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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 718 Session of  
1989

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INTRODUCED BY GREENLEAF, PECORA, CORMAN, AFFLERBACH, JONES,  
HELFRICK, GREENWOOD, PETERSON AND LEMMOND, MARCH 20, 1989

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REFERRED TO JUDICIARY, MARCH 20, 1989

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AN ACT

1 Providing for community corrections programs as sentencing  
2 alternatives; conferring powers and duties on the  
3 Pennsylvania Commission on Crime and Delinquency; and making  
4 an appropriation.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Community  
9 Corrections Program Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall  
12 have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Board." A community corrections advisory board or county  
15 prison board.

16 "Commission." The Pennsylvania Commission on Crime and  
17 Delinquency.

18 "Community." A county, city or group of counties comprising

1 a judicial district.

2 "Community corrections program." A program provided in a  
3 community for eligible offenders in lieu of incarceration.

4 "Community corrections plan." A document which describes a  
5 proposed community corrections program.

6 "Court." The trial judge exercising sentencing jurisdiction  
7 over an eligible offender under this act.

8 "Department." The Department of Corrections of the  
9 Commonwealth.

10 "Nonprofit agency." A not-for-profit human service  
11 organization which provides treatment, guidance, counseling,  
12 training or rehabilitative services to individuals, families or  
13 groups.

14 "Nonviolent offense." A property-related, drug-related,  
15 alcohol-related or other offense that does not involve serious  
16 bodily injury, threats reasonably calculated to result in  
17 serious bodily injury, use of a weapon or sexual contact.

18 Section 3. Purpose.

19 Community corrections programs shall be developed,  
20 implemented and operated for the following purposes:

21 (1) To protect society and promote efficiency and  
22 economy in the delivery of corrections services.

23 (2) To promote accountability of offenders to their  
24 local community.

25 (3) To fill gaps in local correctional systems and  
26 address local needs through expansion of sanctions and  
27 services available to the court.

28 (4) To provide opportunities for offenders who  
29 demonstrate special needs to receive services which enhance  
30 their ability to become contributing members of the

1 community.

2 Section 4. Community corrections program.

3 (a) Description.--Community corrections program options  
4 include all of the following:

5 (1) Noncustodial community corrections which involve  
6 close supervision, but not housing, of the offender in a jail or  
7 community facility. This paragraph includes:

8 (i) Intensive supervision.

9 (ii) Victim restitution or mediation.

10 (iii) Alcohol or drug outpatient treatment.

11 (iv) House arrest and electronic monitoring.

12 (v) Psychiatric counseling.

13 (vi) Work release.

14 (viii) Community service.

15 (2) Short-term community residential treatment or  
16 partial detention which involves close supervision in a  
17 residential setting. This paragraph includes:

18 (i) Detoxification centers.

19 (ii) Community residential restitution centers.

20 (iii) Community residential treatment or  
21 rehabilitation centers.

22 (3) Residential drug and alcohol detoxification and  
23 counseling, based on objective assessments that a participant  
24 is dependent on alcohol or drugs.

25 (4) Individualized services which evaluate and treat  
26 offenders, including psychological and medical services,  
27 education, vocational training, drug and alcohol screening  
28 and counseling, individual and family counseling, and  
29 transportation subsidies.

30 (b) Eligibility.--

1           (1) An offender who meets all of the following criteria  
2 may be considered eligible for entry into a community  
3 corrections program:

4           (i) The offender would otherwise be incarcerated in  
5 a correctional institution.

6           (ii) The offender is convicted of a nonviolent  
7 offense.

8           (iii) The offender does not demonstrate a present or  
9 past pattern of behavior involving violence.

10          (2) Notwithstanding any other provision of law, the  
11 court is authorized to sentence an eligible defendant to an  
12 appropriate community corrections program, under conditions  
13 as the court may prescribe, in lieu of incarceration in a  
14 State or local penal institution. The court shall set the  
15 duration of the sentence for the offense committed up to the  
16 maximum sentence within the appropriate sentence range and  
17 shall retain the authority to amend the length, terms or  
18 conditions of the sentence imposed. The court may revoke the  
19 sentence due to the conduct of the defendant or the  
20 termination or modification of the program to which the  
21 defendant has been sentenced. The court may resentence the  
22 defendant to an appropriate alternative, including  
23 incarceration, for a period of time up to the maximum  
24 sentence provided for the offense committed, less any time  
25 actually served in a community corrections program. Community  
26 corrections programs may be used in conjunction with a period  
27 of incarceration or in conjunction with, or as a condition  
28 of, a term of probation.

29 Section 5. Board.

30          (a) Establishment.--To qualify for funding under this act, a

1 county must, by resolution, authorize the prison board to  
2 implement a plan or establish a community corrections advisory  
3 board, which shall consist, at a minimum, of the following:

4 (1) The president judge of the judicial district  
5 comprised by the community.

6 (2) A criminal defense attorney appointed by the  
7 president judge of the judicial district comprised by the  
8 county. The appointee must be a resident of the community.

9 (3) A representative of law enforcement from the  
10 community.

11 (4) A representative of a nonprofit human service  
12 agency. The representative must be approved by the  
13 legislative body of the county.

