

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 972 Session of 2023

INTRODUCED BY KAZEEM, DELLOSO, BOROWSKI, CURRY, MADDEN, ROZZI, WAXMAN, PARKER, CEPEDA-FREYTIZ, HILL-EVANS, FIEDLER, SANCHEZ, GUENST, HANBIDGE, KHAN, SHUSTERMAN, N. NELSON, WARREN, HOWARD, D. WILLIAMS AND FREEMAN, APRIL 24, 2023

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, APRIL 24, 2023

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled  
 2 "An act relating to counties of the first, second class A,  
 3 third, fourth, fifth, sixth, seventh and eighth classes;  
 4 amending, revising, consolidating and changing the laws  
 5 relating thereto; relating to imposition of excise taxes by  
 6 counties, including authorizing imposition of an excise tax  
 7 on the rental of motor vehicles by counties of the first  
 8 class; and providing for regional renaissance initiatives,"  
 9 further providing for title of the act; in preliminary  
 10 provisions, further providing for applicability; in grounds  
 11 and buildings, further providing for scope of subdivision,  
 12 for room or building for juvenile offenders waiting trial,  
 13 for management of houses for detention of juveniles and  
 14 appointment of board and ex officio members, for annual  
 15 report and expenses and for appropriation and bond issues;  
 16 and making editorial changes.

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

19 Section 1. The title of the act of August 9, 1955 (P.L.323,  
 20 No.130), known as The County Code, is amended to read:

21 AN ACT

22 Relating to counties of the first, second, second class A,  
 23 third, fourth, fifth, sixth, seventh and eighth classes and  
 24 counties which have adopted a home rule charter; amending,

1 revising, consolidating and changing the laws relating  
2 thereto; relating to imposition of excise taxes by counties,  
3 including authorizing imposition of an excise tax on the  
4 rental of motor vehicles by counties of the first class; and  
5 providing for regional renaissance initiatives.

6 Section 2. Section 102(a) of the act is amended to read:

7 Section 102. Applicability.--(a) Except incidentally, as in  
8 sections 108, 201, 210, 211, 401 and 1401 or as provided in  
9 section 1770.12, [Article XII-B and Article] Articles XII-B, XXX  
10 and XXIII, this act does not apply to counties of the first or  
11 second classes.

12 \* \* \*

13 Section 3. Subdivision (e.1) heading of Article XXIII of the  
14 act is amended to read:

15 (e.1) Special Provisions for Temporary County Buildings  
16 and for Rooms in County Buildings [in Counties of the  
17 Second Class A]

18 Section 4. Sections 2339.1, 2339.2, 2339.3, 2339.5 and  
19 2339.6 of the act are amended to read:

20 Section 2339.1. Scope of subdivision.

21 This subdivision shall apply to counties of the first,  
22 second, second class A[.], third, fourth, fifth, sixth, seventh  
23 and eighth classes and counties which have adopted a home rule  
24 charter.

25 Section 2339.2. Room or building for juvenile offenders waiting  
26 trial.

27 The commissioners or the county executive shall provide,  
28 furnish and heat within the county a separate room or rooms or a  
29 suitable building to be used exclusively for the confinement of  
30 alleged or adjudicated delinquent children or dependent children

1 as defined in 42 Pa.C.S. § 6302 (relating to definitions) who  
2 are in custody awaiting trial or hearing in the courts of the  
3 county and provide for the maintenance and care of the children  
4 while in custody.

5 Section 2339.3. Management of houses for detention of juveniles  
6 and appointment of board and ex officio members.

7 The management of houses for the detention and reception of  
8 juveniles awaiting trial, hearing or judicial investigation  
9 under the laws of this Commonwealth shall be in a board of  
10 managers consisting of a cross section of citizens with relevant  
11 expertise in juvenile development, juvenile detention and mental  
12 health and substance use disorders, three county commissioners  
13 or the county executive, the county controller and six private  
14 citizens, three to be appointed by the president judge of the  
15 court of common pleas and three to be appointed by the  
16 chairperson of the board of county commissioners. The  
17 commissioners or the county executive and the controller may  
18 appoint persons to act as their designees for the purpose of  
19 attending meetings of the board, and the designees shall have  
20 the right to vote at the meetings. The private citizen members  
21 of the board shall not be officers or employees of the county.  
22 The members of the board or boards of managers existing in the  
23 county shall remain as members of the board or boards of  
24 managers created in this subdivision until the expiration of the  
25 terms to which they were respectively appointed. Annually  
26 thereafter, the members or their successors shall be appointed  
27 for a term of three years. Vacancies occurring in the membership  
28 of the board shall be filled for the unexpired term by the  
29 chairperson of the board of county commissioners the county  
30 executive or the president judge of the court of common pleas,

1 depending upon who originally appointed the board member. The  
2 members of the board shall serve without compensation. The  
3 Department of Human Services shall promulgate rules and  
4 regulations as necessary and appropriate regarding the  
5 composition of the boards of managers.

6 Section 2339.5. Annual report and expenses.

7 The board of managers shall annually report to the county  
8 commissioners or the county executive, on or before the first  
9 day of November, the amount of money required for the  
10 maintenance of the house or houses of detention. The county  
11 commissioners or the county executive shall make an annual  
12 appropriation to the board of managers for the payment of the  
13 expenses of administering the house or houses of detention.  
14 Expenses incurred in the performance of duties by the board of  
15 managers shall be itemized and presented with vouchers to the  
16 county commissioners or the county executive for payment, and a  
17 semiannual expense report shall be made to the county  
18 commissioners or the county executive. All expenses in  
19 connection with the management and administration of the house  
20 of detention shall be paid by the county in the manner provided  
21 by law for the payment of county obligations. The house or  
22 houses of detention shall annually report to the board of  
23 managers, on or before the first day of November, information on  
24 facility operations required by the Department of Human  
25 Services. At a minimum, the report shall include information on  
26 the use of physical restraints and seclusion. The board of  
27 managers shall conduct regular announced and unannounced visits  
28 to house or houses of detention facilities and annually report  
29 the board's findings to the Department of Human Services, on or  
30 before the first day of November.

1 Section 2339.6. Appropriation and bond issues.

2 The county commissioners or the county executive shall have  
3 power and authority, for the purpose of housing juveniles, to  
4 appropriate money from the public funds or to issue bonds in the  
5 manner provided by law for the purchase of lands or erecting,  
6 constructing and equipping a building or buildings.

7 Section 5. This act shall take effect in 60 days.