

COMMITTEE RESOLUTION ANALYSIS

Resolution: Senate Resolution 304

Printer's No.: 1827

Sponsor: Senator Greenleaf

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Synopsis: This resolution directs the Joint State Government Commission to establish an advisory committee of experts to conduct a study of the Juvenile Act, 42 Pa.C.S. Ch. 63, and related issues.

Summary: The Joint State Government Commission shall establish an advisory committee to study the Juvenile Act and related issues.

Related issue

The advisory committee may study related issues. The resolution specifies one such related issue. The study shall include a review of how Pennsylvania and other states have responded to the United States Supreme Court case of Miller v. Alabama, relating to the sentencing of juveniles to life without the chance of parole.

Advisory committee

The advisory committee shall have about 30 members and be comprised of representatives from the judiciary, prosecution, defense, law enforcement, victim assistance, and private and public organizations involved in juvenile justice.

Findings and recommendations

The advisory committee shall report its findings and recommendations to the Senate no later than one year after the adoption of the resolution.

Background: Senate Resolution 304 directs the Joint State Government Commission to establish an advisory committee to study the Juvenile Act, 42 Pa.C.S. Ch. 63, and related issues.

Juvenile Act

The Juvenile Act, enacted in 1976, governs proceedings in which a child is alleged to be delinquent or dependent. The act provides for the determination of whether a child is subject to proceedings in juvenile court or criminal court. In 2005, the Pennsylvania Supreme Court adopted Rules of Juvenile Court Procedure with terminology and procedures inconsistent with the Juvenile Act. A dozen provisions of the Juvenile Act were suspended. The study of the Juvenile Act should determine whether there are substantive and procedural issues that need to be addressed and whether revisions are necessary to make the Juvenile Act and rules consistent.

Miller v. Alabama

In Miller v. Alabama, 132 S. Ct. 2455 (U.S. 2012), the United States Supreme Court held that juveniles convicted of murder shall not be subject to a mandatory sentence of life without the chance of parole. During 2012, the Pennsylvania General Assembly responded to Miller by enacting 2012 Act 204 adding 18 Pa.C.S. §1102.1 to the law, providing for the sentencing of juveniles convicted of first or second degree murder. The General Assembly did not address whether the new law was retroactive. In Commonwealth v. Cunningham, 81 A.3d 1 (Pa. 2013), the Pennsylvania Supreme Court ruled that Miller did not apply retroactivity to offenders whose judgments of sentence were final when the Miller case was decided.