

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1281 Session of 2009

INTRODUCED BY GIBBONS, BELFANTI, BROWN, DALEY, FAIRCHILD, GERGELY, JOSEPHS, KULA, LONGIETTI, MANN, M. O'BRIEN, PASHINSKI, PAYTON, SIPTROTH, VULAKOVICH, CALTAGIRONE, SEIP, KORTZ AND CREIGHTON, APRIL 20, 2009

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED, JUNE 29, 2010

AN ACT

1 ~~Providing for notice and a public hearing relating to privately~~ ←
2 ~~operated community corrections facilities.~~

3 AMENDING TITLE 61 (PRISONS AND PAROLE) OF THE PENNSYLVANIA ←
4 CONSOLIDATED STATUTES, PROVIDING FOR NOTICE AND A PUBLIC
5 HEARING RELATING TO COMMUNITY CORRECTIONS FACILITIES.

6 THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

7 (1) THE PURPOSE OF THIS ACT IS TO REQUIRE NOTICE AND A
8 HEARING RELATING TO ANY REQUEST FOR PROPOSAL ISSUED BY THE
9 DEPARTMENT OF CORRECTIONS FOR BEDS IN A COMMUNITY CORRECTIONS
10 FACILITY FOR INMATES WITH PRERELEASE STATUS OR INDIVIDUALS
11 WHO ARE ON PAROLE.

12 (2) THE HEARING WILL PROVIDE CONCERNED PARTIES THE
13 OPPORTUNITY TO RECEIVE INFORMATION REGARDING THE BEDS
14 REQUESTED AT A COMMUNITY CORRECTIONS FACILITY AND THE IMPACT
15 ON THE COMMUNITY.

16 (3) THE HEARING WILL ALSO PROVIDE INDIVIDUALS WITH THE
17 OPPORTUNITY TO ASK QUESTIONS AND EXPRESS CONCERNS RELATIVE TO

1 THE REQUEST FOR PROPOSAL.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 ~~Section 1. Short title.~~



5 ~~This act shall be known and may be cited as the Privately~~
6 ~~Operated Community Corrections Facility Act.~~

7 ~~Section 2. Legislative intent.~~

8 ~~The General Assembly finds and declares that the purpose of~~
9 ~~this act is to require notice and a hearing relating to any~~
10 ~~request for proposal issued by the Department of Corrections for~~
11 ~~beds in a community corrections facility for inmates with~~
12 ~~prerelease status or individuals who are on parole. The hearing~~
13 ~~will provide concerned parties the opportunity to receive~~
14 ~~information regarding the beds requested at a community~~
15 ~~corrections facility and the impact on the community and will~~
16 ~~provide individuals with the opportunity to ask questions and~~
17 ~~express concerns relative to the request for proposal.~~

18 ~~Section 3. Definitions.~~

19 ~~The following words and phrases when used in this act shall~~
20 ~~have the meanings given to them in this section unless the~~
21 ~~context clearly indicates otherwise:~~

22 ~~"Community corrections facility." A residential facility~~
23 ~~operated by a private vendor that houses inmates with prerelease~~
24 ~~status or individuals who are on parole pursuant to a contract~~
25 ~~entered into between the Department of Corrections and the~~
26 ~~private vendor.~~

27 ~~"Department." The Department of Corrections of the~~
28 ~~Commonwealth.~~

29 ~~Section 4. Public hearing required.~~

30 ~~(a) General rule. A private vendor who intends to submit a~~

1 ~~bid to the department pursuant to a request for proposal for~~
2 ~~beds in a community corrections facility shall conduct a public~~
3 ~~hearing in the municipality of the proposed site.~~

4 ~~(b) Conduct of hearing. At the public hearing the private~~
5 ~~vendor shall explain the operation of the community corrections~~
6 ~~facility and shall permit public comments relating to the site~~
7 ~~and operation of the facility.~~

8 ~~(c) Transcript. The private vendor shall submit a~~
9 ~~transcript of the public hearing to the department as part of~~
10 ~~its bid pursuant to the request for proposal.~~

11 ~~(d) Department review. The department shall review the~~
12 ~~transcript and shall consider the substance of the public~~
13 ~~comments when awarding a contract pursuant to the request for~~
14 ~~proposal.~~

15 ~~Section 5. Public notice.~~

16 ~~(a) Public notice. The private vendor shall provide notice~~
17 ~~of the public hearing in a newspaper of general circulation on~~
18 ~~at least two different dates prior to the hearing. Each notice~~
19 ~~shall provide information regarding topic, location and time of~~
20 ~~the public hearing and a contact number for interested persons~~
21 ~~to call for additional information. The private vendor shall~~
22 ~~submit notarized statements attesting to the publishing of the~~
23 ~~notices to the department as part of its bid pursuant to the~~
24 ~~request for proposal.~~

