

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1648 Session of 2009

INTRODUCED BY EACHUS, BOBACK, BOYLE, CARROLL, D. COSTA, DALLY, GOODMAN, JOHNSON, McCALL, MELIO, MUNDY, MURPHY, PASHINSKI, PAYTON, SIPTROTH, WALKO, WANSACZ, YUDICHAK AND BRIGGS, JUNE 10, 2009

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 23, 2009

AN ACT

1 Establishing a joint legislative, executive and judicial
2 commission on juvenile justice.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Interbranch
7 Commission on Juvenile Justice Act.

8 Section 2. Declaration of policy.

9 The General Assembly finds and declares as follows:

10 (1) Recent events involving the actions of several
11 judges in Luzerne County with respect to juvenile delinquency
12 proceedings require ~~an~~ A NONCRIMINAL investigation and review ←
13 of the operations of the juvenile justice system in that
14 county.

15 (2) These events may have violated the principles in the
16 Pennsylvania Constitution and State law and have eroded the

1 trust and confidence in Luzerne County's juvenile justice
2 system.

3 (3) Therefore, the legislative, judicial and executive
4 branches of State government shall undertake a joint
5 NONCRIMINAL investigation and review to: ←

6 (i) ascertain how the Luzerne County juvenile
7 justice system failed;

8 (ii) restore public confidence in the administration
9 of justice; and

10 (iii) prevent similar events from occurring.

11 Section 3. Definitions.

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

15 "Commission." The Interbranch Commission on Juvenile Justice
16 established in section 4.

17 Section 4. Commission.

18 (a) Establishment.--The Interbranch Commission on Juvenile
19 Justice is established.

20 (b) Membership.--The commission shall consist of the
21 following members, appointed within 15 days of the effective
22 date of this section:

23 (1) Four members appointed by the Chief Justice of the
24 Supreme Court of Pennsylvania. One of the members must have
25 served on the Juvenile Court Judges' Commission.

26 (2) Four members knowledgeable and experienced in
27 juvenile law or providing services to juveniles who are not
28 members of the General Assembly. One member shall be
29 appointed by each of the following:

30 (i) The President pro tempore of the Senate.

- 1 (ii) The Minority Leader of the Senate.
- 2 (iii) The Speaker of the House of Representatives.
- 3 (iv) The Minority Leader of the House of
- 4 Representatives.

5 (3) Three members appointed by the Governor. One member
6 under this paragraph must be a member of the general public.
7 One member under this paragraph must be a member of the
8 Coalition of Pennsylvania Crime Victim Organizations who is
9 directly involved in providing services to victims associated
10 with juvenile crime in a county.

11 (c) Chairperson.--The ~~chief justice~~ CHIEF JUSTICE shall
12 select the chairperson of the commission. ←

13 (d) Quorum and voting.--

14 (1) The physical presence of six members constitutes a
15 quorum.

16 (2) Action of the commission must be authorized or
17 ratified by majority vote of participating members.

18 (e) Participation.--A member not physically present may
19 participate by teleconference or video conference.

20 (f) Meetings.--The following shall apply:

21 (1) The commission shall meet at least once a month.
22 Additional meetings may be called by the chairperson as
23 necessary. The chairperson shall schedule a meeting upon
24 written request of four members of the commission.

25 (2) The first meeting shall be convened within 45 days
26 of the effective date of this section.

27 (3) The commission shall hold public hearings as
28 necessary to obtain the information required to conduct the
29 investigation and review under section 5.

30 (g) Expenses.--Members shall not receive compensation but

1 shall be reimbursed for expenses incurred in service of the
2 commission.

3 (h) Support.--

4 (1) The Administrative Office of Pennsylvania Courts
5 shall provide administrative services to the commission.

6 (2) Upon request, the Pennsylvania Commission on Crime
7 and Delinquency and the Joint State Government Commission
8 shall provide administrative assistance to the commission.

9 (3) The Juvenile Court Judges' Commission may provide
10 analyses, reports and recommendations to the commission.

11 Section 5. Functions of commission.

12 (a) Powers.--The commission has the following powers:

13 (1) To investigate and analyze the events, practices,
14 processes, procedures and other authority in Luzerne County
15 involving judges, attorneys, county officials, probation and
16 parole officers and providers of juvenile services.

17 (2) To review the procedures, practices and rules
18 relating to the appointment of counsel to represent juvenile
19 offenders and the exercise of the right to counsel in Luzerne
20 County.

21 (3) To review the exercise of authority and abuse of
22 power with regard to the disposition and placement of
23 juveniles in Luzerne County.

24 (4) To review procedures used in responding to judicial
25 and attorney conduct and to make recommendations as necessary
26 with respect to both disciplinary systems.

27 (5) To review the oversight of juvenile detention
28 facilities and investigate the utilization of facilities in
29 Luzerne County.

30 (b) Duties.--The commission has the following duties:

1 (1) To accept and review written comments from
2 individuals and organizations.

3 (2) To make, by May 31, 2010, recommendations to the
4 Governor, the Supreme Court, the Senate and the House of
5 Representatives based on the investigation of issues under
6 subsection (a). This paragraph includes recommendations:

7 (i) To improve the juvenile justice system.

8 (ii) To prevent the reoccurrence of events similar
9 to those identified in section 2.

10 (iii) To change to State statutes and State and
11 local practices, rules, policies and procedures.

12 (3) To make reports as follows:

13 (i) The commission may file status reports and
14 updates with the Governor, the Supreme Court, the Senate
15 and the House of Representatives as it deems appropriate.

16 (ii) The commission shall issue a final report by
17 May 31, 2010.

18 (iii) A report under ~~under~~ this paragraph must be ←
19 adopted at a public meeting.

20 (iv) A report under this paragraph shall be a public
21 record under the act of February 14, 2008 (P.L.6, No.3),
22 known as the Right-to-Know Law.

23 Section 19. Expiration.

24 This act shall expire June 30, 2010.

25 Section 20. Effective date.

26 This act shall take effect immediately.