Legislation Details (With Text)

File #:	160104	**Version:** 0	**Name:**		
Type:	Resolution		**Status:**	LAPSED	
File created:	2/4/2016		**In control:**	Committee on Law and Government	
On agenda:			**Final action:**		
Title:	Proposing an amendment to the Philadelphia Home Rule Charter to provide for the creation, appointment, powers and duties of a Commission on Youth Gun Violence; and providing for the submission of the amendment to the electors of Philadelphia.				
Sponsors:	Councilmember Johnson, Councilmember Green, Councilmember Bass, Councilmember Reynolds Brown, Councilmember Blackwell, Councilmember Squilla, Councilmember Jones, Councilmember Henon, Councilmember Domb, Councilmember Quiñones Sánchez, Councilmember Greenlee, Councilmember Oh, Councilmember Parker, Councilmember Gym, Council President Clarke, Councilmember Taubenberger, Councilmember O'Neill				
Indexes:					
Code sections:					
Attachments:	1. Resolution No. 16010400.pdf				

Date	Ver.	Action By	Action	Result	Tally
2/13/2017	0	Committee on Law and Government	HEARING NOTICES SENT		
2/13/2017	0	Committee on Law and Government	RECESSED		
2/4/2016	0	CITY COUNCIL	Introduced and Referred	Pass	

Proposing an amendment to the Philadelphia Home Rule Charter to provide for the creation, appointment, powers and duties of a Commission on Youth Gun Violence; and providing for the submission of the amendment to the electors of Philadelphia.

WHEREAS, According to data collected in 2014 through the FBI's Universal Crime Reporting Program, nearly half of gun violence victims in Philadelphia are under the age of 25; and

WHEREAS, Aggravated assaults with guns in 2015 increased 11% over 2014, according to a Philadelphia Police Crime Report; and

WHEREAS, The number of homicide victims reported by Philadelphia Police increased from 240 in 2014 to 280 homicides in 2015; and

WHEREAS, The rate of youth firearm possession in Philadelphia is among the highest rates for major cities in the United States, according to data collected by the Centers for Disease Control and Prevention; and

WHEREAS, According to the Children's Hospital of Philadelphia (CHOP) Center for Injury Research, almost half of the 1,378 firearm injuries in Pennsylvania in 2013 occurred in Philadelphia County; and

WHEREAS, According to population statistics and gun homicide rates for Philadelphia, the approximate gun homicide rate per 100,000 people in Philadelphia in 2014 was 13.26, a figure well above the national average of 10.64; and

WHEREAS, Gun violence disproportionately affects minority communities. According to the FBI's Universal Crime Reporting Program, 81.4% of the shooting victims and 82.4% of shooter offenders in Philadelphia in 2014 were African American; and

WHEREAS, Such disproportionate violence affecting minorities in low-income neighborhoods in Philadelphia creates an impediment to neighborhood rejuvenation and detracts greatly from the overall quality of life; and

WHEREAS, Diversionary and intervention-focused programs, such as Focused Deterrence and Philadelphia Ceasefire, have helped to decrease gun violence in especially dangerous areas and have helped to deter some young citizens from gun crimes; and

WHEREAS, Despite these efforts, Philadelphia still recorded over 1,000 shooting victims in both 2014 and 2015; and

WHEREAS, Working to prevent youth gun violence will help to lower Pennsylvania's unusually high prison population of 355,600, the 5th highest in the country according to a United States Department of Justice report from 2013; and

WHEREAS, Under Section 6 of the First Class City Home Rule Act (53 P.S. § 13106), an amendment to the Philadelphia Home Rule Charter may be proposed by a resolution of the Council of the City of Philadelphia adopted with the concurrence of two-thirds of its elected members; now, therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the following amendment to the Philadelphia Home Rule Charter is hereby proposed and shall be submitted to the electors of the City on an election date designated by ordinance:

~~Strikethrough~~ indicates matter deleted by these amendments.
Italics indicate matter added by these amendments.

ARTICLE III
EXECUTIVE AND ADMINISTRATIVE BRANCH - ORGANIZATION

CHAPTER 1
OFFICERS, DEPARTMENTS, BOARDS, COMMISSIONS AND OTHER AGENCIES

§ 3-100. Executive and Administrative Officers, Departments, Boards, Commissions and Agencies Designated.

The executive and administrative work of the City shall be performed by

* * *

(e) The following independent boards and commissions, which, except for the Board of Trustees of the Free Library of Philadelphia are hereby created:

* * *

Zoning Code Commission;

Jobs Commission;
Commission for Women; ~~and~~
Commission on Universal Pre-Kindergarten~~.~~; *and*
Commission on Youth Gun Violence.

* * *

CHAPTER 8
INDEPENDENT BOARDS AND COMMISSIONS

* * *

§ 3-812. Commission on Youth Gun Violence.

