

# STATEMENTS OF POLICY

## Title 37—LAW

### COMMISSION ON CRIME AND DELINQUENCY

#### [ 37 PA. CODE CH. 471 ]

#### Statement of Policy for the Administration of the First Chance Trust Fund

The Commission on Crime and Delinquency (Commission), under the authority of section 1751-A.1 of The Fiscal Code (72 P.S. § 1751-A.1), amends Chapter 471 (relating to First Chance Trust Fund—statement of policy) to read as set forth in Annex A.

#### *Purpose*

The act of October 30, 2017 (P.L. 725, No. 44) (Act 44) established the First Chance Trust Fund (Fund) as a restricted account in the General Fund. The Commission adopted Chapter 471 as a statement of policy to meet the requirements of Act 44.

Act 44 authorizes the Commission to allocate revenues from the Fund for the following purposes: 1) establishing and operating a scholarship program for students in those regions of this Commonwealth which have statistically higher high school dropout rates, incarceration rates or high crime rates as determined by the Commission; and 2) providing grants to programs that benefit children in those regions of this Commonwealth which have statistically higher high school dropout rates, incarceration rates or high crime rates as determined by the Commission.

#### *Significant Provisions*

This statement of policy was originally adopted by the Commission on December 13, 2017, to comply with the 60-day adoption requirement and minimum standards of Act 44. It was published at 48 Pa.B. 608 (January 27, 2018).

#### *Persons and Entities Affected*

This statement of policy is intended to provide at-risk youth with constructive opportunities and options. The Commission currently uses the *Risk and Protective Framework* in both the administration of the *Communities-That-Care* model and the *Pennsylvania Youth Survey* to guide prevention efforts aimed at reducing youth problem behaviors. Risk factors are characteristics of school, community and family environments, as well as characteristics of students and their peer groups that are known to predict increased likelihood of substance abuse, delinquency, school dropout, teen pregnancy, depression and anxiety, and violent behavior among youth. These conditions may make children or students more vulnerable to victimization and perpetration. Students and programs that benefit children in those regions of this Commonwealth which have statistically higher high school dropout rates, incarceration rates or high crime rates as determined by the Commission shall be eligible for participation in the grant and scholarship programs available through Act 44.

#### *Fiscal Impact*

This statement of policy will not have a fiscal impact on the Commonwealth or local government.

#### *Sunset Date*

A sunset date is not established for this statement of policy. This statement of policy will be reviewed on an annual basis by the Commission and updated as needed.

#### *Effective Date*

This statement of policy will be effective upon publication in the *Pennsylvania Bulletin*.

#### *Contact Person*

The contact person for technical questions related to this statement of policy is Michael Pennington, Executive Director, Commission on Crime and Delinquency, 3101 North Front Street, Harrisburg, PA 17110, (717) 265-8461.

#### *Order*

The Commission, acting under the authorizing statute, orders that:

(a) Title 37 of the *Pennsylvania Code* is amended by amending the statement of policy in §§ 471.101—471.104 to read as set forth in Annex A.

(b) The Chairperson of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

CHARLES H. RAMSEY,  
*Chairperson*

**Fiscal Note:** 9-SOP-1. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 37. LAW

#### PART VI. COMMISSION ON CRIME AND DELINQUENCY

#### CHAPTER 471. FIRST CHANCE TRUST FUND—STATEMENT OF POLICY

#### § 471.101. Purpose.

This chapter is adopted to administer the Fund.

#### § 471.102. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Child*—An individual under 18 years of age who resides in this Commonwealth.

*Department*—The Department of Corrections of the Commonwealth.

*Fund*—The First Chance Trust Fund established under section 1753-A.1 of The Fiscal Code (72 P.S. § 1753-A.1).

*Program*—An evidence-based or outcome-based program for children who meet the eligibility requirements determined by the Commission aimed at reducing risk factors and producing positive outcomes, which may include mentoring, individual counseling and therapeutic services, and family-strengthening activities.

*Scholarship program*—A program which assists students in obtaining education or other vocational training that meets all of the following criteria:

(i) The student resides within this Commonwealth and attends an educational or vocational training institution located in this Commonwealth.

(ii) The student is 24 years of age or younger.

(iii) The student meets other eligibility requirements as determined by the Commission in accordance with section 1753-A.1 of The Fiscal Code.

**§ 471.103. Risk factors.**

The Commission is required under Subarticle F of Article XVII-A.1 of The Fiscal Code (72 P.S. §§ 1751-A.1—1755-A.1) to identify risk factors that lead to criminal behavior for children and students in regions of this Commonwealth which have statistically higher high school dropout rates, high incarceration rates or are in areas of high crime, which shall be used by the Commission in determining eligibility for allocation of funds. Research has identified risk factors that are known to predict increased likelihood of delinquency and violent behavior among youth. The Risk and Protective Framework, which is utilized to implement the Communities-That-Care model, and the Pennsylvania Youth Survey, identifies these risk factors as follows:

- *Community*
  - Low neighborhood attachment
  - Perceived availability of drugs (risk factor for violence only)
  - Perceived availability of handguns
  - Community laws and norms favorable toward drug use, firearms and crime
- *Family*
  - Family history of antisocial behavior
  - Poor family management
  - Family conflict
  - Parental attitudes favorable toward drugs and anti-social behavior
- *School*
  - Academic failure
  - Low commitment to school
- *Peer and Individual*
  - Rebelliousness
  - Gang involvement
  - Perceived risk of drug use
  - Attitudes favorable toward antisocial behavior and drug use
  - Friend's use of drugs
  - Interaction with antisocial peers

- Depressive symptoms

*Source:* Pennsylvania Youth Survey (PAYS) State Report 2021.

**§ 471.104. Maintenance and use of the Fund.**

(a) The Commission will allocate revenues from the Fund for the following purposes:

(1) Establishing and operating a scholarship program for students in those regions of this Commonwealth which have statistically higher high school dropout rates, incarceration rates or high crime rates as determined by the Commission.

(2) Providing grants to programs that benefit children in those regions of this Commonwealth which have statistically higher high school dropout rates, incarceration rates or high crime rates as determined by the Commission.

(b) Students and programs that benefit children in those regions of this Commonwealth which have statistically higher high school dropout rates, incarceration rates or high crime rates as determined by the Commission shall be eligible for participation in the grant and scholarship programs as provided for in this chapter. The Commission will utilize data provided by the Department of Education to determine regions of this Commonwealth having statistically higher high school dropout rates, data provided by the Department to determine regions of this Commonwealth having statistically higher incarceration rates and data provided by the Pennsylvania State Police to determine regions of this Commonwealth having statistically higher crime rates.

(c) Members of the Juvenile Justice and Delinquency Prevention Committee, the Victims Services Advisory Committee, the School Safety and Security Committee and the Commission shall establish the application process for the scholarship program and grants to programs. Recommendations to the Commission regarding scholarship and grant awards shall be made by this workgroup.

(d) Within 15 days of the last day of each month, the Commission and the Office of the Budget, in consultation with the State Treasurer, will compute the total amount of revenue from all sources received by the Commonwealth during the immediately preceding month which will be deposited into the Fund by the State Treasurer in accordance with this chapter. By December 1 of each year in which the balance of the Fund contains at least \$100,000, the Commission will announce the availability of grant or scholarship opportunities, or both.

[Pa.B. Doc. No. 23-10. Filed for public inspection January 6, 2023, 9:00 a.m.]