



The Judiciary Review

Report from the Senate Judiciary Committee (D)

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SENATE JUDICIARY COMMITTEE MOVES LEGISLATION

■ Senate Bill No. 917

Printer's No. 1082

The legislation amends the Judicial Code to authorize Courts of Common Pleas to establish a Mental Health Court Division and provides a funding mechanism for the establishment of such a division through the Administrative Office of the Pennsylvania Courts. The AOPC, in consultation with the Departments of Public Welfare and Corrections as well as the Board of Probation and Parole, is authorized to establish minimum standards, funding schedules and procedures for awarding grants to such courts. The Mental Health division is intended to provide a single point of contact for defendants with a mental disability to receive treatment and support, diversion from prosecution or alternative sentences, cooperation and coordination between mental health services and the criminal justice

system and expedited case processing for offenders charged with misdemeanors and nonviolent offenses.

Current Status:

Senate Appropriations Committee

■ Senate Bill No. 1099

Printer's No. 1082

The legislation amends the Judicial Code to authorize state intermediate punishment sentencing alternatives. The Department of Corrections is authorized to develop a State Intermediate Punishment Program (SIPP) that includes intensive supervision with electronic monitoring, resident inpatient treatment programs, day reporting centers, halfway houses with restitution centers and work release. Additionally, the department is required to provide sentencing courts with availability information; develop contacts and contract with individuals and organizations to

provide intermediate punishment services; report annually to the Judiciary Committees of the House of Representatives and Senate; and develop a public information program.

Eligible offenders for state intermediate punishment include, those who would otherwise be sentenced to confinement in a state correctional facility, do not have a past or present pattern of violent behavior, and have not been convicted of any murder, voluntary manslaughter, aggravated assault, assault by a prisoner, assault by a life prisoner, kidnapping, rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault, arson, burglary when graded as a felony, robbery, extortion, incest, or escape.

Current Status:

Senate Appropriations Committee

Continued

MAY PRIMARY ELECTION TO PROCEED AS SCHEDULED

On Tuesday April 23, a three-judge panel of the Middle District Court issued a stay of its April 8 order invalidating Act 1 of 2002. Act 1, ruled unconstitutional by the panel, provided the Congressional Redistricting Plan for the 2002 elections. The plan was found to violate the one-person/one-vote standard enunciated by the United States Supreme Court in *Reynolds v. Sims*. The Plan included a maximum deviation of 19 persons district to

district but was accompanied by a variety of county, municipal and voting precinct splits. The three judge panel concluded the deviation was not supported by neutral legislative policies enunciated in *Karcher v. Daggett*. These include compactness, respecting municipal and voting district boundaries, preserving the core of voting districts and avoiding contests between incumbents.

The immediate result of the

grant of the stay insures that the Primary Election will occur on May 21, 2002 as scheduled. However, Congressional Districts provided in Act 1 are effective only for 2002. Congressional elections for 2004 and after will be conducted in districts crafted in Act 34 of 2002. This Congressional redistricting plan was enacted by the General Assembly after the Middle District Court had invalidated Act 1.

Continued from front

SENATE JUDICIARY COMMITTEE MOVES LEGISLATION

■ **Senate Bill No. 1367**
Printer's No. 1827

The legislation amends the Associations Code to authorize non-profit corporations to appoint minors, who are at least sixteen years of age, to their board of directors if provided in the articles of incorporation of the non-profit. However, the number of persons so appointed may not exceed one-half of the total number of persons required for a quorum to conduct official business.

Current Status: House Judiciary Committee

■ **Senate Bill No. 1164**
Printer's No. 1436

The legislation adds section 4107.3 to the Crimes Code making it a misdemeanor of the first degree for a person to engage in unauthorized solicitation on behalf of a charity, or after being notified that such authorization has been denied, revoked, suspended or otherwise withdrawn. It is a defense under this section if the person had a reasonable expectation of approval to solicit or accept funds on behalf of the charity and makes a prompt distribution to the charity of all funds solicited.

Current Status: Senate Calendar—Second Consideration

BILLS SIGNED BY THE GOVERNOR

■ **House Bill No. 1923**
Printer's No. 3463

The bill increases filing fees for Records of Deeds in counties of the second A, third, fourth, fifth, sixth, seventh and eighth classes and home rule charter counties of those classes from \$2 to \$5 for recording a document. Three dollars (\$3) is required to be retained in County

Records Improvement Fund in accordance with a comprehensive record management plan.
Signed by Governor—Act 32 of 2002

■ **House Bill No. 2088**
Printer's No. 2773

The bill amends section 3302 of the Crimes Code to include conduct by a person who causes a catastrophe by selling, dealing in or otherwise providing licenses or permits to transport hazardous materials in violation of Chapter 83 of Title 75.

Current Status: Governor's Desk
Last day for action—May 4, 2002.

■ **House Bill No. 2129**
Printer's No. 2841

The bill makes it a misdemeanor of the first degree to knowingly possess, manufacture, sell, offer or deliver a theft detection shielding device or a theft detection deactivation device. These terms are defined in the bill to be devices that are ultimately used to remove or cloak materials or merchandise from electronic detection devices for the purposes of depriving merchants or libraries of retail merchandise or other materials without first lawfully obtaining possession of such merchandise or materials.

Signed by Governor—Act 33 of 2002

UPCOMING COMMITTEE EVENTS

The Senate Judiciary Committee will be conducting three public hearings during May.

May 6—The Senate Judiciary Committee will meet to review and receive commentary on Senate Bill 1260. This legislation proposes amendments to the Domestic Relations Code regarding Custody and includes the recommendations of the Joint State Government Commission Advisory Committee on Domestic Relations Law chaired by the Honorable Emanuel A. Bertin of the Montgomery County Court of Common Pleas.

May 13—The Senate Judiciary Committee will meet to hear testimony from various parties concerning Senate Bill 1376. This legislation provides for the repeal of joint and several liability in the Commonwealth and replaces it with a system of comparative fault.

May 29—The Senate Judiciary Committee will meet in the Gold Room of the Allegheny County Courthouse to receive public comment on the Department of Corrections proposal to close the State Correctional Facility at Pittsburgh.

STATE SENATOR JAY COSTA, JR.

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