



# The Judiciary Review

## Report from the Senate Judiciary Committee (D)

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## Senate Judiciary Committee Reports Revisions to Child Custody and Juvenile Supervision Laws

### Child Custody

#### ■ Senate Bill 275 Printer's No. 275

This legislation is the product of the Advisory Committee on Domestic Relations Law of the Joint State Government Commission. The Advisory Committee was created by the adoption of Senate Resolution 43 of 1993 directing the commission to undertake a study of the domestic relations law excluding adoption and child abuse. The legislation provides numerous changes and recodifications of the law relating to the custody of minors.

*Current status: Senate Calendar  
Second Consideration*

### Juvenile Supervision

#### ■ Senate Bill 319 Printer's No. 334

This legislation establishes the Interstate Compact for Juveniles. The Compact manages the interstate movement of adjudicated youth, the return of non-adjudicated runaway youth, and the return of youth to states where they were charged with delinquent acts.

The new Compact establishes an independent authority to administer ongoing Compact activity, including staff support. The Compact includes representation of all member states on a national governing commission, which will adopt procedures and rules. There is a mandatory funding

mechanism (assessments on member states—projected to be \$32,000 for Pennsylvania) to support Compact operations. The Compact requires the collection of standardized information and provides for an information sharing system. Most importantly, ratification of the new Compact will bring uniformity among the states.

Primary changes to the original Juvenile Compact include:

- The establishment of an independent Compact authority to administer ongoing Compact activity, including a provision for staff support.
- Gubernatorial appointment of representatives from all member states on a national governing commission which meets annually to elect the Compact operating authority members, and to attend to general business and rule making procedures.
- Rule making authority, and authority to impose significant sanctions to support essential Compact operations.
- Mandatory funding mechanism sufficient to support essential Compact operations including staffing, data collection, training and education.
- Collection of standardized information.

*Current status: Senate Calendar  
Second Consideration*

### Law Enforcement Records

#### ■ Senate Bill 392 Printer's No. 406

This legislation amends the Criminal Records and Fingerprinting Act. It requires the Pennsylvania State Police to maintain records of individuals convicted of offenses including photographs, pictures, descriptions, fingerprints and other information pertinent to identifying the individual and maintenance of such records for habitual criminals.

Further, the legislation requires that municipal law enforcement agencies make daily reports to the Pennsylvania State Police concerning individuals arrested and charged with a felony offense or believed to be a fugitive or habitual criminal. Reports must include fingerprints and photographs of such individuals.

Additionally, an individual in charge of a correctional facility is required to immediately notify law enforcement agencies of any escape from the correctional facility. In the case of a state correctional facility, the Pennsylvania State Police must be notified. The Pennsylvania State Police are required to notify the state correctional institution and the Department of Corrections when it has assumed command of the pursuit and apprehension efforts concerning the escapee.

Last, a District Attorney may not request the fingerprinting of an individual arrested for a misdemeanor offense unless the District Attorney

has reason to believe that the person has committed a felony offense and the person has not been previously arrested for a felony offense.

*Current status: Senate Calendar  
Second Consideration*

## Death Penalty

### ■ Senate Bill 57 Printer's No. 57

The legislation amends Section 9711 (d) of Title 42 to add killing for insurance proceeds to the list of aggravating circumstances considered in ordering the death penalty. Currently, there are 18 aggravating circumstances and 8 mitigating circumstances. If one or more aggravating circumstance(s) is proved beyond a reasonable doubt and the jury unanimously determines that such aggravating circumstance(s) outweigh any mitigating circumstances, proved by the defendant, the jury must impose a sentence of death.

One existing aggravating circumstance, a contract killing, is similar. However, the Supreme Court and lower courts have questioned whether it is applicable in the killing for insurance proceeds scenario.

*Current status: Senate Calendar  
House Judiciary Committee*

## Corporations

### ■ Senate Bill 153 Printer's No. 158

The legislation authorizes 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 corporation. 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: Senate Calendar  
House Judiciary Committee*

## Civil Justice

### ■ Senate Bill 97 Printer's No. 96

The legislation adds section 4566 to the Judicial Code to permit jurors to take notes in civil and criminal cases

at the discretion of the court or by agreement of the parties. The notes may be used to assist jurors with their deliberations in the trial. However, only a limited number of sheets of paper would be distributed to each juror at the discretion of the court based on the complexity of the trial. The presiding judge is required to provide instructions to the jurors on the taking and use of such notes. At the conclusion of the trial, the notes would be collected by the court and destroyed. Last, the legislation specifically prohibits jurors from making any copies of such notes during the trial.

*Current status: Senate Calendar  
House Judiciary Committee*

### ■ Senate Bill 164 Printer's No. 169

The legislation amends section 8331.3 of the Judicial Code to incorporate the definitions of "personal injury crime" and "victim" that are used in the Crime Victims Act. Any person who renders assistance to the victim of a personal injury crime will be immunized from civil damages for any injury caused by rendering such assistance. By using the definitions of "personal injury crime" and "victim" found in the Crime Victims Act, this legislation will incorporate the current list of crimes and also expand civil immunity protection to those who come to the aid of victims of crimes

such as arson, simple assault, harassment and stalking, homicide by vehicle while driving under the influence of alcohol, aggravated assault by vehicle while driving under the influence of alcohol and homicide by operation of a watercraft while under the influence of alcohol as well as the existing crimes.

*Current status: Senate Calendar  
House Judiciary Committee*

## Legislation previously reported in Judiciary Review

### ■ Senate Bill 72 Printer's No. 68

Adds 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.

*Current status: Senate Calendar  
House Judiciary Committee  
Previously reported—February 2003*

### ■ Senate Bill 92 Printer's No. 91

Provides for the institution of a petition for redetermination of the fair market value of property sold in connection with execution proceedings in a deficiency judgment action where the collateral lies in multiple counties.

*Current status: Senate Calendar  
House Judiciary Committee  
Previously reported—February 2003*

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