(a) The Commission on Youth Gun Violence shall be composed of seventeen members, selected as follows:

(1) Five members appointed by the Mayor from constituencies that may include anti-violence advocates, regional or national youth gun violence experts, educators, victims of gun violence or relatives of victims of gun violence, and service providers for victims of gun violence;

(2) Five members appointed by City Council from constituencies that may include anti-violence advocates, regional or national youth gun violence experts, educators, victims of gun violence or relatives of victims of gun violence, and service providers for victims of gun violence;

(3) Two members appointed by City Council from among its members;

(4) Commissioner, Police Department, or his or her designee;

(5) District Attorney, or his or her designee;

(6) Commissioner, Department of Prisons, or his or her designee;

(7) Welfare Commissioner, commonly known as Commissioner of Human Services, or his or her designee; and

(8) Superintendent, School District of Philadelphia, or his or her designee.

(b) All initial appointments to the Commission shall be made within ninety (90) days after the Commission is first created and Commission members shall serve at the pleasure of their appointing authorities. Members shall serve until their successors have been appointed.

(c) Vacancies on the Commission shall be filled within thirty (30) days by the appointing authority who originally appointed the member whose seat has become vacant.

(d) Compensation. Members of the Commission shall not be compensated.

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ARTICLE IV
EXECUTIVE AND ADMINISTRATIVE BRANCH POWERS AND DUTIES

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CHAPTER 21
COMMISSION ON YOUTH GUN VIOLENCE

§ 4-2100. Powers and Duties.

(a) Within thirty (30) days after its creation, the Commission on Youth Gun Violence shall convene its first meeting. Thereafter, the Commission shall meet no fewer than six times before _____, at such times and at such places as determined by the Commission. All meetings shall be open to the public, and the Commission shall receive public testimony during no fewer than two of these meetings.

(b) The Commission shall conduct a comprehensive analysis of youth gun violence in Philadelphia and produce a feasible plan to produce a substantial reduction in youth gun violence, including proposals for funding. The Commission's ultimate goal shall be to formulate policies and practices that will result in a substantial reduction in youth gun violence and youth homicide throughout the City of Philadelphia.

(c) The Commission shall invite the participation of any staff of the Mayor or of the Council, as well as utilize any available resources, including studies or reports. Subject to the availability of appropriations, the Commission also may retain such consultants as it deems appropriate, including any organization or individual with recognized expertise in studying youth gun violence.

(d) All departments, boards, commissions and other City agencies shall cooperate fully with the Commission in the performance of its duties and responsibilities and shall provide any documents, data, analyses or other information relating to youth gun violence requested by the Commission, except documents the nondisclosure of which is legally privileged or which have been prepared for or by the Law Department for use in actions or proceedings in which the City is or may be a party. Upon written request of a City agency, the Commission shall maintain confidentiality of any documents, data, analyses or other related information to the extent legally permitted.

(e) By _____, the Commission shall present a draft funding plan to the Mayor and Council for review and comment. Council shall enact a resolution providing comments on the draft funding plan to the Commission by _____, which the Chief Clerk of Council shall transmit to the Commission. The Mayor also shall provide written comments no later than _____. The Commission shall give due consideration to the comments of the Mayor and Council in drafting its final report.

(f) On or before _____, unless Council by a resolution adopted by a two-thirds vote of all members of the Council approves an extension to last for no more than thirty (30) days, the Commission shall by a simple majority vote of all members of the Commission adopt a written final report proposing specific steps toward a program to substantially reduce youth gun violence, including an administrative structure and a final funding proposal. The Commission may further propose state or federal legislation or other policy changes necessary or helpful in substantially reducing youth gun violence in the City. The Commission shall provide copies of its report to each member of Council and to the Clerk of Council, and the Commission shall see to it that a copy of posted on the City's official Internet site.

(g) The Commission may include in its report any relevant legislative, administrative or policy

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recommendations it chooses, but at a minimum shall include in its report both of the following:

(1) One or more proposed Council bills to raise revenues sufficient to fund the program proposed by the Commission, with other reliable revenue sources, as available.

(2) Recommendations to the Mayor and Council for achieving a substantial reduction in youth gun violence throughout the City, including a timeline and estimated costs.

§ 4-2101. Creation of Program.

(a) Council shall consider the Commission's report, and enact into law, reject or table the bill or bills proposed under § 4-2100(g)(1) by no later than the adoption of the annual operating budget ordinance for the ensuing fiscal year.

(b) If the Mayor determines that the legislation proposed under § 4-2100(g)(1) or comparable legislation is not enacted, the Commission shall reconvene on an annual basis by no later than July 1, and the Commission, the Mayor and Council shall follow the schedule and requirements set out in §§ 4-2100(e), (f), (g), and 4-2101(a).

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