
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 480 Session of
1997

INTRODUCED BY KASUNIC, O'PAKE, STOUT, HART, STAPLETON, BELAN,
RHOADES AND COSTA, FEBRUARY 12, 1997

REFERRED TO JUDICIARY, FEBRUARY 12, 1997

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, authorizing disposition
3 of delinquent children to motivational boot camps.

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

6 Section 1. Section 6352 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6352. Disposition of delinquent child.

9 (a) General rule.--If the child is found to be a delinquent
10 child the court may make any of the following orders of
11 disposition determined to be consistent with the protection of
12 the public interest and best suited to the child's treatment,
13 supervision, rehabilitation and welfare, which disposition
14 shall, as appropriate to the individual circumstances of the
15 child's case, provide balanced attention to the protection of
16 the community, the imposition of accountability for offenses
17 committed and the development of competencies to enable the
18 child to become a responsible and productive member of the

1 community:

2 (1) Any order authorized by section 6351 (relating to
3 disposition of dependent child).

4 (2) Placing the child on probation under supervision of
5 the probation officer of the court or the court of another
6 state as provided in section 6363 (relating to ordering
7 foreign supervision), under conditions and limitations the
8 court prescribes.

9 (3) Committing the child to an institution, youth
10 development center, camp, motivational boot camp or other
11 facility for delinquent children operated under the direction
12 or supervision of the court or other public authority and
13 approved by the Department of Public Welfare.

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

17 (5) Ordering payment by the child of reasonable amounts
18 of money as fines, costs or restitution as deemed appropriate
19 as part of the plan of rehabilitation considering the nature
20 of the acts committed and the earning capacity of the child.
21 For an order made under this subsection, the court shall
22 retain jurisdiction until there has been full compliance with
23 the order or until the delinquent child attains 21 years of
24 age. Any restitution order which remains unpaid at the time
25 the child attains 21 years of age shall continue to be
26 collectible under section 9728 (relating to collection of
27 restitution, reparation, fees, costs, fines and penalties).

28 (6) An order of the terms of probation may include an
29 appropriate fine considering the nature of the act committed
30 or restitution not in excess of actual damages caused by the

1 child which shall be paid from the earnings of the child
2 received through participation in a constructive program of
3 service or education acceptable to the victim and the court
4 whereby, during the course of such service, the child shall
5 be paid not less than the minimum wage of this Commonwealth.
6 In ordering such service, the court shall take into
7 consideration the age, physical and mental capacity of the
8 child and the service shall be designed to impress upon the
9 child a sense of responsibility for the injuries caused to
10 the person or property of another. The order of the court
11 shall be limited in duration consistent with the limitations
12 in section 6353 (relating to limitation on and change in
13 place of commitment) and in the act of May 13, 1915 (P.L.286,
14 No.177), known as the Child Labor Law. The court order shall
15 specify the nature of the work, the number of hours to be
16 spent performing the assigned tasks, and shall further
17 specify that as part of a plan of treatment and
18 rehabilitation that up to 75% of the earnings of the child be
19 used for restitution in order to provide positive
20 reinforcement for the work performed.

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

29 (b) Limitation on place of commitment.--A child shall not be
30 committed or transferred to a penal institution or other

- 1 facility used primarily for the execution of sentences of adults
- 2 convicted of a crime.
- 3 Section 2. This act shall take effect in 60 days.