. 323), entitled, as amended, "Pennsylvania Board of Probation and Panole Law," further providing for investigations and recommendations to the Board of Pandons and for powers and duties of the Pennsylvania Board of Probation and Parole.

On the question.

Will the House agree to the bill on third consideration? Bill was agreed to

The SPEAKER pro tempore. This bill has been considered once different days and agreed to and is now on final passage. The question is, shall the bill pass finally? Agreeable to the provisions of the Consutution, the year and is will now be taken.

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LEGISLATIVE JOURNAL -- HOUSE

OCTOBER 17

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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 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.

BILL ON CONCURRENCE SENATE AMENDME TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in an emondments to House amendments to SB 7, PN 157, contilled:

An Act sunending Fitle 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for sexually violent offenders.

On the question, \$W(t)\$ the House conduction Senate amendments to House amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzeroe County, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker. I targe all the members to concur in the Senate amendments and to thank the Senate for keeping the language inserted by the House that I think makes this Megan's Law unity significant for the people of Pennsylvama and I think something the members of the House can be very proud of. Thank you. Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman. The Chair recognizes the gentleman from Philadelphia County, Mr. Thomas.

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Mr. THIOMAS, Thank you, Mr. Speaker.

Mr. Speaker, is there someone that can clarify the Senare amendment?

The SPEAKER pro tempore. The gentleman, Mr. Piccola, has indicated that he is willing to stand for interrogation, and you are in order and may proceed.

Mr. THOMAS, Thank you, Mr. Speaker.

I would just like to know what the Senare amendment was and how it either added or changed the bill that was sent over.

Mr. PICCOLA, The amendments inserted by the Senate were simply technical corrections that had to be made, had no substantive effect on the bill with the exception that the effective upon the date that the Governor signed to—— We made it effective upon the date that the Governor signed to that we did not have a gap of time between the effective date and the date the Governor signed the bill.

Mr. THOMAS, So will it have a retroactive effect or a prospective effect?

Mr. THOMAS, so will an improspective effect?
Mr. PICCOLA. No, it will not. It is all prospective.
Mr. THOMAS. It will not have a retroactive effect, so it will be prospective from the date that the Governor signs it?
Mr. PICCOLA. That is correct.
Mr. THOMAS. Okay. Thank you.
Thank you, Mr. Speaker.

On the question recurring, Will the House concur in Senate amendments to House amendments?

The SPEAKER pro tempore, Agreeable to the provisions of the Constitution, the year and mays will now be taken.

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EXCUSION 3

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On the question recurring,

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The SPEAKER pro tempore, Agreeable to the provisions of the Constitution, the year and mays will now be taken.

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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the Senate amendments to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 130, PN 179. entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for voluntary manslaughter

On the question, Will the House agree to the bill on third consideration?

Mr. LEVDANSKY offered the following amendment No. A4919:

Amend Title, page 1. line 3, by removing the period after "manylaughter" and inserting and for possession of a frearm by a minor.

Amend Bill, page 1, line 12, by striking out all of said line and

\$ 6110.1. Possession of firearm by minor.

(a) Firearm.—Except as provided in subsection (b) or under 30 Pa.C.S. \$ 2711(a)(8) (relating to unlawful acts concerning ficenses), a person under 18 years of age shall not possess or transport a firearm anywhere in this Commonwealth.

Section 3. This act shall take effect as follows:

(1) The amendment of 18 Pa.C.S. § 2503(c) shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Allegheny County, Mr. Levdansky, Mr. LLVDANSKY, Mr. Speaker. I would like to withdraw this amendment and offer the other amendment in its place.

The SPEAKER pro tempore. The Chair thanks the gentleman. The clerk will read amendment No. 5174.

On the question recurring, Will the House agree to the bill on third consideration?

Mr. LEVDANSKY offered the following anundment No. A5174.

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Amend Bill, page 1, line 12, by striking out all of said line and inacting.

8 6110.1. Possession of firearm by minor.

(b) Exception. Subsection (a) shall not apply to a person under 18 years of age [who is under the supervision of a parent, grandparent. 18 years of age [who is under the supervision of a parent, grandparent of legal guardial acting with the expressed consent of the minor's custodial parent or legal guardian and:

(1) who is under the gunervision of a parent, grandparent, legal guardian or an adult acting with the expressed consent of the minor's custodial pagent or legal guardian and the minor is engaged in lawful activity, including [lawfull, hunting, or trapping | sofley training, target shooting at an established range [orl, engaging in an organized competition involving the use of a fitearm or the frearm is introduced and the minor is transporting it for a lawfull purpose; or [12] who is lawfully hunting or trapping in accordance with fitte 34 (relation to game).

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On the question, \mathbf{W} ill the House agree to the amendment?

The SPHAKER pro tempore. On that question, the Chair recognizes Mr. Leydansky.

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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the Senate amendments to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 130, PN 179. entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for voluntary manslaughter

On the question, Will the House agree to the bill on third consideration?

Mr. LEVDANSKY offered the following amendment No. A4919:

Amend Title, page 1. line 3, by removing the period after "manslaughter" and inserting and for possession of a freatm by a minor.

Amend Bill, page 1, line 12, by striking out all of said line and

inserting
Section 2. Section 6110.1(a) of Title 18, added June 13, 1995
(Sp.Sess., P.J. 88, No.17), is amended to read:

§ 6110.1. Possession of firearm by minor.

(a) Firearm.—Except as provided in subsection (b) or under 30 Pa.C.S. § 271 (ci)(8), (relating to unlawful acts concerning ficenses), a person under 18 years of age shall not possess or transport a firearm anywhere in this Commonwealth.

Section 3. This act shall take effect as follows:

(1) The amendment of 18 Pa.C.S § 2503(c) shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Allegheny County, Nr. Levdansky, Nr. LLVDANSKY, Mr. Speaker, I would like to withdraw this amendment and offer the other amendment in its place.

The SPEAKER pro tempore. The Chair thanks the gentleman. The clerk will read amendment No. 5174.

On the question recurring, Will the House agree to the bill on third consideration?

Mr. LEVDANSKY offered the following anundment No. A5174.

Amend Title, page 1, line 3, by removing the period after "mandaughter" and inacting and for possession of firearms by minors.

Amend Dill, page 1, line 12, by striking out all of said line and inacting.

(b) Exception. Subsection (a) shall not apply to a person under years of age [who is under the supervision of a parent, grandparent, all gondian or an adult acting with the expressed consent of the minor's steelial parent or legal guardiant and:

(1) Who is under the appreciation of a parent, grandparent, [coul guardian or an adult acting with the expressed consent of the minor's custodial parent or legal guardiant, with the expressed consent of the minor's custodial parent or legal guardian and the minor is engaged in lawful activity. Including [lawfully hunting, or trapping [will year in a creation of the minor is engaged in lawful activity. Including [lawfully hunting, or trapping [will year in a creation of the minor is unlessed and the minor is transporting it for a lawfull purpose; or [(2)] the facson is unlessed and the minor is transporting it for a lawfull purpose; or [(2)] who is lavyfully hunting or trapping in accordance with [including to parent).

Section 3. This was statuted.

Section 3. This act shall take effect as follows:

(1) The surrendment of 18 Pa C.S. 4.2503(c) shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

On the question, \mathbf{W} ill the House agree to the amendment?

The SPEAKER pro tempore, On that question, the Chair recognizes Mr. Levdansky.

Nr. LEVDANSKY. Thank you. Mr. Speaker.
Mr. Speaker, several months ago we passed HB 110 - new Act 17 and part of that legislation dealt with miners possessing firearms. This amendment incorporates some language to make it clear that any contradictions or conflicts between HB 110, presently Act 17, and the language presently in the Game and Wildlife Code, Title 34.
I would appreciate an affirmative vote.
The SPLAKER pro tempore. The Chair recognizes the gentleman from Cumberland County, Mr. Masland.
Air. MASLAND. Thank you. Mr. Speaker.
When this bill first came up 2 weeks ago, there was the original amendment, 4919, drafted by Repuscentative Levdansky. We had some concerns, not with the intent bat will the language. Our staff has worked on this language, and this is an agreed-to amendment. So I would urge a "yes" vote. Thank you.

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

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NAYS-0

NOT VOTING: 0

EXCUSED 3

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

On the question, Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPLAKER pro tempore. 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 finally?

On that question, the Chair recognizes the gentleman from Cumberland County, Mr. Masland.

Mr. MASLAND. Thank you, Mr. Speaker.

Very briefly I believe that this bill is in keeping with other actions we have taken carlier in this special session. If ad I thought of it carlier, it would have been amended to a previous bill.

All this does is make voluntary manslaughter a felony 1. It does not set any mandatory sentences, It just gives the judge discretion where, in an appropriate case, be can make the tail longer or give someone a sentence of up to 10 to 20 years. Thank you, Mr. Speaker.

On the question recurring, Shall the bill pass finally? The SPLAKER pro tempore, Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS 199

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LEGISLATIVE JOURNAL — HOUSE

Nr. LEVDANSKY. Thank you. Mr. Speaker.
Mr. Speaker, several months ago we passed HB 110 - new Act 17 and part of that legislation dealt with miners possessing firearms. This amendment incorporates some language to make it clear that any contradictions or conflicts between HB 110, presently Act 17, and the language presently in the Game and Wildlife Code, Title 34.
I would appreciate an affirmative vote.
The SPLAKER pro tempore. The Chair recognizes the gentleman from Cumberland County, Mr. Masland.
Air. MASLAND. Thank you. Mr. Speaker.
When this bill first came up 2 weeks ago, there was the original amendment, 4919, drafted by Repuscentative Levdansky. We had some concerns, not with the intent bat will the language. Our staff has worked on this language, and this is an agreed-to amendment. So I would urge a "yes" vote. Thank you.

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

YEAS -199

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NAYS-0

NOT VOTING: 0

EXCUSED 3

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Schroder

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

On the question, Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPLAKER pro-tempore. This bill has been considered on re-different days and agreed to and is now on final passage. The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman from Cumberland County. Mr. Masland.

Mr. MASLAND. Thank you, Mr. Speaker.

Very briefly. I believe that this bill is in keeping with other actions we have taken carlier in this special session. Had I thought of it carlier, it would have been amended to a previous bill.

All this does is make voluntary manslaughter a felony 1. It does not set any mandatory sentences, it just gives the judge discretion where, in an appropriate case, be can make the tuil fonger or give someone a sentence of up to 10 to 20 years. Thank you, Mr. Speaker. give someon N1r. Speaker.

On the question recurring,

Shall the bill pass finally? The SPLAKER pro tempore. Agreeable to the provisions of the Constitution, the year and nays will now be taken.

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NAYS -0

NOT VOTING-0

EXCUSED-3

Mihalich

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Travaglio

The majority required by the Constitution baving voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for

The House proceeded to third consideration of SS 100, PN 146, entitled:

An Act omending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further defining videlinquent activity conclude certain criminal offenses; and providing for children committing delinquent acts.

On the question, \mathbf{W} ill the House agree to the bill on third consideration?

Nr. CAPPABIANCA offered the following amendment No. A4248:

Amend Title, page 1, line 3, by insenting after troffenses:"
further providing for certain hearings;
Amend Bitt, page 7, by inserting between lines 19 and 20
Section 3. Section 6336(e) of Title 42, amended April 6, 1995
(1st Sp.Sess, P.L. , No.11), is amended to read
§ 6336. Conduct of hearings.

(1st Sp.Sessa, 17.1..., No.11), is amended to fear?

(6) Open proceedings.—The general public shall not be excluded from any hearings under this chapter:

(1) Pursuant to a petition alloging delinquency where the child was 14 years of age or older at the time of the alleged conduct and the atleged conduct would be considered a felony if committed by an adult.

(2) Pursuant to a petition alleging delinquency where the child was 12 years of age or older at the time of the alleged conduct and where the inleged conduct would have constituted one or more of the following offenses if committed by an adult.

(i) Morder.

(ii) Voluntary manuslaughter.

(iii) Agravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggress ated assault).

(iv) Arson as defined in 18 Pa.C.S. § 3301(a)(1) (relating to suson and related offenses).

(vi) Kidnapping

(vii) Rape.

(viii) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(ii) or (iii) (relating to robbery).

(ix) Accumpt or conspiracy to committen of the offenses in this paragraph.

Notwithstanding anything in this subsection, the proceedings shall be closed upon and to the extent of any agreement between the fehild victim and the arrorney for the Commonwealth.

Arnend Sec. 4, page 7, line 20, by striking out "4" and inserting

Amend Sec. 4, page 7, line 20, by striking out "4" and inserting

Amend Sec. 5, page 8, line 3, by striking out "5" and inserting

Amend Sec. 6, page 10, line 15, by striking out "6" and inscrting

Amend Sec. 7, page 15, line 21, by striking out 77. That and inserting

inserting 8. (a) Except as provided in subsection (b), this Amend Sec. 7, page 15, by inserting between lines 22 and 23 (b). The amendment of 42 Pa.C. 5, \$635(c) shall apply to actions initiated on or after the effective date of this set.

Amend Sec. 8, page 15, line 23, by striking out 181 and inserting

On the question, $\mathbf{W}(0)$ the House agree to the amendment?

AMI NONIENT WITHDRAWN

Mr. CAPPABIANCA, Mr. Speaker, can we pass over that one and go to A4251 first?

On the question recurring. Will the House agree to the bill on third consideration?

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NAYS 0

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EXCUSED-3

Mihalich

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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 finally.

Ordered, That the clerk present the same to the Senate for concurrence.

The Hou 146, entitled: House proceeded to third consideration of S.B 100, PN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further defining adelinquent act? to exclude certain criminal offenses; and providing for children committing delinquent acts.

On the question, Will the House agree to the bill on third consideration?

Nr. CAPPABIANCA offered the following amendment No. A4248:

Amend Title, page 1, line 3, by inverting after fufficience:

further providing for certain hearings;

Amend Bill, page 7, by inscribing between lines 19 and 20
Section 3, Section 6336(e) of Title 42, amended April 6, 1995
(19(Sp.Sessa, P.L., No.11), is amended to read
§ 6236. Conduct of hearings.

(e) Open proceedings.—The general public shall not be excluded from any hearings under this chapter:
(1) Pursuant to a potition alloging delinquency where the child was 14 years of age or older at the time of the alleged conduct and the alleged conduct would be considered a falony if committed by an adult.

child was 14 years of age or older at the time of the alleged conduct and the alteged conduct would be considered a felony. Tearmitted by an adult.

(2) Pursuant to a petition alleging delinquency where the child was 12 years of age or older at the time of the alleged conduct and where the illeged conduct would have constituted one or more of the following offenses if committed by an adult:

(i) Morder.

(ii) Morder.

(iii) Noturnery manulaughter.

(iii) Noturnery manulaughter.

(iv) Voluntary manulaughter.

(iv) Crelating to aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault).

(iv) Aroon as defined in 18 Pa.C.S. § 3301(a)(1) (relating to suson and related offenses).

(vi) Kidnapping

(vii) Rape.

(vii) Rape.

(viii) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery).

(ix) Robbery of motor vehicle.

(x) Anompt or conspiracy to commit any of the offenses in this paragraph.

Notwithstanding anything in this subsection, the proceedings shall be closed upon and to the extent of any agreement between the fehild] victim and the arrornes for the Commonwealth.

Amend Sec. 4, page 7, line 20, by striking out "4" and insenting.

Amend Sec. 4, page 7, line 20, by striking out "4" and inserting

Amend Sec. 5, page 8, line 3, by striking out "5" and inserting

Amend Sec. 6, page 10, line 15, by striking out "6" and inscrting

Amend Sec. 7, page 15, line 21, by striking out 17. This and inserting

inserting

8. (a) Except as provided in subsection (b), this Amend Sec. 7, page 15, by inserting between lines 22 and 23 (b). The amendment of 42 Pa.C.S. \$ 6336(c) shall apply to actions initiated on or after the effective date of this act.

Amend Sec. 8, page 15, line 23, by striking out 187 and inserting

On the guestion Will the House agree to the amendment?

AMENDMENT WITHDRAWN

Mr. CAPPABIANCA, Mr. Speaker, can we pass over that one and go to A4251 first?

On the question recurring. Will the House agree to the bill on third consideration?

Nr. CAPPABIANCA offered the following amendment No.

Amend Title, page 1, line 1, by striking out "Title" and insenting
Titles ?3 (Domestic Relations) and
Amend Title, page 1, line 2, by inserting after "Statutes."
further providing for contempt,
Amend Title, page 1, line 3, by inserting after "offenses,"
further providing for certain hearings:
Amend Title, page 1, line 4, by removing the period after "ACTS"
perture.

and inserting
and for a panel to study the school-based probation officer program
Amend Bill, page 7, lies 9 and 10, by striking out all of said lines and inserting
Section 1. Section 6114 of Title 23 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:
§ 6114. Contempt for violation of order or agreement.

(c) Violation by a juvenite.—If the defendant in a proceeding under subsection (a) is a juvenile, the court shall transfer the case the further proceedings in accordance with 42 Pa.C.S. 8 6322 (relating to transfer

Property of accordance Structure (1992). Section 2. Section 6301(h)(2) of Title 42 is amonded to read:
Amend Sec. 2, page 2, line 9, by striking out 12 and inserting

Amend Sec. 3, page 4, line 22, by scriking out "3" and insorting $\frac{1}{4}$

Amend Bill, page 7, by inserting between lines 19 and 20 Section 5 Section 6336(e) of Title 42, amended April 6, 1995 (1st Sp Sess., P.L. , No.11), is amended to read. \$ 6336. Conduct of hearings.

(18) Sess, P.C., No. 11. Is amended to read.

§ 6330. Conduct of hearings.

(b) Open proceedings.—The general public shall not be excluded from any hearings under this chapter:

(1) Pursuant to a petition alleging definquency where the child was 14 years of age or older at the time of the alleged conduct would be considered a folony if committed by an adult.

(2) Pursuant to a petition alleging definquency where the child was 12 years of age or older at the time of the alleged conduct would have constituted one or more of the following offenses if committed by an adult.

(3) Maider.

(4) Voluntary manslaughter.

(4) Voluntary manslaughter.

(4) Voluntary manslaughter.

(5) Voluntary manslaughter.

(6) Voluntary manslaughter.

(7) Creating to aggravated assault.

(8) Aggravated assault as defined in 18 Pa.C.S. § 330(a)(1) (relating to aroon and related offenses)

(8) Involuntary deviate sexual intercourse (4) Estinapping.

(4) Robberg as defined in 18 Pa.C.S.

§ 370(a)(1)(i) or (ii) or (iii) relating to robberg).

((ii) Robberg as defined in 18 Pa.C.S.

§ 370(a)(1)(ii) or (iii) relating to robberg).

((iii) Robberg as defined in 18 Pa.C.S.

(iv) Robberg of more vehicle.

(x) Amenipt or conspirate to commit any of the offenses in this paragraph.

Notwithstanding anything in this subsection, the posecedings shall be closed upon and to the estern of any agreement between the feltild! victum and the attorney for the Corumonwealth.

Amend Sec. 1, page 7, line 20, by striking our 145 and inserting

Amond Sec. 5, page 8, line 3, by striking out "5" and inserting

Amend Sec. 6, page 10, line 15, by striking out "6" and inserting

Amend Sec. 6, page 10, the 15, by striking out "6" and inserting Amend Bill, page 15, by inserting between lines 20 and 21 Section 9. (a) The Governor shall appoint, within 30 days of the date of final enactment of this act, a panel of 11 entirens of this act, a panel of 11 entirens of this Commonwealth which shall include at least one educator, one member of the Juvenile Courts Commission, one representative of a victims rights one member from the Pennsylvania Crime and Delinquency Commission and two representatives from juvenile probation offices.

(b) This panel shall study the recently established school-hased probation officer program in this Commonwealth and make recommendations about the following:

(1) The impact of recent State legislation on school-hased probation programs.

(2) The costs and benefits of school based probation programs.

programs.

(3) The costs and benefits of linking juvenite diversion programs to school based probation programs.

(4) Possible changes in Federal. State or local legislation or regulations that would enhance the effectiveness of school-based probation programs in decreasing juvenite crime.

(c) This panel shall make a report of its findings and amendations to the Governor and to the General Assembly within lays.

120 days.
| Amend Sec. 7, page 15, line 21, by stoking out "7. This" and

inserting 10 (a) Except as provided in subsection (b), this Amend Sec. 7, page 15, by inserting between times 22 and 23 (b). The amendment of 42 Pa.C.S. § 6336(a) shall apply to actions initiated on or after the effective date of this act.

Amend Sec. 8, page 15, line 23, by striking out "8" and inserting 11.

On the question. Will the House agree to the amendment?

Will the House agree to the amendment?

