



# The Judiciary Review

## Report from the Senate Judiciary Committee (D)

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## JUDICIARY COMMITTEE REPORTS SEVERAL INITIATIVES

### Crimes and Offense

■ **Senate Bill 1021**  
**Printer's No. 1279**

The legislation amends Title 18 (Crimes and Offenses) by repealing section 7105 from the Crimes Code. That makes it a summary offense for a licensed keeper, proprietor, owner or superintendent of any public poolroom or billiard room to remain open during certain hours.

*Current Status—Passed in the Senate*

■ **Senate Bill 1149**  
**Printer's No. 1531**

The legislation adds mass transit employees to the list of officers and employees under the aggravated assault statute. "Mass transit employees" are defined as a driver, operator or other attendant of a vehicle, other than a taxicab or limousine, designed for carrying 15 or more passengers exclusive of the driver and designed and used for the transportation of persons for compensation, including, but not limited to subway cars, busses, trolleys, trackless trolleys and railroad passenger cars.

*Current Status—Senate Calendar  
Second Consideration*

■ **House Bill 675**  
**Printer's No. 1267**

The legislation amends Title 18 (Crimes Code) by establishing a new criminal offense under section 3313. The new section makes the illegal dumping of methamphetamine waste a felony of the third degree. The bill provides exemptions for

licensed pharmaceutical companies and any dumping performed under color of state or federal law.

*Current Status—Senate Calendar  
Second Consideration*

### Domestic Relations

■ **Senate Bill 1107**  
**Printer's No. 1843**

The legislation prohibits any court of this commonwealth from modifying or amending an existing custody order or entering a new order that changes the custody order of a child whose parent is a member of the armed forces while that person is deployed in a support of a contingency operation. The court may enter a temporary custody order if there is clear and convincing evidence that it is in the best interest of the child.

Further, it prohibits the consideration of the service member's absence during the course of the deployment when considering a change, amendment or modification of an existing order when making a determination of the child's best interest for such amendment, modification or change. Further, failure to appear at any hearing because of such deployment may not be considered as non-compliance.

*Current Status—Senate Calendar  
Second Consideration*

■ **Senate Bill 1278**  
**Printer's No. 1844**

The proposed legislation enhances the Pennsylvania Child Support Enforcement Program by: providing more support to low-income families,

reducing operational costs, and generating revenue through increased Federal incentive earnings.

Under the legislation, every order for child support must include a requirement that either or both parents pay for medical support for their children. Medical support is defined as health care coverage, which includes coverage under a health insurance plan or government-subsidized health care coverage, including payment of costs of premiums, co-payments, deductibles and capitation fees, and payment for medical expenses incurred on behalf of the child. Further, under current law and under the proposed amendments, the custodial parent and the non-custodial parent of a child is required to provide medical support if it is available at a reasonable cost.

The collection of an annual \$25 fee when \$500 or more of support is collected for a family receiving child support services and where the family has never received Temporary Assistance to Needy Families (TANF) is required. However, the Commonwealth will pay the \$25 fee for families who never received TANF if between \$500 and \$1,999.99 is collected during a year's time. Thereafter, the \$25 fee will be collected from the custodial parent where annual collections equal or exceed \$2,000.

All child support orders are required to be reviewed and, if appropriate, adjusted every 3 years. Further, the section is amended to authorize a court to consider incarceration as a factor in

determining whether to modify or terminate a support order. The Support Pass-Through to a TANF family is increased to \$100 for one child and \$200 for two or more children. Finally, the section is amended to provide that support collected through the Federal Tax Refund Offset Program (IRS intercept) will be paid to families that formerly received cash assistance first before DPW can collect arrearages owed to the Commonwealth.

*Current Status—Senate Calendar Third Consideration*

### Judicial Code

■ **Senate Bill 1269**  
**Printer's No. 1731**

The legislation adds the definitions of “assessment” and “screening” to the Juvenile Act. Assessments and screenings may be court ordered or conducted by juvenile justice personnel for the purposes of evaluating the psychological, mental health, mental retardation, drug/alcohol dependency or co-occurring disorders of the youth. An assessment is defined as an individualized examination of a child to determine the child’s psychosocial needs and problems, including the type and extent of any mental health, substance abuse or co-occurring mental health and substance abuse disorders and recommendations for treatment. The term includes, but is not limited to, a drug and alcohol, psychological and psychiatric evaluation, records review, clinical interview and the administration of a formal test and instrument. A screening is defined as a process, regardless of whether it includes the administration of a formal instrument, that is designed to identify a child who is at increased risk of having a mental health, substance abuse or co-occurring mental health and substance abuse disorder that warrants immediate attention, intervention or more comprehensive treatment.

The legislation provides the basic rights for the juvenile offender while

subject to the jurisdiction of the juvenile justice system. Statements and incriminating information obtained during an assessment or screening undertaken with any proceedings under Chapter 63, including court ordered assessments or screenings may be admitted into evidence against the child relating to a determination of delinquency or the issue of guilt in a criminal proceeding. The protection afforded by this section is intended to supplement any existing constitutional or statutory prohibition on evidentiary admissions relating to assessments, screenings or treatment.

*Current Status—Senate Calendar Second Consideration*

■ **House Bill 306**  
**Printer's No. 2831**

This would remove the jurisdiction of the court of common pleas for appeals of determinations issued by the Pennsylvania Labor Relations Board under the Pennsylvania Labor Relations Act (PLRA). The effect of removing the paragraph would vest jurisdiction in the Commonwealth Court pursuant to section 761. That section provides that the Commonwealth Court has jurisdiction over all civil actions or proceedings involving state government. Any appeals filed prior to the effective date of this act would be retained by the court of common

pleas.

*Current Status—Senate Appropriations*

### Constitutional Amendments

■ **Senate Bill 1250**  
**Printer's No. 1776**

This legislation would add a section to the Constitution of the Commonwealth of Pennsylvania stating “No union other than a marriage between one man and one woman shall be valid or recognized as marriage or the functional equivalent of marriage by the Commonwealth.”

Article XI, Section 1 outlines the process for the passage of amendments to the Constitution of the Commonwealth. The joint resolution would be required to pass in two consecutive legislative sessions. Upon passage in the second consecutive legislative sessions, the Secretary of the Commonwealth would be required to submit the proposed constitutional amendment to the qualified electors of the Commonwealth at the first primary, general or municipal election which occurs at least three months after the proposed constitutional amendment is passed by the General Assembly.

Additional hearings before the Senate Judiciary Committee and Senate Appropriations Committee will be conducted on this bill.

*Current Status—Senate Calendar Second Consideration*

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