

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 657 Session of
1997

INTRODUCED BY GREENLEAF, O'PAKE, HECKLER, LEMMOND, WAGNER,
COSTA, SALVATORE, TOMLINSON AND KUKOVICH, MARCH 7, 1997

REFERRED TO JUDICIARY, MARCH 7, 1997

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further defining "child";
3 defining "extended jurisdiction juvenile"; further providing
4 for adjudication, for disposition of delinquent child and for
5 limitation on and change in place of commitment; and
6 providing for extended jurisdiction juvenile.

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

9 Section 1. The definition of "child" in section 6302 of
10 Title 42 of the Pennsylvania Consolidated Statutes is amended
11 and the section is amended by adding a definition to read:

12 § 6302. Definitions.

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

16 "Child." An individual who:

17 (1) is under the age of 18 years;

18 (2) is under the age of 21 years who committed an act of
19 delinquency before reaching the age of 18 years; or

1 (3) was adjudicated dependent before reaching the age of
2 18 years and who, while engaged in a course of instruction or
3 treatment, requests the court to retain jurisdiction until
4 the course has been completed, but in no event shall a child
5 remain in a course of instruction or treatment past the age
6 of 21 years. Nothing in this definition shall be construed to
7 prohibit the court from sentencing an extended jurisdiction
8 juvenile to a sentence which may extend beyond the age of 21
9 years.

10 * * *

11 "Extended jurisdiction juvenile." A child who is certified
12 as an extended jurisdiction juvenile by the court under section
13 6355.1 (relating to extended jurisdiction juvenile).

14 * * *

15 Section 2. Section 6341(b) of Title 42 is amended to read:
16 § 6341. Adjudication.

17 * * *

18 (b) Finding of delinquency.--If the court finds on proof
19 beyond a reasonable doubt that the child committed the acts by
20 reason of which he is alleged to be delinquent it shall enter
21 such finding on the record and it shall then proceed immediately
22 or at a postponed hearing, which shall occur not later than 20
23 days after adjudication if the child is in detention, to hear
24 evidence as to whether the child is in need of treatment,
25 supervision or rehabilitation and to make and file its findings
26 thereon. In the absence of evidence to the contrary, evidence of
27 the commission of acts which constitute a felony shall be
28 sufficient to sustain a finding that the child is in need of
29 treatment, supervision or rehabilitation and shall require the
30 court to conduct a hearing to determine whether the child should

1 be certified as an extended jurisdiction juvenile. If the court
2 finds that the child is not in need of treatment, supervision or
3 rehabilitation it shall dismiss the proceeding and discharge the
4 child from any detention or other restriction theretofore
5 ordered.

6 * * *

7 Section 3. Sections 6352 and 6353 are amended by adding
8 subsections to read:

9 § 6352. Disposition of delinquent child.

10 * * *

11 (c) Exception.--Subsection (a) shall not apply to the
12 disposition of a delinquent child who is certified as an
13 extended jurisdiction juvenile.

14 § 6353. Limitation on and change in place of commitment.

15 * * *

16 (d) Exception.--Subsections (a) and (b) shall not apply to
17 extended jurisdiction juveniles.

18 Section 4. Title 42 is amended by adding a section to read:

19 § 6355.1. Extended jurisdiction juvenile.

20 (a) Petition.--The court shall conduct a hearing to
21 determine whether a child shall be certified as an extended
22 jurisdiction juvenile if all of the following occur:

23 (1) A petition is filed alleging the delinquency of a
24 child who was 14 years of age or older at the time of the
25 alleged offense and the delinquency petition is based on
26 conduct which is a felony under the laws of this
27 Commonwealth.

28 (2) The child is not transferred under section 6355
29 (relating to transfer to criminal proceedings) to the court
30 assigned to conduct criminal proceedings or, if the child has

1 been transferred to the criminal court, the child is then
2 transferred from that court back to the court assigned to
3 conduct juvenile hearings pursuant to section 6322 (relating
4 to transfer from criminal proceedings).

5 (3) The court makes a finding of delinquency under
6 section 6341 (relating to adjudication).

7 (b) Hearing.--The hearing to determine whether a child shall
8 be certified as an extended jurisdiction juvenile shall be
9 conducted in conformity with the provisions of this chapter. The
10 child shall have the right to trial by jury on the issue of
11 guilt and shall have the right to counsel.

12 (c) Findings.--The court shall certify a child as an
13 extended jurisdiction juvenile if the court finds all of the
14 following:

15 (1) The child was 14 years of age or older at the time
16 of the alleged offense.

17 (2) The hearing resulted in a finding that the child was
18 guilty of the alleged offense beyond a reasonable doubt.

19 (3) The child is a danger to society as a high risk
20 juvenile offender based on the following criteria:

21 (i) Offender's prior criminal record as a juvenile.

22 (ii) Age of the victim.

23 (iii) Whether the offense involved multiple victims.

24 (iv) Use of illegal drugs by the offender.

25 (v) Whether the offender successfully completed any
26 prior sentence or program to which he was committed
27 following an adjudication by a court.

28 (vi) Any mental illness or mental disability of the
29 offender.

30 (vii) If the offense included a display of unusual

1 cruelty by the offender during the commission of the
2 crime.

3 (d) Disposition.--If a child is certified as an extended
4 jurisdiction juvenile, the court shall impose an adult criminal
5 sentence consistent with the sentencing guidelines and
6 applicable statutes for the offense committed.

7 (e) Place of confinement.--The extended jurisdiction
8 juvenile shall serve his sentence in a youth development center.
9 If the extended jurisdiction juvenile has not completed his
10 sentence by 21 years of age, the court shall hold a hearing
11 under subsection (f) to determine whether the extended
12 jurisdiction juvenile shall complete his sentence and, if so,
13 whether the extended jurisdiction juvenile shall complete his
14 sentence in a youth development center or whether the juvenile
15 shall be placed under the jurisdiction of the Department of
16 Corrections. The court may determine that the extended
17 jurisdiction juvenile remain in a youth development center up to
18 and including 24 years of age. Thereafter, the extended
19 jurisdiction juvenile shall be transferred to the Department of
20 Corrections for the remainder of his sentence.

21 (f) Hearing.--The hearing under subsection (e) shall be held
22 no later than 60 days prior to when the extended jurisdiction
23 juvenile becomes 21 years of age. The extended jurisdiction
24 juvenile shall have notice of the hearing and shall be given an
25 opportunity to be heard. The extended jurisdiction juvenile
26 shall have the right to counsel. The court shall review the
27 extended jurisdiction juvenile's record, including his conduct
28 and participation in programs in the youth development center
29 and make a determination of whether the juvenile is sufficiently
30 rehabilitated to no longer present a danger to society.

1 Section 5. This act shall take effect in 60 days.