The SPEAKER pro-tempore. On that question, the Chair recognizes the gentleman. Mr. Cappahianca.
Mr. CAPPABIANCA, Thank you, Mr. Speaker.
The reason why I asked for A4251 first was because it is an aminbus amendment, and should it pass, we could withdraw A4248 and A4249 of Ms. Bebko-Jones.
Mr. Speaker, the intent and purpose of this particular amendment was brought about after some of my colleagues and I held a public hearing, a town meeting. I should say, in Irie, Pennsylvania, where we received some input, or I should say, much input from mambers of the county agencies that deal in domestic violence, invenile delinquency, and people of that nature—the police department, district attorney's office, and so forth. What this particular amendment does, real briefly, what I am prepared to offer, Mr. Speaker, would address three concerns that came to our attention. This would, for example, increase protection for victims of juvenile crime. It would strengthen laws against accented domestic allosse, PhA's (protections from abuse), and it would also set up a study commission on juvenile crimes.
Mr. Speaker, with that, I would ask support of this amendment, A4251, which is an ornoibus unrendment. Thank you, Mr. Speaker.
The SPHAKER protections from Diaphin County, Mr. Piccola. Mr. Piccola. Mr. Piccola. Mr. Piccola. Thank you, Mr. Speaker.

I rise to oppose this omnibus amendment, I do not have any problem with portions of this amendment, to there is a significant part of it that is contained in amendment. A4249 which I would

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Amend Sec. 6, page 10, line 15, by striking out "6" and inserting

Nr. CAPPABIANCA offered the following amendment No. A4251:

Amend Title, page 1, line 1, by striking out "Title" and inserting
Titles 73 (Domestic Relations) and
Amend Title, page 1, line 2, by inserting after "Statutes."
further providing for contempt,
Amend Title, page 1, line 3, by inserting after "offenses,"
further providing for certain bearings:
Amend Title, page 1, line 4, by removing the period after "ACTS"
perture

and inserting

and for a panel to study the school-based probation officer program

Amend (Bill) page 7, lies 9 and 10, by striking out all of said lines and inserting.

Section 1. Section 6114 of Title 23 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read: \$ 6114. Contempt for violation of order or agreement.

(c) Violation by a juvenite.—If the defendant in a proceeding undesubsection (a) is a juvenite, the court shall transfer the case for furthe proceedings in accordance with 42 Pa.C.5, 8 6322 (relating to transit from criminal proceedings).

Amend Sec. 3, page 4, line 22, by striking out "3" and insorting

Amend Bill, page 7, by inserting between lines 19 and 20 Section 5. Section 6336(e) of Title 42, amended April 6, 1995 (1st Sp Sess., P.L., No. 11), is amended to read. 8 6336. Conduct of hearings.

(e) Open proceedings.—The general public shall not be excluded from any hearings under this chapter:
(1) Pursuant to a petition alleging definquency where the child was 14 years of age or older at the time of the alleged conduct and the alleged conduct would be considered a felony if committed by on adult.

and the alleged conduct would be considered a felony if committed by an adult.

(2) Pursuant to a petition alleging delinquency where the child was 12 years of age or older at the time of the alleged conduct would have constituted one or more of the tollowing offenses if committed by an adult.

(i) Nhader.

(ii) Voluntary manslaughter.

(iii) Aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) relating to aggravated assault).

(iv) Amon as defined in 18 Pa.C.S. § 330 (a)(1) (relating to armon and related offenses)

(v) Involuntary devotes excurd intercourse (vi) Radosping.

(vii) Robberg as defined in 48 Pa.C.S. § 370 (a)(1), ii) or (iii) relating to robbery).

(viii) Robberg as defined in 48 Pa.C.S. § 370 (a)(1), iii) or (iii) relating to robbery).

(viii) Robberg as defined in 48 Pa.C.S. § 370 (a)(1), iii) or (iii) relating to robbery).

(vii) Robberg of more vehicle.

(x) Attempt or compliancy to commit any of the offenses in this paragraph.

Notwith-tunding anything in this subsection, the proceedings shall be closed upon and to the extent of any agreement between the feltiall vectors are the sattorney for the Commonwealth.

Amend Sec. 1, page 7, line 20, by striking our 141 and inserting

Amond Sec. 5, page 8, line 3, by striking out "5" and inserting

Amend Sec. 6, page 10, line 15, by striking out "6" and inserting Section 9. (a) The Governor shall appoint, within 30 days of the date of final characters of this act, a panel of 11 citizens of this day of the date of final characters of this act, a panel of 11 citizens of this day of the date of final characters of this act, a panel of 11 citizens of this day of the Juvenile Count Scommission, one preparative of a victims rights organization, one member from the Perinsvivania Crime and Delinquency Commission and two representatives from juvenile probation offices. Offices, the probation officer program in this Commonwealth and make probation officer program in this Commonwealth and make (1). The impact of recent State legislation on school-based probation programs.

(2) The costs and benefits of school based probation programs to school based probation programs.

programs.

(5) The costs and benefits of linking juvenile diversion programs to school based probation programs.

(4) Possible character in Federal, State or local legislation or regulations that would enhance the affectiveness of school-based probation programs in decreasing juvenile crime.

(c) This panel shall make a report of its findings and amendations to the Governor and to the General Assembly within lays.

130 days.

Amend Sec. 7, page 15, line 21, by stoking out "7. This" and

inserting 10 (a) Except as provided in subsection (b), this Amend Sec. 7, page 15, by inserting between fines 22 and 23 (b). The amendment of 32 Pa.C.S. § 6.356(a) shall apply to actions initiated on or after the effective date of this act.

Amend Sec. 8, page 15, line 23, by striking our "8" and inserting 11.

On the question. Will the House agree to the amendment?

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Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Cappabianca, Mr. CAPPABIANCA, Thank you, Mr. Speaker.

The reason why I asked for A4251 first was because it is an omnibus amendment, and should it pass, we could withdraw A4248 and A4249 of Ms. Bebko-Jones.

Mr. Speaker, the intent and purpose of this particular amendment was brought about after some of tmy colleagues and I held a public bearing, a town meeting. I should say, in trie, Pennsylvania, where we received some input, or I should say, much input from members of the county agencies that deal in domestic violence, invenile delinquency, and people of that nature—the police department, district attentey's office, and so forth.

What this particular amendment does, real briefly, what I am prepared to offer, Mr. Speaker, would address three concerns that earne to our attention. This would, for example, increase protection for victims of juvenile crime. It would strengthen laws against givenile domestic alosse, PhA's (protections from abuse), and it would also set up a study commission on juvenile crimes.

Mr. Speaker, with that, I would ask support of this amendment, A4251, which is an ornoibus unennelment. Thank you, Mr. Speaker. The SPEAKER protempore. The Chair thanks the gentleman and recognizes the gentleman from Dauphin County, Mr. Piecola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I rise to oppose this omnibus amendment, I do not have any problem with persons of this amendment, there is a significant part of it that is contained in amendment. A4249 which I would

oppose and for that reason oppose the entire amendment, because I do not think they can be separated.

That position of the amendment which is objectionable is the portion that requires the transfer of a juvenile — and that would be a juvenile into adult court—who is accused of contempt of court for the violation of an order or agreement entered into pursuant to a Divorce Code violation. The problem with that is that the juvenile court has no jurisdiction over the Divorce Code or violations of orders emered by the divorce court. I am not sure what kinds of orders we are talking about, but they do not tend to be criminal orders. They are civil kinds of orders, and they are civil contempt therefore.

I think the transfer of juveniles into adult court for the violation of Divorce Code contempt is a rather severe result. That coupled with the fact that the juvenile court presently does not even have jurisdiction over this subject matter would make an almost impossible mortuss for the court to deal with.

I would therefore suggest that this omnibus amendment be defeated or preferably withdrawn and that we deal with the portions of the amendment in separate amendments that are less objectionable or not objectionable at all. So I would arge that the amendment be defeated.

The SPEAKER pro tempore. The Chair recognizes the lady.
Ms. BEBRO-JONES. Mr. Speaker, I would like to interrogate the previous speaker, please.

The SPEAKER pro tempore. The gentleman, Mr. Piccola, indicates that he is willing to stand for interrogation. You are in order and may proceed.

Ms. BEBRO-JONES. Thank you, Mr. Speaker.

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Ms. BEBKO JONES. Thank you, Mr. Speaker.

Mr. Speaker, is not the PFA violation of the Domestic Abuse Act and not the Diverget Code?

Mr. PICCOLA. That is correct.

Ms. BEBKO-JONES. Well, then 1 do not understand the objection to this amendment. Mr. Speaker. Could you explain it to me again? You used the Diverge Code and nor the Domestic Abuse Act.

Mr. PICCOLA. Well, the same argument applies, because the juvenile court does not have jurisdiction over the Domestic Abuse Act either, and it also taxes the question as to why they would be subject to being transferred into adult criminal court for these kinds of violations. It is very unclear as to what the purpose of the innerdment is.

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Mr. CAPPABIANCA. Mr. Speaker, can we have a little bit of order so we can hear?

The SPLAKER pro tempore. The gentleman is correct. The members have been very patient all afternoon, but the noise level is starting to tise. Conversations really should cease. The members are entitled to be heard. The Chair thanks the gentleman. Do you want to continue your interrogation?

Ms. BEBKO-JONES. Yes, Mr. Speaker.

The SPEAKLR pro tempore. You are in order.

Ms. BEBKO-JONES. Thank you.

Mr. Speaker, in the State of Fennsylvanta right now, if we have juveniles that beat up their parents, beat their siblings, beat their girlfriends, beat their boyfriends, how do we proceed? What do we do now with those juveniles that beat up their parents in the State of Pennsylvania?

Mr. PICCOLA, Under this bill, those types of juveniles would be charged with aggravated assault, under this statute as we are proposing it, and the district attorney can directly file that action,

if it is what the lady has described, can directly fite that action into commal court, adult criminal court, but that does not have anything to do with the protection-from abuse statute.

Ms. BEBRO-JONIS, Mr. Speaker, if one has a PPA for the protection of their own daughter, which is a juvenite and she continues to get beat up by her boythend or some other juvenite, what are the protections for that temple juvenite or the parents of that invenite? that juvenile

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Mr. PICCOLA. I would only repeat, it the assault occurs with deadly weapon or is a repeated offense, there are provisions for ireal filling of those assault charges to adult count under this bill, it what this amendment does is simply say that if a PLA order is ciolated by a juvenile, the contempt is automatically sent into adult court, adult cruminal court, and that may or may not involve an

court, adult errurinal court, and that may or may not involve an assault.

This bill was designed to deal with violent juveniles who repeatedly violate the criminal law and juveniles who violate the criminal law and juveniles who violate the criminal law with weapons. That may or may not be the asse with the protection-from-abuse statute. If it is, they should be charged criminally under this newly proposed direct-filing statute.

Ms. BEBKO-IONLS. Mr. Speaker, do you not think that domestic abuse is a violent act? I mean, right now we can file PFA's against adults, Inventiles can continue to do what their adult counterparts do, and in most cases in Pennsylvania we do not file PFA's against juveniles. So then are you saying we should wait until the juvenile becomes an adult to be able to file a PFA? Are we not sending the wrong message here to the juveniles when we are trying to set tough on juvenile crime?

Mr. PICCOLA. If there is no protection-from-abuse order entered, which the lady just said that most juveniles are not subject to protection-from-abuse orders, that may or may not be for conduct that is the subject for this bill. If it is fin conduct that is subject to a protection-from-abuse order, that may or may not be for conduct that is the subject of this bill. If it is fin conduct that is subject to this bill, the district attorney, under this bill, without the lady's amendment, will have the opportunity to file that matter into adult court.

Ms. BEBRO JONES. Mr. Speaker, the message of this amendment. I truly believe, is—

The SPLAKER pro tempore. Has the lady concluded her intereogration?

Ms. BEBRO JONES. Yes, I have.

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Ms. BURKO JONES, Yes, I have.
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LEGISLATIVE JOURNAL — HOUSE

OCTOBER 17

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The SPLAKER pro tempore. The Chair recognizes the gentleman, Mr. Cappabianca, for the second time.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

Mr. Speaker, the intent of the amendment was brought about because we were informed that there were judges that were not enforcing PFA's against juveniles due to the reason that they gave us, that there was insufficient room in a juvenile prison, and that is what the ment of that particular part of this amendment is trying to address, that there are juveniles where a PFA has been ordered against them but there is no enforcement by the judges in that particular county because there is not enough room in a juvenile determion home.

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This is a vote, in our opinion, against domestic violence. This is a chance to strengthen domestic violence. If we truly want to be tough on crime in Pennsylvania, this is a minor correction. I see nothing wrong with it, and I would ask for support of this particular omnibus amendment.

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded

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NOT VOTING-0

EXCUSED-3

Mithalich Prapagation

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

On the question, Will the House agree to the bill on third consideration as amended?

Mr. PISTELLA offered the following amendment No. A4258:

Amond Title, page 1, line 4, by removing the period after "ACTS" and inserting

and for liability of parents.

Amound Bill, page 15, by inserting between Imes 20 and 21
Section 7. Section 9758 of Title 42 is amended by adding a Section 7 Subsection to read: < 9758. Time.

(d) Liability of parents in invenile cases. The liability of parents for lines imposed upon juveniles shall be limited to:

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Continuous series of criminal of Sa,000, for injuries or loss suffered by two or more persons as a result of one criminal or definition had been more persons as a result of one criminal or definition had been the court exceeds \$5,000. The parents shall be discharged from further habitis. In the payment of Sa,000 mio court. The court shall cause all appries of parties to submit temporal statements of loss in writing, and photol make distribution proportionately, whether the claims be for injuries to the person or for dieff, destruction or loss of morents. The court may take tearing by the first of the person of the first of the first of the person of the first of the first of the first of the person of the first of the first of the first of the first of the person of the first of the

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LEGISLATIVE JOURNAL HOUSE

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NOT VOTING-0

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(2) the total sum of \$5,000, for injuries or loss suffered by two or more persons as a result of one criminal or definquent acts.

(3) the total sum of \$5,000, for injuries or loss suffered by two or more persons as a result of one criminal or definquent acts.

In the event that actual fosts as accordanced by the court exceeds \$5,000, the isatents shall be discharged from further hability by the payment of \$5,000 min court. The court shall caping all apprietived participation proportionately, whether the claims be far injuries to the person or for the first of the person or for the first in making propage distribution and may appoint a moder to accomplish this purpose. All costs and fost incorred in these proceedings will be paid from the \$5,000 pair, time court. The limitations on highling set forth shall be applicable when two or more children of the same paging reases jointly in the commission of one criminal or delinquent act or series of geiminal or delinquent acts.

Amend Sec. 7, page 15, line 21, by striking out "7" and inserting appears to the page to be a page 15. Inc. 21, by striking out "7" and inserting appears to the page 15. Inc. 21, by striking out "7" and inserting appears to the page 15. Inc. 21, by striking out "7" and inserting appears to the page 15. Inc. 21, by striking out "7" and inserting appears to the page 15. Inc. 21, by striking out "7" and inserting appears to the page 15. Inc. 21, by striking out "7" and inserting appears to the page 15. Inc. 21, by striking out "7" and inserting appears to the page 15. Inc. 21, by striking out "7" and inserting appears to the page 25.

Amond Sec. 8, page 15, line 23, by striking out 11811 and inserting

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, the purpose of this amendment is to increase and to provide uniformity in the liability of parents in cases that are handled in the juvonitle justice system. Currently the liability for purents rosts at \$1,000 and \$2,500. This would increase it to \$5,000 and \$5,000.

I would appreciate the support of the members for this amendment. Thank you.

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

YEAS-199

Egolf Evans Fairchild Fart Farmer Feese Fichter Flessols Adolph Allen Argall Armstrong Santoni Sauroni Sathen Sagter Schuler Schuler Schuler Schuler Shaner Shechan Smith, B. Smith, B. Smith, B. Smith, G. W. Statack Lucyk Lynch Mairland Mairiand Major Manderino Mandosisk Mandosisk Mandand Mayernik Niedealia Nied Armstro Baker Bard Barley Bartisto Bebko J Belardi Belfanti Fichter Flexible Floxible Camble Camble Camble Genter George Gigliotti Gladeck Godslad! Gordner Gruppo Haluska Harma Harbat Belfanti Bishop Blaum Boscota Boyes Brown Browne Bunt Bunte Bunte Gallagiron Callagiron Sighack Steelman Steil Stern Steiler Strittmatter Strittmatter Storla Survisi Functetti Tavlor, E & Laylor, I Florinos Tigue Trello Trich Trus Nywe O'Brian Harma Harbar Hassa Harman Harman Harman Harman Harshey Harebinson trkin Jadlowice James Jarotin Josephs Keisen Keisen Keisen Kildand Kicks Kildand Kicks Kildand Kilda Olasz Oliver Perzel Person Persona Petrona Carone Carone Cawtey Chadwick Chark Clivers Clark Clymer Cohen, L. I. Cohen, M. Coherchs Consizzo Conti Cornell Perions
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Ryan. Speaker

NAYS 0

NOT VOTING 0

FXCUSED-3

Stilhalich Schröder Transaighter

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

On the question recurring, Will the House agree to the bill on third consideration as Will the amended?

Mr. EVANS offered the following amendment No. A4298:

Amend Title, page 1, line 3, by striking out "ANED"
Amend Title, page 1, line 4, by romoving the period after "ACTS" and inserting

and for costs of incarceration
Amend Sec. 3, page 4, line 22, by striking out all of said line and

Amend Sec. 3, page 4, line 22, by striking out all of said line and inserting.

Section 3. Sections 6306 and 6327 of Thile 42 are amended to read: \$ 6006. Costs and expenses of care of the life.

[The] (ar General pole Except insprovided in subsection (b), the costs and expenses of the care of the child shall be paid as provided by sections 704.1 and 703.2 of the act of June 13, 1967 (F. 3). No.21), known as the ["Public Welfare Code.["]

(b) Costs for placement—All costs for children transferred to adult court for criminal processings, under this act who are subsequently placed in adult, county bills, other correctional facilities or State correctional institutions shall be borne by the Commonwealth.

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

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes Mr. Evans.

Mr. Evans. Mr. Speaker, the amendment that I am offering on this particular bill deals with the issue of trying to maire that countries and the cost that is passed on to them, that we in State government assist them in that effort. I believe, Mr. Speaker, that, again, this would be a mandate that is on county government, and that if we are talking about passing this mandate on to county government, certainly State government should assist in the payment of this.

I would ask, Mr. Speaker, on both sides of the aisle that we vote for this particular amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Dauphin County, Mr. Piccola.

Mr. PICCOLA, Thank you. Mr. Speaker.

I oppose this amendment. The Commonwealth already picks up a great portion of the costs associated with inventle and criminal prosecutions in all of our counties. Juvenile court judges, or course, are paid by the Commonwealth. We assist counties to some level with the juvenile probation office costs. We assist counties with county prison construction office costs. We assist counties with county prison construction

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OCTOBER 17

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, the purpose of this amendment is to increase and to provide uniformity in the liability of parents in cases that are handled in the juvenile justice system. Currently the liability for purents rosts at \$1,000 and \$2,500. This would increase it to \$3,000 and \$5,000.

I would appreciate the support of the members for this amendment. Thank you.

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

YEAS-199

Egolf Evans Fairchild Fart Farmer Feese Fichter Flessols Lloyd Lucyk Lynch Mairland Adolph Allen Argall Armstrong Santoni Sauroni Sathen Sagter Schuler Schuler Schuler Schuler Shaner Shechan Smith, B. Smith, B. Smith, B. Smith, G. W. Statack Mairland Major Manderino Manderino Mandorino Mandernik Mediall Mediall Medial Media Me Armstrong Baker Bard Barley Bartisto Bebko Jones Belardi Belfanti Fichter Flexible Floxible Camble Camble Camble Genter George Gigliotti Gladeck Godslad! Gordner Gruppo Haluska Harma Harbat Belfanti Birmelm Bishop Blaum Boscota Boyes Brown Browne Bunt Bunkovitz Bunkovitz Gattagiron Cattagiron Sighack Steelman Steil Stern Steiler Strittmatter Strittmatter Storla Miller Mundy Sailor Nicket Survisi Fungretti Tavlor, E & Laylor, I Thurmos Tigue Trello Trich Nywe O'Brian Harma Harbad Hasay Herman Herman Hershes Hersey Horsey Harbinson Irkin Olaser
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Ryan, Speaker

NAYS 0

NOT VOTING 0

FXCUSED-3

Stilhalich Schröder Transaighter

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

On the question recurring, Will the House agree to the bill on third consideration as amended?

Mr. EVANS offered the following amendment No. A4298:

Amend Title, page 1, line 3, by striking out "AND"
Amend Title, page 1, line 4, by romoving the period after "ACTS"
and inserting

and for costs of incarceration Amend Sec. 3, page 4, line 22, by striking out all of said line and

Amend Sec. 3, page 4, line 22, by striking out all of said line and inserting.

Section 3. Sections 6306 and 6327 of Thile 42 are amended to read: \$ 6006. Costs and expenses of care of the life.

