

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 117 Session of 2007

INTRODUCED BY COSTA, BOSCOLA, FONTANA, TARTAGLIONE, KITCHEN, STOUT, EARLL, RAFFERTY, ERICKSON, O'PAKE, C. WILLIAMS, BROWNE, FERLO, LOGAN AND WASHINGTON, MARCH 5, 2007

AS AMENDED ON SECOND CONSIDERATION, OCTOBER 15, 2007

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for the
3 establishment and operation of the Juvenile Court Judges'
4 Commission in the Department of Justice; prescribing its
5 powers and duties; and repealing provisions relating to
6 Juvenile Court Judges' Commission.

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

9 Section 1. Title 42 of the Pennsylvania Consolidated
10 Statutes is amended by adding a subchapter to read:

11 SUBCHAPTER F

12 JUVENILE COURT JUDGES' COMMISSION

13 Sec.

14 6371. Definitions.

15 6372. Juvenile Court Judges' Commission.

16 6373. Powers and duties.

17 6374. Power to make grants.

18 6375. Funding.

19 § 6371. Definitions.

1 The following words and phrases when used in this subchapter
2 shall have the meanings given to them in this section unless the
3 context clearly indicates otherwise:

4 "Commission." The Juvenile Court Judges' Commission created
5 pursuant to section 6372(a) (relating to Juvenile Court Judges'
6 Commission).

7 "Commissioner." A member appointed to the Juvenile Court
8 Judges' Commission pursuant to section 6372(b) (relating to
9 Juvenile Court Judges' Commission).

10 § 6372. Juvenile Court Judges' Commission.

11 (a) Establishment.--There is hereby established in the
12 Office of General Counsel the Juvenile Court Judges' Commission.

13 (b) Composition.--The commission shall consist of nine
14 judges who shall be appointed by the Governor from a list of
15 judges, serving in the juvenile courts, selected and submitted
16 by the Chief Justice of Pennsylvania.

17 (c) Tenure.--Of the first nine appointees to the commission,
18 three shall serve for three years, three for two years and three
19 for one year. After the initial term, the term for all members
20 shall be three years.

21 (d) Officers.--The commission shall annually select one of
22 its members as chairman and one member as secretary.

23 (e) Staff.--The chairman, with the approval of the majority
24 of the commission, may appoint and fix the compensation of
25 assistants, clerks and stenographers as he deems necessary to
26 enable the commission to perform its powers and duties. During
27 his term of employment, no assistant shall engage, directly or
28 indirectly, in the practice of law in any juvenile court in this
29 Commonwealth.

30 (f) Staff compensation.--The compensation of the assistants,

1 clerks and stenographers shall be fixed within limitations fixed
2 by the Executive Board and shall be eligible to apply for
3 membership in the State Employees' Retirement System.

4 (g) Meetings.--Each year there shall be quarterly meetings
5 of the commission, and such additional meetings as the chairman
6 shall deem necessary. Each commissioner attending the meetings
7 shall be paid only his necessary expenses incurred in attending
8 the meetings. Five members of the commission shall constitute a
9 quorum at meetings.

10 § 6373. Powers and duties.

11 The commission shall have the power and is required to do the
12 following:

13 (1) Advise the juvenile court judges of this
14 Commonwealth in all matters pertaining to the proper care and
15 maintenance of delinquent and dependent children.

16 (2) Examine the administrative methods and judicial
17 procedure used in juvenile courts throughout this
18 Commonwealth, establish standards and make recommendations on
19 the same to the courts presiding over juvenile proceedings
20 within this Commonwealth.

21 (3) Examine the personnel practices and employment
22 standards used in probation offices in this Commonwealth,
23 establish standards and make recommendations on the same to
24 courts presiding over juvenile proceedings within this
25 Commonwealth.

26 (4) Collect, compile and publish such statistical and
27 other data as may be needed to accomplish reasonable and
28 efficient administration of the juvenile courts system.

29 § 6374. Power to make grants.

30 The Office of General Counsel, by and through the commission, <—

1 COMMISSION shall have the power, and its duty shall be, to make
2 annual grants to political subdivisions for the development and
3 improvement of probation services for juveniles.

