

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 135** Session of  
2011

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INTRODUCED BY SABATINA, CALTAGIRONE, CARROLL, P. COSTA, CRUZ,  
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WATERS AND DAVIDSON, MARCH 17, 2011

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AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MAY 3, 2011

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## AN ACT

1 Amending the act of November 22, 1978 (P.L.1166, No.274),  
2 entitled "An act establishing the Pennsylvania Commission on  
3 Crime and Delinquency, providing for its powers and duties  
4 establishing several advisory committees within the  
5 commission and providing for their powers and duties,"  
6 further providing for the Pennsylvania Commission on Crime  
7 and Delinquency, for powers and duties of the commission, for  
8 duties of the commission relative to criminal statistics, for  
9 duties of public agencies and officers in reporting criminal  
10 statistics, for the Juvenile Justice and Delinquency  
11 Prevention Committee, for powers and duties of the Juvenile  
12 Justice and Delinquency Prevention Committee, for Targeted  
13 Community Revitalization and Crime Prevention Advisory  
14 Committee and for powers and duties of Targeted Community  
15 Revitalization and Crime Prevention Advisory Committee.

16 The General Assembly of the Commonwealth of Pennsylvania  
17 hereby enacts as follows:

18 Section 1. Section 2(b), (c), (c.1), (d) and (l) of the act  
19 of November 22, 1978 (P.L.1166, No.274), referred to as the  
20 Pennsylvania Commission on Crime and Delinquency Law, amended  
21 December 17, 1981 (P.L.429, No.134) and June 22, 2001 (P.L.396,  
22 No.30), are amended and the section is amended by adding a  
23 subsection to read:

1 Section 2. Pennsylvania Commission on Crime and Delinquency.

2 \* \* \*

3 (b) Composition.--The commission shall consist of the  
4 following members:

5 (1) The Attorney General.

6 (2) The Chief Justice of the Supreme Court of  
7 Pennsylvania.

8 (3) The Court Administrator of Pennsylvania.

9 (4) A judge of a court of common pleas, appointed under  
10 subsection (c).

11 (5) Commissioner of State Police.

12 (6) The majority chairmen of the House and Senate  
13 [Majority] Appropriations Committees.

14 (7) The chairman of the Juvenile Justice and Delinquency  
15 Prevention Committee.

16 (8) Four members of the General Assembly, of whom one  
17 shall be designated by, and serve at the pleasure of the  
18 President pro tempore of the Senate, one by the Minority  
19 Leader of the Senate, one by the Speaker of the House of  
20 Representatives and one by the Minority Leader of the House  
21 of Representatives.

22 (9) Seven members appointed by the Governor, one  
23 representative of local law enforcement agencies, one  
24 representative of local correctional facilities, one  
25 representative of local elected officials, one district  
26 attorney representative, one representative of county  
27 sheriffs, one representative of a local victims' service  
28 agency and one representative of county commissioners.

29 (10) Seven private citizens appointed by the Governor,  
30 at least two of which serve on the Juvenile Justice and

1 Delinquency Prevention Committee.

2 (11) Secretary of Corrections.

3 (12) The Victim Advocate.

4 (13) Secretary of Public Welfare.

5 (14) Secretary of Education.

6 (15) Secretary of Health.

7 (16) Chairman of the Board of Probation and Parole.

8 (17) Executive Director of the Juvenile Court Judges'  
9 Commission.

10 (17.1) Executive Director of the Pennsylvania Commission  
11 on Sentencing.

12 (18) Such additional members appointed by the Governor  
13 as are necessary to implement programs authorized by State  
14 and Federal law.

15 (c) Judicial [appointment] appointments.--

16 (1) The judge of a court of common pleas shall be  
17 appointed by the Governor from a list of no less than three  
18 nominees for each position submitted by the Chief Justice.

19 (2) If the Chief Justice cannot or does not choose to  
20 serve, an Associate Justice of the Supreme Court of  
21 Pennsylvania shall be appointed by the Governor from a list  
22 of no less than three nominees submitted by the Chief  
23 Justice.

24 (3) If the Court Administrator cannot or does not choose  
25 to serve, another appropriate judicial administrative officer  
26 of the State shall be appointed by the Governor from a list  
27 of no less than three nominees submitted by the Chief  
28 Justice.

29 [(c.1) Appropriations chairmen alternates.--The chairman of  
30 the House Majority Appropriations Committee and the chairman of

1 the Senate Majority Appropriations Committee may authorize, in  
2 writing, a named member of the committee to serve in his stead  
3 on the commission.]

