

COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE HEARING

STATE CAPITOL  
MINORITY CAUCUS ROOM  
ROOM 418  
HARRISBURG, PENNSYLVANIA

MONDAY, JULY 21, 2008  
10:05 A.M.

PRESENTATION ON HB 994  
DRUG-ENDANGERED CHILDREN

BEFORE:

HONORABLE THOMAS R. CALTAGIRONE, MAJORITY CHAIRMAN  
HONORABLE DEBERAH KULA  
HONORABLE CARL W. MANTZ  
HONORABLE BERNIE O'NEILL

ALSO IN ATTENDANCE:

HONORABLE JAMES E. CASORIO, JR.  
HONORABLE DANTE SANTONI, JR.

ALSO PRESENT:

WILLIAM H. ANDRING, ESQ.  
MAJORITY LEGAL COUNSEL  
DAVID M. McGLAUGHLIN  
MAJORITY SENIOR RESEARCH ANALYST  
MICHAEL A. FINK  
MINORITY RESEARCH ANALYST

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## P R O C E E D I N G S

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CHAIRMAN CALTAGIRONE: I'm State Representative Tom Caltagirone, Chairman of the House Judiciary Committee, and we are going to be holding a hearing today on Representative James Casorio's legislation, House Bill 994.

I would like the members and staff present on the panel, if they would just please introduce themselves, starting to my right. Dante.

REPRESENTATIVE SANTONI: Good morning. I'm State Representative Dante Santoni. I'm from Berks County.

REPRESENTATIVE O'NEILL: Yes; good morning. Representative Bernie O'Neill from the 29th Legislative District in Bucks County.

REPRESENTATIVE CASORIO: Representative Jim Casorio, 56th District, Westmoreland County.

MR. McGLAUGHLIN: Good morning. I'm David McGlaughlin, Judiciary Committee staff.

MR. FINK: Mike Fink, House Republican Judiciary staff.

REPRESENTATIVE KULA: Deberah Kula, Fayette and Westmoreland Counties.

1 CHAIRMAN CALTAGIRONE: Thank you.

2 We will start off with the first testifier,  
3 the prime sponsor of the legislation, my dear friend,  
4 Jimmy.

5 REPRESENTATIVE CASORIO: Thank you,  
6 Mr. Chairman.

7 Mr. Chairman, before I start, I would just  
8 like to take this opportunity, first, on a side note  
9 and a different matter, to thank you for your  
10 leadership.

11 As you may know, I have House Bill 2525, the  
12 puppy-mill bill. You have House Bill 2532, a  
13 companion bill, that would outlaw debarking, the  
14 barbaric and cruel treatment of dogs throughout this  
15 Commonwealth, and I just want to take this  
16 opportunity to thank you for your leadership on this  
17 issue and your House Bill 2532.

18 Thank you, Mr. Chairman.

19 CHAIRMAN CALTAGIRONE: Thank you, Jimmy.

20 REPRESENTATIVE CASORIO: Mr. Chairman,  
21 members of the committee, and guests, good morning.

22 Each year across the country and here in  
23 Pennsylvania, an increasing number of children live  
24 and play around houses, apartments, hotel rooms, and  
25 other environments where methamphetamine and other

1 dangerous and illegal substances are produced,  
2 abused, and sold.

3           These children who are constantly around  
4 drug-production sites face a variety of health and  
5 safety risks, including fires and explosions, abuse  
6 and neglect, and exposure to things like firearms,  
7 health and safety code violations, and even  
8 booby traps.

9           Thousands of children every year in the  
10 United States are affected, injured, and even killed  
11 by illegal drugs or their production.

12           Additionally, we have no idea to what extent  
13 the constant exposure to meth and other drug  
14 production has on children's mental health, long-term  
15 physical and emotional development, educational  
16 attainment, and future success as adults.

17           What we do know is that constant exposure to  
18 the illegal drug culture is detrimental and that we  
19 must find a way to respond to these drug-endangered  
20 children in a way that gives them a reasonable chance  
21 to succeed later on in life.

22           Many States are already addressing this  
23 problem by setting up programs on both a local and  
24 statewide level to coordinate the efforts of groups  
25 and agencies that respond to children in these

1 particular situations.

2 Pennsylvania needs to have such a system in  
3 place, and that is what House Bill 994 is all about.

4 My legislation would establish a task force  
5 on drug-endangered children within the Pennsylvania  
6 Commission on Crime and Delinquency to improve the  
7 response to and health of children exposed to  
8 methamphetamine production and other illegal drug  
9 involvement and activity.

10 The task force would be made up of the  
11 Secretary of Health as Chairman and would include the  
12 Secretaries or their designee of Public Welfare,  
13 Education, and Environmental Protection.

