
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1418 Session of
2023

INTRODUCED BY SHUSTERMAN, KAZEEM, MADDEN, HILL-EVANS, HOWARD,
WARREN, SANCHEZ, SCOTT, SAPPEY, CEPEDA-FREYTIZ, WAXMAN,
STEELE, HOHENSTEIN, KINSEY AND SMITH-WADE-EL, JUNE 14, 2023

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 14, 2023

AN ACT

1 Amending the act of November 22, 1978 (P.L.1166, No.274),
2 entitled "An act establishing the Pennsylvania Commission on
3 Crime and Delinquency, providing for its powers and duties
4 establishing several advisory committees within the
5 commission and providing for their powers and duties,"
6 further providing for definitions and for powers and duties
7 of the commission; providing for racial impact statement for
8 juvenile matters laws; further providing for Juvenile Justice
9 and Delinquency Prevention Committee; and establishing the
10 Youth Advisory Board and the Juvenile Nonresidential
11 Evidence-based Practices Fund.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 1 of the act of November 22, 1978
15 (P.L.1166, No.274), referred to as the Pennsylvania Commission
16 on Crime and Delinquency Law, is amended by adding a definition
17 to read:

18 Section 1. Definitions.

19 The following words and phrases when used in this act shall
20 have, unless the context clearly indicates otherwise, the
21 meanings given to them in this section:

22 * * *

1 "Legislation." Any of the following that substantively
2 amends a provision of 42 Pa.C.S. Ch. 63 (relating to juvenile
3 matters) or that may affect the juvenile justice system
4 population:

5 (1) A bill, joint resolution or concurrent resolution.

6 (2) An amendment to an item specified in paragraph (1).

7 * * *

8 Section 2. Section 3 of the act is amended by adding
9 paragraphs to read:

10 Section 3. Powers and duties of the commission.

11 The commission shall have the power and its duty shall be:

12 * * *

13 (17.1) To prepare a racial impact statement under
14 section 3.1.

15 * * *

16 (19) To provide persons under 21 years of age currently
17 in the juvenile justice system who are serving or have served
18 on the Juvenile Justice and Delinquency Prevention Committee
19 or the Youth Advisory Board with a letter of completion or
20 participation to be sent to their county juvenile probation
21 officer or county court to be considered in their case.

22 (20) To administer funds appropriated by the General
23 Assembly based on savings due to reduced spending on
24 placements for children adjudicated delinquent under 42
25 Pa.C.S. Ch. 63 (relating to juvenile matters), as enumerated
26 under section 8.2.

27 Section 3. The act is amended by adding a section to read:

28 Section 3.1. Racial impact statement for juvenile matters laws.

29 (a) Duties.--If legislation is introduced in the Senate or
30 House of Representatives that may impact the juvenile justice

1 system, the commission shall complete a racial impact statement
2 upon request of a member of the Senate or House of
3 Representatives.

4 (b) Requirements.--The racial impact statement shall
5 determine the impact, if any, that the legislation may have on
6 the racial and ethnic composition of the juvenile justice system
7 population. The racial impact statement shall be impartial,
8 simple and understandable and shall be submitted to the General
9 Assembly in a timely manner.

10 (c) Prohibition.--Legislation for which a racial impact
11 statement has been requested under subsection (a) may not be
12 given second consideration by the house in which the legislation
13 was introduced until the racial impact statement is submitted by
14 the commission for consideration.

15 (d) Contents.--For racial and ethnic groups for which data
16 are available, the racial impact statement shall include the
17 following:

18 (1) An estimate of how the legislation would change the
19 racial and ethnic composition of the juvenile justice system
20 population, including how the legislation would impact racial
21 disparities in the juvenile justice system.

22 (2) A statement of the methodologies and assumptions
23 used in preparing the estimate.

24 Section 4. Section 6(a.1) and (f) of the act are amended by
25 adding paragraphs and the section is amended by adding a
26 subsection to read:

27 Section 6. Juvenile Justice and Delinquency Prevention
28 Committee.

29 * * *

30 (a.1) Composition.--The members of the committee shall be

1 appointed by the Governor and shall include:

2 * * *

3 (3) A member of the Youth Advisory Board who is under 21
4 years of age at the time of the appointment.

5 (4) A member of the Youth Advisory Board who represents
6 family members of children in the juvenile justice system.

7 (5) A member of the Senate who is appointed by the
8 President pro tempore.

