

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 169 Session of
2023

INTRODUCED BY BAKER, SANTARSIERO, LAUGHLIN, COSTA, HAYWOOD,
ROTHMAN, SCHWANK, COLLETT, KANE, DILLON, TARTAGLIONE,
COMITTA, CAPPELLETTI AND KEARNEY, JANUARY 30, 2023

REFERRED TO JUDICIARY, JANUARY 30, 2023

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in juvenile matters,
3 further providing for limitation on and change in place of
4 commitment; and making editorial changes.

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

7 Section 1. Section 6352(a)(6) of Title 42 of the
8 Pennsylvania Consolidated Statutes is amended to read:

9 § 6352. Disposition of delinquent child.

10 (a) General rule.--If the child is found to be a delinquent
11 child the court may make any of the following orders of
12 disposition determined to be consistent with the protection of
13 the public interest and best suited to the child's treatment,
14 supervision, rehabilitation and welfare, which disposition
15 shall, as appropriate to the individual circumstances of the
16 child's case, provide balanced attention to the protection of
17 the community, the imposition of accountability for offenses
18 committed and the development of competencies to enable the

1 child to become a responsible and productive member of the
2 community:

3 * * *

4 (6) An order of the terms of probation may include an
5 appropriate fine considering the nature of the act committed
6 or restitution not in excess of actual damages caused by the
7 child which shall be paid from the earnings of the child
8 received through participation in a constructive program of
9 service or education acceptable to the victim and the court
10 whereby, during the course of such service, the child shall
11 be paid not less than the minimum wage of this Commonwealth.
12 In ordering such service, the court shall take into
13 consideration the age, physical and mental capacity of the
14 child and the service shall be designed to impress upon the
15 child a sense of responsibility for the injuries caused to
16 the person or property of another. The order of the court
17 shall be limited in duration consistent with the limitations
18 in section 6353 (relating to limitation on and change in
19 place of commitment and disposition review hearing) and in
20 the act of May 13, 1915 (P.L.286, No.177), known as the Child
21 Labor Law. The court order shall specify the nature of the
22 work, the number of hours to be spent performing the assigned
23 tasks, and shall further specify that as part of a plan of
24 treatment and rehabilitation that up to 75% of the earnings
25 of the child be used for restitution in order to provide
26 positive reinforcement for the work performed.

27 * * *

28 Section 2. Section 6353 heading and (a) of Title 42 are
29 amended and the section is amended by adding a subsection to
30 read:

§ 6353. Limitation on and change in place of commitment and
disposition review hearing.

(a) General rule.--No child shall initially be committed to an institution for a period longer than four years or a period longer than he could have been sentenced by the court if he had been convicted of the same offense as an adult, whichever is less. The initial commitment may be extended for a similar period of time, or modified, if the court finds after hearing that the extension or modification will effectuate the original purpose for which the order was entered. The child shall have notice of the extension or modification hearing and shall be given an opportunity to be heard. [The committing court shall review each commitment every six months and shall hold a disposition review hearing at least every nine months.]

(a.1) Disposition review hearings.--

(1) The court shall hold a disposition review hearing at least every three months in accordance with the Pennsylvania Rules of Juvenile Court Procedure for the purpose of ensuring that each child committed to out-of-home placement under section 6352 (relating to disposition of delinquent child) is receiving necessary services and treatment and that the terms and conditions of the disposition ordered under section 6352 are being met.

(2) At a disposition review hearing under paragraph (1), the court shall, at a minimum, determine:

(i) whether the child is receiving the necessary services or treatment contemplated by the court's disposition;

(ii) whether the child continues to pose a threat to the community;

1 (iii) whether additional services or treatment are
2 needed;

3 (iv) whether the child should continue in placement
4 or be released from placement under aftercare
5 supervision; and

6 (v) the date of the next disposition review hearing.

7 (3) At the conclusion of a disposition review hearing
8 under paragraph (1), and prior to entering an order, the
9 court shall state the determinations required under paragraph
10 (2), along with the reason for each determination, on the
11 record in open court.

12 * * *

13 Section 3. Sections 6358(e) and 9728(c) of Title 42 are
14 amended to read:

15 § 6358. Assessment of delinquent children by the State Sexual
16 Offenders Assessment Board.

17 * * *

18 (e) Dispositional review hearing.--Where the board has
19 concluded that the child is in need of involuntary treatment
20 pursuant to the provisions of Chapter 64 (relating to court-
21 ordered involuntary treatment of certain sexually violent
22 persons), the court shall conduct a hearing at which the county
23 solicitor or a designee, the probation officer and the child's
24 attorney are present. The court shall consider the assessment,
25 treatment information and any other relevant information
26 regarding the delinquent child at the dispositional review
27 hearing pursuant to section 6353 (relating to limitation on and
28 change in place of commitment and disposition review hearing),
29 which shall be held no later than 180 days before the 21st
30 birthday of the child. Where the submission of the report was

1 delayed pursuant to subsection (c), the dispositional review
2 hearing shall be held no later than 90 days before the 21st
3 birthday of the child.

4 * * *

5 § 9728. Collection of restitution, reparation, fees, costs,
6 fines and penalties.

7 * * *

8 (c) Period of time.--Notwithstanding section 6353 (relating
9 to limitation on and change in place of commitment and
10 disposition review hearing) or 18 Pa.C.S. § 1106(c)(2) (relating
11 to restitution for injuries to person or property), the period
12 of time during which such judgments shall have full effect may
13 exceed the maximum term of imprisonment to which the offender
14 could have been sentenced for the crimes of which he was
15 convicted or the maximum term of confinement to which the
16 offender was committed.

17 * * *

18 Section 4. This act shall take effect in 180 days.