

PENNSYLVANIA COMMISSION ON CRIME AND DELIQUENCY LAW - OMNIBUS
AMENDMENTS

Act of Oct. 25, 2012, P.L. 1607, No. 196

Cl. 44

Session of 2012
No. 2012-196

HB 135

AN ACT

Amending the act of November 22, 1978 (P.L.1166, No.274), entitled "An act establishing the Pennsylvania Commission on Crime and Delinquency, providing for its powers and duties establishing several advisory committees within the commission and providing for their powers and duties," further providing for definitions, for the Pennsylvania Commission on Crime and Delinquency, for powers and duties of the commission, for duties of the commission relative to criminal statistics, for duties of public agencies and officers in reporting criminal statistics, for the Juvenile Justice and Delinquency Prevention Committee, for powers and duties of the Juvenile Justice and Delinquency Prevention Committee, for Targeted Community Revitalization and Crime Prevention Advisory Committee and for powers and duties of Targeted Community Revitalization and Crime Prevention Advisory Committee; and providing for justice reinvestment grants.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 1 of the act of November 22, 1978 (P.L.1166, No.274), referred to as the Pennsylvania Commission on Crime and Delinquency Law, amended April 30, 1986 (P.L.125, No.38) and December 6, 2002 (P.L.1180, No.146), is amended to read:

Section 1. Definitions.

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

"Commission." The Pennsylvania Commission on Crime and Delinquency.

"Fund." The Justice Reinvestment Fund established under section 8.1(a).

"Innovative policing." The term shall include all of the following:

(1) Activities to obtain accreditation of municipal police departments.

(2) Online training of law enforcement officers.

(3) County and regional law enforcement data-sharing initiatives.

(4) Strategies to combat crime and gang activity, including intervention, enforcement, technology, analytical capacity and community policing.

"Mid-minimum offender." An offender who at the time of sentencing has at least one but not more than two years remaining to be served to reach the offender's minimum sentence, including any applicable recidivism risk reduction incentive minimum sentence imposed.

"Offender diversion." Evidence-based strategies to reduce the number of short-minimum and mid-minimum offenders committed to the Department of Corrections.

"Private citizen." An individual who is not an elected or appointed official in a branch of government of the United States, the Commonwealth or a political subdivision.

"Short-minimum offender." An offender who at the time of sentencing has less than one year remaining to be served to reach the offender's minimum sentence, including any applicable recidivism risk reduction incentive minimum sentence imposed.

"Targeted community." A city, township or municipality currently receiving funding from the Pennsylvania Commission on Crime and Delinquency to provide support to law enforcement and community partnerships to develop comprehensive, targeted crime prevention efforts and a planning process for the revitalization of high-crime and distressed communities; a city, township or municipality designated by the commission to receive such funding; or a city, township or municipality eligible to seek such funding from the commission under criteria developed by the Targeted Community Revitalization and Crime Prevention Advisory Committee.

Section 1.1. Section 2(b), (c), (c.1), (d), (e), (l) and (m) of the act, amended December 17, 1981 (P.L.429, No.134), April 30, 1986 (P.L.125, No.38) and June 22, 2001 (P.L.396, No.30), are amended to read:

Section 2. Pennsylvania Commission on Crime and Delinquency.

* * *

(b) Composition.--The commission shall consist of the following members:

