

No. 1978-274

AN ACT

HB 1333

Establishing the Pennsylvania Commission on Crime and Delinquency, providing for its powers and duties establishing several advisory committees within the commission and providing for their powers and duties.

The General Assembly finds and declares that:

- (a) crime and delinquency are essentially State and local problems;
- (b) crime and delinquency are complex social phenomena requiring the attention and efforts of the criminal justice system, State and local governments, and private citizens alike;
- (c) the establishment of appropriate goals, objectives and standards for the reduction of crime and delinquency and for the administration of justice must be a priority concern;
- (d) the functions of the criminal justice system must be coordinated more efficiently and effectively;
- (e) the full and effective use of resources affecting State and local criminal justice systems requires the complete cooperation of State and local government agencies; and
- (f) training, research, evaluation, technical assistance and public education activities must be encouraged and focused on the improvement of the criminal justice system and the generation of new methods for the prevention and reduction of crime and delinquency.

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

Section 1. Definitions.

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

“Commission.” The Pennsylvania Commission on Crime and Delinquency.

Section 2. Pennsylvania Commission on Crime and Delinquency.

(a) Establishment.—There is hereby established the Pennsylvania Commission on Crime and Delinquency as an administrative commission in the Governor’s Office.

(b) Composition.—The commission shall consist of the following members:

- (1) The Attorney General.
- (2) The Chief Justice of the Supreme Court of Pennsylvania.
- (3) The Court Administrator of Pennsylvania.
- (4) A judge of a court of common pleas.
- (5) Commissioner of State Police.

(6) The chairmen of the House and Senate Majority Appropriations Committees.

(7) The chairman of the Juvenile Advisory Committee.

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

(9) Four members appointed by the Governor, one representative of local law enforcement agencies, one representative of adult correctional rehabilitative agencies, one representative of local elected officials and one district attorney representative.

(10) Seven private citizens appointed by the Governor, at least two of which serve on the Juvenile Advisory Committee.

(11) Such additional members necessary to comply with the requirements of Federal law.

(c) Judicial appointment.—The judge of a court of common pleas shall be appointed by the Governor from a list of no less than three nominees for each position submitted by the Chief Justice. If the Chief Justice cannot or does not choose to serve, an Associate Justice of the Supreme Court of Pennsylvania shall be appointed by the Governor from a list of no less than three nominees submitted by the Chief Justice. If the Court Administrator cannot or does not choose to serve, another appropriate judicial administrative officer of the State shall be appointed by the Governor from a list of no less than three nominees submitted by the Chief Justice.

(d) Term of office.—Except for the Chief Justice of the Supreme Court and Court Administrator of Pennsylvania courts and Commissioner of the Pennsylvania State Police members shall serve for a four-year term, and may be appointed for no more than one additional consecutive term. The terms of those members who serve by virtue of the public office they hold shall be concurrent with their service in the office from which they derive their membership.

(e) Vacancies.—Should any member cease to be an officer or employee of the agency he is appointed to represent, his membership on the commission shall terminate immediately and a new member shall be appointed in the same manner as his predecessor to fill the unexpired portion of a term. Other vacancies occurring, except those by the expiration of a term, shall be filled for the balance of the unexpired term in the same manner as the original appointment.

(f) Chairman.—The chairman shall be chosen by the Governor and shall serve at the pleasure of the Governor. A vice chairman shall be designated by the chairman and shall preside at meetings in the absence of the chairman.

(g) Quorum.—Twelve members shall constitute a quorum and a vote of the majority of the members present shall be sufficient for all actions.

(h) Termination of appointment.—Three consecutive unexcused

absences from regular monthly meetings, except for temporary illness, or failure to attend at least 50% of the regularly called meetings in any calendar year shall be considered cause for termination of appointment.

(i) Compensation and expenses.—Members who are not Commonwealth officers or State, county, or municipal employees shall be paid \$75 a day for attendance at any official meeting. Reasonable expenses incurred by members shall be allowed and paid upon the presentation of itemized vouchers therefor.

(j) Executive director.—An executive director shall be appointed by the Governor after consultation with the members of the commission. The executive director shall be paid such compensation as the Executive Board may determine.

