
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 627 Session of
2007

INTRODUCED BY GREENLEAF, COSTA, BROWNE, STACK, O'PAKE, KITCHEN,
TOMLINSON, FERLO AND WASHINGTON, MARCH 21, 2007

REFERRED TO JUDICIARY, MARCH 21, 2007

AN ACT

1 Establishing the Capital Case Representation Resource Center of
2 Pennsylvania for capital offense litigation; and providing
3 for its duties and responsibilities.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Capital Case
8 Representation Resource Center Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Board of directors" or "directors." The board of directors
14 of the Capital Case Representation Resource Center of
15 Pennsylvania.

16 "Executive director." The executive director of the Capital
17 Case Representation Resource Center of Pennsylvania.

18 "Resource center." The Capital Case Representation Resource

1 Center of Pennsylvania established under section 3.

2 Section 3. Capital Case Representation Resource Center of
3 Pennsylvania.

4 (a) Establishment.--There is hereby established an
5 independent agency to be known as the Capital Case
6 Representation Resource Center of Pennsylvania.

7 (b) Operation.--A board of directors representative of the
8 criminal defense bar of this Commonwealth shall oversee the
9 operation of the resource center.

10 (c) Rules and regulations.--The board of directors may
11 promulgate rules and regulations necessary to carry out its
12 duties and the duties of the resource center under this act.

13 Section 4. Board of directors.

14 (a) Composition.--The board of directors shall consist of
15 five directors and be representative of the criminal defense bar
16 of this Commonwealth. Directors shall be as follows:

17 (1) A county public defender, appointed by the Chief
18 Justice of Pennsylvania.

19 (2) A member of the Pennsylvania Bar Association with a
20 background in criminal defense, appointed by the Chief
21 Justice of Pennsylvania.

22 (3) A member of the Pennsylvania Association of Criminal
23 Defense Lawyers, appointed by the Governor.

24 (4) Two representatives of the legal academic community
25 with a background in criminal defense from law schools in
26 this Commonwealth, appointed by the Governor.

27 (b) Chairperson and vice chairperson.--The directors shall
28 annually elect, by a majority vote of the voting members, a
29 chairperson and a vice chairperson.

30 (c) Quorum.--Three directors shall constitute a quorum for

1 the transaction of any business, and any act by the majority of
2 the directors present at any meeting in which there is a quorum
3 shall be deemed to be an act of the board of directors.

4 (d) Compensation and expenses.--The directors shall not
5 receive a salary or per diem allowance for serving as directors
6 but shall be reimbursed for actual and necessary expenses
7 incurred in the performance of their duties. Expenses may
8 include reimbursement of travel and living expenses while
9 engaged in resource center business.

10 (e) Terms of directors.--

11 (1) Each director shall serve for a term of three years
12 and shall continue to serve thereafter until a successor is
13 appointed, except that, of the directors first appointed:

14 (i) The director appointed by the Chief Justice of
15 Pennsylvania from the Pennsylvania Bar Association and
16 the director appointed by the Governor from the
17 Pennsylvania Association of Criminal Defense Lawyers
18 shall serve for terms to expire on June 30 of the year
19 following their appointments.

20 (ii) The director who is a county public defender
21 appointed by the Chief Justice of Pennsylvania shall
22 serve for a term to expire on June 30 of the second year
23 following the appointment.

24 (iii) The directors appointed by the Governor from
25 the legal academic community shall serve for terms to
26 expire on June 30 of the third year following their
27 appointments.

28 (2) Directors shall be eligible for reappointment.

29 Vacancies on the board of directors shall be filled by the
30 appointing authority within 60 days of the vacancy.

1 (3) A director may be removed for just cause by the
2 appointing authority.

3 (f) General powers.--The board of directors shall exercise
4 all powers necessary and appropriate to carry out its duties,
5 including the following:

6 (1) To employ an executive director and other staff
7 necessary to carry out the responsibilities of the resource
8 center and engage professional consultants, as it deems
9 necessary, to assist in the performance of the
10 responsibilities of the resource center.