- (1) The Attorney General.
- (2) [The Chief Justice of Pennsylvania] **A justice of the Supreme Court of Pennsylvania or a judge of the Superior Court of Pennsylvania.**
- (3) The Court Administrator of Pennsylvania.
- (4) A judge of a court of common pleas.
- (5) Commissioner of State Police.
- (6) The **majority** chairmen of the House and Senate [Majority] Appropriations Committees.
- (7) The chairman of the Juvenile Justice and Delinquency Prevention Committee.
- (8) Four members of the General Assembly, of whom one shall be designated by, and serve at the pleasure of the President pro tempore of the Senate, one by the Minority Leader of the Senate, one by the Speaker of the House of Representatives and one by the Minority Leader of the House of Representatives.
- (9) Seven members appointed by the Governor, one representative of local law enforcement agencies, one representative of local correctional facilities, one representative of local elected officials, one district attorney representative, one representative of county sheriffs, one representative of a local victims' service agency and one representative of county commissioners.
- [(10) Seven private citizens appointed by the Governor, at least two of which serve on the Juvenile Justice and Delinquency Prevention Committee.]
- (11) Secretary of Corrections.
- (12) The Victim Advocate.
- (13) Secretary of Public Welfare.
- (14) Secretary of Education.
- (15) Secretary of Health.
- (16) Chairman of the Board of Probation and Parole.

(17) Executive Director of the Juvenile Court Judges' Commission.

(17.1) Executive Director of the Pennsylvania Commission on Sentencing.

(17.2) Secretary of Drug and Alcohol Programs.

(18) Such additional members appointed by the Governor as are necessary to implement programs authorized by State and Federal law.

(c) Judicial [appointment] **appointments.**--[The judge of a court of common pleas shall be appointed by the Governor from a list of no less than three nominees for each position submitted by the Chief Justice. If the Chief Justice cannot or does not choose to serve, an Associate Justice of the Supreme Court of Pennsylvania shall be appointed by the Governor from a list of no less than three nominees submitted by the Chief Justice. If the Court Administrator cannot or does not choose to serve, another appropriate judicial administrative officer of the State shall be appointed by the Governor from a list of no less than three nominees submitted by the Chief Justice.]

(1) The judge of a court of common pleas shall be appointed by the Chief Justice.

(2) The Chief Justice shall appoint a justice of the Supreme Court of Pennsylvania or a judge of the Superior Court of Pennsylvania.

(3) If the Court Administrator cannot serve, the Chief Justice shall appoint another appropriate judicial administrative officer of the State.

[(c.1) Appropriations chairmen alternates.--The chairman of the House Majority Appropriations Committee and the chairman of the Senate Majority Appropriations Committee may authorize, in writing, a named member of the committee to serve in his stead on the commission.]

(d) Term of office.--[Except for the Attorney General, the Chief Justice, Court Administrator of Pennsylvania courts and Commissioner of the Pennsylvania State Police, Commissioner of Correction, the chairmen of the House and Senate Majority Appropriations Committees and the four other members of the General Assembly, members]

(1) Members appointed under subsection (b) (9) and (18) shall serve for a four-year term, and may be appointed for no more than one additional consecutive term. The terms of those members who serve by virtue of the public office they hold shall be concurrent with their service in the office from which they derive their membership.

(2) The term of the chairman of the Juvenile [Advisory] Justice and Delinquency Prevention Committee shall be concurrent with his service as chairman of that committee.

(e) Vacancies.--Should any member cease to be an officer or employee of the agency he is appointed to represent [or cease to be a private citizen], his membership on the commission shall terminate immediately and a new member shall be appointed in the same manner as his predecessor to fill the unexpired portion of a term. Other vacancies occurring, except those by the expiration of a term, shall be filled for the balance of the unexpired term in the same manner as the original appointment.

* * *

[(1) Advisory committees.--The commission may establish such advisory committees, in addition to those provided for in this act, as it deems advisable but only the commission may set policy or take other official action. Members of advisory committees shall serve without compensation but may be

reimbursed for necessary travel and other expenses in accordance with applicable law and regulations.]

(m) Meetings.--All meetings of the commission and of its advisory committees, at which formal action is taken, shall conform to [the act of July 19, 1974 (P.L.486, No.175), referred to as the Public Agency Open Meeting Law] **65 Pa.C.S. Ch. 7 (relating to open meetings)**.

* * *

Section 2. Section 3 of the act is amended by adding a paragraph to read:

Section 3. Powers and duties of the commission.

