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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 264

Session of  
1985

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INTRODUCED BY NOYE, BATTISTO, GEIST, E. Z. TAYLOR, COY, TRELLO,  
BOWSER, GANNON, VROON, HERMAN, CHADWICK, PHILLIPS, HERSHEY,  
CIMINI, SIRIANNI AND OLASZ, FEBRUARY 11, 1985

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REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 11, 1985

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AN ACT

1 Amending the act of July 16, 1968 (P.L.351, No.173), entitled,  
2 as amended, "An act authorizing the establishment of prisoner  
3 pre-release centers and release plans under the jurisdiction  
4 of the Department of Justice and defining its powers and  
5 duties," further providing for mandatory minimum sentences.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 2 of the act of July 16, 1968 (P.L.351,  
9 No.173), referred to as the Prisoner Pre-release Plan Law,  
10 amended December 17, 1974 (P.L.993, No.325), is amended to read:

11 Section 2. Release Plan for Prison Inmates.--(a) The  
12 Commissioner of Correction may transfer any person incarcerated  
13 in any pre-release center or in any pre-release center located  
14 in any State or Regional Penal or Correctional Institution under  
15 the supervision of the Bureau of Correction who has not been  
16 sentenced to death or life imprisonment, to any pre-release  
17 center under the supervision of the Department of Justice.

18 (b) Any person transferred to and confined in a pre-release  
19 center may be released therefrom temporarily with or without

1 direct supervision at the discretion of the Bureau of Correction  
2 in accordance with rules and regulations as provided in section  
3 3 of this act, for the purposes of gainful employment,  
4 vocational or technical training, academic education and such  
5 other lawful purposes as the bureau shall consider necessary and  
6 appropriate for the furtherance of the inmate's individual pre-  
7 release program subject to compliance with subsection (c) of  
8 this section.

9 (c) (1) A person who has not served his minimum sentence  
10 shall not be transferred to a pre-release center unless (i) more  
11 than twenty days have elapsed after written notice of the  
12 proposed transfer, describing the person's individual pre-  
13 release program, has been received by the sentencing judge or in  
14 the event he is unavailable, the sentencing court and the  
15 prosecuting district attorney's office and no written objection  
16 by the judge containing the reason therefor has been received by  
17 the bureau; or (ii) the judge withdraws his objection after  
18 consultation with representatives of the bureau; or (iii)  
19 approval of the proposed transfer is given by the Board of  
20 Pardons.

21 (2) In the event of a timely objection by the judge,  
22 representatives of the bureau shall meet with the judge and  
23 attempt to resolve the disagreement. If, within twenty days of  
24 the bureau's receipt of the objection, the judge does not  
25 withdraw his objection, or the bureau does not withdraw its  
26 proposal for transfer, or the judge and the bureau do not agree  
27 on an alternate proposal for transfer, the matter shall be  
28 listed for hearing at the next session of the Board of Pardons  
29 to be held in the hearing district in which the judge is  
30 located. During the hearing before the Board of Pardons,

1 representatives of the judge, the bureau, the district attorney  
2 of the county where the individual was prosecuted and any victim  
3 involved shall have the opportunity to be heard.

4     (3) A person who has served his minimum sentence may be  
5 released by the Bureau of Correction only after notice to the  
6 judge that the privilege is being granted.

7     (4) Notice of the release of each person shall be given to  
8 the State Police, the probation officer and the sheriff or chief  
9 of police of the county, and the chief of police of the  
10 municipality or township of the locality to which the individual  
11 is assigned or of his authorized destination.

12     (d) Notwithstanding any provision of this or any other act  
13 to the contrary, any person serving a minimum mandatory sentence  
14 as required by law shall not be eligible for participation in  
15 any type of release plan or program established under this act.

16     Section 2. This act shall take effect immediately.