

COMMONWEALTH OF PENNSYLVANIA

HOUSE OF REPRESENTATIVES

House Judiciary Committee
Subcommittee on Crime and Corrections

- - - - - x
House Bill No. 2066 :
- - - - - x

Pages 1 through 9 Room 39
East Wing
Main Capitol Building
Harrisburg, Pennsylvania

Wednesday, October 11, 1995

Met, pursuant to notice, at 9:05 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

Commonwealth Reporting Company, Inc.

700 Lisburn Road
Camp Hill, Pennsylvania 17011

X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C O N T E N T S

WITNESSES

(None.)

E X H I B I T S

NUMBER

(None.)

Any reproduction of this transcript is prohibited without authorization by the certifying reporter.

FORM 2

P R O C E E D I N G S

1
2 REPRESENTATIVE BIRMELIN: The House Judiciary
3 Subcommittee on Crimes and Corrections is going to be
4 meeting here this morning briefly; we won't be here
5 long, I can assure you.

6 We really have to have two meetings, and that is
7 because of the bills we have. One is a special session
8 bill, and the other is a regular session bill.

9 So if it is all right with the Committee members,
10 we will use the roll call for both of those Committee
11 meetings, and I have asked Brian Preski, Chief Counsel,
12 to call the roll for the members.

13 MR. PRESKI: Birmelin?

14 REPRESENTATIVE BIRMELIN: Here.

15 MR. PRESKI: Feese?

16 REPRESENTATIVE FEESE: Here.

17 MR. PRESKI: Maitland?

18 REPRESENTATIVE MAITLAND: Here.

19 MR. PRESKI: Masland?

20 REPRESENTATIVE MASLAND: Here.

21 MR. PRESKI: Boscola?

22 REPRESENTATIVE BOSCOLA: Here.

23 MR. PRESKI: Dermody?

24 REPRESENTATIVE DERMODY: Here.

25 MR. PRESKI: And Manderino.

1 REPRESENTATIVE BIRMELIN: The Subcommittee
2 members are entitled to vote on the bills that we will
3 be voting on today. The regular House Judiciary
4 Committee members, although they are certainly welcome
5 to be a part of the meeting and we encourage them to
6 attend, when it comes to an official vote are not
7 entitled to a vote.

8 So I guess, Lisa, you are a member of the
9 Subcommittee, so you are, and Frank, you are not.
10 However, we certainly are graced by your presence and
11 appreciate your wisdom and in every other respect you
12 are a member in good standing with us here this morning.

13 So let's call the regular session first to
14 consider passing on to the full Committee a bill that we
15 had a public hearing on not too long ago, and I just
16 introduced it on the House floor and got a Bill number
17 for it, although we don't have copies of it for you this
18 morning.

19 (Pause.)

20 Oh, I am sorry. I apologize; we do have -- would
21 you pass one of those over to Lisa?

22 Brett, would you give one of those to Al, please?

23 House Bill 2066 deals with the issue of giving
24 concurrent authority to federal prisons to enforce State
25 law. If you recall -- those of you who were here at the

1 public hearing a few weeks ago -- we had several people
2 in from the federal prison system, and there was a good
3 deal of discussion about that and there were some
4 questions raised that they responded to in writing, and
5 particularly the Deputy Regional Counsel, Henry
6 Sadowski.

7 He put them in writing in a letter addressed to
8 Brian Preski, our Chief Counsel, dated September 14,
9 1995. And when I sent notice to you that we were
10 meeting today, I sent a copy of this letter to you, so
11 thereby, Mr. Dermody, you are probably the only one who
12 did not get a copy of that. However, if you would like
13 a copy of that, please let me know.

14 The questions that were raised in the hearing
15 were pretty much answered in this letter and the only
16 response that they felt needed changing in the
17 legislation was made in House Bill 2066, and that was
18 dealing with the possible future site of the prison in
19 the Scranton area.