The commission shall have the power and its duty shall be:

* * *

(18) To establish advisory committees, in addition to those provided for under this act, as it deems advisable, except that only the commission may set policy or take other official action. Members of advisory committees shall serve without compensation but may be reimbursed for necessary travel and other expenses in accordance with applicable law and regulations.

Section 3. Sections 4(8), (9) and (10) and 5 of the act are amended to read:

Section 4. Duties of the commission relative to criminal statistics.

The commission shall have the power and its duty shall be:

* * *

(8) [The commission, at the request of any of the following, may] **To assist or advise in a statistical and research capacity [the Bureau of Correction] as requested by the Department of Corrections,** the Pennsylvania Board of Probation and Parole, the Pennsylvania State Police, the Juvenile Court Judges' Commission and the [State] Court Administrator.

(9) [It shall be the duty of the commission to] **To give adequate interpretation of such statistics and so to present the information that it may be of value in guiding the policies of the commission and of those in charge of the apprehension, prosecution and treatment of the criminals and delinquents, or concerned with the present state of crime and delinquency. The report shall include also statistics which are comparable with national uniform criminal statistics published by Federal bureaus or departments heretofore mentioned.**

(10) [The commission shall take advantage of] **To seek and utilize** all available Federal funds and establish new programs as well as undertake a continuous analysis of future data needs.

Section 5. Duties of public agencies and officers in reporting criminal statistics.

It shall be the duty of every [constable, chief of police, county police force, sheriff, coroner, district attorney, chief probation officer and of the Bureau of Correction in the Department of Justice, the Pennsylvania Board of Probation and Parole, the Pennsylvania State Police, the State Court Administrator, the Juvenile Court Judges' Commission, the Department of Public Welfare, State Fire Marshal, Pennsylvania Liquor Control Board, the Philadelphia Municipal and Traffic Courts, justices of the peace, county prison wardens, and every other person or agency dealing with crimes or criminals or with delinquency or delinquents] **Commonwealth agency and every person in charge of the apprehension, prosecution and treatment of the criminals and delinquents,** when requested by the commission:

(1) To install and maintain records and recording systems needed for the correct reporting of statistical data required by the commission.

(2) To report statistical data to the commission at such times and in such manner as the commission prescribes.

(3) To give to the staff of the commission access to statistical data for the purpose of carrying out the duties of the commission relative to criminal statistics.

Section 4. Section 6(a) of the act, amended June 22, 2001 (P.L.396, No.30), is amended and the section is amended by adding subsections to read:

Section 6. Juvenile Justice and Delinquency Prevention Committee.

(a) Establishment [and membership].--There is hereby established the Juvenile Justice and Delinquency Prevention Committee within the commission.

(a.1) Composition.--The members of the committee shall be appointed by the Governor and shall include:

(1) The Executive Director of the Juvenile Court Judges' Commission.

(2) [representation] Representatives of units of local government, law enforcement and juvenile justice agency probation personnel, juvenile court judges, [the Executive Director of the Juvenile Court Judges' Commission,] public and private agencies and organizations concerned with delinquency prevention or treatment and services to delinquency prevention or treatment and services to dependent children, community-based prevention in-treatment programs, organizations concerned with the quality of juvenile justice or that utilize volunteers to work with delinquent or dependent children, businesses employing youth, youth workers involved with alternative youth programs, persons with special experience and competence in addressing the problem of school violence and vandalism and the problem of learning disabilities and representatives of public agencies concerned with special education.

(a.2) Term.--Members shall serve for a four-year term, and may be appointed for no more than one additional consecutive term.

* * *

(f) Powers and duties.--The Juvenile Justice and Delinquency Prevention Committee shall have the power, and its duty shall be:

(1) To serve in an advisory capacity to the commission through the committee's participation in the development of that part of the commission's comprehensive plan relating to juvenile justice and delinquency prevention.

(2) To perform those functions related to the direct approval and disbursement of financial assistance in an advisory capacity only, but the advisory committee shall have the opportunity to review and comment on such applications within 30 days after receipt of the application from the commission.

