
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1085 Session of
2023

INTRODUCED BY N. NELSON, MIHALEK, MADDEN, FRANKEL, RABB, KINSEY,
D. MILLER, HILL-EVANS, KHAN, SANCHEZ, GREEN, BRIGGS,
MARSHALL, CONKLIN, KRAJEWSKI, SCOTT AND FLEMING, MAY 1, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MAY 1, 2023

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.