25 ~~(b) Notice to municipality. The private vendor shall send a~~
26 ~~copy of the notice of the public hearing to the governing body~~
27 ~~of the municipality where the proposed site is located.~~

28 ~~Section 6. Nonapplicability.~~

29 ~~This act shall not apply to any request for proposal issued~~
30 ~~prior to the effective date of this section.~~

1 ~~Section 7. Effective date.~~

2 ~~This act shall take effect in 60 days.~~

3 SECTION 1. TITLE 61 OF THE PENNSYLVANIA CONSOLIDATED
4 STATUTES IS AMENDED BY ADDING A CHAPTER TO READ:

5 CHAPTER 47
6 COMMUNITY CORRECTIONS FACILITIES
7 SEC.

8 4701. DEFINITIONS.

9 4702. PUBLIC HEARING REQUIRED.

10 4703. PUBLIC NOTICE.

11 4711. NONAPPLICABILITY.

12 § 4701. DEFINITIONS.

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

16 "COMMUNITY CORRECTIONS FACILITY." A RESIDENTIAL FACILITY
17 OPERATED BY A PRIVATE VENDOR THAT HOUSES INMATES WITH PRERELEASE
18 STATUS OR INDIVIDUALS WHO ARE ON PAROLE PURSUANT TO A CONTRACT
19 ENTERED INTO BETWEEN THE DEPARTMENT OF CORRECTIONS AND THE
20 PRIVATE VENDOR.

21 § 4702. PUBLIC HEARING REQUIRED.

22 (A) GENERAL RULE.--

23 (1) A PRIVATE VENDOR WHO INTENDS TO SUBMIT A BID TO THE
24 DEPARTMENT PURSUANT TO A REQUEST FOR PROPOSAL FOR BEDS IN A
25 COMMUNITY CORRECTIONS FACILITY SHALL CONDUCT A PUBLIC HEARING
26 IN THE MUNICIPALITY OF THE PROPOSED SITE.

27 (2) PARAGRAPH (1) SHALL NOT APPLY TO A BID SUBMITTED AS
28 THE RESULT OF A RENEWAL FOR AN EXISTING CONTRACT AT A
29 FACILITY WHICH HAS BEEN IN USE FOR A MINIMUM OF FIVE YEARS.

30 (B) CONDUCT OF HEARING.--AT THE PUBLIC HEARING THE PRIVATE

1 VENDOR SHALL EXPLAIN THE OPERATION OF THE COMMUNITY CORRECTIONS
2 FACILITY AND SHALL PERMIT PUBLIC COMMENTS RELATING TO THE SITE
3 AND OPERATION OF THE FACILITY.

4 (C) TRANSCRIPT.--THE PRIVATE VENDOR SHALL SUBMIT A
5 TRANSCRIPT OF THE PUBLIC HEARING TO THE DEPARTMENT AS PART OF
6 ITS BID PURSUANT TO THE REQUEST FOR PROPOSAL.

7 (D) DEPARTMENT REVIEW.--THE DEPARTMENT SHALL REVIEW THE
8 TRANSCRIPT AND SHALL CONSIDER THE SUBSTANCE OF THE PUBLIC
9 COMMENTS WHEN AWARDING A CONTRACT PURSUANT TO THE REQUEST FOR
10 PROPOSAL.

11 § 4703. PUBLIC NOTICE.

12 (A) PUBLIC NOTICE.--THE PRIVATE VENDOR SHALL PROVIDE NOTICE
13 OF THE PUBLIC HEARING IN A NEWSPAPER OF GENERAL CIRCULATION ON
14 AT LEAST TWO DIFFERENT DATES PRIOR TO THE HEARING. EACH NOTICE
15 SHALL PROVIDE INFORMATION REGARDING TOPIC, LOCATION AND TIME OF
16 THE PUBLIC HEARING AND A CONTACT NUMBER FOR INTERESTED PERSONS
17 TO CALL FOR ADDITIONAL INFORMATION. THE PRIVATE VENDOR SHALL
18 SUBMIT NOTARIZED STATEMENTS ATTESTING TO THE PUBLISHING OF THE
19 NOTICES TO THE DEPARTMENT AS PART OF ITS BID PURSUANT TO THE
20 REQUEST FOR PROPOSAL.

21 (B) NOTICE TO MUNICIPALITY.--THE PRIVATE VENDOR SHALL SEND A
22 COPY OF THE NOTICE OF THE PUBLIC HEARING TO THE GOVERNING BODY
23 OF THE MUNICIPALITY WHERE THE PROPOSED SITE IS LOCATED.

24 § 4711. NONAPPLICABILITY.

25 THIS CHAPTER SHALL NOT APPLY TO ANY REQUEST FOR PROPOSAL
26 ISSUED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

27 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.