



The Judiciary Review

Report from the Senate Judiciary Committee (D)

JAY COSTA JR., DEMOCRATIC CHAIRMAN

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Costa Bills Clear Judiciary Committee and Senate

■ Senate Bill 668 Printer's No. 1702

The Senate unanimously adopted a measure that would improve the collection and reporting of crime statistics. Sponsored by Senator Jay Costa, the legislation establishes the Pennsylvania Uniform Crime Reporting Program under the Pennsylvania State Police. The program requires all state, county and local law enforcement agencies to report statistical information concerning criminal offenses that occurred in their respective jurisdictions and the disposition of such matters to the Pennsylvania State Police on a monthly basis.

The program includes notification to county and local law enforcement agencies that are not compliant with their reporting requirements as well as to AOPC and PCCD. Non-compliance with the reporting requirements, within 30 days of the notification, may result in a determination that the local law enforcement agency or municipality is ineligible to receive its portion of fines collected or any grant administered by the Pennsylvania Commission on Crime and Delinquency.

Current status: House Judiciary Committee

■ Senate Bill 669 Printer's No. 1661

The Senate Judiciary Committee recently reported legislation sponsored by Senator Costa establishing an interpreter certification program in administrative and court proceedings. The legislation directs the Court Administrator and the Department of Labor and Industry to establish a program for certifying and identifying qualified interpreters for persons with limited English proficiency and persons who are deaf. Further, the legislation will ensure that a listing of certified foreign language and sign interpreters is available to litigants. This way, litigants in need of certified interpreters will have access to statewide service for all administrative, civil and criminal proceedings.

Certification programs established by the Court Administrator and the Department of Labor and Industry should include: testing and certification; written and oral proficiency; periodic examinations to ensure availability of certified interpreters; reasonable fees; reciprocity of interpreters with other jurisdictions; audio recording of interpreted testimony; and continuing education for certified interpreters.

Further, the legislation authorizes the use of Otherwise Qualified Interpreters (OQIs) when certified interpreters are unavailable for such proceedings. OQIs must establish proficiency and agree to be bound by rules of professional conduct as provided by the Court Administrator or Department of Labor and Industry. Additionally, OQIs for deaf or hearing impaired must be certified by the National Association for the Deaf or the Registry of Interpreters for the Deaf.

The county where the proceeding occurs is responsible for the costs of interpreters involving a criminal defendant, juvenile offender, direct victim or witness compelled to testify that requires the use of an interpreter. Otherwise, the litigant pays in all other cases. A person who is deaf may not be assessed costs of interpretive services in conformance with ADA and current court rules. Generally, costs for interpreters are the responsibility of the party requesting such services. However, costs for interpreters may not be assessed against a party who is indigent, a criminal defendant or juvenile offender or who is deaf.

Current status: Senate Appropriations Committee

■ **Senate Bill 1099**
Printer's No. 1739

This legislation adds several judicial positions to the courts of common pleas.

- Blair County - one judge
- Allegheny County - two judges
- Berks County - one judge
- Chester County - one judge
- Lackawanna County - one judge
- Luzerne County - one judge
- Washington County - one judge
- Pike County - one judge
- Butler County - one judge

The new judgeships will be filled in the 2005 municipal election and the newly elected judges will take office in January 2006. In the case of Luzerne County and Pike County, the new judgeship will be filled in the 2007 election and the newly elected judge will take office in January 2008.

Current status: Senate Calendar—Second Consideration

■ **Senate Bill 702**
Printer's No. 1660

The legislation amends the Crimes Victims Act of 1998 to expand the membership of the Victims' Services Advisory Committee from nine to eleven members to include at least two members representing the interests of victims of identity theft. In addition, identify theft victim support and research is added to the advisory committee's powers and duties. The advisory committee serves the Pennsylvania Commission on Crime and Delinquency and, specifically, the Office of Victims' Services.

Current status: Senate Appropriations Committee

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

This bill amends Title 18 and Title 20 of the Pennsylvania Consolidated Statutes, by providing for advanced directives for health care and adding provisions creating comprehensive health care powers of attorney. Chapter 54 of Title 20 is reorganized into five separate subchapters:

- Subchapter A, (General Provisions)— definitions, legislative findings and intent, compliance, conflicting advance health care directives, life insurance, health care instruments optional, pregnancy, and the effect of divorce.
- Subchapter B, (Living Wills)— known as the Living Will Act, this subchapter outlines the execution, revocation, and validity of a living will and includes a section regarding the content of the form.
- Subchapter C, (Health Care Agents and Representatives)— subchapter provides for comprehensive health care power of attorney and health care agents to make health care decisions on behalf of the principal.
- Subchapter D, (Combined Form)—sample documents combining a living will and the health care power of attorney.
- Subchapter E, (Out-of-Hospital Nonresuscitation)—subchapter added to address out-of-hospital do-not resuscitate orders in conformity with Act No. 59 of 2002.

Current status: Senate Calendar—Second Consideration

■ **Senate Bill 217**
Printer's No. 1656

The legislation amends Title 42 by adding a section to require the Pennsylvania Commission on Sentencing to adopt guidelines for participation in State Intermediate Punishment. These guidelines will be used by the attorney for the Commonwealth and the sentencing court in determining whether to commit a defendant for evaluation and whether to sentence an eligible offender to State Intermediate Punishment. The Department of Corrections shall establish the Drug Offender Treatment Program as a State Intermediate Punishment. The program will be designed to address the individually assessed drug and alcohol abuse and addiction needs of the participants and also address other issues essential to the participants' successful reintegration into the community.

Current status: Senate Calendar—Third Consideration

State Senator
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