



The Judiciary Review

Report from the Senate Judiciary Committee (D)

JAY COSTA JR., DEMOCRATIC CHAIRMAN

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Costa Bill Seeking Accurate Crime Statistics Reported from Judiciary Committee

■ Senate Bill 668 Printer's No. 758

The legislation establishes the Pennsylvania Uniform Crime Reporting Program under the direction of the Pennsylvania State Police. The program requires all state, county and local law enforcement agencies to report statistical information concerning criminal offenses and dispositions to the State Police on a monthly basis.

The State Police must compile the information in an annual report to the Governor, General Assembly, the Attorney General and the public. As part of the annual report, the State Police must include a listing of Pennsylvania law enforcement agencies from information submitted by the Municipal Police Officers Education and Training Commission.

The program must provide notification to county and local law enforcement agencies that are not compliant with reporting requirements pursuant to the act. Non-compliance may result in a determination that the local law enforcement agency or municipality is ineligible to receive its portion of fines collected and any grant administered by the Pennsylvania Commission on Crime and Delinquency.

Current Status: Senate Appropriations Committee

■ Senate Bill 904 Printer's No. 1152

The legislation makes several editorial changes to Title 18, Title 23, Title 34, Title 42, Title 53, Title 71, Title 68, Title 74 and Title 75 of the

Pennsylvania Consolidated Statutes to change the reference in those statutes from District Justice to Magisterial District Judge. District Justice is currently the term used for the minor judicial officers of the Unified Judicial System, outside of the city and county of Philadelphia as designated in the Judicial Repealer Act of 1978. District Justice is defined in the Judicial Code as a justice of the peace holding office under section 7(a) of Article V of the Constitution of Pennsylvania.

Current Status: Senate Appropriations Committee

■ Senate Bill 959 Printer's No. 1268

The legislation amends the Judicial Code to remove the requirement that a county correctional facility provide the county probation department with a 48-hour supply of medication for an inmate upon release. A county will continue to be required to provide information relating to a record of adjustment to confinement, current medical or psychological conditions requiring treatment, medical admissions testing performed by the county and previously administered medications when a person is released from a county corrections facility to the supervision of county probation.

Current Status: Senate Calendar Second Consideration

■ House Bill 1189 Printer's No. 2188

The legislation amends 18 Pa.C.S. § 1106, regarding restitution for

injuries to person or property, to permit victims to receive restitution for "collateral injury." The definition of "collateral injury" under this section is stated as any moneys paid by the victim to any professional, including an attorney, a psychologist or an accountant, for professional services required to address adverse consequences suffered by a victim as a direct result of a crime, including correcting credit reports, contesting unwarranted debt collection efforts, conducting forensic audits, defending against false criminal charges and counseling.

Current Status: Senate Calendar Third Consideration

■ House Bill 1423 Printer's No. 2185

The legislation amends the Adoption Act by limiting the period for revocation of a parent's consent to an adoption as follows:

- a birth mother may revoke her consent to an adoption up to 30 days following the execution of her consent, which is invalid if executed prior to or within 72 hours of the child's birth.
- a birth father or putative father may revoke his consent for up to 30 days after the child's birth or up to 30 days after executing the consent, whichever occurs later.

A child must be in the home of a prospective adoptive parent for at least 3 days rather than 30 days before the birth parent may petition for a

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voluntary relinquishment of parental rights.

The bill provides that a parent may challenge the validity of his or her consent by filing a petition alleging fraud or duress with the earlier of the following:

- 60 days after the child’s birth or execution of the consent, whichever occurs later; or
- 30 days after the entry of the adoption decree. The validity of a consent can be appealed by a birth parent following the 30-day revocation period if the parent alleges fraud or duress.

Finally, with regard to an alternative procedure for relinquishment, a prospective adoptive parent or intermediary may petition the court for a hearing to confirm the consent to an adoption when the revocation periods have elapsed. The original consent or consents to the adoption shall be attached to the petition.

Current Status: Senate Calendar Second Consideration

■ House Bill 1718 Printer’s No. 2422

The legislation amends the Tobacco Settlement Act by imposing limits on the amount of an appeal bond involving tobacco litigation in order to secure and protect the monies received by the Master Settlement Agreement. The bill is intended to protect the Commonwealth’s share of the tobacco settlement and to ensure the state will continue to receive funds if the tobacco company that is a party to the Master Settlement Agreement is involved in litigation. The defendant tobacco company retains its right of appeal. The total supersedes bond that is required of all appellants collectively shall not exceed \$100 million regardless of the value of the judgment. However, the court has discretion to require an appellant to post a bond in an amount up to the

total amount of the judgment or enter an order to protect the appellee if the appellant is dissipating assets to avoid payment of the judgment. The act would apply to pending litigation on its effective date. Currently, the Pennsylvania Rules of Appellate Procedure provide that judgment debtors must post a bond in the amount of 120% of the judgment. Pa.R.A.P. 1731.

Current Status: Senate Appropriations

■ Senate Bill 145 Printer’s No. 1320

The legislation amends the definitions of “police department” and “police officer” to include the Capitol Police, the Harrisburg International Airport Police, airport authority police and police officers of a first or second-class city housing authority.

The legislation, as amended by Senator Costa, will insure that police officers of the City of Pittsburgh Housing Authority Police will be fully certified police officers under the Municipal Police Officers Education and Training Act. Currently, those officers must comply with the training requirements established by that act. Full certification will authorize housing authority police to make arrests in warrant or “hot pursuit” situations that originate on housing authority property; authorize detention of actors who commit misdemeanor or felony offenses in view of housing authority police until a city or state police officer with proper jurisdictional authority arrives; assist local/state/federal law enforcement officers on off-site task force duties; and enable housing authority officers to respond to requests for assistance from other law enforcement agencies in cases of natural disaster or other emergency situations.

The legislation makes the following ineligible for reimbursement by the Municipal Police Officers’ Education and Training Commission for the cost

of the mandatory in-service training:

- College or university police.
- Railroad and street railway police.
- The Capitol Police.
- The Harrisburg International Airport Police.
- An airport authority police department.
- Police officers of a first or second-class city housing authority police department.

Last, an amendment by Senator Costa repealed Section 2166.1 of Title 53 pertaining to prohibition of political activity by police officers.

Current Status: Senate Rules Committee

Executive Nominations

- Louise B. Williams of Lancaster County to the Pennsylvania Board of Pardons.



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