

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1161 Session of 2009

INTRODUCED BY GREENLEAF, WASHINGTON, FERLO, TARTAGLIONE, EARLL, LEACH, STOUT AND SMUCKER, DECEMBER 14, 2009

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 29, 2010

AN ACT

1 Amending Title 61 (Penal and Correctional Institutions) TITLES ←
2 42 (JUDICIARY AND JUDICIAL PROCEDURE) AND 61 (PRISONS AND
3 PAROLE) of the Pennsylvania Consolidated Statutes, in inmate ←
4 prerelease plans, providing for inmates serving short minimum ←
5 sentences; and, in probation and parole, providing for
6 release to group based home providers; and further providing
7 for parole power FURTHER PROVIDING FOR ADOPTION OF GUIDELINES ←
8 FOR SENTENCING; PROVIDING FOR ADOPTION OF RISK ASSESSMENT
9 INSTRUMENT; IN GENERAL ADMINISTRATION, PROVIDING FOR POWERS
10 AND DUTIES OF DEPARTMENT; IN COUNTY JAIL OVERSIGHT BOARD IN
11 COUNTIES OF THE SECOND CLASS AND SECOND CLASS A, FURTHER
12 PROVIDING FOR SCOPE OF SUBCHAPTER, FOR DEFINITIONS AND FOR
13 COUNTY JAIL OVERSIGHT BOARD; IN INMATE LABOR, ADDING
14 PROVISIONS RELATING TO STATE CORRECTIONAL INSTITUTIONS AND
15 THE PRISON LABOR COMMISSION; IN INMATE PRERELEASE PLANS,
16 PROVIDING FOR INMATES SERVING SHORT MINIMUM SENTENCES; IN
17 MOTIVATIONAL BOOT CAMP, PROVIDING FOR EVALUATION; IN STATE
18 INTERMEDIATE PUNISHMENT, FURTHER PROVIDING FOR EVALUATION AND
19 FOR REPORTS; IN PROBATION AND PAROLE, PROVIDING FOR RELEASE
20 TO GROUP BASED HOME PROVIDERS; FURTHER PROVIDING FOR PAROLE
21 POWER; IN INTERSTATE COMPACTS, FURTHER PROVIDING FOR POWERS
22 OF ATTORNEY GENERAL; PROVIDING FOR INTERSTATE COMPACT FOR THE
23 SUPERVISION OF ADULT OFFENDERS FEE; PROVIDING FOR
24 CONFIDENTIALITY OF VICTIM INFORMATION; FURTHER PROVIDING FOR
25 BOARD ACTIONS, FOR GENERAL POWERS OF THE BOARD, FOR PAROLE
26 POWER, FOR VIOLATION OF TERMS OF PAROLE, FOR VICTIM
27 STATEMENTS, TESTIMONY AND PARTICIPATION IN HEARING AND FOR
28 SUPERVISORY RELATIONSHIP TO OFFENDERS; TRANSFERRING SUMS TO
29 THE PENNSYLVANIA COMMISSION ON SENTENCING; PROVIDING FOR
30 ADULT SUPERVISION FEE; AND MAKING EDITORIAL CHANGES AND A
31 RELATED REPEAL. FURTHER PROVIDING FOR ADOPTION OF GUIDELINES ←
32 FOR SENTENCING, FOR GUIDELINES FOR STATE INTERMEDIATE

1 PUNISHMENT; PROVIDING FOR ADOPTION OF RISK ASSESSMENT
2 INSTRUMENT; FURTHER PROVIDING FOR SENTENCING GENERALLY, FOR
3 REVOCATION OF STATE INTERMEDIATE PUNISHMENT SENTENCE; IN
4 GENERAL ADMINISTRATION, PROVIDING FOR DEFINITIONS AND FOR
5 POWERS AND DUTIES OF DEPARTMENT; IN COUNTY JAIL OVERSIGHT
6 BOARD IN COUNTIES OF THE SECOND CLASS AND SECOND CLASS A,
7 FURTHER PROVIDING FOR SCOPE, FOR DEFINITIONS AND FOR COUNTY
8 JAIL OVERSIGHT BOARD; IN INMATE LABOR, FURTHER PROVIDING FOR
9 DISPOSITION OF PROCEEDS OF LABOR AND PROVIDING FOR STATE
10 CORRECTIONAL INSTITUTIONS; PROVIDING FOR EVALUATION IN
11 MOTIVATIONAL BOOT CAMPS; IN STATE INTERMEDIATE PUNISHMENT,
12 FURTHER PROVIDING FOR EVALUATION; FURTHER PROVIDING FOR
13 RECIDIVISM REPORTS; PROVIDING FOR CONFIDENTIALITY OF VICTIM
14 INFORMATION; IN ADMINISTRATION, FURTHER PROVIDING FOR BOARD
15 ACTION, PROVIDING FOR OFFENDERS IN GROUP-BASED HOMES AND
16 FURTHER PROVIDING FOR GENERAL POWERS, PAROLE POWER, TERMS OF
17 PAROLE, VICTIM PARTICIPATION IN HEARINGS AND SUPERVISION OF
18 OFFENDERS; IN INTERSTATE COMPACTS, FURTHER PROVIDING FOR
19 ADMINISTRATION AND PROVIDING FOR A COMPACT APPLICATION FEE;
20 MAKING A RELATED REPEAL; AND MAKING EDITORIAL CHANGES.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 ~~Section 1. Title 61 of the Pennsylvania Consolidated~~ ←
24 ~~Statutes is amended by adding sections to read:~~

25 ~~§ 3705. Inmates serving short minimum sentences.~~

26 ~~Subject to the provisions of this chapter on procedures for~~
27 ~~prerelease, if an inmate is within 18 months of completing his~~
28 ~~minimum sentence when the inmate is committed to the supervision~~
29 ~~of the department and the inmate has no outstanding detainers,~~
30 ~~the inmate may be transferred to and confined in a prerelease~~
31 ~~center regardless of the length of time that the inmate has been~~
32 ~~under the supervision of the department. While confined in the~~
33 ~~prerelease center, the inmate may complete any prescribed~~
34 ~~programming consistent with the inmate's prerelease plan.~~

35 ~~§ 6124. Release to group based home providers.~~

36 ~~(a) Public hearing required.~~

37 ~~(1) Upon release of an individual convicted of an~~
38 ~~offense under 18 Pa.C.S. § 2502 (relating to murder) to a~~
39 ~~group based home provider, the board or, in the case where~~
40 ~~the individual is not subject to the jurisdiction of the~~

1 ~~board, a court of appropriate jurisdiction, shall conduct a~~
2 ~~public hearing within 20 miles of the location of the group~~
3 ~~based home provider.~~

4 ~~(2) At the public hearing the group based home provider~~
5 ~~shall explain the operation of the group based home provider~~
6 ~~and the board or court, as applicable, shall permit public~~
7 ~~comments relating to the site and operation of the group~~
8 ~~based home provider.~~

9 ~~(b) Public notice.~~

10 ~~(1) The board or court, as applicable, shall provide~~
11 ~~notice of the public hearing in a newspaper of general~~
12 ~~circulation on at least two different dates prior to the~~
13 ~~hearing. Each notice shall provide information regarding~~
14 ~~topic, location and time of the public hearing and a contact~~
15 ~~number for interested persons to call for additional~~
16 ~~information.~~

17 ~~(2) The board or court, as applicable, shall send a copy~~
18 ~~of the notice of the public hearing to the governing body of~~
19 ~~the municipality where the group based home provider is~~
20 ~~located.~~

21 ~~(c) Definition. As used in this section, the term "group~~
22 ~~based home provider" means a private residential facility that~~
23 ~~houses inmates with prerelease status or individuals who are on~~
24 ~~probation or parole.~~

25 ~~Section 2. Section 6137(a) of Title 61 is amended by adding~~
26 ~~a paragraph to read:~~

27 ~~§ 6137. Parole power.~~

28 ~~(a) General criteria for parole.~~

29 ~~* * *~~

30 ~~(3.1) (i) If an inmate's minimum term of imprisonment~~

~~is expiring and the primary reason for not paroling the inmate is the inmate's inability to access and complete prescribed programming within the correctional institution, the board may release the inmate on parole with the condition that the inmate complete the prescribed programming while on parole.~~

~~(ii) This paragraph shall not apply to offenders who are serving a term of imprisonment for a crime of violence as defined in 42 Pa.C.S. § 9714 (relating to sentences for second and subsequent offenses) or for a crime requiring registration under 42 Pa.C.S. § 9795.1 (relating to registration).~~

~~* * *~~

~~Section 3. This act shall take effect in 60 days.~~

SECTION 1. SECTIONS 2154 AND 2154.2 OF TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:
§ 2154. ADOPTION OF GUIDELINES FOR SENTENCING.

(A) GENERAL RULE.--THE COMMISSION SHALL ADOPT GUIDELINES FOR SENTENCING WITHIN THE LIMITS ESTABLISHED BY LAW WHICH SHALL BE CONSIDERED BY THE SENTENCING COURT IN DETERMINING THE APPROPRIATE SENTENCE FOR DEFENDANTS WHO PLEAD GUILTY OR NOLO CONTENDERE TO, OR WHO WERE FOUND GUILTY OF, FELONIES AND MISDEMEANORS. IN ADOPTING GUIDELINES, THE COMMISSION SHALL RECOMMEND CONFINEMENT THAT IS CONSISTENT WITH THE PROTECTION OF THE PUBLIC, THE GRAVITY OF THE OFFENSE AS IT RELATES TO THE IMPACT ON THE LIFE OF THE VICTIM AND THE COMMUNITY AND THE REHABILITATIVE NEEDS OF THE OFFENDER. THE GUIDELINES SHALL ADDRESS THE FOLLOWING:

(1) [SPECIFY] SERIOUSNESS OF THE OFFENSE, BY SPECIFYING THE RANGE OF SENTENCES APPLICABLE TO CRIMES OF A GIVEN DEGREE

1 OF GRAVITY, INCLUDING INCAPACITATION OF SERIOUS VIOLENT
2 OFFENDERS.

3 (2) [SPECIFY] CRIMINAL HISTORY, BY SPECIFYING A RANGE OF
4 SENTENCES OF INCREASED SEVERITY FOR [DEFENDANTS] OFFENDERS
5 PREVIOUSLY CONVICTED OF OR ADJUDICATED DELINQUENT FOR ONE OR
6 MORE MISDEMEANOR OR FELONY OFFENSES COMMITTED PRIOR TO THE
7 CURRENT OFFENSE. [FOR PURPOSES OF THIS SECTION "PREVIOUSLY
8 CONVICTED OR ADJUDICATED DELINQUENT" SHALL INCLUDE ANY
9 FINDING OF GUILT OR ADJUDICATION OF DELINQUENCY WHETHER OR
10 NOT SENTENCE HAS BEEN IMPOSED OR DISPOSITION ORDERED PRIOR TO
11 THE COMMISSION OF THE CURRENT OFFENSE.]

12 (3) [SPECIFY] CRIMINAL BEHAVIOR, BY SPECIFYING A RANGE
13 OF SENTENCES OF INCREASED SEVERITY FOR [DEFENDANTS] OFFENDERS
14 WHO POSE A SUBSTANTIAL RISK TO PUBLIC SAFETY, INCLUDING THOSE
15 WHO POSSESSED OR USED A DEADLY WEAPON DURING THE COMMISSION
16 OF THE CURRENT CONVICTION OFFENSE.