14 The task force would also include the State  
15 Police Commissioner or a designee, a representative  
16 of the Juvenile Court Judges' Commission, the State  
17 Victim Advocate, the Executive Director of the  
18 Commission on Crime and Delinquency, and nine members  
19 appointed by the Governor representing local law  
20 enforcement, district attorneys, county governments,  
21 fire and EMS services, physicians, children and youth  
22 services, mental health agencies, and drug and  
23 alcohol programs.

24 The goal of the task force would be to  
25 establish a statewide system for responding to and

1 helping children who are impacted by the illegal  
2 production, trafficking, or abuse of drugs.

3 Most importantly, the task force would  
4 develop a plan to ensure that children who are  
5 impacted by the illegal production or abuse of  
6 these drugs, especially those who have to be removed  
7 from their homes, continue to be enrolled in  
8 school.

9 The task force would also develop a training  
10 program to be made available to State and local  
11 agencies that respond to drug-endangered children and  
12 would act as an information clearinghouse for State  
13 and local agencies who respond to and care for  
14 drug-endangered children.

15 Mr. Chairman, make no mistake about it:  
16 drug-endangered children have their childhood stolen  
17 from them, and more often than not, their adulthoods  
18 as well.

19 These children struggle to learn, they  
20 struggle to fit in, and they struggle to be healthy.  
21 They struggle simply to be children.

22 Pennsylvania must prepare the people who  
23 care for these children to provide the physical,  
24 mental, and emotional assistance they need and  
25 deserve.

1           We can remove a child from a meth lab, but  
2 we cannot remove him or her from the long-term  
3 effects and impact of that meth lab if we do not have  
4 the coordinated plan in place to respond to all of  
5 their needs.

6           We cannot win the war on drugs if we allow  
7 the innocent victims to continue to suffer.

8           House Bill 994 represents a necessary first  
9 step on the way to preparing Pennsylvania and every  
10 community in Pennsylvania to rescue its children from  
11 the scourge of illegal drug production.

12           I ask for this committee's support of the  
13 legislation and the support of the General Assembly.

14           Mr. Chairman, thank you for allowing me to  
15 testify.

16           CHAIRMAN CALTAGIRONE: Thank you,  
17 Representative Casorio.

18           Next, we would like to hear from Mark Koch,  
19 the President of the Fraternal Order of Police of  
20 Pennsylvania. Mark.

21           MR. KOCH: Good morning, Mr. Chairman.

22           I will join with Representative Casorio, if  
23 I may for one moment, before I get into my written  
24 testimony, to also sincerely thank you, Mr. Chairman,  
25 and the entire committee for all of the hard work and



1 dedication that you have on so many issues like this  
2 that are so important to us with your committee. So  
3 thank you very much for that.

4 CHAIRMAN CALTAGIRONE: Thank you.

5 MR. KOCH: On behalf of the more than 41,000  
6 law enforcement officers comprising the membership of  
7 the Pennsylvania Fraternal Order of Police, I thank  
8 Chairman Caltagirone and Chairman Marsico, the  
9 members of the committee, for your support in our  
10 mutual goal of protecting and serving the citizens of  
11 the Commonwealth.

12 As law enforcement officers, the members of  
13 the Fraternal Order of Police are on the front lines  
14 of society's war on illegal drugs. We see the  
15 physical, psychological, spiritual, and societal  
16 damage that the illegal drug trade causes to our  
17 citizens and our communities.

18 I can state with absolute certainty that  
19 such damage is all the more pronounced when it is  
20 inflicted on the most vulnerable members of our  
21 society -- our children.

22 A child is society's most precious yet  
23 fragile resource. It is therefore true that injuries  
24 inflicted upon a child today hurt not only the child  
25 but also pose an immediate danger to our future.

1           Many social scientists assert that in the  
2 past 20 years, we have been raising a generation of  
3 some super-predators. If this is true, it is without  
4 doubt that the reason for this is the effect that  
5 illegal drugs and the illegal drug trade have had  
6 upon their development.

7           While we fight this seemingly never-ending  
8 war on drugs, therefore, it is incumbent upon us to  
9 take far-reaching steps to ensure that the young  
10 people do not carry the scars of the drug culture  
11 with them as they grow and mature.

12           House Bill 994 is just such a step. The  
13 proposed task force on drug-endangered children  
14 presents a multidisciplinary approach to this  
15 ever-growing problem that ensures that  
16 professional input across a wide range of social,  
17 medical, educational, and law enforcement  
18 services.

19           It will create a forum which will allow the  
20 various professions to work together to find new and  
21 innovative solutions that a single distinct group  
22 would not.

23           As police officers, we cannot address this  
24 problem alone. The task force contemplated by  
25 House Bill 994 means that we do not have to.

1           As professional police officers, the men and  
2 women of the Fraternal Order of Police look forward  
3 to the challenge posed by the task force and look  
4 forward to contributing what we can to its mission.  
5 We owe it to our children, and we owe it to our  
6 future.