[The] (ar General pole Except insprovided in subsection (b), the costs and expenses of the care of the child shall be paid as provided by sections 704.1 and 703.2 of the act of June 13, 1967 (F. 3). No.21), known as the ["Public Welfare Code.["]

(b) Costs for placement—All costs for children transferred to adult court for criminal processings, under this act who are subsequently placed in adult, county bills, other correctional facilities or State correctional institutions shall be borne by the Commonwealth.

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

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes Mr. Evans.

Mr. Evans. Mr. Speaker, the amendment that I am offering on this particular bill deals with the issue of trying to maire that countries and the cost that is passed on to them, that we in State government assist them in that effort. I believe, Mr. Speaker, that, again, this would be a mandate that is on county government, and that if we are talking about passing this mandate on to county government, certainly State government should assist in the payment of this.

I would ask, Mr. Speaker, on both sides of the aisle that we vote for this particular amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Dauphin County, Mr. Piccola.

Mr. PICCOLA, Thank you. Mr. Speaker.

I oppose this amendment. The Commonwealth already picks up a great portion of the costs associated with inventle and criminal prosecutions in all of our counties. Juvenile court judges, or course, are paid by the Commonwealth. We assist counties to some level with the juvenile probation office costs. We assist counties with county prison construction office costs. We assist counties with county prison construction

431

costs. Any juvenile that would be convicted under this act and sentenced to a term requiring mearceration in a State correctional instinition obviously would be paid for by the Commonwealth.

There is no reason to put this language into the bill. It will only serve to screw up the way in which our division of costs between the local government and the State government is made. It will cost the Commonwealth more money than is necessary under the circumstances, and it is an attempt by the gentleman, Mr. I want, to suggest that this legislation is not warranted and that we should relieve the counties of all costs associated with transfers.

I would urge that we defeat the amendment.

The SPLAKER pro tempore. The Chair recognizes the gentleman, Mr. Evans, for the second time.

Mr. EVANS, Mr. Speaker, I would like to make somewhat of a correction in what the gentleman his suggested, and again, he always, when it comes down to money, has a way of talking in a very soft voice, the indicated like, three quarters is what he said, and he said that real softlike, but he needs to understand that when you begin to start talking about the costs in county government, the State does not pay for it, is my understanding, and obvicusly, Mr. Speaker, why I want to put this language in there is to assure that our counties are not burdened down with this particular cost, and I think. Mr. Speaker, we should be very clear about not passing any none mendales on to local county governments.

I would ask you to support this amendment. Mr. Speaker.

The SPEAKIR pro tempore. The Chair recognizes the gentleman, in Piccola, for the second time.

Mr. PICCOLA, Speaking softly. Mr. Speaker. I would only say that the pentleman's proposal is not even possible to enforce. For example, he is saying that all costs for children transferred to adult count for criminal proceedings in wheth there is no transfer and one in which there is no t

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

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NOT VOTING 2

EXCUSED-3

Selmoder

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring. Will the House agree to the bill on third consideration as amended?

Mr. KUKOVICH offered the following amendment No. A4302

Amend Inte. page 1, lines 1 through 4, by striking out all of said

Amend Interpage 1, lines 1 through 4, by striking out all of said lines and inserting.

Amending 1 title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the purposes of the Javenite Act and for the definition of "definiquent act"; adding definitions for restcoded jurisdiction invenile offender" and "extended jurisdiction juvenile prison"; and providing for extended jurisdiction juvenile offender.

LEGISLATIVE JOURNAL HOUSE

costs. Any juvenule that would be convicted under this act and

costs. Any juvenule that would be convicted under this act and sentenced to a term requiring mearceration in a State correctional instinition obviously would be paid for by the Commonwealth.

There is no reason to put this language into the bill. It will only serve to screw up the way in which our division of costs between the local government and the State government is made. It will cost the Commonwealth more money than is necessary under the circumstances, and it is an attempt by the gentleman, Mr. I want, to suggest that this legislation is not warranted and that we should relieve the counties of all costs associated with transfers.

I would urge that we defeat the amendment. The SPLAKER pro tempore. The Chair recognizes the gentleman, Mr. Evans, for the second time.

Mr. EVANS. Mr. Speaker, I would like to make somewhat of a correction in what the gentleman hisr suggested, and again, he always, when it comes down to money, has a way of talking in a very soft voice. The indicated like, three quanters is what he said, and he said that real softlike, but he needs to understand that when you begin to start talking about the costs in county government, the State does not pay for it, is my understanding, and obviously. Mr. Speaker, why I want to put this language in there is to assure that our counties are not burdened down with this particular cost, and I think, Mr. Speaker, we should he very clear about not passing my more mandates on to local county governments.

I would ask you to support his amendment. Mr. Speaker.

The SPLAKI'R, pro tempore. The Chair recognizes the gendeman. Are Piccola, for the second time.

Mr. Piccola. Speaking softly, Mr. Speaker, I would only say that the pentleman's proposal is not even possible to enforce. For example, he is saying that all costs for children transferred to adult count for criminal proceedings under this act would be paid by the Countinewealth. Well, what if we have a court proceeding where a court reporter is brought in and there are several juvenile proceedings i

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

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NOT VOTING 2

ENCUSED-3

Mihalich Selfroder

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring. Will the House agree to the bill on third consideration as amended?

Mr. KUKOVICH offered the following amendment No. A4302

Amend Intel page 1, lines I through 4, by striking out all of said

Amend Title, page 1, mess running to the pennsylvania fines and macring. Amending Fide 42 Judiciary and Judicial Procedure) of the Pennsylvania Amending Fide 42 Judiciary and Judicial for the purposes of the Juvenite. Act and for the definition of "delinquent act"; adding definitions for restended jurisdiction juvenite offender" and restended jurisdiction juvenite prison"; and providing for extended jurisdiction juvenite offenders.

Amend Bill, page 1, lines 9 through 17; pages 2 through 14, lines 1 through 30; page 15, lines 1 through 23, by striking our all of said lines on said pages and inserting.

Section 1. Section 6301 of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

Section 1. Section 6301 of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

86301. Short title and purposes of chapter.

(a) Short title, This chapter shall be known and may be cited as the "playenite Act.".

(b) Purposes.—This chapter shall be interpreted and construed as to effectuate the following purposes:

(1) To preserve the unity of the family whenever possible and to provide for the care, protection, and wholesome mental and physical development of children coming within the provisions of this chapter.

(2) Consistent with the protection of the public interest.

(5) Itemove from provide for children committing delinquent acts [the consequences of criminal behavior, and to substitute therefor a program] program; of supervision, care and reliabilitation which provide a balanced attention to the protection of the sommunity, the imposition of accountability for offenses committed, and the development of computencies to enable children to become responsible and preductive members of the community.

(3) To achieve the foregoing purposes in a family environment whenever possible, separating the child from parents only when necessary for his welfare or in the interests of public safery.

(4) To provide means through which the provisions of this chapter are respected and conformal and provisions of the parents are respected and conformal in which the provisions of this chapter are respected and conformal in which the provisions of this phontar are considered and in which the provisions of the provision of the provision and the provisions of the provision and the provisions of this phontar are respected and the provisions of this phontar are respected and the provisions of the provisions of the provision and the provisions of the provision and the provisions of the provision and the provisions of the provisions of the provision and the provisions of the provision of the provision and the provisions of the provisions of the provision and the provisions of the provision and the provisions of

safety.

(1) To provide means through which the provisions of this chapter are executed and enforced and in which the provisions of this chapter are executed and enforced and in which the parties are assured a flair hearing and their constitutional and other legal rights recognized and enforced.

Section 2. The definition of "delinquent set" in section 6302 of Title 42, amended March 15, 1995 (1st Sp.Sess. P.L., No.6), is amended and the section is amended by adding definitions to read: § 6302. Definitions.

The following words and plusses when used in this section shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

**Delinquent set."

(1) The term means an act designated a crime under the law of this Commonwealth, or of another state if the act occurred in that state, or under Federal law, or under local ordinances.

(2) The term shall not include:

(i) The crime of murder.

(ii) Summary offenses, unless the child fails to comply with a lawful sentence imposed thereunder, in which event notice of such fact shall be certified to the court.

(iii) A crime committed by a child who has been

court.

(iii) A crime committed by a child who has been found guitty in a criminal proceeding for other than a summary offense.

(iv) Any felony committed while in placement in an extended jurisdiction juvenite prison or on, post-release supervision from such a facility.

(1) A child who committed my of the following offenses.

(2) A child who committed my of the following offenses.

(3) A child who committed my of the offense and used a deadly weapon as defined under 18 Pact. S. \$ 2301 (relating to definitions) in the commission of the offense which if committed by an adult would be classified as.

(1) Rape as defined in 18 Pact. S. \$ 1121

(relating to rape).

(1) Involuntary deviate sexual intercourse in defined in 18 Pact. S. \$ 3123 (relating to myoluntary deviate sexual intercourse).

for conduct which would be a felions if committed by an addition in the sound of the following offenses:

18 Pa.C.S. \$ 3702.

(v) Agenvated indeem assault as defined by 18 Pa.C.S. \$ 3128.

(vi) Kidagopone as defined in 18 Pa.C.S. \$ 2901 (vii) Voluntary manslaughter.

(viii) Voluntary manslaughter.

(viii) An attempt, conspiracy or softellation to commit marder or any of these crimes, as provided in 18 Pa.C.S. \$\$ 901, 902 and 903.

A child determined by the court to be an extended jurisdiction inventie offender may remain under the jurisdiction of the inventic court until than 24 pursuant to the conditions of section 6352. I relating to demonstron of materiale durisdiction inventie prison. A pressure constitute to defined in the definition of the inventic court until 25 Pa.C.S. Section 6362 of the incurrence of and operated by the Department of Corrections solely for the incurrectation of extended jurisdiction invented of Corrections solely for the incurrectation of extended jurisdiction invented of Corrections solely for the incurrectation of extended jurisdiction invented of Corrections solely for the incurrectation of extended jurisdiction invented of Corrections solely for the incurrectation of extended jurisdiction invented of Corrections solely for the incurrectation of extended jurisdiction invented of Corrections solely for the incurrectation of extended jurisdiction invented of Corrections solely for the incurrectation of extended jurisdiction invented of Corrections solely for the incurrectation of extended jurisdiction invented of Corrections solely for the incurrectation of extended jurisdiction invented of Corrections solely for the incurrectation of the corrections of the corrections of the correction of the corre

Section 3. Section 6306 of Tate 42 is amended to rend: \$ 6306. Costs and expenses of care of clinid.

[The] (a), General rule, Except as provided in subsection (b), the costs and expenses of the care of the child shall be paid as provided by sections 704 | and 704.2 of the act of June 13, 1967 (P.L.C. No.21), known as the ["Public Welfare Code.]"]

(b) Costs for extended inrisation All gogs associated with placement of shiftern in an extended inrisation, juvenile prison shall be borne by the Commonwealth.

Section 4. Section 6308(b) of Tate 42, amended March 15, 1995 (1st Sp.Sess., P.L., No.6), is smended to read:

\$ 6308. Law enforcement records.

(b) Public availability

(1) The contents of law enforcement records and illes concerning a child shall not be disclosed to the public except it the clud to 14 or more years of age at the time of the alleged conduct and if any of the following apply:

(i) The child has been adjudicated delinquent by a court as a result of an act or acts which include the elements of tage, kidnapping, muder, robbery, acson, burglary, violation of section (13(a)(30)) of the act of April 14, 1973, (P.1. 233, No.64). known as, The Controlled Substance, Drug, Device and Cosmetic Act, or other act involving the use of or threat of sections bodily have.

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Amend Bill, page 1, lines 9 through 17: pages 2 through 14, lines 1 through 30: page 15, lines 1 through 25, by striking rowall of said lines on said pages and inserting.

Section 1. Section 6301 of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

(a) Short title and purposes of chapter.

(a) Short title and purposes of chapter shall be known and may be cited as the ["Juvenile Act.["]

(b) Purposes.—This chapter shall be interpreted and construed as to effectuate the following purposes:

(1) To preserve the unity of the family whenever possible and to provide for the care, protection, and wholesome mental and physical development of children coming within the provisions of this chapter.

and to provide for the care, protection, and wholesome meintal and physical development of children coming within the provisions of this chapter.

(2) Consistent with the protection of the public interest, to fremove from provide for children committing delinquent acts [the consequences of criminal behavior, and to substitute therefor a program] programs of supervision, care and reliabilitation which provide a balanced attention to the protection of the community, the imposition of accountability for offenest committed, and the development of competencies to enable children to become responsible and productive members of the community.

(3) To achieve the foregoing purposes in a family environment whenever possible, separating the child from patents only when necessary for his welfare or in the interests of public safety.

safety.

(1) To provide means through which the provisions of this chapter are executed and enforced and in which the provisions of this chapter are executed and enforced and in which the parties are assured a flair hearing and their constitutional and other legal rights recognized and enforced.

Section 2. The definition of "delinquent set" in section 6302 of Title 42, amended March 15, 1995 (1st Sp.Sess, P.L., No.6), is amended and the section is amended by adding definitions to read: § 6302. Definitions.

The following words and plusses when used in this section shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Delinquent act."

(1) The term means an act designated a crime under the law of this Commonwealth, or of another saue if the act occurred in that state, or under feederal law, or under food ordinances.

(2) The term shall not include:

(i) The erime of murder.

(ii) Summary offenses, unless the child fails to comply with a lawful sentence imposed thereunder, in which event notice of such fact shall be certified to the court.

(iii) A crime committed by a child who has been

court.

(iii) A crime committed by a child who has been found guity in a criminal proceeding for other than a summary offense.

(iv) Any felony committed while in placement in an extended jurisdiction juvenite prison or op, post-release supervision from such a facility.

18 Pa.C.S. \$ 3702.

(v) Approvated independ assault as defined by 18 Pa.C.S. \$ 3125.

(vii) Approvated independ assault as defined by 18 Pa.C.S. \$ 3125.

(viii) Voluntary manslaughter.

(viii) An attempt, conspiracy or softeining to commit nurder or any of these crimes, as provided in 18 Pa.C.S. \$ \$ 901, 902 and 903.

A child determined by the court to be an extended jurisdiction inventle offender may remain under the jurisdiction of the juvenile court until 18 Pa.C.S. \$ \$ 901, 902 and 903.

A child determined by the court to be an extended jurisdiction inventle offender may remain under the jurisdiction of the juvenile court until 18 Pa.C.S. \$ \$ 901, 902 and 903.

A child determined by the conditions of section 6352. I declating to disnosting of interesting for the jurisdiction inventle prison. A person constructed and operated by the Department of Corrections solely, for the incorrection of extended jurisdiction inventle offenders.

Section 3. Section 6306 of Tute 42 is amended to rend: § 6306. Costs and expenses of case of child.

[The] (ri), General rule, Except as provided in subsection (b), the costs and expenses of the child shall be paid as provided by sections 704 I and 704.2 of the act of June 13, 1907 (P.L.-1, No.21), known as the [Public Welfare Code.]*

(b) Costs for extended inrisidiction All gogs associated with placement of children in an extended inrisidiction juvenille prison shall be bothed by the Commonwealth, Section 4. Section 6308(b) of Tute 42, amended Murch 15, 1905 (1st Sp.Sess., P.L., No.6), is smended to rend:

(b) Public availability
(1) The contents of law enforcement records and illes concerning a child shall not be disclosed to the public except it the child is 14 or more years of age at the time of the alleged conduct and if any of the following apply:
(i) The child has been adjudicated delinquent by a court as a result of an act or acts which include the elements of tape, kidnapping, model, robbery, acson, burglary, violation of section 13(a)(30) of the act of April 14, 1973 (P.I. 33), No.64), known as The Controlled Substance, Prints, Device and Cosmetic Act, or other act involving the use of or threat of sections bodily harm.

by a have enforcement agency alleging delinquency has been filed by a have enforcement agency alleging the batthe child has committed an act or acts which include the elements of repe. Indiagong, mander, robbery, arison, bunglary, violation of section 1.5(an.30) of the Controlled Substance. Drug, Device and Cosmette Act, or other set involving the use of or threat of services bodily harm and the child previously has been adjudicated definition by a court as a result of an act or acts which included the elements of one of such comments.

of such contines.

Citic The child is an extended jurisdiction juvenile offender.

C) If the conduct of the child meets the requirements for disclosure as set forth in paragraph (1), then the court or law enforcement agency, as the case may be, shall disclose the name, age and address of the child, the offenses charged and the disposition of the case. The master or judge who adjusticates a child delinquent shall specify the particular offenses and courts thorough the child is doind to laws committed and such information shall be inserted on any law enforcement records or files disclosed to the public as provided for in this section.

shall be inserted on any law enforcement records or files disclosed to the public as provided for in this section.

Section 5. Sections 6322 and 6334 of Title 42 are amanded to read: 6322. Transfer from strinsinal proceedings.

On General ratio 11 Superiors provided in 75 Pa.C.S. 8.6303 crelating to eights and liabilities of misors) or in the avent the child is charged with murder or has been found suits, in a criminal proceeding, if a papeas to the eccurt in a criminal proceeding that the defendant is a child, this charged suits in a criminal proceeding, and, where appropriate interpretable become applicable, and the court shall forthwish but further criminal proceedings, and, where appropriate inschibition for a judge of the court assigned to conduct invenille the case to be division or a judge of the court assigned to conduct invenille hearings, and transcripts of teatments relating and other properties to the court in a criminal proceeding charging murder or other efficient under the provisions and transcripts of teatments relating to the court of marginals, (2), of the definition of "definition of the found that charging murder are others and this charges applied to desarrable, additional than the provisions of this charges applied to desarrable to charging murder to the court shall apply the crimsterned to insertion of 3555 (nethrified in section 6355 (nethrified in section) as provision or relative to show the court that the child is amentable to reactively like the provision or relatively of the court and property to consider a criminal proceedings the court of the desarrable to the child shall be required to show the court of the court orders the criteria to be distributed as show the court of the court orders, the criteria to the distribution or a lingle of the court orders, the criteria to be destructed as show the court of the court orders, the criteria in section of the court orders, the criteria in the provision or relatively of the court orders. The court or the court or the formation of the cour

petition

(B) I ranster of convined crimina cases II in a criminal proceeding charging murder the critical connected of a crime less than number, the case may be transferred for disposition to the division or a judge of one count assigned to conduct juvenile hearings. If, an a criminal proceeding resulting from a transfer under section 6 (354a), the child is convicted of a lesser charge which is classified as a misdemicanor, the case may be transferred for disapsticion to the division or a judge of the court assigned to conduct (insertile hearings. \$ 631.1. Petition.

8.633.1. Pedition.
The Circumstance. A petition, which shall be verified and may be on internation and belief, may be brought by any person including a law enforcement of these. It shall set both panily:

(1) The facts which bring the clube scalar that the jurisdiction of the court said this chapter, with a statement that it is in the best interest of the child and the public that the proceeding be brought.

and, if definquency is alleged, that the child is in need of treatment, supercision or rehabilitation.

(2) The name, age, and residence address, if any, of the child on whose behalf the petition is brought.

(3) The names and residence addresses, if known to the petitioner, of the parents, guardian, or custodian of the child, if none of his parents, guardian, or custodian resides or can be found within this Commonwealth, or if their respective places of residence address are taknown, the name of any known adult relative residing within the county, or if there become, the known adult relative residing in regress to the location of the county.

the court (4) It the child is in custody and, if so, the place of his detention and the time he was taken into custody.

(b) Extended jurisdiction invenile pertinon—If a child is alleged to be definement and its elleged to have committed any of the offenses enumerated under the definition of extended jurisdiction juvenile effected in section—If a child is alleged to be defined any of the offenses enumerated under the definition of extended jurisdiction juvenile effender. In section 6302 (relating to definitions), a district attorney shall file a petition for extended jurisdiction juvenile status at the same time of the filing of the delinquency paritien.

Section 6. Sections 6340 and 6341 of Title 42 are amended by adding subsections to read.

(b) 1. Terms.

(b.1) Terms and conditions. Consistent with the protection of the public interest, the terms and conditions of a consent decree shall, as appropriate to the circumstance of cach case, include provisions which provide balanced attention to the protection of the community, accountability for offenses commuted and the decomment of corrections to enable the child to become a responsible and productive member of the community.

§ 6341 Adjudication.