17 (4) [PRESCRIBE] AGGRAVATED AND MITIGATED RANGES, BY
18 SPECIFYING VARIATIONS FROM THE RANGE OF SENTENCES APPLICABLE
19 ON ACCOUNT OF AGGRAVATING OR MITIGATING CIRCUMSTANCES.

20 (5) [CONSIDER THE] THE IMPACT OF ANY AMENDMENTS TO
21 SECTION 9756 (RELATING TO SENTENCE OF TOTAL CONFINEMENT).

22 (B) [DEFINITION.--AS USED IN THIS SECTION THE TERM
23 "POSSESSED" MEANS ON THE DEFENDANT'S PERSON OR WITHIN HIS
24 IMMEDIATE PHYSICAL CONTROL.] DEFINITIONS.--AS USED IN THIS
25 SECTION, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS
26 GIVEN TO THEM IN THIS SUBSECTION UNLESS THE CONTEXT CLEARLY
27 INDICATES OTHERWISE:

28 "POSSESSED." ON A DEFENDANT'S PERSON OR WITHIN THE
29 DEFENDANT'S IMMEDIATE PHYSICAL CONTROL.

30 "PREVIOUSLY CONVICTED OF OR ADJUDICATED DELINQUENT." ANY

1 FINDING OF GUILT OR ADJUDICATION OF DELINQUENCY, WHETHER OR NOT
2 SENTENCE HAS BEEN IMPOSED OR DISPOSITION ORDERED PRIOR TO THE
3 COMMISSION OF THE CURRENT OFFENSE.

4 § 2154.2. ADOPTION OF GUIDELINES FOR STATE INTERMEDIATE
5 PUNISHMENT.

6 THE COMMISSION SHALL ADOPT GUIDELINES TO IDENTIFY OFFENDERS
7 WHO WOULD BE APPROPRIATE FOR PARTICIPATION IN STATE INTERMEDIATE
8 PUNISHMENT PROGRAMS. THESE GUIDELINES SHALL BE CONSIDERED BY THE
9 ATTORNEY FOR THE COMMONWEALTH AND THE SENTENCING COURT IN
10 DETERMINING WHETHER TO COMMIT A DEFENDANT FOR EVALUATION AND
11 WHETHER TO SENTENCE AN ELIGIBLE OFFENDER PURSUANT TO [CHAPTER
12 99] 61 PA.C.S. CH. 41 (RELATING TO STATE INTERMEDIATE
13 PUNISHMENT). THE GUIDELINES SHALL:

14 (1) USE THE DESCRIPTION OF "ELIGIBLE OFFENDER" PROVIDED
15 IN [CHAPTER 99] 61 PA.C.S. CH. 41.

16 (2) GIVE PRIMARY CONSIDERATION TO PROTECTION OF THE
17 PUBLIC SAFETY.

18 SECTION 2. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ:
19 § 2154.7. ADOPTION OF RISK ASSESSMENT INSTRUMENT.

20 (A) GENERAL RULE.--THE COMMISSION SHALL ADOPT A SENTENCE
21 RISK ASSESSMENT INSTRUMENT FOR THE SENTENCING COURT TO USE TO
22 HELP DETERMINE THE APPROPRIATE SENTENCE WITHIN THE LIMITS
23 ESTABLISHED BY LAW FOR DEFENDANTS WHO PLEAD GUILTY OR NOLO
24 CONTENDERE TO, OR WHO WERE FOUND GUILTY OF, FELONIES AND
25 MISDEMEANORS. THE RISK ASSESSMENT INSTRUMENT MAY BE USED AS AN
26 AIDE IN EVALUATING THE RELATIVE RISK THAT AN OFFENDER WILL
27 REOFFEND AND BE A THREAT TO PUBLIC SAFETY.

28 (B) SENTENCING GUIDELINES.--THE RISK ASSESSMENT INSTRUMENT
29 MAY BE INCORPORATED INTO THE SENTENCING GUIDELINES UNDER SECTION
30 2154 (RELATING TO ADOPTION OF GUIDELINES FOR SENTENCING).

1 (C) PRESENTENCE INVESTIGATION REPORT.--SUBJECT TO THE
2 PROVISIONS OF THE PENNSYLVANIA RULES OF CRIMINAL PROCEDURE, THE
3 SENTENCING COURT MAY USE THE RISK ASSESSMENT INSTRUMENT TO
4 DETERMINE WHETHER A MORE THOROUGH ASSESSMENT IS NECESSARY AND TO
5 ORDER A PRESENTENCE INVESTIGATION REPORT.

6 (D) ALTERNATIVE SENTENCING.--SUBJECT TO THE ELIGIBILITY
7 REQUIREMENTS OF EACH PROGRAM, THE RISK ASSESSMENT INSTRUMENT MAY
8 BE AN AIDE TO HELP DETERMINE APPROPRIATE CANDIDATES FOR
9 ALTERNATIVE SENTENCING, INCLUDING THE RECIDIVISM RISK REDUCTION
10 INCENTIVE, STATE AND COUNTY INTERMEDIATE PUNISHMENT PROGRAMS AND
11 STATE MOTIVATIONAL BOOT CAMPS.

12 (E) DEFINITION.--AS USED IN THIS SECTION, THE TERM "RISK
13 ASSESSMENT INSTRUMENT" MEANS AN EMPIRICALLY BASED WORKSHEET
14 WHICH USES FACTORS THAT ARE RELEVANT IN PREDICTING RECIDIVISM.

15 SECTION 3. SECTIONS 9721(A.1) AND 9774(A) OF TITLE 42 ARE
16 AMENDED TO READ:

17 § 9721. SENTENCING GENERALLY.

18 * * *

19 (A.1) EXCEPTION.--

20 (1) UNLESS SPECIFICALLY AUTHORIZED UNDER SECTION 9763
21 (RELATING TO A SENTENCE OF COUNTY INTERMEDIATE PUNISHMENT) OR
22 [CHAPTER 99] 61 PA.C.S. CH. 41 (RELATING TO STATE
23 INTERMEDIATE PUNISHMENT), SUBSECTION (A) SHALL NOT APPLY
24 WHERE A MANDATORY MINIMUM SENTENCE IS OTHERWISE PROVIDED BY
25 LAW.

26 (2) AN ELIGIBLE OFFENDER MAY BE SENTENCED TO STATE
27 INTERMEDIATE PUNISHMENT PURSUANT TO SUBSECTION (A) (7) AND AS
28 DESCRIBED IN [CHAPTER 99] 61 PA.C.S. CH. 41, EVEN IF A
29 MANDATORY MINIMUM SENTENCE WOULD OTHERWISE BE PROVIDED BY
30 LAW.

1 * * *

2 § 9774. REVOCATION OF STATE INTERMEDIATE PUNISHMENT SENTENCE.

3 (A) GENERAL RULE.--THE COURT MAY AT ANY TIME TERMINATE A
4 SENTENCE OF STATE INTERMEDIATE PUNISHMENT PURSUANT TO [CHAPTER
5 99] 61 PA.C.S. CH. 41 (RELATING TO STATE INTERMEDIATE
6 PUNISHMENT).

7 * * *

8 SECTION 4. SECTION 102 OF TITLE 61 IS AMENDED BY ADDING A
9 DEFINITION TO READ: ←

10 § 102. DEFINITIONS.

11 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS TITLE SHALL
12 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
13 CONTEXT CLEARLY INDICATES OTHERWISE:

14 * * *

15 "PRESCRIBED PROGRAMMING." AN INDIVIDUALIZED TREATMENT PLAN
16 THAT IS PART OF THE CORRECTIONAL PLAN JOINTLY DEVELOPED BY THE
17 DEPARTMENT AND THE BOARD FOLLOWING A DIAGNOSTIC EVALUATION AND
18 RISK AND NEEDS ASSESSMENT THAT INCLUDES A STRUCTURED SET OF
19 EVIDENCE-BASED TREATMENT CURRICULUMS DESIGNED TO REDUCE THE RISK
20 OF REOFFENSE BY AN OFFENDER.

21 * * *

22 SECTION ~~3.1~~ 5. TITLE 61 IS AMENDED BY ADDING A SECTION TO
23 READ: ←

24 § 1105. POWERS AND DUTIES OF DEPARTMENT.

25 (A) GENERAL RULE.--THE DEPARTMENT SHALL HAVE THE POWER AND
26 ITS DUTY SHALL BE:

27 (1) TO ESTABLISH STANDARDS FOR COUNTY CORRECTIONAL
28 INSTITUTIONS, INCLUDING, BUT NOT LIMITED TO, STANDARDS FOR
29 PHYSICAL FACILITIES AND STANDARDS FOR CORRECTIONAL PROGRAMS
30 OF TREATMENT, EDUCATION AND REHABILITATION OF INMATES.

1 (D) COUNTIES THAT MAY ELECT TO BE SUBJECT TO SUBCHAPTER.--
2 ANY COUNTY THAT HAS ADOPTED A HOME RULE CHARTER MAY ELECT BY
3 RESOLUTION OF THE GOVERNING BODY OF THE COUNTY TO BE GOVERNED BY
4 THE PROVISIONS OF THIS SUBCHAPTER.

5 SECTION ~~3.4~~ 8. SUBCHAPTER C HEADING OF CHAPTER 17 OF TITLE ←
6 61 IS AMENDED TO READ:

7 SUBCHAPTER C
8 [OTHER COUNTIES] BOARD OF INSPECTORS

9 SECTION ~~3.5~~ 9. CHAPTER 31 OF TITLE 61 IS AMENDED BY ADDING A ←
10 SUBCHAPTER HEADING TO READ:

11 SUBCHAPTER A
12 COUNTY CORRECTIONAL INSTITUTIONS

13 SECTION ~~3.6~~ 10. SECTION 3102 OF TITLE 61 IS AMENDED TO READ: ←
14 § 3102. DISPOSITION OF PROCEEDS OF LABOR.

15 ALL MONEYS RECEIVED UNDER THE PROVISIONS OF THIS [CHAPTER]
16 SUBCHAPTER FOR LABOR DONE WITHIN COUNTY CORRECTIONAL
17 INSTITUTIONS OR THE PRODUCTS OF SUCH LABOR SOLD SHALL BE
18 CREDITED ON ACCOUNT OF THE RECEIPTS AND EXPENDITURES PAID TO AND
19 FOR THE MAINTENANCE OF THE RESPECTIVE CORRECTIONAL INSTITUTIONS.

20 SECTION ~~3.7~~ 11. CHAPTER 31 OF TITLE 61 IS AMENDED BY ADDING ←
21 A SUBCHAPTER TO READ:

22 SUBCHAPTER B
23 STATE CORRECTIONAL INSTITUTIONS

24 SEC.
25 3121. INMATES TO BE EMPLOYED.
26 3122. MANUFACTURING FUND.
27 3123. DEPOSIT OF SALES RECEIPTS.
28 3124. INMATES ACCOUNTS.
29 3125. REMAINDER OF INMATE ACCOUNTS.
30 3126. INMATE-MADE GOODS TO BE BRANDED.

1 3127. SALE OF INMATE-MADE GOODS.

2 § 3121. INMATES TO BE EMPLOYED.

3 THE CHIEF ADMINISTRATORS AT ANY CORRECTIONAL INSTITUTION
4 ESTABLISHED BY THE COMMONWEALTH MAY EMPLOY INMATES UNDER THEIR
5 CONTROL FOR AND ON BEHALF OF THE COMMONWEALTH, ANY COUNTY, CITY,
6 BOROUGH OR TOWNSHIP OR FOR ANY PUBLIC INSTITUTION OWNED, MANAGED
7 AND CONTROLLED BY THE COMMONWEALTH.

