

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 949 Session of  
2009

INTRODUCED BY BAKER, PILEGGI, WASHINGTON, ERICKSON, GORDNER,  
ALLOWAY, MUSTO, KITCHEN, FERLO, O'PAKE, FONTANA AND FARNESE,  
JUNE 9, 2009

REFERRED TO JUDICIARY, JUNE 9, 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 investigation and review of the  
13 operations of the juvenile justice system in that county.

14 (2) These events may have violated the principles in the  
15 Pennsylvania Constitution and State law and have eroded the  
16 trust and confidence in Luzerne County's juvenile justice  
17 system.

1           (3) Therefore, the legislative, judicial and executive  
2     branches of State government shall undertake a joint  
3     investigation and review to:

4           (i) ascertain how the Luzerne County juvenile  
5     justice system failed;

6           (ii) restore public confidence in the administration  
7     of justice; and

8           (iii) prevent similar events from occurring.

9     Section 3. 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    "Commission." The Interbranch Commission on Juvenile Justice  
14    established in section 4.

15    Section 4. Commission.

16    (a) Establishment.--The Interbranch Commission on Juvenile  
17    Justice is established.

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

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

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

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

29           (ii) The Minority Leader of the Senate.

30           (iii) The Speaker of the House of Representatives.

1           (iv) The Minority Leader of the House of  
2       Representatives.

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

9       (c) Chairperson.--The chief justice shall select the  
10      chairperson of the commission.

11      (d) Quorum and voting.--

12           (1) The physical presence of six members constitutes a  
13      quorum.

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

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

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

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

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

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

28      (g) Expenses.--Members shall not receive compensation but  
29      shall be reimbursed for expenses incurred in service of the  
30      commission.

1 (h) Support.--

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

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

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

9 Section 5. Functions of commission.

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

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

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

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

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

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

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

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

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

5           (i) To improve the juvenile justice system.

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

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

10          (3) To make reports as follows:

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

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

16          (iii) A report under under this paragraph must be  
17 adopted at a public meeting.

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

21 Section 19. Expiration.

22          This act shall expire June 30, 2010.

23 Section 20. Effective date.

24          This act shall take effect immediately.