

LEGISLATIVE REFERENCE BUREAU

L.R.B. Form No. 4 (Rev. 1/11/17)

No. _____

Legislative Reference Bureau

An Act amending the act of November 22, 1978 (P.L.1166, No.274), referred to as the Pennsylvania Commission on Crime and Delinquency Law, providing for Indigent Defense Advisory Committee; and establishing the Indigent Defense Grant Program and the Indigent Defense Fund.

INTRODUCED _____

By Hughes, Vincent J. District NO. _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

See next page for additional co-sponsors.

Prior Session _____

Referred to Committee on

Date _____

Reported _____

As Committed-Amended

Recomendation

By Hon. _____

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 providing for Indigent Defense Advisory Committee; and
7 establishing the Indigent Defense Grant Program and the
8 Indigent Defense Fund.

9 The General Assembly finds and declares that:

10 (1) crime and delinquency are essentially State and
11 local problems;

12 (2) crime and delinquency are complex social phenomena
13 requiring the attention and efforts of the criminal justice
14 system, State and local governments, and private citizens
15 alike;

16 (3) the establishment of appropriate goals, objectives
17 and standards for the reduction of crime and delinquency and
18 for the administration of justice must be a priority concern;

19 (4) the functions of the criminal justice system must be
20 coordinated more efficiently and effectively;

1 (5) the full and effective use of resources affecting
2 State and local criminal justice systems requires the
3 complete cooperation of State and local government agencies;
4 and

5 (6) training, research, evaluation, technical assistance
6 and public education activities must be encouraged and
7 focused on the improvement of the criminal justice system and
8 the generation of new methods for the prevention and
9 reduction of crime and delinquency.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

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

15 Section 7.3. Indigent Defense Advisory Committee.

16 (a) Establishment.--The Indigent Defense Advisory Committee
17 is established within the commission.

18 (b) Composition.--The committee shall consist of a
19 chairperson and the following members to be selected as follows:

20 (1) The executive director of the commission, or a
21 designee, who shall serve as an ex officio and nonvoting
22 member.

23 (2) The executive director of the Interbranch Commission
24 for Gender, Racial and Ethnic Fairness, or a designee, who
25 shall serve as an ex officio and nonvoting member.

26 (3) The executive director of the Public Defender
27 Association of Pennsylvania, who shall serve as an ex officio
28 and nonvoting member.

29 (4) The executive director of the Pennsylvania
30 Commission on Sentencing, or a designee, who shall serve as

1 an ex officio and nonvoting member.

2 (5) An individual appointed by the President pro tempore
3 of the Senate.

4 (6) An individual appointed by the Minority Leader of
5 the Senate.

6 (7) An individual appointed by the Speaker of the House
7 of Representatives.

8 (8) An individual appointed by the Minority Leader of
9 the House of Representatives.

10 (9) The following members appointed by the Governor:

11 (i) One representative of public defenders appointed
12 from a list of three qualified attorneys recommended by
13 the Public Defender Association of Philadelphia.

14 (ii) One criminal defense attorney with public
15 defender experience appointed from a list of three
16 qualified individuals recommended by the Pennsylvania
17 Association of Criminal Defense Lawyers.

18 (iii) One attorney with experience defending
19 juveniles in delinquency proceedings, appointed from a
20 list of three qualified individuals recommended by the
21 Juvenile Defenders Association of Pennsylvania.

22 (iv) One member from the law school academic
23 community with a background in public defense or legal
24 services appointed from a list of qualified individuals
25 recommended by each law school in this Commonwealth.

26 (v) One attorney with capital case indigent defense
27 trial, appellate or postconviction experience associated
28 with the Pennsylvania Innocence Project at Temple
29 University Beasley School of Law.

30 (vi) One representative of county government

1 appointed from a list of three qualified individuals
2 recommended by the County Commissioners Association of
3 Pennsylvania.

4 (10) Three judges who serve in the criminal court area
5 and are representative of the geographic and demographic
6 diversity of the Commonwealth, appointed by the Chief Justice
7 of the Pennsylvania Supreme Court.