(k) Employees.—The executive director may employ such personnel and contract for such consulting services as may be necessary and authorized to carry out the purposes of this act. Staff of the commission, other than the executive director, shall be employed in accordance with and subject to the provisions of the act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act."

(l) Advisory committees.—The commission may establish such advisory committees, in addition to those provided for in this act, as it deems advisable but only the commission may set policy or take other official action. Members of advisory committees shall serve without compensation but may be reimbursed for necessary travel and other expenses in accordance with applicable law and regulations.

(m) Meetings.—All meetings of the commission and of its advisory committees, at which formal action is taken, shall conform to the act of July 19, 1974 (P.L.486, No.175), referred to as the Public Agency Open Meeting Law.

(n) Records.—The commission and any advisory committee established for the purposes of this act shall provide for public access to all records relating to its functions under this act, except such records as are required to be kept confidential by any provision of State or Federal law.

(o) State Planning Agency.—The commission is hereby designated as the State Planning Agency for the purposes of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351), as amended, and the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415), as amended.

Section 3. Powers and duties of the commission.

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

(1) To prepare and periodically update a comprehensive juvenile and criminal justice plan on behalf of the Commonwealth based on an analysis of the Commonwealth's criminal justice needs and problems, including juvenile justice and delinquency prevention.

(2) To apply for, contract for, receive, allocate, disburse and account for funds, grants-in-aid, grants of services and property, real and personal, particularly those funds made available pursuant to the

Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351), as amended, and the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415), as amended.

(3) To receive applications for financial assistance from State agencies, units of general local government and combinations thereof, private nonprofit organizations and other proper applicants, and to disburse available Federal and State funds to such applicants in accordance with the provisions of applicable statutes and regulations and in conformity with the comprehensive plan.

(4) To establish such fund accounting, auditing, monitoring and evaluation procedures as may be necessary to assure fiscal control, proper management and disbursement of grant funds, including the requirements of supporting papers being submitted to the disbursing agency by persons requiring reimbursement, and to establish such procedures as may be necessary to assure compliance with nondiscrimination requirements.

(5) To audit the books and records of recipients of financial assistance and of their contractors and, for the purpose of such audits, to have access to all pertinent books and records required to be kept by recipients of financial assistance and by their contractors. The commission shall have the power to subpoena witnesses, books, records and papers in the execution of its auditing responsibilities and, upon certification to it of failure to obey any such subpoena, the Commonwealth Court is empowered after hearing to enter, when proper, an adjudication of contempt and such other order as the circumstances require.

(6) To monitor and evaluate program effectiveness, funded in whole or in part by the Commonwealth through the commission aimed at reducing or preventing crime and delinquency and improving the administration of justice as deemed appropriate.

(7) To define, develop and correlate programs and projects and establish priorities for crime prevention and for improvement in law enforcement and criminal justice, including juvenile justice and delinquency prevention, throughout the Commonwealth.

(8) Provide for a periodic forum in which leaders and recognized professionals of juvenile and criminal justice programs for both the public and private sectors to discuss major issues and philosophical concerns confronting the Commonwealth's justice system. The forum shall serve to promote communications and coordination between the agencies, but shall not be involved in the direct disposition nor management of applications for State or Federal assistance. The chairman of the Pennsylvania Commission on Crime and Delinquency shall serve as the chairman of the forum and shall appoint no more than 30 members to serve on this forum. The forum shall meet at the call of the chairman but not less than four times a year.

(9) To cooperate with and render technical assistance to the General

Assembly or a standing committee of the General Assembly, State agencies, units of general local government and public and private agencies relating to the improvement of the criminal and juvenile justice system, including the implementation of special conferences or workshops relating to special issues or professional improvement of criminal justice organizations.

(10) To establish, and the chairman of the commission appoint, such subcommittees as it deems proper.

(11) To submit an annual report to the Governor and the General Assembly concerning its work during the preceding fiscal year. Other studies, evaluations and reports may be submitted to the Governor or the General Assembly as deemed appropriate.

(12) To promulgate such rules and regulations as the commission deems necessary for the proper administration of this act.

(13) To review criminal justice plans developed by other State agencies so as to promote coordination in the development and implementation of programs to improve criminal justice and juvenile justice services throughout the Commonwealth.

(14) Upon request advise and assist the executive and legislative branches of State Government in developing policies, plans, programs and budgets for improving the coordination, administration and effectiveness of the criminal and juvenile justice systems.

