



General Assembly of the Commonwealth of Pennsylvania
Joint State Government Commission
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*Summary of the Advisory Committee Report in Response to
Senate Resolution No. 304 of 2014*

**Juvenile Delinquency and Dependency:
Juvenile Act Revisions and Review of Juvenile Life Without Parole**

Pursuant to SR304, introduced by Senator Stewart J. Greenleaf and adopted May 1, 2014, the Joint State Government Commission assembled an Advisory Committee that was given three charges: to reconcile the Juvenile Act to the Pennsylvania Rules of Juvenile Court Procedure to make them consistent, to review Pennsylvania's response to *Miller v. Alabama*, 567 U.S. ____ 132 S.Ct. 2455 (2012) in light of the responses of other states and determine whether changes should be made to Pennsylvania law regarding the use of life imprisonment without the possibility of parole for juveniles, and to otherwise review the Juvenile Act and related issues. The Advisory Committee was composed of experts, including representatives from those groups most likely to make useful and insightful contributions, such as representatives of the judiciary, prosecution, defense, law enforcement, victim assistance, and private and public organizations involved in juvenile justice issues.

Substantive Recommendations

- Amend the Juvenile Act to establish a minimum age of 15 years or older for the direct filing of criminal charges of murder against a juvenile.
- Amend 42 Pa.C.S. §1102.1(c) to provide a mechanism by which a lower mandatory minimum sentence may apply to certain juveniles facing second degree murder (felony murder) charges.
- Amend the Juvenile Act to acknowledge the role of scientific studies relating to neurological and psychological development of youth.
- Advise the Department of Human Services to prevent long-term isolation of youth by amending the definition of "exclusion" at 55 Pa. Code § 3800.212 and applying these new protections, through regulations or policy, to all facilities licensed or operated by the Department.
- Amend the Public Welfare Code to require the Department of Human Services to provide reimbursement for the expenses of juveniles placed in juvenile detention centers who are the subject of direct file criminal charges.
- Advise the Pennsylvania Commission on Crime and Delinquency, in consultation with other law enforcement entities, to develop statewide protocols for the electronic recording of custodial interrogations.
- Advise the Supreme Court's Juvenile Court Procedural Rules Committee to review Section 6353 of the Juvenile Act and clarify how many times a juvenile commitment can be extended.

- With respect to the question of retroactivity of the *Miller v. Alabama* holding, the Advisory Committee has chosen not to make a formal recommendation. The issue of retroactivity will be before the United States Supreme Court in October 2015, and any recommendation made prior to the court's ruling could easily become moot when the court issues its decision.
- Advise the Juvenile Court Judges' Commission, in consultation with the Department of Human Services, the Pennsylvania District Attorneys Association, and others to explore alternatives to automatic termination of Juvenile Court jurisdiction at age 21 in all cases.

Procedural Recommendations

- Advise the Supreme Court's Juvenile Court Procedural Rules Committee to compare the definitions of "juvenile" in the rules and "delinquent child" and "dependent child" in the Juvenile Act to attempt to make them more consistent.
- Amend Sections 6302 (definitions), 6303 (scope of chapter), 6304 (powers and duties of probation officers), 6305 (masters), 6311 (guardian ad litem for child in court proceedings), 6321 (commencement of proceedings), 6323 (informal adjustment), 6324 (taking into custody), 6326 (release or delivery to court), 6331 (release from detention or commencement of proceedings), 6334 (petition), 6335 (release or holding of hearing), 6336 (conduct of hearings), 6336.1 (notice and hearing), 6337.1 (right to counsel for children in dependency and delinquency proceedings), 6340 (consent decree), 6341 (adjudication), 6351 (disposition of dependent child), 6353 (dispositional review hearing, limitation on commitment and change in place of commitment), and 6355 (transfer to criminal proceedings) of the Juvenile Act as set forth in the draft legislation to reconcile them to the Pennsylvania Rules of Juvenile Court Procedure.
- Amend the Juvenile Act to create Section 6366 (role of Interstate Compacts).

Technical Amendments

- Amend Sections 6302, 6322, 6336, 6342, 6352, and 6355 of the Juvenile Act as set forth in the draft legislation to update terminology and cross-references to other statutes.