

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 528 Session of
1997

INTRODUCED BY O'PAKE, MELLOW, FUMO, STAPLETON, STOUT, HUGHES,
KUKOVICH, WILLIAMS, COSTA, HART, RHOADES, SCHWARTZ AND BELAN,
FEBRUARY 25, 1997

REFERRED TO JUDICIARY, FEBRUARY 25, 1997

AN ACT

1 Amending the act of November 22, 1978 (P.L.1166, No.274),
2 entitled "An act establishing the Pennsylvania Commission on
3 Crime and Delinquency, providing for its powers and duties
4 establishing several advisory committees within the
5 commission and providing for their powers and duties,"
6 further providing for powers and duties of the Pennsylvania
7 Commission on Crime and Delinquency.

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

10 Section 1. Section 3 of the act of November 22, 1978
11 (P.L.1166, No.274), referred to as the Pennsylvania Commission
12 on Crime and Delinquency Law, is amended by adding a paragraph
13 to read:

14 Section 3. Powers and duties of the commission.

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

16 * * *

17 (17) To establish and administratively support a
18 correctional population projections committee which shall
19 prepare and present to the Governor and to the General
20 Assembly an analysis of any bill introduced in the General

1 Assembly that would have an impact on prison or jail systems
2 as well as on State and local probation and parole
3 populations and programs. The committee's membership shall
4 include representatives of the commission, one of whom shall
5 serve as chairperson, the Office of the Budget, the
6 Department of Corrections, the Pennsylvania Board of
7 Probation and Parole, the Pennsylvania Commission on
8 Sentencing, the Chairman and Minority Chairman of the
9 Appropriations Committee of the Senate and the Chairman and
10 Minority Chairman of the Appropriations Committee of the
11 House of Representatives or their designees and any other
12 agencies whose participation is deemed necessary by the
13 committee.

14 Section 2. The act is amended by adding a section to read:
15 Section 9.1. Impact analysis utilization by General Assembly.

16 (a) Note required for bills.--Except as otherwise provided
17 in subsection (d)(1), no bill which effects changes in
18 sentencing provisions for any crime, including, without
19 limitation, the setting of mandatory terms of imprisonment,
20 sentencing alternatives and disposition for offenses committed
21 by juveniles; or that establishes any new crime or subcategory
22 of crime shall be given second consideration in either house of
23 the General Assembly until the committee has attached an impact
24 analysis of the proposed change.

25 (b) Note required for amendments.--Except as otherwise
26 provided in subsection (d)(2), no amendment to any bill which
27 effects changes in sentencing provisions for any crime,
28 including, without limitation, the setting of mandatory terms of
29 imprisonment, sentencing alternatives and disposition for
30 offenses committed by juveniles; or that establishes any new

1 crime or subcategory of crime shall be considered by either
2 house of the General Assembly until the committee has attached
3 an impact analysis.

4 (c) Contents of note.--The impact analysis shall be factual,
5 and shall wherever possible provide a reliable estimate of both
6 the immediate cost and effect of the bill and, if determinable
7 or reasonably foreseeable, the long-range fiscal cost and effect
8 of the bill on State and local prison or jail systems and
9 probation and parole populations and programs. The report shall
10 state wherever practicably possible the cost and population
11 impact within the following categories:

12 (1) Department of Corrections, operating and capital
13 expenses.

14 (2) Pennsylvania Board of Probation and Parole, operating
15 and capital expenses.

16 (3) Department of Public Welfare, operating and capital
17 expenses.

18 (4) Local prisons and jails, operating and capital expenses.

19 (5) County probation and parole, operating and capital
20 expenses.

21 (6) Local youth services, operating and capital expenses.

22 (7) Police operations.

23 (8) Judicial operations.

24 (d) Effect of failure of commission to attach note.--

25 (1) If the committee fails to attach an impact analysis
26 within 15 legislative days of a bill's first consideration by
27 its house of origin, the bill may be further considered in
28 the same manner as if the impact analysis had been attached
29 to the bill.

30 (2) If the committee fails to attach an impact analysis

1 within 15 legislative days after an amendment to a bill
2 proposing a change which shall have an impact on prison or
3 jail systems as well as on State and local probation and
4 parole populations, the amendment may be considered in the
5 same manner as if the impact analysis had been attached to
6 the amendment.

7 Section 3. This act shall take effect immediately.