

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 17, 1995

FIRST SPECIAL SESSION OF 1995

No. 61

HOUSE OF REPRESENTATIVES

The House convened at 11:05 a.m., e.d.t.

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 E. SHAFER, Chaplain of the House of Representatives, from Seneca, Pennsylvania, offered the following prayer:

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

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 clerk 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

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania 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 relief 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.

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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.

BILLS RECOMMENDED

The **SPEAKER**, The Chair recognizes the majority leader. Mr. **PERZEL**, Mr. Speaker, I move that **SB 72** and **SB 81** be recommended 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, presented 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 reconvene on Monday, October 23, 1995, unless sooner recalled by the President Pro Tempore of the Senate; and be it further
RESOLVED, That when Special Session No. 1 of the House of Representatives adjourns this week it reconvene on Monday, October 23, 1995, unless sooner 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 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

The **SPEAKER** 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**, entitled:

An Act amending the act of August 6, 1941 (P. L. 861, No. 323), entitled, as amended, "Pennsylvania Board of Probation and Parole Law," further providing for investigations and recommendations to the Board of Pardons 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 on three 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 Constitution, the yeas and nays will now be taken.

YEAS—199

Adolph	Egolf	Lloyd	Santoni
Allen	Evans	Lusyk	Sedio
Arpaia	Farehald	Lynch	Snyder
Armstrong	Felt	Maliland	Schuler
Baker	Fargo	Majer	Scammoni
Bard	Furner	Mandelano	Semwal
Bailey	Fuse	Markosek	Serfini
Balsho	Galles	Martley	Shaner
Bekko-Jones	Flaugh	Masland	Sheehan
Belardi	Flick	Mavernik	Smith, B.
Belfanti	Garble	McCull	Smith, S. H.
Birmelin	Gannon	McGrath	Snyder, D. W.
Bishop	Case	McCull	Srnback
Blaum	George	Mello	Stairs
Bocella	Gigliotti	Merry	Stelman
Doyes	Gladeck	Michlauer	Stiel
Brown	Goschnal	Michozzie	Suam
Buonore	Gordner	Miller	Stetler
Burt	Gratza	Norby	Stish
Burkowitz	Guappo	Palmer	Szrimmatter
Bustan	Habay	Stokol	Sturis

BILLS RECOMMENDED

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

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

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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.

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Armstrong	Felt	Maliland	Schuler
Baker	Fargo	Majer	Scammoni
Bard	Furner	Mandelano	Semwal
Bailey	Fuse	Markosek	Serfini
Balsho	Galles	Martley	Shaner
Bekko-Jones	Flaugh	Masland	Sheehan
Belardi	Flick	Mavernik	Smith, B.
Belfanti	Garble	McCull	Smith, S. H.
Birmelin	Gannon	McGrath	Snyder, D. W.
Bishop	Case	McCull	Srnback
Blaum	George	Mello	Stairs
Bocella	Gigliotti	Merry	Stelman
Doyes	Gladeck	Michlauer	Stiel
Brown	Goschnal	Michozzie	Suam
Buonore	Gordner	Miller	Stetler
Burt	Gratza	Norby	Stish
Burkowitz	Guappo	Palmer	Szrimmatter
Bustan	Habay	Stokol	Sturis

Callagrone	Habaska	Nyce	Serra
Cappabianco	Hanna	O'Brien	Tanzigetti
Carr	Hanhart	Chavez	Taylor, E. Z.
Carone	Hanas	Chavez	Taylor, J.
Caskey	Hemmessey	Conce	Thomas
Chardwick	Herman	DeSci	Tiger
Cherna	Hershey	Paurarus	Trello
Clark	Hess	Petrone	Trich
Clayton	Hobby	Perrin	Trine
Cohen, I. J.	Hutchinson	Phillips	Tulli
Cohen, M. T.	Irkin	Piccola	Nance
Colabella	Jadlowiec	Pistella	Van Horne
Coltrano	James	Platt	Veorn
Conli	Jaroli	Platt	Vitab
Cornell	Josephs	Preston	Walke
Corpora	Konert	Ramos	Washington
Corrigan	Keller	Ragmona	Wangh
Coswell	Kennedy	Randshaw	Williams
Cox	King	Rehr	Wagon
Cuny	Kirkland	Reinard	Wozniak
Dales	Krebs	Rieger	Wright, D. R.
Dallman	Kucovich	Kohane	Wright, M. N.
Dempsey	Kuciora	Robinson	Yevich
Dens	Laughlin	Roebuck	Youngblood
Dermody	Lewisless	Reuter	Zimmerman
DeWosse	Leaser	Reynay	Zug
Dickson	Licht	Robley	
Donnaci	Lescovitz	Rudy	Ryan
Druce	Levdansk	Sainata	Speaker
Durlan			

NAYS 0

NOT VOTING 0

EXCUSED 3

Mihalich	Schroder	Travaglio
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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 IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to SB 7, PN 157, entitled:

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

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

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I urge 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 truly significant for the people of Pennsylvania 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.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, is there someone that can clarify the Senate 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 Senate 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 date was changed. It was changed to— We made it effective upon the date that the Governor signed it so 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. 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 yeas and nays will now be taken.

YEAS 198

Adolph	Durlan	Eloyd	Santoni
Allen	Egolf	Fusyk	Sather
Angall	Evans	Lynch	Saylor
Armstrong	Fairchild	Maitland	Schuler
Baker	Falt	Major	Serimoni
Bart	Finger	Mambrot	Sermel
Bartley	Fisher	Markosek	Serzino
Battino	Fiese	Marsico	Shaner
Bebko-Jones	Fichter	Mastrand	Sheehan
Belardi	Flisghe	Maycock	Smith, B.
Belland	Flick	McCall	Smith, S. H.
Bierlein	Gamble	McGeehan	Noyes, D. W.
Bishop	Gannon	McGill	Staback
Blaum	Geler	Metto	Stahs
Biscola	Giorac	Merris	Steele
Bischo	Grillotti	Mihelovic	Suell
Brown	Gudeak	Micozzie	Suro
Browne	Godshall	Mitter	Stetler
Burt	Godwin	Mundy	Stish
Buckovic	Sailor	Nick	Stramatter
Burton	Gruppo	Strickel	Sturla
Callagrone	Hahay	Slyer	Sutra

Callagrone	Habaska	Nyce	Serra
Cappabianco	Hanna	O'Brien	Tanzigetti
Carr	Hanhart	Chavez	Taylor, E. Z.
Carone	Hanas	Chavez	Taylor, J.
Caskey	Hemmessey	Conce	Thomas
Chardwick	Herman	DeSci	Tiger
Cherna	Hershey	Paurarus	Trello
Clark	Hess	Petrone	Trich
Clayton	Hobby	Perrin	Trine
Cohen, I. J.	Hutchinson	Phillips	Tulli
Cohen, M. T.	Irkin	Piccola	Nance
Colabella	Jadlowiec	Pistella	Van Horne
Coltrano	James	Platt	Veorn
Conli	Jaroli	Platt	Vitab
Cornell	Josephs	Preston	Walke
Corpora	Konert	Ramos	Washington
Corrigan	Keller	Ragmona	Wangh
Coswell	Kennedy	Randshaw	Williams
Cox	King	Rehr	Wagon
Cuny	Kirkland	Reinard	Wozniak
Dales	Krebs	Rieger	Wright, D. R.
Dallman	Kucovich	Kohane	Wright, M. N.
Dempsey	Kuciora	Robinson	Yevich
Dens	Laughlin	Roebuck	Youngblood
Dermody	Lewisless	Reuter	Zimmerman
DeWosse	Leaser	Reynay	Zug
Dickson	Licht	Robley	
Donnaci	Lescovitz	Rudy	Ryan
Druce	Levdansk	Sainata	Speaker
Durlan			

NAYS 0

NOT VOTING 0

EXCUSED 3

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Allen	Egolf	Fusyk	Sather
Angall	Evans	Lynch	Saylor
Armstrong	Fairchild	Maitland	Schuler
Baker	Falt	Major	Serimoni
Bart	Finger	Mambrot	Sermel
Bartley	Fisher	Markosek	Serzino
Battino	Fiese	Marsico	Shaner
Bebko-Jones	Fichter	Mastrand	Sheehan
Belardi	Flisghe	Maycock	Smith, B.
Belland	Flick	McCall	Smith, S. H.
Bierlein	Gamble	McGeehan	Noyes, D. W.
Bishop	Gannon	McGill	Staback
Blaum	Geler	Metto	Stahs
Biscola	Giorac	Merris	Steele
Bischo	Grillotti	Mihelovic	Suell
Brown	Gudeak	Micozzie	Suro
Browne	Godshall	Mitter	Stetler
Burt	Godwin	Mundy	Stish
Buckovic	Sailor	Nick	Stramatter
Burton	Gruppo	Strickel	Sturla
Callagrone	Hahay	Slyer	Sutra

Cappabianca	Iafuska	O'Brien	Jungani
Carr	Hanna	Olasz	Taylor, E. Z.
Carone	Harhart	Oliver	Taylor, J.
Cawley	Itasay	Perzel	Thomas
Chadwick	Hermessoy	Petro	Tighe
Civara	Herman	Petrarca	Trelko
Clark	Hershey	Petrone	Trich
Clymer	Hess	Petit	True
Colucci, L. I.	Horsay	Phillips	Tulli
Cohen, M.	Hutchinson	Pucella	Varice
Colabate	Hlein	Pustella	Van Horns
Colapizzo	Jadlowiec	Pitts	Nson
Coni	James	Platts	Vran
Cornell	Jarulin	Preston	Walke
Corporan	Kaiser	Ramos	Washington
Corrigan	Keller	Reynold	Wough
Coswell	Kenny	Reid	Williams
Coy	King	Ricker	Wogan
Curry	Kirkland	Reynard	Wozniak
Daley	Kobys	Rieger	Wright, D. R.
DeLuca	Kukovich	Roberts	Wright, M. N.
Dempsey	Lacrotta	Robinson	Yewick
Dent	Laughlin	Roeback	Youngblood
Dermoddy	Lavless	Rohrer	Zimmerman
DeWeese	Ludger	Roney	Zig
DiGirolamo	Leh	Rubley	
Donsosel	Lescovitz	Rudy	Ryan
Druce	Levdansky	Sansone	Speaker

NAYS—0

NOT VOTING—1

Josephs

EXCUSED—3

Mihalich

Schroder

Travaglio

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 firearm 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.L. 88, No. 17), is amended to read:

§ 6110.1. Possession of firearm by minor. (a) Firearm.—Except as provided in subsection (b) or under 34 Pa.C.S. § 2711(n)(8) (relating to unlawful acts concerning licenses), 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. LEVDANSKY, 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 amendment No. A5174.

Amend Title, page 1, line 3, by removing the period after "manslaughter" and inserting

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

Section 2. Section 6110.1(b) of Title 18, added June 13, 1995 (1st Sp.Sess. P.L. , No.17), is amended to read. § 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, legal guardian or an adult acting with the expressed consent of the minor's custodial parent or legal guardian] and:

(1) who is under the supervision of a parent, grandparent, legal guardian or an adult acting 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,] safety training, target shooting at an established range [or], engaging in an organized competition involving the use of a firearm ~~and the firearm is unloaded and the minor is transporting it for a lawful purpose;~~ or

(2) the firearm is unloaded and the minor is transporting it for a lawful purpose; ~~(2) who is lawfully hunting or trapping in accordance with Title 34 (relating to game).~~

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?

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

Cappabianca	Iafuska	O'Brien	Jungani
Carr	Hanna	Olasz	Taylor, E. Z.
Carone	Harhart	Oliver	Taylor, J.
Cawley	Itasay	Perzel	Thomas
Chadwick	Hermessoy	Petro	Tighe
Civara	Herman	Petrarca	Trelko
Clark	Hershey	Petrone	Trich
Clymer	Hess	Petit	True
Colucci, L. I.	Horsay	Phillips	Tulli
Cohen, M.	Hutchinson	Pucella	Varice
Colabate	Hlein	Pustella	Van Horns
Colapizzo	Jadlowiec	Pitts	Nson
Coni	James	Platts	Vran
Cornell	Jarulin	Preston	Walke
Corporan	Kaiser	Ramos	Washington
Corrigan	Keller	Reynold	Wough
Coswell	Kenny	Reid	Williams
Coy	King	Ricker	Wogan
Curry	Kirkland	Reynard	Wozniak
Daley	Kobys	Rieger	Wright, D. R.
DeLuca	Kukovich	Roberts	Wright, M. N.
Dempsey	Lacrotta	Robinson	Yewick
Dent	Laughlin	Roeback	Youngblood
Dermoddy	Lavless	Rohrer	Zimmerman
DeWeese	Ludger	Roney	Zig
DiGirolamo	Leh	Rubley	
Donsosel	Lescovitz	Rudy	Ryan
Druce	Levdansky	Sansone	Speaker

NAYS—0

NOT VOTING—1

Josephs

EXCUSED—3

Mihalich

Schroder

Travaglio

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 firearm 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.L. 88, No. 17), is amended to read:

§ 6110.1. Possession of firearm by minor. (a) Firearm.—Except as provided in subsection (b) or under 34 Pa.C.S. § 2711(n)(8) (relating to unlawful acts concerning licenses), 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. LEVDANSKY, 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 amendment No. A5174.

Amend Title, page 1, line 3, by removing the period after "manslaughter" and inserting

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

Section 2. Section 6110.1(b) of Title 18, added June 13, 1995 (1st Sp.Sess. P.L. , No.17), is amended to read. § 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, legal guardian or an adult acting with the expressed consent of the minor's custodial parent or legal guardian] and:

(1) who is under the supervision of a parent, grandparent, legal guardian or an adult acting 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,] safety training, target shooting at an established range [or], engaging in an organized competition involving the use of a firearm ~~and the firearm is unloaded and the minor is transporting it for a lawful purpose;~~ or

(2) the firearm is unloaded and the minor is transporting it for a lawful purpose; ~~(2) who is lawfully hunting or trapping in accordance with Title 34 (relating to game).~~

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?