8 (11) The following members appointed by the Chief
9 Justice of the Pennsylvania Supreme Court:

10 (i) One county chief public defender from a list of
11 three recommendations from the Public Defender
12 Association of Pennsylvania.

13 (ii) One public defender from the second or 2-A
14 class counties from a list of four recommendations from
15 the Public Defender Association of Pennsylvania.

16 (iii) One public defender from the third or fourth
17 class counties from a list of four recommendations from
18 the Public Defender Association of Pennsylvania.

19 (iv) One public defender from the fifth, sixth,
20 seventh or eighth class counties from a list of four
21 recommendations from the Public Defender Association of
22 Pennsylvania.

23 (c) Chairperson and vice chairperson.--The chairperson of
24 the committee shall be selected by the Governor from among the
25 members of the committee. A vice chairperson shall be designated
26 by the chairperson of the committee from among the members of
27 the committee to preside at meetings in the absence of the
28 chairperson.

29 (d) Term.--Members of the committee shall serve a four-year
30 term. Members may be eligible for reappointment. Vacancies on

1 the committee shall be filled by the appointing authority within
2 60 days of the vacancy.

3 (e) Quorum.--A majority of the members of the committee
4 shall constitute a quorum and a quorum shall be required for all
5 actions. A vote of the majority of the members of the committee
6 present shall be sufficient for all actions taken by the
7 committee.

8 (f) Initial meeting.--The committee shall hold its first
9 meeting no later than 60 days from the effective date of this
10 subsection.

11 (g) Compensation and expenses.--The committee members shall
12 not receive a salary or per diem allowance for serving as board
13 members, but shall be reimbursed for actual and necessary
14 expenses incurred in the performance of duties as members of the
15 committee. Expenses may include reimbursement of travel and
16 living expenses while engaged in committee business.

17 (h) Cooperation.--The commission shall cooperate with the
18 committee to select staff to be employed by the commission and
19 assigned to assist the committee in carrying out its duties.

20 (i) Duties and responsibilities.--The committee shall have
21 the following duties and responsibilities:

22 (1) Propose minimum standards for the delivery of
23 effective indigent defense services throughout this
24 Commonwealth that are consistent with the requirements of the
25 Constitution of the United States and the Constitution of
26 Pennsylvania.

27 (2) Propose minimum standards for attorneys providing
28 indigent defense services to ensure that the ability,
29 training and experience of the attorneys match the cases
30 assigned to the attorneys.

1 (3) Submit proposed standards to the Pennsylvania
2 Supreme Court for adoption through a manner prescribed by the
3 Supreme Court.

4 (4) Identify, develop or provide appropriate Statewide
5 continuing legal education courses, practical training
6 programs and skill development resources, including
7 preservice training for newly hired public defenders, public
8 defender staff attorneys, assigned counsel and contract
9 public defenders and other counsel who represent indigent
10 criminal defendants.

11 (5) Identify, develop or provide appropriate programs
12 for capital case defense skills training, adult criminal
13 defense training, juvenile delinquency defense training and
14 management and leadership training for chief defenders and
15 public defender office leaders and other counsel who
16 represent indigent criminal defendants.

17 (6) Establish a virtual defender training library
18 consisting of all programs approved by the committee.

19 (7) Adopt standards by which counties shall collect and
20 report, at a minimum, the following to the committee:

21 (i) The caseload and workload of each attorney in
22 the county's public defender office.

23 (ii) The caseload and workload of attorneys who are
24 assigned to represent an indigent defendant as conflict
25 counsel or contract counsel in the county.

26 (iii) The total expenditures and per capita spending
27 for indigent criminal defense services in the county.

28 (8) Adopt standards for the use of case management
29 systems or software by county public defender offices.

30 (9) Develop, in partnership with the Administrative

1 Office of Pennsylvania Courts, a data request that includes,
2 at a minimum, the following:

3 (i) The total number of criminal cases involving a
4 public defender by category of criminal offense and by
5 county.

6 (ii) The total number of criminal cases disposed of
7 by trial and plea involving a public defender.

