

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 972 Session of
2023

INTRODUCED BY KAZEEM, DELLOSO, BOROWSKI, CURRY, MADDEN, ROZZI,
WAXMAN, PARKER, CEPEDA-FREYTIZ, HILL-EVANS, FIEDLER, SANCHEZ,
GUENST, HANBIDGE, KHAN, SHUSTERMAN, N. NELSON, WARREN,
HOWARD, D. WILLIAMS, FREEMAN, GREEN, OTTEN AND KRAJEWSKI,
APRIL 24, 2023

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 4, 2023

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled
2 "An act relating to counties of the first, second class A,
3 third, fourth, fifth, sixth, seventh and eighth classes;
4 amending, revising, consolidating and changing the laws
5 relating thereto; relating to imposition of excise taxes by
6 counties, including authorizing imposition of an excise tax
7 on the rental of motor vehicles by counties of the first
8 class; and providing for regional renaissance initiatives,"
9 further providing for title of the act; in preliminary
10 provisions, further providing for applicability; in grounds
11 and buildings, further providing for scope of subdivision,
12 for room or building for juvenile offenders waiting trial,
13 for management of houses for detention of juveniles and
14 appointment of board and ex officio members, for annual
15 report and expenses and for appropriation and bond issues;
16 and making editorial changes.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. The title of the act of August 9, 1955 (P.L.323,
20 No.130), known as The County Code, is amended to read:

AN ACT

22 Relating to counties of the first, second, second class A,
23 third, fourth, fifth, sixth, seventh and eighth classes and

1 counties which have adopted a home rule charter; amending,
2 revising, consolidating and changing the laws relating
3 thereto; relating to imposition of excise taxes by counties,
4 including authorizing imposition of an excise tax on the
5 rental of motor vehicles by counties of the first class; and
6 providing for regional renaissance initiatives.

7 Section 2. Section 102(a) of the act is amended to read:

8 Section 102. Applicability.--(a) Except incidentally, as in
9 sections 108, 201, 210, 211, 401 and 1401 or as provided in
10 section 1770.12, [Article XII-B and Article] Articles XII-B, XXX
11 and XXIII, this act does not apply to counties of the first or
12 second classes.

13 * * *

14 Section 3. Subdivision (e.1) heading of Article XXIII of the
15 act is amended to read:

16 (e.1) Special Provisions for Temporary County Buildings
17 and for Rooms in County Buildings [in Counties of the
18 Second Class A]

19 Section 4. Sections 2339.1, 2339.2, 2339.3, 2339.5 and
20 2339.6 of the act are amended to read:

21 Section 2339.1. Scope of subdivision.

22 This subdivision shall apply to counties of the first,
23 second, second class A[.], third, fourth, fifth, sixth, seventh
24 and eighth classes and counties which have adopted a home rule
25 charter-, WHICH HAVE BEEN AUTHORIZED BY THE DEPARTMENT OF HUMAN <--
26 SERVICES TO MANAGE AND ADMINISTER HOUSES FOR THE DETENTION AND
27 RECEPTION OF JUVENILES.

28 Section 2339.2. Room or building for juvenile offenders waiting
29 trial.

30 The commissioners or the county executive shall provide,

1 furnish and heat within the county a separate room or rooms or a
2 suitable building to be used exclusively for the confinement of
3 alleged or adjudicated delinquent children or dependent children
4 as defined in 42 Pa.C.S. § 6302 (relating to definitions) who
5 are in custody awaiting trial or hearing in the courts of the
6 county and provide for the maintenance and care of the children
7 while in custody.

8 Section 2339.3. Management of houses for detention of juveniles
9 and appointment of board and ex officio members.

10 The management of houses for the detention and reception of
11 juveniles awaiting trial, hearing or judicial investigation
12 under the laws of this Commonwealth shall be in a board of
13 managers consisting of a cross section of citizens with relevant
14 expertise in juvenile development, juvenile detention and mental
15 health and substance use disorders, three county commissioners
16 or the county executive, the county controller and six private
17 citizens, three to be appointed by the president judge of the
18 court of common pleas and three to be appointed by the
19 chairperson of the board of county commissioners. The
20 commissioners or the county executive and the controller may
21 appoint persons to act as their designees for the purpose of
22 attending meetings of the board, and the designees shall have
23 the right to vote at the meetings. The private citizen members
24 of the board shall not be officers or employees of the county.
25 The members of the board or boards of managers existing in the
26 county shall remain as members of the board or boards of
27 managers created in this subdivision until the expiration of the
28 terms to which they were respectively appointed. Annually
29 thereafter, the members or their successors shall be appointed
30 for a term of three years. Vacancies occurring in the membership

1 of the board shall be filled for the unexpired term by the
2 chairperson of the board of county commissioners the county
3 executive or the president judge of the court of common pleas,
4 depending upon who originally appointed the board member. The
5 members of the board shall serve without compensation. The
6 Department of Human Services shall promulgate rules and
7 regulations as necessary and appropriate regarding the
8 composition of the boards of managers.

9 Section 2339.5. Annual report and expenses.

10 The board of managers shall annually report to the county
11 commissioners or the county executive, on or before the first
12 day of November, the amount of money required for the
13 maintenance of the house or houses of detention. The county
14 commissioners or the county executive shall make an annual
15 appropriation to the board of managers for the payment of the
16 expenses of administering the house or houses of detention.
17 Expenses incurred in the performance of duties by the board of
18 managers shall be itemized and presented with vouchers to the
19 county commissioners or the county executive for payment, and a
20 semiannual expense report shall be made to the county
21 commissioners or the county executive. All expenses in
22 connection with the management and administration of the house
23 of detention shall be paid by the county in the manner provided
24 by law for the payment of county obligations. The house or
25 houses of detention shall annually report to the board of
26 managers, on or before the first day of November, information on
27 facility operations required by the Department of Human
28 Services. At a minimum, the report shall include information on
29 the use of physical restraints and seclusion-, INSTANCES OF <--
30 OVERCROWDING AND A DESCRIPTION OF THE EDUCATIONAL PROGRAMS AND

1 ACCESS TO EDUCATION AT THE HOUSE OR HOUSES OF DETENTION. The
2 board of managers shall conduct regular announced and
3 unannounced visits to house or houses of detention facilities
4 and annually report the board's findings to the Department of
5 Human Services, on or before the first day of November.

6 Section 2339.6. Appropriation and bond issues.

7 The county commissioners or the county executive shall have
8 power and authority, for the purpose of housing juveniles, to
9 appropriate money from the public funds or to issue bonds in the
10 manner provided by law for the purchase of lands or erecting,
11 constructing and equipping a building or buildings.

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