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

Mr. LEVDANSKY. Thank you, Mr. Speaker.
 Mr. Speaker, several months ago we passed HB 110 — new Act 17 — and part of that legislation dealt with minors possessing firearms. This amendment incorporates some language to make it clear that any contradictions or conflicts, it resolves 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 SPEAKER pro tempore. The Chair recognizes the gentleman from Cumberland County, Mr. Masland.
 Mr. MASLAND. Thank you, Mr. Speaker.
 When this bill first came up 2 weeks ago, there was the original amendment, 4919, drafted by Representative Levdansky. We had some concerns, not with the intent but with 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

Adolph	Egolf	Lloyd	Santoni
Allen	Evans	Lucyk	Sather
Argall	Fairchild	Lynch	Saylor
Armistrong	Fajt	Mart and	Schuler
Baker	Fargo	Najac	Seriniwari
Ball	Farina	Manderson	Semmel
Barney	Feece	Markosok	Serafini
Barriso	Fisher	Martice	Shaner
Baskin-Jones	Forsythe	Masland	Shedden
Belardi	Fliek	Masonick	Smith, B.
Beltrami	Garnote	McCall	Smith, S. H.
Bimmel	Gannon	McCrehan	Snyder, D. W.
Bishop	Geira	McGill	Sinicos
Blain	George	Mello	Smith
Boscola	Gigliotti	Merry	Staelman
Boyes	Glabock	Mihilovic	Stell
Brown	Godshad	Mozzoni	Stern
Browne	Gordner	Muller	Stetler
Burns	Graves	Mundy	Stish
Burkovecz	Grappo	Sador	Sritomattur
Buston	Habay	Nickol	Surta
Callaghan	Halaska	Steg	Surta
Campabianca	Hanna	Of Belen	Tangenti
Cano	Honout	Garcia	Taylor, E. Z.
Casare	Hyna	O'yer	Taylor, J.
Cawley	Hennessey	Parcel	Thomas
Cavigly	Herman	Rego	Tudie
Chiana	Hershey	Remon	Ullio
Clark	Hess	Petrone	Ulrich
Clyman	Horsley	Petit	True
Cohen, J. L.	Hutchison	Phelps	Tull
Colgan, M.	Kahn	Piccola	Vaner
Colabella	Kalichman	Postol	Vat, Horne
Colledge	James	Ptas	Nico
Conr	Jacchia	Platt	Nitall
Cornell	Josephs	Plesner	Walke
Cournoy	Kaiser	Ramon	Washington
Craig	Keller	Rasmund	Watach
Crowell	Kennedy	Rodriguez	Williams
Cry	King	Rosen	Wozan
Curry	Kirkland	Reinard	Wozanik
Dales	Kitch	Rieger	Wright, D. R.
DeLoach	Kukosich	Roberts	Wright, M. S.
Demmesy	Lafontata	Robinson	Yewick
Denny	Loughlin	Roosnick	Yonahwood

Demmsy	Lawless	Rohrer	Zimmerman
DeWasse	Leiferer	Rooncy	Zuz
Dickinson	Leib	Rubley	Ryan
Donatucci	Lesensvir	Rudy	Speaker
Druse	Levdansky	Saimato	
Durbano			

NAYS-0

NOT VOTING 0

EXCUSED 3

Mitabeh	Schroder	Travaglio
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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 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 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 earlier in this special session. Had I thought of it earlier, 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, he can make the tui 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 SPEAKER pro tempore. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

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Ball	Farina	Manderson	Semmel
Barney	Feece	Markosok	Serafini
Barriso	Fisher	Martice	Shaner
Baskin-Jones	Forsythe	Masland	Shedden
Belardi	Fliek	Masonick	Smith, B.
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Bimmel	Gannon	McCrehan	Snyder, D. W.
Bishop	Geira	McGill	Sinicos
Blain	George	Mello	Smith
Boscola	Gigliotti	Merry	Staelman
Boyes	Glabock	Mihilovic	Stell
Brown	Godshad	Mozzoni	Stern
Browne	Gordner	Muller	Stetler
Burns	Graves	Mundy	Stish
Burkovecz	Grappo	Sador	Sritomattur
Buston	Habay	Nickol	Surta
Callaghan	Halaska	Steg	Surta
Campabianca	Hanna	Of Belen	Tangenti
Cano	Honout	Garcia	Taylor, E. Z.
Casare	Hyna	O'yer	Taylor, J.
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Cavigly	Herman	Rego	Tudie
Chiana	Hershey	Remon	Ullio
Clark	Hess	Petrone	Ulrich
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Cohen, J. L.	Hutchison	Phelps	Tull
Colgan, M.	Kahn	Piccola	Vaner
Colabella	Kalichman	Postol	Vat, Horne
Colledge	James	Ptas	Nico
Conr	Jacchia	Platt	Nitall
Cornell	Josephs	Plesner	Walke
Cournoy	Kaiser	Ramon	Washington
Craig	Keller	Rasmund	Watach
Crowell	Kennedy	Rodriguez	Williams
Cry	King	Rosen	Wozan
Curry	Kirkland	Reinard	Wozanik
Dales	Kitch	Rieger	Wright, D. R.
DeLoach	Kukosich	Roberts	Wright, M. S.
Demmesy	Lafontata	Robinson	Yewick
Denny	Loughlin	Roosnick	Yonahwood

Mr. LEVDANSKY. Thank you, Mr. Speaker.
 Mr. Speaker, several months ago we passed HB 110 — new Act 17 — and part of that legislation dealt with minors possessing firearms. This amendment incorporates some language to make it clear that any contradictions or conflicts, it resolves 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 SPEAKER pro tempore. The Chair recognizes the gentleman from Cumberland County, Mr. Masland.
 Mr. MASLAND. Thank you, Mr. Speaker.
 When this bill first came up 2 weeks ago, there was the original amendment, 4919, drafted by Representative Levdansky. We had some concerns, not with the intent but with 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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Blain	George	Mello	Smith
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Browne	Gordner	Muller	Stetler
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Buston	Habay	Nickol	Surta
Callaghan	Halaska	Steg	Surta
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Cano	Honout	Garcia	Taylor, E. Z.
Casare	Hyna	O'yer	Taylor, J.
Cawley	Hennessey	Parcel	Thomas
Cavigly	Herman	Rego	Tudie
Chiana	Hershey	Remon	Ullio
Clark	Hess	Petrone	Ulrich
Clyman	Horsley	Petit	True
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Colledge	James	Ptas	Nico
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Cournoy	Kaiser	Ramon	Washington
Craig	Keller	Rasmund	Watach
Crowell	Kennedy	Rodriguez	Williams
Cry	King	Rosen	Wozan
Curry	Kirkland	Reinard	Wozanik
Dales	Kitch	Rieger	Wright, D. R.
DeLoach	Kukosich	Roberts	Wright, M. S.
Demmesy	Lafontata	Robinson	Yewick
Denny	Loughlin	Roosnick	Yonahwood

Demmsy	Lawless	Rohrer	Zimmerman
DeWasse	Leiferer	Rooncy	Zuz
Dickinson	Leib	Rubley	Ryan
Donatucci	Lesensvir	Rudy	Speaker
Druse	Levdansky	Saimato	
Durbano			

NAYS-0

NOT VOTING 0

EXCUSED 3

Mitabeh	Schroder	Travaglio
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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 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 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 earlier in this special session. Had I thought of it earlier, it would have been amended to a previous bill.

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On the question recurring,
 Shall the bill pass finally?

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

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Ball	Farina	Manderson	Semmel
Barney	Feece	Markosok	Serafini
Barriso	Fisher	Martice	Shaner
Baskin-Jones	Forsythe	Masland	Shedden
Belardi	Fliek	Masonick	Smith, B.
Beltrami	Garnote	McCall	Smith, S. H.
Bimmel	Gannon	McCrehan	Snyder, D. W.
Bishop	Geira	McGill	Sinicos
Blain	George	Mello	Smith
Boscola	Gigliotti	Merry	Staelman
Boyes	Glabock	Mihilovic	Stell
Brown	Godshad	Mozzoni	Stern
Browne	Gordner	Muller	Stetler
Burns	Graves	Mundy	Stish
Burkovecz	Grappo	Sador	Sritomattur
Buston	Habay	Nickol	Surta
Callaghan	Halaska	Steg	Surta
Campabianca	Hanna	Of Belen	Tangenti
Cano	Honout	Garcia	Taylor, E. Z.
Casare	Hyna	O'yer	Taylor, J.
Cawley	Hennessey	Parcel	Thomas
Cavigly	Herman	Rego	Tudie
Chiana	Hershey	Remon	Ullio
Clark	Hess	Petrone	Ulrich
Clyman	Horsley	Petit	True
Cohen, J. L.	Hutchison	Phelps	Tull
Colgan, M.	Kahn	Piccola	Vaner
Colabella	Kalichman	Postol	Vat, Horne
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Conr	Jacchia	Platt	Nitall
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Cournoy	Kaiser	Ramon	Washington
Craig	Keller	Rasmund	Watach
Crowell	Kennedy	Rodriguez	Williams
Cry	King	Rosen	Wozan
Curry	Kirkland	Reinard	Wozanik
Dales	Kitch	Rieger	Wright, D. R.
DeLoach	Kukosich	Roberts	Wright, M. S.
Demmesy	Lafontata	Robinson	Yewick
Denny	Loughlin	Roosnick	Yonahwood

Dutkowitz	Ginipho	Nailor	Srittmatter
Bustoni	Hahay	Nickol	Storls
Caltagirone	Halluka	Nycc	Sures
Cappabianca	Hanna	O'Brien	Tangredi
Cappi	Hartart	Olcese	Taylor, F. Z.
Carone	Hassay	Oliver	Taylor, J.
Cawley	Hennessey	Ortol	Thomas
Chadwick	Hernan	Ortol	Tigue
Chvera	Hoyt	Parsons	Tello
Clark	Hess	Parsons	Trich
Clymer	Hinsey	Parsons	Truc
Coburn, T. J.	Hutchinson	Phillips	Ulli
Cohen, M.	Ikin	Piccola	Vance
Colafella	Jalowiec	Pietella	Van Horn
Colatrizzo	Jones	Pitts	Veon
Coni	Jorolin	Plaut	Vitoli
Conitt	Josephs	Preston	Walke
Corpora	Kaiser	Ramos	Washington
Cornigan	Keller	Raymond	Waugh
Cowell	Kennedy	Rendshaw	Williams
Coy	King	Reber	Wogan
Curry	Kirkland	Reiner	Wozniak
Daley	Krahs	Rieger	Wright, D. R.
DeLoe	Kukovich	Roberts	Wright, M. N.
Dempsey	Labrotta	Robinson	Yevick
Dent	Loughlin	Roebuck	Youngblood
Dermody	Lavless	Rohrer	Zimmerman
DeWeese	Lederer	Rooney	Zig
D'Onofrio	Leh	Rubley	Ryan, Speaker
Druce	Lesovitz	Rudy	
Durham	Leydansky	Sainato	

NAYS -0

NOT VOTING-0

EXCUSED-3

Mihalich Schneider Travaglio

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

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennesylvnia Consolidated Statutes, further defining "delinquent 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?

Mr. CAPPABIANCA offered the following amendment No. A4248:

Amend Title, page 1, line 3, by inserting after "offenses:" further providing for certain hearings;

Amend Bill, page 7, by inserting between lines 19 and 20 Section 4. Section 6336(c) of Title 42, amended April 6, 1995 (1st Sp.Sess., P.L. 1995, No. 11), is amended to read:

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

(i) Pursuant to a petition alleging 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 felony if committed by an adult;

(ii) 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 alleged conduct would have constituted one or more of the following offenses if committed by an adult:

- (i) Murder;
- (ii) Voluntary manslaughter;
- (iii) Aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault);
- (iv) Arson as defined in 18 Pa.C.S. § 3301(a)(1) (relating to arson and related offenses);
- (v) Involuntary deviate sexual intercourse;
- (vi) Kidnapping;
- (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) Attempt 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 [child] victim and the attorney for the Commonwealth.

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 6

Amend Sec. 6, page 10, line 15, by striking out "6" and inserting 7

Amend Sec. 7, page 15, line 21, by striking out "7. This" and 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 "8" and inserting 9

On the question, 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?

Dutkowitz	Ginipho	Nailor	Srittmatter
Bustoni	Hahay	Nickol	Storls
Caltagirone	Halluka	Nycc	Sures
Cappabianca	Hanna	O'Brien	Tangredi
Cappi	Hartart	Olcese	Taylor, F. Z.
Carone	Hassay	Oliver	Taylor, J.
Cawley	Hennessey	Ortol	Thomas
Chadwick	Hernan	Ortol	Tigue
Chvera	Hoyt	Parsons	Tello
Clark	Hess	Parsons	Trich
Clymer	Hinsey	Parsons	Truc
Coburn, T. J.	Hutchinson	Phillips	Ulli
Cohen, M.	Ikin	Piccola	Vance
Colafella	Jalowiec	Pietella	Van Horn
Colatrizzo	Jones	Pitts	Veon
Coni	Jorolin	Plaut	Vitoli
Conitt	Josephs	Preston	Walke
Corpora	Kaiser	Ramos	Washington
Cornigan	Keller	Raymond	Waugh
Cowell	Kennedy	Rendshaw	Williams
Coy	King	Reber	Wogan
Curry	Kirkland	Reiner	Wozniak
Daley	Krahs	Rieger	Wright, D. R.
DeLoe	Kukovich	Roberts	Wright, M. N.
Dempsey	Labrotta	Robinson	Yevick
Dent	Loughlin	Roebuck	Youngblood
Dermody	Lavless	Rohrer	Zimmerman
DeWeese	Lederer	Rooney	Zig
D'Onofrio	Leh	Rubley	Ryan, Speaker
Druce	Lesovitz	Rudy	
Durham	Leydansky	Sainato	

NAYS -0

NOT VOTING-0

EXCUSED-3

Mihalich Schneider Travaglio

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

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennesylvnia Consolidated Statutes, further defining "delinquent 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?

Mr. CAPPABIANCA offered the following amendment No. A4248:

Amend Title, page 1, line 3, by inserting after "offenses:" further providing for certain hearings;

Amend Bill, page 7, by inserting between lines 19 and 20 Section 4. Section 6336(c) of Title 42, amended April 6, 1995 (1st Sp.Sess., P.L. 1995, No. 11), is amended to read:

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

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- (i) Murder;
- (ii) Voluntary manslaughter;
- (iii) Aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault);
- (iv) Arson as defined in 18 Pa.C.S. § 3301(a)(1) (relating to arson and related offenses);
- (v) Involuntary deviate sexual intercourse;
- (vi) Kidnapping;
- (vii) Rape;
- (viii) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery);
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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 "8" and inserting 9

On the question, 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?

Mr. CAPPABIANCA offered the following amendment No. A4251:

Amend Title, page 1, line 1, by striking out "Title" and inserting "Titles 23 (Domestic Relations) and

Amend Title, page 1, line 2, by inserting after "Statutes," number 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" and inserting "and for a panel to study the school-based probation officer program

Amend Bill, page 7, lines 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 juvenile—If the defendant in a proceeding under subsection (a) is a juvenile, the court shall transfer the case for further proceedings in accordance with 42 Pa.C.S. § 6322 (relating to transfer from criminal proceedings).

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

Amend Sec. 3, page 4, line 20, by striking out "3" and inserting

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.