(3) To advise the commission on the definition, development and correlation of programs and projects and the establishment of priorities for juvenile justice and delinquency prevention.

(4) To develop standards, methods and procedures for evaluating and monitoring services for delinquent and dependent children.

(5) Upon request, to provide assistance and advice to the commission on any other matters relating to juvenile justice and delinquency prevention.

(6) To submit to the Governor and the General Assembly such reports as may be required by Federal law.

(7) To advise the commission in defining and collaborating with all State agencies on planning and programming related to juvenile delinquency prevention and the reduction and prevention of violence by and against children.

(8) To advise and assist the commission in designing and promoting comprehensive research-based initiatives to assist communities and community-based organizations in reducing risk to and promoting the positive development of children and in preventing juvenile delinquency and youth violence.

(g) Staff support.--Staff support shall be made available to the committee by the executive director in order to adequately perform the duties provided for under this section.

Section 5. Section 7 of the act, amended June 22, 2001 (P.L.396, No.30), is repealed:

[Section 7. Powers and duties of the Juvenile Justice and Delinquency Prevention Committee.

The Juvenile Justice and Delinquency Prevention Committee shall have the power, and its duty shall be:

(1) Serve in an advisory capacity to the commission through the committee's participation in the development of that part of the commission's comprehensive plan relating to juvenile justice and delinquency prevention.

(2) Those functions related to the direct approval and disbursement of financial assistance shall be in an advisory capacity only, but the advisory committee shall have the opportunity to review and comment on such applications within 30 days after receipt of the application from the commission.

(3) To advise the commission on the definition, development and correlation of programs and projects and the establishment of priorities for juvenile justice and delinquency prevention.

(4) To develop standards, methods and procedures for evaluating and monitoring services for delinquent and dependent children.

(5) Upon request provide whatever assistance and advice to the commission on any other matters relating to juvenile justice and delinquency prevention.

(6) Staff support shall be made available to the Juvenile Justice and Delinquency Prevention Committee by the executive director in order to adequately perform the duties provided for in this section.

(7) Submit to the Governor and the General Assembly such reports as may be required by Federal Law.

(8) To advise the commission in defining and collaborating with all State agencies on planning and programming related to juvenile delinquency prevention and the reduction and prevention of violence by and against children.

(9) To advise and assist the commission in designing and promoting comprehensive research-based initiatives to assist communities and community-based organizations in reducing risk to and promoting the positive development of children and in preventing juvenile delinquency and youth violence.]

Section 6. Sections 7.1 and 7.2 of the act, added December 6, 2002 (P.L.1180, No.146), are repealed:

[Section 7.1. Targeted Community Revitalization and Crime Prevention Advisory Committee.

(a) Establishment.--There is hereby established the Targeted Community Revitalization and Crime Prevention Advisory Committee within the commission.

(b) Composition.--The committee shall consist of the following members or their designees:

- (1) The Secretary of Public Welfare.
- (2) The Secretary of Community and Economic Development.
- (3) The Secretary of Health.
- (4) The Secretary of Education.
- (5) The Secretary of Labor and Industry.
- (6) The Secretary of Conservation and Natural Resources.
- (7) The Executive Director of the Pennsylvania Housing

Finance Agency.

(8) The Executive Director of the Pennsylvania Commission on Crime and Delinquency.

(9) The Executive Director of the Governor's Advisory Commission on Latino Affairs.

(10) The Executive Director of the Governor's Advisory Commission on African American Affairs.

(11) The Executive Director of the Juvenile Court Judges' Commission.

(12) The Director of the Governor's Office of Policy Development.

(13) The Commissioner of the Pennsylvania State Police.

(14) The chairman of the Pennsylvania Board of Probation and Parole.

(15) Four members of the General Assembly, one of whom shall be designated by and serve at the pleasure of the President pro tempore of the Senate, one of whom shall be designated by and serve at the pleasure of the Minority Leader of the Senate, one of whom shall be designated by and serve at the pleasure of the Speaker of the House of Representatives and one of whom shall be designated by and serve at the pleasure of the Minority Leader of the House of Representatives. The members designated must have a targeted community in their legislative districts.