7           I therefore request that you join with the  
8 Fraternal Order of Police to make the promise of the  
9 task force on drug-endangered children a reality that  
10 will benefit all Pennsylvanians for years to come.

11           With that, let me once again thank all  
12 of you for your support and leadership on this  
13 House Bill 994.

14           Thank you, Mr. Chairman.

15           CHAIRMAN CALTAGIRONE: Thank you, Mark.

16           Could you stand for questions?

17           I just want to reiterate that I mentioned to  
18 Jimmy earlier that this is one of the bills that we  
19 want to put on the calendar when we get back into  
20 active session to vote it to the floor for  
21 consideration in this fall session.

22           MR. KOCH: Yes, Mr. Chairman.

23           CHAIRMAN CALTAGIRONE: Jim.

24           REPRESENTATIVE CASORIO: Thank you,  
25 Mr. Chairman.

1           President Koch, good to see you again.

2           MR. KOCH: Yes; you, too, Representative.

3           REPRESENTATIVE CASORIO: I have a fond  
4 affinity for you and have worked with you closely in  
5 your years as President of the FOP.

6           As you know, I share, not your ranks of  
7 being out on the street, but the only active member  
8 of the FOP that is not a law enforcement officer in  
9 the State that was bestowed upon me by my Local Lodge  
10 39, and that is probably -- it is, not probably -- it  
11 is the greatest honor that I have received in my  
12 11 years here in the House and probably throughout my  
13 career in general. So I just wanted to thank you for  
14 that.

15           In your written testimony, and maybe just  
16 anecdotally or maybe factually, as you can point out,  
17 you talk about the most vulnerable members of our  
18 society are our children and that which illegal drugs  
19 and illegal drug trades have upon their development.

20           I have an e-mail, and I believe, I know you  
21 were on the streets before in Hazleton?

22           MR. KOCH: Yes, sir.

23           REPRESENTATIVE CASORIO: I have an e-mail,  
24 that I did not bring with me, I left it in my office  
25 just a few moments ago. I have western Westmoreland

1 County on the Pittsburgh border. Hazleton is, you  
2 know, millions of miles away from there, but they  
3 share one of the same things in common, and that is  
4 the illegal drug trade.

5 MR. KOCH: Yes, sir.

6 REPRESENTATIVE CASORIO: The woman that  
7 e-mailed me was pleading to do something about it,  
8 because she has seen what it has done -- it was a  
9 lengthy e-mail -- what it has done to her family in  
10 particular.

11 If you could, if you would, and I know the  
12 answer and you know the answer, but I guess just  
13 maybe it is semi-rhetorical--- Thank you. I do have  
14 that here. Thank you very much. And it is from  
15 Hazleton, and I have it here in front of me. We can  
16 present that into testimony, if you like. I will not  
17 read the whole thing, but it is very lengthy, and it  
18 talks about their children and heroin and cocaine,  
19 and it is very disturbing.

20 Some folks in the Commonwealth are under the  
21 misimpression that illegal drugs, especially meth,  
22 which is just rampant throughout the Commonwealth, is  
23 only in places in third-class cities or in areas of  
24 economic distress or decline. That is not the case  
25 at all. I know that; you know that from fact.

1           Can you elaborate and maybe share with the  
2 committee just how widespread a problem you see it  
3 in affluent and less affluent communities?

4           MR. KOCH: Yes, Representative.

5           Unfortunately, as I'm sure many of you are  
6 already aware, this problem has taken a route over  
7 many years, unfortunately, across all strata.  
8 Whether the children are in poor communities or  
9 affluent communities really doesn't matter.

10           You know, I have seen children or dealt with  
11 children from every social strata that we have, and  
12 the parents, as you indicated, sometimes are very  
13 shocked that their children could be exposed to this  
14 or actually would become involved with these drugs.

15           But as you stated, no matter what social  
16 strata that they have come from, these children, they  
17 do become involved and they have been exposed to  
18 these illegal narcotics.

19           REPRESENTATIVE CASORIO: If I may, Mr.  
20 Chairman?

21           And again, President Koch, folks may think,  
22 well, you know, these children, they are the product  
23 of drug-dealing parents or drug-dealing relatives, so  
24 they are in the neighborhood or in the house and are  
25 exposed to it. That is the case a lot of times, but

1 a lot of what we see, you and I see, and I see  
2 firsthand with my local police, is there is an  
3 apartment building, 20 units in the apartment  
4 building; on the fourth floor, there is a meth lab.  
5 Somebody is living down on the second floor, going  
6 about their normal business -- the child is in  
7 school; the mom and dad are working.

8 All of a sudden, you know, there is an  
9 explosion or a fire or they have to evacuate, and  
10 when they have to evacuate that building, A, those  
11 children and the parents have been exposed, and they  
12 take nothing with him, nothing with them -- none of  
13 their toys, none of their schoolwork, nothing. They  
14 evacuate that building immediately.