20 Good morning, Mr. Chairman.

21 CHAIRMAN CALTAGIRONE: Good morning.

22 REPRESENTATIVE BIRMELIN: Would you pass that
23 down to him, Brett?

24 Mr. Chairman, we are discussing the bill that
25 deals with the concurrent legislation for federal

1 prisons in Pennsylvania.

2 CHAIRMAN CALTIGIRONE: Yes.

3 REPRESENTATIVE BIRMELIN: The bill number is
4 2066; did we send a copy of that down to him?

5 REPRESENTATIVE FEESE: Yes.

6 REPRESENTATIVE BIRMELIN: Okay. I was just
7 summarizing the results of our public hearing that we
8 had, and I think you were in attendance at that.

9 And the one suggestion that the federal prisons
10 made is that we include some language in the bill that
11 dealt with the situation in the Scranton area.

12 And since the bill had not been written when we
13 had the public hearing, I made sure that it was included
14 in it when we wrote it, and I think it is page 2, lines
15 14 through 17 that deal with future lands that would
16 give them concurrent jurisdiction.

17 If you recall, Representative Manderino raised
18 some questions dealing with civil jurisdiction and some
19 other matters, and I felt that he did a rather good job
20 of answering that in the letter that I had sent to
21 members of the Subcommittee dated September 14th from
22 Mr. Sadowski.

23 And Mr. Chairman, I don't know if you have got a
24 copy of that letter or not.

25 CHAIRMAN CALTAGIRONE: Yes.

1 REPRESENTATIVE BIRMELIN: Did you? Okay, good.

2 Well, as that stands now, that bill has been
3 introduced and I have been asked by the Chairman of the
4 Judiciary Committee, Representative Piccola, for the
5 Subcommittee to take a vote and to recommend the full
6 Committee adopt the legislation.

7 On that issue, I will entertain a motion to do
8 so.

9 REPRESENTATIVE MAITLAND: I move the bill, Mr.
10 Chairman.

11 REPRESENTATIVE FEESE: Second.

12 REPRESENTATIVE BIRMELIN: Moved by Mr. Maitland,
13 seconded by Mr. Feese. Any questions or comments on the
14 legislation?

15 Representative Masland?

16 REPRESENTATIVE MASLAND: This is really minor,
17 but I just question whether on line 15, whether it makes
18 sense to say "over all future lands" and then on line 17
19 say "September 12, 1995."

20 We are going to be passing a bill saying "future
21 lands" that refers to a date in the past. I think we
22 could simply say "over all lands, waters, and buildings
23 acquired" after that date, so that would be my
24 suggestion that -- and I know that we don't do real
25 amendments here, that that would be at the Committee

1 level, but we could consider taking "future" out.
2 That's my only comment.

3 REPRESENTATIVE BIRMELIN: Point well made; any
4 other comments?

5 Mr. Feese?

6 REPRESENTATIVE FEESE: Just a question, Mr.
7 Chairman; on the -- what was essentially a rough draft
8 that we had at the Committee hearing, listed in that
9 rough draft was a metropolitan detention center in
10 Philadelphia, which isn't, at least as I read it, listed
11 in House Bill 2066.

12 MR. PRESKI: That would be a land acquired after
13 September 12th.

14 REPRESENTATIVE FEESE: Thank you. That is the
15 only question I have.

16 REPRESENTATIVE BIRMELIN: Hearing no other
17 questions, I will entertain a vote on this bill that it
18 be recommended to the full House Judiciary Committee for
19 their endorsement.

20 Are there any negative votes?

21 (No response.)

22 Hearing none, the Secretary will cast a unanimous
23 vote that House Bill 2066, Printer's Number 2570, will
24 be recommended to the full House Judiciary Committee.

25 Any further business in the regular session of

1 this Subcommittee before we go on to the special
2 session?

3 That meeting is adjourned.

4 (Whereupon, at 9:11 a.m., the meeting was
5 adjourned.)

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 or under my direction; and that this transcript is a true and accurate record to the best of my ability.

COMMONWEALTH REPORTING COMPANY, INC.

By: Leigh Anne Feeney

Leigh Anne Feeney