

No. 2009-32

AN ACT

HB 1648

Establishing a joint legislative, executive and judicial commission on juvenile justice.

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

Section 1. Short title.

This act shall be known and may be cited as the Interbranch Commission on Juvenile Justice Act.

Section 2. Declaration of policy.

The General Assembly finds and declares as follows:

(1) Recent events involving the actions of several individuals in Luzerne County with respect to juvenile delinquency proceedings require a noncriminal investigation and review of the operations of the juvenile justice system in that county.

(2) These events may have violated the principles in the Pennsylvania Constitution and State law and have eroded the trust and confidence in Luzerne County's juvenile justice system.

(3) Therefore, the legislative, judicial and executive branches of State government shall undertake a joint noncriminal investigation and review to:

- (i) ascertain how the Luzerne County juvenile justice system failed;
- (ii) restore public confidence in the administration of justice; and
- (iii) prevent similar events from occurring.

Section 3. Definitions.

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

"Commission." The Interbranch Commission on Juvenile Justice established in section 4.

"Public employee." The term shall have the same meaning as given to it in 65 Pa.C.S. § 1102 (relating to definitions).

"Public official." The term shall have the same meaning given to it in 65 Pa.C.S. § 1102 (relating to definitions).

Section 4. Commission.

(a) Establishment.—The Interbranch Commission on Juvenile Justice is established.

(b) Membership.—The commission shall consist of the following members, appointed within 25 days of the effective date of this section:

- (1) Four members appointed by the Chief Justice of the Supreme Court of Pennsylvania. One of the members must have served on the Juvenile Court Judges' Commission.
 - (2) Four members knowledgeable and experienced in juvenile law or providing services to juveniles who are not members of the General Assembly. One member shall be appointed by each of the following:
 - (i) The President pro tempore of the Senate.
 - (ii) The Minority Leader of the Senate.
 - (iii) The Speaker of the House of Representatives.
 - (iv) The Minority Leader of the House of Representatives.
 - (3) Three members appointed by the Governor. One member under this paragraph must be a member of the general public. One member under this paragraph must be a member of the Coalition of Pennsylvania Crime Victim Organizations who is directly involved in providing services to victims associated with juvenile crime in a county.
- (c) Chairperson.—The Chief Justice shall select the chairperson of the commission.
- (d) Quorum and voting.—
- (1) The physical presence of six members constitutes a quorum.
 - (2) Action of the commission must be authorized or ratified by majority vote of members of the commission.
- (e) Participation.—A member not physically present may participate by teleconference or video conference.
- (f) Meetings.—The following shall apply:
- (1) The commission shall meet at least once a month. Additional meetings may be called by the chairperson as necessary. The chairperson shall schedule a meeting upon written request of four members of the commission.
 - (2) The first meeting shall be convened within 45 days of the effective date of this section.
 - (3) The commission shall hold public hearings as necessary to obtain the information required to conduct the investigation and review under section 5.
- (g) Expenses.—Members shall not receive compensation but shall be reimbursed for expenses incurred in service of the commission.
- (h) Support.—
- (1) The Administrative Office of Pennsylvania Courts shall provide administrative services to the commission.
 - (2) Upon request, the Pennsylvania Commission on Crime and Delinquency and the Joint State Government Commission shall provide administrative assistance to the commission.
 - (3) The Juvenile Court Judges' Commission may provide analyses, reports and recommendations to the commission.
- Section 5. Functions of commission.
- (a) Powers.—The commission has the following powers:

(1) To investigate and analyze the events, practices, processes, procedures and other authority in Luzerne County involving judges, attorneys, public officials, public employees, probation and parole officers and providers of juvenile services.

(2) To review the procedures, practices and rules relating to the appointment of counsel to represent juvenile offenders and the exercise of the right to counsel in Luzerne County.

(3) To review the exercise of authority and abuse of power with regard to the disposition and placement of juveniles in Luzerne County.

(4) To review procedures used in responding to judicial and attorney conduct and to make recommendations as necessary with respect to both disciplinary systems.

(5) To review the oversight of juvenile detention facilities and investigate the utilization of facilities in Luzerne County.

(6) To hold public hearings for the taking of testimony and the requesting of documents. The commission shall have the power to issue subpoenas under the hand and seal of its chair, commanding any person to appear before it and answer questions touching matters properly being inquired into by the commission, and to produce any books, papers, records, documents and data and information produced and stored by any electronic data processing system as the commission deems necessary. The subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Any person who willfully neglects or refuses to testify before the commission or to produce any books, papers, records, documents or data and information produced and stored by any electronic data processing system shall be subject to the penalties provided by the laws of this Commonwealth in such case. The chairperson of the commission shall have the power to administer oaths and affirmations to witnesses appearing before the commission. The commission may also cause the deposition of witnesses either residing within or without this Commonwealth to be taken in the manner prescribed by law for taking depositions in civil actions.

(b) Duties.—The commission has the following duties:

(1) To accept and review written comments from individuals and organizations.

(2) To make, by May 31, 2010, recommendations to the Governor, the Supreme Court, the Senate and the House of Representatives based on the investigation of issues under subsection (a). This paragraph includes recommendations:

(i) To improve the juvenile justice system.

(ii) To prevent the reoccurrence of events similar to those identified in section 2.

(iii) To change to State statutes and State and local practices, rules, policies and procedures.

(3) To make reports as follows:

(i) The commission may file status reports and updates with the Governor, the Supreme Court, the Senate and the House of Representatives as it deems appropriate.

(ii) The commission shall issue a final report by May 31, 2010.

(iii) A report under this paragraph must be adopted at a public meeting.

(iv) A report under this paragraph shall be a public record under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

Section 19. Expiration.

This act shall expire June 30, 2010.

Section 20. Effective date.

This act shall take effect immediately.

APPROVED—The 7th day of August, A.D. 2009.

EDWARD G. RENDELL