4 (c.2) Delegates.--The Attorney General, Chief Justice, judge  
5 of a court of common pleas and any member of the Cabinet or the  
6 General Assembly who is a member of the commission may delegate  
7 one of their employees to represent the member at meetings of  
8 the commission, who may lawfully vote and otherwise act on  
9 behalf of the member. The delegation may only be made for up to ←  
10 two regularly scheduled commission meetings per year and must be  
11 in writing and delivered to the chairman prior to the start of  
12 the meeting.

13 (d) Term of office.--[Except for the Attorney General, the  
14 Chief Justice, Court Administrator of Pennsylvania courts and  
15 Commissioner of the Pennsylvania State Police, Commissioner of  
16 Correction, the chairmen of the House and Senate Majority  
17 Appropriations Committees and the four other members of the  
18 General Assembly, members]

19 (1) Members appointed under subsection (b) (9), (10) and  
20 (18) shall serve for a four-year term, and may be appointed  
21 for no more than one additional consecutive term. The terms  
22 of those members who serve by virtue of the public office  
23 they hold shall be concurrent with their service in the  
24 office from which they derive their membership.

25 (2) The term of the chairman of the Juvenile [Advisory]  
26 Justice and Delinquency Prevention Committee shall be  
27 concurrent with his service as chairman of that committee.

28 \* \* \*

29 [(1) Advisory committees.--The commission may establish such  
30 advisory committees, in addition to those provided for in this

1 act, as it deems advisable but only the commission may set  
2 policy or take other official action. Members of advisory  
3 committees shall serve without compensation but may be  
4 reimbursed for necessary travel and other expenses in accordance  
5 with applicable law and regulations.]

6 \* \* \*

7 Section 2. Section 3 of the act is amended by adding a  
8 paragraph to read:

9 Section 3. Powers and duties of the commission.

10 The commission shall have the power and its duty shall be:

11 \* \* \*

12 (18) To establish advisory committees, in addition to  
13 those provided for under this act, as it deems advisable,  
14 except that only the commission may set policy or take other  
15 official action. Members of advisory committees shall serve  
16 without compensation but may be reimbursed for necessary  
17 travel and other expenses in accordance with applicable law  
18 and regulations.

19 Section 3. Sections 4(8), (9) and (10) and 5 of the act are  
20 amended to read:

21 Section 4. Duties of the commission relative to criminal  
22 statistics.

23 The commission shall have the power and its duty shall be:

24 \* \* \*

25 (8) [The commission, at the request of any of the  
26 following, may] To assist or advise in a statistical and  
27 research capacity [the Bureau of Correction] as requested by  
28 the Department of Corrections, the Pennsylvania Board of  
29 Probation and Parole, the Pennsylvania State Police, the  
30 Juvenile Court Judges' Commission and the [State] Court

1 Administrator.

2 (9) [It shall be the duty of the commission to] To give  
3 adequate interpretation of such statistics and so to present  
4 the information that it may be of value in guiding the  
5 policies of the commission and of those in charge of the  
6 apprehension, prosecution and treatment of the criminals and  
7 delinquents, or concerned with the present state of crime and  
8 delinquency. The report shall include also statistics which  
9 are comparable with national uniform criminal statistics  
10 published by Federal bureaus or departments heretofore  
11 mentioned.

12 (10) [The commission shall take advantage of] To seek  
13 and utilize all available Federal funds and establish new  
14 programs as well as undertake a continuous analysis of future  
15 data needs.

16 Section 5. Duties of public agencies and officers in reporting  
17 criminal statistics.

18 It shall be the duty of every [constable, chief of police,  
19 county police force, sheriff, coroner, district attorney, chief  
20 probation officer and of the Bureau of Correction in the  
21 Department of Justice, the Pennsylvania Board of Probation and  
22 Parole, the Pennsylvania State Police, the State Court  
23 Administrator, the Juvenile Court Judges' Commission, the  
24 Department of Public Welfare, State Fire Marshal, Pennsylvania  
25 Liquor Control Board, the Philadelphia Municipal and Traffic  
26 Courts, justices of the peace, county prison wardens, and every  
27 other person or agency dealing with crimes or criminals or with  
28 delinquency or delinquents] Commonwealth agency and every person  
29 in charge of the apprehension, prosecution and treatment of the  
30 criminals and delinquents, when requested by the commission:

1 (1) To install and maintain records and recording  
2 systems needed for the correct reporting of statistical data  
3 required by the commission.

4 (2) To report statistical data to the commission at such  
5 times and in such manner as the commission prescribes.

6 (3) To give to the staff of the commission access to  
7 statistical data for the purpose of carrying out the duties  
8 of the commission relative to criminal statistics.

