

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 476

Session of
1985

INTRODUCED BY GODSHALL, NOYE, TRELLO, DIETZ, CHADWICK, MRKONIC,
HERMAN, BURD, E. Z. TAYLOR, MORRIS, BUNT, REINARD,
G. M. SNYDER, PERZEL, CIMINI, DISTLER, CLYMER, GLADECK,
DeLUCA AND KASUNIC, FEBRUARY 27, 1985

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 27, 1985

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," prohibiting the transfer to a prerelease center
6 those persons who have not served their minimum terms.

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

9 Section 1. Section 2(c) of the act of July 16, 1968
10 (P.L.351, No.173), referred to as the Prisoner Pre-release Plan
11 Law, amended December 27, 1974 (P.L.993, No.325), is amended to
12 read:

13 Section 2. Release Plan for Prison Inmates.--* * *

14 (c) A person who has not served his minimum sentence shall
15 not be transferred to a pre-release center [unless (i) more than
16 twenty days have elapsed after written notice of the proposed
17 transfer, describing the person's individual pre-release
18 program, has been received by the sentencing judge or in the
19 event he is unavailable, the sentencing court and the

1 prosecuting district attorney's office and no written objection
2 by the judge containing the reason therefor has been received by
3 the bureau; or (ii) the judge withdraws his objection after
4 consultation with representatives of the bureau; or (iii)
5 approval of the proposed transfer is given by the Board of
6 Pardons].

7 A person who has served his minimum sentence may be released
8 by the Department of Corrections only after notice to the judge
9 that the privilege is being granted.

10 In the event of a timely objection by the judge,
11 representatives of the bureau shall meet with the judge and
12 attempt to resolve the disagreement. If, within twenty days of
13 the bureau's receipt of the objection, the judge does not
14 withdraw his objection, or the bureau does not withdraw its
15 proposal for transfer, or the judge and the bureau do not agree
16 on an alternate proposal for transfer, the matter shall be
17 listed for hearing at the next session of the Board of Pardons
18 to be held in the hearing district in which the judge is
19 located. During the hearing before the Board of Pardons,
20 representatives of the judge, the bureau, the district attorney
21 of the county where the individual was prosecuted and any victim
22 involved shall have the opportunity to be heard.

23 [A person who has served his minimum sentence may be released
24 by the Bureau of Correction only after notice to the judge that
25 the privilege is being granted.]

26 Notice of the release of each person shall be given to the
27 State Police, the probation officer and the sheriff or chief of
28 police of the county, and the chief of police of the
29 municipality or township of the locality to which the individual
30 is assigned or of his authorized destination.

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