(b.1) Adjudication of extanded jurisdiction juveniles. If the perition alleges that the child has committed acts pureaunt to the definition of extended jurisdiction juvenile offender" as defined in section 6302 (relating to definitions), and the court fieds proof beyond a reasonable doubt that the child committed the acts alleged, the child shall be determined to be an extended jurisdiction juvenile offender.

determined to be an extended jurisdiction jurisdiction, the child shall be determined to be an extended jurisdiction jurisdiction of child shall be determined to be an extended jurisdiction jurisdiction from the first of the child is found to be a delinquent child, the court may make any of the following orders of disposition determined to be consistent with the protection of the public interest and best suited to this line child; treatment, supervision, rehabilitation; and best suited to this line child; treatment, supervision, rehabilitation; and weithres which disposition shall, as appropriate to the individual encumisates of the child's case, provide balleting to the individual encumisates of the child's case, provide balleting to find only on the protection of the community. The imposition of accountability for offerness estimated and the deviatoriest of an institution of disposition of dependent child, on probation under supervision of the probation of the court of another some as provided in section 6.163 (relating to ordering foreign supervision), cauter conditions and finanticions the court presentes.

(1) Committing the child to an institution, youth development center camp, or other facility for delinquest children operated under the direction or supervision of the court or other public unitarity and approved by the Department of Public Weilbre (1). If the child is 12 years of fige or older, committing the child to an institution operated by the Department of Public Weilbre and the child is 12 years of fige or older, committing the child to an institution operated by the Department of Public Weilbre and the child is 12 years of fige or older, committing the child to an institution operated by the Department of Public Weilbre and the first for the court of older committing the child to an institution operated by the Department of Public Weilbre.

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and, if delinquency is alleged, that the child is in need of treatment supervision or rehabilitation.

(2) The name, age, and residence address, if sny, of the child on whose behalf the pertition is brought.

(3) The names and residence address, if known to the pertitioner of the parents, guardian, or custodian of the child and of the spouse, if any, of the child. If none of his parents, guardian or custodian resides or can be found within this Commonwealth, or if their respective places, of residence address are unknown, the name of my known adult relative residing within the county, or if there be none, the known adult relative residing mearest to the location of the court.

(4) If the child is in suggestion and the

the court (a) It the child is in custody and, if so, the place of his detention and the time he was taken into custody.

(4) It' the child is in custody and, if so, the place of his detention and the time he was taken into custody.

(b) Extended jurisdiction for certained any of the offenses enumerated under the definition of restended jurisdiction inventile effender. In section 6.22 (relating to definitions), a district attorney shall file a position for extended burisdiction inventile effender. In section 6. Section 6. Sections 6340 and 6341 of Title 42 are amended by adding subsections to read g 6340. Consent decree.

th it Terms and sonditions. Consistent with the protection of the public interest, the terms and conditions of a consent decree shall, as appropriate to the circumstance of each case, include provisions which provide balanced attention to the protection of the community accountability for offenses committed and the development of competencies to enable the child to become a responsible and productive member of the community

§ 6341 Adjudication.

(b) 1) Adjudication of extended jurisdiction juveniles. If the perition alleges that the child has committed acts pureaunt to the definition of featured jurisdiction juvenile attender? as defined in section 6302 (relating to definitions), and the court finds proof beyond a reasonable doubt that the child committed the acts alleged, the child shall be determined to be an extended jurisdiction juvenile offender.

determined to be an extended jurisdiction jurgoilly offender.

Section 7. Section 6352 of Title 42 is amended to read:

\$6352. Disposition or delitiquent child.

(a) Connead rule if the child is found to be a delinquent child, the court may make any of the following orders of disposition determined to be consistent with the protection of the public interest and best suited to be consistent with the protection of the public interest and best suited to be consistent with the protection of the public interest and best suited to bital the child's treatment, supervision, rehabilitation!, and written, which disposition shall, as appropriate to the individual crucumstances of the child's case, provide bulanced attention to the protection of the contract of the child's case, provide bulanced intention to the protection of the community. The invasation of accommability for ordering, committed and the development of commettender to enable the child to become a responsible and productive magnetic or the community.

(1) Any order authorized by section 6:51 (relating to disposition of dependent child).

(2) Placing the child on probation under supervision of the probation of section 6:53 (calling to ordering foreign supervision), cases conditions and invatations the court presentes.

(3) Committing the child to an institution, youth development center camp, or other facility for delinquent children operated under the direction or supervision of the court or other public unitarity and approved by the Department of Public Weilbre City. If the child is 12 years of age or other, courtiling the child to an institution of Public Weilbre.

(ii) A pecition alleging definquency has been filled by a law enforcement agency alleging that the child has committed an action acts which include the elements of rape, kidnapping, marden robbers, arison, banglary, violation of section 13can 300 of the Controlled Substance. Drug, Device and Cosmotic Act, or other set involving the use of or threat of sections beduly harm and the child previously has been adjudicated definquent by a court as a result of an act or acts which included the elements of one of such control. of such corries.

<u>citic | be child by an extended jurisdiction juvenile</u> offender.

Co. 10 february 1

offender.

(C) If the conduct of the child meets the requirements for disclosure as set forth in paragraph (1), then the court or law enforcement agency, as the case may be, shall disclose the name, age and address of the child, the offenses charged and the disposition of the case. The matter or judge who adjusted as child defining and the disposition of the case. The matter of judge who adjusted as a child defining and specific her particular offenses and course thoreof which the child is dound to have committed and such information shall be inserted on any, two enforcement records or files disclosed to the public as provided for in this section.

shall be inserted on any law enforcement records or files disclosed to the public as provided for in this section.

Section 5: Sections 6327 and 6334 of Title 42 are amonded to read: 6 6327. Transfer from criminal proceedings.

(a) Concentrate 1 Sucerious provided in 75 Pa.C.S. 8 6303 crelating to rights and liabilities of minors) or in the averatine child is charged with murder or into been found suilty in a criminal proceeding. If it appears to the court in a criminal proceeding that the defendant is a child, this charged suith in a criminal proceeding, if it appears to the court in a criminal proceeding, that the defendant is a child, this charged in model are is not a proceeding, and, where ampropriate into court shall forthwhitin but thirter criminal proceedings, and, where ampropriate inveniles the court interest of proceedings and contact inveniles the court in the source of judge of the court assigned to conduct invenile hearings, and transcripts of the account only relating and other papears to the court in a criminal proceeding charging marder or other climpers to the court in a criminal proceeding charging marder or other climper marter the provisions of marginaph. (2), of the definition of "definition of marginaph, (2), of the definition of the found that the criminal proceedings) by marginary of the provisions of this chapter applied in determining whether to transfer a condition of the court of the criminal proceedings). However, the child shall be required to condition on a founding to the criteria bare in section 6355(a)(4)(4)(1)(3) (relating to model in a criminal proceedings). However, the child shall be required to show the court that the child is amonable to transferred to the defendant shall be taken forthwith to the production of the crime of the court orders, the criteria is section of the proceedings, the defendant shall be taken forthwith to the production of the court orders, the court of the court or the strength of the court orders, the court of the court or the fine of the court ord

petition (B) Transfer of convicted crimina cases. If in a criminal proceeding charging murder the critic is convicted of a crime less than number, the case may be transferred for disposition to the division or a judge of the converted hearings. If a criminal proceeding resulting from a transfer under section 6 050a), the child is convicted of a lesser charge which is classified as a misdemeanor, the case may be transferred for disposition to the division on a judge of the court assigned to conduct [insertile hearings.]

2.633.1. Padition.

The Cignorial rate. A petrition which shall be veriffed and may be on information and belief, may be brought by any person including a law enforcement officer. It shall set forth panuls:

(1) The facts which bring the child widthin the jurisdiction of the court soid this chipper. with a statement that it is in the best interest of the child and the public that the proceeding be brought.

(5) Ordering payment by the child of reasonable amounts of money as fines, costs or restriction as decemed appropriate as part of the plan of rehabilitation considering the nature of the acts committed and the earning capacity of the child.

(6) An order of the terms of probation may include an appropriate fine considering the nature of the act committed an appropriate fine considering the nature of the act committed or restriction not in excess of actual damages caused by the child which shall be paid from the carmings of the child received through participation in a constructive program of service or education acceptable to the victim and the court whereby, during the course of such service, the child shall be paid not less than the minimum wage of this Commonwealth, in ordering such service, the count shall take into consideration the age, physical and mental capacity of the child and the service shall be designed to impress upon the child a sense of responsibility for the injuries caused to the person or property of mether. The order of the court shall be limited in duration consistent with the limitations in section 6353 (relating to limitation on and change in place of commitment) and in the act of May 13, 1915 (P.L.286, No.177), known as the [P.Child Labor Lav.[7] The court order shall specify the nature of the work, the number of hours to be spent performing the assigned tasks, and shall further specify that as part of a plan of treatment and rehabilitation that up to 75% of the carnings of the child be used for restitution in order to provide positive reinforcement for the work performed.

(7) Designating the child an extended jurisdiction juvenile and committing the child to a facility as enumerated in paragraphs (8) and (1).

(8) Committing the child to a prison for extended jurisdiction juvenile effenders.

(3) and (4).

(8) Committing the child to a prison for extended inrisdiction invenile offenders.

In selecting from the alternatives set forth in this section, the court shall follow the general principle that the disposition imposed should provide the means through which the provisions of this chapter are executed and enforced consistent with section 6301(b) (relating to purposes) and when confinement is necessary, the court shall impose the minimum amount of confinement that is consistent with the protection of the public and the rehabilitation needs of the child.

(b) Limitation on place of commitment. A child shall not be committed or transferred to a penal institution or other tacility used primarily for the execution of sentences of duths convicted of a crime. Section 8. Title 42 is amended by adding a section to read: 8.6352.1. Disposition of extended jurnshelpon juvenites.

primarily for the execution of sentences of adults convicted of a crime.
Section 8. Title 12 is amended by adding a section to read:
8.6352.1. Disposition of extended jurisdiction juvenities.
(a) General rule—If the court determines that a child is an extended jurisdiction juvenity of the court determines that a child is an extended jurisdiction, it shall:
(1) impose one or more invenite stangestions under section 6341(b.1) (relating to additional additional

offender not visibility for provisions in the processing of the extended committee as committeed with the extended jurisdiction juvenite prison.

(b) Execution of suspended commitment to an extended insisting invenite prison.—When it appears that an extended jurisdiction juvenite offender has violated the conditions of the surved sentence, or is alleged to the first a new violated and without notice revoke the offender, has yieldted the conditions of the suived sentence, or is alleged to have committed a new offenne, the court shall without notice revoke the star and probation and direct that the offender to taken into manuclate custody. The court shall notify the offender in writing of the reasons alleged to exist for revocation of the stayed sentence. If the offender challenges the reasons, the court shall hold a hearing on the type of the offender had length and the court shall hold a hearing on the fixed and which he offender is entitled to be heard and represented by courted. After the hearing, if the court finds that reasons exist to revoke the stay of execution of sentence, the court shall order placement in the extended jurisdiction invente prison.

(c) Placement in extended jurisdiction invenils poison. In all order

(c) Placement in extended jurisdiction juvenile prison. In all cases placement in the extended jurisdiction juvenile prison, shall be for a minimum of 18 months at which time a review shall be goodysted by the

court to determine whether continued placement is required. An extended jurisdiction juvenile offender may remain committed to such facility until

parisdiction javenite offender may remain committed to such facility until attaining 24 years of use.

Section 9. Sections 6353 and 6354 of Litte 42 are amended to read: \$6353. Limitation on and change in place of commitment.

(a) General rule—No child shall initially be committed to an institution for a period longer than four years or a period longer than be could have been sentenced by the count if he had been connected or the same offense as an adult, whichever is less. The initial commitment may be extended for a similar period of time, or modified if the court finds after hearing that the extension or modification will effectivate the original purpose for which the order was entered. The child shall have mode of the extension or modification hearing and shall be given an opportunity to be heard. The committing court shall review each commitment every six months and shall hold a disposition review bearing at least every nine months.

(b) Transfer to other institution—After placement of the child, and

six months and shall hold a disposition review bearing at least every nine months.

(b) Transfer to other institution. After placement of the child, and if his progress with the institution warrants it, the institution may seek to transfer the child to a less secure facility, including a group home of fester bearding home. The institution shall give the estimation power bearding home. The institution shall give the estimation of all requests for transfer and shall give the atterney for the Commonwealth written notice of a request for transfer from a secure facility, the atterney for the court, or in the case of a request to transfer from a secure facility, the atterney for the Commonwealth, does not object to the request for transfer within ten days after the receipt of such notice, the transfer may be effectuated. If the court, or in the case of a request to transfer from a secure facility, the atterney for the Commonwealth, objects to the transfer for the purpose of reviewing the commitment order. The institution shall be notified of the scheduled party on the issue of the propriety of the transfer. If the institution seeks to transfer to a more secure facility the child shall have a full therring before the commitment order.

(c) Notice of available facilities and services. Immediately after the Commonwealth adopts its budget, the Department of Public Welfare shall notify the courts and the General Assembly, for each Department of Public Welfare region, of the available:

(1) Secure beds for the serious juvenile offendenc.

(2) General residential Feds for the adjudicated delinquent child.

chitd.

(2) General residential Feeds for the adjudicated delinquent chitd.

(3) The community-based programs for the adjudicated delinquent child.

(c.1) Nonlicution of space availability. Immediately, after the Commonwealth adopts its budger, the Department of Corrections shall notify the courts and the General, Assembly of the available space in the extended jurisdiction inventle prison.

(d) Overpopulation. If the population of a particular institution of program exceeds 110% of capacity, the Idepartment of departments shall notify the courts and the General Assembly that intake to the institution of program is temporarily closed and shall make available equivalent services to children in equivalent facilities.

§ 6354. Effect of adjudication

(a) General rule. No order of disposition or other adjudication in a proceeding under this chapter is not a conviction of orime and does not empose any evel disability ordinarily resulting from a conviction or appointment.

(b) I fleet in subsequent judiculy matters. The disposition of a child under this chapter may not be used against him in any proceeding in any court other than at a subsequent judicular matters. The disposition of a child under this chapter may not be used against him in any proceeding in any court other than at a subsequent judicular from the reaching majority, except:

(1) In dispositional proceedings after conviction of a fellow to the purposes of [a presentence investigation and report] neminimum:

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(S) Ordering payment by the child of reasonable amounts of money as fines, costs or restruction as decemed appropriate as part of the plan of rehabilitation considering the nature of the acts committed and the earning capacity of the child.

(6) An order of the terms of probation may include an appropriate fine considering the nature of the act committed an appropriate fine considering the nature of the act committed an appropriate fine considering the nature of the act committed or institution not in excess of actual damages caused by the child which shall be paid from the caurings of the child received through participation in a constructive program of service or education acceptable to the victum and the court whereby, during the course of such service, the child shall be paid not less than the minimum wage of this Commonwealth, in ordering such service, the court shall take into consideration the age, physical and mental capacity of the child and the service shall be designed to impress upon the child a sense of responsibility for the injuries caused to the person or property of another. The order of the court shall be limited in duration consistent with the limitations in section 6.35.3 (relating to limitation on and change in place of commitment) and in the act of May 13, 1915 (P.1286, No.177), known as the [P]Child Labor Law.[P] The court order shall specify the nature of the work, the number of hours to be spent performing the assigned tasks, and shall further specify that as part of a plan of treatment and rehabilitation that up to 75% of the carnings of the child be used (or restruction in order to provide positive reinforcement for the work performed.

(7) Designating the child an extended jurisdiction juvenile and committing the child to a facility as commended in paragraphs (3) and (1).

(8) Committing the child to a prison for extended jurisdiction juvenile offenders.

and committing the child to a facility as enumerated in paragraphs (3) and (4).

(8) Committing the child to a prison for extended inrisdiction inventile offenders.

In selecting from the alternatives set forth in this section, the court shall follow the general principle that the disposition imposed should provide the means through which the provisions of this chapter are executed and enforced consistent with section 6301(b) (relating to purpose) and when confinement is necessary, the court shall impose the minimum amount of continement that is consistent with the protection of the public and the rehabilitation needs of the child.

(b) Limitation on place of commitment. A child shall not be committed or transferred to a penal institution or other tacility used primarily for the execution of sentended by adding a section to read:

8.6352.1. Disposition of extended in addition convicted of a crime.

Section 8. Title 32 is amended by adding a section to read:

8.6352.1. Disposition of extended in addition invenities.

(a) General rule.—If the court determines that a child is an extended prisidicipal juvenile offender under section 634 (b). I (claring to adjudication), it shall:

(b) Impose one or more invenite signositions under section 6352(3) and (4) (relating to dispositions of delinguage child) and impose a committenent of the extended influction, under section 6352(3) and (4) relating to disposition of the condition that the offender not vigolate the provisions of the disposition order and not commit a new offense; or

committe new offense; or

offender nor wishing the provisions of the disposition order and not commit a new offense; or

(2) impose a commitment directly to the extended invisidiction invented prison.

(b) Execution of suspended commitment to an extended invisidiction invented prison;—When it appears that an extended invisidiction invented offender, has yielated the conditions of the surved sentence, or is alleged to have committed a new offender, the court shall without notice revoke the stay and probation and direct that the offender is taken into numerical constituty. The court shall without notice revoke the stay and probation and direct that the offender is taken into numerical constituty. The court shall notice the stayed sentence if the offender is defined to exist for revoke the stayed sentence. If the offender is defined is entitled to be heard and represented by courted. After the heaping, if the court shall often placement in two extended invisit for invente prison.

(c) Placement in extended jurisdiction juvenile prison, shall be for a minimum of 18 months at which time a review shall be youthered by the

court to determine whether continued placement is required. An extended jurisdiction juvenile offender may remain committed to such facility until

consideration incoming continued placement is required. An extended forisdiction incoming of age.

Section 9. Sections 6.333 and 6334 of 1 life 42 are amended to read: \$6353. Limitation on and change in place of commitment.

(a) General rule—No child shall initially be committed to an institution for a period longer than four years or a period longer than he could have been sentenced by the count if he had been convicted or the same offense as an adult, whichever is less. The initial commitment may be extended for a similar period of thing, or modified, if the court finds after hearing that the extension or modification will effectione the original purpose for which the order was entered. The child shall have notice of the extension or modification hearing and shall be given an opportunity to be heard. The committing court shall review each commitment every six months and shall held a disposition review hearing at least every nine months.

(b) Transfer to other intrinsical.

six months and shall hold a disposition review bearing at least every nine months.

(b) Transfer to other institution. After placement of the child, and if his progress with the institution warrants it, the institution may seek to transfer the child to a less secture facility, including a group home of foster bearding home. The institution shall give the committing court written notice of all requests for transfer and shall give the atterney for the Commonwealth written notice of a request for transfer from a secture facility. If the court, or in the case of a request to transfer from a secture facility, the attenney for the Commonwealth, does not object to the request for transfer within ten days after the receipt of such notice, the transfer from a secture facility, the attenney for the Commonwealth, objects to the transfer within ten days after the receipt of such notice, the transfer from a secture facility, the attenney for the court, or in the case of a request to transfer from a secture facility, the attenney for the purpose of restleving the commonwealth, objects to the transfer for the purpose of restleving the commonwealth objects to the transfer for the purpose of restleving the commitmen order. The institution shall be notified of the scheduled party on the issue of the propriety of the transfer. If the institution seeks to transfer to a more secure facility the child shall have a full hearing before the commitment order.

(c) Notice of available facilities and services. Immediately after the Commonwealth adopts its budget, the Department of Public Welther shall notify the courts and the General Assembly, for each Department of Public Welther exponent of the available:

(1) Secure beds for the serious juvenile offendens.

(2) General residential Feds for the adjudicated delinquent child.

(3) The community-based programs for the adjudicated delinquent child.

(3) The community-based programs for the adjudicated delinquent child.

(c, 1) . Nonliterion of space availability. Immediately, after the Commonwealth adopts its budger, the Department of Corrections shall notify the cours and the General, Assembly of the available space in the extended jurisdiction inventile prison.

(d) Overpropulation. If the population of a particular institution of program exceeds 110% of capacity, the [department] department shall notify the cours and the General Assembly that intike to that institution or program is temporarily closed and shall make available equivalent services to entitlere in equivalent fectities.

8.6354. Effect of adjudication

(a) General rule. No order of disposition or other adjudication in a proceeding under this chapter is not a conviction of crime and does not oppose any evel disability ordinarily resulting from a conviction or operate to disqualify the child in any civil service application or appointment.

(b) I fleet in subsequent judicult matters. The disposition of a child under this chapter may not be used against him in any proceeding in any court other than at a subsequent judicult matters, the disposition of a child under this chapter may not be used against him in any proceeding in any court other than at a subsequent judicult matters, whether before or after reaching majority, except:

(1) in dispositional proceedings after conviction of a fellow for the purposes of [a presentence investigation and report] sentencing: or

(2) If relevant, where he has put his reputation or character in reduction and the property of the property section 10. This act shall take effect in 60 days.

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

The SPEAKER pro tempore. On that question, the Chair ognizes the gentleman from Westmoreland County,

The SPLAKER pro tempore. On that question, the Chair recognizes the gentleman from Westmoreland County, Mr. Knkovich.

Mr. Knkovich.

Mr. KUROVICH, Thank you, Mr. Speaker.