9 (6) A member of the Senate who is appointed by the
10 Minority Leader of the Senate.

11 (7) A member of the House of Representatives who is
12 appointed by the Speaker of the House of Representatives.

13 (8) A member of the House of Representatives who is
14 appointed by the Minority Leader of the House of
15 Representatives.

16 (9) A representative from the Office of the Governor.

17 (10) Other relevant stakeholders as determined by the
18 executive director.

19 * * *

20 (f) Powers and duties.--The Juvenile Justice and Delinquency
21 Prevention Committee shall have the power, and its duty shall
22 be:

23 * * *

24 (9) In coordination with the Juvenile Court Judges'
25 Commission, to issue an annual report on the implementation
26 of juvenile justice reforms. The report shall include:

27 (i) Data from every county in this Commonwealth
28 related to performance measures of system outcomes,
29 including all of the following:

30 (A) Statewide and county referral, diversion and

1 disposition data, including the source of the
2 referrals, the share of written allegations diverted
3 from court and the type of disposition imposed.
4 Diversion and disposition data shall include
5 information on the offense, prior history of
6 delinquency and any risk assessment conducted,
7 including whether diversion and disposition decisions
8 adhered to or departed from risk assessment
9 recommendations.

10 (B) Statewide and county detention data,
11 including the number of children detained by county,
12 the reason for detention, the offense associated with
13 the detention and information on any risk assessment
14 conducted, including whether detention decisions
15 adhered to or departed from risk assessment
16 recommendations.

17 (C) Statewide and county data related to
18 probation supervision, including the incidence of
19 technical violations of supervision that are not a
20 new offense, including the share of children removed
21 from home for a technical violation and the number of
22 children for whom courts extend supervision due to a
23 technical violation.

24 (D) Statewide and county data on the length of
25 time children spend in the juvenile justice system,
26 including the total time spent under court
27 jurisdiction, in detention, on community supervision
28 and in each out-of-home placement.

29 (E) Statewide and county data on the number of
30 children arrested and prosecuted as adults, including

1 offense and sentence information, the number of
2 children incarcerated in adult facilities pretrial,
3 and the number of children decertified after being
4 arrested as adults. For decertified children, data
5 should also include the length of time between arrest
6 and decertification and the length of time
7 incarcerated in an adult jail or prison before
8 decertification.

9 (F) Statewide and county data on youth dually
10 involved in both the juvenile and dependency systems,
11 including length of time in both systems, reason for
12 dependency petition, type of dependency placement
13 under juvenile court jurisdiction, placement type
14 after release from juvenile system and data on
15 outcomes.

16 (G) Data related to assessing disparities at key
17 stages of the juvenile justice system, including all
18 data in the stages described under clauses (A), (B),
19 (C), (D), (E) and (F), reported by age, gender, race,
20 ethnicity, disability and other demographics.

21 (H) Other performance measures related to
22 implementation of evidence-based practices and
23 programs in this Commonwealth.

24 (ii) Recommendations when further juvenile justice
25 reforms are needed based on performance measurement data.

26 * * *

27 (h) Compensation.--Each member of the committee who is under
28 21 years of age shall receive compensation for participation on
29 the committee. The amount of the compensation shall be
30 determined by a majority vote of the members of the committee.

1 Section 5. The act is amended by adding sections to read:

2 Section 6.3. Youth Advisory Board.

3 (a) Establishment.--The Youth Advisory Board is established
4 within the commission.

5 (b) Composition.--The executive director under section 2
6 shall be responsible for appointing members to the Youth
7 Advisory Board. The majority of the board shall consist of
8 people who have current or former involvement in the juvenile
9 justice system and family members of people who have current or
10 former involvement in the juvenile justice system. The board
11 shall include:

12 (1) At least two members under 21 years of age at the
13 time of the members' appointments.

14 (2) At least two members representing the family members
15 of children currently involved in the juvenile justice
16 system.

17 (3) No more than three members representing
18 professionals who work with children involved in the juvenile
19 justice system.

20 (c) Powers and duties.--The Youth Advisory Board shall:

21 (1) Review and provide recommendations for counties' use
22 of alternatives to out-of-home placement for delinquent
23 children.

24 (2) Review and provide recommendations for counties' use
25 of alternatives to court referral.

26 (3) Review and provide recommendations for payments to
27 counties for services to delinquent children.

