



The Judiciary Review

Report from the Senate Judiciary Committee (D)

JAY COSTA, DEMOCRATIC CHAIRMAN
(717) 787-7683

FEBRUARY 2007

LEGISLATION IMPROVING JURY SELECTION MOVES TO SENATE

■ **Senate Bill 116** **Printer's No. 93**

Legislation introduced by Senator Jay Costa to improve jury selection procedures was reported from the Senate Judiciary Committee. The legislation was first introduced in response to concerns of Allegheny County President Judge Joseph James and Court Administrator Raymond Billott about the composition of jury pools being called in Allegheny County as not reflecting the geographical, racial and social composition of the county as a whole.

The legislation amends the Judicial Code to provide for the creation of a Statewide Jury Information System. Prior to June 30 each year, the Departments of Public Welfare, Revenue, State and Transportation would be required to submit a list of individuals that receive benefits, file personal income tax returns, register to vote or receive a driver's license to the Administrative Office of the Pennsylvania Courts (AOPC). The information submitted would be limited to name, address, date of birth and the last four digits of the social security number.

The AOPC is required to mix the lists and remove all information relating to the source of the list, assemble names and addresses by county and remove duplicates. Thereafter, the AOPC is required to provide the lists to the county jury commission upon request. The lists provided to and produced by the AOPC may not be re-released except as provided in the act. Further, none

of the information provided or assembled constitutes a public document that is subject to release or disclosure under the Right to Know Act or any other law, regulation, rule, enactment or decision. The act takes effect in 60 days.

Current Status: Second Consideration

■ **Senate Bill 73** **Printer's No. 92**

The legislation provides for the codification of various statutes relating to the confinement of county and state criminal offenders as well as the supervision of such offenders on probation or parole. The bill is the product of efforts to codify Pennsylvania statutes and contains many of the free-standing acts currently in effect unless they are clearly obsolete as recommended by the Department of Corrections, Board of Probation and Parole or the County Commissioners Association. The result is a uniform codification of statutes governing the confinement and supervision of county and state inmates, probationers and parolees.

Current Status: Second Consideration

■ **Senate Bill 150** **Printer's No. 94**

The legislation establishes the Sexual Violence Victim Protection Act. The legislation authorizes a victim of sexual assault who is not an intimate partner or family member of the assailant to petition the court requesting protection from the defendant. The legislation establishes

procedures for such victims to petition the court and to receive orders protecting them from accused assailants. The legislation provides for costs, extensions of orders and arrest for violations of orders. A protection order may include:

- (1) Prohibiting the defendant from having any contact with the plaintiff.
- (2) Directing the defendant to refrain from harassing or stalking the plaintiff.
- (3) Granting any other appropriate relief.
- (4) Be effective for a fixed period of time not to exceed 18 months.

Extensions may be granted following a hearing. A copy of the protection order must be issued to the plaintiff, the defendant and the police department with appropriate jurisdiction to enforce the order. An arrest for a violation of a protection order may be without warrant upon probable cause. A sentence for criminal contempt under this act may include imprisonment for up to six months and/or a fine of not less than \$100 nor more than \$1,000. A sentence for civil contempt may include imprisonment until the defendant complies with the order but in no case shall the imprisonment exceed six months. Further, the legislation authorizes the court to issue an order that requires the assailant to keep away from a sexual assault victim. The act takes effect in 180 days.

Current Status: Second Consideration

■ **Senate Bill 151**
Printer's No. 95

The bill amends sections 5122 and 5123 of Title 18 (Crimes Code) to further provide for the offenses of weapons or implements for escape and contraband. The legislation increases the grading for both offenses from a misdemeanor of the first degree to a felony of the second degree. Section 5122 (relating to weapons or implements of escape) is amended to make it an offense to deliver a weapon, implement of escape, or dangerous material to a confined person. This includes leaving a weapon or contraband in an area that is accessible to the confined person and where the confined person may acquire the item. Further, the classes of inmates covered is expanded to include any person detained or incarcerated in a correctional institution, mental hospital, youth development center, youth forestry camp or other facility used for the detention or incarceration of individuals pursuant to a court order. The bill defines the terms; implement of escape, dangerous material, confined person, and weapon.

The offense of contraband under section 5123 (relating to contraband) is amended similarly to the amendments provided in section 5122 (relating to weapons or implements of escape). Additionally, however, a provision is added that a prosecution under section 5123 does not prohibit a prosecution for a more serious violation of the Controlled Substance, Drug, Device and Cosmetic Act.

Finally, section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) is amended to include violations of section 5122 (relating to weapons, implements of escape or dangerous material). The act takes effect in sixty (60) days.

Current Status: Second Consideration

■ **Senate Bill 397**
Printer's No. 122

The legislation adds sections 1725.5 and 1725.6 to Title 42 (Judiciary and Judicial Procedure) by establishing a central or regional booking fee. In addition to any other fines, penalties, costs or fees authorized by law, a person may be required by the court to pay a central or regional booking fee of no more than \$200. The fee may be imposed if:

- The person is placed on probation without verdict for an offense with of the Controlled Substance, Drug, Device and Cosmetic Act.
- The person receives ARD or pleads guilty, nolo contendere or is convicted of any offense under the Crimes Code, homicide by vehicle while DUI or a DUI offense.

The booking fee is paid to the county and deposited into a special central or regional booking fund to be used solely for the start-up, operation or maintenance of a central or regional booking center. The act takes effect in 60 days.

Current Status: Second Consideration

■ **Senate Resolution 9**
Printer's No. 13

The resolution directs the Joint State Government Commission to study the issue of violent crime, to establish an advisory committee to review proposals that address the issue of violent crime and to report to the Senate with its findings and recommendations.

Current Status: Second Consideration



State Senator
JAY COSTA

OFFICES TO SERVE YOU

FOREST HILLS

1501 Ardmore Blvd. • Suite 403
Pittsburgh, PA 15221 • (412) 241-6690

CARRICK

2306 Brownsville Road
Pittsburgh, PA 15210 • (412) 488-6111

HOMESTEAD

314 East 8th Avenue
Homestead, PA 15120 • (412) 565-7536

HARRISBURG

Senate Box 203043
Harrisburg, PA 17120-3043 • (717) 787-7683

E-MAIL: costa@pasenate.com

WEB SITE: www.SenatorCosta.com