8 (iii) The total number of criminal cases disposed of
9 by trial or plea involving a public defender by county.

10 (iv) The total number of juvenile delinquency cases
11 involving a public defender by category of offense and by
12 county.

13 (v) The total number of juvenile delinquency cases
14 disposed of by trial and plea involving a public
15 defender.

16 (vi) The total number of juvenile delinquency cases
17 disposed of by trial or plea involving a public defender
18 by county.

19 (vii) The total number of criminal cases with a
20 court appointed attorney, not a public defender.

21 (viii) The total number of juvenile delinquency
22 cases with a court appointed attorney, not a public
23 defender.

24 (ix) The total number of criminal and juvenile
25 delinquency cases appealed involving a public defender by
26 county.

27 (10) Partner with other departments or agencies for the
28 collection of data related to the delivery of indigent
29 defense services, as may be required by the committee.

30 (11) Analyze the data to identify trends and overall

1 effectiveness of indigent defense services in the State and
2 the impact of the standards adopted on the effectiveness of
3 indigent defense services in the future.

4 (12) Establish procedures for applicants to make
5 application to the committee for grants to bring the delivery
6 of indigent defense services into compliance with the
7 standards established by the committee and the standards
8 adopted by the Pennsylvania Supreme Court.

9 (13) Prepare a report which includes, at a minimum, the
10 actions of the committee, details of grants awarded,
11 summaries of data collected with statistics regarding the
12 delivery of indigent defense services and recommendations for
13 improvement of the indigent defense system in this
14 Commonwealth. The report shall be submitted two years from
15 the effective date of this section and biennially thereafter.
16 The report shall be published on the commission's publicly
17 accessible Internet website. A copy of the report shall be
18 submitted to the Governor, the chair and minority chair of
19 the Judiciary Committee of the Senate, the chair and minority
20 chair of the Judiciary Committee of the House of
21 Representatives, the chair and minority chair of the
22 Appropriations Committee of the Senate, the chair and
23 minority chair of the Appropriations Committee of the House
24 of Representatives and the Pennsylvania Supreme Court.

25 (j) Indigent Defense Grant Program.--The Indigent Defense
26 Grant Program is established. The committee shall perform those
27 functions related to the direct approval and disbursement of
28 grants under this program in an advisory capacity only. The
29 committee shall have the opportunity to review and comment on
30 grant applications and shall ensure that grant funding or

1 services provided under the program are geographically dispersed
2 throughout this Commonwealth. Grant money allocated through the
3 program shall be used to supplement and not supplant existing
4 county spending on indigent criminal defense services. Nothing
5 shall preclude a county from making an application in a
6 subsequent year for the same purpose and amount awarded in a
7 prior year. Grants awarded shall be consistent with the
8 standards established by the committee and the standards adopted
9 by the Pennsylvania Supreme Court.

10 (k) The Indigent Defense Fund establishment.--The Indigent
11 Defense Fund is established as a special fund in the State
12 Treasury. All money deposited into the fund, and the interest it
13 accrues, are appropriated to the committee on a continuing basis
14 to award grants under this section. No administrative action
15 shall prevent the deposit of money into the fund in the fiscal
16 year in which the money is received. The following shall apply:

17 (1) The fund may only be used for the grant programs
18 authorized under this section and no money in the fund may be
19 transferred or diverted to any other purpose by
20 administrative action.

21 (2) Money available to the fund shall include
22 appropriations and transfers from the General Fund, special
23 funds, Federal funds and other sources of revenue made
24 available to it and the commission.

25 (3) The commission may use up to 10% of the money
26 appropriated each year for the costs of supporting the
27 committee and administering the grant program, which may
28 include the costs relating to the employment of personnel,
29 providing technical assistance to grantees and evaluating the
30 impact of initiatives supported by the grants. The commission

1 may randomly audit and monitor grant recipients to ensure the
2 appropriate use of grant funds and compliance with the
3 provisions of this section.

4 Section 2. This act shall take effect July 2, 2022, or
5 immediately, whichever is later.