9 Section 4. Section 6(a) of the act, amended June 22, 2001  
10 (P.L.396, No.30), is amended and the section is amended by  
11 adding subsections to read:

12 Section 6. Juvenile Justice and Delinquency Prevention  
13 Committee.

14 (a) Establishment [and membership].--There is hereby  
15 established the Juvenile Justice and Delinquency Prevention  
16 Committee within the commission.

17 (a.1) Composition.--The members of the committee shall be  
18 appointed by the Governor and shall include:

19 (1) The Executive Director of the Juvenile Court Judges'  
20 Commission.

21 (2) [representation] Representatives of units of local  
22 government, law enforcement and juvenile justice agency  
23 probation personnel, juvenile court judges, [the Executive  
24 Director of the Juvenile Court Judges' Commission,] public  
25 and private agencies and organizations concerned with  
26 delinquency prevention or treatment and services to  
27 delinquency prevention or treatment and services to dependent  
28 children, community-based prevention in-treatment programs,  
29 organizations concerned with the quality of juvenile justice  
30 or that utilize volunteers to work with delinquent or

1 dependent children, businesses employing youth, youth workers  
2 involved with alternative youth programs, persons with  
3 special experience and competence in addressing the problem  
4 of school violence and vandalism and the problem of learning  
5 disabilities and representatives of public agencies concerned  
6 with special education.

7 (a.2) Term.--Members shall serve for a four-year term, and  
8 may be appointed for no more than one additional consecutive  
9 term.

10 \* \* \*

11 (f) Powers and duties.--The Juvenile Justice and Delinquency  
12 Prevention Committee shall have the power, and its duty shall  
13 be:

14 (1) To serve in an advisory capacity to the commission  
15 through the committee's participation in the development of  
16 that part of the commission's comprehensive plan relating to  
17 juvenile justice and delinquency prevention.

18 (2) To perform those functions related to the direct  
19 approval and disbursement of financial assistance in an  
20 advisory capacity only, but the advisory committee shall have  
21 the opportunity to review and comment on such applications  
22 within 30 days after receipt of the application from the  
23 commission.

24 (3) To advise the commission on the definition,  
25 development and correlation of programs and projects and the  
26 establishment of priorities for juvenile justice and  
27 delinquency prevention.

28 (4) To develop standards, methods and procedures for  
29 evaluating and monitoring services for delinquent and  
30 dependent children.



1           (5) Upon request, to provide assistance and advice to  
2 the commission on any other matters relating to juvenile  
3 justice and delinquency prevention.

4           (6) To submit to the Governor and the General Assembly  
5 such reports as may be required by Federal law.

6           (7) To advise the commission in defining and  
7 collaborating with all State agencies on planning and  
8 programming related to juvenile delinquency prevention and  
9 the reduction and prevention of violence by and against  
10 children.

11           (8) To advise and assist the commission in designing and  
12 promoting comprehensive research-based initiatives to assist  
13 communities and community-based organizations in reducing  
14 risk to and promoting the positive development of children  
15 and in preventing juvenile delinquency and youth violence.

16           (g) Staff support.--Staff support shall be made available to  
17 the committee by the executive director in order to adequately  
18 perform the duties provided for under this section.

19           Section 5. Section 7 of the act, amended June 22, 2001  
20 (P.L.396, No.30), is repealed:

21 [Section 7. Powers and duties of the Juvenile Justice and  
22                   Delinquency Prevention Committee.

23           The Juvenile Justice and Delinquency Prevention Committee  
24 shall have the power, and its duty shall be:

25           (1) Serve in an advisory capacity to the commission  
26 through the committee's participation in the development of  
27 that part of the commission's comprehensive plan relating to  
28 juvenile justice and delinquency prevention.

29           (2) Those functions related to the direct approval and  
30 disbursement of financial assistance shall be in an advisory

1 capacity only, but the advisory committee shall have the  
2 opportunity to review and comment on such applications within  
3 30 days after receipt of the application from the commission.

4 (3) To advise the commission on the definition,  
5 development and correlation of programs and projects and the  
6 establishment of priorities for juvenile justice and  
7 delinquency prevention.

8 (4) To develop standards, methods and procedures for  
9 evaluating and monitoring services for delinquent and  
10 dependent children.

11 (5) Upon request provide whatever assistance and advice  
12 to the commission on any other matters relating to juvenile  
13 justice and delinquency prevention.

14 (6) Staff support shall be made available to the  
15 Juvenile Justice and Delinquency Prevention Committee by the  
16 executive director in order to adequately perform the duties  
17 provided for in this section.

18 (7) Submit to the Governor and the General Assembly such  
19 reports as may be required by Federal Law.

