

No. 1981-134

AN ACT

SB 795

Amending the act of November 22, 1978 (P.L.1166, No.274), entitled "An act 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," revising the membership, quorum, powers and duties of the commission, further providing for advisory committees, further providing for the termination of the commission and making a repeal.

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

Section 1. Section 2, act of November 22, 1978 (P.L.1166, No.274), referred to as the Pennsylvania Commission on Crime and Delinquency Law, repealed in part October 5, 1980 (P.L.693, No.142), is amended to read:

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 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) *Commissioner of Correction.*

[(11)] (12) Such additional members *appointed by the Governor as are* 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.

(c.1) Appropriations chairmen alternates.—*The chairman of the House Majority Appropriations Committee and the chairman of the Senate Majority Appropriations Committee may authorize, in writing, a named member of the committee to serve in his stead on the commission.*

(d) **Term of office.**—Except for *the Attorney General*, the Chief Justice **[and]**, Court Administrator of Pennsylvania courts and Commissioner of the Pennsylvania State Police, *Commissioner of Correction, the chairmen of the House and Senate Majority Appropriations Committees and the four other members of the General Assembly*, 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. *The term of the chairman of the Juvenile Advisory Committee shall be concurrent with his service as chairman of that committee.*

(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]** *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.

(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] Criminal Justice Council**.—The commission is hereby designated as the State **[Planning Agency] Criminal Justice Council** 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 2. Section 3 of the act is amended by adding a paragraph to read:

Section 3. Powers and duties of the commission.

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

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(16) To design and to coordinate the development and oversee the implementation of an information system to record transactions and to analyze trends within the Commonwealth's criminal justice system.

Section 3. Paragraph (7) of section 4 and section 6 of the act are amended to read:

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

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

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(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.]**

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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 *and representatives of public agencies concerned with special education. Members shall serve for a four-year term, and may be appointed for no more than one additional consecutive term.*

(b) Number and qualifications.—The committee shall consist of no less than **[25]** 15 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]** *one-fifth* of the membership shall be under the age of **[26]** 24 at the time of appointment. At least three of those members of the committee under **[26]** 24 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 members of the committee [which shall serve a two-year term] who shall serve at the pleasure of the Governor.* 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 4. Paragraph (6) of section 7 of the act is amended and a paragraph is added to read:

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

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

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(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.]

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

Section 5. Section 8 of the act is amended to read:

Section 8. [Regional Advisory Committees] *Local Criminal Justice Planning Agencies.*

(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)] (b) Cities of the first class.—Whenever any city of the first class shall establish a [Regional Advisory Committee] *local criminal justice planning agency* which complies with Federal requirements, such [advisory committee] *agency* shall be the advisory committee to the commission for that city and, in such instance, the chief executive of the city shall appoint the members of the [advisory committee] *agency*.

Section 6. Section 12 of the act, amended December 5, 1980 (P.L.1116, No.194), is amended to read:

Section 12. Termination of commission.

On December 31, [1981] 1985 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 7. Section 13 of the act is amended to read:

Section 13. Repealer.

[Section 924] Sections 924 and 925, act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," [is] are repealed.

Section 8. This act shall take effect immediately.

APPROVED—The 17th day of December, A. D. 1981.

DICK THORNBURGH