8 § 3122. MANUFACTURING FUND.

9 FOR THE PURCHASE OF MATERIAL, EQUIPMENT AND MACHINERY TO BE
10 USED IN THE DESIGNATED STATE CORRECTIONAL INSTITUTIONS, SPECIAL
11 APPROPRIATIONS SHALL BE MADE, FROM TIME TO TIME, TO THE
12 MANUFACTURING FUND.

13 § 3123. DEPOSIT OF SALES RECEIPTS.

14 (A) GENERAL RULE.--THE RECEIPTS FROM THE SALES OF
15 MANUFACTURED ARTICLES, SOLD AS AUTHORIZED IN THIS SUBCHAPTER,
16 SHALL BE DEPOSITED INTO THE MANUFACTURING FUND AND USED FOR THE
17 PURCHASE OF FURTHER MATERIAL, EQUIPMENT, MACHINERY, SUPPLIES,
18 STAFF COMPENSATION AND INMATE PAY.

19 (B) MONTHLY REPORTING.--THE DEPARTMENT SHALL MAKE A FULL
20 MONTHLY REPORT OF THE PRODUCTS, SALES, RECEIPTS AND
21 DISBURSEMENTS OF THE INDUSTRIES AUTHORIZED UNDER THIS SUBCHAPTER
22 TO THE AUDITOR GENERAL.

23 § 3124. INMATES ACCOUNTS.

24 (A) DUTY TO MAINTAIN.--THE DEPARTMENT SHALL MAINTAIN AN
25 ACCOUNT OF THE LABOR PERFORMED BY ALL INMATES UNDER SENTENCE IN
26 THE INSTITUTION.

27 (B) CONTENTS OF ACCOUNTS.--IN THE ACCOUNT, THE DEPARTMENT
28 SHALL CREDIT THE INMATE WITH:

29 ~~(1) WAGES FOR THE TIME THE INMATE IS ACTUALLY ENGAGED IN~~
30 ~~WORK.~~



1 ~~(2) THE RATE OF THE WAGE; AND~~
2 ~~(3) THE AMOUNT CREDITED TO EACH INMATE~~
3 ~~TO BE REGULATED AT THE DISCRETION OF THE COMMISSION OR SUCH~~
4 ~~PERSONS AS THE COMMISSION MAY DESIGNATE. WAGES FOR THE TIME THE~~ ←
5 ~~INMATE IS ACTUALLY ENGAGED IN WORK. THE RATE OF THE WAGE AND THE~~
6 ~~AMOUNT CREDITED TO EACH INMATE SHALL BE DETERMINED AT THE~~
7 ~~DISCRETION OF THE DEPARTMENT.~~

8 § 3125. REMAINDER OF INMATE ACCOUNTS.

9 (A) PAYMENT ON DISCHARGE.--ALL SUMS CREDITED TO AN INMATE
10 SHALL BE FOR THE BENEFIT OF THE INMATE AND PAID TO THE INMATE ON
11 THE INMATE'S DISCHARGE.

12 (B) USE FOR PRESENT NEEDS.--AN INMATE WHO HAS SUMS TO THE
13 INMATE'S CREDIT MAY, SUBJECT TO THE RULES AND REGULATIONS OF THE
14 DEPARTMENT, DRAW UPON THE BALANCE OF THE WAGES FOR PRESENT
15 NEEDS.

16 § 3126. INMATE-MADE GOODS TO BE BRANDED.

17 (A) GENERAL RULE.--ALL GOODS, WARES, MERCHANDISE OR OTHER
18 ARTICLE OR THING MADE BY INMATE LABOR IN ANY CORRECTIONAL
19 INSTITUTION OR OTHER ESTABLISHMENT IN WHICH INMATE LABOR IS
20 EMPLOYED, WHETHER FOR THE DIRECT BENEFIT AND MAINTENANCE OF THE
21 CORRECTIONAL INSTITUTION OR OTHER ESTABLISHMENT OR UPON CONTRACT
22 BY THE AUTHORITIES OF THE SAME WITH ANY THIRD PERSON,
23 IMMEDIATELY UPON THE COMPLETION OF THE SAME, SHALL BE BRANDED AS
24 PROVIDED IN THIS SECTION AND MAY NOT BE TAKEN INTO OR EXPOSED IN
25 ANY PLACE FOR SALE AT WHOLESALE OR RETAIL WITHOUT THAT BRAND.

26 (B) STYLE AND PLACE OF BRAND.--

27 (1) THE BRAND REQUIRED BY THIS SECTION SHALL BE IN PLAIN
28 ENGLISH LETTERING AND SHALL CONTAIN AT THE HEAD OR TOP OF THE
29 BRAND THE WORDS "INMATE MADE," FOLLOWED BY THE YEAR AND NAME
30 OF THE DEPARTMENT, CORRECTIONAL INSTITUTION OR OTHER

1 ESTABLISHMENT IN WHICH MADE.

2 (2) THE BRAND SHALL IN ALL CASES, WHEN THE NATURE OF THE
3 ARTICLE WILL PERMIT, BE PLACED ON THE ARTICLE AND ONLY WHERE
4 THE BRANDING IS IMPOSSIBLE MAY IT BE ON THE BOX OR OTHER
5 RECEPTACLE OR COVERING IN WHICH IT IS CONTAINED.

6 (3) THE BRAND SHALL BE AFFIXED TO THE ARTICLE BY
7 CASTING, BURNING, PRESSING OR OTHER SUCH PROCESS OR MEANS SO
8 THAT THE ARTICLE MAY NOT BE DEFACED AND IN ALL CASES SHALL BE
9 UPON THE MOST CONSPICUOUS PLACE UPON THE ARTICLE OR THE BOX,
10 RECEPTACLE OR COVERING CONTAINING THE ARTICLE.

11 (C) APPLICABILITY.--THIS SECTION SHALL NOT APPLY TO GOODS,
12 WARES AND MERCHANDISE SHIPPED TO POINTS OUTSIDE THIS
13 COMMONWEALTH.

14 § 3127. SALE OF INMATE-MADE GOODS.

15 THE DEPARTMENT MAY CONTRACT TO SELL OR SELL THE ARTICLES
16 MANUFACTURED OR PRODUCED IN ANY CORRECTIONAL INSTITUTION WHICH
17 CANNOT BE USED THEREIN TO THE COMMONWEALTH OR TO ANY POLITICAL
18 SUBDIVISION THEREOF, OR TO ANY STATE, MUNICIPALITY OR COUNTY
19 AUTHORITY CREATED BY OR UNDER ANY LAW OF THIS COMMONWEALTH OR TO
20 ANY STATE CORRECTIONAL INSTITUTION OR TO ANY EDUCATIONAL OR
21 CHARITABLE INSTITUTION RECEIVING AID FROM THE COMMONWEALTH, OR
22 TO THE FEDERAL GOVERNMENT OR ANY DEPARTMENT, BUREAU, COMMISSION,
23 AUTHORITY OR AGENCY THEREOF, OR TO ANY OTHER STATE OR POLITICAL
24 SUBDIVISION OR AUTHORITY THEREOF, OR TO ANY INSTITUTION
25 RECEIVING AID FROM THE FEDERAL GOVERNMENT OR OF ANY OTHER STATE.

26 SECTION ~~3-8~~ 12. TITLE 61 IS AMENDED BY ADDING A SECTION TO
27 READ:

28 § 3909. EVALUATION.

29 THE DEPARTMENT AND THE COMMISSION SHALL MONITOR AND EVALUATE
30 THE MOTIVATIONAL BOOT CAMP PROGRAM UNDER THIS CHAPTER TO ENSURE

1 ~~THAT THE PROGRAMMATIC OBJECTIVES ARE MET. IN EVEN-NUMBERED~~ ←
2 ~~YEARS, THE DEPARTMENT SHALL PRESENT A REPORT OF ITS EVALUATION~~
3 ~~TO THE JUDICIARY COMMITTEE OF THE SENATE AND THE JUDICIARY~~
4 ~~COMMITTEE OF THE HOUSE OF REPRESENTATIVES NO LATER THAN FEBRUARY~~
5 ~~1. IN ODD-NUMBERED YEARS, THE COMMISSION SHALL PRESENT A REPORT~~
6 ~~OF ITS EVALUATION TO THE JUDICIARY COMMITTEE OF THE SENATE AND~~
7 ~~THE JUDICIARY COMMITTEE OF THE HOUSE OF REPRESENTATIVES NO LATER~~
8 ~~THAN FEBRUARY 1.~~

9 ~~SECTION 3.9 SECTIONS 4109 AND 4510(A)(1) AND (2) OF TITLE 61~~ ←
10 ~~ARE AMENDED TO READ:~~

11 SECTION 13. SECTION 4109 OF TITLE 61 IS REPEALED: ←

12 [§ 4109. EVALUATION. ←

13 THE DEPARTMENT AND THE COMMISSION SHALL MONITOR AND EVALUATE
14 THE MOTIVATIONAL BOOT CAMP PROGRAM UNDER CHAPTER 39 (RELATING TO
15 MOTIVATIONAL BOOT CAMP) TO ENSURE THAT THE PROGRAMMATIC
16 OBJECTIVES ARE MET. ~~IN EVEN-NUMBERED YEARS, THE DEPARTMENT~~ ←
17 SHALL PRESENT A REPORT OF ITS EVALUATION TO THE JUDICIARY
18 COMMITTEE OF THE SENATE AND THE JUDICIARY COMMITTEE OF THE HOUSE
19 OF REPRESENTATIVES NO LATER THAN FEBRUARY 1. IN ODD-NUMBERED
20 YEARS, THE COMMISSION SHALL PRESENT A REPORT OF ITS EVALUATION
21 TO THE JUDICIARY COMMITTEE OF THE SENATE AND THE JUDICIARY
22 COMMITTEE OF THE HOUSE OF REPRESENTATIVES NO LATER THAN FEBRUARY
23 1.]

24 SECTION 14. SECTION 4510(A) OF TITLE 61 IS AMENDED TO READ: ←

25 § 4510. REPORTS.

26 (A) RECIDIVISM RISK REDUCTION.--THE DEPARTMENT, THE BOARD
27 AND THE COMMISSION SHALL MONITOR AND EVALUATE THE RECIDIVISM
28 RISK REDUCTION INCENTIVE PROGRAMS TO ENSURE THAT THE GOALS AND
29 OBJECTIVES OF THIS CHAPTER ARE MET AND SHALL REPORT TO THE
30 GENERAL ASSEMBLY AS FOLLOWS:

1 (1) IN [ODD-NUMBERED] EVEN-NUMBERED YEARS, THE
2 DEPARTMENT SHALL PRESENT A REPORT OF ITS EVALUATION TO THE
3 JUDICIARY COMMITTEE OF THE SENATE AND THE JUDICIARY COMMITTEE
4 OF THE HOUSE OF REPRESENTATIVES NO LATER THAN FEBRUARY 1. THE
5 REPORT SHALL INCLUDE ALL OF THE FOLLOWING:

6 (I) THE NUMBER OF INMATES DETERMINED BY THE
7 DEPARTMENT TO BE ELIGIBLE OFFENDERS UNDER THIS CHAPTER
8 AND THE OFFENSES FOR WHICH THE ELIGIBLE OFFENDERS WERE
9 COMMITTED TO THE CUSTODY OF THE DEPARTMENT.

10 (II) THE NUMBER OF INMATES COMMITTED TO THE CUSTODY
11 OF THE DEPARTMENT WHO WERE SUBJECT TO A RECIDIVISM RISK
12 REDUCTION INCENTIVE MINIMUM SENTENCE.

