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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 371 Session of  
2023

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INTRODUCED BY BAKER, HUGHES, COLLETT, HAYWOOD, SCHWANK, COMMITTA,  
SANTARSIERO, KANE, KEARNEY, BARTOLOTTA, TARTAGLIONE,  
BREWSTER, COSTA, SAVAL AND MUTH, FEBRUARY 21, 2023

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REFERRED TO JUDICIARY, FEBRUARY 21, 2023

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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.

8 The General Assembly finds and declares that:

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

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

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

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

20 (5) the full and effective use of resources affecting

1 State and local criminal justice systems requires the  
2 complete cooperation of State and local government agencies;  
3 and

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

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

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

14 Section 7.3. Indigent Defense Advisory Committee.

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

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

19 (1) The executive director of the Interbranch Commission  
20 for Gender, Racial and Ethnic Fairness, or a designee, who  
21 shall serve as an ex officio and nonvoting member.

22 (2) The executive director of the Public Defender  
23 Association of Pennsylvania or a designee.

24 (3) The executive director of the Pennsylvania  
25 Commission on Sentencing, or a designee, who shall serve as  
26 an ex officio and nonvoting member.

27 (4) The executive director of the Pennsylvania District  
28 Attorneys Association, or a designee, who shall serve as an  
29 ex officio and nonvoting member.

30 (5) The Commonwealth Victim Advocate, or a designee, who

1 shall serve as an ex officio and nonvoting member.

2 (6) The executive director of the Pennsylvania Chiefs of  
3 Police Association, or a designee, who shall serve as an ex  
4 officio and nonvoting member.

5 (7) The executive director of the Juvenile Court Judges'  
6 Commission, or a designee, who shall serve as an ex officio  
7 and nonvoting member.

8 (8) An individual appointed by the President pro tempore  
9 of the Senate.

10 (9) An individual appointed by the Minority Leader of  
11 the Senate.

12 (10) An individual appointed by the Speaker of the House  
13 of Representatives.

14 (11) An individual appointed by the Minority Leader of  
15 the House of Representatives.

16 (12) The following members appointed by the Governor:

17 (i) One representative of public defenders appointed  
18 from a list of three qualified attorneys recommended by  
19 the Defender Association of Philadelphia.

20 (ii) One criminal defense attorney with public  
21 defender experience appointed from a list of three  
22 qualified individuals recommended by the Pennsylvania  
23 Association of Criminal Defense Lawyers.

24 (iii) One attorney with experience defending  
25 juveniles in delinquency proceedings, appointed from a  
26 list of three qualified individuals recommended by the  
27 Juvenile Defenders Association of Pennsylvania.

28 (iv) One member from the law school academic  
29 community with a background in public defense or legal  
30 services appointed from a list of qualified individuals

1 recommended by each law school in this Commonwealth.

2 (v) One attorney with capital case indigent defense  
3 trial, appellate or postconviction experience associated  
4 with the Pennsylvania Innocence Project at Temple  
5 University Beasley School of Law.

6 (vi) One representative of county government from  
7 the second class or second class A counties appointed  
8 from a list of three qualified individuals recommended by  
9 the County Commissioners Association of Pennsylvania.

10 (vii) One representative of county government from  
11 the third, fourth, fifth, sixth, seventh or eighth class  
12 counties appointed from a list of three qualified  
13 individuals recommended by the County Commissioners  
14 Association of Pennsylvania.

15 (viii) One advocate for current and former prison  
16 inmates appointed from a list of three individuals  
17 recommended by the Pennsylvania Prison Society.

18 (13) Three judges who routinely preside over criminal or  
19 juvenile cases and are representative of the geographic and  
20 demographic diversity of the Commonwealth, appointed by the  
21 Chief Justice of the Pennsylvania Supreme Court.

22 (14) The following members appointed by the Chief  
23 Justice of the Pennsylvania Supreme Court:

24 (i) One county chief public defender from a list of  
25 three recommendations from the Public Defender  
26 Association of Pennsylvania.

27 (ii) One public defender from the second class OR  
28 second class A counties from a list of four  
29 recommendations from the Public Defender Association of  
30 Pennsylvania.

1           (iii) One public defender from the third or fourth  
2           class counties from a list of four recommendations from  
3           the Public Defender Association of Pennsylvania.

4           (iv) Two public defenders from the fifth, sixth,  
5           seventh or eighth class counties from a list of four  
6           recommendations from the Public Defender Association of  
7           Pennsylvania.

8           (c) Chairperson and vice chairperson.--The chairperson of  
9           the committee shall be selected by the Governor from among the  
10           voting members of the committee. A vice chairperson shall be  
11           designated by the chairperson of the committee from among the  
12           voting members of the committee to preside at meetings in the  
13           absence of the chairperson.

