



The Judiciary Review

Report from the Senate Judiciary Committee (D)

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THE FOLLOWING REPRESENT A BRIEF SUMMARY OF MEASURES THAT HAVE BEEN REPORTED FROM THE SENATE JUDICIARY COMMITTEE.

As a result of the September 11, 2001 terrorist attacks, the committee adopted the following two pieces of legislation to criminalize acts related to those events.

■ **Senate Bill No. 1000**
Printer's No. 1440

The legislation creates three new offenses in the Crimes Code: terrorism; soliciting or providing support for an act of terrorism; and hindering prosecution for an act of terrorism. Additionally, the bill creates a cause of action for personal injuries, property loss and wrongful death resulting from an act of terrorism. An injured party may seek recovery for general and specific damages including emotional distress, punitive damages, attorney fees and court costs as well as any other relief the court deems appropriate and necessary. Recovery may be made by enforcing a judgement for such action against the assets of the terrorist, terrorist organization or person who knowingly provided material support or resources or who aided the terrorist or terrorist organization. Finally, the bill authorizes the creation of a memorial dedicated to the victims of the terrorist attacks of September 11, 2001.

Current Status:
Senate Appropriations Committee

■ **Senate Bill No. 1109**
Printer's No. 1471

The legislation amends several sections of the Crimes Code to increase the grading of these offenses when committed during a declared

state of emergency when the commission of the specified offense causes the occupants of a building, place of assembly or facility of public transportation to be diverted from normal or customary operations. Sections amended include terroristic threats, bomb threats, false alarms to agencies of public safety and law enforcement authorities, harassment and stalking by communication or address. Additionally, a criminal offense is added making it a felony of the third degree to deliver a facsimile nuclear, biological or chemical agent with the intent to threaten, terrify or intimidate, cause the evacuation of a building, place of assembly or public transportation, or cause serious public inconvenience.

Current Status:
House Judiciary Committee

■ **Senate Bill No. 706**
Printer's No. 1472

The bill amends the Wiretap Act making it a felony of the third degree for any unauthorized person to intentionally possess a Telecommunications Identification Interception Device (TIID) and provides for the use of such devices by law enforcement. A TIID is a device that is capable of intercepting electronic communications such as a cellular telephone or other similar device. Additionally, the bill authorizes any person to disclose the contents of any wire, electronic or oral communication or evidence derived therefrom to a law enforcement or investigating officer when it involves a homicide or felony of the first degree. Last, the bill authorizes a

person who has obtained knowledge of the contents of an oral communication by means authorized under the laws of another state or the federal law to disclose the contents of such oral or wire communications.

Current Status:
Senate Calendar—Second Consideration

■ **Senate Bill No. 979**
Printer's No. 1175

The bill transfers responsibility to maintain the "Jen and Dave" registry, which is funded by a (\$5) surcharge imposed on custody cases, from the Administrative Office of the Pennsylvania Courts to the Pennsylvania Commission on Crime and Delinquency. The "Jen and Dave" registry was established to provide criminal charge information involving a party to a domestic relations proceeding involving the custody or visitation of minor children to the other party to such proceedings. Further, several offenses are added to the list that must be considered by the court hearing the custody or visitation proceedings to determine whether the person charged poses a threat to the child.

Current Status:
Senate Appropriations Committee

■ **Senate Bill No. 1014**
Printer's No. 1431

The legislation amends the Decedents, Estates and Fiduciaries Code proposing the Pennsylvania Principal and Income Act recommended by the National Conference of Commissioners on Uniform State Laws and making several amendments conforming to Pennsylvania law.

The legislation:

- Provides for the siting of the administration of a trust.
- Provides for apportionment of federal income taxes against certain gifts and trusts.
- Authorizes delay of delivery or transfer of property until age 25 years as authorized by the will, trust or in an insurance policy beneficiary designation.
- Specifies that a person disclaiming an interest in a will, trust or gift does not diminish the interest of any other party including his creditors.
- Provides trustee authority to resign with court approval, consent of the other trustees or as authorized by the governing instrument.
- Provides a rule of succession in the case of intestacy occurring at the termination of a valid prior estate.
- Adds the Proposed Uniform Principal and Income Act
- Authorizes the creation of "Unitrusts" that provide a four-percent (4%) payout as determined by the fair market value of the trust assets regardless of whether such assets are considered principal or income. The trustee must notify beneficiary of the intent to convert to a unitrust and must obtain court approval if there are any objections.

Last, the bill was amended in committee to provide that the events of September 11, 2001 constitute specific perils authorizing the court to immediately presume the death of such person and to expedite probate the person's estate.

Current Status:

Senate Appropriations Committee

■ **Senate Bill No. 1089**
Printer's No. 1370

The legislation requires that offenders convicted prior to the effective date of DNA Detection of Sexual and Violent Offenders Act, who are incarcerated submit a DNA sample for placement in the Pennsylvania DNA Databank

administered by the Pennsylvania State Police.

Current Status:

Senate Appropriations Committee

■ **House Bill No. 910**
Printer's No. 2631

The bill provides immunity from civil damages to a design professional who, as a volunteer without compensation provides services that relate to a declared emergency caused by a disaster or catastrophic event. The design professional must be providing those services at the request of a public official, a law enforcement officer, a public safety official, or a building inspector who is acting in their official capacity. Design professional is defined as an individual licensed by the Commonwealth as an architect, a geologist, a land surveyor, a landscape architect, or a professional engineer.

Current Status: Governor's Desk

■ **House Bill No. 1546**
Printer's No. 2105

The legislation increases the grading for identity theft from a misdemeanor of the first degree to a felony of the third degree for a first offense and to a felony of the second degree for a second or subsequent offense. However, when the victim of the offense is sixty (60) years of age or older, the offense is graded as a felony of the second degree regardless of a prior conviction under this section.

Current Status:

Senate Calendar—Third Consideration

■ **House Bill No. 1541**
Printer's No. 2719

The bill increases the statute of prosecution from two (2) years to five (5) years for the criminal offenses of neglect of a care-dependent person and deceptive or fraudulent business practices.

Current Status: Governor's Desk

■ **House Bill No. 1402**
Printer's No. 1648

The legislation amends the Public Utilities Code authorizing the Department of Corrections to provide alternative methods of payment for calls and collect calls made by inmates in state correctional institutions. Current law requires that all calls originating from a state correctional institution are collect calls.

Current Status:

Senate Appropriations Committee

■ **House Bill No. 1603**
Printers' No. 2743

The legislation adds a section to the Crimes Code making it a summary offense for a person to carry a loaded paintball gun or paintball marker in a motor vehicle. A paintball gun or paintball marker may be carried in a motor vehicle if the propellant canister is disassembled or emptied and the device does not contain any gelatin paintballs.

Current Status: Re-referred to House for Concurrence Vote.

STATE SENATOR JAY COSTA, JR.

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