



The Judiciary Review

Report from the Senate Judiciary Committee (D)

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MARCH 2007

JUDICIARY COMMITTEE MOVES LEGISLATION AND NOMINATIONS

■ **Senate Bill 256**
Printer's No. 294

The bill amends the Judicial Code, relating to the right to bail, making it consistent with the corresponding constitutional provisions. Persons charged with criminal offenses are entitled to bail except under the following circumstances: the offense charged is a capital offense; the offense charged is punishable by a maximum term of life imprisonment; or no condition or conditions of bail would reasonably assure the safety of any person and the community.

Current Status: Passed by Senate

■ **Senate Bill 306**
Printer's No. 342

The legislation amends the Crimes Code to make a minor immune from prosecution for an underage drinking charge if he is seeking medical attention for another under limited circumstances.

Current Status: Passed by Senate

■ **Senate Bill 365**
Printer's No. 403

The legislation extends the sunset date for Senior Judge Operational Support Grants to June 30, 2012. Act 2001-88 established the Senior Judge Operational Support Grants Program.

Current Status: Senate Appropriations Committee

■ **Senate Bill 542**
Printer's No. 536

The legislation institutes a grant program through the Pennsylvania Commission on Crime and Delinquency for the local establishment

and maintenance of task forces. These task forces will provide a comprehensive crime-fighting effort in designated geographical areas to remove violent felons, illegal drugs, illegal firearms, and other criminal activity, and to improve the quality of life for residents of that area.

Current Status: Senate Appropriations Committee

■ **Senate Bill 121**
Printer's No. 166

In response to several United States Supreme Court decisions, the legislation amends the burglary statute to specifically set off the particular elements of whether a person is present in the structure and whether that structure is adapted for overnight accommodations. In addition to burglary of an occupied structure, both instances involving the presence of a person in a structure will be graded as a felony of the first degree with a maximum sentence of twenty years imprisonment for a first offense. Otherwise it is graded as a felony of the second degree, punishable by a maximum term of imprisonment of 10 years for a first offense. Further, this distinction currently exists under the Sentencing Guidelines and has been tacitly approved by the Legislature—but only as a regulation.

Current Status: Senate Calendar Second Consideration

■ **Senate Bill 183**
Printer's No. 752

The legislation amends the Crimes Code to make it a felony of the third degree for a person, by word, action or attire, to impersonate a police officer or

other law enforcement officer with the intent to induce another person to submit to false official authority or otherwise rely on the false impression created to their prejudice. Further, it makes it a criminal offense graded as a misdemeanor of the third degree to impersonate an active member of the armed forces or a veteran, with the intent to induce another person to submit to false official authority or to otherwise rely to the prejudice of the person upon the false impression created.

Current Status: Senate Calendar Second Consideration

■ **Senate Bill 432**
Printer's No. 753

The legislation amends the Controlled Substance, Drug Device and Cosmetic Act to add several offenses related to the operation of "meth labs" in Pennsylvania. The legislation makes it an offense graded as a felony of the second degree to knowingly cause a chemical reaction involving ephedrine, pseudoephedrine or phenylpropanolamine or similar substances for the purpose of manufacturing methamphetamine. It increases the grading of this offense to a felony of the first degree if the conduct occurs within 1,000 feet of the real property of a public, private or parochial school, a college or university, nursery school or day care center or within 250 feet of a recreation center or playground. Finally, the bill makes it a felony of the third degree if the person intentionally, knowingly or recklessly deposits, stores or disposes of a precursor substance, chemical waste or debris used in or resulting from the manufacture of

methamphetamine or the preparation of a precursor substance for the manufacture of methamphetamine. A person convicted of such an offense is subject to restitution for the costs of environmental remediation associated with the operation of the laboratory or the use of a precursor substance to manufacture methamphetamine.

*Current Status: Senate Calendar
Second Consideration*

■ **Senate Bill 433**
Printer's No. 481

The legislation amends the Controlled Substance, Drug Device and Cosmetic Act by adding a section providing for environmental costs associated with the operation of a methamphetamine laboratory. A person convicted of an offense involving the operation of a methamphetamine laboratory shall be ordered to reimburse law enforcement for the costs of cleaning up the environmental hazards associated with the operation of the meth lab.

*Current Status: Senate Calendar
Second Consideration*

■ **Senate Bill 434**
Printer's No. 482

The legislation amends the Controlled Substance, Drug Device and Cosmetic Act making it an offense to knowingly possess ephedrine, pseudoephedrine, phenylpropanolamine or a product containing ephedrine, pseudoephedrine, phenylpropanolamine or similar substances with the intent to manufacture methamphetamine. Further, the bill creates a rebuttable presumption that the person is acting with the intent to manufacture methamphetamine if they are in possession of a determined quantity of these substances.

*Current Status: Senate Calendar
Second Consideration*

■ **Senate Bill 436**
Printer's No. 484

The legislation amends the Crimes Code by adding a section providing for the operation of a methamphetamine laboratory graded as a felony of the second degree, to knowingly cause a chemical reaction involving ephedrine, pseudoephedrine or phenylpropanolamine or any of their

salts, optical isomers or salts of optical isomers for the purpose of manufacturing methamphetamine or preparing a precursor substance for the manufacture of methamphetamine.

*Current Status: Senate Calendar
Second Consideration*

■ **Senate Bill 623**
Printer's No. 677

The legislation amends the Crimes Code to further provide for the use of force by corrections officers by authorizing a corrections officer to use whatever force is necessary to defend himself or another from bodily harm during the pursuit of an escaped person. Further, the corrections officer is authorized to use deadly force in limited circumstance.

*Current Status: Senate Calendar
Second Consideration*

■ **Senate Bill 625**
Printer's No. 679

The legislation amends the Criminal Records and Fingerprinting Act to provide for communication between the Department of Corrections, a correctional facility and the Pennsylvania State Police in the event of an escape. Further, the legislation also requires the Department of Corrections to provide and the PSP to maintain information necessary to identify individuals who are convicted of a criminal offense in Pennsylvania or who are considered habitual criminals.

*Current Status: Senate Calendar
Second Consideration*

■ **Senate Resolution 42**
Printer's No. 150

The resolution directs the Joint State Government Commission to establish a legislative task force and advisory committee to study the delivery of criminal defense services for the indigent in the Commonwealth of Pennsylvania. The task force would be charged with studying the existing system of providing indigent criminal counsel, reviewing the practices of other states and making recommendations to the General Assembly.

Executive Nomination

The Senate Judiciary Committee recently considered two judicial nominees to fill vacancies on the Supreme and Superior Courts. The Honorable James Fitzgerald, Administrative Judge for the Philadelphia Court of Common Pleas was nominated to fill a vacancy on the Supreme Court of Pennsylvania caused by the retirement of Justice Sandra Shultz Newman. Robert Daniels was nominated to the Superior Court of Pennsylvania to fill a vacancy caused by the retirement of former President Judge Joseph Del Sole. The appointive terms will expire on the first Monday of January 2008.

Both were confirmed by the Senate on March 28, 2007.

**State Senator
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