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

- (1) Pursuant to a petition alleging 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 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 alleged conduct would have constituted one or more of the following offenses if committed by an adult:
(i) Murder.
(ii) Voluntary manslaughter.
(iii) Aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault).
(iv) Arson as defined in 18 Pa.C.S. § 3301(a)(1) (relating to arson and related offenses).
(v) Involuntary deviate sexual intercourse.
(vi) Kidnapping.
(vii) Rape.
(viii) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(d), (ii) or (iii) (relating to robbery).
(ix) Robbery of motor vehicle.
(x) Attempt 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 [child] victim and the attorney for the Commonwealth

Amend Sec. 1, page 7, line 20, by striking out "4" and inserting

Amend Sec. 2, page 8, line 4, by striking out "5" and inserting

Amend Sec. 6, page 10, line 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 citizens of this Commonwealth which shall include at least one educator, one member of the Juvenile Courts Commission, one representative of a victims rights organization, one member representing county district attorneys' offices, 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-based probation officer program in this Commonwealth and make recommendations about the following:

- (1) The impact of recent State legislation on school-based probation programs.
(2) The costs and benefits of school based probation programs.
(3) The costs and benefits of linking juvenile 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 juvenile crime.

(c) This panel shall make a report of its findings and recommendations to the Governor and to the General Assembly within 120 days.

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

10. (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 "8" and inserting

11

On the question.

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 A-4251 first was because it is an omnibus amendment, and should it pass, we could withdraw A-4248 and A-4249 of Ms. Rebko-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 Erie, Pennsylvania, where we received some input, or I should say, much input from members of the county agencies that deal in domestic violence, juvenile delinquency, and people of that nature—the police department, district attorney's office, and so forth.

What this particular amendment does, read 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 juvenile domestic abuse, P.D.A.'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, A-4251, which is an omnibus amendment. Thank you, Mr. Speaker.

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 rise to oppose this omnibus amendment. I do not have any problem with portions of this amendment, but there is a significant part of it that is contained in amendment A-4249 which I would

Mr. CAPPABIANCA offered the following amendment No. A4251:

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On the question.

Will the House agree to the amendment?

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Mr. CAPPABIANCA. Thank you, Mr. Speaker. The reason why I asked for A-4251 first was because it is an omnibus amendment, and should it pass, we could withdraw A-4248 and A-4249 of Ms. Rebko-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 Erie, Pennsylvania, where we received some input, or I should say, much input from members of the county agencies that deal in domestic violence, juvenile delinquency, and people of that nature—the police department, district attorney's office, and so forth.

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

That portion 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 entered 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 morass 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 urge that the amendment be defeated.

The SPEAKER pro tempore. The Chair recognizes the lady.

Ms. BEBKO-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. BEBKO-JONES. Thank you, Mr. Speaker. Mr. Speaker, is not the PFA violation of the Domestic Abuse Act and not the Divorce Code?

Mr. PICCOLA. That is correct.

Ms. BEBKO-JONES. Well, then I do not understand the objection to this amendment. Mr. Speaker, could you explain it to me again? You used the Divorce Code and not 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 raises 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 amendment is.

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

The SPEAKER pro tempore. The gentleman is correct. The members have been very patient all afternoon, but the noise level is starting to rise. 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 SPEAKER pro tempore. You are in order.

Ms. BEBKO-JONES. Thank you.

Mr. Speaker, in the State of Pennsylvania 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 file that action into criminal court, adult criminal court, but that does not have anything to do with the protection-from-abuse statute.

Ms. BEBKO-JONES. Mr. Speaker, if one has a PFA for the protection of their own daughter, which is a juvenile, and she continues to get beat up by her boyfriend or some other juvenile, what are the protections for that female juvenile or the parents of that juvenile?

Mr. PICCOLA. I would only repeat, if the assault occurs with a deadly weapon or is a repeated offense, there are provisos for direct filing of those assault charges to adult court under this bill, but what this amendment does is simply say that if a PFA order is violated by a juvenile, the contempt is automatically sent into adult court, adult criminal 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 with weapons. That may or may not be the case with the protection-from-abuse statute. If it is, they should be charged criminally under this newly proposed direct-filing statute.

Ms. BEBKO-JONES. Mr. Speaker, do you not think that domestic abuse is a violent act? I mean, right now we can file PFAs against adults. Juveniles can continue to do what their adult counterparts do, and in most cases in Pennsylvania we do not file PFAs 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 get 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, then the amendment is meaningless, because there can be no contempt of an order that does not exist. If the juvenile 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 for 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. BEBKO-JONES. Mr. Speaker, the message of this amendment, I truly believe, is—

The SPEAKER pro tempore. Has the lady concluded her interrogation?

Ms. BEBKO-JONES. Yes, I have.

The SPEAKER pro tempore. Would you like to be recognized on the amendment?

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

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

Ms. BEBKO-JONES. Mr. Speaker, this amendment simply says that if juveniles beat up their parents, beat up their girlfriend or boyfriend, they will go to adult court. I would appreciate consideration on both sides of the aisle on this amendment. Thank you.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

With all due respect to the lady, the maker of the amendment, or the one supporting the amendment, this amendment does not say that. I think we have talked about what the amendment says. The bill does say that if the child repeatedly beats up people and commits aggravated assault and is charged, or does so with a weapon, a deadly weapon, then they will be automatically

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transferred to adult court. The bill says that, but this amendment does not. This amendment says something entirely different than will only serve to confuse not only this area of the law but the area of the law that the body is concerned about, and I urge the amendment's defeat.

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

Mr. CAPPABIANCA. I 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 intent 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 detention home.

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.

YEA 105

Table with 3 columns of names: Baubers, Belton-Jones, Belardi, Bisanti, Bishop, Blount, Boscola, Burkas, Buson, Calabrese, Cappabianca, Carr, Carone, Cowley, Cohen, M., Costello, Coughlin, Corpeza, Coughlin, Cusack, Cys, Cynn, Daley, DeLoew, Dempsy, Demedy, DeWessa, Demucci, Evans, Fajt, Fessa, Gambale, George, Gigliotti, Girdner, Grazica, Halaska, Hanning, Hasty, Horsey, Ika, James, Jarolin, Joseph, Korpeza, Kuffel, Kunkland, Kys, Krywisch, LaChiffa, Lencioni, Lencovitz, Leydarsky, Lloyd, Lusk, Mandarino, Markoski, Magomak, McCull, McGeehan, McLo, Michlovic, Mundy, O'Hara, Oliver, Pava, Patricia, Parnis, Pirogala, Platts, Preston, Ramo, Rombasz, Rieger, Robens, Robinson, Roschank, Rowan, Rudy, Samson, Scrimmeri, Scrofio, Shauer, Stronok, Steelman, Steiler, Surla, Szora, Tangredi, Thomas, Topp, Trillo, VanDorne, Veen, Voth, Walker, Washington, Williams, Womias, Wright, D. R., Yungblut

NAYS 94

Table with 3 columns of names: Adelphi, Alt, Anzari, Armstrong, Baker, Band, Barky, Barchild, Bazzo, Bickler, Biegale, Black, Blanton, Maland, Rizzo, Ruckner, Masland, McGill, Mori, Muzare, Schuler, Srouel, Suetan, Smith, B., Smith, S. H., Snyder, D. W., Stais

Table with 4 columns of names: Sencato, Hest, Brown, Browne, Bunn, Candelack, Cassin, Clay, Clymer, Cohen, L. I., Croni, Cornell, Dani, DiGrolamo, Druce, Durban, Egolf, Gray, Golasek, Grinstead, Grupp, Habay, Halbur, Henschel, Herman, Harshy, Hays, Hirschman, Indolovic, Kenney, King, Layless, Lich, Lytle, Miller, Nibler, Nicker, Nisch, Nysse, O'Brien, Paszet, Patai, Phillips, Piccola, Pirs, Raymond, Kober, Rainard, Rohrer, Rubley, Sacher, Saylor, Spill, Sporn, Stroh, Strimmarer, Tagher, E. Z., Tagher, J., Lutz, Luth, Vance, Waugh, Wagner, Wright, N. N., Zimmerman, Zug, Ryan, Speaker

NOT VOTING-0

EXCUSED-5

Table with 3 columns: Minabich, Schroeder, Traviglio

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:

Amend Title, page 1, line 4, by removing the period after "ACLES" and inserting
and for liability of parents.

Amend Bill, page 15, by inserting between lines 20 and 21
Section 7 Section 9758 of Title 42 is amended by adding a subsection to read:
§ 9758. Title.

(d) Liability of parents in juvenile cases. The liability of paying for fines imposed upon juveniles shall be limited to:
(1) the sum of \$3,000 for injuries or loss suffered by any one person as a result of one criminal or delinquent act or continuous series of criminal or delinquent acts, or
(2) the total sum of \$5,000, for injuries or loss suffered by two or more persons as a result of one criminal or delinquent act or continuous series of criminal or delinquent acts.

In the event that actual loss as ascertained by the court exceeds \$5,000, the parents shall be discharged from further liability by the payment of \$5,000 into court. The court shall cause all approved parties to submit itemized statements of loss in writing and shall make distribution proportionately, whether the claims be for injuries to the person or for theft, destruction or loss of property. The court may take testimony to assist it in making proper distribution and may appoint a master to accomplish this purpose. All costs and fees incurred in these proceedings shall be paid from the \$5,000 paid into court. This limitation on liability set forth shall be applicable when two or more children of the same parent engage jointly in the commission of one criminal or delinquent act or series of criminal or delinquent acts.

Amend Sec. 7, page 15, line 21, by striking out "7" and inserting
8

Amend Sec. 8, page 15, line 23, by striking out "8" and inserting
9

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

The following roll call was recorded.

YEA 105

Table with 3 columns of names: Baubers, Belton-Jones, Belardi, Bisanti, Bishop, Blount, Boscola, Burkas, Buson, Calabrese, Cappabianca, Carr, Carone, Cowley, Cohen, M., Costello, Coughlin, Corpeza, Coughlin, Cusack, Cys, Cynn, Daley, DeLoew, Dempsy, Demedy, DeWessa, Demucci, Evans, Fajt, Fessa, Gambale, George, Gigliotti, Girdner, Grazica, Halaska, Hanning, Hasty, Horsey, Ika, James, Jarolin, Joseph, Korpeza, Kuffel, Kunkland, Kys, Krywisch, LaChiffa, Lencioni, Lencovitz, Leydarsky, Lloyd, Lusk, Mandarino, Markoski, Magomak, McCull, McGeehan, McLo, Michlovic, Mundy, O'Hara, Oliver, Pava, Patricia, Parnis, Pirogala, Platts, Preston, Ramo, Rombasz, Rieger, Robens, Robinson, Roschank, Rowan, Rudy, Samson, Scrimmeri, Scrofio, Shauer, Stronok, Steelman, Steiler, Surla, Szora, Tangredi, Thomas, Topp, Trillo, VanDorne, Veen, Voth, Walker, Washington, Williams, Womias, Wright, D. R., Yungblut

NAYS 94

Table with 3 columns of names: Adelphi, Alt, Anzari, Armstrong, Baker, Band, Barky, Barchild, Bazzo, Bickler, Biegale, Black, Blanton, Maland, Rizzo, Ruckner, Masland, McGill, Mori, Muzare, Schuler, Srouel, Suetan, Smith, B., Smith, S. H., Snyder, D. W., Stais

Table with 4 columns of names: Sencato, Hest, Brown, Browne, Bunn, Candelack, Cassin, Clay, Clymer, Cohen, L. I., Croni, Cornell, Dani, DiGrolamo, Druce, Durban, Egolf, Gray, Golasek, Grinstead, Grupp, Habay, Halbur, Henschel, Herman, Harshy, Hays, Hirschman, Indolovic, Kenney, King, Layless, Lich, Lytle, Miller, Nibler, Nicker, Nisch, Nysse, O'Brien, Paszet, Patai, Phillips, Piccola, Pirs, Raymond, Kober, Rainard, Rohrer, Rubley, Sacher, Saylor, Spill, Sporn, Stroh, Strimmarer, Tagher, E. Z., Tagher, J., Lutz, Luth, Vance, Waugh, Wagner, Wright, N. N., Zimmerman, Zug, Ryan, Speaker

NOT VOTING-0

EXCUSED-5

Table with 3 columns: Minabich, Schroeder, Traviglio

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:

Amend Title, page 1, line 4, by removing the period after "ACLES" and inserting
and for liability of parents.

Amend Bill, page 15, by inserting between lines 20 and 21
Section 7 Section 9758 of Title 42 is amended by adding a subsection to read:
§ 9758. Title.

(d) Liability of parents in juvenile cases. The liability of paying for fines imposed upon juveniles shall be limited to:
(1) the sum of \$3,000 for injuries or loss suffered by any one person as a result of one criminal or delinquent act or continuous series of criminal or delinquent acts, or
(2) the total sum of \$5,000, for injuries or loss suffered by two or more persons as a result of one criminal or delinquent act or continuous series of criminal or delinquent acts.

In the event that actual loss as ascertained by the court exceeds \$5,000, the parents shall be discharged from further liability by the payment of \$5,000 into court. The court shall cause all approved parties to submit itemized statements of loss in writing and shall make distribution proportionately, whether the claims be for injuries to the person or for theft, destruction or loss of property. The court may take testimony to assist it in making proper distribution and may appoint a master to accomplish this purpose. All costs and fees incurred in these proceedings shall be paid from the \$5,000 paid into court. This limitation on liability set forth shall be applicable when two or more children of the same parent engage jointly in the commission of one criminal or delinquent act or series of criminal or delinquent acts.

Amend Sec. 7, page 15, line 21, by striking out "7" and inserting
8

Amend Sec. 8, page 15, line 23, by striking out "8" and inserting
9

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. The purpose of this amendment is to increase and to provide uniformly in the liability of parents in cases that are handled in the juvenile justice system. Currently the liability for parents rests 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

- Adolph, Alfco, Argall, Armstrong, Baker, Dard, Basley, Barlino, Bekke Jones, Belardi, Bellanti, Benschli, Bishop, Dlatun, Buscetta, Boyes, Brown, Browne, Bunt, Bunkovitz, Buxton, Calabrese, Capobianca, Carr, Carone, Cayley, Chadwick, Clavett, Clark, Clymer, Cohen, E. I., Cohen, M., Cofarotta, Cofarotta, Conti, Cornett, Corpora, Corrigan, Cowell, Cury, Daley, DeLuca, Dempsey, Dent, Derody, DeWeese, DiGirolamo, Egolf, Evans, Farrelld, Felt, Armstrong, Ferge, Farmer, Fease, Fisher, Flegle, Fisk, Gamble, Gannon, Galt, George, Gigliotti, Gladeck, Golsblath, Gudwin, Grutza, Gruppo, Hanny, Haluska, Hanna, Harber, Hazy, Hennessey, Herman, Herlihy, Hess, Horsey, Hutchinson, Ikin, Jadlowice, James, Joseph, Joseph, Kahan, Keller, Kenney, Kim, Kirkland, Krebs, Krukovich, LaGrasta, Lauchlin, Lawless, Lederer, Leh

- Dannesi, Drace, Durham, Lencovitz, Lisdansky, Rudy, Salmazo, Ryan, Speaker

NAYS 0

NOT VOTING 0

EXCUSED—3

- Mitlitzel, Schroder, Lavapelo

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" and inserting "and for costs of incarceration"

Amend Sec. 3, page 4, line 27, by striking out all of said line and inserting Section 3. Sections 6306 and 6327 of Title 42 are amended to read: § 6306. Costs and expenses of care of child.