14           (d) Term.--Members of the committee shall serve a four-year  
15           term. Members are eligible for reappointment for no more than  
16           two consecutive terms. Members appointed under subsection (b)  
17           (1), (2), (3), (4), (5), (6) and (7) shall serve by virtue of  
18           the member's office, and the term shall be concurrent with the  
19           member's service in the office. Vacancies on the committee shall  
20           be filled by the appointing authority within 60 days of the  
21           vacancy. For the purposes of this subsection, a vacancy occurs  
22           when a member resigns from the committee or no longer holds the  
23           employment that originally qualified the member for the  
24           appointment.

25           (e) Quorum.--A majority of the voting members of the  
26           committee shall constitute a quorum and a quorum shall be  
27           required for all actions. A vote of the majority of the voting  
28           members of the committee present shall be sufficient for all  
29           actions taken by the committee.

30           (f) Meetings.--The committee shall hold its first meeting no

1 later than 60 days from the effective date of this subsection.  
2 Except for the first meeting, meetings related to the  
3 implementation and operation of the Indigent Defense Grant  
4 Program established under subsection (k) and meetings related to  
5 committee duties under subsection (i)(13), members appointed  
6 under subsection (b)(4), (5) and (6) may not participate in  
7 meetings and committee work related to committee duties under  
8 subsection (i)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10),  
9 (11) and (12), unless requested by a majority of the voting  
10 members.

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) Staff.--Staff support shall be made available to the  
18 committee by the executive director of the commission in order  
19 to adequately assist the committee in carrying out its duties  
20 and responsibilities.

21 (i) Duties and responsibilities.--With the review and  
22 approval of the commission, the committee shall have the  
23 following duties and responsibilities:

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

29 (2) Propose minimum standards for attorneys providing  
30 indigent defense services to ensure that the ability,

1 training and experience of the attorneys match the cases  
2 assigned to the attorneys.

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

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

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

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

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

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

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

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

30 (8) Adopt standards for the use of case management

1 systems or software by county public defender offices.

2 (9) Develop, in partnership with the Administrative  
3 Office of Pennsylvania Courts and the Juvenile Court Judges'  
4 Commission, data requests that include, at a minimum, the  
5 following:

6 (i) The total number of criminal cases involving a  
7 public defender by category of criminal offense and by  
8 county.

9 (ii) The total number of criminal cases adjudicated  
10 or closed involving a public defender by category of  
11 disposition type and by county.

12 (iii) The total number of juvenile delinquency cases  
13 involving a public defender by category of offense and by  
14 county.

15 (iv) The total number of juvenile delinquency cases  
16 adjudicated or closed involving a public defender by  
17 category of disposition type and by county.

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

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

22 (vii) The total number of criminal and juvenile  
23 delinquency cases appealed involving a public defender by  
24 county.

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

28 (11) Analyze the data to identify trends and overall  
29 effectiveness of indigent defense services in the State and  
30 the impact of the standards adopted on the effectiveness of



1 indigent defense services in the future.

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

18 (13) Perform functions related to the direct approval  
19 and disbursement of grants under the Indigent Defense Grant  
20 Program established under subsection (k) in an advisory  
21 capacity only.

22 (j) Confidentiality of data.--County-specific data received  
23 and collected by the committee shall remain confidential. The  
24 committee may release aggregate data at the committee's  
25 discretion when preparing and submitting its biennial report.

26 (k) Indigent Defense Grant Program.--The Indigent Defense  
27 Grant Program is established in the commission. The following  
28 shall apply:

29 (1) Money available to the program shall include  
30 appropriations and transfers from the General Fund, special

1 funds, Federal funds and other sources of revenue made  
2 available to the program and the commission.

3 (2) Program funding may only be used for the grant and  
4 training activities authorized under this section, and no  
5 money may be transferred or diverted to any other purpose by  
6 administrative action.

7 (3) The committee shall have the opportunity to review  
8 and comment on grant applications and shall ensure that grant  
9 funding or services provided under the program are  
10 geographically dispersed throughout this Commonwealth.

11 (4) Grant money allocated through the program shall be  
12 used to supplement and not supplant existing county spending  
13 on indigent defense services.

14 (5) Nothing shall preclude a grant recipient from making  
15 an application in a subsequent year for the same purpose and  
16 amount awarded in a prior year.

17 (6) Grants awarded shall be consistent with the  
18 standards established by the committee and the standards  
19 adopted by the Pennsylvania Supreme Court.

20 (7) The commission may randomly audit and monitor grant  
21 recipients to ensure the appropriate use of grant funds and  
22 compliance with the provisions of this section.

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

29 (1) Definitions.--As used in this section, the term  
30 "indigent defense services" means the legal representation

1 provided to indigent adult defendants and juvenile respondents  
2 through either a public defender's office, contracted counsel or  
3 conflict counsel.

4 Section 2. This act shall take effect in 30 days.