20 (8) To advise the commission in defining and  
21 collaborating with all State agencies on planning and  
22 programming related to juvenile delinquency prevention and  
23 the reduction and prevention of violence by and against  
24 children.

25 (9) To advise and assist the commission in designing and  
26 promoting comprehensive research-based initiatives to assist  
27 communities and community-based organizations in reducing  
28 risk to and promoting the positive development of children  
29 and in preventing juvenile delinquency and youth violence.]

30 Section 6. Section 7.1(b)(16) of the act, added December 6,

1 2002 (P.L.1180, No.146), is amended and the section is amended  
2 by adding subsections to read:

3 Section 7.1. Targeted Community Revitalization and Crime  
4 Prevention Advisory Committee.

5 \* \* \*

6 (b) Composition.--The committee shall consist of the  
7 following members or their designees:

8 \* \* \*

9 (16) [Eight members who are located in or serve a  
10 targeted community, appointed by the Governor, one] One  
11 district attorney representative, one representative of  
12 county commissioners, one representative of community and  
13 economic development agencies, one representative of crime  
14 prevention agencies, one representative of a community-based  
15 organization, one representative of a faith-based  
16 organization, one nonsupervisory local law enforcement  
17 officer representative and one nonsupervisory Pennsylvania  
18 State Police representative, each of whom shall be appointed  
19 by the Governor and shall reside in or serve a targeted  
20 community.

21 \* \* \*

22 (g) Powers and duties.--The Targeted Community  
23 Revitalization and Crime Prevention Advisory Committee shall  
24 have the power and its duty shall be to:

25 (1) Advise the commission through the committee's  
26 participation in the development of that part of the  
27 commission's comprehensive plan relating to targeted crime  
28 prevention efforts and the revitalization of targeted  
29 communities.

30 (2) Advise the commission on those functions related to

1 the direct approval and disbursement of financial assistance.  
2 The committee shall have the opportunity to review and  
3 comment on applications after their receipt from the  
4 commission.

5 (3) Advise the commission on the definition, development  
6 and correlation of programs and projects and the  
7 establishment of priorities for supporting law enforcement  
8 and community partnerships developing comprehensive, targeted  
9 crime prevention efforts and a planning process for the  
10 revitalization of high-crime and distressed communities.

11 (4) Develop standards, methods and procedures for  
12 evaluating and monitoring services and programs for crime  
13 prevention efforts and the revitalization of targeted  
14 communities.

15 (5) Provide assistance and advice requested by the  
16 commission on any other matters relating to the crime  
17 prevention efforts and the revitalization of targeted  
18 communities.

19 (6) Submit to the Governor and the General Assembly  
20 reports as may be required by Federal and State law.

21 (h) Staff support.--Staff support shall be made available to  
22 the committee by the executive director of the commission in  
23 order for the committee to adequately perform the duties  
24 provided for under this section.

25 Section 7. Section 7.2 of the act, added December 6, 2002  
26 (P.L.1180, No.146), is repealed:

27 [Section 7.2. Powers and duties of Targeted Community  
28 Revitalization and Crime Prevention Advisory  
29 Committee.

30 (a) Powers and duties.--The Targeted Community

1 Revitalization and Crime Prevention Advisory Committee shall  
2 have the power and its duty shall be to:

3 (1) Serve in an advisory capacity to the commission  
4 through the committee's participation in the development of  
5 that part of the commission's comprehensive plan relating to  
6 targeted crime prevention efforts and the revitalization of  
7 targeted communities.

8 (2) Serve in an advisory capacity to the commission on  
9 those functions related to the direct approval and  
10 disbursement of financial assistance. The committee shall  
11 have the opportunity to review and comment on applications  
12 after their receipt from the commission.

13 (3) Advise the commission on the definition, development  
14 and correlation of programs and projects and the  
15 establishment of priorities for supporting law enforcement  
16 and community partnerships developing comprehensive, targeted  
17 crime prevention efforts and a planning process for the  
18 revitalization of high-crime and distressed communities.

19 (4) Develop standards, methods and procedures for  
20 evaluating and monitoring services and programs for crime  
21 prevention efforts and the revitalization of targeted  
22 communities.

23 (5) Provide assistance and advice requested by the  
24 commission on any other matters relating to the crime  
25 prevention efforts and the revitalization of targeted  
26 communities.

27 (6) Submit to the Governor and the General Assembly  
28 reports as may be required by Federal and State law.

29 (b) Staff support.--Staff support shall be made available to  
30 the committee by the executive director of the commission in

1 order for the committee to adequately perform the duties  
2 provided for in this section.]

3 Section 8. This act shall take effect in 60 days.