(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 704.1 and 704.2 of the act of June 15, 1967 (P.L. 31, No.21), known as the [Public Welfare Code].

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

On the question, 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 insure that counties 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 juvenile and criminal prosecutions in all of our counties. Juvenile court judges, of course, are paid by the Commonwealth. We assist counties to some level with the juvenile probation office costs as well as adult probation office costs. We assist counties with county prison construction

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. The purpose of this amendment is to increase and to provide uniformly in the liability of parents in cases that are handled in the juvenile justice system. Currently the liability for parents rests 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

- Adolph, Alfco, Argall, Armstrong, Baker, Dard, Basley, Barlino, Bekke Jones, Belardi, Bellanti, Benschli, Bishop, Dlatun, Buscetta, Boyes, Brown, Browne, Bunt, Bunkovitz, Buxton, Calabrese, Capobianca, Carr, Carone, Cayley, Chadwick, Clavett, Clark, Clymer, Cohen, E. I., Cohen, M., Cofarotta, Cofarotta, Conti, Cornett, Corpora, Corrigan, Cowell, Cury, Daley, DeLuca, Dempsey, Dent, Derody, DeWeese, DiGirolamo, Egolf, Evans, Farrelld, Felt, Armstrong, Ferge, Farmer, Fease, Fisher, Flegle, Fisk, Gamble, Gannon, Galt, George, Gigliotti, Gladeck, Golsblath, Gudwin, Grutza, Gruppo, Hanny, Haluska, Hanna, Harber, Hazy, Hennessey, Herman, Herlihy, Hess, Horsey, Hutchinson, Ikin, Jadlowice, James, Joseph, Joseph, Kahan, Keller, Kenney, Kim, Kirkland, Krebs, Krukovich, LaGrasta, Lauchlin, Lawless, Lederer, Leh

- Dannesi, Drace, Durham, Lencovitz, Lisdansky, Rudy, Salmazo, Ryan, Speaker

NAYS 0

NOT VOTING 0

EXCUSED—3

- Mitlitzel, Schroder, Lavapelo

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" and inserting "and for costs of incarceration"

Amend Sec. 3, page 4, line 27, by striking out all of said line and inserting Section 3. Sections 6306 and 6327 of Title 42 are amended to read: § 6306. Costs and expenses of care of child.

(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 704.1 and 704.2 of the act of June 15, 1967 (P.L. 31, No.21), known as the [Public Welfare Code].

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

On the question, 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 insure that counties 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 juvenile and criminal prosecutions in all of our counties. Juvenile court judges, of course, are paid by the Commonwealth. We assist counties to some level with the juvenile probation office costs as well as adult probation office costs. We assist counties with county prison construction

costs. Any juvenile that would be convicted under this act and sentenced to a term requiring incarceration in a State correctional institution 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. Evans, 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 SPEAKER 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 just suggested, and again, he always, when it comes down to money, has a way of talking in a very soft voice. He 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 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 be very clear about not passing any more mandates on to local county governments.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Piccola, for the second time.

Mr. PICCOLA, speaking softly, Mr. Speaker, I would only say that the gentleman's proposal is not even possible to enforce. For example, he is saying that all costs for children transferred to adult court for criminal proceedings under this act would be paid by the Commonwealth. Well, what if we have a court proceeding where a court reporter is brought in and there are several juvenile proceedings in which there is no transfer and one in which there is a transfer? How do we apportion the cost to the court reporter, for example, or the other clerks that serve the courtroom, or what about the cost of the courtroom itself? How do we apportion those costs? What about the cost of the public defender? What about the cost of the district attorney? How do we apportion those costs?

It is a ridiculous proposal, and I urge it be defeated.

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

The following roll call was recorded:

YEA 96

Table with 4 columns of names: Barber, Bakkus-James, Behm, Bedford, Bishop, Blum, Blumley, Boneyour, Buxton, Carapinec, Caplan-John, Carr, Casby, Cohen, M., Costello, A., Coluzzi, DeWeese, Donahue, Evans, Fajt, Gambale, George, Giguere, Griesner, Grunza, Halkick, Hama, Hkin, Hines, Joseph, M., Joseph, Kaiser, Lloyd, Lusk, Mandarino, Markoski, Nagel, Niekirk, Samsone, McGeehan, Niglio, Mihalovic, Minsky, O'Brien, O'Leary, O'Neil, Pano, Parrano, Perrone, Pascale, Remy, Sazarn, Sartori, Scrimone, Sirota, Smitsek, Steelman, Steiner, Stora, Szymo, Tangram, Thoreau, Ugo, Trillo, Trish, Van Horn

Table with 4 columns of names: Corson, Coughan, Cusack, Czig, Czig, Daley, Dalton, Dermody, Katter, Kirkland, Kirkovich, L'Ecuyer, Laughlin, Lederer, Lescovitz, Lysdanski, Preston, Rames, Rendshaw, Rieger, Roberts, Robinson, Roebuck, Rooney, Veen, Walke, Washington, Williams, Woodak, Wright, D. R., Yewic, Youngblood

NAYS 101

Table with 4 columns of names: Adolph, Alico, Argall, Armstrong, Baker, Baird, Barley, Bernellin, Boyce, Browne, Brown, Burn, Carona, Chadsick, Civen, Clark, Clomer, Cohen, F. I., Conell, Council, Dempsey, Dent, DiGirolamo, Droce, Durbin, Egolf, Fairchild, Fargo, Farmer, Fease, Fichter, Fleagle, Flick, Gannon, Genat, Gladick, Godshall, Gowen, Grappe, Harby, Hays, Hennessey, Herman, Herthay, Hiss, Hutchinson, Jadowski, Kenney, King, Knets, Lawless, Leh, Lynch, Martland, Major, Marston, Marland, Mettli, Metz, Mrozic, Noller, Nading, Nickel, Nye, O'Brien, O'Keefe, Parris, Phillips, Piccola, Pira, Potts, Raymond, Reber, Reber, Rehrer, Rehrer, Sarker, Saylor, Schuler, Semine, Scratini, Sheehan, Smith, D., Smith, S. H., Snyder, D. W., Stora, Stral, Stral, Strick, Strimmmer, Taylor, F. Z., Taylor, J., Tine, Tull, Vance, Waugh, Wagan, Wright, N. N., Zimmerman, Zug, Ryan, Speaker

NOT VOTING 2

Table with 2 columns: Horsey, Vitell

EXCUSED-3

Table with 3 columns: Mihalich, Schroder, Travaglio

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 Title, page 1, lines 1 through 4, by striking out all of said lines and inserting:

Amending Title 12 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the purposes of the Juvenile Act and for the definition of "delinquent act"; adding definitions for "extended jurisdiction juvenile offender" and "extended jurisdiction juvenile prison"; and providing for extended jurisdiction juvenile offenders.

costs. Any juvenile that would be convicted under this act and sentenced to a term requiring incarceration in a State correctional institution 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. Evans, 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 SPEAKER 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 just suggested, and again, he always, when it comes down to money, has a way of talking in a very soft voice. He 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 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 be very clear about not passing any more mandates on to local county governments.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Piccola, for the second time.

Mr. PICCOLA, speaking softly, Mr. Speaker, I would only say that the gentleman's proposal is not even possible to enforce. For example, he is saying that all costs for children transferred to adult court for criminal proceedings under this act would be paid by the Commonwealth. Well, what if we have a court proceeding where a court reporter is brought in and there are several juvenile proceedings in which there is no transfer and one in which there is a transfer? How do we apportion the cost to the court reporter, for example, or the other clerks that serve the courtroom, or what about the cost of the courtroom itself? How do we apportion those costs? What about the cost of the public defender? What about the cost of the district attorney? How do we apportion those costs?

It is a ridiculous proposal, and I urge it be defeated.

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

The following roll call was recorded:

YEA 96

Table with 4 columns of names: Barber, Bakkus-James, Behm, Bedford, Bishop, Blum, Blumley, Boneyour, Buxton, Carapinec, Caplan-John, Carr, Casby, Cohen, M., Costello, A., Coluzzi, DeWeese, Donahue, Evans, Fajt, Gambale, George, Giguere, Griesner, Grunza, Halkick, Hama, Hkin, Hines, Joseph, M., Joseph, Kaiser, Lloyd, Lusk, Mandarino, Markoski, Nagel, Niekirk, Samsone, McGeehan, Niglio, Mihalovic, Minsky, O'Brien, O'Leary, O'Neil, Pano, Parrano, Perrone, Pascale, Remy, Sazarn, Sartori, Scrimone, Sirota, Smitsek, Steelman, Steiner, Stora, Szymo, Tangram, Thoreau, Ugo, Trillo, Trish, Van Horn

Table with 4 columns of names: Corson, Coughan, Cusack, Czig, Czig, Daley, Dalton, Dermody, Katter, Kirkland, Kirkovich, L'Ecuyer, Laughlin, Lederer, Lescovitz, Lysdanski, Preston, Rames, Rendshaw, Rieger, Roberts, Robinson, Roebuck, Rooney, Veen, Walke, Washington, Williams, Woodak, Wright, D. R., Yewic, Youngblood

NAYS 101

Table with 4 columns of names: Adolph, Alico, Argall, Armstrong, Baker, Baird, Barley, Bernellin, Boyce, Browne, Brown, Burn, Carona, Chadsick, Civen, Clark, Clomer, Cohen, F. I., Conell, Council, Dempsey, Dent, DiGirolamo, Droce, Durbin, Egolf, Fairchild, Fargo, Farmer, Fease, Fichter, Fleagle, Flick, Gannon, Genat, Gladick, Godshall, Gowen, Grappe, Harby, Hays, Hennessey, Herman, Herthay, Hiss, Hutchinson, Jadowski, Kenney, King, Knets, Lawless, Leh, Lynch, Martland, Major, Marston, Marland, Mettli, Metz, Mrozic, Noller, Nading, Nickel, Nye, O'Brien, O'Keefe, Parris, Phillips, Piccola, Pira, Potts, Raymond, Reber, Reber, Rehrer, Rehrer, Sarker, Saylor, Schuler, Semine, Scratini, Sheehan, Smith, D., Smith, S. H., Snyder, D. W., Stora, Stral, Stral, Strick, Strimmmer, Taylor, F. Z., Taylor, J., Tine, Tull, Vance, Waugh, Wagan, Wright, N. N., Zimmerman, Zug, Ryan, Speaker

NOT VOTING 2

Table with 2 columns: Horsey, Vitell

EXCUSED-3

Table with 3 columns: Mihalich, Schroder, Travaglio

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 Title, page 1, lines 1 through 4, by striking out all of said lines and inserting:

Amending Title 12 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the purposes of the Juvenile Act and for the definition of "delinquent act"; adding definitions for "extended jurisdiction juvenile offender" and "extended jurisdiction juvenile prison"; and providing for extended jurisdiction juvenile 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 out 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:

(a) Short title and purposes of chapter.

(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, to [remove from] provide for children committing delinquent acts [the consequences of criminal behavior, and to substitute therefor a program] programs of supervision, care and rehabilitation which provide a balanced attention to the protection of the community, the imposition of accountability for offenses 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 parents only when necessary for his welfare or in the interests of public safety.

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

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

Section 3. Section 6306 of Title 42 is amended to read:

"Delinquent act."

(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 found guilty in a criminal proceeding for other than a summary offense.

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

"Extended jurisdiction juvenile offender."

(1) A child who committed any of the following offenses, was 15 years of age or older at the time of the offense and used a deadly weapon as defined under 18 Pa.C.S. § 3301 (relating to definitions) in the commission of the offense which if committed by an adult would be classified as:

(i) Rape as defined in 18 Pa.C.S. § 3121 (relating to rape).

(ii) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

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

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

(v) Robbers of motor vehicle as defined in 18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).

(vi) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

(vii) Kidnapping as defined in 18 Pa.C.S. § 2901 (relating to kidnapping).

(viii) Voluntary manslaughter.

(ix) An attempt, conspiracy or solicitation to commit murder or any of these crimes, as provided in 18 Pa.C.S. §§ 901, 902 and 903 (relating to criminal conspiracy).

(2) A child who has been previously adjudicated delinquent for conduct which would be a felony if committed by an adult, was 15 years of age or older and committed any of the following offenses:

(i) Rape as defined in 18 Pa.C.S. § 3121.

(ii) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123.

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

(iv) Robbery of motor vehicle as defined in 18 Pa.C.S. § 3702.

(v) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125.

(vi) Kidnapping as defined in 18 Pa.C.S. § 2901.

(vii) Voluntary manslaughter.

(viii) An attempt, conspiracy or solicitation to commit murder 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 juvenile offender may remain under the jurisdiction of the juvenile court until age 24 pursuant to the conditions of section 6324.1 (relating to disposition of extended jurisdiction juveniles).

"Extended jurisdiction juvenile prison." A prison constructed and operated by the Department of Corrections solely for the incarceration of extended jurisdiction juvenile offenders.

Section 3. Section 6306 of Title 42 is amended to read:

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

(b) Public availability.

(1) The contents of law enforcement records and files concerning a child shall not be disclosed to the public except if 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 rape, kidnapping, murder, robbery, arson, burglary, violation of section 15(a)(30) of the act of April 14, 1977 (P.L. 73, No.6), known as the Controlled Substances, Drug, Device and Cosmetic Act, or other act involving the use of or threat of serious bodily harm.

Amend Bill, page 1, lines 9 through 17; pages 2 through 14, lines 1 through 30; page 15, lines 1 through 23, by striking out 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:

(a) Short title and purposes of chapter.

(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, to [remove from] provide for children committing delinquent acts [the consequences of criminal behavior, and to substitute therefor a program] programs of supervision, care and rehabilitation which provide a balanced attention to the protection of the community, the imposition of accountability for offenses 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 parents only when necessary for his welfare or in the interests of public safety.

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

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

"Delinquent act."

(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 found guilty in a criminal proceeding for other than a summary offense.

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

"Extended jurisdiction juvenile offender."