15 MR. KOCH: Yes; absolutely.

16 The dangers that are posed, whether it be  
17 from a meth lab, then those children, of course, have  
18 the immediate exposure to the many chemicals that are  
19 used to produce such illegal substances.

20 But in addition to that, you can all imagine  
21 that whether it is the meth lab or any of these other  
22 illegal narcotics, these children are last on their  
23 list of what is important. You know, what becomes  
24 most important to these people that we are dealing  
25 with with this illegal trafficking is the narcotics

1 rather than their children.

2           So that is where they become impacted and it  
3 is so serious, because as you state, they do not take  
4 any of their toys; they don't have an interest in  
5 their education. They have no interest in their  
6 flourishing, and that is such a detriment to these  
7 children that it takes years and years for them to  
8 overcome.

9           That is why this bill is so important,  
10 because it is another way that we can intervene,  
11 another way that we can help these children to  
12 overcome or to avoid or to intercede into stopping  
13 the effects that this would have upon them.

14           REPRESENTATIVE CASORIO: And, Mr. President,  
15 just to wrap up -- Mr. Chairman, as well -- I went  
16 through the litany of folks that are going to be on  
17 here, the different Secretaries, the appointees from  
18 fire and EMS, and I serve on fire as well, but I  
19 think in the medical field, and not to diminish any  
20 of the other folks that are going to be on there, but  
21 I think, and from your perspective as well, one of  
22 the most important, if not the most important,  
23 individual or individuals we will have on this  
24 task force, after Chairman Caltagirone is kind enough  
25 to vote this out and we can get this to the floor, is



1 the individual representative from law enforcement.  
2 That is who I looked forward to hearing from and  
3 having on this panel.

4           Again, on behalf of myself as an active  
5 member, I thank your 41,000 members every single day,  
6 Mr. Koch, Mr. President, for, you know, cops are not  
7 the favorite people in the community sometimes, but  
8 when they need a policeman at 2, 3 in the morning,  
9 they sure like to have them around.

10           So thank you on behalf of the entire  
11 committee, and, Mr. Chairman, thank you for indulging  
12 me.

13           MR. KOCH: Thank you, Representative.

14           CHAIRMAN CALTAGIRONE: Representative Kula.

15           REPRESENTATIVE KULA: I guess I have a  
16 statement a little more than a question.

17           I can tell you, as a former district judge,  
18 I had many drug cases before me. One in particular  
19 that stands out was a family, mother, father,  
20 daughter -- pregnant daughter -- and a son that was  
21 in high school.

22           The father was the drug dealer. The father  
23 was selling drugs out of the home. There was a young  
24 man came to the house in the middle of the night,  
25 came into the house trying to get drugs without

1 paying for them, obviously, and killed the mother,  
2 the father, the pregnant daughter, and thought he had  
3 accomplished killing the young boy. He shot all of  
4 them.

5           The young boy was able to crawl out of the  
6 house, where the house had been set on fire. He  
7 managed to crawl out through all of the burning  
8 flames and was rescued, believe it or not, by an  
9 off-duty State Police officer who was taking his son  
10 around who delivered newspapers.

11           But this was a young man that had nothing to  
12 do with the drug dealing. He was a bright young man,  
13 did very well in school, and probably is leading a  
14 much better life now than he had, it is sad to say,  
15 if he had remained in that home.

16           But this gives us and I see such a reason  
17 for young people to be given an opportunity to have  
18 this task force established and find a way to be  
19 assured that this does not happen to another young  
20 person who is totally innocent to what goes on around  
21 him and give them an opportunity to have somewhere to  
22 go, something to do, to alleviate the problem that  
23 they are living day after day, and I'm sure that this  
24 is just one of thousands that are occurring as we  
25 speak here today.

1           But I compliment Representative Casorio for  
2 his efforts here, and I know the job that the police  
3 and our Commonwealth perform along these lines.

4           Thank you.

5           MR. KOCH: Thank you, Representative.

6           CHAIRMAN CALTAGIRONE: Are there any other  
7 comments?

8           We have been joined by our Chief Counsel,  
9 Bill Andring, and also Representative Carl Mantz, a  
10 member of the committee from Berks County.

11           Mark, thank you very, very much for your  
12 testimony. We do appreciate it.

13           MR. KOCH: Thank you very much, Mr.  
14 Chairman.

15           CHAIRMAN CALTAGIRONE: Thank you, sir.

16           We will next hear from Michael Kane, the  
17 Executive Director of the Pennsylvania Commission on  
18 Crime and Delinquency.

19           MR. KANE: Good morning, Chairman  
20 Caltagirone, Representative Casorio, and members of  
21 the committee.