13 (III) THE NUMBER OF INMATES PAROLED AT THE
14 RECIDIVISM RISK REDUCTION INCENTIVE MINIMUM DATE.

15 (IV) ANY POTENTIAL CHANGES THAT WOULD MAKE THE
16 PROGRAM MORE EFFECTIVE.

17 (V) THE SIX-MONTH, ONE-YEAR, THREE-YEAR AND FIVE-
18 YEAR RECIDIVISM RATES FOR INMATES RELEASED AT THE
19 RECIDIVISM RISK REDUCTION INCENTIVE MINIMUM SENTENCE.

20 (VI) ANY OTHER INFORMATION THE DEPARTMENT DEEMS
21 RELEVANT.

22 (2) IN [EVEN-NUMBERED] ODD-NUMBERED YEARS, THE
23 COMMISSION SHALL PRESENT A REPORT OF ITS EVALUATION TO THE
24 JUDICIARY COMMITTEE OF THE SENATE AND THE JUDICIARY COMMITTEE
25 OF THE HOUSE OF REPRESENTATIVES NO LATER THAN FEBRUARY 1. THE
26 REPORT SHALL INCLUDE ALL OF THE FOLLOWING:

27 (I) WHETHER THE GOALS OF THIS CHAPTER COULD BE
28 ACHIEVED THROUGH AMENDMENTS TO PAROLE OR SENTENCING
29 GUIDELINES.

30 (II) THE VARIOUS OPTIONS FOR PAROLE OR SENTENCING

1 GUIDELINES UNDER SUBPARAGRAPH (I) .

2 (III) THE STATUS OF ANY PROPOSED OR IMPLEMENTED
3 GUIDELINES DESIGNED TO IMPLEMENT THE PROVISIONS OF THIS
4 CHAPTER.

5 (IV) ANY POTENTIAL CHANGES TO THE PROGRAM THAT WOULD
6 BE LIKELY TO REDUCE THE RISK OF RECIDIVISM OF INMATES AND
7 IMPROVE PUBLIC SAFETY.

8 (V) ANY OTHER INFORMATION THE COMMISSION DEEMS
9 RELEVANT.

10 * * *

11 SECTION ~~3-10~~ 15. TITLE 61 IS AMENDED BY ADDING A SECTION TO
12 READ: ←

13 § 5906. CONFIDENTIALITY OF VICTIM INFORMATION.

14 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED BY LAW OR ←
15 THIS SECTION NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY AND ←
16 ALL STATEMENTS OR TESTIMONY OF THE VICTIM OR FAMILY MEMBER
17 SUBMITTED TO THE DEPARTMENT SHALL BE:

18 (1) DEEMED CONFIDENTIAL AND PRIVILEGED.

19 (2) NOT BE SUBJECT TO SUBPOENA OR DISCOVERY.

20 (3) NOT BE INTRODUCED INTO EVIDENCE IN ANY JUDICIAL OR
21 ADMINISTRATIVE PROCEEDING.

22 (4) NOT BE RELEASED TO THE INMATE.

23 (B) RECORDS.--ALL RECORDS MAINTAINED BY THE DEPARTMENT
24 PERTAINING TO VICTIMS SHALL BE KEPT SEPARATE. CURRENT ADDRESS,
25 TELEPHONE NUMBERS AND ANY OTHER PERSONAL INFORMATION OF THE
26 VICTIM AND FAMILY MEMBERS SHALL BE DEEMED CONFIDENTIAL.

27 (C) DISCLOSURE PROHIBITED.--NOTWITHSTANDING ANY OTHER
28 PROVISION OF LAW, NO PERSON WHO HAS HAD ACCESS TO A REPORT,
29 RECORD OR ANY OTHER INFORMATION UNDER THIS SECTION SHALL
30 DISCLOSE THE CONTENT OF THE REPORT, RECORD OR OTHER INFORMATION

1 OR TESTIFY IN A JUDICIAL OR ADMINISTRATIVE PROCEEDING WITHOUT
2 THE WRITTEN CONSENT OF THE VICTIM.

3 SECTION 4 16. SECTION 6113 OF TITLE 61 IS AMENDED BY ADDING ←
4 A SUBSECTION TO READ:

5 § 6113. BOARD ACTION.

6 * * *

7 (F) DECISION ACCOUNTABILITY.--THE BOARD SHALL DEVELOP, ADOPT
8 AND PERIODICALLY UPDATE AS DEEMED NECESSARY A PAROLE DECISIONAL
9 INSTRUMENT THAT IS TESTED PRIOR TO IMPLEMENTATION, WHICH
10 INCORPORATES EVIDENCE-BASED PRACTICES TO ASSIST AND INFORM THE
11 BOARD'S PROFESSIONAL JUDGMENT IN THE PAROLE DECISION-MAKING
12 PROCESS.

13 SECTION 17. TITLE 61 IS AMENDED BY ADDING A SECTION TO READ: ←

14 § 6124. CERTAIN OFFENDERS RESIDING IN GROUP-BASED HOMES.

15 (A) NOTIFICATION REQUIREMENT.--

16 (1) A GROUP-BASED HOME LOCATED WITHIN A COUNTY OF THE
17 SIXTH, SEVENTH OR EIGHTH CLASS THAT AGREES TO PROVIDE HOUSING
18 TO AN INDIVIDUAL KNOWING THAT THE INDIVIDUAL HAS BEEN
19 PREVIOUSLY CONVICTED OF AN OFFENSE UNDER 18 PA.C.S. § 2502
20 (RELATING TO MURDER) OR A SUBSTANTIALLY SIMILAR OFFENSE
21 COMMITTED IN ANOTHER JURISDICTION SHALL NOTIFY THE HEAD OF
22 THE GOVERNING BODY OF THE MUNICIPALITY AND THE COUNTY IN
23 WHICH THE GROUP-BASED HOME IS LOCATED THAT THE INDIVIDUAL IS
24 STAYING AT THE GROUP-BASED HOME.

25 (2) THE NOTIFICATION REQUIRED UNDER PARAGRAPH (1) SHALL
26 BE SENT BY CERTIFIED MAIL WITHIN 48 HOURS OF THE INDIVIDUAL'S
27 ARRIVAL AT THE GROUP-BASED HOME AND SHALL INCLUDE THE
28 FOLLOWING INFORMATION:

29 (I) NAME OF THE INDIVIDUAL, INCLUDING ALL KNOWN
30 ALIASES.

1 (II) DATE OF THE INDIVIDUAL'S ARRIVAL AT THE GROUP-
2 BASED HOME.

3 (III) THE INDIVIDUAL'S EXPECTED LENGTH OF STAY AT
4 THE GROUP-BASED HOME.

5 (IV) CONTACT INFORMATION FOR THE GROUP-BASED HOME.

6 (B) PUBLIC HEARING.--

7 (1) THE GOVERNING BODY OF A MUNICIPALITY OR COUNTY
8 RECEIVING NOTIFICATION FROM A GROUP-BASED HOME PROVIDER UNDER
9 SUBSECTION (A) MAY CONDUCT A PUBLIC HEARING CONCERNING THE
10 GROUP-BASED HOME PROVIDER, ITS SITE AND ITS OPERATIONS.

11 (2) A GOVERNING BODY CONDUCTING A PUBLIC HEARING UNDER
12 THIS SUBSECTION SHALL PROVIDE PUBLIC NOTICE OF THE HEARING
13 VIA POSTING ON ITS OFFICIAL INTERNET WEBSITE NO LESS THAN TWO
14 WEEKS PRIOR TO THE HEARING. THE NOTICE SHALL PROVIDE
15 INFORMATION REGARDING THE PURPOSE, LOCATION AND TIME OF THE
16 PUBLIC HEARING AND A CONTACT NUMBER FOR INTERESTED PERSONS TO
17 CALL IN ORDER TO OBTAIN ADDITIONAL INFORMATION ABOUT THE
18 HEARING. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO
19 PROHIBIT THE GOVERNING BODY FROM PROVIDING PUBLIC NOTICE VIA
20 ANY OTHER MEANS.

21 (3) AT A PUBLIC HEARING UNDER THIS SUBSECTION, THE
22 GROUP-BASED HOME PROVIDER SHALL EXPLAIN THE OPERATION OF THE
23 GROUP-BASED HOME AND THE GOVERNING BODY CONDUCTING THE
24 HEARING SHALL PERMIT PUBLIC QUESTIONS AND COMMENTS.

25 (C) DEFINITION.--THE FOLLOWING WORDS AND PHRASES WHEN USED
26 IN THIS SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
27 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

28 "GROUP-BASED HOME." ANY NONPROFIT OR FOR-PROFIT ENTITY THAT
29 MAINTAINS A FACILITY THAT PROVIDES HOUSING TO INMATES WITH
30 PRERELEASE STATUS, INDIVIDUALS ON PROBATION OR PAROLE OR OTHER

1 INDIVIDUALS PREVIOUSLY CONVICTED OF CRIMES. THE TERM SHALL NOT
2 INCLUDE A CORRECTIONAL INSTITUTION OR A FACILITY MAINTAINED BY A
3 DOMESTIC VIOLENCE PROGRAM.

4 "OFFICIAL INTERNET WEBSITE." THE OFFICIAL INTERNET LOCATION
5 DESIGNATED BY A MUNICIPALITY OR COUNTY AS ITS PRIMARY METHOD OF
6 ELECTRONICALLY COMMUNICATING WITH THE PUBLIC ABOUT ITS OFFICIAL
7 BUSINESS.

8 SECTION 5 18. SECTION 6131(A) OF TITLE 61 IS AMENDED BY
9 ADDING PARAGRAPHS AND THE SECTION IS AMENDED BY ADDING A
10 SUBSECTION TO READ:

11 § 6131. GENERAL POWERS OF BOARD.

12 (A) GENERAL RULE.--THE BOARD SHALL HAVE THE POWER AND ITS
13 DUTY SHALL BE:

14 * * *

15 (13) TO INCORPORATE EVIDENCE-BASED PRACTICES INTO PAROLE
16 DECISION MAKING, SUPERVISION AND THE SUPERVISION OF TECHNICAL
17 VIOLATORS.

18 (14) TO COORDINATE THE REENTRY OF OFFENDERS INTO THE
19 COMMUNITY USING EVIDENCE-BASED PRACTICES THAT ARE EFFECTIVE
20 IN REDUCING RECIDIVISM.

21 (15) TO CONDUCT RESEARCH TO IDENTIFY, TO BE INFORMED OF
22 AND TO APPLY RECOGNIZED EVIDENCE-BASED PAROLE PRACTICES THAT
23 PROMOTE PUBLIC SAFETY AND REDUCE RECIDIVISM.

24 (16) TO CONDUCT OUTCOME AND PERFORMANCE ANALYSES ON
25 IMPLEMENTED BOARD PROGRAMS AND PRACTICES TO ENHANCE PUBLIC
26 SAFETY THROUGH REDUCED RECIDIVISM.

27 * * *

28 (D) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
29 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
30 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

1 "EVIDENCE-BASED PRACTICES." INTERVENTIONS AND TREATMENT
2 APPROACHES THAT HAVE BEEN PROVEN EFFECTIVE THROUGH APPROPRIATE
3 EMPIRICAL ANALYSIS.

4 ~~SECTION 6. SECTIONS 6137(A), (E) AND (G), 6138(A), (C) AND~~ ←
5 ~~(D), 6140(H)(8) AND 6153(A) OF TITLE 61 ARE AMENDED TO READ:~~

6 SECTION 19. SECTION 6137(A)(1), (2) AND (3), (E) AND (G) OF ←
7 TITLE 61 ARE AMENDED AND SUBSECTION (A) IS AMENDED BY ADDING A
8 PARAGRAPH TO READ:

9 § 6137. PAROLE POWER.