(15) To prepare special reports and studies of criminal justice issues upon the request of the Governor or the General Assembly or a standing committee of the General Assembly.

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

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

(1) To obtain data necessary from all persons and agencies listed in section 5 and from any other appropriate source.

(2) To prepare and distribute to all such persons and agencies, cards or other forms used in reporting data to the commission. Such cards or forms may, in addition to other items, include items of information needed by Federal bureaus or departments engaged in the development of national and uniform criminal statistics.

(3) To request the form and content of records which must be kept by such persons and agencies in order to insure the correct reporting of data to the commission.

(4) To instruct such persons and agencies in the installation, maintenance and use of such records and in the reporting of data to the commission.

(5) To process, tabulate, analyze and interpret the data obtained from such persons and agencies.

(6) To supply, at their request, to Federal bureaus or departments engaged in the collection of national criminal statistics data they need from this Commonwealth.

(7) To present to the Governor and the members of the General

Assembly on or before July 1 of each year a report containing the criminal statistics of the preceding calendar year and to present at such other times as the commission deems necessary reports on the special aspects of criminal and juvenile statistics. The annual report shall contain statistics showing:

- (i) the number and types of offenses known to the public authorities;
- (ii) the personal and social characteristics of criminals and delinquents; and
- (iii) the administrative actions taken by law enforcement, judicial, penal and correctional agencies in dealing with criminals or delinquents.

(8) The commission, at the request of any of the following, may assist or advise in a statistical and research capacity the Bureau of Correction, the Pennsylvania Board of Probation and Parole, the Pennsylvania State Police, the Juvenile Court Judges' Commission and the State Court Administrator.

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

(10) The commission shall take advantage of all available Federal funds and establish new programs as well as undertake a continuous analysis of future data needs.

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

It shall be the duty of every constable, chief of police, county police force, sheriff, coroner, district attorney, chief probation officer and of the Bureau of Correction in the Department of Justice, the Pennsylvania Board of Probation and Parole, the Pennsylvania State Police, the State Court Administrator, the Juvenile Court Judges' Commission, the Department of Public Welfare, State Fire Marshal, Pennsylvania Liquor Control Board, the Philadelphia Municipal and Traffic Courts, justices of the peace, county prison wardens, and every other person or agency dealing with crimes or criminals or with delinquency or delinquents, when requested by the commission:

- (1) To install and maintain records and recording systems needed for the correct reporting of statistical data required by the commission.
- (2) To report statistical data to the commission at such times and in such manner as the commission prescribes.
- (3) To give to the staff of the commission access to statistical data for the purpose of carrying out the duties of the commission relative to criminal statistics.

Section 6. Juvenile Advisory Committee.

(a) Establishment and membership.—There is hereby established the Juvenile Advisory Committee within the commission. The members of the committee shall be appointed by the Governor and shall include representation of units of local government, law enforcement and juvenile justice agency probation personnel, juvenile court judges, public and private agencies and organizations concerned with delinquency prevention or treatment and services to delinquency prevention or treatment and services to dependent children, community-based prevention in-treatment programs, organizations concerned with the quality of juvenile justice or that utilize volunteers to work with delinquent or dependent children, businesses employing youth, youth workers involved with alternative youth programs, and persons with special experience and competence in addressing the problem of school violence and vandalism and the problem of learning disabilities.

(b) Number and qualifications.—The committee shall consist of no less than 25 members or more than 33 members, all of whom shall have had training or experience in juvenile justice. A majority of the members shall not be full-time employees of the Federal, State or local governments. At least one-third of the membership shall be under the age of 26 at the time of appointment. At least three of those members of the committee under 26 years of age at the time of appointment shall have been or are currently under the jurisdiction of the juvenile justice system.

(c) Conditions of appointment.—The committee and its members are subject to the same limitations and conditions imposed upon the commission as prescribed in section 2(d), (e), (h), (i), (m) and (n).

(d) Quorum.—A majority of the members shall constitute a quorum and a vote of the majority of the members present shall be sufficient for all actions.

(e) Chairman.—The Governor shall appoint a chairman from among the committee which shall serve a two-year term. A vice chairman shall be designated by the chairman and preside at meetings in the absence of the chairman. The committee shall meet at the call of the chairman, but not less than four times a year.