11 (2) To fix the compensation of all employees and
12 prescribe their duties.

13 (3) To oversee the operation of the resource center.

14 (4) To prepare an annual budget for the operation of the
15 resource center.

16 (5) To solicit funds from any source for the operation
17 of the resource center.

18 Section 5. Executive director.

19 (a) Appointment.--The board of directors shall appoint an
20 executive director for the resource center.

21 (b) Qualifications.--The executive director shall have the
22 following qualifications:

23 (1) Extensive trial and appellate experience in the
24 defense of capital cases.

25 (2) Administrative skills necessary to coordinate the
26 activities of the resource center and its staff.

27 (c) Responsibilities.--The responsibilities of the executive
28 director shall include the following:

29 (1) To oversee the overall daily operation of the
30 resource center.

1 (2) To make personnel decisions for the resource center
2 with the approval of the board of directors.

3 (3) To develop an operational budget for the resource
4 center and aid the board of directors in raising the
5 necessary finances to sustain the operation of the resource
6 center.

7 (4) To identify and develop resources.

8 (5) To aid attorneys involved in capital case litigation
9 in the Federal and State courts of this Commonwealth.

10 (6) To represent capital case litigants sentenced to
11 death in this Commonwealth in direct appeals or
12 postconviction proceedings in the courts of this Commonwealth
13 and in the United States Supreme Court on an as-needed basis
14 where counsel is not otherwise available.

15 (d) Term of office.--The executive director shall serve at
16 the pleasure of the board of directors.

17 Section 6. Resource center.

18 The resource center shall perform the following duties and
19 have the following responsibilities:

20 (1) Track all capital cases through the trial, appellate
21 and postconviction levels in order to further the providing
22 of continuing, competent representation and gather data
23 relevant to ongoing representation.

24 (2) Through recruitment and screening, establish and
25 maintain a panel of attorneys who are qualified and available
26 to represent persons at all levels of litigation in capital
27 cases in the courts of this Commonwealth.

28 (3) When requested, provide assistance to attorneys
29 involved in capital case litigation at all stages in
30 identifying legal issues and preparing appropriate legal

1 documents and arguments on behalf of their clients.

2 (4) Coordinate educational resources with national and
3 other state organizations which provide legal assistance to
4 inmates charged with capital offenses or under death
5 sentences in other states at both the Federal and state
6 levels.

7 (5) Develop Commonwealth-specific resources and
8 coordinate continuing legal education activities concerning
9 capital case litigation.

10 (6) Directly represent capital case litigants sentenced
11 to death in this Commonwealth in direct appeals or
12 postconviction proceedings in the courts of this Commonwealth
13 and in appeals therefrom in the United States Supreme Court,
14 on an as-needed basis where counsel is not otherwise
15 available to the extent possible given the limited resources
16 and other primary duties and responsibilities of the resource
17 center as set forth in paragraphs (1) through (5). Resource
18 center staff attorneys shall not represent or participate in
19 the representation of capital case litigants other than as
20 provided in this act.

21 (7) Identify counsel from across this Commonwealth and
22 outside this Commonwealth who are available for appointment
23 and assist the courts involved in the appointment process and
24 offer support for appointed attorneys.

25 (8) Serve, upon request, as a liaison between counsel
26 litigating Federal appeals and those litigating unexhausted
27 issues in the State courts.

28 (9) Assume responsibility for monitoring representation
29 in all capital case trials, appeals and postconviction
30 proceedings.

1 (10) Carefully track and, upon request, provide
2 assistance to all attorneys involved in capital case
3 litigation in this Commonwealth ensuring the quality of
4 ongoing litigation while developing, through education and
5 training, attorneys with expertise in these issues for
6 appointment in future cases.

7 (11) Assist in providing investigators and experts in
8 capital case trials, appeals and postconviction proceedings
9 in the courts of this Commonwealth.

10 Section 7. Effective date.

11 This act shall take effect in 60 days.