10 (A) GENERAL CRITERIA FOR PAROLE.--

11 (1) THE BOARD MAY PAROLE SUBJECT TO CONSIDERATION OF
12 GUIDELINES ESTABLISHED UNDER 42 PA.C.S. § 2154.5 (RELATING TO
13 ADOPTION OF GUIDELINES FOR PAROLE) AND MAY RELEASE ON PAROLE
14 ANY INMATE TO WHOM THE POWER TO PAROLE IS GRANTED TO THE
15 BOARD BY THIS CHAPTER, EXCEPT AN INMATE CONDEMNED TO DEATH OR
16 SERVING LIFE IMPRISONMENT, WHENEVER IN ITS OPINION:

17 (I) THE BEST INTERESTS OF THE INMATE JUSTIFY OR
18 REQUIRE THAT THE INMATE BE PAROLED.

19 (II) IT DOES NOT APPEAR THAT THE INTERESTS OF THE
20 COMMONWEALTH WILL BE INJURED BY THE INMATE'S PAROLE.

21 (2) PAROLE SHALL BE SUBJECT IN EVERY INSTANCE TO THE
22 COMMONWEALTH'S RIGHT TO IMMEDIATELY RETAKE AND HOLD IN
23 CUSTODY WITHOUT FURTHER PROCEEDINGS ANY PAROLEE CHARGED AFTER
24 HIS PAROLE WITH AN ADDITIONAL OFFENSE UNTIL A DETERMINATION
25 CAN BE MADE WHETHER TO CONTINUE HIS PAROLE STATUS.

26 (3) THE POWER TO PAROLE GRANTED UNDER THIS SECTION TO
27 THE BOARD MAY NOT BE EXERCISED IN THE BOARD'S DISCRETION AT
28 ANY TIME BEFORE, BUT ONLY AFTER, THE EXPIRATION OF THE
29 MINIMUM TERM OF IMPRISONMENT FIXED BY THE COURT IN ITS
30 SENTENCE OR BY THE BOARD OF PARDONS IN A SENTENCE WHICH HAS

1 BEEN REDUCED BY COMMUTATION.

2 (3.1) (I) FOLLOWING THE EXPIRATION OF THE INMATE'S
3 MINIMUM TERM OF IMPRISONMENT, IF THE PRIMARY REASON FOR
4 NOT PAROLING THE INMATE IS THE INMATE'S INABILITY TO
5 ACCESS AND COMPLETE PRESCRIBED PROGRAMMING WITHIN THE
6 CORRECTIONAL INSTITUTION, THE BOARD MAY RELEASE THE
7 INMATE ON PAROLE WITH THE CONDITION THAT THE INMATE
8 COMPLETE THE PRESCRIBED PROGRAMMING WHILE ON PAROLE.

9 (II) THIS PARAGRAPH SHALL NOT APPLY TO OFFENDERS WHO
10 ARE CURRENTLY SERVING A TERM OF IMPRISONMENT FOR A CRIME
11 OF VIOLENCE AS DEFINED IN 42 PA.C.S. § 9714 (RELATING TO
12 SENTENCES FOR SECOND AND SUBSEQUENT OFFENSES) OR FOR A
13 CRIME REQUIRING REGISTRATION UNDER 42 PA.C.S. § 9795.1
14 (RELATING TO REGISTRATION).

15 (III) FOR THOSE INMATES TO WHOM SUBPARAGRAPH (II) IS
16 APPLICABLE, THE BOARD MAY RELEASE THE INMATE ON PAROLE IF
17 THE INMATE IS SUBJECT TO ANOTHER JURISDICTION'S DETAINER,
18 WARRANT OR EQUIVALENT WRIT.

19 ~~(4) UNLESS THE INMATE HAS SERVED AT LEAST ONE YEAR IN A~~ ←
20 ~~PRERELEASE CENTER, THE BOARD SHALL NOT ACT UPON AN~~
21 ~~APPLICATION OF AN INMATE WHO IS GRANTED CLEMENCY BY THE~~
22 ~~GOVERNOR, IS SUBJECT TO PAROLE SUPERVISION AND:~~

23 ~~(I) WHOSE TERM OF IMPRISONMENT WAS COMMUTED FROM~~
24 ~~LIFE TO LIFE ON PAROLE;~~

25 ~~(II) WHO WAS SERVING A TERM OF IMPRISONMENT FOR A~~
26 ~~CRIME OF VIOLENCE; OR~~

27 ~~(III) WHO IS SERVING A SENTENCE UNDER 42 PA.C.S. §~~
28 ~~9712 (RELATING TO SENTENCES FOR OFFENSES COMMITTED WITH~~
29 ~~FIREARMS).~~

30 ~~(5) UPON PAROLE, A PAROLEE SUBJECT TO PARAGRAPH (4)~~

1 ~~SHALL:~~

2 ~~(I) BE SUBJECT TO WEEKLY SUPERVISION FOR THE FIRST~~
3 ~~SIX MONTHS OF PAROLE; AND~~

4 ~~(II) HAVE ANY VIOLATIONS OF A CONDITION OF PAROLE~~
5 ~~IMMEDIATELY MADE KNOWN TO THE BOARD OF PARDONS. THIS~~
6 ~~SUBPARAGRAPH SHALL APPLY TO ALL PAROLEES UNDER~~
7 ~~SUPERVISION BY OTHER JURISDICTIONS UNDER SUBCHAPTER B OF~~
8 ~~CHAPTER 71 (RELATING TO INTERSTATE COMPACT FOR THE~~
9 ~~SUPERVISION OF ADULT OFFENDERS).~~

10 ~~(6) FOR PURPOSES OF THIS SUBSECTION, THE TERM~~
11 ~~"PRESCRIBED PROGRAMMING" SHALL MEAN AN INDIVIDUALIZED~~
12 ~~TREATMENT PLAN THAT IS PART OF THE CORRECTIONAL PLAN JOINTLY~~
13 ~~DEVELOPED BY THE DEPARTMENT AND THE BOARD FOLLOWING A~~
14 ~~DIAGNOSTIC EVALUATION AND RISK AND NEEDS ASSESSMENT THAT~~
15 ~~INCLUDES A STRUCTURED SET OF EVIDENCE BASED TREATMENT~~
16 ~~CURRICULA DESIGNED TO REDUCE THE RISK OF REOFFENSE BY THE~~
17 ~~OFFENDER. THE ULTIMATE GOAL OF THESE CURRICULA IS TO INCREASE~~
18 ~~THE PROBABILITY THAT OFFENDERS WILL LEAD LAW ABIDING LIVES IN~~
19 ~~THE COMMUNITY UPON RELEASE.~~

20 * * *

21 (E) [PREPAROLE DRUG] DRUG SCREENING TESTS.--

22 (1) THE BOARD MAY NOT RELEASE A PERSON ON PAROLE UNLESS
23 THE PERSON ACHIEVES A NEGATIVE RESULT WITHIN 45 DAYS PRIOR TO
24 THE DATE OF RELEASE IN A SCREENING TEST APPROVED BY THE
25 DEPARTMENT OF HEALTH FOR THE DETECTION OF THE PRESENCE OF
26 CONTROLLED SUBSTANCES OR DESIGNER DRUGS UNDER THE ACT OF
27 APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE CONTROLLED
28 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT.

29 (2) THE COST OF THESE PREPAROLE DRUG SCREENING TESTS FOR
30 INMATES SUBJECT TO THE PAROLE RELEASE JURISDICTION OF THE

1 BOARD, WHETHER CONFINED IN A CORRECTIONAL INSTITUTION OR
2 COUNTY PRISON, SHALL BE PAID BY THE BOARD. THE BOARD SHALL
3 ESTABLISH RULES AND REGULATIONS FOR THE PAYMENT OF THESE
4 COSTS AND MAY LIMIT THE TYPES AND COST OF THESE SCREENING
5 TESTS THAT WOULD BE SUBJECT TO PAYMENT BY THE BOARD.

6 (3) (I) THE BOARD SHALL ESTABLISH, AS A CONDITION OF
7 CONTINUED PAROLE FOR A PAROLEE WHO, AS AN INMATE, TESTED
8 POSITIVE FOR THE PRESENCE OF A CONTROLLED SUBSTANCE OR A
9 DESIGNER DRUG OR WHO WAS PAROLED FROM A SENTENCE ARISING
10 FROM A CONVICTION UNDER THE CONTROLLED SUBSTANCE, DRUG,
11 DEVICE AND COSMETIC ACT OR FROM A DRUG-RELATED CRIME, THE
12 PAROLEE'S ACHIEVEMENT OF NEGATIVE RESULTS IN SUCH
13 SCREENING TESTS RANDOMLY APPLIED.

14 (II) THE RANDOM SCREENING TESTS SHALL BE PERFORMED
15 AT THE DISCRETION OF THE BOARD, AND THE PAROLEE
16 UNDERGOING THE TESTS SHALL BE RESPONSIBLE FOR THE COSTS
17 OF THE TESTS.

18 (III) THE FUNDS COLLECTED FOR THE TESTS SHALL BE
19 APPLIED AGAINST THE CONTRACT FOR SUCH TESTING [BETWEEN
20 THE BOARD AND A TESTING LABORATORY APPROVED BY THE
21 DEPARTMENT OF HEALTH].

22 (4) FOR A PAROLEE WHO WAS NOT PAROLED FROM A SENTENCE
23 ARISING FROM A CONVICTION UNDER THE CONTROLLED SUBSTANCE,
24 DRUG, DEVICE AND COSMETIC ACT OR ~~FOR~~ FROM A DRUG-RELATED ←
25 CRIME, THE BOARD MAY ESTABLISH, AS A CONDITION OF PAROLE,
26 THAT THE PAROLEE ACHIEVE NEGATIVE RESULTS IN SCREENING TESTS
27 RANDOMLY CONDUCTED. THE PAROLEE SHALL BE RESPONSIBLE FOR
28 TESTING COSTS.

29 * * *

30 (G) PROCEDURE.--

1 (1) THE DEPARTMENT SHALL IDENTIFY ALL INMATES COMMITTED
2 TO THE CUSTODY OF THE DEPARTMENT THAT MEET THE DEFINITION OF
3 AN ELIGIBLE OFFENDER.

4 (2) UPON IDENTIFICATION OF AN INMATE AS AN ELIGIBLE
5 OFFENDER, THE DEPARTMENT SHALL SEND NOTICE TO THE BOARD. THE
6 BOARD SHALL SEND NOTICE TO THE PROSECUTING ATTORNEY AND THE
7 COURT NO LESS THAN SIX MONTHS BEFORE THE EXPIRATION OF THE
8 INMATE'S MINIMUM SENTENCE INDICATING THAT THE DEPARTMENT HAS
9 PRELIMINARILY IDENTIFIED THE INMATE AS AN ELIGIBLE OFFENDER.
10 THE NOTICE SHALL BE SENT BY UNITED STATES MAIL UNLESS THE
11 BOARD, THE COURT AND THE PROSECUTOR HAVE CONSENTED TO RECEIPT
12 OF NOTICE VIA ELECTRONIC MEANS. FOR INMATES COMMITTED TO THE
13 DEPARTMENT WHOSE EXPIRATION OF THE MINIMUM SENTENCE IS SIX
14 MONTHS OR LESS FROM THE DATE OF ADMISSION, THE DEPARTMENT
15 SHALL GIVE PROMPT NOTICE.

