



The Judiciary Review

Report from the Senate Judiciary Committee (D)

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COSTA LEGISLATION AIDING CHILDREN AND FAMILIES IN COURTS MOVES OUT OF JUDICIARY COMMITTEE

■ **Senate Bill 117**
Printer's No. 156

Recently, the Pennsylvania Supreme Court embarked on an initiative to address the unique needs of children and families in the Pennsylvania court system. As part of this effort, the Court instituted the Office of Children and Families in the Courts and adopted separate procedural rules governing dependency proceedings.

Recognizing the growing societal problem surrounding abused and neglected children, the Court has suggested that the duties of the Juvenile Court Judges' Commission (JCJC) be expanded to permit it to liaison with the executive and legislative branches of government with regard to dependent children. The JCJC is well suited to perform this function as it has provided guidance on a variety of juvenile issues to the General Assembly and Executive agencies since its inception in 1959.

The legislation accomplishes two things. First, it expands the mission of the JCJC to provide advice and counsel on dependency as well as delinquency proceedings. By doing this, it will enable the JCJC to work in cooperation with the Supreme

Court's Office of Children and Families in the Courts and to provide information and advice to the General Assembly and Executive agencies on a full range of juvenile issues. Second, the enabling legislation is moved from a freestanding statute to chapter 63 of the Judicial Code (Title 42 of the Pa. Consolidated Statutes) that governs juvenile affairs in the courts.

Current Status—Senate Appropriations Committee

■ **Senate Bill 490**
Printer's No. 1390

The legislation amends sections §9795.2 and §9799.2 of Title 42 (Judicial Code) commonly referred to as "Megan's Law" to require that all registrants—sex offenders and sexually violent predators—register their online identities including email addresses and instant messaging screen names with the Pennsylvania State Police and the Pennsylvania Board of Probation and Parole. The legislation provides definitions of the terms email address and IM screen name. Currently, registrants are required to provide names including aliases, all intended residential addresses, addresses of employers and place of education

they may be attending. Additionally, registrants are required to submit to fingerprinting and photographs that are posted on the Megan's Law website.

Current Status—Referred to the House Judiciary Committee

■ **Senate Bill 615**
Printer's No. 666

The legislation provides for the regulation of Bail Bond Enforcement Agents defined as a person licensed to recapture suspects who are released on bail. These agents must first be certified to carry lethal weapons pursuant to the Lethal Weapons Training Act that is administered by the Pennsylvania State Police. Additionally, these agents must register with the Court of Common Pleas in the county where their principle place of business is located. A violation of the licensing requirement is a first-degree misdemeanor. A bail bond enforcement license shall be valid for five years unless the license is suspended or revoked by the court.

Out-of-state Bail Bond Enforcement Agents must be registered in their state under substantially the same requirements provided in this legislation.

No person previously convicted of a felony offense in this state or another state, unless receiving an executive pardon, or who has had his or her license as a Bail Bond Enforcement Agent revoked in this state or another state may be licensed pursuant to this act.

The legislation requires that Bail Bond Enforcement Agents provide written notice to local law enforcement agencies or the State Police having jurisdiction of the municipality prior to engaging in the apprehension or surveillance of a fugitive. However, if exigent circumstances exist, oral notification may be provided within twenty-four (24) hours of such actions.

Last, the bill provides that Bail Bond Enforcement Agents remain liable for damages, including punitive damages, to any person or property caused by their actions including unlawful arrest, trespass, unlawful detainment or assault. This act would take effect in 120 days.

Current Status—Senate Appropriations Committee

■ **Senate Bill 1027**
Printer's No. 1302

The legislation amends section §9904 of Title 42 (Judicial Code) to further expand the use of the State Intermediate Punishment program. The legislation authorizes the Department of Corrections at the time the department takes custody of an offender and evaluates them for classification as an offender who would have been otherwise eligible for participation in the state intermediate punishment program. The department is authorized to recommend to the sentencing court that the offender be re-sentenced for participation in the program. The State

Intermediate Punishment program was enacted as Act 112 of 2004. Under that enactment, the court may commit the defendant to the Department of Corrections for evaluation only on the motion of the prosecuting district attorney.

Current Status—Senate Appropriations Committee

■ **House Bill 27**
Printer's No. 2183

This bill creates new chapter 31 in Title 44 (Law and Justice) §3101 - §3108 to provide for a comprehensive program, to be established and administered by our attorney general, to relocate, protect, and support any witness, family member of that witness, or even a close associate of the witness deemed necessary to any

investigation or prosecution of a crime. It should be noted that a request to include a person in this program may be made by any prosecuting official, and is not limited to just the Attorney General. Currently, the Office of the Attorney General through a grant program administers the program. However, there are no statutory provisions governing the program.

Current Status—Senate Appropriations Committee

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