22           As you stated, my name is Michael Kane. I'm  
23 the Executive Director of the Pennsylvania Commission  
24 on Crime and Delinquency, and I'm pleased to have the  
25 opportunity to speak briefly this morning about

1 HB 994.

2           There is no doubt that children who reside  
3 in homes where drugs are manufactured, trafficked, or  
4 abused face increased risks to their own health,  
5 safety, and well-being, resulting from physical  
6 exposure to substances and toxins. Likewise, these  
7 children frequently suffer from neglect, violence,  
8 and other forms of physical and emotional abuse.

9           In addition, children who are exposed to  
10 drug abuse by a parent, a family member, or others in  
11 their homes are at a significantly increased risk of  
12 themselves engaging in illegal drug use and  
13 delinquent behavior then or in the future.

14           It is therefore important that we identify  
15 the most effective responses and coordinate the  
16 delivery of services to children found to be living  
17 in drug-abusing environments.

18           In order to ensure that emergency  
19 responders, law enforcement officers, social service  
20 agencies, schools, and health-care professionals and  
21 other professionals have the ability to implement  
22 appropriate responses, we need to define protocols  
23 and establish training programs.

24           The Pennsylvania Commission on Crime and  
25 Delinquency commends HB 994's recognition of the need

1 for a seamless safety net and service delivery system  
2 that meets these responsibilities.

3 We are honored by the faith that the bill  
4 places in the commission's ability to lead this  
5 effort and its recognition of PCCD's experience  
6 working with and coordinating strategic planning  
7 efforts among a broad range of State and local  
8 agencies.

9 To achieve the goals established for the  
10 task force for drug-endangered children, however, we  
11 believe significant resources would be required if  
12 HB 994 were to become law.

13 There would be costs of administration of  
14 the task force, including travel and per diem of  
15 nonpublicly-employed members and other necessary  
16 participants.

17 We would also anticipate the need to employ  
18 consultants in various disciplines and to contract  
19 for assistance in the development and publication of  
20 protocols.

21 By far, however, the most significant costs  
22 would be to develop and deliver the training  
23 component that the bill prescribes to the thousands  
24 of individuals representing the many different  
25 agencies who play a role in achieving the goals of

1 HB 994.

2 Training would need to be continuously  
3 offered in order to be available to those entering a  
4 profession as well as for periodic refresher courses.

5 It is difficult to estimate the exact cost,  
6 but it may well be in the millions of dollars  
7 initially and many thousands more each year  
8 thereafter.

9 The commission has resources at its disposal  
10 through State and Federal appropriations and  
11 discretionary grants that it occasionally receives,  
12 mainly from the United States Department of Justice.

13 Most of these funding systems and funding  
14 streams, however, are focused on a particular set of  
15 programs or objectives, such as victims services,  
16 juvenile justice and delinquency prevention,  
17 intermediate punishment, problem-solving courts, just  
18 to name a few.

19 The only significant resource available to  
20 the commission for discretionary funding is the  
21 Federal Byrne Memorial/Justice Assistance Grant  
22 Program.

23 Historically, the commission has used  
24 Byrne/JAG money to fund a wide range of programs in  
25 each of our program areas, but the level of Byrne/JAG

1 funding is unpredictable from year to year and  
2 has been decreasing significantly in the past few  
3 years.

4 To give you a perspective, the commission's  
5 2008 Federal fiscal year formula grant was a little  
6 over \$4 million compared to \$11.7 million the  
7 previous year. Even 2007's \$11.7 million was only a  
8 fraction of the \$20 million that Pennsylvania was  
9 awarded just 6 years ago.

10 The bottom line is that the commission is  
11 ready and willing to take on the challenges of HB 994  
12 but does not have the resources to underwrite the  
13 cost of doing it effectively.

14 In making that assessment, please know that  
15 we remain committed to working together to prevent  
16 and respond to the Commonwealth's public safety needs  
17 in the most efficient and effective ways and look  
18 forward to providing whatever assistance we can offer  
19 to the General Assembly in that effort.

20 Thank you again, Chairman Caltagirone, for  
21 this opportunity to share some thoughts on this piece  
22 of legislation, and I would be happy to answer any  
23 questions from the committee.

24 CHAIRMAN CALTAGIRONE: Thank you, Mike.

25 Representative Casorio.

1           REPRESENTATIVE CASORIO: Thank you,  
2 Mr. Chairman.

3           Thank you, Mr. Kane, for being here today,  
4 Executive Director Kane, and I have firsthand  
5 knowledge of the work that PCCD does, the  
6 Pennsylvania Commission on Crime and Delinquency, in  
7 my local community with my department, so I commend  
8 you for that work as well.

9           I do not want to -- I mean, correct me if I  
10 am wrong, and it is not, you know, simply because it  
11 is my bill. I mean, I'll give it to somebody else if  
12 they want it and they can pass it along. I think it  
13 is a bill that certainly needs addressing because of  
14 the issue of the children.

