
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1233 Session of
2022

INTRODUCED BY YAW, CAPPELLETTI, COLLETT, KANE, COSTA, J. WARD,
BARTOLOTTA AND SAVAL, MAY 18, 2022

REFERRED TO JUDICIARY, MAY 18, 2022

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in juvenile matters,
3 further providing for definitions, repealing provisions
4 relating to summary offenses, providing for financial
5 obligations imposed on child and further providing for
6 disposition of delinquent child.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The definitions of "child" and "delinquent act"
10 in section 6302 of Title 42 of the Pennsylvania Consolidated
11 Statutes are amended to read:

12 § 6302. Definitions.

13 The following words and phrases when used in this chapter
14 shall have, unless the context clearly indicates otherwise, the
15 meanings given to them in this section:

16 * * *

17 "Child." An individual who:

18 (1) is under the age of 18 years;

19 (2) is under the age of 21 years who committed an act of
20 delinquency before reaching the age of 18 years; or

1 (3) is under the age of 21 years and was adjudicated
2 dependent before reaching the age of 18 years, who has
3 requested the court to retain jurisdiction and who remains
4 under the jurisdiction of the court as a dependent child
5 because the court has determined that the child is:

6 (i) completing secondary education or an equivalent
7 credential;

8 (ii) enrolled in an institution which provides
9 postsecondary or [vocational] career and technical
10 education;

11 (iii) participating in a program actively designed
12 to promote or remove barriers to employment;

13 (iv) employed for at least 80 hours per month; or

14 (v) incapable of doing any of the activities
15 described in subparagraph (i), (ii), (iii) or (iv) due to
16 a medical or behavioral health condition, which is
17 supported by regularly updated information in the
18 permanency plan of the child.

19 * * *

20 "Delinquent act."

21 (1) The term means an act designated a crime under the
22 law of this Commonwealth, or of another state if the act
23 occurred in that state, or under Federal law, or an act which
24 constitutes indirect criminal contempt under Chapter 62A
25 (relating to protection of victims of sexual violence or
26 intimidation) with respect to sexual violence or 23 Pa.C.S.
27 Ch. 61 (relating to protection from abuse) [or the failure of
28 a child to comply with a lawful sentence imposed for a
29 summary offense], in which event notice of the fact shall be
30 certified to the court.

1 (2) The term shall not include:

2 (i) The crime of murder.

3 (ii) Any of the following prohibited conduct where
4 the child was 15 years of age or older at the time of the
5 alleged conduct and a deadly weapon as defined in 18
6 Pa.C.S. § 2301 (relating to definitions) was used during
7 the commission of the offense which, if committed by an
8 adult, would be classified as:

9 (A) Rape as defined in 18 Pa.C.S. § 3121
10 (relating to rape).

11 (B) Involuntary deviate sexual intercourse as
12 defined in 18 Pa.C.S. § 3123 (relating to involuntary
13 deviate sexual intercourse).

14 (C) Aggravated assault as defined in 18 Pa.C.S.
15 § 2702(a)(1) or (2) (relating to aggravated assault).

16 (D) Robbery as defined in 18 Pa.C.S. § 3701(a)
17 (1)(i), (ii) or (iii) (relating to robbery).

18 (E) Robbery of motor vehicle as defined in 18
19 Pa.C.S. § 3702 (relating to robbery of motor
20 vehicle).

21 (F) Aggravated indecent assault as defined in 18
22 Pa.C.S. § 3125 (relating to aggravated indecent
23 assault).

24 (G) Kidnapping as defined in 18 Pa.C.S. § 2901
25 (relating to kidnapping).

26 (H) Voluntary manslaughter.

27 (I) An attempt, conspiracy or solicitation to
28 commit murder or any of these crimes as provided in
29 18 Pa.C.S. §§ 901 (relating to criminal attempt), 902
30 (relating to criminal solicitation) and 903 (relating

1 to criminal conspiracy).

2 (iii) Any of the following prohibited conduct where
3 the child was 15 years of age or older at the time of the
4 alleged conduct and has been previously adjudicated
5 delinquent of any of the following prohibited conduct
6 which, if committed by an adult, would be classified as:

7 (A) Rape as defined in 18 Pa.C.S. § 3121.

8 (B) Involuntary deviate sexual intercourse as
9 defined in 18 Pa.C.S. § 3123.

10 (C) Robbery as defined in 18 Pa.C.S. § 3701(a)
11 (1)(i), (ii) or (iii).

12 (D) Robbery of motor vehicle as defined in 18
13 Pa.C.S. § 3702.

14 (E) Aggravated indecent assault as defined in 18
15 Pa.C.S. § 3125.

16 (F) Kidnapping as defined in 18 Pa.C.S. § 2901.

17 (G) Voluntary manslaughter.

18 (H) An attempt, conspiracy or solicitation to
19 commit murder or any of these crimes as provided in
20 18 Pa.C.S. §§ 901, 902 and 903.

21 (iv) Summary offenses.

22 (v) A crime committed by a child who has been found
23 guilty in a criminal proceeding for other than a summary
24 offense.

25 (vi) The failure of a child to comply with a lawful
26 sentence imposed for a summary offense.

27 * * *

28 Section 2. Section 6304.1 of Title 42 is repealed:

29 [§ 6304.1. Summary offenses.]