16 (3) WITHIN [60] 30 DAYS OF RECEIPT OF NOTICE UNDER
17 PARAGRAPH (2), THE COURT OR PROSECUTING ATTORNEY MAY FILE A
18 WRITTEN OBJECTION TO THE DEPARTMENT'S PRELIMINARY
19 IDENTIFICATION OF THE INMATE AS AN ELIGIBLE OFFENDER. NOTICE
20 OF THE OBJECTION SHALL BE PROVIDED TO THE DEPARTMENT AND THE
21 BOARD.

22 (4) IF NO NOTICE OF OBJECTION HAS BEEN FILED UNDER
23 PARAGRAPH (3), THE BOARD OR ITS DESIGNEE SHALL APPROVE FOR
24 PAROLE AT THE EXPIRATION OF THE ELIGIBLE OFFENDER'S MINIMUM
25 DATE UPON A DETERMINATION THAT ALL OF THE FOLLOWING APPLY:

26 (I) THE DEPARTMENT CERTIFIED THAT THE INMATE HAS
27 MAINTAINED A GOOD CONDUCT RECORD AND CONTINUES TO REMAIN
28 AN ELIGIBLE OFFENDER.

29 (II) THE REENTRY PLAN FOR THE INMATE IS ADEQUATE.

30 (III) INDIVIDUAL CONDITIONS AND REQUIREMENTS FOR

1 PAROLE HAVE BEEN ESTABLISHED.

2 (IV) THERE IS NO REASONABLE INDICATION THAT THE
3 INMATE POSES A RISK TO PUBLIC SAFETY.

4 (5) IF THE COURT OR PROSECUTING ATTORNEY FILES A TIMELY
5 OBJECTION UNDER PARAGRAPH (3), THE BOARD SHALL MAKE A
6 DETERMINATION AS TO WHETHER THE INMATE IS AN ELIGIBLE
7 OFFENDER. THE BOARD SHALL NOTIFY THE DEPARTMENT, PROSECUTING
8 ATTORNEY AND COURT OF ITS DETERMINATION NO LATER THAN [60] 30
9 DAYS PRIOR TO THE MINIMUM PAROLE DATE. IF THE BOARD
10 DETERMINES THAT THE INMATE IS AN ELIGIBLE OFFENDER UNDER THIS
11 CHAPTER, THE BOARD SHALL FOLLOW THE PROVISIONS UNDER
12 PARAGRAPH (4). IF THE BOARD DETERMINES THAT THE INMATE IS NOT
13 AN ELIGIBLE OFFENDER UNDER SECTION 4503 (RELATING TO
14 DEFINITIONS), THE BOARD SHALL RETAIN EXCLUSIVE JURISDICTION
15 TO GRANT PAROLE AND SHALL DETERMINE WHETHER THE INMATE SHOULD
16 BE PAROLED AT THE MINIMUM DATE, PAROLED AT A LATER DATE OR
17 DENIED PAROLE.

18 (6) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED AS
19 GRANTING A RIGHT TO BE PAROLED TO ANY PERSON, AND ANY
20 DECISION BY THE BOARD AND ITS DESIGNEES OR THE DEPARTMENT,
21 UNDER THIS SECTION SHALL NOT BE CONSIDERED AN ADJUDICATION
22 UNDER 2 PA.C.S. CH. 5 SUBCH. A (RELATING TO PRACTICE AND
23 PROCEDURE OF COMMONWEALTH AGENCIES) AND CH. 7 SUBCH. A
24 (RELATING TO JUDICIAL REVIEW OF COMMONWEALTH AGENCY ACTION).

25 (7) EXCEPT AS PROVIDED UNDER THIS SUBSECTION, NOTHING IN
26 THIS CHAPTER SHALL OTHERWISE AFFECT THE POWERS AND DUTIES OF
27 THE BOARD OR THE DEPARTMENT.

28 * * *

29 SECTION 20. SECTIONS 6138(A), (C) AND (D), 6140(H)(8) AND
30 (10) AND 6153(A) OF TITLE 61 ARE AMENDED TO READ:



1 § 6138. VIOLATION OF TERMS OF PAROLE.

2 (A) CONVICTED VIOLATORS.--

3 (1) A PAROLEE UNDER THE JURISDICTION OF THE BOARD
4 RELEASED FROM A CORRECTIONAL FACILITY WHO, DURING THE PERIOD
5 OF PAROLE OR WHILE DELINQUENT ON PAROLE, COMMITS A CRIME
6 PUNISHABLE BY IMPRISONMENT, FOR WHICH THE PAROLEE IS
7 CONVICTED OR FOUND GUILTY BY A JUDGE OR JURY OR TO WHICH THE
8 PAROLEE PLEADS GUILTY OR NOLO CONTENDERE AT ANY TIME
9 THEREAFTER IN A COURT OF RECORD, MAY AT THE DISCRETION OF THE
10 BOARD BE RECOMMITTED AS A PAROLE VIOLATOR.

11 (2) IF THE PAROLEE'S RECOMMITMENT IS SO ORDERED, THE
12 PAROLEE SHALL BE REENTERED TO SERVE THE REMAINDER OF THE TERM
13 WHICH THE PAROLEE WOULD HAVE BEEN COMPELLED TO SERVE HAD THE
14 PAROLE NOT BEEN GRANTED AND SHALL BE GIVEN NO CREDIT FOR THE
15 TIME AT LIBERTY ON PAROLE.

16 (3) THE BOARD MAY, IN ITS DISCRETION, REPAROLE WHENEVER,
17 IN ITS OPINION, THE BEST INTERESTS OF THE INMATE JUSTIFY OR
18 REQUIRE THE INMATE'S RELEASE ON PAROLE AND IT DOES NOT APPEAR
19 THAT THE INTERESTS OF THE COMMONWEALTH WILL BE INJURED
20 THEREBY.

21 (4) THE PERIOD OF TIME FOR WHICH THE PAROLE VIOLATOR IS
22 REQUIRED TO SERVE SHALL BE COMPUTED FROM AND BEGIN ON THE
23 DATE THAT THE PAROLE VIOLATOR IS TAKEN INTO CUSTODY TO BE
24 RETURNED TO THE INSTITUTION AS A PAROLE VIOLATOR.

25 (5) IF A NEW SENTENCE IS IMPOSED ON THE PAROLEE, THE
26 SERVICE OF THE BALANCE OF THE TERM ORIGINALLY IMPOSED BY A
27 PENNSYLVANIA COURT SHALL PRECEDE THE COMMENCEMENT OF THE NEW
28 TERM IMPOSED IN THE FOLLOWING CASES:

29 (I) IF A PERSON IS PAROLED FROM A STATE CORRECTIONAL
30 INSTITUTION AND THE NEW SENTENCE IMPOSED ON THE PERSON IS

1 TO BE SERVED IN THE STATE CORRECTIONAL INSTITUTION.

2 (II) IF A PERSON IS PAROLED FROM A COUNTY PRISON AND
3 THE NEW SENTENCE IMPOSED UPON HIM IS TO BE SERVED IN THE
4 SAME COUNTY PRISON.

5 (III) IN ALL OTHER CASES, THE SERVICE OF THE NEW
6 TERM FOR THE LATTER CRIME SHALL PRECEDE COMMENCEMENT OF
7 THE BALANCE OF THE TERM ORIGINALLY IMPOSED.

8 (5.1) IF THE PAROLEE IS SENTENCED TO SERVE A NEW TERM OF
9 TOTAL CONFINEMENT BY A FEDERAL COURT OR BY A COURT OF ANOTHER
10 JURISDICTION BECAUSE OF A VERDICT OR PLEA UNDER PARAGRAPH
11 (1), THE PAROLEE SHALL SERVE THE BALANCE OF THE ORIGINAL TERM
12 BEFORE SERVING THE NEW TERM.

13 (6) WHERE THE NEW TERM IS TO BE SERVED LAST OR THE
14 BALANCE OF THE TERM ORIGINALLY IMPOSED BY A PENNSYLVANIA
15 COURT IS TO BE SERVED LAST, AND THE SERVICE IS, IN EITHER
16 CASE, IN ANY CORRECTIONAL FACILITY:



17 (I) ANY PERSON UPON RECOMMITMENT SHALL BE SENT TO
18 THE INSTITUTION AS SHALL BE DESIGNATED BY THE SECRETARY
19 OF CORRECTIONS OR HIS DESIGNEE.

20 (II) ANY FEMALE PERSON SHALL BE RECOMMITTED TO THE
21 STATE CORRECTIONAL INSTITUTION AT MUNCY.

22 * * *

23 (C) TECHNICAL VIOLATORS.--

24 (1) A PAROLEE UNDER THE JURISDICTION OF THE BOARD WHO IS
25 RELEASED FROM A CORRECTIONAL FACILITY AND WHO, DURING THE
26 PERIOD OF PAROLE, VIOLATES THE TERMS AND CONDITIONS OF HIS
27 PAROLE, OTHER THAN BY THE COMMISSION OF A NEW CRIME OF WHICH
28 THE PAROLEE IS CONVICTED OR FOUND GUILTY BY A JUDGE OR JURY
29 OR TO WHICH THE PAROLEE PLEADS GUILTY OR NOLO CONTENDERE IN A
30 COURT OF RECORD, MAY BE RECOMMITTED AFTER A HEARING BEFORE

1 THE BOARD.

2 (2) IF THE PAROLEE IS SO RECOMMITTED, THE PAROLEE SHALL
3 BE GIVEN CREDIT FOR THE TIME SERVED ON PAROLE IN GOOD
4 STANDING BUT WITH NO CREDIT FOR DELINQUENT TIME AND MAY BE
5 REENTERED TO SERVE THE REMAINDER OF THE ORIGINAL SENTENCE OR
6 SENTENCES.

7 (3) THE REMAINDER SHALL BE COMPUTED BY THE BOARD FROM
8 THE TIME THE PAROLEE'S DELINQUENT CONDUCT OCCURRED FOR THE
9 UNEXPIRED PERIOD OF THE MAXIMUM SENTENCE IMPOSED BY THE COURT
10 WITHOUT CREDIT FOR THE PERIOD THE PAROLEE WAS DELINQUENT ON
11 PAROLE. THE PAROLEE SHALL SERVE THE REMAINDER SO COMPUTED
12 FROM THE DATE THE PAROLEE IS TAKEN INTO CUSTODY ON THE
13 WARRANT OF THE BOARD.

14 (4) THE PAROLEE SHALL BE SUBJECT TO REPAROLE BY THE
15 BOARD WHENEVER IN ITS OPINION THE BEST INTERESTS OF THE
16 INMATE JUSTIFY OR REQUIRE THE PAROLEE BEING REPAROLED AND IT
17 DOES NOT APPEAR THAT THE INTERESTS OF THE COMMONWEALTH WILL
18 BE INJURED REPAROLING THE PAROLEE.

19 (5) PAROLE VIOLATORS SHALL BE SUPERVISED IN ACCORDANCE
20 WITH EVIDENCE-BASED PRACTICES THAT MAY INCLUDE:

21 (I) CONSIDERATION OF WHETHER THE OFFENDER POSES A
22 RISK OF SAFETY TO THE COMMUNITY OR HIMSELF.

23 (II) THE BOARD'S CAPACITY TO DELIVER PROGRAMS THAT
24 ADDRESS CRIMINAL THINKING BEHAVIOR AND RELATED CRIME
25 PRODUCING FACTORS.

26 (III) USE OF COMMUNITY-BASED SANCTIONING
27 ALTERNATIVES TO INCARCERATION.