28 (4) Develop a yearly report detailing the information
29 under paragraphs (1), (2) and (3) to provide guidance for
30 county-level advisory groups and other organizations

1 concerned with the quality of juvenile justice.

2 (5) Recommend members to be appointed by the Governor to
3 serve on the Juvenile Justice and Delinquency Prevention
4 Committee under section 6.

5 Section 8.2. Juvenile Nonresidential Evidence-based Practices
6 Fund.

7 (a) Establishment.--The Juvenile Nonresidential Evidence-
8 based Practices Fund is established in the State Treasury.

9 (b) Calculation and sources.--

10 (1) Prior to the end of fiscal year 2023-2024, the
11 commission shall submit to the chair and minority chair of
12 the Judiciary Committee of the Senate, the chair and minority
13 chair of the Judiciary Committee of the House of
14 Representatives and the State Treasurer a calculation of
15 State funds saved due to reductions in the population of
16 children sent to out-of-home placement for delinquency
17 adjudications between fiscal year 2021-2022 and fiscal year
18 2022-2023.

19 (2) Beginning in fiscal year 2024-2025, and each fiscal
20 year thereafter, the commission shall annually submit to the
21 chair and minority chair of the Judiciary Committee of the
22 Senate, the chair and minority chair of the Judiciary
23 Committee of the House of Representatives and the State
24 Treasurer a calculation of State funds saved due to
25 reductions in the population of children sent to out-of-home
26 placement for delinquency adjudications between the prior
27 fiscal year and fiscal year 2022-2023.

28 (3) Each calculation submitted under this subsection
29 shall be transmitted to the Legislative Reference Bureau for
30 publication in the next available issue of the Pennsylvania

1 Bulletin.

2 (c) Funding sources.--The sources of the fund are as
3 follows:

4 (1) A transfer of the total State funds saved due to
5 reductions in the population of children sent to out-of-home
6 placement for delinquency adjudications between fiscal year
7 2021-2022 and fiscal year 2022-2023, which shall be made by
8 the State Treasurer as soon as practicable following the
9 effective date of this section.

10 (2) Beginning with fiscal year 2024-2025 and each fiscal
11 year thereafter, the total State funds saved due to
12 reductions in the population of children sent to out-of-home
13 placement for delinquency adjudications between the
14 immediately prior fiscal year and fiscal year 2022-2023.

15 (3) Appropriations made by the General Assembly.

16 (4) Money from any other source.

17 (5) Interest earned on the money in the fund.

18 (d) Nonlapse.--The money in the fund is appropriated on a
19 continuing basis to the commission for the purposes specified in
20 this section.

21 (e) Use.--The fund shall be used as follows:

22 (1) The commission may not use any money in the fund to
23 cover administrative costs of the commission.

24 (2) The money in the fund shall be used to expand
25 nonresidential alternatives to detention or placement for
26 persons under 21 years of age who are alleged or adjudicated
27 delinquent, including:

28 (i) Increased grant-in-aid to better incentivize
29 county probation compliance with Juvenile Court Judges'
30 Commission standards and to ensure monitoring of system

1 data to measure performance metrics.

2 (ii) Diversion services, including for services as
3 part of diversion, informal adjustment and consent
4 decrees.

5 (iii) Nonresidential and evidence-based alternatives
6 to out-of-home placement for persons under 21 years of
7 age who have been adjudicated delinquent.

8 (iv) Regionalized State contracts to ensure that
9 children in every county may access evidence-based
10 nonresidential programs to reduce recidivism.

11 (v) Expansion of nonresidential services to address
12 young people's needs that are not otherwise supported by
13 other funding streams.

14 (vi) Disbursals to a restitution fund established by
15 the court of common pleas under 42 Pa.C.S. § 6352(a)(5)
16 (relating to disposition of delinquent child) to assist
17 victims of crime in accordance with that section.

18 (f) Administration.--

19 (1) The commission shall set eligibility criteria for
20 counties to apply for funding from the fund.

21 (2) Any service that is initially funded by the
22 commission shall be eligible for reimbursement through the
23 Department of Human Services needs-based budgeting process
24 under section 709.1 of the act of June 13, 1967 (P.L.31,
25 No.21), known as the "Human Services Code."

26 (g) Definition.--As used in this section, the term "fund"
27 means the Juvenile Nonresidential Evidence-based Practices Fund.

28 Section 6. This act shall take effect in 60 days.