Section 7. Powers and duties of the Juvenile Advisory Committee.

The Juvenile Advisory Committee shall have the power, and its duty shall be:

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

(2) Those functions related to the direct approval and disbursement of financial assistance shall be in an advisory capacity only, but the advisory committee shall have the opportunity to review and comment on such applications within 30 days after receipt of the application from the commission.

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

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

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

(6) Staff support shall be made available to the Juvenile Advisory Committee by the executive director in order to adequately perform the duties provided for in this section. The chief of the section for juvenile planning shall serve as executive secretary for its advisory committee.

Section 8. Regional Advisory Committees.

(a) Establishment and composition.—There shall be Regional Advisory Committees within the commission which shall be composed as follows:

(1) Not less than 24 members, including the chairman all of which shall be appointed by the Governor.

(2) Members shall be selected to represent the interests of local law enforcement, judiciary, corrections, prosecution, defense, health and welfare planning bodies, private agencies and citizens groups, community groups, and organizations concerned with crime and delinquency; public and private agencies active in juvenile delinquency prevention; and shall include a majority of local elected officials selected in conformity with law.

(3) A member shall serve a two-year term unless terminated by the Governor or terminated, in the case of an elected or appointed public officer, by the end of such service, and shall continue to serve until notified of termination or reappointment.

(4) Three consecutive unexcused absences from regular meetings, except for temporary illness, or failure to attend at least 50% of the regular meetings in any calendar year shall be considered cause for termination of appointment and shall be reported to the Governor by the chairman of the council.

(b) Bylaws.—Each advisory committee shall establish bylaws to govern its operation and internal administration. These bylaws shall be subject to approval by the executive director of the commission to insure that they are in accordance with State and Federal laws, regulations, guidelines and commission policies.

(c) Powers and duties.—The Regional Advisory Committees shall assist the commission by developing and adopting comprehensive law enforcement and criminal justice and juvenile delinquency plans. All such activities shall be performed in accordance with established commission policies, guidelines, processes and timetables. The Regional Advisory Committees shall make a review of, and develop recommendations concerning, comprehensive plans developed by units of general local

government, including mini-block grant plans, to determine consistency with the commission's comprehensive plan and all relevant guidelines, policies, processes, and timetables and make recommendations to the commission for the funding of projects consistent with the commission's comprehensive plan, established funding guidelines and conducive to local and regional law enforcement, criminal justice and juvenile delinquency needs.

(d) Local planning agency staff.—No unit of general local government or combination of such units shall be eligible to receive funds for the establishment and operation of a criminal justice planning agency unless the staff of such agency is hired and retained on merit principles.

(e) Cities of the first class.—Whenever any city of the first class shall establish a Regional Advisory Committee which complies with Federal requirements, such advisory committee shall be the advisory committee for that city and, in such instance, the chief executive of the city shall appoint the members of the advisory committee.

Section 9. Cooperation by other departments.

It shall be the duty of the various administrative departments, boards and commissions to cooperate so far as practicable with the commission in the performance of its duties under this act, except as provided in sections 4 and 5.

Section 10. Transfer of personnel, assets and appropriations.

All personnel, allocations, appropriations, equipment, files, records, contracts, agreements, obligations, and other materials which are used, employed or expended by the Governor's Justice Commission in connection with the powers, duties or functions exercised under this act by the commission are hereby transferred to the commission with the same force and effect as if the appropriations had been made to and said items had been the property of the commission in the first instance and as if said contracts, agreements and obligations had been incurred or entered into by said commission.

Section 11. Abolition of Justice Commission.

The Governor's Justice Commission is hereby abolished.

Section 12. Termination of commission.

On December 31, 1980 the commission shall be abolished. The Judiciary Committees of the House of Representatives and Senate shall conduct a review of the performance and effectiveness of the commission and make public a report of their findings, conclusions and recommendations, including proposed legislation for such extension or reorganization of the commission as deemed appropriate. Such review shall be conducted not later than nine months prior to the termination.

Section 13. Repealer.

Section 924, act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," is repealed.

Section 14. Effective date.

This act shall take effect December 31, 1978.

APPROVED—The 22nd day of November, A. D. 1978.

MILTON J. SHAPP