15           Resources are always a certain problem, are  
16 problematic, especially in this environment and  
17 especially in the environment where the Federal  
18 government pulls the rug out of so many Commonwealth  
19 programs and we have to step up to the plate to do  
20 that. And I think we passed a good budget recently.  
21 I commend the members that are here that did that,  
22 but there is always never a perfect budget and  
23 someone is left behind.

24           I do not believe that the economic  
25 impediment to 994 -- and you can correct me if I'm



1 wrong -- is as great as you are saying, just from a  
2 perspective of, and let me go through the litany, if  
3 you will, and then you can respond if you would like:  
4 the Secretary of Health; Commissioner of the PSP, the  
5 State Police; the Secretary of Welfare; the Secretary  
6 of Education; the Secretary of DEP; the Juvenile  
7 Court Judges' Commission; the Victim Advocate;  
8 Executive Director of the Commission on Crime and  
9 Delinquency; and the nine members appointed by the  
10 Governor, one a district attorney, one a county  
11 commissioner, and then so forth down the line with  
12 other maybe lay folks or folks that are not employed  
13 necessarily by governments -- emergency room  
14 physicians, if you will, fire and EMS personnel.

15           So I think the structure is there. The  
16 economic component is there for the Secretary of  
17 Health to interact with us on a day-to-day basis  
18 without any additional costs. Maybe they have to  
19 provide some staff member an additional task or 2 or  
20 3 or 10 or 20 as this thing may take hold.

21           So I hear you and I appreciate what you are  
22 saying, because resources are always a concern,  
23 especially with you being the Executive Director. If  
24 you could just give maybe a little clarification, is  
25 what I am asking for.

1 MR. KANE: Sure.

2 There is no question that the State  
3 employees and local governmental employees would  
4 probably be able to assume the costs of their  
5 individual participation, and so I do not think that  
6 there are really a lot of resources that would be  
7 needed to put this committee together.

8 I think that the resources really come into  
9 play when you talk about having consultants, who I  
10 think would be necessary to develop these protocols.  
11 Certainly there is expertise that would be contained  
12 within the membership of that task force, but we  
13 would no doubt have to have consultants provide some  
14 additional expertise.

15 But the biggest cost, as I stated in my  
16 testimony, would be the cost of training, as it is  
17 mandated that PCCD undertake that training, and  
18 develop not only the training curriculum but actually  
19 deliver the training.

20 As we had heard earlier today, there are  
21 41,000 members of the FOP. There are a lot of police  
22 officers in the 1,200 police departments around the  
23 Commonwealth, and that is only one component of those  
24 agencies that would be affected by this.

25 And if it is going to be a coordinated

1 strategy, then everybody has to have the same  
2 training, and that would mean everybody gets the  
3 training even if the type of or the risk of their  
4 coming into contact with the child in this  
5 environment would be small.

6 We would have to offer that training to  
7 everyone, and that is what I see being the big cost  
8 in something that the commission really just does not  
9 have the resources to undertake.

10 REPRESENTATIVE CASORIO: And I appreciate  
11 that, and I'm not putting words in your mouth and I'm  
12 not painting you into that corner. And again, any  
13 item that we talk about, you know, in a billions and  
14 billions of dollars' budget, someone could say it is  
15 certainly worth the cost. You know, it is hard to  
16 argue against pulling kids out of situations in meth  
17 labs where they become, as President Koch said and  
18 you and I well know, lifelong criminal  
19 super-predators. As the President of the FOP pointed  
20 out, it is just a downward spiral, and it is a  
21 straight line instead of a jagged line. I mean, it  
22 is a line of crime.

23 And I do not have my testimony here in front  
24 of me because we have given it up for copies for the  
25 record, but there are other States, as you well know,

1 that have these plans in place. So we could  
2 theoretically use some of those plans initially as a  
3 model and try to move into the program. Would you  
4 not agree?

5 MR. KANE: Oh, absolutely, and there are, as  
6 you state, other States. Iowa is one in particular  
7 that has developed protocols for law enforcement, for  
8 social services.

9 I think that the difference is, though, in  
10 the training and offering the training. And it may  
11 well be, I have no doubt that police officers in  
12 their MPOETC training or the continuing training are  
13 briefed on what to do if they come across a child who  
14 is in a dangerous environment. No doubt, emergency  
15 responders have that same type of training.

16 And if it can be absorbed and made part of  
17 that training that is in existence right now, that  
18 would be a different matter altogether. But the bill  
19 as written places the responsibility of the delivery  
20 of that training on PCCD, and that is where I think  
21 the problem comes about.

22 But as you say, other States certainly have  
23 developed these protocols. A lot of the Western  
24 States, particularly for methamphetamine, have very  
25 comprehensive programs for dealing with children

1 involved in methamphetamine production.