This is a rather comprehensive amendment. It has been on your desk for an extended period of time. If you have not had much of a chance to look at it, the basis for it is to set up a hybrid system. What SB 100 purports to do is take a list of criminal offenses and automatically, in essence, put juveniles who commit those offenses into the adult court system. Currently in the law, for very homous offenses, homicides, et cetera, there is already a process to certify that juveniles be placed in an adult court system. What SB 100 does is try to deal with the problems of more serious juvenile crime by putting the juveniles in the adult system. On its face, that seems like a nice idea. I think the intention behind SB 100 is to get tough on juvenile crime. The reality is, and sometimes the problems we have in our rush here in the legislature to talk tough about crime is that we do not deal with the reality of what happens in the streets and in the courts. I am suggesting to you that by adopting SB 100 withour this amendment, we are going to be even more easy on juvenile crime.

What I am suggesting in this amendment is that we maintain the list of additional crimes that SB 100 adds, we maintain that, but instead of just having an adult system or maintaining them in the invenile system, we create a hybrid, an extended-jurisdiction juvenile offender. The main purpose would be to get that juvenile who commits that crime, as documented in the bill and the amendment, into a facility immediately.

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What will happen, if you vote for this bill without the amendment, is that the juveniles will become eligible for ARD accelerated reliabilitative disposition), they will become eligible for built, they will become eligible for built, they will become eligible for built, they will become eligible for built avestigations into their case, and what will happen is that a vast majority of those juveniles will actually be back out on the street. I am not even commenting on the tealistic, pragmatic fact that in our overcrowded courts, what a lot of judges are going to do, what a lot of judges docurts, what a lot of judges are going to do, what a lot of judges what a lot of judges are going to do, what a lot of judges are going to do, what a lot of judges are going to do, what a lot of judges are going to do, what a lot of judges what a lot of judges are going to do, what a lot of judges what a lot of judges are going to was a look at the cories context, it is much more likely that juvenile will walk than they will under what I am proposing in this amendment.

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The evidence reveals that the transfers of juveniles to adult court do not result in harsher penalties than would be expected had the same cases been tried in juvenile court. That was a finding from that study done in Philadelphia. The juvenile system in this State usually holds serious offenders in pretrial detention lacilities and disposes of most of those trids in a very short time. Juveniles are not releasable on bail. By contrast, the adult juil system in Philadelphia, due to overcrowding and Federal consent decree roles, detains only a small percentage of arcestees, usually defendants having major felony charges, including a weapon. That is major felones. Trials are often delayed due to the nonappearance of released defendants on a large scale, and currently, under this study, the reported failure rate to even appear was 66 percent.

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I would just like to put on the record not my words but a couple other statements by experts in the field. Here is testimony by President Judge Kermeth Bielm of Bucks County. He has 16 years' experience in criminal and juvenile eourt. He said, "It is important for the public to know that the juvenile system sometimes provides tougher (and almost always provides quicker) sanctions than docs the adult system."

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I would like to quote from an article by Edmond Ludwig, another judge, a U.S. district court judge, who is also an administrative judge of juvenile court judges. County from 1980 to 1985, also a member of the Juvenile Court Judges Commission. He says that these juveniles "...don't belong in juvenile court." This was written in Jame of 1995. "The logical, sensible, most economical and best remedy is to put the cases of serious violent crimes committed by persons under 18 into a separate category...." That is what this amendment does. "Such offenders should not be placed in a juvenile facility or necessarily released in age 21, as is now required by law." Again, that is what this amendment does.

I have a few other quotes here from other judges and experts. One by Robert Schwartz, the executive director of the

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(2) If relevant, where he has put his reputation or character in a civil matter Section 10. This act shall take offect in 60 days.

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

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I have a few other quotes here from other judges and experts. One by Robert Schwartz, the executive director of the

Juvenile Law Center, who says SB 100, as is currently drafted, "...will likely decrease, rather than increase public safety."

All the experts in the field know that SB 100 is public relations; it is not reality. We have a model Juvenile Act that needs upgrading; it needs improving. You would have to be brain-dead not to realize that when the Juvenile Act was created, some of the violent acts committed by juveniles were non a threat to public safety. They are now. The solution is not to just pell-mell dump a whole for of kids into the adult system. We are just going to let them back out on the street. The solution is to deal with them in an intelligent way that will get them off the street and create some kind of hope so that they do not become recidivists and even more dangerous offenders down the road. What I am saying is that this amendment is actually tougher than SB 100. It is not puff it is not a freade.

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I am going to do what I can, assuming that this amendment fails. I am going to monitor these cases, and to the best of my ability, every time a juvenite gets arrested under this act and is released on bail and commits a crime, or gets ARD and commits a crime, or is released until trial because of the backlog and commits a crime. I am going to come back here and remind you that under this amendment, they would be incarcerated and would not have committed that crime, and instead, public safety has been put at risk because of SB 100.

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I think this makes eminent good sense. I think it is rough on crime without giving op on the favenile Act and without giving up on some of those kids that might be redeemed. I also think it will not pass an unfonded mandate down to the counties. This is more cost effective, and I would ask for a "yes" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman for that thorough explanation of his amendment and recognizes the gentleman from Dauphin County. Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I rise to oppose the amendment.

As the gentleman indicated, this is a total and complete gutting of the original intent of SB 100. When the House and the Sonate and the Governor embarked on the special session on crime and set footh several goals in the area of juvenile justice, there were several factors that we were dealing with. One was that there has been an increased incidence of juvenile crime overall; secondly, there has been an increased incidence of violent juvenile crime and repeat violent juvenile crime; and thirdly, we have seen violent juvenile system appeared to be incapable of dealing with those juveniles who are increasingly committing violent offenses with deadly weapons and repearedly committing violent offenses with deadly weapons and repearedly committing violent offenses generally, we decided that it was a waste of the resources of the juvenile system to attempt to deal with them as juveniles, and as everyone knows, the juvenile system makes the presourcined and is amenable to treatment, and the only way that you can get out of the juvenile system presently, other than committing a murder where you are directly filted, is by having the district attorney request a transfer and requiring the district attorney to prove that that juvenile is not amenable to treatment.

Given allo of those facts, it was determined by the Senate a

juvenile has been adjudicated delinquent for violating the law in that regard, and make the decision that those juveniles should no longer be treated as juveniles, that they have been given that one chance and that we are going to require that they subject to the juvenile system, they have been given that one chance and that we are going to require that they subject themselves or be subjected to the adult system.

Now, what Mr. Kukovich is suggesting is that the juvenile system, with regard to those repeat violent offenders in the juvenile system and with regard to those juveniles who commit these offenses with deadly weapons, that it is not only working well but that it is working so well that we should extend it beyond the age of 21, which is the limitation on the juvenile court right now.

Well, he is entitled to his opinion, but my opinion is that with direction that we have seen juveniles and with respect to the direction that we have seen juvenile behavior going in recent years, that the juvenile system for these folks is not working, that a slap on the wrist or that some sort of so-called treatment program in a secure or unsecured facility is simply not working. There is a safety valve within the bill to allow a juvenile to try to prove that he should be put back into the juvenile system. If he can meet the burden under that safety valve, he can ask the court to put him back into the juvenile system. If he can meet the burden under that safety valve, he can ask the court to put him back into the juvenile system. If he can meet the burden under that safety valve, he can ask the court to put him back into the juvenile system. The can meet the burden under that safety valve, he can ask the court to put him back into the juvenile system. Mr. Kukovich suggests that there is a safety threath of the pure that safety walve, he can ask the court to put him back into the juvenile system. Mr. Kukovich suggests that there is the opportunity for bad in the adult system and that opportunity is not available in the juv

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The SPLAKIR pro rempore. The Chair recognizes the lady from Indiana County, Ms. Steelman.

Ms. STEELMAN. Thank you. Mr. Speaker.

When I first heard Representative Kukovich describe for the caucus the provisions of his amendment, I was not sure that I was in agreement with the ideas that he put forward, but as I beard him speak this afternoon and as I thought about a case that has been

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Mr. Kukovich, however, in his amendment would simply aggravate the current problem that we have with the juvenile system and extend it beyond the limitations that we have now.

Now, the genilaman, Mr. Kukovich, suggests that there is the opportunity for bad in the adult system and that opportunity is not available in the juvenile system. That is accurate, although we are in the process of passing, a constitutional amendment, which hoperfully will be adopted and ratified by the voters in the rest few years. Only the

combat juverile crime, and I arge that the Kukovich amendment be defeated.

The SPLAKI'R pro tempore. The Chair recognizes the lady from Indiana Country, Ms. Steelman.

Ms. STEELMAN, Thank you, Mr. Speaker.

When I first heard Representative Kukovich describe for the caucus the provisions of his amendment, I was not sure that I was in agreement with the ideas that he put forward, but as I heard him speak this afternoon and as I thought about a case that has been

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dragging on in my own district for more than a year, I began to think better of his proposed.

More than a year ago a drunken driver, an adult, killed the son and daughter-in-law of a friend of mine. As an adult, this man was eligible for bail. He also had available to him all of the opportunities for delay that are an option for individuals in the adult system of cruminal justice, and he took advantage of them to the full.

While out on bail, he again drove while under the influence of alcohol and totaled his ear. It was pure luck that he did not kill more people at the same time.

As I said, it took more than a year for this man to be brought to trial. It took very little time indeed to convict him once the trial actually took place, but knowing the opportunities that he caused to my friends, I can only feel that the constitutional amendment permitting judges to refuse to allow bail in some cases cannot come too soon. The fact of the matter is, however, that with the best intentions, it will take severally ears before that constitutional amendment is in place, and even after that amendment is adopted, it is still no guarantee that in these cases bail will not be offered and that juveniles who are now part of the adult justice system will not be fread in order to continue their deprecations while out on bail.

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and that juveniles who are now part of the adult justice system will not be freed in order to continue their depredations while out on bail.

Taking my personal awareness of the deficiencies of the adult justice system together with the data that Representative Kokovich referenced for us. I believe that our best strategy at this point is not to put violent juveniles into a system that will let them out on bail and permit them to continue their criminal behavior for an indeterminate period of time before they finally come up for semencing, but a system that at least has the potential, a potential which we are working to actualize through the expansion of of the streets and out of people's lives.

I would recommend that you vote for this amendment and against leming juvenile criminals walk.

The SPEAKER protempore. The Chair thanks the lady.

The Chair would like to offer Representative Kukovich the opportunity to go last on his amendment.

Does the gentleman, Mr. Piccola, wish to speak again?

Are there any other members seeking recognition?

The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich, for the second time.

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Am. KUKOVICH. Thank you, Mr. Speaker.

I would just like to say that the issue is what to do about the increase in juvenile crime, particularly violent juvenile crime.

The statement that my colleague, Mr. Piccola, made, for the most part, about the need for this type of reform, I agree with, but the issue is, how do you get the kids off the street as quickly as possible? This is not abstract. This is not a theory like with some D.A. sitting in a room in Philadelphia drofting this legislation. Studies have been done that show that trying to do it the way SB 100 does it simply does not work. As a matter of fact, in the 1991-1993 study where they transferred those juveniles over, four of them, four of them in that 2-year period were released on bail and were our and committed morder. These were four nurders that were committed that I suggest would not

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for the extended-jurisdiction juvenile. All the percentages compared to the juvenile system and the adult system show that the kids are off the street sooner; there is a much larger percentage of the thought will be incarcerated. We will have the means to do it, and we will do it without purting an added burden, a financial spect on the countries.

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The issue is simply giving the judges another option. They can still go to adult court, but if they think it is more appropriate, would you rather give them the option of letting the kid go or would you rather give them the option of putting them in another facility so they will be off the street? That is all this amendment does.

It is a pragmatic approach to dealing with crime, and I suggest it is much more effective and will save people's lives, will reduce costs, and will prevent crime by adopting this amendment rather than going with SB 100, and again would ask for an affirmative vote.

On the question recurring. Will the House agree to the amendment?

The following call call was recorded:

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Baker	Farmer	Marsion	Snyder, D. W.
Bard	Faese	Masland	Statisck
Barley	Fichter	Niot all	Stairs
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Cohen, L. I.	Hutchinson	Reinard	Wright, D. R.

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and that juvaniles who are now part of the adult justice system will not be fread in order to continue their depredations while out on bail.

Taking my personal awareness of the deliciencies of the adult justice system together with the data that Representative Kokovich referenced for us. I believe that our best strategy at this point is not to put voicine juvaniles into a system that will let them out on bail and permit them to continue their criminal behavior for an indeterminate period of time before they finally come up for scarcacing, but a system that at least has the potential, a patential which we are working to actualize through the expunsion of juvenile detention facilities, for keeping violent juvenile criminals off the streets and out of people's lives.

I would recommend that you vote for this amendment and against letting juvenile criminals walk.

The SPEAKER pro tempore, The Chair thanks the lady.

The Chair would like to offer Representative Kukovich the opportunity to go last on his amendment.

Does the gentleman, Mr. Piccola, wish to speak again?

Are there any other members seeking recognition?

The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich, for the second time.

Mr. Kukovich, for the second time.

Mr. Kukovich, for the second time.

The statement that my colleague, Mr. Piccola, made, for the increase m juvenile crime, particularly violent juvanile crime.

The statement that my colleague, Mr. Piccola, made, for the most part, about the need for this type of reform, I agree with, but the issue is, how do you get the kids off the streat as quickly as possible? Phis is not abstract. This is not a theory like with some D.A. sitting in a room in Philadelphia drafting this legislation. Studies have been done that show that trying to do it the way SB 100 does it simply does not work. As a marter of fact, in the 1991-1993 study where they transferred those juveniles over, four of them, four of them in that 2-year period were released on bail and were our and committed murder. The incurcerated.

In the last capital budget bill, there was funding for a couple new mearceration facilities. One of those can be perfectly adapted

for the extended-jurisdiction juvenile. All the percentages compared to the juvenile system and the adult system show that the kids are off the street sooner; there is a much larger percentage of likelihood they will be incarcerated. We will have the means to do it, and we will do it without putting an added burden, a financial

it, and we will do it without putting an added burden, a financial cost, on the counties.

The issue is simply giving the judges another option. They can still go to adult court, but if they think it is more appropriate, would you rather give them the option of letting the kild go or would you rather give them the option of putting them in another facility so they will be off the street? That is all this amendment does.

It is a pragmatic approach to dealing with crime, and I suggest it is much more effective and will save people's lives, will reduce costs, and will prevent crime by adopting this amendment rather than going with SB 100, and again would ask for an affirmative vote.

On the question recurring. Will the House agree to the amendment?

The following call call was recorded:

VEAS:71

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Chalanzzo	Jacolin	Pesci	Tangretti
Compora	Josephs	Potrarca	Trello
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Burkovitz Caerchier Ketter

EXCUSED-3

Mihalich Schroder Travagore

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring, $$\operatorname{Will}$$ the House agree to the bill on third consideration as amended ?

Mr. DERMODY offered the following amendment No. A4135:

Amend Sec. 3 (Sec. 6322), page 6, line 4, by striking out "<u>Written order</u>" and inserting Order
Order

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

The SPEAKER pro tempore. On that question, the Chair is going to recognize Mr. Dermody, but before I do, the gentleman, Mr. Dermody, is lighting a bad case of laryngitis. I would request that the members make an extra effort to hold the noise level down so that the gentleman can be heard, and I am sure he and the House will appreciate that coursesy.

On that, the Chair recognizes the gentleman, Mr. Dermody.

Mr. DERMODY, Thank you, Mr. Speaker.

All it does is delete the word "Written" from the heading of the section and allows the word "Written" from the heading of the section with the language of the section. Mr. Speaker.

The SPLAKER pro tempore. The Chair recognizes the gentleman, Mr. Piccola

Mr. PICCOLA, Thank you, Mr. Speaker.

This amendment is agreed to.

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

YEAS-190

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NAYS-2

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NOT YOUNG-5

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LNCUSED-3

Mihalich

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

On the question recurring.

Will the House agree to the bill on third consideration as amended?

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Conti Comell Coy Dempsey Dent DiGirotano Druce Duchans	Jadlowice Kaiser Koncy King Krebs Lawless Leh	Robrer Rables Satteri Satter Sayles Schuler Seriment Seriment	Winght, NI S. Yewele Zimmerman Zug Ryan, Speaker
Butkovsta	-	VOTING 3	
Mihalich		CUSED-3	

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring, Will the House agree to the bill on third consideration as amended?

Mr. DERMODY offered the following amendment No. A4135:

Amend Sec. 3 (Sec. 6322), page 6, line 4, by striking out "Written order" and inserting $$\operatorname{\underline{Order}}$$

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

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On that, the Chair recognizes the gentleman, Mr. Dermody.

Mr. DERMODY, Thank you, Mr. Speaker.

All it does is delete the word "Written" from the heading of the section and allows the word "Written" from the heading of the section with the language of the section. Mr. Speaker.

The SPLAKER pro tempore. The Chair recognizes the gentleman, Mr. Piccola

Mr. PICCOLA, Thank you, Mr. Speaker.

This amendment is agreed to.

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

YEAS-192

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l ynch Maitland Major Manderino Markosok

Santoni Sather Saylor Schuler Scrimen

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NAYS-2

Horsey Historias

> NOT VOTING-5 Justica

Botkovitz Gordner

Dempsey Dem Dermody DeWisese DiGirclamo Donaricci Druce

Keller

Stranger

LNCUSED-3

Mibalich

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

On the question recurring. Will the House agree to the bill on third consideration as amended \mathbb{Y}

Mr. DERMODY offered the following amendment No. A4136:

Amend Bill, page 13, by inverting herocon lines 20 and 21 Section 7. The Department of Corrections shall aggregate any prisoner under 18 years of age from all prisoners 18 years of age and older.

Amend Sec. 7, page 13, line 21, by striking our 177 and inserting

Amend Sec. 8, page 15, line 23, by striking out 180 and inserting

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On that question, the Chair

recognizes Mr. Dennody.

Mr. DI RNIODY: Thunk you, Mr. Speaker.

Mr. Speaker, this unrendment would have required the Department of Corrections to segregate 15-, 16-, and 17-year old juvenilys from the general population in our State correctional institutions.

Nier discussions with the Department of Corrections, I understand that they currently have a policy that segregates 15-, 16-, and 17-year-olds from the general population that is currently in effect.

Therefore, I would like to withdraw this amendment.
The SPFAKER pro tempore. The Chair thanks the gentleman.

On the question recurring, $$\operatorname{Will}$$ the House agree to the bill on third consideration as amended?

Mr. DERMODY offered the following amendment No. A4137:

Amend Sec. 3 (Sec. 6322), page 7, lines 16 and 17, by striking out "and the child and the attenness for the Commonwealth torpes to the transfer."

Will the House agree to the amendment?

The SPEAKLR pro tempore. On that question, the Chair recognizes the gentleman, Mr. Dermody.

Mr. DLRMODY, Thank you, Mr. Speaker.

Mr. Speaker, this section of the bill and this amendment would only take offect if a juvenite who has been charged with murder, apic, or aggravated assault is found guilty of only mixdemeanors. In that case, a juvenite would be clipible to be returned to juvenite court. However, as the bill is currently dranted, the defense attorney and the district attorney have very power over whether or not the juvenite should be sent back to juvenite court.

Now, actually, this is a tough-on-crime amendment, because juvenite court, many times, has options to keep the child under supervision longer than adult court, offers better programs for drug rehabilitation, and treatment and educational programs. In Megheny County and in many countries, a youth offender who is convicted of an adult crystemeanor will probably be released that day with very little supervision time. He will probably be released to a term of time served. to a term of time served.

This bill would put the discretion back in the hands of the judge that is elected to make those decisions to decide whether that juvenile offender should be sent back to juvemile court for his disposition of these charges.

So it would just remove the veto power from the attorney for the child, the attorney for the juvenile, and the Commonwealth and give that power back to the judge where it belongs.

The SPEARER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I oppose this amendment, and I will give you the reason why. The gentleman has accurately described it, and what happens is a juvenile would be charged with felonies and misdemeanors, tried in adult court, and a jury and we know how juries sometimes behave — a jury finds them or acquist them of the felonies and only finds them guilty of the misdemeanors. Now, as we all know, a finding of not guilty is not necessarily a finding of innocence. This provision is in the bill to give and continue to give the district attorney, the chief law enforcement officer of the counties, some leverage in continuing to maintain public safety by allowing him to make or her to make the determination as to whether that juvenile convicted of misdemeanors, having been charged and inequitted of felonies, should remain in the adult system or should be transferred back to the juvenile system.

I would suggest that we should keep that power with the district attorney, not with the judge, as Mr. Demody has suggested, and I arge that the amendment of defeated.

The SPEARER pro tempore. The Chair recognizes the gentleman Mr. Demody, for the second time.

