

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1070

Session of
1979

INTRODUCED BY RHODES, FISHER, McVERRY, LEVIN, KUKOVICH,
W. D. HUTCHINSON, RICHARDSON AND WHITE, APRIL 25, 1979

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 25, 1979

AN ACT

1 Amending the act of August 6, 1941 (P.L.861, No.323), entitled,
2 as amended, "An act to create a uniform and exclusive system
3 for the administration of parole in this Commonwealth;
4 providing state probation services; establishing the
5 'Pennsylvania Board of Probation and Parole'; conferring and
6 defining its jurisdiction, duties, powers and functions;
7 including the supervision of persons placed upon probation
8 and parole in certain designated cases; providing for the
9 method of appointment of its members; regulating the
10 appointment, removal and discharge of its officers, clerks
11 and employes; dividing the Commonwealth into administrative
12 districts for purposes of probation and parole; fixing the
13 salaries of members of the board and of certain other
14 officers and employes thereof; making violations of certain
15 provisions of this act misdemeanors; providing penalties
16 therefor; and for other cognate purposes, and making an
17 appropriation," further providing for certain time
18 computations for parole violators.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Section 21.1, act of August 6, 1941 (P.L.861,
22 No.323), referred to as the Pennsylvania Board of Probation and
23 Parole Law, amended June 28, 1957 (P.L.429, No.235), is amended
24 to read:

25 Section 21.1. (a) Convicted Violators. Any parolee under the
26 jurisdiction of the Pennsylvania Board of Parole released from

1 any penal institution of the Commonwealth who, during the period
2 of parole or while delinquent on parole, commits any crime
3 punishable by imprisonment, for which he is convicted or found
4 guilty by a judge or jury or to which he pleads guilty or nolo
5 contendere at any time thereafter in a court of record, may, at
6 the discretion of the board, be recommitted as a parole
7 violator. If his recommitment is so ordered, he shall be
8 reentered to serve the remainder of the term which said parolee
9 would have been compelled to serve had he not [been paroled, and
10 he shall be given no credit for the time at liberty on parole.]
11 violated his parole, and he shall be given credit for the time
12 served on parole in good standing but no credit shall be given
13 for the time served after the commission of the crime. The board
14 may, in its discretion, reparole whenever, in its opinion, the
15 best interests of the prisoner justify or require his release on
16 parole and it does not appear that the interests of the
17 Commonwealth will be injured thereby. The period of time for
18 which the parole violator is required to serve shall be computed
19 from and begin on the date that he is taken into custody to be
20 returned to the institution as a parole violator.

21 If a new sentence is imposed upon such parolee, the service
22 of the balance of said term originally imposed shall precede the
23 commencement of the new term imposed in the following cases:

24 (1) If a person is paroled from any State penal or
25 correctional institution under the control and supervision of
26 the Department of Justice and the new sentence imposed upon him
27 is to be served in any such State penal or correctional
28 institution.

29 (2) If a person is paroled from a county penal or
30 correctional institution and the new sentence imposed upon him

1 is to be served in the same county penal or correctional
2 institution.

3 In all other cases, the service of the new term for the
4 latter crime shall precede commencement of the balance of the
5 term originally imposed. In no event shall any revoked parole be
6 served concurrently with any such new sentence or vice versa.

7 Where the new term is to be served last, or the balance of
8 the term originally imposed is to be served last, and such
9 service is, in either case, to be had in any penal or
10 correctional institution under the control and supervision of
11 the Department of Justice, any male person upon recommitment
12 shall be sent to the nearest Correctional Diagnostic and
13 Classification Center for service of the remainder of the
14 original term at such institution as shall be designated by the
15 Deputy Commissioner for Treatment of the Bureau of Correction.
16 Any female person shall be recommitted to the State Industrial
17 Home for Women at Muncy.

18 (b) Technical Violators. Any parolee under the jurisdiction
19 of the Pennsylvania Board of Parole released from any penal
20 institution in the Commonwealth who, during the period of
21 parole, violates the terms and conditions of his parole, other
22 than by the commission of a new crime of which he is convicted
23 or found guilty by a judge or jury or to which he pleads guilty
24 or nolo contendere in a court of record, may be recommitted
25 after hearing before the board. If he is so recommitted, he
26 shall be given credit for the time served on parole in good
27 standing but with no credit for delinquent time, and may be
28 reentered to serve the remainder of his original sentence or
29 sentences. Said remainder shall be computed by the board from
30 the time [his delinquent conduct occurred] he is charged as a

1 technical violator for the unexpired period of the maximum
2 sentence imposed by the court without credit for the period the
3 parolee was delinquent on parole, and he shall be required to
4 serve such remainder so computed from the date he is taken into
5 custody on the warrant of the board. Such prisoner shall be
6 subject to reparole by the board whenever in its opinion the
7 best interests of the prisoner justify or require his being
8 repared and it does not appear that the interests of the
9 Commonwealth will be injured thereby.

10 (c) Recommitment. Technical violators shall be recommitted
11 for service of the balance of said term originally imposed to
12 penal or correctional institutions as follows:

13 (1) If paroled from a county penal or correctional
14 institution, to the same institution or to any other institution
15 to which legally transferred.

16 (2) If paroled from the Pennsylvania Industrial School at
17 Camp Hill and upon recommitment such person has not attained the
18 age of twenty-one years, to the same institution.

19 (3) If paroled from the State Industrial Home for Women at
20 Muncy, to the same institution.

21 (4) If paroled from any other State penal or correctional
22 institution under the control and supervision of the Department
23 of Justice, to the nearest Correctional Diagnostic and
24 Classification Center wherein the person shall be classified for
25 service of the balance of the term in such institution as shall
26 be designated by the Deputy Commissioner for Treatment in the
27 Bureau of Correction.

28 (d) Application. Notwithstanding the provisions of section
29 17, the provisions of this section relating to credit for time
30 served while on parole and relating to prohibiting the serving

1 of revoked parole concurrently with other sentences shall apply
2 to all paroled prisoners regardless of the length of the
3 original sentence.

4 Section 2. This act shall take effect in 60 days.