(1) A child who committed any of the following offenses, was 15 years of age or older at the time of the offense and used a deadly weapon as defined under 18 Pa.C.S. § 3301 (relating to definitions) in the commission of the offense which if committed by an adult would be classified as:

(i) Rape as defined in 18 Pa.C.S. § 3121 (relating to rape).

(ii) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

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

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

(v) Robbers of motor vehicle as defined in 18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).

(vi) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

(vii) Kidnapping as defined in 18 Pa.C.S. § 2901 (relating to kidnapping).

(viii) Voluntary manslaughter.

(ix) An attempt, conspiracy or solicitation to commit murder or any of these crimes, as provided in 18 Pa.C.S. §§ 901, 902 and 903 (relating to criminal conspiracy).

(2) A child who has been previously adjudicated delinquent for conduct which would be a felony if committed by an adult, was 15 years of age or older and committed any of the following offenses:

(i) Rape as defined in 18 Pa.C.S. § 3121.

(ii) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123.

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

(iv) Robbery of motor vehicle as defined in 18 Pa.C.S. § 3702.

(v) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125.

(vi) Kidnapping as defined in 18 Pa.C.S. § 2901.

(vii) Voluntary manslaughter.

(viii) An attempt, conspiracy or solicitation to commit murder 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 juvenile offender may remain under the jurisdiction of the juvenile court until age 24 pursuant to the conditions of section 6324.1 (relating to disposition of extended jurisdiction juveniles).

"Extended jurisdiction juvenile prison." A prison constructed and operated by the Department of Corrections solely for the incarceration of extended jurisdiction juvenile offenders.

Section 3. Section 6306 of Title 42 is amended to read:

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

(b) Public availability.

(1) The contents of law enforcement records and files concerning a child shall not be disclosed to the public except if 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 rape, kidnapping, murder, robbery, arson, burglary, violation of section 15(a)(30) of the act of April 14, 1977 (P.L. 73, No.6), known as the Controlled Substances, Drug, Device and Cosmetic Act, or other act involving the use of or threat of serious bodily harm.

(ii) A petition alleging delinquency has been filed by a law enforcement agency alleging that the child has committed an act or acts which include the elements of rape, kidnapping, murder, robbery, arson, burglary, violation of section 13600.50 of the Controlled Substances, Drugs, Devices and Cosmetic Act, or other act involving the use of or threat of serious bodily harm and the child previously has been adjudicated delinquent by a court as a result of an act or acts which included the elements of one of such crimes.

(iii) The child is an extended jurisdiction juvenile offender.

(7) If the content 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 adjudicates a child delinquent shall specify the particular offenses and courses thereof which the child is found to have committed and such information 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 6324 of Title 42 are amended to read:

§ 6322. Transfer from criminal proceedings.

(a) General rule. Except as provided in 78 Pa.C.S. § 6303 relating to rights and liabilities of minors or in the event the child is charged with murder or has been found guilty in a criminal proceeding, if it appears to the court in a criminal proceeding that the defendant is a child, this chapter shall immediately become applicable, and the court shall transfer the child to the division or a judge of the court assigned to conduct juvenile hearings, together with a copy of the necessary pleading and other papers, documents, and transcripts of testimony, relating to the case. If it appears to the court in a criminal proceeding charging murder or other offense under the provisions of paragraph (2) of the definition of "delinquent act" in section 6302 (relating to definitions), that the defendant is a child, the case may similarly be transferred and the provisions of this chapter applied. In determining whether to transfer a case charging murder, the court shall apply the criteria in section 6355(a)(4)(iii) (A) (relating to criminal proceedings). However, the child shall be required to show the court that the child is amenable to treatment, supervision or rehabilitation as a juvenile by meeting the criteria listed in section 6355(a)(4)(iii) (A). If the court orders the case to be transferred to the division or a judge of the court assigned to conduct juvenile hearings, the defendant shall be taken forthwith to the probation officer or to a place of detention designated by the court or released to the custody of his parent, guardian, custodian, or other person legally responsible for him, to be brought before the court at a time to be designated. The necessary pleading may serve in lieu of a petition otherwise required by this chapter, unless the court directs the filing of a petition.

(b) Transfer of unrelated criminal cases. If in a criminal proceeding charging murder the child is convicted of a crime less than murder, the case may be transferred for disposition to the division or a judge of the court assigned to conduct juvenile hearings. If, in a criminal proceeding resulting from a transfer under section 6322(a), the child is convicted of a lesser charge which is classified as a misdemeanor, the case may be transferred for disposition to the division or a judge of the court assigned to conduct juvenile hearings.

(c) General rule. A petition which shall be verified and may be on information and bench may be brought by any person including a law enforcement officer. It shall set forth plainly:

(1) The facts which bring the child within the jurisdiction of the court and 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 delinquency is alleged, that the child is in need of treatment, supervision 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 or the parent, 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 any known adult relative residing within the county, or if there be none, the known adult relative residing nearest to the location of the court.

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

(b) Extended jurisdiction juvenile petition—If a child is alleged to be delinquent or alleged to have committed any of the offenses enumerated under the definition of "extended jurisdiction juvenile offender" 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 petition.

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

(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 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 juvenile. If the petition alleges that the child has committed acts pursuant to the definition of "extended jurisdiction juvenile offender" 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.

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

§ 6352. Disposition of delinquent child.

(a) General 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 [his] the child's treatment, supervision, rehabilitation[,] and welfare, which disposition shall, as appropriate to the individual circumstances of the child's case, provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable the child to become a responsible and productive member of the community:

(1) Any order authorized by section 6151 (relating to disposition of dependent child).

(2) Placing the child on probation under supervision of the probation officer of the court or the court of another state as provided in section 6163 (relating to ordering foreign supervision, under conditions and limitations the court prescribes).

(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 authority and approved by the Department of Public Welfare.

(4) If the child is 12 years of age or older, committing the child to an institution operated by the Department of Public Welfare.

(ii) A petition alleging delinquency has been filed by a law enforcement agency alleging that the child has committed an act or acts which include the elements of rape, kidnapping, murder, robbery, arson, burglary, violation of section 13600.50 of the Controlled Substances, Drugs, Devices and Cosmetic Act, or other act involving the use of or threat of serious bodily harm and the child previously has been adjudicated delinquent by a court as a result of an act or acts which included the elements of one of such crimes.

(iii) The child is an extended jurisdiction juvenile offender.

(7) If the content 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 adjudicates a child delinquent shall specify the particular offenses and courses thereof which the child is found to have committed and such information shall be inserted on any law enforcement records or files disclosed to the public as provided for in this section.

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(b) Transfer of unrelated criminal cases. If in a criminal proceeding charging murder the child is convicted of a crime less than murder, the case may be transferred for disposition to the division or a judge of the court assigned to conduct juvenile hearings. If, in a criminal proceeding resulting from a transfer under section 6322(a), the child is convicted of a lesser charge which is classified as a misdemeanor, the case may be transferred for disposition to the division or a judge of the court assigned to conduct juvenile hearings.

(c) General rule. A petition which shall be verified and may be on information and bench may be brought by any person including a law enforcement officer. It shall set forth plainly:

(1) The facts which bring the child within the jurisdiction of the court and 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 delinquency is alleged, that the child is in need of treatment, supervision 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 or the parent, 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 any known adult relative residing within the county, or if there be none, the known adult relative residing nearest to the location of the court.

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

(b) Extended jurisdiction juvenile petition—If a child is alleged to be delinquent or alleged to have committed any of the offenses enumerated under the definition of "extended jurisdiction juvenile offender" 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 petition.

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

(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 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 juvenile. If the petition alleges that the child has committed acts pursuant to the definition of "extended jurisdiction juvenile offender" 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.

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

§ 6352. Disposition of delinquent child.

(a) General 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 [his] the child's treatment, supervision, rehabilitation[,] and welfare, which disposition shall, as appropriate to the individual circumstances of the child's case, provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable the child to become a responsible and productive member of the community:

(1) Any order authorized by section 6151 (relating to disposition of dependent child).

(2) Placing the child on probation under supervision of the probation officer of the court or the court of another state as provided in section 6163 (relating to ordering foreign supervision, under conditions and limitations the court prescribes).

(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 authority and approved by the Department of Public Welfare.

(4) If the child is 12 years of age or older, committing the child to an institution operated by the Department of Public Welfare.

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

(6) An order of the terms of probation may include an appropriate fine considering the nature of the act committed or restitution not in excess of actual damages caused by the child which shall be paid from the earnings 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 services, 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 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 "[C]hild Labor Law." [1] 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 earnings 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 (3) and (4).

(8) Committing the child to a prison for extended jurisdiction juvenile 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 facility used primarily for the execution of sentences of adults convicted of crime.

Section 8, Title 42 is amended by adding a section to read:

§ 6352.1. Disposition of extended jurisdiction juveniles.

(a) General rule.—If the court determines that a child is an extended jurisdiction juvenile offender under section 6341(b)(1) (relating to adjudication), it shall:

(1) impose one or more juvenile dispositions under section 6352(3) and (4) (relating to disposition of delinquent child) and impose a commitment to the extended jurisdiction juvenile prison, the execution of which shall be stayed on the condition that the offender not violate the provisions of the disposition order and not commit a new offense; or

(2) impose a commitment directly to the extended jurisdiction juvenile prison.

(b) Execution of suspended commitment to an extended jurisdiction juvenile prison.—When it appears that an extended jurisdiction juvenile offender has violated the conditions of the stayed sentence, or is alleged to have committed a new offense, the court shall without notice revoke the stay and probation and direct that the offender be taken into immediate 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 issue at which the offender is entitled to be heard and represented by counsel. 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 juvenile prison.

(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 conducted by the

court to determine whether continued placement is required. An extended jurisdiction juvenile offender may remain committed to such facility until attaining 21 years of age.

Sections 6353 and 6354 of Title 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 court if he had been convicted of 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 effluinate 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 hold a disposition review hearing 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 or foster boarding home. The institution shall give the committing court written notice of all requests for transfer and shall give the attorney for the Commonwealth written notice of a request for transfer from a secure facility to another facility. If the court, or in the case of a request to transfer from a secure facility, the attorney 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 attorney for the Commonwealth, objects to the transfer, the court shall hold a hearing within 20 days after objecting to the transfer for the purpose of reviewing the commitment order. The institution shall be notified of the scheduled hearing, at which hearing evidence may be presented by any interested 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 committing court. At the hearing, the court may reaffirm or modify its 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 offenders.
- (2) General residential beds for the adjudicated delinquent child.
- (3) The community-based programs for the adjudicated delinquent child.

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

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

§ 6354. Effect of adjudication.

(a) General rule.—An order of disposition or other adjudication in a proceeding under this chapter is not a conviction of crime and does not impose any civil disability ordinarily resulting from a conviction or operate to disqualify the child in any civil service application or appointment.

(b) Effect in subsequent judicial 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 juvenile hearing, whether before or after reaching majority, except:

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

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

(6) An order of the terms of probation may include an appropriate fine considering the nature of the act committed or restitution not in excess of actual damages caused by the child which shall be paid from the earnings 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 services, 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 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 "[C]hild Labor Law." [1] 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 earnings 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 (3) and (4).

(8) Committing the child to a prison for extended jurisdiction juvenile 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 facility used primarily for the execution of sentences of adults convicted of crime.

Section 8, Title 42 is amended by adding a section to read:

§ 6352.1. Disposition of extended jurisdiction juveniles.

(a) General rule.—If the court determines that a child is an extended jurisdiction juvenile offender under section 6341(b)(1) (relating to adjudication), it shall:

(1) impose one or more juvenile dispositions under section 6352(3) and (4) (relating to disposition of delinquent child) and impose a commitment to the extended jurisdiction juvenile prison, the execution of which shall be stayed on the condition that the offender not violate the provisions of the disposition order and not commit a new offense; or

(2) impose a commitment directly to the extended jurisdiction juvenile prison.

(b) Execution of suspended commitment to an extended jurisdiction juvenile prison.—When it appears that an extended jurisdiction juvenile offender has violated the conditions of the stayed sentence, or is alleged to have committed a new offense, the court shall without notice revoke the stay and probation and direct that the offender be taken into immediate 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 issue at which the offender is entitled to be heard and represented by counsel. 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 juvenile prison.

(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 conducted by the

court to determine whether continued placement is required. An extended jurisdiction juvenile offender may remain committed to such facility until attaining 21 years of age.

Sections 6353 and 6354 of Title 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 court if he had been convicted of 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 effluinate 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 hold a disposition review hearing 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 or foster boarding home. The institution shall give the committing court written notice of all requests for transfer and shall give the attorney for the Commonwealth written notice of a request for transfer from a secure facility to another facility. If the court, or in the case of a request to transfer from a secure facility, the attorney 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 attorney for the Commonwealth, objects to the transfer, the court shall hold a hearing within 20 days after objecting to the transfer for the purpose of reviewing the commitment order. The institution shall be notified of the scheduled hearing, at which hearing evidence may be presented by any interested 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 committing court. At the hearing, the court may reaffirm or modify its 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 offenders.
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- (3) The community-based programs for the adjudicated delinquent child.

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

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

§ 6354. Effect of adjudication.

(a) General rule.—An order of disposition or other adjudication in a proceeding under this chapter is not a conviction of crime and does not impose any civil disability ordinarily resulting from a conviction or operate to disqualify the child in any civil service application or appointment.

(b) Effect in subsequent judicial 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 juvenile hearing, whether before or after reaching majority, except:

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

(2) If relevant, where he has put his reputation or character in issue in a civil matter.
Section 19. 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 recognizes the gentleman from Westmoreland County, Mr. KUKOVICH.

Mr. KUKOVICH. 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 heinous 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 without 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 juvenile 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, off the streets immediately.

See, the problem with what happens now, and there has been a study done in the Philadelphia court system from 1991 to 1993 that deals with juveniles who have been certified over to adult court, and that study makes it very clear that the juvenile system actually gets the juveniles incarcerated quicker and much more easily than the adult system.

What will happen, if you vote for this bill without the amendment, is that the juveniles will become eligible for ARD (accelerated rehabilitative disposition), they will become eligible for bail, they will become eligible for different types of pretrial motions and investigations 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 realistic, pragmatic fact that in our overcrowded courts, what a lot of judges are going to do, what a lot of juries will do, is when they see a first-time offender, albeit a juvenile, albeit a rather serious crime, when they take a look at the entire context, it is much more likely that juvenile will walk than they will under what I am proposing in this amendment.

As a matter of fact, according to the study that was recently done, it shows that under the system I am proposing, juveniles are not releasable on bail; they do not get a shot at ARD; there is a much greater percentage of them that will be actually incarcerated. That was the result of the study in Philadelphia County.