Mr. DERMODY, Mr. Speaker, as this bill is drafted currently without this amendment, it actually hurts the public safety, because it does not only put the discretion in the hands of the district attorney, it puts it in the bands of the juvenile offender and his attorney offenimes to have that child readed as an adult and be convicted of a misdeme

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

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1995

LEGISLATIVE JOURNAL — HOUSE

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Amend Sec. 8, page 15, line 23, by striking out "8" and insorting

On the question, $\mathbf{W}_{1}H$ the House agree to the amendment?

AMENDMENT WITHDRAWN

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On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

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Deluca	Lederer	Rosincy	Yewere		
Dermody	Lescovitz	Rudy	Younghtood		
DeWeese	Loydansky				

NAYS-98

Adolph	Fairchild	Mairland	Schuler
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Armstrong	Fichter	Masland	Shochan
Daker	Fleamlo	Massill	Smith B.
Bard	Fligh	Menny:	Smith, S. H.
Harley	Cannon	Micoggie	Snyder, D. W.
Birmelin	Cicist	Miller	States
Blacen	Citedook	Mailor	Steil
Brown	Cindshall	Nickol	Stern
Browne	Gruppo	Nyce	Sciah
Hunt	Habay	O ⁵ Brien	Strittmatter
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Civera	I lasay	Penn	Taylor, J
Clark	Hennesses	Phillips	True
Clymer	Herman	Piccola	Tulli
Cohen, L. L	Hershey	Pitts	Vance
Conti	Hoss	Platts	Waugh
Cornell	Hutchinson	Raymond	Wosan
Dempsey	Jadlowiec	Rober	Wright, M. N.
Dent	Kenney	Remard	Zunnermen
DiGirolamo	King	Richner	Z116
Druge	Lawless	Rubles	
Durham	Leh	Sathor	Ryan,
Egolf.	Lyngh	Soylor	Spenker

NOT VOTING-3

Masernik

EXCUSED 3

Schröder Leavagho

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring, Will the House agree to the bill on third consideration as amended?

Mr. STURLA offered the following amendment No. A5048:

Amond Title, page 1, line 2, by inserting after "Statutes," further providing for distribution of fines and forfeitures to municipalities and for reduction of violence through community based crime prevention; Amend Bill, page 1, lines 9 and 10, by striking out all of said lines and inserting Section 1. Sections 3571(b) and 3573(b)(2) of fille 42 of the Pennsylvania Consolidated Statutes are amended to read: § 3571. Commonwealth portion of fines, etc.

(b) Vehicle offenses.

(a) remote oftenses.

(1) All fines forfeited, recognizances and other forfeitures imposed, lost or forfeited in connection with matters arising under Chapter 77 of Title 75 (relating to snowmobiles) shall be payable to the Commonwealth.

the Commonwealth. (e.g., government and the paragraph [63] [3], when prosecution under any other provision of Title 73 (relating to vehicles) is the result of State Police action, all these Reference, recognizances and other forfeitures supposed, lost or Reference shad be payable to the Commonwealth, for credit to the Motor License fund One-half of the revenue shall be paid [10 municipalities] in the same ratio provided in section 4 of the set of June 1, 1936 (P.L.1944, No.655), relating to partial allocation of liquid theis and fuel use tax proceeds, to municipalities which have organized an municipal police department having at least one notice officer or contrasted for municipal police service with one or more municipalities.

municipal police department having at least one police officer or contracted by municipal police service with one or more municipalities.

[(3) Except as provided in section 3573 (relating to municipalities.

[(3) Except as provided in section 3573 (relating to municipalities.

[(4) Expects on Title 75 is the result of local police action, one-half of all fines forfeited, recognizances and other forfeitures imposed, lost or forfeited shall be payable to the Commonwealth, for credit to the Motor License Fund.

[(4)] [(3)] When prosecution under 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance) is the tresult of State Police action, 50% of all fines forfeited shall be payable to the Commonwealth, for credit to the Motor License Fund, and 50% shall be payable to the county which shall be further divided as follows:

[(i) Fifty percent of the moneys received shall be allocated to the appropriate county authority which implements the county drug and alcohol program to be used solely for the purposes of aiding programs promoting drug abuse and alcoholism prevention, education, treatment and research. Programs under this subparagraph include Project DARE (Drug and Alcohol Resistance Education).

[(ii) Fifty percent of the moneys received shall be used for expenditures meatured for county jails, prisons, workhouses and detention of times.

§ 3573. Municipal corporation portion of fines, etc.

(b) Vehicle offenses.-

(2) Except as provided in paragraph (3), when prosecution under any other provision of Title 75 (except Chapter 77 (relating to smoomobiles)) is the result of local police action, [one-half of] all lines, for letted recognizances, and other for letters imposed, lost or for letted shall be payable to the manifeipst corporation under which the local police are organized for reduction of violence through community based crime prevention.

Section 2. Section 6301(b)(2) of Title 42 is amended to read: Amend Sec. 2, page 2, line 9, by striking out "2" and inserting

Amend Sec. 3, page 4, line 22, by striking our 13" and inserting 4

Amend Sec. 4, page 7, line 20, by striking out "4" and inserting 5

Amend Sec. 5, page 8, line 3, by striking out "5" and inserting

Amend Sec. 6, page 10, line 15, by striking out "6" and inserting

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OCTOBER 17

Corpora	Keller	Ramos	Vitali
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Allen	hau neo	Major	Semuel
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Armstrong	Fichter	Masland	Sharban
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Bard	Flick	Meno:	Smith, S. H.
Harley	Gannon	Micoggie	Spyder, D. W.
Birmelin	Civist	Miller	Stairs
Blauce)	Citadook	Mailor	Steil
Brassii	Ciodshall	Nickol	Stern
Browne	Gruppo	Nyce	Suish
Hunt	Habay	O ⁵ Brien	Strittmatter
Chadwick	liarhart	Perzel	Tay for, E. Z.
Civera	I lasay	Poni	Taylor, J
Clark	Hennesses	Phillips	True
Clamer	Herman	Piccola	Tulli
Cohen, L. L	Hershey	Pitte	Vance
Conti	Hoss	Platts	Waugh
Clochell	Hutchinson	Ray mond	Wogan
Demosey	Jadlowiec	Reber	Wright, M. N.
Dent	Kenney	Remard	Zummermen
DiGirolamo	King	Richner	Z116
Druce	Lawless	Rubley	
Durham	Loh	Sather	Ryan,
Egolf	Lymph	Soydor	Spenker

NOT VOTING-3

Masernik Fauthovicz Cordner

EXCUSED 3

Leasaglio Seluctor

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring, $$W{\rm ill}$$ the House agree to the bill on third consideration as amended?

Mr. STURLA offered the following amendment No. A5048:

Amond Title, page 1, line 2, by inserting after "Statutes," further providing for distribution of fines and forfeitures to municipalities and for reduction of violence through community based crime prevention; Amend Bill, page 1, lines 9 and 10, by striking out all of said lines and inserting Section 1. Sections 3571(b) and 3573(b)(2) of file 42 of the Pennsylvania Consolidated Statutes are amended to read: § 3571. Commonwealth portion of fines, etc.

(a) remote oftenses.

(1) All fines forfeited, recognizances and other forfeitures imposed, lost or forfeited in connection with matters arising under Chapter 77 of Title 75 (relating to snowmobiles) shall be payable to the Commonwealth.

the Commonwealth. (e.g., government and the paragraph [63] [3], when prosecution under any other provision of Title 73 (relating to vehicles) is the result of State Police action, all these Reference, recognizances and other forfeitures supposed, lost or Reference shall be payable to the Commonwealth, for credit to the Motor License fund One-half of the revenue shall be paid [10 municipalities] in the same ratio provided in section 4 of the set of June 1, 1936 (P.L.1944, No.655), relating to partial allocation of liquid theis and fuel use tax proceeds, to municipalities which have organized an municipal police department having at least one notice officer or contrasted for municipal police service with one or more municipalities.

municipal police department having at least one police officer or contracted by municipal police service with one or more municipalities.

[(3) Except as provided in section 3573 (relating to municipalities.

[(3) Except as provided in section 3573 (relating to municipalities.

[(4) Expects on Title 75 is the result of local police action, one-half of all fines forfeited, recognizances and other forfeitures imposed, lost or forfeited shall be payable to the Commonwealth, for credit to the Motor License Fund.

[(4)] [(3)] When prosecution under 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance) is the tresult of State Police action, 50% of all fines forfeited shall be payable to the Commonwealth, for credit to the Motor License Fund, and 50% shall be payable to the county which shall be further divided as follows:

[(i) Fifty percent of the moneys received shall be allocated to the appropriate county authority which implements the county drug and alcohol program to be used solely for the purposes of aiding programs promoting drug abuse and alcoholism prevention, education, treatment and research. Programs under this subparagraph include Project DARE (Drug and Alcohol Resistance Education).

[(ii) Fifty percent of the moneys received shall be used for expenditures meatured for county jails, prisons, workhouses and detention of times.

§ 3573. Municipal corporation portion of fines, etc.

(b) Vehicle offenses.—

(b) Vehicle offenses.—

(c) Except as provided in paragraph (3), when prosecution under any other provision of Title 75 (except Chapter 77 (relating to snownostiles)) is the result of local potice action, pore-half-off all lines, forfeited recognizances and other forfeitures imposed, lost of oriented shall be pay able to the manifelpatic exponation under which the local police are organized for reduction of violence through community based crime prevention.

Section 2. Section 6301(b)(2) of Title 42 is amended to read: Amend Sec. 2, page 2, line 9, by striking out "2" and inserting

Amend Sec. 3, page 4, line 22, by striking our 13" and inserting 4

Amend Sec. 4, page 7, line 20, by striking out "4" and inserting 5

Amend Sec. 5, page 8, line 3, by striking out "5" and inserting

Amend Sec. 6, page 10, line 15, by striking out "6" and inserting

- - -

Amond Sev. 7, page 15, line 21, by striking out "7. This sor" and insorting.

8. The amendment or addition of 42 Pa.C.S 88 6301(b)(2), 6302, 6322, 6340, 6353(a) and 6335(a)(4), (c) and (p) Amend Sec. S, page 15, line 23, by striking out "8" and insening

On the question, will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from I ancaster, Mr. Sturla.

Mr. STURLA Mr. Speaker, if I could, I believe I had requested that amendment A4999 run first.

The SPEAKER pro tempore. The clerk will read amendment 44990

On the question recurring, Will the House agree to the bill on third consideration as amended ?

Mr. STURLA offered the following amendment No. A4999:

Amend Title, page 1, line 2, by inserting after "Statutes,"
establishing the Crime Prevention and Local Law
Enforcement Program and the Crime Prevention
and Local Law Enforcement Fund;
Amend Bill, page 1, lines 9 and 10, by striking out all of said lines

Amend Bill, page 1 miles value of the Pennsylvania Consolidated and inserting Section 1. Chapter 21 of 15te 42 of the Pennsylvania Consolidated Statutes is amended by adding a subchapter to read: SCISCHAPTER G.
CRIME PREVENTION AND LOCAL LAW ENFORCEMENT PROGRAM

Sec.
2161. Pennsylvania Commission on Crime and Delinquency.
2162. Establishment of Crime Prevention and Local Law Inforcement Tund.
2163. Rules and regulations.
2161. Pennsylvania Commission on Crime and Delinquency
(a) Use of program funds.—The Pennsylvania Commission on Crime and Delinquency may effect financial assistance to municipalities for the Billowing crime prevention and local law enforcement purposes:
(1) The establishment of community policing programs for municipalities which do not have such programs, or additional assistance for municipalities which have already established community policing programs.
(2) Upgrading or addition of equipment, materials or technologies which would not otherwise be purchased or replaced through routine equipment replacement and deproclation, and would be right to the agency in deterring criminal activities other than truffic violations. benefit the colations

violations
(3) Hiring an additional law enforcement officer or officers, provided the municipality can show with reasonable certainty that such additional number of officer or officers will be retained toflowing the termination of program funds.
(4) Niessures to deter criminal gang activity which may include:

(i) Community organizations which implement programs to deter criminal gang activity. The commission shall give preference to progrems which engage community organizations in identifying and prioritizing dellinquency risk factors operating in their communities which include a comprehensive plan to reduce the impact of these risk

factors on children. Criminal gang deterrence programs

that former oriminal game members are able to integrate into society.

(B) Rehabilitative and education support

Integrate into society.

(B) Rehabilitative and education support services.

(ii) District attorneys to be used for the formation of special prosecution units, grand jury investigations and other strategies to deter criminal gang servicy.

(b) Any other crime prevention measures proposed by the local law enforcement agency which the commission deems appropriate.

(b) Allocation of funds. The commission shall make available not less than 95% of the State lands available annually for the administration of this section for financial assistance to local law enforcement agencies for the support of municipal, county or regional crime prevention projects. The lands shall be used to pay the individual projects cost. The commission in order to administer the program.

(c) Commission free of funds, Plus commission shall retain any funds which have not been awarded for crime prevention and local law enforcement projects during any given fixed year and use such funds society for project wands during the subsequent fixed year or fixed years. § 2162. Establishment of Crime Prevention and Local Law Enforcement project awards during the subsequent fixed year or fixed years. § 2162. Establishment of Crime Prevention and Local Law Enforcement Fund.

(a) Fund. There is hereby established within the State Treasury a nonlapsing revolving account to be known as the Crime Prevention and Local Law Commission on Crime and Delinquency for the purpose of prevention and local law antorecement projects set forth under section 2161 (relating to Pennsylvania Commission on Crime and Delinquency).

(b) Deposits into Tund. All moneys made payable to the Commonweith resulting from local law enforcement accions under \$8, 3571 (relating to Commonweith protion of fines, etc.) shall be deposited into the Crime Prevention and Local Law Enforcement Pland created under subsection (a) to be osed for the purposes of this subsequency.

(b) Deposits into Tund. All moneys made payable to the Commonweith resulting from local law enforcement accions under \$8,

subconspier.
Section 2. Section 6301(b)(2) of Title 42 is amended to read:
Amend Sec. 2, page 3, line 9, by striking out "2" and inserting

Amend Sec. 3, page 4, line 22, by striking out "3" and inserting

Amend Sec. 4, page 7, line 70, by striking out "4" and inscrting

Amend Sec. 5, page 8, line 3, by striking our "5" and inserting

Amend Sec. 6, page 10, line 15, by striking out "6" and inserting

Amend Sec. 7, page 15, lines 21 and 22, by striking out all of said lines inverting. Section 8. The amendment of 42 Pa.C.S. §§ 6301(b)(2), 6302. 6322, 6310, 6352(a) and 6355(a)(4) and (c) shall apply to all delinquent acts committed on or after the effective date of this act. Amend Sec. 8, page 15, line 23, by striking our "8" and inserting

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

1995

LEGISLATIVE JOURNAL = · HOUSE

Amond Sev. 7, page 15, line 21, by striking out "7. This sor" and insorting.

8. The amendment of addition of 42 Pa.C.S \$\% 630 \text{Lob}(2), 6302, 6322, 6340, 6352(a) and 6355(a)(4), (c) and (p) Amend Sec. S. page 15, line 23, by striking out "8" and insening

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from I ancaster, Mr. Sturla.

Mr. STURLA, Mr. Speaker, if I could, I believe I had requested that amendment 54999 run first.

The SPEAKER pro tempore. The clerk will read amendment 44999

On the question recurring, Will the House agree to the bill on third consideration as amended ?

Mr. STURLA offered the following amendment No. A4999:

Amend Title, page 1, line 2, by inserting after "Statutes,"
cytablishing the Crime Prevention and Local Law
Enforcement Program and the Crime Prevention
and Isseal Law Enforcement Fund;
Amend Bill, page 1, lines 9 and 10, by striking out all of said lines

Amend Bill, page 1 mass and an adding and inserting Section 1. Chapter 21 of the 42 of the Pennsylvania Consolidated Statutes is amended by adding a subchapter to read:

CRIME PREVENTION AND LOCAL LAW ENFORCEMENT PROGRAM

Sec.

2161. Pennsylvania Commission on Crime and Delinquency.

2162. Establishment of Crime Prevention and Local Law Enforcement Tund.

2163. Rules and regulations.

2164. Pennsylvania Commission on Crime and Delinquency

(a) Use of program funds.—The Pennsylvania Commission on Crime and Delinquency may effect financial assistance to municipalities for the following crime prevention and local law enforcement purposes:

(1) The establishment of community policing programs for municipalities which do not have such programs, or additional assistance for municipalities which better already established community policing programs.

(2) Upgrading or addition of equipment, materials or technologies which would not otherwise be purchased or replaced through routine equipment replacement and depredation, and would be riefly the agency in deterring criminal activities other than trufficulations.

violations
(3) Hiring an additional law enforcement officer or officers, provided the municipality can show with reasonable certainty that such additional number of officer or officers will be retained toflowing the termination of program funds.
(4) Niessures to deter criminal gang activity which may include:

(i) Community organizations which implement programs to deter criminal gang activity. The commission shall give preference to progrems which engage community organizations in identifying and prioritizing dellinquency risk factors operating in their communities which include a comprehensive plan to reduce the impact of these risk

factors on children. Criminal gang deterrence programs may include:

(A) Aftercare and monitoring to ensure that former criminal gang members are able to

integrate into society.

(B) Rehabilitative and education support

that former oriminal gaing members are able to integrate into society.

Services.

(ii) District autorneys to be used for the formation of special prosecution units, grand Jury investigations and other smalegies to deter criminal gaing activity.

(5) Any other crime prevention incasures proposed by the local law enforcement agency which the commission deems appropriate.

(b) Allocation of times. The commission shall make available not less than 95% of the State lunds available annually for the administration of this section for linuncipal, county or regional crime prevention projects. The linude into the support of municipal, county or regional crime prevention projects. The linude shall be used to pay the Individual project's cool. The remaining 5% of State funds available annually shall be remained by the remaining 5% of State funds available annually shall be remained by the remaining 5% of State funds available annually shall be remained by the remaining 5% of State funds available annually shall be remained by the remaining 5% of State funds available annually shall be remained by the remained may be administer the program.

(c) Commission use of funds.—The commission shall retain any funds which have not been awarded for crime prevention and local law enforcement projects during, any given basel year and use such funds solely for project awards during, the subsequent fixed year of fixed years.

§ 2162. Establishment of Crime Prevention and Local Law Enforcement Fund.

(a) Fund. There is hereby established within the State Freazory a nonlapsing revolving account to be known as the Crime Revention and Local Law Enforcement Fund. The fund shall be administered by the Pennsylvania Commission on Crime and Delinquency for the purpose of providing financial assistance to local law enforcement agencies for crime prevention and local law enforcement projects act forth under section 2161 (relating to Pennsylvania Commission on Crime and Delinquency).

(b) Deposits into fund. All moneys made payable to the Commonwea

s subcompter.
Section 2. Section 6301(b)(2) of Title 42 is amended to read:
Amend Sec. 2. page 3, line 9, by satisfing out "2" and inserting

Amend Sec. 3, page 4, line 22, by striking out "3" and inscrting

Amend Sec. 4, page 7, line 70, by striking out "4" and inscrting

Amend Sec. 5, page 8, line 3, by striking our "5" and inserting

Amend Sec. 6, page 10, line 15, by striking out 16" and inserting

Smend Sec. 7, page 15, lines 21 and 22, by striking out all of said

Amend Sec. 7, page 15, times 21 and 21.

Inest investing
Section 8. The amendment of 42 Pa.C.S. 88 6301(b)(2), 6302,
6122, 6310, 6352(a) and 6355(a)(4) and (c) shall apply to all delinquent
acts committed on or after the effective date of this acr

Amend Sec. 8, page 15, line 23, by striking our "8" and inserting

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

The SPIAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, what amendmen A4999 does is takes moneys that are currently sent to the State for police fines generated by local police departments and puts that money over with the Pennsylvania Commission on Crime and Delinquency to their hereimbursed back to local police departments in the Som of course reimbursed back to local police departments in the form of grants for local police enforcement.

POINT OF ORDER

Mr. PICCOLA, Mr. Speaker, point of order. The SPEAKER pro tempore. The gentleman will state the

point.

Mr. PICCOLA. We have not received a copy of amendment

Mr. STURLA, Mr. Speaker, it is my man packet No. 2.

The SPEAKER pro tempore. The Chair believes the gentleman.

Mr. Sturla, is correct in that the amendment is contained in packet No. 2.

Thank you, Mr. Speaker.

Mr. Sturla, is correct in that me amount packet No. 2.

Mr. PRCCOLA. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman. The gentleman, Mr. Sturla, may continue.

Mr. STURLA. Thank you, Mr. Speaker.

According to the fiscal note on this, I believe what this does is there is about \$30 million a year that is sent to the State from local police departments. Approximately half of that goes back to the local police departments and half goes to the State, and what this amendment would do is send all of that to the Commission on Crime and Delinquency to then be returned to the local municipalities.

municipalities.

Now, there is, I believe, a slightly better option to this which would be a separate amendment, but that was filed at 2 of clock this afternoon, and I would need to suspend the rules to do that.