30 (a) Review.--

1 (1) Upon notice being certified to the court that a
2 child has failed to comply with a lawful sentence imposed for
3 a summary offense, a probation officer shall review the
4 complaints and charges of delinquency pursuant to section
5 6304 (relating to powers and duties of probation officers)
6 for the purpose of considering the commencement of
7 proceedings under this chapter.

8 (2) A proceeding commenced under the review in this
9 subsection is a separate action from the underlying summary
10 conviction. For the purposes of proceedings commenced under
11 this section, failure to comply with a lawful sentence
12 imposed for a summary offense is an alleged delinquent act.

13 (3) Any reference to the underlying summary conviction
14 is solely for the purpose of the certification from the
15 magisterial district judge to the court of common pleas that
16 the juvenile was convicted of the summary offense and failed
17 to comply under section 4132(2) (relating to attachment and
18 summary punishment for contempts).

19 (b) Administration of money.--Any money subsequently paid by
20 the child pursuant to the disposition of the charges shall be
21 administered and disbursed in accordance with written guidelines
22 adopted by the president judge of the court of common pleas. The
23 court may direct that any portion of the money received from the
24 child shall be deposited into a restitution fund established by
25 the president judge of the court of common pleas pursuant to
26 section 6352(a)(5) (relating to disposition of delinquent
27 child).]

28 Section 3. Title 42 is amended by adding a section to read:
29 § 6312. Financial obligations imposed on child.

30 (a) General rule.--Except as provided in subsection (b), a

1 child or a child's parent, guardian or custodian shall not be
2 required to pay a fee, cost or other monetary obligation under
3 this chapter, including for participation in a program,
4 evaluation or service or as part of an informal adjustment,
5 consent decree or order of disposition.

6 (b) Exception for restitution.--Subsection (a) does not
7 apply to restitution ordered under section 6352(a)(5) (relating
8 to disposition of delinquent child).

9 Section 4. Section 6352(a)(5) and (6) of Title 42 are
10 amended to read:

11 § 6352. Disposition of delinquent child.

12 (a) General rule.--If the child is found to be a delinquent
13 child the court may make any of the following orders of
14 disposition determined to be consistent with the protection of
15 the public interest and best suited to the child's treatment,
16 supervision, rehabilitation and welfare, which disposition
17 shall, as appropriate to the individual circumstances of the
18 child's case, provide balanced attention to the protection of
19 the community, the imposition of accountability for offenses
20 committed and the development of competencies to enable the
21 child to become a responsible and productive member of the
22 community:

23 * * *

24 (5) Ordering payment by the child of a reasonable
25 [amounts] amount of money [as fines, costs, fees or] for
26 restitution as deemed appropriate as part of the plan of
27 rehabilitation considering the nature of the acts committed
28 and the earning capacity of the child, including a
29 contribution to a restitution fund not to exceed \$10. The
30 president judge of the court of common pleas shall establish

1 a restitution fund for the deposit of all contributions to
2 the restitution fund which are received or collected. The
3 president judge of the court of common pleas shall promulgate
4 written guidelines for the administration of the fund.
5 Disbursements from the fund shall be made, subject to the
6 written guidelines and the limitations of this chapter, at
7 the discretion of the president judge and used to reimburse
8 crime victims for financial losses resulting from delinquent
9 acts. For an order made under this subsection, the court
10 shall retain jurisdiction until there has been full
11 compliance with the order or until the delinquent child
12 attains 21 years of age. Any restitution order which remains
13 unpaid at the time the child attains 21 years of age shall
14 continue to be collectible under section 9728 (relating to
15 collection of restitution, reparation, fees, costs, fines and
16 penalties).

17 (6) An order of the terms of probation may include [an]
18 appropriate [fine considering the nature of the act committed
19 or] restitution not in excess of actual damages caused by the
20 child which shall be paid from the earnings of the child
21 received through participation in a constructive program of
22 service or education acceptable to the victim and the court
23 whereby, during the course of such service, the child shall
24 be paid not less than the minimum wage of this Commonwealth.
25 In ordering such service, the court shall take into
26 consideration the age, physical and mental capacity of the
27 child and the service shall be designed to impress upon the
28 child a sense of responsibility for the injuries caused to
29 the person or property of another. The order of the court
30 shall be limited in duration consistent with the limitations

1 in section 6353 (relating to limitation on and change in
2 place of commitment) and in the act of [May 13, 1915
3 (P.L.286, No.177), known as the Child Labor Law] October 24,
4 2012 (P.L.1209, No.151), known as the Child Labor Act. The
5 court order shall specify the nature of the work, the number
6 of hours to be spent performing the assigned tasks, and shall
7 further specify that as part of a plan of treatment and
8 rehabilitation that up to 75% of the earnings of the child be
9 used for restitution in order to provide positive
10 reinforcement for the work performed.

11 In selecting from the alternatives set forth in this section,
12 the court shall follow the general principle that the
13 disposition imposed should provide the means through which the
14 provisions of this chapter are executed and enforced consistent
15 with section 6301(b) (relating to purposes) and when confinement
16 is necessary, the court shall impose the minimum amount of
17 confinement that is consistent with the protection of the public
18 and the rehabilitation needs of the child.

19 * * *

20 Section 5. This act shall take effect in 60 days.