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 facilities and disposes of most of those trials in a very short time. Juveniles are not releasable on bail. By contrast, the adult jail system in Philadelphia, due to overcrowding and Federal consent decree rules, detains only a small percentage of arrestees, usually defendants having major felony charges, including a weapon. That is major felonies. 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.

So in essence, what you are doing with this bill is shifting juveniles to a system where the odds are, they are going to be released. That is not what your constituents want. Those individuals who call you who are fearful of serious crime by juveniles do not want SB 100. It is a facade. Under this amendment, with that hybrid system, juveniles could be not only put away more immediately, but the system would be extended to age 24, so they could be kept longer, and if during that time period they would break any rules or disobey something while incarcerated, they could immediately still be transferred to the adult system. This is a much more logical way to go without gutting the juvenile system.

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 Kenneth Diehn of Bucks County. He has 16 years' experience in criminal and juvenile court. He said, "It is important for the public to know that the juvenile system sometimes provides tougher (and almost always provides quicker) sanctions than does the adult system."

"Also, a judge has... more flexibility in fashioning sanctions for the juvenile than the adult offender. In addition to secure detention, alternative schools, inpatient and outpatient drug... treatment... sexual offender treatment... or cetera, et cetera, all these medications... are available within the parameters of the juvenile system." For the most part, they are nonexistent in the adult system.

Again, quoting this judge, "A further advantage of the juvenile court is that the judge has a continuing opportunity to evaluate behavior by periodic reviews of disposition." A final quote from this judge: "I believe that the juvenile court is vitally important to the welfare of the Commonwealth in its unique ability to rehabilitate juveniles so that they do not become adult criminals."

I would like to quote from an article by Edmund Ludwig, another judge, a U.S. district court judge, who is also an administrative judge of juvenile court in Bucks 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. Nor, in most instances, do they belong in adult criminal court." This was written in June 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 at 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

(2) If relevant, where he has put his reputation or character in issue in a civil matter.
Section 19. 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 recognizes the gentleman from Westmoreland County, Mr. KUKOVICH.

Mr. KUKOVICH. 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 heinous 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 without 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 juvenile 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, off the streets immediately.

See, the problem with what happens now, and there has been a study done in the Philadelphia court system from 1991 to 1993 that deals with juveniles who have been certified over to adult court, and that study makes it very clear that the juvenile system actually gets the juveniles incarcerated quicker and much more easily than the adult system.

What will happen, if you vote for this bill without the amendment, is that the juveniles will become eligible for ARD (accelerated rehabilitative disposition), they will become eligible for bail, they will become eligible for different types of pretrial motions and investigations 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 realistic, pragmatic fact that in our overcrowded courts, what a lot of judges are going to do, what a lot of juries will do, is when they see a first-time offender, albeit a juvenile, albeit a rather serious crime, when they take a look at the entire 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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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 not a threat to public safety. They are now. The solution is not to just pell-mell dump a whole lot 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 facade.

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 juvenile 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.

I think this makes eminent good sense. I think it is rough on crime without giving up on the Juvenile Act and without giving up on some of those kids that might be redeemed. I also think it will not pass an unfunded 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 Senate and the Governor embarked on the special session on crime and set forth 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 crime being committed at a younger and younger age.

Given those factors and given the fact that the current juvenile system appeared to be incapable of dealing with those juveniles who are increasingly committing violent offenses with deadly weapons and repeatedly 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 presumption that everyone subject to it can or should be rehabilitated or treated 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 filed, 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 all of those facts, it was determined by the Senate and by the House Judiciary Committee and we held several hearings on this subject generally — that we should carve out a fairly narrow range of violent offenses, offenses committed with a deadly weapon and offenses committed for the second time after 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 the chance to be 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 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 respect to these particular 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. That is the way it should operate.

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 gentleman, Mr. Kukovich, suggests that there is the opportunity for bail 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 hopefully will be adopted and ratified by the voters in the next few years, which will allow judges under certain circumstances to deny bail for those individuals they feel are dangerous, public safety threats. But even given that situation, under the juvenile system, while they can be held without bail, many times they are not. Our juvenile systems are many times overcrowded and they are released as well to the care of an adult supervisor. So there is no guarantee under either system that the court is going to retain jurisdiction before trial or before adjudication.

Finally, by extending the jurisdiction of the juvenile court to the age of 24, you are going to vastly increase the population that will be required, particularly if it is for these violent offenders, the population that will be required to be locked up in what we call our juvenile jails, our secure facilities. We are in the process, hopefully in the near future, of expanding those facilities, those Commonwealth facilities here in Pennsylvania, but that will take several years to do. If Mr. Kukovich's proposal is adopted, we will not only have aggravated the circumstance but we will not have any place to put these individuals in the interim.

The provisions of SB 100, the direct filing under the supervision of the district attorney for certain enumerated violent offenses committed with deadly weapons and violent offenses that are committed on a repeated basis, is a good way to proceed to combat juvenile crime, and I urge that the Kukovich amendment be defeated.

The SPEAKER pro tempore. 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 heard him speak this afternoon and as I thought about a case that has been

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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

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

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 criminal 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 car. 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 had to cause the same kind of devastation in other families 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 several years 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 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 Kukovich 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 sentencing, but a system that at least has the potential, a potential which we are working to actualize through the expansion 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. 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 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 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 out and committed murder. There were four murders that were committed that I suggest would not have been if this amendment was in place because they would have been incarcerated.

In the last capital budget bill, there was funding for a couple new incarceration 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 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 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 roll call was recorded:

YEAS—71

Table listing names of members voting YEAS (71 total). Includes names like Felton Jones, Bellardi, Duxton, etc.

NAYS—125

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Corn	Jadlowiec	Rohrer	Wright, M. S.
Cornell	Kaiser	Rubles	Yewick
Cox	Kenney	Santoni	Zimmerman
Dempsey	King	Sathia	Zig
Dent	Krebs	Saylor	Ryan, Speaker
Dikhotovnu	Lawless	Schuler	
Drace	Loh	Schmandl	
Durham	Lygid	Sermel	

NOT VOTING—3

Burkowitz	Gordina	Keller
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EXCUSED—3

Mihalich	Schroeder	Travaglio
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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:
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 fighting 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 courtesy.

On that, the Chair recognizes the gentleman, Mr. Dermody. Mr. **DERMODY**. Thank you, Mr. Speaker. I believe this amendment is agreed to, Mr. Speaker. All it does is delete the word "Written" from the heading of the section and allows the word "Order" to be placed there that coincides with the language of the section, Mr. Speaker.

The **SPEAKER 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

Adolph	Durham	Lynch	Santoni
Allen	Egolf	Maitland	Sathia
Arzall	Leans	Mator	Saylor
Armstrong	Fairchild	Mauderino	Schmer
Baker	Fay	Markosak	Schmandl

Bard	Targo	Marsden	Semond
Bell	Rowner	Mastland	Serafin
Harrold	Fecese	Magermik	Sheshan
Babbalones	Fisher	McCall	Smith, B.
DeBardi	Finagle	McCacham	Smith, S. H.
DeBardi	Flick	Niccoli	Snyder, D. W.
Birrellin	Gamble	Nieto	Sabbak
Bishop	Gannon	Mery	Stans
Blum	Geist	Michowic	Stefman
Boscola	George	Micozate	Stell
Bussey	Gold-Stra	Miller	Stern
Brown	Grubick	Moore	Stellar
Browne	Goodball	Naffor	Strah
Bunt	Grouta	Nickel	Srinimarrer
Bustro	Gruppo	Nyze	Sturla
Caltagirone	Habas	Graben	Sura
Cappabianca	Halliraka	Olasz	Longstro
Cam	Hanna	Oliver	Taylor, J.
Carone	Harhart	Penel	Taylor, J.
Cawley	Hans	Pesco	Tighe
Chedwick	Hermansky	Perrone	Tullo
Civari	Herman	Petrone	Trigan
Clark	Hershey	DeMa	True
Clemmer	Higgs	Phillips	Tull
Colner, L. J.	Hochstetler	Piccola	Vinco
Colino, M.	Iker	Pitella	Van Home
Costella	Jadlowiec	Pini	Vico
Cozzazo	Griffin	Plata	Viral
Corn	Joseph	Pracion	Waiko
Cornell	Kanics	Ramos	Washington
Corpora	Kanney	Raymond	Wauigh
Corrigato	King	Randshaw	W. Harris
Covelli	Kirkland	Ruber	Wogan
Coy, J.	Koch	Richard	Wozniak
Craig	Kokosch	Rieger	Wright, D. R.
Daley	Lacirona	Roberts	Wright, M. S.
DeLuca	Laughlin	Robinson	Yewick
Dempsey	Lawless	Roeback	Youngblood
Dent	Lebauer	Rohrer	Zimmerman
Dermody	Leib	Rosney	Zig
DeWaele	Lesosvitz	Rubles	
DiGrolamo	Leschansky	Rudy	Ryan, Speaker
Domaradzki	Leyd	Santoni	
Drace	Lusick		

NAYS—2

Dorsey	Thomas
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NOT VOTING—5

Burkowitz	James	Keller	Shahan
Gordina			

EXCUSED—3

Mihalich	Schroeder	Travaglio
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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?

Corn	Jadlowiec	Rohrer	Wright, M. S.
Cornell	Kaiser	Rubles	Yewick
Cox	Kenney	Santoni	Zimmerman
Dempsey	King	Sathia	Zig
Dent	Krebs	Saylor	Ryan, Speaker
Dikhotovnu	Lawless	Schuler	
Drace	Loh	Schmandl	
Durham	Lygid	Sermel	

NOT VOTING—3

Burkowitz	Gordina	Keller
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EXCUSED—3

Mihalich	Schroeder	Travaglio
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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:
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 fighting 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 courtesy.

On that, the Chair recognizes the gentleman, Mr. Dermody. Mr. **DERMODY**. Thank you, Mr. Speaker. I believe this amendment is agreed to, Mr. Speaker. All it does is delete the word "Written" from the heading of the section and allows the word "Order" to be placed there that coincides with the language of the section, Mr. Speaker.

The **SPEAKER 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

Adolph	Durham	Lynch	Santoni
Allen	Egolf	Maitland	Sathia
Arzall	Leans	Mator	Saylor
Armstrong	Fairchild	Mauderino	Schmer
Baker	Fay	Markosak	Schmandl

Bard	Targo	Marsden	Semond
Bell	Rowner	Mastland	Serafin
Harrold	Fecese	Magermik	Sheshan
Babbalones	Fisher	McCall	Smith, B.
DeBardi	Finagle	McCacham	Smith, S. H.
DeBardi	Flick	Niccoli	Snyder, D. W.
Birrellin	Gamble	Nieto	Sabbak
Bishop	Gannon	Mery	Stans
Blum	Geist	Michowic	Stefman
Boscola	George	Micozate	Stell
Bussey	Gold-Stra	Miller	Stern
Brown	Grubick	Moore	Stellar
Browne	Goodball	Naffor	Strah
Bunt	Grouta	Nickel	Srinimarrer
Bustro	Gruppo	Nyze	Sturla
Caltagirone	Habas	Graben	Sura
Cappabianca	Halliraka	Olasz	Longstro
Cam	Hanna	Oliver	Taylor, J.
Carone	Harhart	Penel	Taylor, J.
Cawley	Hans	Pesco	Tighe
Chedwick	Hermansky	Perrone	Tullo
Civari	Herman	Petrone	Trigan
Clark	Hershey	DeMa	True
Clemmer	Higgs	Phillips	Tull
Colner, L. J.	Hochstetler	Piccola	Vinco
Colino, M.	Iker	Pitella	Van Home
Costella	Jadlowiec	Pini	Vico
Cozzazo	Griffin	Plata	Viral
Corn	Joseph	Pracion	Waiko
Cornell	Kanics	Ramos	Washington
Corpora	Kanney	Raymond	Wauigh
Corrigato	King	Randshaw	W. Harris
Covelli	Kirkland	Ruber	Wogan
Coy, J.	Koch	Richard	Wozniak
Craig	Kokosch	Rieger	Wright, D. R.
Daley	Lacirona	Roberts	Wright, M. S.
DeLuca	Laughlin	Robinson	Yewick
Dempsey	Lawless	Roeback	Youngblood
Dent	Lebauer	Rohrer	Zimmerman
Dermody	Leib	Rosney	Zig
DeWaele	Lesosvitz	Rubles	
DiGrolamo	Leschansky	Rudy	Ryan, Speaker
Domaradzki	Leyd	Santoni	
Drace	Lusick		

NAYS—2

Dorsey	Thomas
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NOT VOTING—5

Burkowitz	James	Keller	Shahan
Gordina			

EXCUSED—3

Mihalich	Schroeder	Travaglio
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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?

Mr. **DERMODY** offered the following amendment No. **A4136**:

Amend Bill, page 13, by inserting between lines 20 and 21 Section 7. The Department of Corrections shall segregate 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 out "7" and inserting 8

Amend Sec. 8, page 13, line 23, by striking out "8" and inserting 9

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

AMENDMENT WITHDRAWN

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

Mr. **DERMODY**. Thank you, Mr. Speaker.

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

After 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 **SPEAKER** pro tempore. The Chair thanks the gentleman.

On the question recurring.

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

Mr. **DERMODY** offered the following amendment No. **A4137**:

Amend Sec. 3 (Sec. 6222), page 7, lines 16 and 17, by striking out "and the child and the attorney for the Commonwealth agree to the transfer."

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

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

Mr. **DERMODY**. Thank you, Mr. Speaker.

Mr. Speaker, this section of the bill and this amendment would only take effect if a juvenile who has been charged with murder, rape, or aggravated assault is found guilty of only misdemeanors. In that case, a juvenile would be eligible to be returned to juvenile court. However, as the bill is currently drafted, the defense attorney and the district attorney have veto power over whether or not the juvenile should be sent back to juvenile court.

Now, actually, this is a tough-sen-sense amendment, because juvenile 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 Allegheny County and in many counties, a youth offender who is convicted of an adult misdemeanor will probably be released that day with very little supervision time. He will probably be released 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 juvenile 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 **SPEAKER** 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 acquits 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 acquitted 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. Dermody has suggested, and I urge that the amendment be defeated.

The **SPEAKER** pro tempore. The Chair recognizes the gentleman, Mr. Dermody, 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 hands of the juvenile offender's attorney.

It is in the best interest of the juvenile offender and his attorney oftentimes to have that child treated as an adult and be convicted of a misdemeanor because he will be released that day. We have more holds, we have better programs, we have more supervision time often in juvenile court. All I am saying is that those decisions and those arguments can be made, but the juvenile offender's attorney should not have the power to veto that decision.