MOTION TO SUSPEND RULES

Mr. STURLA. I guess if I could, at this point in time I would actually like to attempt to suspend the rules to allow for the offering of A5268, which I believe is a slightly better version of this, and if not, then I will return to this amendment.

The SPEAKER pro tempore. The gentleman moves to suspend the rules for the purpose of offering amendment A5268.

The motion is debatable only by the leaders.

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

Mr. PERZEL, Mr. Speaker?
The SPEAKER pro tempore. The Chair recognizes the majority leader.
Mr. PERZEL, Thank you, Mr. Speaker.
I just do not think that we should be suspending the rules right now, Mr. Speaker. There was plenty of time to get this amendment prepared and circulated. So at this time I would oppose that matters.

motion.
The SPEAKER pro tempore. The Chair thanks the gentleman.
Does the gentleman, Mr. Itkin, want to defer to Mr. Sturla?

Mr. ITKIN. Yes. Mr. Speaker.
The SPEAKER pro tempore. The Chair thanks the gentleman. The gentleman, Mr. Smala, is reasonized.
Mr. STURLA. Thank you, Mr. Speaker.
I would ask that members support suspension of the rules here.
I do have several amendments which were tiled in a timely manner. There are some slight changes to those amendments which would be in the amendment which I am attempting to suspend the rules for which makes it a better amendment. I think they are all good amendments, but rather than running amendments that are not quite the perfect amendment, I would rather run the amendment that is probably the best amendment of the whole pack.
The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring. Will the House agree to the motion?

The following roll call was recorded:

YEAS-92

Battisto	DeWeese	Larrey k	Sainaro
Bobko-Jones	Donatucci	Markosek	Santoni
Habitati	Evens	Masternik	Swittenmente
Belfanti	f·αjτ	MeCail	Shaper
Blaum	Ciamble	MrcGeglami	Staback
Boscota	Crearge	Metro	Steelman
Bunt	Cigitiotti	Michlovie	Stetler
Harston	Ornitza	Numety	Stracts
Caltaguagne	Haluska	CHasse	Sourca
Саррабланса	likin	Oliver	Pangretti
Claim	Jeunics	Pesci	Lhomas
Convies	Jacobio	Petrarea	Trello
Cohen, M.	Josephs	Petrone	Trich
Colafella	Karsa	Pistella	∨an Horne
Colaizzo	Meller	Phraston	Moon
C perposes	Kirk langs	Ramos	Vitali
Corrigan	Bankowich	Readshaw	Walko
Cosvell	Latinous	Rieger	Washington
Clay	1.aughlin	Roberts	Williams
Centry	Lederer	Robinson	Witterriigk
Daley	Logsow it a	Rucbuck	Whight, D. R.
Def.uca	وطفيتها بجعدا	Roomey	Yorkola
Dermody	Lloyd	Rinds	Youngblood

Convell	Latinous	Rieger	Washington
Clay	l.aughlin	Roberts	Williams
Critics	Loderer	Robinson	Witterriigk
Daley	Lapson of a	Roeback	Wright, D. R
Def.uca	والمكينينية وعمال	Roomey	Workfold
Dermod ₅	Lloyd	Rudy	Youngblood
	N.A	YS-102	
Adolph	Pargo	Lynch	Schuler
Allen	Farmer	Mairtand	Semmet
Δε <u>σ</u> all	Historian	Major	Secution
Armstrong	Lachter	Marsico	Sheeban
Harkert	Fleacle	Mestand	Smith, B.
Pard	F Look	Medall	Smith, S. H.
Establey	Gaarnon	Marry	Suyden, D. W.
Hirmstin	Citist	Micozzie	PRESSA CAL
Boves	Citadeca	NTHELD	Scall
Brown	Giodelfall	Scaller	Sterri
Estransino	Circipgua	Nickol	Strings
Carona	Haims	19900	Statementics
Chadsvick	Hanna	C2733 (ico)	Taylor, F. Z.
Clisional	Harbart	Percent.	Lag Ior. J.
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City man	Hammingsag	Phillips	Line
Clohen, ! . 1.	Harman	Piccola	Tulli
Conti	Hershey	Pairs	Vance
Cornell	Hoss	Filtratis	SA GUIGO
Dempsey	Hutchinson	Ray monet	Verigion .
Dent	Jadtowiec	Rober	Wright, Nt. Nt.
DiCrirolamo	Kenney	Blanner	Zunnisiman

LEGISLATIVE JOURNAL — HOUSE

OCTOBER 17

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you. Mr. Speaker.

Mr. Speaker, what amendment A4999 does is takes moneys that are currently sent to the State for police fines generated by local police departments and puts that money over with the Pennsylvania Commission on Crime and Delinquency to their be reimbursed back to local police departments in the form of grants for local police enforcement.

POINT OF ORDER

Mr. PICCOLA, Mr. Speaker, point of order. The SPEAKER pro tempore. The gentleman will state the

point.

Mr. PICCOLA. We have not received a copy of amendment

STURLA, Mr. Speaker, it is my understanding it is in Mr. S packet No.

packet No. 2.

The SPEAKER pro tempore. The Chair believes the gentleman. Mr. Sturla, is correct in that the amendment is contained in packet No. 2.

Mr. PICCOLA. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman. The gentleman, Mr. Sturla, may continue.

Mr. STURI.A. Thank you, Mr. Speaker.

According to the fiscal note on this, I believe what this does is there is about \$30 million a year that is sent to the State from local police departments. Approximately half of that goes back to the local police departments and half goes to the State, and what this amendment would do is send all of that to the Commission on Crime and Delinquency to then be returned to the local municipalities.

municipalities.

Now, there is, I believe, a slightly better option to this which would be a separate amendment, but that was filed at 2 o'clock this afternoon, and I would need to suspend the rules to do that.

MOTION TO SUSPEND RULES

Mr. STURIA. I guess if I could, at this point in time I would actually like to attempt to suspend the rules to allow for the offering of AS268, which I believe is a slightly better version of this, and if not then I will return to this amendment.

The SPBAKER pro tempore. The gentleman moves to suspend the rules for the purpose of offering amendment A5268.

The motion is debatable only by the leaders.

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

Mr. PERZEL, Mr. Speaker?
The SPEAKER pro tempore. The Chair recognizes the majority leader.
Mr. PERZEL, Thank you, Mr. Speaker.
I just do not think that we should be suspending the rules right now, Mr. Speaker. There was plenty of time to get this amendment prepared and circulated. So at this time I would oppose that matters.

motion.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Does the gentleman, Mr. Itkin, want to defer to Mr. Sturla?

Mr. ITKIN. Yes. Mr. Speaker.
The SPEAKER pro tempore. The Chair thanks the gentleman. The gentleman, Mr. Smala, is reasonized.
Mr. STURLA. Thank you, Mr. Speaker.
I would ask that members support suspension of the rules here.
I do have several amendments which were tiled in a timely manner. There are some slight changes to those amendments which would be in the amendment which I am attempting to suspend the rules for which makes it a better amendment. I think they are all good amendments, but rather than running amendments that are not quite the perfect amendment, I would rather run the amendment that is probably the best amendment of the whole pack.
The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring. Will the House agree to the motion?

The following roll call was recorded:

YEAS-92

Battisto	DeWeese	Line's k	Sainaro
Bobko-Jones	Donatucci	Markosek	Santoni
Helardi	Livens	Masternik	Sections on a
Belfanti	f-ajr	McCail	Shaper
Blaum	Ciamble	MinGlegham	Staback
Boscola	Creorge	Metro	Steelman
Bunt	Crightioni	Michlovie	Stetler
Harston	Ciruitza	Munichy	Strarts
Caltagunome	Haluska	Olasz	Source
Cappabianca	ltkin	Oliver	Pangretti
Clarin	Jaumes	Pesci	Lhomas
Cowtey	Jarsalina	Petrarea	Trello
Clohen, M.	Josephs	Petrone	Trich
Colafella	Karasi	Pistella	∨an Horne
Colaizzo	Meller	Phreston	Moon
Coopera	Kirk lanck	Ramos	Vitali
Corrigan	Barkowich	Readshaw	Walko
Convell	Latinous	Rieger	Washington
Clay	l.aughlin	Bobens	Williams
Cinics	Lederer	Robinson	Witterriak
Daley	Lorsowy (Le	Rochack	Wright, D. R.
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Dermody	Lloyd	Rudy:	Youngblood

	Derinods	Lloyd	Rudy.	Youngblood
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	Adolph	Pargo	Lynch	Schuler
	Allen	Parmer	Maithaid	Semmel
	Argall Armstrong Baker	Frese Lichter Pleade	Major Marsico Mosland	Secution Sheeban Smith, B.
	Bard	Flick	MeGHI	Smith, S. H.
	Earley	Gannon	Morry	Snyder, D. W.
	Birmelin	Cicist	Micozzie	Stairt
	Boyes	Citadeca	Stiito	Stail
	Brown	Ciodelhall	Saitor	Stair
	Browne Carone Chadwick	Cirragum Hatsay Hamaa	Mickel Nyee O'Brien	Stish Substitution
	Civera Clark	Harhart Hasey	Penis Penis	Taylor, F. Z. Taylor, J. Lugas:
	Cilymaa	Honorasos	Phillips	Time
	Cohen, I., I.	Horman	Piccola	Tulli
	Conti	Hershey	Purs	Vance
	Cornell	Hess	Plarts	Manga
	Dempsey	Hutchinson	Raymound	Wagan
	Dent	Jadłownec	Rober	Wright, M. M.
	DiGirolamo	Kenney	Romard	Zunmerman

Bisnop Budovicz

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King Krebs Lawless Leh Direcci Darbare Rohner Вушті, Бреакес NOT VOTING-5

EXCUSED 3

Nühalich Sebroder Travactio

Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

the question recurring. I the House agree to the amendment?

Mr. STURLA. Thank you, Mr. Speaker.

If I could proceed then with amendment A4999?

The SPFAKER pro tempore. The gentleman is in order and may continue his remarks.

Mr. STURLA. Thank you, Mr. Speaker.

Lesentially to go over this again, what this does is right now, currently, local police departments, which we do not fund at all with State tax dollars, send \$30 million a year to the State, which by the last account I saw was pretry flush with money, and the State keeps 15 million of those dollars. What I am suggesting is that we return that \$15 million to the local police departments that are paid for by local tax dollars so that they can use that money for better equipment, more police officers, better policing techniques, better equipment.

are paid for by local tax dollars so that they can use that money for better equipment, more police officers, better policing techniques, better equipment.

We currently spend somewhere in the neighborhood of \$300 million a year for State Police operations to police about half the State. The other half of the State is policed with local tax dollars, and then on top of that, when those local police officers that are paid for by local tax dollars write a ticket and generate fine moneys, the State takes part of that. I just think it is ourregous, given this State and the nature of where local police departments are in terms of funding, that we not be willing to return to them that additional \$15 million that they generate.

I would urge a "yes?" core.

The SPEAKER pro tempore. Does the gentleman, Mr. Piccola, seek recognition?

Mr. PICCOLA, Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. PICCOLA. Mr. Speaker, this amendment may have some validity, and I think the gentleman himself bas admitted that he has seceral variations of it, some of which are better than others, and this is apparently not the best one, at least according to his analysis. I am not quite sure what he is attempting to do.

Right now the Pennsylvania Commission on Crime and Delinquency is our State law enforcement agency which makes various grants to local law enforcement, county organizations. distinct attorneys, and so torth in its overall statewide effort to combat crime. As I read this amendment, this is basically going to hamstring that agency, because it is mandating that 95 percent of

the funds are to go to local law enforcement, which means your local police, and it does not look like it is particularly restricted. In other words, if the local police want to just simply hire more officers to set up more speed traps or do those kinds of things, it appears as if they could do that.

I do not know what relationship this has to \$13 100, which is a bill designed to combat juvenile crime. I do not think it has anything to do with it. The amendment so far as I am aware has never been discussed in the House Judiciary Committee or the Schate Judiciary Committee. Maybe the grantfaman has introduced it as a separate bill, but he has not brought it to my attention. It is obviously something that should be the subject of at least public hearings, because it could have an adverse impact on crime prevention programs that are already ongoing with the Commonwealth as far as PCCD's support of the same.

I think there are just too many unanswered questions about this amendment to on the floor of the House, at the end of the debate on the direct-filing bill dealing, with juvenile crime, to tack a 3- or d-page single-spaced amendment on that could adversely affect local law enforcement. It may well do a good job. I do not know or some aspect of it may be appropriate. But before this House engages in it, we should use our committee system, introduce it as a bill, have a hearing or make some inquiry as to whether this bill has the support of law enforcement around the Commonwealth. I have not heard from any of my local police departments that they want this kind of legislation; maybe they do. Does it have the support of the Attorney General, who is the chairman of the PCCD? How is it going to impact on their operation? There are just so many unanswered questions to this, I urge that it be defeated.

Preferably, I would wish the gentleman would withdraw the amendment, submit it as a bill, and the Judiciary Committee can

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but we seem to be getting away from that with amendments to this bill.

I urge its defeat.

The SPEAKER pro-tempore. The gentleman, Mr. Sturla, should probably be ruled to have spoken twice already since he spoke at length on the amendment before he made his motion. However, the Chair is in a particularly gracious mood this afternoon and is going to recognize the gentleman for the second time.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, if I dould, there are some points that the gentleman, Mr. Piccola, made which I believe need to be corrected. Number one, a version of this has been submitted as a bill. It is HB 55 in regular session and special session IIB 52. It has been in the committee since, I believe, one of the filts months that we were necession this session. It is also one of the bills that I requested that the majority leader run when he requested that we have two bills that we offer that we were particularly interested in having not his session, and this was one of the bills that I was particularly interested in having run this session. And as far as public hearings go, the Democratic Policy Committee held hearings throughout the State this summer in which this bill was discussed at great length and received rather unaminous support from local police departments which are in much need of these funds.

Secondly, the question about adding additional law officers so they can go our and write traffic tickets, if the gentleman would read on line—let me get it here. I the 30 of the amendment, it says.

"Upgrading or addition of equipment, materials or technologies which would not otherwise be purchased or replaced through

1995

LEGISLATIVE JOURNAL — HOUSE

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Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

the question recurring. The House agree to the amendment?

Mr. STURLA. Thank you, Mr. Speaker.

If I could proceed then with amendment A4999?

The SPFAKER pro tempore. The gentleman is in order and may continue his remarks.

Mr. STURLA. Thank you, Mr. Speaker.

Lesentially to go over this again, what this does is right now, currently, local police departments, which we do not fund at all with State tax dollars, send S30 million a year to the State, which by the last account I saw was pretry flush with money, and the State keeps 15 million of those dollars. What I am suggesting is that we return that S15 million to the local police departments that are paid for by local tax dollars so that they can use that money for better equipment, more police officers, better policing techniques, better equipment.

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We currently spend somewhere in the neighborhood of \$300 million a year for State Police operations to police about half the State. The other half of the State is policed with local tax dollars, and then on top of that, when those local police officers that are paid for by local tax dollars write a ficket and generate fine moneys, the State takes part of that. I just think it is comageous, given this State and the nature of where local police departments are in terms of faceling, that we not be willing to return to them that additional \$15 million that they generate.

I would urge a "yes" vote.

The SPEAKER proteinpore. Does the gentleman. Mr. Piccola, seek recognition?

Nr. PICCOLA. Yes. Mr. Speaker.

The SPEAKER proteinpore. The gentleman is in order and may proceed.

The SPFAKER pro tempore. The gentleman is in order and may proceed.

Mr. PICCOLA, Mr. Speaker, this amendment may have some validity, and I think the gentleman himself has admitted that he has several variations of it, some of which are better than others, and this is apparently not the best one, in least according to his analysis, I am not quite sure what he is attempting to do.

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"Upgrading or addition of equipment, materials or technologies which would not otherwise be purchased or replaced through

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And finally, it is these moneys that are restricted to go to those municipalities — 95 percent of the money must go to the municipalities — 95 percent of the money must go to the municipalities — not other funds that the Pennsylvaria Commission on Crime and Delinquency has.

This is about whether or not we want to support our local police departments, whether or not we think local taxpayers who pay for those local police officers ought to then see the benefits of their work in terms of being able to support more police activities in their district. This is about whether or not we think local tax dollars should be being sent to the State.

This puts \$15 million more than is currently going into the hands of local police departments into local police departments for increasing community policing, for upgrading equipment, for increasing additional police officers, for deterring criminal gang activity. These are all things that local municipalities are desperately crying for.

Lurge your support of this amendment. Thank you.

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On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

Hebko-Jones	Donatueer	McCall	Santoni
Belardi	Els anns	McGechan	Shanso
Dell'anti	F'nj†	Melio	Stabaak
Bishop	Haiuska	Michtovie	Steelman
Blaum	Horsey	Numdy	Steller
Boscola	Itkin	Oliver	Sturla
Buston	James	Pesci	Tangretti
Caltagurone	Jarolin	Perrarca	Thomas
Cappabianca	Josepha	Petrone	Tigues
Carn	Kaiser	Pistella	Tretto
Cawley	Kirkland	Preston	Luich
Coben. M.	Kukovich	Ramos	∨an Horne
Cigilafella	LaCirotta	Readshaw	Monia
Corpora	Laguetites	Rieger	V itati
Corrigan	Lederer	Roberts	Walke
Cowell	Lescovita	Robinson	Washington
Curry	1 .ev dansky	Rocbick	Williams
Dates	Lucyk	Rooney	Wozniak
Dermody	Manderine	Rudy	Youngblood
DeWesse	Markosek	Sainato	

NAYS-116

Adolph	Fairchild	Lieb	Schuler
Allen	Targo	Litoyid	Scrimenti
Argali	Far oner	Lynch	Second
Armstrong	Feese	Nightland	Serafini
Baker	Fighter	Major	Shochan
Hard	Ficaele	Marsico	Smith, B
Barley	Flick	A-tastand	Smith, S. II.
Barristo	Ciamble	McGill	Snyder, D. W.
Hirmelin	Ciannon	Merrs	Stancs
Noven	Cieist	Micozzie	Steat
Brown	Cieorae	Miller	Stern
Browns	Gigliotti	Naitor	Stish
Bunt	Gladeck	Niekot	Strimmener
Carone	Godshali	Nyce	Surra

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EXCUSED-3

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Loss than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring, Will the House agree to the bill on third consideration as amended?

The SPEAKER pro tempore, Does the gentleman, Mr. Sturla, have another amendment?

Mr. STURLA, Yes, Mr. Speaker, I would like to offer amendment A4998.

On the question recurring, Will the House agree to the bill on third consideration as amended?

Mr. STURLA offered the following amendment No. A4998:

Amend Title, page 1, line 2, by inserting after "Statutes."

further providing for distribution of fines and
Britistures to municipalities:

Amend Bill, page 1, lines 9 and 10, by striking out all of said lines.

Among sith, page 1, tinks 9 and 10, by striking on all the day interesting Section 1. Sections 1371(b) and 3573(b)(2) of Title 47 of the Pennsylvania Consolidated Statutes are amended to read: § 3571. Commonwealth portion of fines, etc.

(b) Mehicle offerses.

(b) Vehicle offenses.—

(1) All fines forfeited, recognizances and other forfeitures imposed, tost or forfeited in connection with matters arising under Chapter 77 of Title 75 (relating to snowmobiles) shall be payable to the Commonwealth.

(2) Except as provided in paragraph [cl)] (3), when prosecution under any other provision of Title 75 (relating to vehicles) is the result of Store Police action, all fines forfeited recognizances and other forfeitures imposed, lost or forfeited shall be payable to the Commonwealth, for credit to the Niotor License Fund. One-half of the revenue shall be paid [to municipalities] in the same ratio provided in section 4 of the act of June 1, 1956.

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LEGISLATIVE JOURNAL — HOUSE

Nilhatich

OCTOBER 17

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I arge your support of this amendment. Thank you.

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Beliko-Jones	Donatuee)	McCall	Santoni
Belardi	Estants	McGeehan	Shanso
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Bishop	Haiuska	Michtoxic	Steelman
Blaum	Horsey	Numdy	Steller
Boscola	Itkin	Oliver	Sturla
Buston	James	Pesai	Tangretti
Caltagrione	Jarolin	Perrarca	Thomas
Cappabianca	Josepha	Petrone	Tigue
Carn	Kaiser	Pistella	Tretto
Cawley	Kirkland	Preston	Luich
Coben, M.	Kukovich	Bamos	∨an Horne
Colofella	LaCirotta	Readshaw	None
Chepora	Laughter	Rieger	V itati
Corrigan	Lederer	Roberts	Walko
Cowell	Lescovitz	Robinson	Washington
Curry	Levdansky	Rockrok	Williams
Dates	Lucyk	Rooney	Wozniak
Dermody	Manderine	Rudy	Youngblood
DeWeesc	Markosek	Sainato	

NAYS-116

Adolph	Fairchild	Lieb	Schuler
Allen	Targo	Litoyid	Scrimenti
Argali	Farmer.	Lynch	Sommet
Armstrong	Feese	Mairtand	Serafini
Baker	Fighter	Major	Sheehan
Hard	Ficaele	Marsico	Smith, B
Barley	Flick	A-tastand	Smith, S. H.
Barristo	Ciamble	McGill	Snyder, D. W.
Hirmelin	Ciannon	Merrs	Stancs
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Brown	Cieorge	Miller	Stern
Browns	€igliotti	Naitor	Stish
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Carone	Godshalf	Nyce	Surra

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NOT VOTING-4

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EXCUSED-3

Linvaglio

Schröder

Loss than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring, Will the House agree to the bill on third consideration as amended?