28 (IV) USE OF A GRADUATED VIOLATION SANCTIONING
29 PROCESS.

30 (V) RECOMMITMENT TO A CORRECTIONAL FACILITY.

1 (6) THE BOARD SHALL DIVERT TECHNICAL PAROLE VIOLATORS
2 FROM CONFINEMENT IN A STATE CORRECTIONAL INSTITUTION UNLESS
3 THE PAROLEE'S DIVERSION POSES AN UNDUE RISK TO PUBLIC SAFETY.

4 (D) RECOMMITMENT.--A TECHNICAL VIOLATOR UNDER SUBSECTION (C)
5 SHALL BE RECOMMITTED TO A CORRECTIONAL FACILITY, UNLESS PLACED
6 AT A PAROLE VIOLATOR CENTER, AS FOLLOWS:

7 (1) IF PAROLED FROM A COUNTY PRISON, TO THE SAME
8 INSTITUTION OR TO ANY OTHER INSTITUTION TO WHICH THE VIOLATOR
9 MAY BE LEGALLY TRANSFERRED.

10 (2) IF PAROLED FROM A STATE CORRECTIONAL INSTITUTION,
11 ANY MALE PERSON UPON RECOMMITMENT SHALL BE SENT TO THE
12 NEAREST STATE CORRECTIONAL INSTITUTION FOR SERVICE OF THE
13 REMAINDER OF THE ORIGINAL TERM AT THE INSTITUTION AS SHALL BE
14 DESIGNATED BY THE DEPARTMENT. ANY FEMALE PERSON SHALL BE
15 RECOMMITTED TO THE STATE CORRECTIONAL INSTITUTION AT MUNCY OR
16 OTHER STATE CORRECTIONAL INSTITUTION AS DESIGNATED BY THE
17 DEPARTMENT.

18 § 6140. VICTIM STATEMENTS, TESTIMONY AND PARTICIPATION IN
19 HEARING.

20 * * *

21 (H) HEARING PROCEDURE.--

22 * * *

23 (8) [EXCEPT AS OTHERWISE PROVIDED BY LAW OR THIS
24 SECTION] NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY AND
25 ALL STATEMENTS OR TESTIMONY OF THE VICTIM OR FAMILY MEMBER
26 SUBMITTED TO THE BOARD PERTAINING TO:

27 (I) THE CONTINUING NATURE AND EXTENT OF ANY PHYSICAL
28 HARM OR PSYCHOLOGICAL OR EMOTIONAL HARM OR TRAUMA
29 SUFFERED BY THE VICTIM;

30 (II) THE EXTENT OF ANY LOSS OF EARNINGS OR ABILITY

1 TO WORK SUFFERED BY THE VICTIM; AND

2 (III) THE CONTINUING EFFECT OF THE CRIME UPON THE
3 VICTIM'S FAMILY:

4 (A) SHALL BE DEEMED CONFIDENTIAL AND PRIVILEGED.

5 (B) SHALL NOT BE SUBJECT TO SUBPOENA OR
6 DISCOVERY.

7 (C) SHALL NOT BE INTRODUCED INTO EVIDENCE IN ANY
8 JUDICIAL OR ADMINISTRATIVE PROCEEDING.

9 (D) SHALL NOT BE RELEASED TO THE INMATE.

10 * * *

11 (10) [EXCEPT AS OTHERWISE PROVIDED BY] NOTWITHSTANDING ←
12 ANY OTHER PROVISION OF LAW, NO PERSON WHO HAS HAD ACCESS TO A
13 REPORT, RECORD OR ANY OTHER INFORMATION UNDER THIS SECTION
14 SHALL DISCLOSE THE CONTENT OF THE REPORT, RECORD OR OTHER
15 INFORMATION OR TESTIFY IN A JUDICIAL OR ADMINISTRATIVE
16 PROCEEDING WITHOUT THE WRITTEN CONSENT OF THE VICTIM.

17 * * *

18 § 6153. SUPERVISORY RELATIONSHIP TO OFFENDERS.

19 (A) GENERAL RULE.--AGENTS ARE IN A SUPERVISORY RELATIONSHIP
20 WITH THEIR OFFENDERS. THE PURPOSE OF THIS SUPERVISION IS TO
21 ASSIST THE OFFENDERS IN THEIR REHABILITATION AND REASSIMILATION
22 INTO THE COMMUNITY AND TO PROTECT THE PUBLIC. SUPERVISION
23 PRACTICES SHALL REFLECT THE BALANCE OF ENFORCEMENT OF THE
24 CONDITIONS OF PAROLE AND CASE MANAGEMENT TECHNIQUES TO MAXIMIZE
25 SUCCESSFUL PAROLE COMPLETION THROUGH EFFECTIVE REENTRY TO
26 SOCIETY.

27 * * *

28 ~~SECTION 6.1. PART V OF TITLE 61 IS AMENDED BY ADDING A~~ ←
29 ~~CHAPTER TO READ:~~

30 CHAPTER 70

ADULT SUPERVISION FEE

SEC.

7001. DEFINITIONS.

7002. INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS
FEE.

7003. APPLICABILITY.

§ 7001. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
CONTEXT CLEARLY INDICATES OTHERWISE:

"BOARD." THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE.

"INTERSTATE COMMISSION." THE INTERSTATE COMMISSION FOR ADULT
OFFENDER SUPERVISION.

"INTERSTATE COMPACT." THE INTERSTATE COMPACT FOR THE
SUPERVISION OF ADULT OFFENDERS.

"STATE." A STATE OF THE UNITED STATES, THE DISTRICT OF
COLUMBIA AND ANY OTHER TERRITORIAL POSSESSIONS OF THE UNITED
STATES.

"STATE COUNCIL." THE STATE COUNCIL FOR INTERSTATE ADULT
OFFENDER SUPERVISION.

§ 7002. INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT
OFFENDERS FEE.

(A) APPLICATION FEE.

(1) A PERSON ON COUNTY PROBATION OR PAROLE WHO APPLIES
FOR A TRANSFER OF SUPERVISION TO ANOTHER STATE THROUGH THE
INTERSTATE COMPACT SHALL BE REQUIRED TO PAY AN APPLICATION
FEE WITH EACH APPLICATION FOR TRANSFER, UNLESS THE COURT
FINDS THAT THE APPLICATION FEE SHOULD BE REDUCED, WAIVED OR
DEFERRED BASED UPON THE PERSON'S INABILITY TO PAY. THE
APPLICATION FEES SHALL BE COLLECTED BY THE COUNTY PROBATION

~~DEPARTMENT OR OTHER AGENT DESIGNATED BY THE COUNTY
COMMISSIONERS OF THE COUNTY WITH THE APPROVAL OF THE
PRESIDENT JUDGE.~~

~~(2) A PERSON ON STATE PROBATION OR PAROLE WHO APPLIES
FOR A TRANSFER TO ANOTHER STATE THROUGH THE INTERSTATE
COMPACT SHALL BE REQUIRED TO PAY AN APPLICATION FEE TO THE
BOARD WITH EACH APPLICATION FOR TRANSFER, UNLESS THE BOARD
FINDS THAT THE APPLICATION FEE SHOULD BE REDUCED, WAIVED OR
DEFERRED BASED UPON THE PERSON'S INABILITY TO PAY.~~

~~(B) AMOUNT OF APPLICATION FEE. THE STATE COUNCIL SHALL
ESTABLISH THE AMOUNT OF THE APPLICATION FEE WHICH SHALL NOT
EXCEED \$150. THE APPLICATION FEE SHALL BE NONREFUNDABLE AND
SHALL BE ASSESSED FOR EACH APPLICATION FOR TRANSFER TO ANOTHER
STATE.~~

~~(C) APPLICATION FEE COLLECTED BY COUNTY. FOR ADMINISTRATIVE
EXPENSES, THE COUNTY SHALL BE ENTITLED TO RETAIN A PERCENTAGE OF
EACH APPLICATION FEE COLLECTED UNDER THIS SECTION WHICH SHALL BE
DEPOSITED IN THE COUNTY'S GENERAL FUND. THE PERCENTAGE OF THE
APPLICATION FEE THAT MAY BE RETAINED SHALL BE DETERMINED BY THE
STATE COUNCIL 60 DAYS PRIOR TO THE BEGINNING OF EACH
COMMONWEALTH FISCAL YEAR COMMENCING ON JULY 1 AND ENDING ON JUNE
30. THE REMAINING PORTION OF EACH APPLICATION FEE COLLECTED BY
THE COUNTY SHALL BE TRANSMITTED TO THE COMMONWEALTH UNDER
SUBSECTION (D).~~

~~(D) DISPOSITION. MONEY RECEIVED FROM THE COLLECTION OF THE
APPLICATION FEE SHALL BE PAID INTO THE STATE TREASURY AND SHALL
BE CREDITED TO THE GENERAL GOVERNMENT OPERATIONS OF THE BOARD
FOR EXPENSES INCURRED IN THE ADMINISTRATION OF THE COMPACT.~~

~~§ 7003. APPLICABILITY.~~

~~THIS CHAPTER SHALL APPLY TO A PERSON WHO APPLIES ON OR AFTER~~

1 ~~THE EFFECTIVE DATE OF THIS CHAPTER FOR A TRANSFER OF SUPERVISION~~
2 ~~TO ANOTHER STATE.~~

3 SECTION ~~6.2~~ 21. SECTION 7103 OF TITLE 61 IS AMENDED TO READ: ←
4 § 7103. POWERS.

5 THE [ATTORNEY GENERAL] SECRETARY OR HIS DESIGNEE IS HEREBY
6 AUTHORIZED AND DIRECTED TO DO ALL THINGS NECESSARY OR INCIDENTAL
7 TO THE CARRYING OUT OF THE COMPACT IN EVERY PARTICULAR EXCEPT
8 THAT NO CONTRACT FOR THE CONFINEMENT OF INMATES IN THE
9 INSTITUTIONS OF THIS STATE SHALL BE ENTERED INTO UNLESS THE
10 [ATTORNEY GENERAL OR THE SECRETARY OF CORRECTIONS] SECRETARY HAS
11 FIRST DETERMINED THAT THE INMATES ARE ACCEPTABLE,
12 NOTWITHSTANDING THE PROVISIONS OF ARTICLE IX-B OF THE ACT OF
13 APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE
14 CODE OF 1929. THE [ATTORNEY GENERAL] SECRETARY OR HIS DESIGNEE
15 SHALL NOT ENTER INTO A CONTRACT PURSUANT TO ARTICLE III OF THE
16 COMPACT RELATING TO INMATES WHO ARE MENTALLY ILL OR MENTALLY
17 RETARDED WITHOUT CONSULTATION WITH THE SECRETARY OF PUBLIC
18 WELFARE.

19 SECTION ~~6.3~~ 22. TITLE 61 IS AMENDED BY ADDING A SECTION TO ←
20 READ:

21 § 7115. INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT
22 OFFENDERS APPLICATION FEE. ←

23 (A) DUTY TO PAY.--

24 (1) A PERSON ON COUNTY PROBATION OR PAROLE WHO APPLIES
25 FOR A TRANSFER OF SUPERVISION TO ANOTHER STATE THROUGH THE
26 INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS
27 SHALL BE REQUIRED TO PAY AN APPLICATION FEE WITH EACH
28 APPLICATION FOR TRANSFER, UNLESS THE COURT FINDS THAT THE
29 APPLICATION FEE SHOULD BE REDUCED, WAIVED OR DEFERRED BASED
30 UPON THE PERSON'S INABILITY TO PAY. THE APPLICATION FEES

1 SHALL BE COLLECTED BY THE COUNTY PROBATION DEPARTMENT OR
2 OTHER AGENT DESIGNATED BY THE COUNTY COMMISSIONERS OF THE
3 COUNTY WITH THE APPROVAL OF THE PRESIDENT JUDGE.