(16) Eight members who are located in or serve a targeted community, appointed by the Governor, one district attorney representative, one representative of county commissioners, one representative of community and economic development agencies, one representative of crime prevention agencies, one representative of a community-based organization, one representative of a faith-based organization, one nonsupervisory local law enforcement officer representative and one nonsupervisory Pennsylvania State Police representative.

(17) Five private citizens appointed by the Governor, all of whom reside in a targeted community.

(18) Such additional members appointed by the Governor, all of whom shall have experience and involvement in community revitalization and crime prevention efforts.

(c) Number and qualifications.--The committee shall consist of no more than 33 members, all of whom shall have had training or experience in law enforcement, social services, community revitalization or economic development.

(d) Conditions of appointment.--The committee and its members are subject to the same limitations and conditions

imposed upon the commission as prescribed in section 2(d), (e), (h), (m) and (n).

(e) Quorum.--A majority of the members shall constitute a quorum, and a vote of the majority of the members present shall be sufficient for all actions.

(f) Chairman.--The Governor shall appoint a chairman from among the members of the committee who shall serve at the pleasure of the Governor. A vice chairman shall be designated by the chairman and preside at meetings in the absence of the chairman. The committee shall meet at the call of the chairman but not less than four times a year.

Section 7.2. Powers and duties of Targeted Community Revitalization and Crime Prevention Advisory Committee.

(a) Powers and duties.--The Targeted Community Revitalization and Crime Prevention Advisory Committee shall have the power and its duty shall be to:

(1) Serve in an advisory capacity to the commission through the committee's participation in the development of that part of the commission's comprehensive plan relating to targeted crime prevention efforts and the revitalization of targeted communities.

(2) Serve in an advisory capacity to the commission on those functions related to the direct approval and disbursement of financial assistance. The committee shall have the opportunity to review and comment on applications after their receipt from the commission.

(3) Advise the commission on the definition, development and correlation of programs and projects and the establishment of priorities for supporting law enforcement and community partnerships developing comprehensive, targeted crime prevention efforts and a planning process for the revitalization of high-crime and distressed communities.

(4) Develop standards, methods and procedures for evaluating and monitoring services and programs for crime prevention efforts and the revitalization of targeted communities.

(5) Provide assistance and advice requested by the commission on any other matters relating to the crime prevention efforts and the revitalization of targeted communities.

(6) Submit to the Governor and the General Assembly reports as may be required by Federal and State law.

(b) Staff support.--Staff support shall be made available to the committee by the executive director of the commission in order for the committee to adequately perform the duties provided for in this section.]

Section 7. The act is amended by adding a section to read:

Section 8.1. Justice reinvestment grants.

(a) **Justice Reinvestment Fund.--The Justice Reinvestment Fund is established within the State Treasury to support programs and activities to improve the delivery of criminal justice services within this Commonwealth.**

(b) **Savings assessment.--For fiscal years 2013-2014 through 2017-2018, the Office of the Budget shall develop a formula to calculate the amount of savings to the Department of Corrections in the prior fiscal year. The calculation may include all of the following:**

(1) **The reduction in prison population because of the diversion to counties of mid-minimum and short-minimum offenders.**

