

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 THIRD CONSIDERATION, OCTOBER 16, 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.

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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:

SUBCHAPTER F

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 commission shall have the power, and its duty shall be,

1 to make annual grants to political subdivisions for the  
2 development and improvement of probation services for juveniles.  
3 § 6375. Funding.

4 The General Assembly shall annually appropriate such sums as  
5 may IT DEEMS TO be necessary for the operation and expenses of ←  
6 the commission.

7 Section 2. Repeals are as follows:

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

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

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

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

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

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

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

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

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

1 sections 905.1 and 905.2 of The Administrative Code of 1929  
2 are not affected nor impaired by the repeal of sections 905.1  
3 and 905.2 of The Administrative Code of 1929.

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