
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2388 Session of
1990

INTRODUCED BY NOYE, MRKONIC, ALLEN, BILLOW, JACKSON, HERMAN,
DIETTERICK, NAILOR, CIVERA, PITTS, MORRIS, SCHEETZ, CLYMER,
MERRY, BURD, SAURMAN, DeLUCA, BARLEY, SEMMEL AND TRELLO,
MARCH 26, 1990

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 26, 1990

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 and making editorial changes.

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

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

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

1 (b) Any person transferred to and confined in a pre-release
2 center may be released therefrom temporarily with or without
3 direct supervision at the discretion of the [Bureau of
4 Correction] Department of Corrections in accordance with rules
5 and regulations as provided in section 3 of this act, for the
6 purposes of gainful employment, vocational or technical
7 training, academic education and such other lawful purposes as
8 the [bureau] department shall consider necessary and appropriate
9 for the furtherance of the inmate's individual pre-release
10 program subject to compliance with subsection (c) of this
11 section.

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

24 (2) In the event of a timely objection by the judge,
25 representatives of the [bureau] department shall meet with the
26 judge and attempt to resolve the disagreement. If, within twenty
27 days of the [bureau's] department's receipt of the objection,
28 the judge does not withdraw his objection, or the [bureau]
29 department does not withdraw its proposal for transfer, or the
30 judge and the [bureau] department do not agree on an alternate

1 proposal for transfer, the matter shall be listed for hearing at
2 the next session of the Board of Pardons to be held in the
3 hearing district in which the judge is located. During the
4 hearing before the Board of Pardons, representatives of the
5 judge, the [bureau] department, the district attorney of the
6 county where the individual was prosecuted and any victim
7 involved shall have the opportunity to be heard.

8 (3) A person who has served his minimum sentence may be
9 released by the [Bureau of Correction] Department of Corrections
10 only after notice to the judge that the privilege is being
11 granted.

12 (4) Notice of the release of each person shall be given to
13 the State Police, the probation officer and the sheriff or chief
14 of police of the county, and the chief of police of the
15 municipality or township of the locality to which the individual
16 is assigned or of his authorized destination.

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

21 Section 2. This act shall take effect immediately.