4 § 6375. Funding.

5 The General Assembly shall annually appropriate such sums as
6 may be necessary for the operation and expenses of the
7 commission.

8 Section 2. Repeals are as follows:

9 (1) The General Assembly declares that the repeals under
10 paragraphs (2) and (3) are necessary to effectuate the
11 addition of 42 Pa.C.S. Ch. 63 Subch. F.

12 (2) The act of December 21, 1959 (P.L.1962, No.717)
13 entitled "An act providing for the creation and operation of
14 the Juvenile Court Judges' Commission in the Department of
15 Justice; prescribing its powers and duties; and making an
16 appropriation."

17 (3) Sections 905.1 and 905.2 of the act of April 9, 1929
18 (P.L.177, No.175), known as The Administrative Code of 1929.

19 Section 3. This act shall be a continuation of the act of
20 December 21, 1959 (P.L.1962, No.717), entitled "An act providing
21 for the creation and operation of the Juvenile Court Judges'
22 Commission in the Department of Justice; prescribing its powers
23 and duties; and making an appropriation." The following apply:

24 (1) Except as otherwise provided in 42 Pa.C.S. Ch. 63
25 Subch. F, all activities initiated under the act of December
26 21, 1959 (P.L.1962, No.717), entitled "An act providing for
27 the creation and operation of the Juvenile Court Judges'
28 Commission in the Department of Justice; prescribing its
29 powers and duties; and making an appropriation," shall
30 continue and remain in full force and effect and may be

1 completed under 42 Pa.C.S. Ch. 63 Subch. F. Orders,
2 regulations, rules and decisions, which were made under the
3 act of December 21, 1959 (P.L.1962, No.717), and which are in
4 effect on the effective date of section 2 shall remain in
5 full force and effect until revoked, vacated or modified
6 under 42 Pa.C.S. Ch. 63 Subch. F. Contracts, obligations and
7 collective bargaining agreements entered into under the act
8 of December 21, 1959 (P.L.1962, No.717) are not affected nor
9 impaired by the repeal of the act of December 21, 1959
10 (P.L.1962, No.717).

11 (2) Any difference in language between 42 Pa.C.S. Ch. 63
12 Subch. F and the act of December 21, 1959 (P.L.1962, No.717)
13 is intended only to conform to the style of the Pennsylvania
14 Consolidated Statutes and is not intended to change or affect
15 the legislative intent, judicial construction or
16 administration and implementation of the act of December 21,
17 1959 (P.L.1962, No.717).

18 Section 4. This act shall be a continuation of sections
19 905.1 and 905.2 of the act of April 9, 1929 (P.L.177, No.175),
20 known as The Administrative Code of 1929. The following apply:

21 (1) Except as otherwise provided in 42 Pa.C.S. Ch. 63
22 Subch. F, all activities initiated under sections 905.1 and
23 905.2 of The Administrative Code of 1929 shall continue and
24 remain in full force and effect and may be completed under 42
25 Pa.C.S. Ch. 63 Subch F. Orders, regulations, rules and
26 decisions, which were made under sections 905.1 and 905.2 of
27 The Administrative Code of 1929 and which are in effect on
28 the effective date of section 2 of this act shall remain in
29 full force and effective until revoked, vacated or modified
30 under 42 Pa.C.S. Ch. 63 Subch. F. Contracts, obligations and

1 collective bargaining agreements entered into under sections
2 905.1 and 905.2 of The Administrative Code of 1929 are not
3 affected nor impaired by the repeal of sections 905.1 and
4 905.2 of The Administrative Code of 1929.

5 (2) Any difference in language between 42 Pa.C.S. Ch. 63
6 Subch. F and sections 905.1 and 905.2 of The Administrative
7 Code of 1929 is intended only to conform to the style of the
8 Pennsylvania Consolidated Statutes and is not intended to
9 change or affect the legislative intent, judicial
10 construction or administration and implementation of sections
11 905.1 and 905.2 of The Administrative Code of 1929.
12 Section 5. This act shall take effect immediately.