



The Judiciary Review

Report from the Senate Judiciary Committee (D)

JAY COSTA, DEMOCRATIC CHAIRMAN

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JULY 2005

COSTA INTERPRETER BILL PASSES SENATE AND GOES TO HOUSE

Senator Costa's legislation that would make it easier for litigants who are deaf or with limited English proficiency to locate qualified interpreters for administrative and judicial hearings was adopted by the Senate by a 50-0 vote on July 3 and sent to the House of Representatives. The legislation was introduced in response to the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Judicial System findings and recommendations on court interpreter services.

Senator Costa has worked with representatives from the Administrative Office of the Pennsylvania Courts, members of the House of Representatives and advocates for interpretive services in crafting the legislation. The bill represents the legislative component to the three-branch effort that would address the growing need for qualified interpretive services for litigants both in urban and rural jurisdictions. Senator Costa noted that he has received correspondence from judges as well as court administrators that have detailed the need for these services. This is underscored by the data collected in the "Report on Interpreter Services" on March 21, 2005, by Osvaldo R. Avilés, Interpreter Program Administrator for the AOPC.

The legislation directs the Court Administrator and the Department of Labor and Industry to establish a program for identifying certified and otherwise qualified interpreters for persons with limited English proficiency and persons who are deaf. Further, the legislation will ensure that a listing of qualified and certified foreign language 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.

Details concerning the legislation were reported in the May 2005 edition of the Judiciary Review, which may be accessed at <http://www.senatorcosta.com>.

Current status: House Judiciary Committee

■ **Senate Bill 665** **Printer's No. 793**

The legislation authorizes the grant of limited letters of administration to a Redevelopment Authority formed pursuant to the Urban Redevelopment Authority Law of 1945. Under the legislation, limited letters of administration would be granted to the Redevelopment Authority for the purpose of disposing of the property described in the petition of the authority. Assets remaining after the sale of the

property, and payments of charges and claims would be deposited into an escrow account with the Register of Wills.

Current status: Senate Appropriations Committee

■ **House Bill 86** **Printer's No. 1945**

The legislation immunizes the Army Corp of Engineers from damages arising from construction, operation and maintenance of projects on the Delaware River Canal that it performs in conjunction with the Department of Conservation and Natural Resources.

Current status: Signed by the Governor—Act 47 of 2005

■ **House Bill 746** **Printer's No. 2136**

The legislation would amend §2910 of the Crimes Code relating to luring a child into a motor vehicle to also prohibit luring a child into a structure. "Structure" is defined as a house, apartment building, shop, warehouse, barn, building, vessel, railroad car, cargo container, house car, trailer, trailer coach, camper, mine, floating home or other enclosed structure capable of holding a child. Additionally, the legislation provides an affirmative defense if the person lured the child into the structure for a lawful purpose.

Current Status—Senate Rules Committee



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Report from the
Senate Judiciary Committee

Senator Jay Costa, Democratic Chairman

Executive Nominations

The following individuals received a confirmation hearing from the Senate Judiciary Committee and were confirmed by the Senate:

James R. DiFrancesco

Judge — Court of Common Pleas, Cambria County

Leon Tucker

Judge — Court of Common Pleas, Philadelphia County

Joseph P. Moschetta

Judge — Court of Common Pleas, Washington County

Catherine C. McVey

Pa. Board of Probation and Parole

Benjamin Martinez

Pa. Board of Probation and Parole.

House Bill 1717 Printer's No. 2572

The legislation amends 23 Pa.C.S. Chapter 61 makes extensive revisions to the Protection from Abuse Orders (PFA's) law by extending the duration of such orders from 18 months to three (3) years. Further, the legislation provides for the surrender of all weapons by the party who is the subject of the PFA. The legislation identifies to whom such weapons may be surrendered, the requirements for holding such weapons by a sheriff's department and the return of such weapons to the owner. Further, it provides additional penalties for the wrongful transfer of firearms to a person who is the subject of a PFA.

Information in the statewide registry of PFA orders and the forms and affidavits concerning relinquishment of firearms are

specifically excluded from the provisions of the Right to Know Law. A plaintiff in a PFA proceeding may not be assessed any fees or costs (presently, no fees or costs are assessed at the time of filing, but they may be assessed by the court against the plaintiff if the plaintiff does not prevail in the proceeding.).

When an order is entered against a PFA defendant, a surcharge is assessed with a portion going to the state police to maintain the statewide PFA registry, a portion to the county to be divided between the sheriff and the courts, and a part to the Department of Public Welfare for victims of domestic violence. The president judge of a county may provide for the selection and appointment of masters to hear emergency PFA petitions.

Current Status—Senate Appropriations Committee



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