4 (2) A PERSON ON STATE PROBATION OR PAROLE WHO APPLIES
5 FOR A TRANSFER TO ANOTHER STATE THROUGH THE INTERSTATE
6 COMPACT SHALL BE REQUIRED TO PAY AN APPLICATION FEE TO THE
7 BOARD WITH EACH APPLICATION FOR TRANSFER, UNLESS THE BOARD
8 FINDS THAT THE APPLICATION FEE SHOULD BE REDUCED, WAIVED OR
9 DEFERRED BASED UPON THE PERSON'S INABILITY TO PAY.

10 (B) AMOUNT OF APPLICATION FEE.--THE STATE COUNCIL SHALL
11 ESTABLISH THE AMOUNT OF THE APPLICATION FEE WHICH SHALL NOT
12 EXCEED \$150. THE APPLICATION FEE SHALL BE NONREFUNDABLE AND
13 SHALL BE ASSESSED FOR EACH APPLICATION FOR TRANSFER TO ANOTHER
14 STATE.

15 (C) APPLICATION FEE COLLECTED BY COUNTY.--FOR ADMINISTRATIVE
16 EXPENSES, THE COUNTY SHALL BE ENTITLED TO RETAIN A PERCENTAGE OF
17 EACH APPLICATION FEE COLLECTED UNDER THIS SECTION WHICH SHALL BE
18 DEPOSITED IN THE COUNTY'S GENERAL FUND. THE PERCENTAGE OF THE
19 APPLICATION FEE THAT MAY BE RETAINED SHALL BE DETERMINED BY THE
20 STATE COUNCIL 60 DAYS PRIOR TO THE BEGINNING OF EACH
21 COMMONWEALTH FISCAL YEAR COMMENCING ON JULY 1 AND ENDING ON JUNE
22 30. THE REMAINING PORTION OF EACH APPLICATION FEE COLLECTED BY
23 THE COUNTY SHALL BE TRANSMITTED TO THE COMMONWEALTH UNDER
24 SUBSECTION (D).

25 (D) DISPOSITION.--MONEY RECEIVED FROM THE COLLECTION OF THE
26 APPLICATION FEE SHALL BE PAID INTO THE STATE TREASURY AND SHALL
27 BE CREDITED TO THE GENERAL GOVERNMENT OPERATIONS OF THE BOARD
28 FOR EXPENSES INCURRED IN THE ADMINISTRATION OF THE INTERSTATE
29 COMPACT.

30 (E) APPLICATION FEE.--THE APPLICATION FEE AS OF THE

1 EFFECTIVE DATE OF THIS SUBSECTION SHALL BE \$100, AND THE
2 COUNTIES SHALL RETAIN 100% OF THE FEE COLLECTED UNTIL THE
3 APPLICATION FEE AND COUNTY PERCENTAGE ARE DETERMINED PRIOR TO
4 THE BEGINNING OF THE NEXT COMMONWEALTH FISCAL YEAR IN ACCORDANCE
5 WITH SUBSECTIONS (B) AND (C).

6 ~~SECTION 7. THE FOLLOWING SHALL APPLY:~~ ←

7 ~~(1) ON JULY 1, 2011, THE STATE TREASURER SHALL TRANSFER~~
8 ~~THE SUM OF \$1,150,000 FROM THE STATE OFFENDER SUPERVISION~~
9 ~~FUND TO THE PENNSYLVANIA COMMISSION ON SENTENCING TO~~
10 ~~SUPPLEMENT OTHER SUMS APPROPRIATED TO AND FOR THE USE OF THE~~
11 ~~COMMISSION TO IMPLEMENT THE REQUIREMENTS OF THIS ACT AND~~
12 ~~THEIR DUTIES AS DEFINED IN 42 PA.C.S. THE TRANSFERRED SUM IS~~
13 ~~APPROPRIATED TO THE PENNSYLVANIA COMMISSION ON SENTENCING ON~~
14 ~~A CONTINUING ANNUAL BASIS FOR THAT PURPOSE.~~

15 ~~(2) ON JULY 1, 2011, THE STATE TREASURER SHALL TRANSFER~~
16 ~~THE SUM OF \$1,150,000 FROM THE DEPARTMENT OF CORRECTIONS TO~~
17 ~~THE PENNSYLVANIA COMMISSION ON SENTENCING TO SUPPLEMENT OTHER~~
18 ~~SUMS APPROPRIATED TO AND FOR THE USE OF THE COMMISSION TO~~
19 ~~IMPLEMENT THE REQUIREMENTS OF THIS ACT AND THEIR DUTIES AS~~
20 ~~DEFINED UNDER 42 PA.C.S. THE TRANSFERRED SUM IS APPROPRIATED~~
21 ~~TO THE PENNSYLVANIA COMMISSION ON SENTENCING ON A CONTINUING~~
22 ~~ANNUAL BASIS FOR THAT PURPOSE.~~

23 SECTION § 23. THE REGULATIONS ADOPTED UNDER THE FORMER ACT ←
24 OF DECEMBER 27, 1965 (P.L.1237, NO.502), ENTITLED "AN ACT
25 ESTABLISHING REGIONAL CORRECTIONAL FACILITIES ADMINISTERED BY
26 THE BUREAU OF CORRECTION AS PART OF THE STATE CORRECTIONAL
27 SYSTEM; ESTABLISHING STANDARDS FOR COUNTY JAILS, AND PROVIDING
28 FOR INSPECTION AND CLASSIFICATION OF COUNTY JAILS AND FOR
29 COMMITMENT TO STATE CORRECTIONAL FACILITIES AND COUNTY JAILS,"
30 AND THE FORMER ACT OF OCTOBER 16, 1972 (P.L.913, NO.218),

1 ENTITLED "AN ACT ESTABLISHING REGIONAL COMMUNITY TREATMENT
2 CENTERS FOR WOMEN ADMINISTERED BY THE BUREAU OF CORRECTION OF
3 THE DEPARTMENT OF JUSTICE AS PART OF THE STATE CORRECTIONAL
4 SYSTEM, PROVIDING FOR THE COMMITMENT OF FEMALES TO SUCH CENTERS
5 AND THEIR TEMPORARY RELEASE THEREFROM FOR CERTAIN PURPOSES,
6 RESTRICTING CONFINEMENT OF FEMALES IN COUNTY JAILS AND
7 CONFERRING POWERS AND DUTIES UPON THE DEPARTMENT OF JUSTICE AND
8 THE BUREAU OF CORRECTION," PRIOR TO THE EFFECTIVE DATE OF THIS
9 SECTION SHALL CONTINUE TO HAVE THE FORCE AND EFFECT OF LAW AND
10 SHALL BE CONSTRUED TO BE CONSISTENT WITH THE PROVISIONS OF 61
11 PA.C.S. § 1105.

12 SECTION 9 24. THE ADDITION OF 61 PA.C.S. CH. 31 SUBCH. B IS ←
13 A CONTINUATION OF THE ACT OF JUNE 1, 1915 (P.L.656, NO.289),
14 ENTITLED "AN ACT PROVIDING A SYSTEM OF EMPLOYMENT AND
15 COMPENSATION FOR THE INMATES OF THE EASTERN PENITENTIARY,
16 WESTERN PENITENTIARY, AND THE PENNSYLVANIA INDUSTRIAL
17 REFORMATORY AT HUNTINGDON, AND FOR SUCH OTHER CORRECTIONAL
18 INSTITUTIONS AS SHALL BE HEREAFTER ESTABLISHED BY THE
19 COMMONWEALTH, AND MAKING AN APPROPRIATION THEREFOR." THE
20 FOLLOWING APPLY:

21 (1) EXCEPT AS OTHERWISE PROVIDED IN 61 PA.C.S. CH. 31
22 SUBCH. B, ALL ACTIVITIES INITIATED UNDER THE ACT OF JUNE 1,
23 1915 (P.L.656, NO.289) SHALL CONTINUE AND REMAIN IN FULL
24 FORCE AND EFFECT AND MAY BE COMPLETED UNDER 61 PA.C.S. CH. 31
25 SUBCH. B. RESOLUTIONS, ORDERS, REGULATIONS, RULES AND
26 DECISIONS WHICH WERE MADE UNDER THE ACT OF JUNE 1, 1915
27 (P.L.656, NO.289) AND WHICH ARE IN EFFECT ON THE EFFECTIVE
28 DATE OF THIS SECTION SHALL REMAIN IN FULL FORCE AND EFFECT
29 UNTIL REVOKED, VACATED OR MODIFIED UNDER 61 PA.C.S. CH. 31
30 SUBCH. B. CONTRACTS, OBLIGATIONS AND AGREEMENTS ENTERED INTO

1 UNDER THE ACT OF JUNE 1, 1915 (P.L.656, NO.289) ARE NOT
2 AFFECTED NOR IMPAIRED BY THE REPEAL OF THE ACT OF JUNE 1,
3 1915 (P.L.656, NO.289).

4 (2) ANY DIFFERENCE IN LANGUAGE BETWEEN 61 PA.C.S. CH. 31
5 SUBCH. B AND THE ACT OF JUNE 1, 1915 (P.L.656, NO.289) IS
6 INTENDED ONLY TO CONFORM TO THE STYLE OF THE PENNSYLVANIA
7 CONSOLIDATED STATUTES AND IS NOT INTENDED TO CHANGE OR AFFECT
8 THE LEGISLATIVE INTENT, JUDICIAL CONSTRUCTION OR
9 ADMINISTRATIVE INTERPRETATION AND IMPLEMENTATION OF THE ACT
10 OF JUNE 1, 1915 (P.L.656, NO.289).

11 SECTION ~~10~~ 25. THE FOLLOWING ACT IS REPEALED: ←

12 (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE
13 REPEAL UNDER PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE
14 ADDITION OF 61 PA.C.S. CH. 31 SUBCH. B.

15 (2) THE ACT OF JUNE 1, 1915 (P.L.656, NO.289), ENTITLED
16 "AN ACT PROVIDING A SYSTEM OF EMPLOYMENT AND COMPENSATION FOR
17 THE INMATES OF THE EASTERN PENITENTIARY, WESTERN
18 PENITENTIARY, AND THE PENNSYLVANIA INDUSTRIAL REFORMATORY AT
19 HUNTINGDON, AND FOR SUCH OTHER CORRECTIONAL INSTITUTIONS AS
20 SHALL BE HEREAFTER ESTABLISHED BY THE COMMONWEALTH, AND
21 MAKING AN APPROPRIATION THEREFOR," IS REPEALED.

22 SECTION ~~11~~ 26. THE FOLLOWING PROVISIONS SHALL APPLY ←
23 RETROACTIVELY TO NOVEMBER 9, 2009:

24 (1) THE ADDITION OF 61 PA.C.S. §§ 1105 AND 7115.

25 (2) SECTION ~~8~~ 23 OF THIS ACT. ←

26 SECTION ~~12~~ 27. THE FOLLOWING SHALL APPLY RETROACTIVELY TO ←
27 OCTOBER 12, 2009:

28 (1) THE AMENDMENT OF 61 PA.C.S. §§ 1721, 1722, AND 1723.

29 (2) THE AMENDMENT OF THE HEADINGS OF SUBCHAPTERS B AND C
30 OF CHAPTER 17.