The SPEAKER pro tempore, Does the gentleman, Mr. Smrla, have another amendment?

Mr. STURLA, Yes, Mr. Speaker, I would like to offer amendment A4998.

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Mr. STURLA offered the following amendment No. A4998:

Amend Title, page 1, line 2, by inserting after "Statutes."

further providing for distribution of fines and forfaitures to municipalities:
Amend Bill, page 1, lines 9 and 10, by striking out all of said lines and inserting
Section 1. Sections \$371(b) and 3573(b)(2) of Title 42 of the Pennsy lynnia Consolidated Statutes are amended to read:
\$3571. Commonwealth portion of fines, etc.

(b) Vehicle offenses.—

(1) All fines forfeited, recognizances and other forfeitures imposed, lost or forfeited in connection with matters arising under Chapter 77 of Title 75 (relating to snowmobiles) shall be payable to the Commonwealth.

(2) Except as provided in paragraph [cl)] (3), when provision under any other provision of Title 75 (relating to vehicles) is the result of State Police action, all fines forfeited recognizances and other forfeitures imposed, lost or forfeited shall be payable to the Commonwealth, for credit to the Notor License Fund. One-half of the revenue shall be paid [to municipalities] in the same ratio provided in section 4 of the act of June 1, 1936

(P.t. 19-1), No.655), relating to partial altocation of liquid fliets and fliet use tax proceeds, to municipalities which layer organized an municipalities which layer organized a municipal police department having at least one police officer or contracted for municipal police service with one or more municipalities.

[(3)] Except as provided in section 3573 (relating to municipal conjugation police) of fliets, etc.), when proceeding under any other provision of fliets, etc.), when proceeding action, one-half of all flies forfened, recognizances and other forfeitures imposed, lost or forfeited shall be payable to the Commonwealth, for credit to the Motor License Fund.

(3)] (3) When prosecution under 75 Pa.C.S. § 3731 (relating to driving under influence of atcolor or controlled substance) is the result of Soule Police action, 50% of all lines for feited, recognizances and other forfeitures imposed lost or forfeited shall be payable to the Commonwealth, for credit to the Motor License Fund and 50% shall be payable to the county which shall be further divided as follows:

(i) Tilly percent of the moneys received shall be allocated to the appropriate county authority which implements the county drug and alcohol programs promoting drug abuse and alcoholism prevention, education, treatment and research. Programs under this subparagraph include Project DARE (Drug and Alcohol Resistance Inducation).

(ii) Tilly percent of the moneys received shall be used for expenditures incurred for county jails, prisons, workhouses and detention centers.

5.573, Numicipal corporation portion of fixes, etc.

(b) Vehicle offenses.

(2) Except as provided in paragraph (3), when prosecution under any other provision of Title 75 (except Chapter 77 feeling to snowmobiles)) is the result of local police action. [one-half off all fines, for feited recognizances and other forfeited shall be payable to the municipal corporation under which the local police are organized.

Section 2. Section 6301(b)(2) of 1 itle 42 is amended to read: Amend Sec. 2, page 2, line 9, by striking our "2" and inserting

Nmend Sec. 3, page 4, Sino 22, by surlicing out "3" and inserting

Amend Sec. 4, page 7, line 20, by striking out "4" and inserting

Amend Sec. 5, page 8, line 3, by striking out "5" and inserting 6

Armend Sec. 6, page 10, line 15, by striking out "6" and inserting

7
Amend Sec. 7, page 13, line 21, by striking out "7. This act" and inserting

9. The amendment or addition of 42 Pa.C.S 98 (301(b)(2), 6302, 6311, 6340, 6357(a) and 6355(a)(3), (c) and (g) Amend Sec. 8, page 15, tipe 23, by spiking out "8" and inserting

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

The SPEAKER pro tempore, On that question, the Chair recognizes the gentleman, Mr. Sturk, Mr. STURI A. Thank you, Mr. Speaker,

Mr. Speaker, amendment A4998 is extremely simple. It simply says that that amount of money which the State keeps goes back to the localities. We do not put it with the Commission on Crime and Delinquency; we do not set up any special regulations. We simply say, you generate the fine, you get to keep it; you pay for local police officers and generate the fine, you get to keep it. It puts an additional \$15 million into local police enforcement. \$15 million a year. If you have a paid police department and you vote "no" on this one, you are voting "no" to put \$15 million a year into your local police department. Anybody with a paid police department should be voting "yes" on this bill.

This is a no-brainer. Do you want more money for your local police department or not? This puts \$15 million a year more into your local police department. Thank you.

The \$PFEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Daughin County, Mr. Piccola. Mr. PICCOLA. Thank you. Mr. Speaker.

As 1 read the amendment, it may put money into local police departments, but it takes the \$15 million of the Motor License Fund. I am not prepared on the floor of the House on October 17, 1995, to say that the Motor License Fund should transfer \$15 million from our various road projects around the Commonwealth into local governments, which are already providing various forms of police protection.

This is not the way to legislate. I urge the amendment be defeated.

This defeated.

On the question recurring, $\mathbf{W}(\mathbf{H})$ the House agree to the amendment?

The following roll call was recorded:

Hebke-Jenes	Donatucci	Markosek	Sainato
Belandi	Drugg	McCall	Santoni
Belfanti	Evans	McGeehan	Secretion
Bishan	Fair	Nielio	Shoner
Blaam	Camble	Minim	Steelman
Bosoola	Karanga	Michlovic	Statler
Buston	Haluska	Murids	Sturla
Caltagitone	Hanna	Otto or	Tungrouti
Cappabianca	Itken	Pesci	Thomas
Cara	James	Petrarea	Liggies
Chevies	Jazolin	Petrone	Liello
Cohen, Nt.	Josephs	Presenta	Trich
Chalafella	Kaiser	President	Van Horne
Colaizzo	Kirkland	Ramos	Veon
Corpora	Kukovich	Readshay	Vitali
Corrigan	LaCinorro	Rieger	Walko
Cowell	Laughtio	Roberts	Washington
Cons	Lederer	Robinson	Williams
Dales	Lescovitz	Rochack	Wosan
Districtly	Leydansky	Rooney	Woznosk
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Baker	Fleagle	Major Marsido	Smith, S. H.
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Barles	Crannon	MeGill	Snyder, D. W. Stabbek
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1995

LEGISLATIVE JOURNAL — HOUSE

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This is a no-brainer. Do you want more money for your local police department or not? This puts \$15 million a year more into your local police department or not? This puts \$15 million a year more into your local police department from Daughin County, Mr. Piccola.

Mr. PICCOLA. Thank you. Mr. Speaker.

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Delfanti	Evans	McGeehan	Secretion
Bushap	Fajr	Niolio	Shoner
Hlasim	Gamble	Attacky	Steelman
B oscola	Kinanangga	Michlovic	Steller
Buston	1 latuska	Storiety	Sturla
Calragirone	Hannes	Oliver -	Tangretti
Cappabianca	10km	Pesci	Thomas
Carri	James	Petrares	Linggisser
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Colafella	Kainer	Preston	Van Horne
Colaizzo	Kirkland	Ramos	Veon
Corpora	Kipkovigh	Readshay	Vitali
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Cless ell	Laughtia	Roberts	Washington
Charles	I.ederer	Robinson	Williams
rant e s	Loscovita	Rechark	Wogan
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(P.t. 19-1), No.655), relating to partial altocation of liquid fliets and fliet use tax proceeds, to municipalities which layer organized an municipalities which layer organized a municipal police department having at least one police officer or contracted for municipal police service with one or more municipalities.

[(3)] Except as provided in section 3573 (relating to municipal conjugation police) of fliets, etc.), when proceeding under any other provision of fliets, etc.), when proceeding action, one-half of all flies forfened, recognizances and other forfeitures imposed, lost or forfeited shall be payable to the Commonwealth, for credit to the Motor License Fund.

(3)] (3) When prosecution under 75 Pa.C.S. § 3731 (relating to driving under influence of atcolor or controlled substance) is the result of Soule Police action, 50% of all lines for feited, recognizances and other forfeitures imposed lost or forfeited shall be payable to the Commonwealth, for credit to the Motor License Fund and 50% shall be payable to the county which shall be further divided as follows:

(i) Tilly percent of the moneys received shall be allocated to the appropriate county authority which implements the county drug and alcohol programs promoting drug abuse and alcoholism prevention, education, treatment and research. Programs under this subparagraph include Project DARE (Drug and Alcohol Resistance Inducation).

(ii) Tilly percent of the moneys received shall be used for expenditures incurred for county jails, prisons, workhouses and detention centers.

§ 5.573. Numerical corporation portion of fixes, etc.

(b) Vehicle offenses.

(2) Except as provided in paragraph (3), when prosecution under any other precision of Title 75 (except Chapter 77 feeling to snowmobiles)) is the result of local police action, [one-half off all times, for feited recognizances and other for feited recognizances and other for feited recognizances and other for feiteres imposed, lost or forfeited shall be payable to the municipal corporation under which the local police are organized.

Section 2. Section 6301(b)(2) of Title 42 is amended to read: Amend Sec. 3, page 2, line 9, by striking our 12" and inserting

Nmend Sec. 3, page 4, 9no 22, by surliving out "3" and inserting

Amend Sec. 4, page 7, line 20, by striking out "4" and inserting

Amend Sec. 5, page 8, line 3, by striking out "5" and inserting 6 Armend Sec. 6, page 10, line 15, by striking out "6" and inserting

7
Amend Sec. 7, page 13, line 21, by striking out "7. This act" and inserting

org 8. The amendment or addition of 42 Pa.C.S \$8 (301(b)(2), 6302, 6311, 6340, 6357(a) and 6355(a)(4), (c) and (g)

Amend Sec. 8. page 15, time 23, by striking out "8" and inserting

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

The SPEAKER pro tempore, On that question, the Chair recognizes the gentleman, Mr. Sturk, Mr. STURI A. Thank you, Mr. Speaker,

Stairs Steil Stein Stish Strimmater Surra Laylor, E. Z. Laylor, J. Link Gigliotti Ciladeek Godshall Ciruitza Birmelin Micozzie Nullor Boyes Brown Browne Bunt Carone Chadwick Narior Nickol Cruitza
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EXCUSED 3

Michalich

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the flouse agree to the bill on third consideration as amended?

Mrs. \mathbf{RUDY} offered the following amendment No. $\mathbf{A5051}$:

Mrs. RUDY offered the following amendment No. A5051:

Amend Tide, page 1, line 2, by inserting after "Statutes," requiring the presence of pacents, guardians or custodians at proceedings involving loveriles;

Amend Bill, page 1, lines 9 and 10, by striking our all of said lines and inserting.

Section 1. Title 42 of the Pointsylvania Consolidated Statutes is amended by adding a section to read:

8 1525. Pacental or legal guardian attendance, required, of inventile hearings.

(a) Order to attend In summary proceedings, hefore a district instee or ludge of the minor indictave involving any individual who is under (8, years of laze and is not emacripated, the district notice or nodes of the minor indictave shall issue an order specifically require the pacent or guardian to other person with whom the child resides, if other than the pacent or guardian. No later than 30 days before such moderatines, with the involving and red to contain pace in miner of the order to the pacent or ludge of the minor indicines shall soot an indicate than 30 days before such indicated the district lustice or ludge of the minor indicines shall soot in miner of the order to the pacent or legal guardian or person, with whom the child resides if other than the pacent or legal guardian.

(b) Contempt—A person falling to summly, with say order of pattering the contempt powers of district lustices of the minor judiciary shall issue a beach yampur the nan purson, summline or person with whom the child resides, if other than the parent or ludge of the minor judiciary shall issue a beach yampur the nan purson, summline or person with whom the child resides, if other than the parent or subration or person with whom the child resides, if other than the parent or subration or person with whom the child resides, if other than the parent or subration or person with whom the child resides, if other than the parent or subration or person with whom the child resides, if other than the parent or subration or person with whom the child resides, if other t

judiciary may waive any line or other punishment if the person is found to be present and ready to participate in the proceedings with the inventle after a bench warrant is issued.

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On the question. Will the House agree to the amendment?

Will the House agree to the amendment?

The SPEAKER pro-tempore. On that question, the Chair recognizes the lady. Mrs. Rudy.
Mrs. RUDY. Thank you. Mr. Speaker.
Basically, amendment 5051 would require parents, custodians, or legal guardians to be present when their juvenile child comes before a district magistrate or any other judge of a minor judiciary. Mr. PICCOLA. Mr. Speaker?
The SPEAKER pro-tempore. The Chair recognizes the gentleman. Mr. Piccola.
Mr. PICCOLA. The House Judiciary Committee recently considered, I do not remember the Semate bill number, but it was Senator O'Pake's legislation that came over to os in special session, and we favorably reported out that bill which does substantially the same thing. I do not know what arrangements the lady would like to make with Senator O'Pake, but we have already, the House Judiciary Committee has already passed favorably on this concept, and I will let her work that out with the leadership.
Mrs. Rt. DY. Mr. Speaker. I believe the gentleman is misinformed, because the measure.
The SPEAKER pro tempore, Does the lady seek recognition for the second time?

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Mrs. RUDY, Yes. Thank you.
The SPEAKER proteinpore, the lady is in order.
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The SPEAKLR pro tempore. The Chair thanks the gentleman. Are there any other members seeking recognition?

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OCTOBER 17

		LEGISLATIVE		
Birmelin	Gigliotti	Micozzie	Stairs	
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The SPEAKER pro tempore. The Chair thanks the gentleman, Are there any other members seeking recognition?

On the question recurring. Will the House agree to the amendment?

The following roll call was recorded:

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

On the question recurring. Will the House agree to the bill on third consideration as amended?

The SPEAKER pro tempore, Does the lady, Mrs. Rudy, have

a second amendment?

Mrs. RUDY. Mr. Speaker, I did have a second amendment, but I am going to withdraw it because it deals with the very matter that Representative Piccola was referring to previously. It deals with the judges of the court of common pleas. Thank you.

The SPLAKER pro tempore. The Chair thanks the lady.

On the question recurring, Will the House agree to the bill on third consideration as amended?
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The SPEAKER pro tempore. 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 finally?

On that question, the Chair recognizes the gentleman from Philadelphia, Mr. Lvans.

Mr. LVANS, Mr. Speaker, I would just like to make some observations so that members can certainly, in my view, be somewhat clear about once they vote on this purucular bill.

Can I get a fille order, Mr. Speaker?

The SPFAKER pro tempore, the gentleman, Mr. Lvans, is correct. The noise level has risen to an intelerable level. Conversations on the floor of the House will cease. Members will take their seats.

Members will take their seats. Please take conversations off the floor of the House.

The gentleman, Mr. Lvans, is recognized.

Mr. LVANS, Mr. Speaker, I would just like to read off some information and give members some idea exactly the impact of SB 100.

SB 100.

The impact of SB 100 is that approximately 1,200 juveniles will be tried in adminal court per year, first. Number two, at a minimum, the Department of Corrections will be responsible for approximately 78 juveniles per year, peaking in 4 years at 420 juvenile offenders. Number three, at a maximum, the Department of Corrections will be responsible for about 153 juveniles per year, peaking in 5 years at 720 juvenile offenders.

Mr. Speaker, we have heard that it will cost between \$20,000 to house one immate per year. It will nost the Commonwealth of Pennsylvanis standard.

to \$25,000 to house one immate per year. It will nost the Commonwealth of Pennsylvania from \$8 million to \$18 million to house these juvenile offenders for Lyear.

As I have stated many times before, we have been tough but we have not been smart. Mr. Speuker. The effective date of \$B 100 is 170 days it takes, on an average, approximately 600 working days to construct a corrections facility. That means in approximately

1995

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On the question recurring. Will the House agree to the amendment?

The following roll call was recorded:

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Mr. Speaker, we have heard that it will cost between \$20,000 to \$25,000 to house one immate per year. It will cost the Commonwealth of Pennsylvanis from \$8 million to \$10 mills.

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As I have stated many times before, we have been tough but we have not been smart. Mr. Speaker. The effective date of \$B 100 is \$170 days It takes, on an average, approximately 600 working days to construct a corrections facility. That means in approximately

2 1/2 years, one or both of the juvenile facilities authorized earlier this year will be constructed and possibly ready to open.

In the meantime, what we need to understand about that, Mr. Speaker, is approximately 195 to 382 juveniles will be housed somewhere in the adult corrections system. This proposal, Mr. Speaker, has not, in my view, been well thought out and will undoubtedly add to the current overcrowding problem in our State correctional institutions.

Mr. Speaker, I just want to kind of give that information to you as you look and try to make a decision, because I would certainly like to think at some point, some people in this process should at least put some things on the record. You certainly can ultimately do what you want to do, but I just want this information on the record before you decide to do what you have got to do.

Tenow I am going to be a "no" vote. You decide what you have got to do. Thank you. Mr. Speaker.

The SPEARLR pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Dauphin County, Mr. Piccolin. Mr. PICCOLA. Very briefly, Mr. Speaker.

I believe the provisions of this bill have been debated in great depth. I would only respond to the gentleman, Mr. f'sans, that I do not know if his numbers are correct or not, but he is referring to the juveniles who will be presumably incarcanted in adult prisons, either at the county level or at the State correctional institution level.

We must keep in mind that while they may be agewise

either at the county level or at the state correctional institution level.

We must keep in mind that while they may be agewise chronologically juveniles, they are individuals who have committed one of the following crimes with a deadly weapon: rape; involuntary deviate sexual intercourse: aggravated assault; robbery; robbery of a motor vehicle, which is carjacking: aggravated indecent assault; kidnapping; or voluntary manslaughter. Or perhaps they are juveniles who have previously been adjudicated of one of those particular offenses and then charged with one of those offenses a second time.

We are not talking about kids who are committing petty crimes; we are talking about violent repeat juvenile offenders who do it with deadly weapons. We need to put them into our adult system. This bill allows that, I urge its passage.

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

YEAS-182

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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 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.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the majority leader, who calls an immediate meeting of the Rules Committee at the majority leader's desk.

BILLS PASSED OVER

The SPEAKER pro tempore. Without objection, all remaining son today's calendar will be passed over. The Chair bears no objection.

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Burkovitz

OCTOBER 17

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I know I am going to be a "no" vote. You decide what you have got to do. Thank you. Mr. Speaker.

The SPEAKLR pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Dauphin County, Mr. Piccoln. Mr. PICCOLA. Very briefly, Mr. Speaker.

I believe the provisions of this bill have been debated in great depth. I would only respond to the gentleman, Mr. fivans, that I do not know if his numbers are correct or not, but he is referring to the juveniles who will be presumably incarcented in adult prisons, either at the county level or at the State correctional institution level.

We must keep in mind that while they may be agewise

either at the county level or at the state correctional institution level.

We must keep in mind that while they may be agewise chronologically juveniles, they are individuals who have committed one of the following crimes with a deadly weapon: rape; involuntary deviate sexual intercourse: aggravated assault; robbery; robbery of a motor vehicle, which is carjacking: aggravated indecent assault; kidnapping; or voluntary manslaughter. Or perhaps they are juveniles who have previously been adjudicated of one of those particular offenses and then charged with one of those offenses a second time.

We are not talking about kids who are committing petty crimes; we are talking about violent repeat juvenile offenders who do it with deadly weapons. We need to put them into our adult system. This bill allows that, I urge its passage.

On the question recurring,

Shall the bill pass finally?
The SPEAKER pro tempore. Agreeable to the provisions of the Constitution, the year and pays will now be taken.

YEAS-182

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NOT VOTING-3

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EXCUSED-3

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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 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.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the majority leader, who calls an immediate meeting of the Rules Committee at the majority leader's desk.

BILLS PASSED OVER

The SPEAKER pro tempore. Without objection, all remaining son today's calendar will be passed over. The Chair bears no objection.

 $\mathbf{LEGISLATIVE\ JOURNAL\ } \leftarrow \mathbf{HOUSE}$

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Haltiski, Ifom Cambria County.

Mr. HALUSKA, Mr. Speaker, I move that this House do now adjourn Special Session No. 1 of 1995 until Wednesday, October 18, 1995, at 11:05 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question, Will the House agree to the motion? Motion was agreed to, and at 6:05 p.m., c.d.t., the House adjourned.

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