2 REPRESENTATIVE CASORIO: Okay.

3 Thank you, Director Kane, and I look  
4 forward, hopefully soon, to working with you on this  
5 bill. Thank you.

6 Thank you, Mr. Chairman.

7 CHAIRMAN CALTAGIRONE: Certainly.

8 Members, any other questions?

9 Counsel.

10 MR. McGLAUGHLIN: Good morning, sir, and  
11 thank you very much for appearing.

12 I was asked to cover a small topic. Would  
13 it be helpful to the commission if, perhaps through  
14 amendment, a definition of "drug-endangered child"  
15 could be placed into this bill?

16 MR. KANE: I think that there is some  
17 confusion that could be drawn from the present  
18 language.

19 A lot of the focus of the bill is on  
20 methamphetamine, obviously, but then there is the  
21 broader terms of being endangered by the production,  
22 trafficking, or abuse, and so that would pretty much  
23 touch on any child who is living in an environment  
24 where someone is using that affects the health and  
25 welfare of that child. And if that is the intent, I

1 think it would be important to clarify that. If the  
2 intent is somewhat more limited, then that would be  
3 important as well.

4 MR. McGLAUGHLIN: Thank you, sir.

5 CHAIRMAN CALTAGIRONE: I just want to add, I  
6 served on the board, as you know, Mike, over a few  
7 years, and you all do a good job. And I'm sure once  
8 this legislation gets passed -- and there will be a  
9 fiscal note. You know, all of the bills, members of  
10 the Assembly, they know that it goes to  
11 Appropriations, and we will let the people on  
12 Appropriations figure out where we can get the money  
13 to fund it.

14 MR. KANE: Thank you, Mr. Chairman.

15 CHAIRMAN CALTAGIRONE: I say that tongue in  
16 cheek, but I do think that this is a very, very  
17 important piece of legislation. Anything to help our  
18 children in this Commonwealth for their safety and  
19 security I think is the right thing to do.

20 MR. KANE: Thank you.

21 CHAIRMAN CALTAGIRONE: Thank you, sir.

22 Representative Casorio is going to read into  
23 the record the support letter that we did get from  
24 the County Commissioners Association.

25 Jim.

1           REPRESENTATIVE CASORIO: Thank you, Mr.  
2 Chairman.

3           I have a letter that Chairman Caltagirone  
4 has given me. It is from the CCAP, the County  
5 Commissioners Association of Pennsylvania, and it is  
6 just a couple of paragraphs at his urging, and I will  
7 read this into the record:

8           "Dear Representatives Caltagirone and  
9 Marsico:

10           "Please accept this communication as a  
11 submission for the formal record of the public  
12 hearings that the House Judiciary Committee will be  
13 holding on the topic of HB 994, creating the PCCD  
14 Task Force on Drug-Endangered Children.

15           "As you know, CCAP" -- the County  
16 Commissioners Association of Pennsylvania -- "is a  
17 non-profit, non-partisan association providing  
18 legislative, training, insurance, technology,  
19 research, and similar services for all of the  
20 Commonwealth's 67 counties.

21           "Substance abuse reverberates through the  
22 county human services system, from drug and alcohol  
23 treatment to mental health, prison, and children and  
24 youth services. Children are often times the largest  
25 victims in the process of treatment, incarceration,

1 or other, of the adults who are their guardians.

2 "CCAP along with our affiliate the  
3 Pennsylvania Children and Youth Administrators (PCYA)  
4 strives to create policy that is beneficial to  
5 assisting children. Children of guardians selling  
6 drugs and alcohol are in immediate danger, especially  
7 those subject to methamphetamine labs. Meth labs  
8 have been known to explode and also leave residue in  
9 which children crawl, walk, and possibly ingest.  
10 CCAP and PCYA are committed to working with the  
11 Commonwealth to create the best policies that allow  
12 for the proper removal and assimilation of these  
13 children into safe homes.

14 "Children who are subject to the exposure of  
15 chemicals associated with methamphetamine production  
16 are also at a higher risk of becoming drug addicts  
17 themselves, starting down the eventual path of  
18 juvenile detention and or prison. CCAP supports any  
19 program that would promote the diversion of people  
20 who are at higher risk of entering the juvenile  
21 detention or prison populations.

22 "Methamphetamine production and addiction is  
23 a national issue. CCAP and its affiliate the  
24 Pennsylvania Association of Drug and Alcohol  
25 Administrators have been involved in national policy



1 making on this topic. CCAP has established its  
2 official position on the topic and adopted the  
3 following policy into our PA Counties Platform:

4 " 'The Association supports the efforts of  
5 the National Association of Counties to develop a  
6 methamphetamine policy that focuses state and federal  
7 efforts on giving county human services and  
8 corrections agencies and law enforcement agencies the  
9 tools to deal effectively with prevention and  
10 treatment, human services consequences, and  
11 environmental consequences arising from this  
12 significant and growing drug problem.' " That is  
13 from the CCAP Platform added in 2005.

