



The Judiciary Review

Report from the Senate Judiciary Committee (D)

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November 2004

Costa Bill on Crime Reporting Reaches Governor's Desk in Flurry of End of Session Activity

■ **Senate Bill 668**
Printer's No. 1888

Senator Costa's legislation that would improve crime reporting to the State Police Uniform Crime Report gained final approval from the House and Senate and moved to the Governor's Desk. Additionally, the bill was amended in the House to provide that institutions of higher education include in their annual report of crime statistics, information regarding arrests made on campus by state or local police.

*Current Status: Governor's Desk
Final Date for Approval-11/30/04.*

■ **Senate Bill 92**
Printer's No. 1995

This legislation provides for the institution of a petition for re-determination of the fair market value of property sold in connection with execution proceedings in a deficiency judgment action where the real property collateral lies in multiple counties. Additionally, the legislation amends section 5524.1 to provide for limitations related to asbestos related claims.

The legislation was amended to provide amendments to Pennsylvania's Megan's Law. These revisions consist of five major components:

- * Establishment of criminal offenses with graduated penalties for sex offenders and Sexually Violent Predators (SVP's) who fail to comply with registration and verification requirements.
- * Expanded community notification through the Internet regard-

ing all sex offenders and SVP's.

- * Stricter registration and verification requirements for sex offenders and SVP's including finger-printing and photographs on predetermined dates.
- * Enhanced registration, verification and community notification requirements for out of state offenders and SVP's.
- * Procedures for court ordered reevaluation of sexually violent predators and lifetime offenders by the Sex Offender Assessment Board who are conviction free for a period of twenty-years and do not pose a threat to the safety of any other person.

*Current Status: Governor's Desk
Final Date for Approval-11/30/04.*

■ **Senate Bill 95**
Printer's No. 1939

The legislation makes several revisions to the Domestic Relations Code relating to divorce. The bill amends the definition of "separate and apart" and adds language providing that the parties to a divorce are presumed to live separate and apart no later than the date that the complaint in divorce was served. Additionally, the bill provides for premarital agreements and the setting aside of such agreements; bifurcation of proceedings relating to divorce and property settlement/distribution; death of one spouse in divorce action; exception to the right of a surviving spouse; calculation of the increase in value of marital property; valuation of retirement

plans; equitable distribution of property; and interim partial distribution of property.

*Current Status: Governor's Desk
Final Date for Approval-11/30/04.*

■ **House Bill 447**
Printer's No. 4798

The bill limits liability for a vehicle or equipment donated to charitable organizations and volunteer fire companies. Additionally, it provides a five-year mandatory minimum sentence when a person or accomplice is in violation of the Controlled Substances Act and is in physical possession of a firearm. If drug trafficking occurs in or near a school or in the presence of a minor, the mandatory sentences are to be served consecutively or concurrently, not to exceed maximum sentences under the Controlled Substances Act.

*Current Status: Governor's Desk
Final Date for Approval-11/30/04.*

■ **Senate Bill 492**
Printer's No. 1653

This bill further provides for advanced health care directives and adds provisions creating comprehensive health care powers of attorney.

*Current Status: Governor's Desk
Final Date for Approval-11/30/04.*

■ **House Bill No. 2036**
Printer's No. 4779

The legislation establishes the Mental Health Advance Directive Act authorizing Mental Health

Advance Directives that specifies an individual's mental health treatment preferences. There will be two types of directives, Instructional and Proxy Directives. Additionally, the legislation further provides for the prudent investor rule and for the applicability of requirements for trusts with controlling interests in certain corporations.

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Final Date for Approval-11/30/04.*

**■ House Bill 835
Printer's No. 4783**

The legislation recodifies the DNA Databank legislation in Title 44 of the Pennsylvania Consolidated Statutes. It requires individuals convicted or adjudicated delinquent or on probation or parole for a felony offense to submit a DNA sample to the DNA data base and prohibits the release of any such individual from a correctional institution without submitting a DNA sample record. Additionally, the bill amends the statute of prosecution for certain sex offenses when evidence containing DNA is subsequently used to identify an unidentified individual as the perpetrator.

*Current Status: Governor's Desk
Final Date for Approval-11/30/04.*

**■ Senate Bill No. 109
Printer's No. 1999**

The legislation authorizes the public disclosure of law enforcement records concerning a minor who has been adjudicated delinquent for certain specified offenses that would be graded as a felony. Records would also be disclosed if the child was 12 or 13 years of age and the conduct would have constituted one or more specified offenses if committed by an adult. Further, the bill provides for the identification of an incorrect debtor and for filing charges where multiple summary offenses are alleged from the same course of conduct.

*Current Status: Governor's Desk
Final Date for Approval-11/30/04.*

**■ Senate Bill No. 72
Printer's No. 1998**

The legislation amends section 2702 of the Crimes Code to add public utility workers and legal representatives of a county children and youth social service agency to the list of officers and employees under the aggravated assault statute. Additionally, criminal history record information shall be expunged for underage drinking when the person is over 21 and has satisfied all terms and conditions of the sentence imposed for the violation, including suspension of operating privileges. Finally, the sunset provisions on the Wiretap Act were extended to December 31, 2008.

*Current Status: Governor's Desk
Final Date for Approval-11/30/04.*

**■ Senate Bill No. 441
Printer's No. 2004**

This legislation authorizes active, retired or senior bankruptcy judges of the United States Bankruptcy Courts for the Eastern, Middle or Western District of Pennsylvania who are residents of Pennsylvania to solemnize marriages.

*Current Status: Governor's Desk
Final Date for Approval-11/30/04.*

**■ Senate Bill No. 959
Printer's No. 2000**

The bill amends the Constables' Training and Education Act to provide that excess funds in the account may be used to pay for the continuing education programs. Additionally, when a county correctional facility releases an inmate to either state or county probation or parole, the facility must give the inmate "his current medications as prescribed and any customary and necessary medical supplies as determined by the prescribing physician." Further, the legislation excludes any offender with enumerated current criminal convictions from certain intermediate sentencing alternatives.

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**■ Senate Bill No. 1099
Printer's No. 1979**

Judicial positions were added to the following Judicial Districts.

- 2nd Judicial District: 2 new judges
- 5th Judicial District: 2 new judges
- 11th Judicial District: 1 new judge
- 15th Judicial District: 1 new judge
- 19th Judicial District: 2 new judges
- 23rd Judicial District: 1 new judge
- 24th Judicial District: 1 new judge
- 27th Judicial District: 1 new judge
- 26th Judicial District: 1 new judge
- 45h Judicial District: 1 new judge
- 15th Judicial District: 1 new judge
- 58th Judicial District: 1 new judge
- 60th Judicial District: 1 new judge

The bill also provides that upon failure of a child to comply with a sentence for a summary offense, a probation officer shall review the charges to consider the commencement of proceedings. Any money subsequently paid by the child shall be administered and disbursed in accordance with written guidelines adopted by the President Judge.

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Final Date for Approval-11/30/04.*

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