(2) The elimination of prerelease programs and the improved efficiencies in the parole system, directly resulting from the act of July 5, 2012 (P.L.1050, No.122), entitled "An act amending Titles 18 (Crimes and Offenses), 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in burglary and other criminal intrusion, further providing for the offense of burglary; in other offenses, further providing for drug trafficking sentencing and penalties; in Pennsylvania Commission on Sentencing, further providing for powers and duties and for publication of guidelines; in sentencing, further providing for sentences for second and subsequent offenses; in sentencing, providing for sentencing for certain paroled offenders; in sentencing, further providing for sentencing generally, for disposition under guilty but mentally ill, for partial confinement, for total confinement and for proceedings and location; in sentencing, providing for court-imposed sanctions for offenders violating probation; in county intermediate punishment, further providing for definitions and for programs; in correctional institutions administration, further providing for drug distribution definitions; in inmate confinement visitation, further providing for Gubernatorial visitors, for official visitors and for rights of official visitors; in inmate confinement prerelease plans, further providing for establishment of prerelease centers, for prerelease plan for inmates, for regulations and for compensation of inmates; in inmate confinement motivational boot camps, further providing for definitions and for selection of inmate participants; in inmate confinement State intermediate punishment, further providing for definitions and for referral to State intermediate punishment program; in inmate confinement recidivism risk reduction incentive, further providing for definitions; in inmate confinement community corrections facilities, further providing for definitions; in inmate confinement, providing for safe community reentry and for community corrections centers and community corrections facilities; in probation and parole administration, further providing for certain offenders residing in group-based homes, for administrative powers over parolees, for general court criteria for parole, for parole power, for parole violation and for parole procedure; in probation and parole administration, providing for early parole subject to Federal order; making a related repeal; and abrogating regulations."

(c) Deposit.--

(1) In fiscal year 2013-2014, 75% of the amounts determined to be savings under subsection (b) are hereby appropriated to the fund.

(2) In fiscal year 2014-2015, the amounts determined to be savings under subsection (b) are hereby appropriated to the fund in an amount not to exceed \$21,000,000.

(d) Distributions.--For fiscal years 2013-2014 and 2014-2015, the money in the fund shall be transferred as follows:

(1) The sum of \$1,000,000 shall be distributed to the commission. At least 25% of the money under this paragraph shall be used for a Statewide automated victim information and notification system, 25% shall be used for victim service automated data collection and reporting projects and the balance of the money under this paragraph shall be used for programs for victims of juvenile offenders.

(2) The sum of \$400,000 shall be distributed to the Pennsylvania Commission on Sentencing to establish models for risk assessment under 42 Pa.C.S. § 2154.7 (relating to adoption of risk assessment instrument).

(3) Following distribution under paragraphs (1) and (2), the remaining money in the fund shall be distributed as follows:

(i) Forty-three percent to the commission to provide grants for innovative policing.

(ii) Twenty-one percent to the department to implement contracts with counties for offender diversion for mid-minimum offenders and short-minimum offenders.

(iii) Twenty-six percent to the commission for grants, in consultation with the Pennsylvania Board of Probation and Parole, for county probation improvement, to include the reduction of offenders on probation who violate the terms of their supervision.

(iv) Six percent to the board for costs related to streamlining the State parole process.

(v) Four percent to the department to support the coordinated implementation by the board and the department of the program under 61 Pa.C.S. Ch. 49 (relating to safe community reentry), including the outreach to and use of community organizations and other nonprofit and for-profit entities.

(e) Appropriation.--Beginning in fiscal year 2013-2014, if county participation in the program under subsection (d)(3)(ii) exceeds the amount authorized, the General Assembly may appropriate additional money to the fund for offender diversion for mid-minimum offenders and short-minimum offenders.

(f) Additional distributions.--For fiscal years 2015-2016 through 2017-2018, 25% of the amount determined to be savings under subsection (b) shall be deposited in the fund and appropriated by the General Assembly for activities related to sentencing, victim services, contracts for offender diversion, innovative policing, community reentry programs or probation and county parole improvement.

(g) Restriction.--Grants awarded under this section shall be annual grants and shall be used to supplement and not supplant existing funding, including funding provided by county governments and grant-in-aid under 61 Pa.C.S. § 6133(c) (relating to probation services).

(h) Criteria.--The commission, in consultation with the board, shall adopt criteria for the award of grants by the commission under this subsection.

(i) Expiration.--This section shall expire July 15, 2018.

Section 8. This act shall take effect in 60 days.

APPROVED--The 25th day of October, A.D. 2012.

TOM CORBETT