

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 793 Session of  
2005

INTRODUCED BY DALLY, BARRAR, CALTAGIRONE, CAPPELLI, CORRIGAN,  
CRAHALLA, CREIGHTON, DeWEESE, GEIST, GRUCELA, HENNESSEY,  
JAMES, REICHLEY, SAMUELSON, SATHER, SCAVELLO, STABACK, TIGUE,  
WALKO AND DENLINGER, MARCH 14, 2005

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 14, 2005

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 detention of children under certain circumstances.

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

6 Section 1. Section 6325 of Title 42 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 6325. Detention of child.

9 [A] (a) General rule.--Except as otherwise provided for in  
10 subsection (b), a child taken into custody shall not be detained  
11 or placed in shelter care prior to the hearing on the petition  
12 unless his detention or care is required to protect the person  
13 or property of others or of the child or because the child may  
14 abscond or be removed from the jurisdiction of the court or  
15 because he has no parent, guardian, or custodian or other person  
16 able to provide supervision and care for him and return him to  
17 the court when required, or an order for his detention or

shelter care has been made by the court pursuant to this chapter.

(b) Possession of a firearm on school property.--

(1) A child taken into custody for a violation of 18 Pa.C.S. § 912(b) (relating to possession of weapon on school property) when the weapon is a firearm or explosive device shall be detained in the appropriate juvenile justice setting until the court or master conducts an informal hearing pursuant to section 6332 (relating to informal hearing) to determine whether the child's further detention is required to protect the person or property of himself or others.

(2) Prior to the informal hearing, but in no case not later than 72 hours after the child has been placed in detention or shelter care, the court or master shall order the child to undergo a psychological evaluation by a licensed physician or clinical psychologist to determine whether the child is a clear and present danger to himself or others. A report of the evaluation shall be made available to the court prior to the informal hearing.

Section 2. This act shall take effect in 30 days.