

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

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CHAPTER 401. PRELIMINARY PROVISIONS

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Authority

The provisions of this Chapter 401 issued under act of November 22, 1978 (P. L. 1166, No. 274) (71 P. S. §§ 1190.21—1190.32), unless otherwise noted.

Source

The provisions of this Chapter 401 adopted December 7, 1979, effective December 8, 1979, 9 Pa.B. 3981, unless otherwise noted.

GENERAL PROVISIONS

§ 401.1. Definitions.

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

Act 274—The act of November 22, 1978 (P. L. 1166, No. 274) (71 P. S. §§ 1190.21—1190.32).

Chairman—The Chairman of the Commission.

Commission—The Pennsylvania Commission on Crime and Delinquency established by section 2 of Act 274 (71 P. S. § 1190.22).

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Commissioner—A member or the Chairman of the Commission.

Crime Control Act—Title I, Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C.A. § 3701 et seq.).

Executive Director—The Executive Director of the Commission.

Juvenile Justice Act—Juvenile Justice and Delinquency Prevention Act of 1974, 5 U.S.C. § 5108; 18 U.S.C. §§ 4351—4353 and 5031—5042; 42 U.S.C.A. §§ 3701, 3723, 3733, 3758, 3772—3774, 3811—3814, 3821, 3882, 3883, 3888, 5601—5603, 5611—5619, 5651—5661, 5671, 5672, 5701, 5702, 5711—5716, 5731, 5732, 5741 and 5751.

Juvenile Justice and Delinquency Prevention Committee—The advisory committee for juvenile justice and delinquency prevention established by section 6 of Act 274 (71 P. S. § 1190.26).

Regional Advisory Committee—An advisory committee for regional criminal justice planning established by section 8 of Act 274 (71 P. S. § 1190.28). (Editor's Note: The Regional Advisory Committee has been replaced by local criminal justice planning agencies pursuant to the act of December 17, 1981 (P. L. 429, No. 134))

COMMISSION

§ 401.11. Operating procedures.

(a) The Commission will hold regular meetings in the main conference room of the Commission at 3101 N. Front Street, Harrisburg, Pennsylvania, or at other locations as the Chairman may designate.

(b) Special Commission meetings may be called by the Chairman as he deems necessary.

(c) Business of the Commission may be transacted at a regular or special public meeting.

(d) A designated employe of the Commission will serve as secretary and will record minutes of meetings. The minutes of meetings will be kept on file as a public record.

(e) Unless otherwise directed by the Commission, its meetings will be open to the public.

(f) Prior to each meeting, the Executive Director, in consultation with the Chairman, will prepare and distribute an agenda.

(g) After the Chairman has determined that a quorum is present at a Commission meeting, it will be presumed that the quorum continues until the meeting is concluded.

(h) The Executive Director will inform the Chairman in each instance where a Commissioner is absent from three consecutive regularly scheduled meetings or for more than 1/2 of the regularly scheduled meetings in a calendar year. The Chairman will then call the absences to the attention of the Commissioner concerned and may take other actions he deems appropriate in the circumstances.

(i) During the initial consideration of a subgrant application by the Commission, a representative of the applicant may address the Commission on issues raised in either staff or advisory committee reviews of the application or in response to questions from members of the Commission. Each applicant should

have only one individual to represent the applicant although that person may consult with others in preparing a response to a particular question. When an application involves technical issues and the principal speaker believes he cannot competently address those issues, then an appropriate specialist may also speak on behalf of the applicant.

(j) During the consideration by the Commission of an appeal from the administrative rejection of an application, the applicant shall have the right to address the Commission. The presentation should be limited to those issues raised in the written request for appeal. The applicant should designate one individual to present the applicant's case and to respond to questions from the Commission; however, technical issues may be addressed by an appropriate specialist.

(k) A fiscal or programmatic information presented at a Commission meeting by an applicant which is not also set forth in the subgrant application or which is contradicted by the subgrant application will be ruled out of order by the Chairman.

(l) An applicant who wishes to make a modification to an application as a result of Commission comment may submit a revised application for future consideration by the Commission. In its discretion, the Commission may approve a subgrant application subject to fiscal or programmatic conditions.

(m) The Chairman may, in his discretion, consolidate the consideration of two or more applications in order to expedite the business of the Commission. A Commissioner will have the right to have an individual application removed from the consolidated consideration so that it may be discussed and voted upon separately.

(n) The affirmative vote of a simple majority of the Commissioners present will be sufficient to approve a motion, and a tie vote will defeat the motion. A Commissioner may change his vote prior to the announcement of the result by the Chairman. The Chairman, in his discretion, may vote either to make or break a tie vote.

(o) A motion to amend a pending motion may be made by a Commissioner, and a vote on the amendment will be taken prior to a vote on the main motion.

(p) No action will be reconsidered by the Commission unless a motion for reconsideration is made by a Commissioner who is on the prevailing side and the motion for reconsideration is approved by at least a 2/3 majority of the Commissioners present.

(q) Parliamentary procedure matters not governed by explicit rules, procedures, or policies of the Commission or the statutes under which it acts will be governed by *Robert's Rules of Order Revised*.

Source

The provisions of this § 401.11 amended February 11, 1983, effective February 12, 1983, 13 Pa.B. 705. Immediately preceding text appears at serial pages (66596), (49364), and (49365).

§ 401.12. Conflict of interest.

(a) No Commissioner will participate personally, through decision, disapproval, recommendation, the rendering of advice, investigation or otherwise, in any proceeding, application, request for a ruling, contract, grant, claim, controversy, or other particular matter in which LEAA funds are used where, to his knowledge, he or his immediate family, partners, organization—other than a public agency—in which he is serving as officer, director, trustee, partner or employe, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest.

(b) The appearance of conflict of interest is as undesirable as an actual conflict of interest and an appearance of impropriety is to be avoided by Commissioners. It is the policy of the Commission that those Commissioners who have a conflict of interest will disqualify themselves from voting on any matter for which the conflict exists. A conflict of interest exists when the vote of a Commissioner is influenced or may appear to the public to be influenced by some consideration apart from the merits of the issue being voted upon. The disqualification of a Commissioner will be a matter of personal decision to each Commissioner.

(c) In the event a Commissioner is in doubt concerning the existence or appearance of conflict of interest as to himself in any matter, he may request a determination of that issue by the Chairman.

Source

The provisions of this § 401.12 amended February 1, 1980, effective February 2, 1980, 10 Pa.B. 463. Immediately preceding text appears at serial page (46854).

§ 401.13. Public access to records.

(a) The public records of the Commission will be open for examination and inspection by a member of the public at the Commission's Harrisburg offices during regular Commonwealth business hours.

(b) Photocopies of its public records will be produced on request by the Commission, subject to the following fees:

- (1) Each page—25¢
- (2) Each page, certified—\$1.00

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