

COMMONWEALTH OF PENNSYLVANIA

HOUSE OF REPRESENTATIVES

House Judiciary Committee
Subcommittee on Crime and Corrections

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Senate Bill No. 81

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Pages 1 through 9

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Room 39
East Wing
Main Capitol Building
Harrisburg, Pennsylvania

Wednesday, October 11, 1995

Met, pursuant to notice, at 9:14 a.m.

APPEARANCES:

- REPRESENTATIVE JERRY BIRMELIN
- REPRESENTATIVE BRETT FEESE
- REPRESENTATIVE STEPHEN R. MAITLAND
- REPRESENTATIVE FRANK DERMODY
- REPRESENTATIVE AL MASLAND
- REPRESENTATIVE LISA BOSCOLA
- REPRESENTATIVE KATHY MANDERINO
- BRIAN PRESKI, Counsel to Committee

ALSO PRESENT:

REPRESENTATIVE THOMAS CALTAGIRONE, Minority
Chairman, House Judiciary Committee

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C O N T E N T S

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WITNESSES

(None.)

E X H I B I T S

NUMBER

(None.)

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P R O C E E D I N G S

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2 REPRESENTATIVE BIRMELIN: We now call to order
3 the House Subcommittee on Crimes and Corrections on
4 Special Session legislation. Before you this morning is
5 Special Session Bill 81 -- Senate Bill 81.

6 I have circulated to the members here a letter
7 that I received just recently from the Pennsylvania Bar
8 Association. I just got it on my desk today, so as you
9 can see, it was dated yesterday, so I didn't have a
10 chance to circulate it before we got here this morning.

11 And the Pennsylvania Bar Association has reviewed
12 the bill. They don't take a position on it as of today;
13 however, they have made suggestions on several points
14 that they feel that the bill should and could be
15 amended.

16 If you recall, this is the bill that dealt with
17 unitary review, with death penalties. The prime sponsor
18 of the bill, it is his intention, I believe, to try to
19 provide for a quicker process to move those who have
20 been convicted and found to be punishable by the death
21 penalty through the legal process. I think it is
22 Senator Greenleaf's bill -- yes, Senator Greenleaf's
23 bill.

24 And what I would like to do is entertain a motion
25 to move Special Session Senate Bill 81 and recommend it

1 to the full House Judiciary Committee.

2 REPRESENTATIVE FEESE: So moved.

3 REPRESENTATIVE BOSCOLA: Second.

4 REPRESENTATIVE BIRMELIN: So moved by Mr. Feese;
5 Representative Boscola seconds it. Any questions or
6 discussion?

7 Mr. Masland?

8 REPRESENTATIVE MASLAND: I just think that I
9 received this fax yesterday from the PBA and there may
10 be some things in there, again, that we want to consider
11 as amendments. I realize that this is not the proper
12 forum for those, but -- I mean, I think it's worthwhile
13 moving it ahead to the Committee, but I question whether
14 we could hold it up if we want to, but it's worthwhile
15 moving it ahead to the full Committee and having them
16 consider those amendments at that time.

17 REPRESENTATIVE BIRMELIN: Members can hold it up
18 if they wish to; it would be my recommendation that you
19 don't. However --

20 REPRESENTATIVE MASLAND: Of course, the Chairman
21 of the Committee could reach down and pull it out,
22 whether we hold it up or not.

23 REPRESENTATIVE BIRMELIN: Yes, but he has asked
24 us to do this because we held the public hearings on the
25 two bills, and he has asked us to recommend them.

1 REPRESENTATIVE MASLAND: I understand.

2 REPRESENTATIVE BIRMELIN: And if you have a
3 suggestion or an amendment in particular that you want
4 to be considered, I think that this is a good way to
5 forewarn you that you need to do that as soon as
6 possible.

7 Other comments or questions?

8 (No response.)

9 I will entertain a vote then on Special Session
10 Senate Bill 81. Are there any negative votes on the
11 bill?

12 (No response.)

13 Hearing none, the Secretary will cast a unanimous
14 vote for Special Session Senate Bill 81. Are there any
15 comments or questions?

16 Representative Maitland?

17 REPRESENTATIVE MAITLAND: A question; you had
18 sent out a memo about touring some State correctional
19 institutions.

20 REPRESENTATIVE BIRMELIN: I was going to speak on
21 that; thank you for bringing it up.

22 At the suggestion of some of the members of the
23 Judiciary Committee, we have tentatively scheduled four
24 days in November for going to different prisons. And
25 Mary Beth Marshik, who is working with the Department of

1 Corrections and who formerly worked on this Committee
2 staff and therefore is quite cooperative when we need
3 her -- not that she wouldn't have been otherwise, but
4 she has been working with us to develop a schedule.

5 And here are the dates that I am fairly sure we
6 are going to be going; it will be November the 1st, the
7 8th and the 9th, and the 15th.

8 The November 1st will be Camp Hill. Since we
9 will be in session the two days before that -- that is a
10 Wednesday -- we can just stay over one more night and we
11 can go to the Camp Hill facility. Camp Hill is -- I
12 believe, Mary Beth, is still the clearinghouse for any
13 of the prisoners in the State, if not all of them.

14 MS. MARSHIK: Yes.

15 REPRESENTATIVE BIRMELIN: And it is probably good
16 for you to see that prison first.

17 And then we are probably going to be seeing, and
18 I am not sure in what order, Muncy, Graterford, and Cole
19 Township. At the request of some of the members, Cole
20 Township has been added to that list.

21 Now, I have been getting some memos from some of
22 the members, not only about what prisons they want to
23 see but what they would like to see in the prisons. So
24 what we are going to be doing is trying to give you a
25 comprehensive look at the prisons; not just where they

1 lock them up and that sort of thing, but we want to look
2 at the drug and alcohol treatment portions. Especially
3 in Muncy, we want to look at the attempts made for the
4 maintenance of family ties with women with children, and
5 some of the other services that are offered in the
6 prisons so we have a comprehensive look.

7 We also would encourage you to eat the meals
8 while you are there -- I know, you're wincing. But we
9 are going to arrange for meals in some of the prisons,
10 if not all of them. We think it would be a good idea
11 for you to experience that as well.

12 We have opened up these tours; however, you need
13 to be aware that all House members are going to extend
14 invitations to Senators. And while specifically I think
15 House Judiciary Committee members would and should go at
16 least to one of these prisons, I think that all House
17 and Senate members should.

18 And so we are going to open that up; Camp Hill
19 will be the first one on the first of November, and that
20 will probably be the first thing in the morning so you
21 can get home by the end of the day.

22 Any other questions or comments?

23 (No response.)

24 Okay. Attorney Preski informs me that the two
25 bills that you just voted out will be considered by the

1 full Committee on the 17th, which is Tuesday of next
2 week.

3 So if you do have amendments, be prepared, and I
4 have also been forewarned that the Special Session
5 Senate Bill 81 is going to have amendments by several
6 members. I am not sure who; I know some of them, but be
7 prepared for that, and that may be a controversial bill.

8 Hopefully, my bill won't be, House Bill 2066, and
9 we will be able to get that slipped through fairly
10 quickly.

11 Well, hearing and seeing no further comments,
12 this meeting is adjourned.

13 (Whereupon, at 9:25 a.m., the hearing was
14 adjourned.)

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C E R T I F I C A T E

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

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