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

The following roll call was recorded:

YEAS 98

Harrison	Donatucci	Lloyd	Santoro
DeBake Jones	Evans	Lueck	Santore
Belardi	Fa	Manderine	Serrenti
Belardi	Fesse	Narsock	Shaner
Bishop	Gambile	McCall	Shook
Boncola	Grange	McGeachan	Sreenivasu
Brewer	Griffith	Nelle	Spreler
Brown	Grizza	Mehring	Sturla
Chapman	Halsaka	Murphy	Stutz
Chapman	Harris	Oliver	Tangheri
Corn	Hicks	Oliver	Thomas
Cowley	Idin	Peter	Uzzo
Cowan, M.	James	Petrarca	Trelio
Columbia	Jarvin	Rosen	Trich
Cruz	Joseph	Pratch	Van Horne
	Kaiser	Prston	Yoon

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

AMENDMENT WITHDRAWN

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

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

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

Mr. **PICCOLA**. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS 98

Harrison	Donatucci	Lloyd	Santoro
DeBake Jones	Evans	Lueck	Santore
Belardi	Fa	Manderine	Serrenti
Belardi	Fesse	Narsock	Shaner
Bishop	Gambile	McCall	Shook
Boncola	Grange	McGeachan	Sreenivasu
Brewer	Griffith	Nelle	Spreler
Brown	Grizza	Mehring	Sturla
Chapman	Halsaka	Murphy	Stutz
Chapman	Harris	Oliver	Tangheri
Corn	Hicks	Oliver	Thomas
Cowley	Idin	Peter	Uzzo
Cowan, M.	James	Petrarca	Trelio
Columbia	Jarvin	Rosen	Trich
Cruz	Joseph	Pratch	Van Horne
	Kaiser	Prston	Yoon

Corpora	Keller	Ramon	Vitali
Corrigan	Rickland	Reedshaw	Walke
Coxwell	Krebs	Rieger	Washington
Coy	Kukovich	Roberts	Williams
Curo	LaCrofta	Robinson	Wozniak
Daley	Laughlin	Roebuck	Wright, D. B.
DeLuca	Leiderer	Rosney	Yessier
Dermody	Lescovy	Rudy	Youngblood
DeWeese	Lavdanskij		

NAYS—98

Adolph	Fairchild	Mairland	Schuler
Allert	Fargo	Majer	Semmel
Aspell	Farmer	Marsico	Serafini
Armstrong	Fischer	Masland	Shachan
Baker	Fligalo	McCall	Smith, H.
Bard	Fluck	Merry	Smith, S. H.
Barley	Gannon	Micozic	Snyder, E. W.
Birmelin	Grist	Miller	Spous
Blaum	Gudeak	Nailer	Stell
Brown	Gonshall	Nickel	Steen
Browne	Grappo	Nyer	Stish
Hunt	Habay	O'Brien	Stuttmeister
Chadwick	Harhart	Perzel	Taylor, E. Z.
Civera	Ilasay	Patil	Taylor, J.
Clark	Hennessey	Phillips	True
Clymer	Herman	Piccola	Tull
Colton, I. J.	Hershey	Pites	Vance
Cordi	Hess	Plata	Wangh
Cornell	Hutchinson	Raymond	Wogan
Dempsey	Jadlowiec	Reber	Wright, M. N.
Dem	Kernic	Reinard	Zarroman
DiGirolamo	King	Robier	Zig
Druse	Lawless	Rubley	
Durham	Loh	Sather	Ryan,
Egolf	Lynch	Saylor	Spencer

NOT VOTING—3

Butkovicz	Gardner	Masynik
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EXCUSED 3

Mihalich	Schroeder	Travaglio
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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:

Amend 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 Title 42 of the Pennsylvania Consolidated Statutes are amended to read: § 3571. Commonwealth portion of fines, etc

Corpora	Keller	Ramon	Vitali
Corrigan	Rickland	Reedshaw	Walke
Coxwell	Krebs	Rieger	Washington
Coy	Kukovich	Roberts	Williams
Curo	LaCrofta	Robinson	Wozniak
Daley	Laughlin	Roebuck	Wright, D. B.
DeLuca	Leiderer	Rosney	Yessier
Dermody	Lescovy	Rudy	Youngblood
DeWeese	Lavdanskij		

NAYS—98

Adolph	Fairchild	Mairland	Schuler
Allert	Fargo	Majer	Semmel
Aspell	Farmer	Marsico	Serafini
Armstrong	Fischer	Masland	Shachan
Baker	Fligalo	McCall	Smith, H.
Bard	Fluck	Merry	Smith, S. H.
Barley	Gannon	Micozic	Snyder, E. W.
Birmelin	Grist	Miller	Spous
Blaum	Gudeak	Nailer	Stell
Brown	Gonshall	Nickel	Steen
Browne	Grappo	Nyer	Stish
Hunt	Habay	O'Brien	Stuttmeister
Chadwick	Harhart	Perzel	Taylor, E. Z.
Civera	Ilasay	Patil	Taylor, J.
Clark	Hennessey	Phillips	True
Clymer	Herman	Piccola	Tull
Colton, I. J.	Hershey	Pites	Vance
Cordi	Hess	Plata	Wangh
Cornell	Hutchinson	Raymond	Wogan
Dempsey	Jadlowiec	Reber	Wright, M. N.
Dem	Kernic	Reinard	Zarroman
DiGirolamo	King	Robier	Zig
Druse	Lawless	Rubley	
Durham	Loh	Sather	Ryan,
Egolf	Lynch	Saylor	Spencer

NOT VOTING—3

Butkovicz	Gardner	Masynik
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EXCUSED 3

Mihalich	Schroeder	Travaglio
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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:

Amend 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 Title 42 of the Pennsylvania 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 (1) (3), when prosecution 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 Motor 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 (P.L. 1944, No. 655), relating to partial allocation of liquid fuels and fuel use tax proceeds, to municipalities which have 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 corporation portion of fines, etc.), when prosecution under any other provision of 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 result of State Police action, 50% 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, 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 DARK (Drug and Alcohol Resistance Education).

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

§ 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 snowmobiles)) 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 municipal 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 20, by striking 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

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

(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 (1) (3), when prosecution 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 Motor 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 (P.L. 1944, No. 655), relating to partial allocation of liquid fuels and fuel use tax proceeds, to municipalities which have 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 corporation portion of fines, etc.), when prosecution under any other provision of 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 result of State Police action, 50% 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, 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 DARK (Drug and Alcohol Resistance Education).

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

§ 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 snowmobiles)) 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 municipal 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 20, by striking 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

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

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

S. The amendment or addition of 42 Pa.C.S. §§ 6301(b)(2), 6302, 6322, 6340, 6353(a) and 6355(a)(4), (c) and (e).

Amend Sec. 8, page 15, line 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 from Lancaster, 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 A4999.

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 7, 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 and inserting:

Section 1. Chapter 21 of Title 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 Fund.

2163. Rules and regulations.

§ 2161. Pennsylvania Commission on Crime and Delinquency:

(a) Use of program funds.—The Pennsylvania Commission on Crime and Delinquency may offer 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 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 depreciation, and would benefit the agency in deterring criminal activities other than traffic 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 following the termination of program funds.

(4) Measures 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 programs which engage community organizations in identifying and prioritizing delinquency 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 services. (ii) District attorneys to be used for the formation of special prosecution units, grand jury investigations and other strategies to deter criminal gang activity. (5) 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 funds 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 funds shall be used to pay the individual project's cost. The remaining 5% of State funds available annually shall be retained by the commission in order to 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 fiscal year and use such funds solely for project awards during the subsequent fiscal year or fiscal 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 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 set forth under section 2161 (relating to Pennsylvania Commission on Crime and Delinquency). (b) Deposits into fund. All moneys made payable to the Commonwealth resulting from local law enforcement actions under §§ 3571 (relating to Commonwealth portion of fines, etc.) and 3573 (relating to municipal corporation portion of fines, etc.) shall be deposited into the Crime Prevention and Local Law Enforcement Fund created under subsection (a) to be used for the purposes of this act. § 2163. Rules and regulations. The Pennsylvania Commission on Crime and Delinquency shall promulgate rules and regulations necessary to implement the provisions of this subchapter. Section 2. Section 6301(b)(7) of Title 42 is amended to read: Amend Sec. 2, page 7, line 9, by striking out "2" and inserting:

Amend Sec. 2, page 7, 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 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 inserting:

Amend Sec. 7, page 13, lines 21 and 22, by striking out all of said lines inserting:

Section 8. The amendment of 42 Pa.C.S. §§ 6301(b)(2), 6302, 6322, 6340, 6352(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 out "8" and inserting:

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

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

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Amend Sec. 8, page 15, line 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. 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 then 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 A4999.

Mr. STURLA. Mr. Speaker, it is my understanding it is in 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. 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.

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. 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 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. Sturla, is recognized.

Mr. STURLA. Thank you, Mr. Speaker. I would ask that members support suspension of the rules here.

I do have several amendments which were filed 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

Table listing names of members who voted 'YEAS' (92 total). Includes names like Battisto, DeWeese, Lueck, Sainato, etc.

NAYS—102

Table listing names of members who voted 'NAYS' (102 total). Includes names like Adolph, Fargo, Lynch, Schuler, etc.

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 then be reimbursed back to local police departments in the form of grants for local police enforcement.

POINT OF ORDER

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

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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.

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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 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. Sturla, is recognized.

Mr. STURLA. Thank you, Mr. Speaker. I would ask that members support suspension of the rules here.

I do have several amendments which were filed 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:

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Dreco D'Amico Egan Kasoloff	Kling Krebs Lawless Fish	Rohrer Rubles Sacher Sapota	Zug Ryan, Speaker
NOT VOTING—5			
Bishop Bukovitz	Gordner	Hershey	Amodeo, III
EXCUSED 3			
Niinilich	Schnoder	Travaglio	

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.

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

Mr. STURIA. Thank you, Mr. Speaker.
If I could proceed then with amendment A4999?
The SPEAKER pro tempore. The gentleman is in order and may continue his remarks.

Mr. STURIA. Thank you, Mr. Speaker.
Essentially 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 pretty 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.

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 money, the State takes part of that. I just think it is outrageous, 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" vote.
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 has admitted that he has several 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, district attorneys, and so forth 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 \$14,100, 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 Senate Judiciary Committee. Maybe the gentleman 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 be 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 4-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 take a look at it. That is the way this process is supposed to work, 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. Sturia, 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. STURIA. Thank you, Mr. Speaker.
Mr. Speaker, if I could, 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 11B 52. It has been in the committee since, I believe, one of the first months that we were in session 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 run this 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 unanimous 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 out and write traffic tickets, if the gentleman would read on line — let me get it here — line 30 of the amendment, it says, "Upgrading or addition of equipment, materials or technologies which would not otherwise be purchased or replaced through

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routine equipment replacement and depreciation, and would benefit the agency in deterring criminal activities other than traffic violations" — "other than traffic violations." So this is not to be used for increasing traffic violations.

And finally, it is these moneys that are restricted to go to those municipalities — 95 percent of the money must go to the municipalities — not other funds that the Pennsylvania 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 hiring additional police officers, for deterring criminal gang activity. These are all things that local municipalities are desperately crying for.

I urge your support of this amendment. Thank you.

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

The following roll call was recorded:

YEAS—79

Table listing names of legislators who voted 'YEAS' (79 total). Includes names like Heblco-Jones, Dorastuco, McCall, Santoni, etc.

NAYS—116

Table listing names of legislators who voted 'NAYS' (116 total). Includes names like Adolph, Fairchild, Fish, Schuler, etc.

Table listing names of legislators who were 'NOT VOTING' (4 total) or 'EXCUSED' (3 total). Includes names like Chadwick, Gritz, O'Brien, etc.

NOT VOTING—4

Table listing names of legislators who were 'NOT VOTING' (4 total).

EXCUSED—3

Table listing names of legislators who were 'EXCUSED' (3 total).

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?

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 forfeitures to municipalities:

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 Title 42 of the Pennsylvania 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 (1)(1) (2), when prosecution 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 Motor 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

routine equipment replacement and depreciation, and would benefit the agency in deterring criminal activities other than traffic violations" — "other than traffic violations." So this is not to be used for increasing traffic violations.

And finally, it is these moneys that are restricted to go to those municipalities — 95 percent of the money must go to the municipalities — not other funds that the Pennsylvania 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 hiring additional police officers, for deterring criminal gang activity. These are all things that local municipalities are desperately crying for.

I urge your support of this amendment. Thank you.

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

The following roll call was recorded:

YEAS—79

Table listing names of legislators who voted 'YEAS' (79 total). Includes names like Heblco-Jones, Dorastuco, McCall, Santoni, etc.

NAYS—116

Table listing names of legislators who voted 'NAYS' (116 total). Includes names like Adolph, Fairchild, Fish, Schuler, etc.

Table listing names of legislators who were 'NOT VOTING' (4 total) or 'EXCUSED' (3 total). Includes names like Chadwick, Gritz, O'Brien, etc.

NOT VOTING—4

Table listing names of legislators who were 'NOT VOTING' (4 total).

EXCUSED—3

Table listing names of legislators who were 'EXCUSED' (3 total).

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?

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:

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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 Title 42 of the Pennsylvania 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 (1)(1) (2), when prosecution 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 Motor 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

(P.L. 19-01, No. 655), relating to partial allocation of liquid fuels and fuel use tax proceeds, to municipalities which have organized a municipal police department having at least one police officer or contracted for municipal police services with one or more municipalities.

(7) Except as provided in section 3573 (relating to municipal corporation portion of fines, etc.), when prosecution under any other provision of Title 73 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.

(3) (C) When prosecution under 73 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance) is the result of State Police action, 50% 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, 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 incurred for county jails, prisons, workhouses and detention centers.

§ 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 73 (except Chapter 77 (relating to snowmobiles)) 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 municipal corporation under which the local police are organized.

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 27, by striking 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

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

Amend Sec. 7, page 15, line 21, by striking out "(7. This act" and inserting

8. The amendment or addition of 42 Pa.C.S. §§ 6301(b)(2), 6302, 6311, 6340, 6357(a) and 6355(a)(1), (c) and (g).

Amend Sec. 8, page 15, line 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. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, amendment A498 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 SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Dauphin County, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

As I read the amendment, it may put money into local police departments, but it takes the \$15 million out 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.

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

The following roll call was recorded:

YEAS—84

Table listing names of members who voted 'YEAS' (84 total). Includes names like Heikes-Jones, Helbold, Delfanti, Bishop, Blanton, Bassoli, Briston, Calingirone, Cappabianca, Carr, Cassese, Cohen, M., Cristofella, Colazzo, Corpora, Corriani, Cowdell, Croy, Dales, Dunne, DeWasse, Donatucci, Deuce, Evans, Fajt, Gamble, George, Hataska, Hanna, Iker, James, Jarolin, Joseph, Kaiser, Kirkland, Kukulovich, Lachman, Lighthill, Lederer, Lescovitz, Levandansky, Manderino, Markosek, Metcalf, McGeehan, Mello, Mery, Michlovic, Mordy, O'Hair, Pesti, Petrarca, Petrone, Picolla, Preston, Raines, Rieger, Roberts, Robinson, Roebuck, Rooney, Rudy, Sainato, Santoni, Scattino, Shaner, Steefman, Steller, Strife, Tangretti, Thomas, Tiggs, Triffin, Trich, Van Horne, Veon, Vitali, Walko, Washington, Williams, Wogan, Wozniak, Youngblood.

