

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 68

Session of
2005

INTRODUCED BY KASUNIC, COSTA, GREENLEAF, O'PAKE, STOUT,
RAFFERTY, LAVALLE, KITCHEN, D. WHITE, PIPPY, LOGAN, BOSCOLA,
STACK AND WAUGH, FEBRUARY 10, 2005

REFERRED TO JUDICIARY, FEBRUARY 10, 2005

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, amended November 30, 2004 (P.L.1703,
8 No.217), is amended to read:

9 § 6352. Disposition of delinquent child.

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

1 child to become a responsible and productive member of the
2 community:

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

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

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

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

18 (5) Ordering payment by the child of reasonable amounts
19 of money as fines, costs, fees or restitution as deemed
20 appropriate as part of the plan of rehabilitation considering
21 the nature of the acts committed and the earning capacity of
22 the child, including a contribution to a restitution fund.

23 The president judge of the court of common pleas shall
24 establish a restitution fund for the deposit of all
25 contributions to the restitution fund which are received or
26 collected. The president judge of the court of common pleas
27 shall promulgate written guidelines for the administration of
28 the fund. Disbursements from the fund shall be made, subject
29 to the written guidelines and the limitations of this
30 chapter, at the discretion of the president judge and used to

1 reimburse crime victims for financial losses resulting from
2 delinquent acts. For an order made under this subsection, the
3 court shall retain jurisdiction until there has been full
4 compliance with the order or until the delinquent child
5 attains 21 years of age. Any restitution order which remains
6 unpaid at the time the child attains 21 years of age shall
7 continue to be collectible under section 9728 (relating to
8 collection of restitution, reparation, fees, costs, fines and
9 penalties).

10 (6) An order of the terms of probation may include an
11 appropriate fine considering the nature of the act committed
12 or restitution not in excess of actual damages caused by the
13 child which shall be paid from the earnings of the child
14 received through participation in a constructive program of
15 service or education acceptable to the victim and the court
16 whereby, during the course of such service, the child shall
17 be paid not less than the minimum wage of this Commonwealth.
18 In ordering such service, the court shall take into
19 consideration the age, physical and mental capacity of the
20 child and the service shall be designed to impress upon the
21 child a sense of responsibility for the injuries caused to
22 the person or property of another. The order of the court
23 shall be limited in duration consistent with the limitations
24 in section 6353 (relating to limitation on and change in
25 place of commitment) and in the act of May 13, 1915 (P.L.286,
26 No.177), known as the Child Labor Law. The court order shall
27 specify the nature of the work, the number of hours to be
28 spent performing the assigned tasks, and shall further
29 specify that as part of a plan of treatment and
30 rehabilitation that up to 75% of the earnings of the child be

1 used for restitution in order to provide positive
2 reinforcement for the work performed.

3 In selecting from the alternatives set forth in this section,
4 the court shall follow the general principle that the
5 disposition imposed should provide the means through which the
6 provisions of this chapter are executed and enforced consistent
7 with section 6301(b) (relating to purposes) and when confinement
8 is necessary, the court shall impose the minimum amount of
9 confinement that is consistent with the protection of the public
10 and the rehabilitation needs of the child.

11 (b) Limitation on place of commitment.--A child shall not be
12 committed or transferred to a penal institution or other
13 facility used primarily for the execution of sentences of adults
14 convicted of a crime.

15 Section 2. This act shall take effect in 60 days.