14 "In closing, CCAP conveys its support for  
15 HB 994. We are always interested in the crafting of  
16 policy that assists the most vulnerable of our  
17 population, our children.

18 "Thank you for the opportunity to offer...."  
19 these remarks. Let me know if I can be of  
20 assistance.

21 "Sincerely,

22 "Zachary M. Ausherman

23 "Government Relations Specialist."

24 And that, again, from the County  
25 Commissioners Association of Pennsylvania.

1 Thank you, Mr. Chairman.

2 CHAIRMAN CALTAGIRONE: We also have written  
3 remarks that have been submitted for the record --  
4 members will get copies of this -- from Michael and  
5 Kelly Greco and also Heather Piscioti.

6 Any other questions from members?

7 Thank you. Meeting adjourned.

8

9 (The hearing concluded at 10:43 a.m.)

10

11 SUBMITTED WRITTEN TESTIMONY

12

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13

14 MICHAEL AND KELLY GRECO, constituents from  
15 Hazleton, Pennsylvania, submitted the following  
16 written testimony:

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Dear Representative Casorio,

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Thank you for caring about our children. We  
just read a news release regarding H.B. 994: We have  
contacted other PA Reps and received no reassurance  
that our children are being protected. Here is our  
story: We are writing this letter as concerned  
citizens of Pennsylvania regarding the welfare of our  
children. The newspapers are filled with stories  
regarding the abuse and sometimes death of innocent  
children mostly at the hands of their own parents.

1 Drugs and the people who are abusing them are putting  
2 too many children in danger and current laws in PA  
3 don't do enough to protect the children against these  
4 horrible people. Our personal situation has  
5 enlightened us to a world that is falling apart and  
6 taking our future with it. We have 3 boys ranging  
7 from 20 - 17. In February of 2006 we [were]  
8 approached through a family member to become  
9 emergency foster parents for a friend of theirs whose  
10 child was being taken from [them] by Children and  
11 Youth because the baby was born with Heroin and  
12 Cocaine in its system. 48 hours later and after a  
13 complete examination of our life and house we brought  
14 home a very sick little girl. 11 months later we  
15 adopted her after parental rights were removed  
16 because she was abandoned by both parents. This  
17 takes us to May of 2007 when Children and Youth  
18 informed us that the mother and father are about to  
19 give birth to another little girl who was born with  
20 Heroin and Methadone in her system. The Methadone  
21 came as a result of her going to jail a few months  
22 prior for Drug related charges. The mother was  
23 released shortly after the father was sentenced to do  
24 jail time and remained. On the 22nd of May we picked  
25 up another very sick newborn from the hospital once

1 again as foster care parents. Now a year later  
2 parents still having not completed Court ordered  
3 services and who is also pregnant again (6th child to  
4 be born and doesn't have custody of any of them). We  
5 are being informed by Children and Youth that she  
6 most likely [will] be able to take this little girl  
7 home even if it takes up to 2 years or longer for her  
8 and the father now out of prison to complete the  
9 Court ordered services. I failed to mention the  
10 mother is still an addict but now addicted to  
11 Methadone that she receives from a clinic with no  
12 requirement to be weaned off, so in the eyes of the  
13 courts this is an approved drug. Our pediatrician  
14 Dr. Robert Childs stated that removing the child from  
15 your loving home is like kidnapping, because after  
16 6 months he states that the bond is formed with our  
17 family and her natural sister. After talking with  
18 several people from other states (NY, NJ and MD) the  
19 laws in these states are more geared to protect the  
20 child as opposed to providing and catering to the  
21 addicts of these children. Babies born addicted to  
22 any drugs are removed and the parents rights are  
23 terminated. Can these laws be reviewed and possibly  
24 altered to better protect all the children born under  
25 these condition[s] in Pennsylvania. The children are

1 our future and they need to be protected. Thank You  
2 for your service: Michael and Kelly Greco.

3 \* \* \*

4 HEATHER PISCIOTTI, constituent from  
5 North Huntingdon, Pennsylvania, submitted the  
6 following written testimony:

7 Dear Representative Casorio,

8 I commend your legislation although I  
9 believe this legislation does not prevent the  
10 problem. Bottom line up front.....we need to  
11 enhance the ability for our police force to arrest  
12 the homeowners and drug [traffickers] who allow the  
13 production of these type of drugs in their homes who  
14 are primarily the culprit for putting those children  
15 in danger; not to mention the danger to the neighbor  
16 children who also live nearby to those homes. I'd  
17 like to see more effort focusing on the main problem  
18 and not the "side effects".

19 Sincerely,

20 Heather Piscioti

21 North Huntingdon, PA

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1           I hereby certify that the proceedings and  
2 evidence are contained fully and accurately in the  
3 notes taken by me on the within proceedings and that  
4 this is a correct transcript of the same.

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Debra B. Miller, Reporter

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