NAYS—11

Table listing names of members who voted 'NAYS' (11 total). Includes names like Adolph, Allen, Arrall, Armstrong, Baker, Bard, Barley, Battista, Fargo, Farmer, Fenech, Fletcher, Fleagle, Flisk, Gannon, Geiser, Lloyd, Lueck, Lynch, Maitland, Major, Marsico, Mastand, McGill, Schuler, Scrimanti, Sarnacki, Sheshan, Smith, B., Smith, S. II, Snyder, D. W., Stabsek.

(P.L. 19-01, No. 655), relating to partial allocation of liquid fuels and fuel use tax proceeds, to municipalities which have organized a municipal police department having at least one police officer or contracted for municipal police services with one or more municipalities.

(7) Except as provided in section 3573 (relating to municipal corporation portion of fines, etc.), when prosecution under any other provision of Title 73 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.

(3) (C) When prosecution under 73 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance) is the result of State Police action, 50% 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, 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 incurred for county jails, prisons, workhouses and detention centers.

§ 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 73 (except Chapter 77 (relating to snowmobiles)) 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 municipal corporation under which the local police are organized.

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 27, by striking 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

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

Amend Sec. 7, page 15, line 21, by striking out "(7. This act" and inserting

8. The amendment or addition of 42 Pa.C.S. §§ 6301(b)(2), 6302, 6311, 6340, 6357(a) and 6355(a)(1), (c) and (g).

Amend Sec. 8, page 15, line 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. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, amendment A498 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 SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Dauphin County, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

As I read the amendment, it may put money into local police departments, but it takes the \$15 million out 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.

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

The following roll call was recorded:

YEAS—84

Table listing names of members who voted 'YEAS' (84 total). Includes names like Heikes-Jones, Helbold, Delfanti, Bishop, Blanton, Bassoli, Briston, Calingirone, Cappabianca, Carr, Cassese, Cohen, M., Cristofella, Colazzo, Corpora, Corriani, Cowdell, Croy, Dales, Dunne, DeWasse, Donatucci, Deuce, Evans, Fajt, Gamble, George, Hataska, Hanna, Iker, James, Jarolin, Joseph, Kaiser, Kirkland, Kukulovich, Lachman, Lighthill, Lederer, Lescovitz, Levandansky, Manderino, Markosek, Metcalf, McGeehan, Mello, Mery, Michlovic, Mordy, O'Hair, Pesti, Petrarca, Petrone, Picolla, Preston, Raines, Rieger, Roberts, Robinson, Roebuck, Rooney, Rudy, Sainato, Santoni, Scattino, Shaner, Steefman, Steller, Strife, Tangretti, Thomas, Tiggs, Triffin, Trich, Van Horne, Veon, Vitali, Walko, Washington, Williams, Wogan, Wozniak, Youngblood.

NAYS—11

Table listing names of members who voted 'NAYS' (11 total). Includes names like Adolph, Allen, Arrall, Armstrong, Baker, Bard, Barley, Battista, Fargo, Farmer, Fenech, Fletcher, Fleagle, Flisk, Gannon, Geiser, Lloyd, Lueck, Lynch, Maitland, Major, Marsico, Mastand, McGill, Schuler, Scrimanti, Sarnacki, Sheshan, Smith, B., Smith, S. II, Snyder, D. W., Stabsek.

Birmelin	Gigliotti	Micozzi	Stairs
Boyes	Glatzer	Kramer	Stell
Brown	Goodhall	Norler	Stern
Browne	Cruz	Nickel	Stish
Dunt	Cruppo	Nyce	Strimmer
Garone	Habsy	O'Brien	Surra
Chadwick	Hershat	Olasz	Taylor, E. Z.
Civola	Horsy	Perzat	Taylor, J.
Clark	Hennessey	Pettit	Time
Clymer	Herman	Phillips	Tulli
Cohen, T. T.	Hershey	Piccola	Vance
Coni	Hess	Pitt	Wandt
Connell	Horsy	Piatt	Wright, D. R.
Coy	Hutchinson	Raymond	Wright, M. N.
Deluca	Jadloviec	Reber	Yewick
Dempsey	Kenny	Reinard	Zimmerman
Dent	Kling	Reiner	Zug
Dichotomo	Krebs	Rubley	Ryan
Durlan	Lavless	Sather	Speaker
Egoff	Fah	Saylor	
Fairchild			

NOT VOTING 4

Rutkowitz	Gardner	Keller	Mayerink
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EXCUSED 3

Mihalich	Schroder	Travaglio
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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?

Mrs. RUDY offered the following amendment No. A5051:

Amend Title, page 1, line 2, by inserting after "Statutes," requiring the presence of parents, guardians or custodians at proceedings involving juveniles;

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

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 1525. Parental or legal guardian attendance required at juvenile hearings

(a) Order to attend. In summary proceedings before a district justice or judge of the minor judiciary involving any individual who is under 18 years of age and is not emancipated, the district justice or judge of the minor judiciary shall issue an order specifically requiring the parent or legal guardian or other person with whom the child resides, if other than the parent or guardian, to be present and ready to participate in the proceedings, with the juvenile, no later than 30 days before such proceedings, the district justice or judge of the minor judiciary shall send a notice of the order to the parent or legal guardian or person with whom the child resides if other than the parent or guardian.

(b) Contempt. A person failing to comply with any order of participation may be found in contempt of court as outlined in section 4127 (relating to contempt powers of district justices).

(c) Bench warrant. The district justice or judge of the minor judiciary shall issue a bench warrant for any parent, guardian or person with whom the child resides, if other than the parent or guardian, who fails to appear at any proceedings. The district justice or judge of the minor

judiciary may waive any fine or other punishment if the person is found to be present and ready to participate in the proceedings with the juvenile after a bench warrant is issued.

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 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

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

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

Amend Sec. 8, page 15, line 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 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 Senate bill number, but it was Senator O'Pake's legislation that came over to us in special session, and we favorably reported out that bill which does substantially the same thing, if not exactly 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. RUDY. Mr. Speaker, I believe the gentleman is misinformed, because the measure

The SPEAKER pro tempore. Does the lady seek recognition for the second time?

Mrs. RUDY. Yes, thank you.

The SPEAKER pro tempore. The lady is in order.

Mrs. RUDY. Mr. Speaker, I believe the gentleman is misinformed, because the measure that came over from Senator O'Pake deals with judges of the court of common pleas. I do not think it deals with district magistrates and judges of the minor judiciary.

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

Mr. PICCOLA. I believe the lady is correct. There is some difference between the O'Pake language, but it is substantially the same concept. We do not have any objection to it, but I just wanted to raise that issue before the House in case the O'Pake bill comes up.

The SPEAKER pro tempore. The Chair thanks the gentleman. Are there any other members seeking recognition?

Birmelin	Gigliotti	Micozzi	Stairs
Boyes	Glatzer	Kramer	Stell
Brown	Goodhall	Norler	Stern
Browne	Cruz	Nickel	Stish
Dunt	Cruppo	Nyce	Strimmer
Garone	Habsy	O'Brien	Surra
Chadwick	Hershat	Olasz	Taylor, E. Z.
Civola	Horsy	Perzat	Taylor, J.
Clark	Hennessey	Pettit	Time
Clymer	Herman	Phillips	Tulli
Cohen, T. T.	Hershey	Piccola	Vance
Coni	Hess	Pitt	Wandt
Connell	Horsy	Piatt	Wright, D. R.
Coy	Hutchinson	Raymond	Wright, M. N.
Deluca	Jadloviec	Reber	Yewick
Dempsey	Kenny	Reinard	Zimmerman
Dent	Kling	Reiner	Zug
Dichotomo	Krebs	Rubley	Ryan
Durlan	Lavless	Sather	Speaker
Egoff	Fah	Saylor	
Fairchild			

NOT VOTING 4

Rutkowitz	Gardner	Keller	Mayerink
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EXCUSED 3

Mihalich	Schroder	Travaglio
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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?

Mrs. RUDY offered the following amendment No. A5051:

Amend Title, page 1, line 2, by inserting after "Statutes," requiring the presence of parents, guardians or custodians at proceedings involving juveniles;

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

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 1525. Parental or legal guardian attendance required at juvenile hearings

(a) Order to attend. In summary proceedings before a district justice or judge of the minor judiciary involving any individual who is under 18 years of age and is not emancipated, the district justice or judge of the minor judiciary shall issue an order specifically requiring the parent or legal guardian or other person with whom the child resides, if other than the parent or guardian, to be present and ready to participate in the proceedings, with the juvenile, no later than 30 days before such proceedings, the district justice or judge of the minor judiciary shall send a notice of the order to the parent or legal guardian or person with whom the child resides if other than the parent or guardian.

(b) Contempt. A person failing to comply with any order of participation may be found in contempt of court as outlined in section 4127 (relating to contempt powers of district justices).

(c) Bench warrant. The district justice or judge of the minor judiciary shall issue a bench warrant for any parent, guardian or person with whom the child resides, if other than the parent or guardian, who fails to appear at any proceedings. The district justice or judge of the minor

judiciary may waive any fine or other punishment if the person is found to be present and ready to participate in the proceedings with the juvenile after a bench warrant is issued.

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 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

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

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

Amend Sec. 8, page 15, line 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 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 Senate bill number, but it was Senator O'Pake's legislation that came over to us in special session, and we favorably reported out that bill which does substantially the same thing, if not exactly 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. RUDY. Mr. Speaker, I believe the gentleman is misinformed, because the measure

The SPEAKER pro tempore. Does the lady seek recognition for the second time?

Mrs. RUDY. Yes, thank you.

The SPEAKER pro tempore. The lady is in order.

Mrs. RUDY. Mr. Speaker, I believe the gentleman is misinformed, because the measure that came over from Senator O'Pake deals with judges of the court of common pleas. I do not think it deals with district magistrates and judges of the minor judiciary.

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

Mr. PICCOLA. I believe the lady is correct. There is some difference between the O'Pake language, but it is substantially the same concept. We do not have any objection to it, but I just wanted to raise that issue before the House in case the O'Pake bill comes up.

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:

YEAS 189

Table listing names of members voting 'YEAS' (189 total). Includes names like Aynslish, Allen, Argall, etc.

NAYS 4

Table listing names of members voting 'NAYS' (4 total). Includes names like Gamm, D'Alton, etc.

NOT VOTING—1

Table listing names of members who did not vote (1 total). Includes name like Butkovich.

EXCUSED 3

Table listing names of members who were excused (3 total). Includes names like Mitchell, Schroeder, Trovaglio.

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 SPEAKER pro tempore. The Chair thanks the lady.

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

Bill as amended was agreed to.

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. Evans.

Mr. EVANS. 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 particular bill.

Can I get a title order, Mr. Speaker?

The SPEAKER pro tempore. The gentleman, Mr. Evans, is correct. The noise level has risen to an intolerable 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. Evans, is recognized.

Mr. EVANS. Mr. Speaker, I would just like to read off some information and give members some idea exactly the impact of SB 100.

The impact of SB 100 is that approximately 1,200 juveniles will be tried in criminal 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 \$25,000 to house one inmate per year. It will cost the Commonwealth of Pennsylvania from \$8 million to \$18 million to house these juvenile offenders for 1 year.

As I have stated many times before, we have been tough but we have not been smart. Mr. Speaker, the effective date of SB 100 is 120 days. It takes, on an average, approximately 600 working days to construct a corrections facility. That means in approximately

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

The following roll call was recorded:

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Table listing names of members voting 'YEAS' (189 total). Includes names like Aynslish, Allen, Argall, etc.

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EXCUSED 3

Table listing names of members who were excused (3 total). Includes names like Mitchell, Schroeder, Trovaglio.

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 SPEAKER pro tempore. The Chair thanks the lady.

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

Bill as amended was agreed to.

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. Evans.

Mr. EVANS. 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 particular bill.

Can I get a title order, Mr. Speaker?

The SPEAKER pro tempore. The gentleman, Mr. Evans, is correct. The noise level has risen to an intolerable 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. Evans, is recognized.

Mr. EVANS. Mr. Speaker, I would just like to read off some information and give members some idea exactly the impact of SB 100.

The impact of SB 100 is that approximately 1,200 juveniles will be tried in criminal 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 \$25,000 to house one inmate per year. It will cost the Commonwealth of Pennsylvania from \$8 million to \$18 million to house these juvenile offenders for 1 year.

As I have stated many times before, we have been tough but we have not been smart. Mr. Speaker, the effective date of SB 100 is 120 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.

I know I am going to be a "no" vote. You decide what you have got to do. Thank you, Mr. Speaker.

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

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. Evans, that I do not know if his numbers are correct or not, but he is referring to the juveniles who will be presumably incarcerated 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 age-wise 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 yeas and nays will now be taken.

YEAS-182

Table listing names of members voting in favor (Yeas): Adolph, Allen, Argall, Armistrong, Baker, Bard, Barley, Battista, Beckenholzer, Delardi, Belloni, Berman, Blaum, Buscola, Boyce, Brown, Browne, Dum, Dues, Durham, Eggolf, Farnchild, Felt, Fargo, Farnor, Fessie, Fletcher, Fleagle, Fick, Gammle, Giannin, Grist, George, Gifford, Gladeck, Godshall, Lynch, Maidland, Maslor, Markasek, Marisco, Masland, Maxbrook, McCall, McGeehan, McGill, Nello, Merry, Michloske, Mierziec, Miller, Mundy, Naitor, Niekol, Sather, Saylor, Schuler, Sermon, Senneel, Serafini, Shance, Sheehan, Smith, B., Smith, S. H., Singler, D. W., Stabsack, Stein, Stechman, Sreit, Stern, Stetler, Stish.

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NAYS-14

Table listing names of members voting against (Nays): Bishop, Carr, Levas, Hersey, James, Joseph, Kikland, Kikovich, Manderino, Rames, Robinson, Thomas, Washington, Youngblood.

NOT VOTING-3

Table listing names of members not voting: Barkowitz, Gendner, Kellar.

EXCUSED-3

Table listing names of members excused: Mihalich, Schroder, Travnatch.

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 bills on today's calendar will be passed over. The Chair bears no objection.

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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 bills on today's calendar will be passed over. The Chair bears no objection.

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Haluska, from 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., e.d.t., the House adjourned.

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