14 (5) A representative of county government.

15 (6) The district attorney.

16 (7) The warden of the county prison.

17 (8) A county probation officer.

18 (b) Multiple counties.--If more than one county is in the  
19 community, members under subsection (a)(3) through (8) may be  
20 from any participating county, as agreed upon by the counties.

21 (c) Powers and duties.--A board has the following powers and  
22 duties:

23 (1) To assess community-wide needs and advise the county  
24 legislative body regarding specific program options.

25 (2) To adopt a community corrections plan, including  
26 program policies and regulations.

27 (3) To enter into contracts with private providers or  
28 nonprofit agencies for the provision of community corrections  
29 programs.

30 (4) To monitor the effectiveness of local correctional

1 services and recommend needed modifications.

2 (5) To purchase, lease or transfer lands, buildings and  
3 equipment necessary to carry out the community corrections  
4 plan.

5 (6) To maintain a case record for each individual  
6 admitted to a community corrections program within that  
7 program's jurisdiction.

8 (7) To make an annual report on the program to the  
9 county and the commission.

10 (8) To assess certain reasonable costs for services  
11 under the program upon the participant.

12 (9) To develop the community corrections plan under  
13 section 6.

14 Section 6. Community corrections plan.

15 (a) Requirement.--The board shall develop a community  
16 corrections plan for the implementation and operation of a  
17 community corrections program. The community corrections plan  
18 shall provide for all of the following:

19 (1) Training programs for the board and staff.

20 (2) Public information and education programs.

21 (3) Designation of a single person or local government  
22 office with overall responsibility for supervision of the  
23 fiscal affairs of the program.

24 (4) Use of existing community agencies and organizations  
25 whenever possible.

26 (5) Client eligibility criteria for the community  
27 corrections program.

28 (6) A mechanism whereby offenders can be linked to  
29 appropriate service.

30 (7) All costs associated with the community corrections

1 program.

2 (8) For communities with more than one county, an  
3 agreement as to each county's responsibilities.

4 (b) Commonwealth assistance.--The commission and the  
5 department shall provide technical assistance to develop  
6 community corrections plans.

7 (c) Review and approval.--Upon its approval by the county  
8 legislative body, the community corrections plan shall be  
9 submitted to the commission for review and approval in the  
10 format designated by the commission. The commission shall  
11 complete its review within 60 days of submission. Failure to  
12 disapprove or recommend amendment within 60 days shall  
13 constitute approval.

14 (d) Formal submission.--The plan and any proposed changes  
15 thereto shall be submitted on an annual basis.

16 (e) Budget increases.--The addition of any projects or  
17 services within the plan or reallocation of funds within the  
18 program which result in a budget increase of 10% shall require  
19 amendment to the plan and approval by the commission.

20 Section 7. Commission.

21 The commission has the following powers and duties:

22 (1) To promulgate regulations regarding:

23 (i) The submission, review and approval of community  
24 corrections plans.

25 (ii) Standards for the development, operation and  
26 evaluation of programs and services.

27 (iii) The administration and disbursement of funds  
28 under this act.

29 (2) To provide training and technical assistance to  
30 advisory boards and program staff.

1           (3) To advise the courts of the extent and availability  
2 of services and programs provided under this act.

3           (4) To ensure that all programs are in compliance with  
4 applicable Federal, State and local law.

5           (5) To monitor community corrections programs to  
6 determine their impact on offenders.

7           (6) To remit funds appropriated by this act as grants to  
8 boards.

9 Section 8. Funding and audits.

10       (a) Eligibility.--A community where community correction has  
11 been approved under section 6(b) shall be eligible for direct  
12 50% to 100% State funding of the total cost of the program as  
13 determined by the commission. No local matching funds shall be  
14 required. This act shall not prohibit the use of Federal funds.

15       (b) Audit.--Annual reports and all financial records shall  
16 be subject to annual audit by the Auditor General.

17       (c) Funding.--Funding under this act shall be granted on an  
18 annual basis. At the end of the fiscal year, money unspent by a  
19 community corrections program shall be returned to the  
20 commission to be used for reallocation to other community  
21 corrections programs authorized under this act. Funding shall be  
22 granted on the basis of local need, the quality of the community  
23 corrections program, consideration of whether the community  
24 corrections plan is consistent with the goals of this act, the  
25 number of communities served and funding availability. Funding  
26 shall be made in a manner to provide the equal geographic  
27 development of community corrections programs. In addition, the  
28 commission shall consider the following criteria pertaining to  
29 the jurisdiction in question:

30           (1) Number of nonviolent commitments to correctional



1 institutions.

2 (2) Population and existing conditions at the local  
3 incarceration facility.

4 (3) Rate of felony commitments per 1,000 members of the  
5 population within the community.

6 (4) Population of the judicial district and percentage  
7 of population between 18 and 29 years of age.

8 (5) Availability of local correctional services.

9 (6) Sufficient local service capability to support the  
10 community corrections programs.

11 (7) Demonstrated involvement and support of the  
12 judiciary, criminal justice or correctional officials and  
13 local government.

14 Section 9. Prohibitions.

15 (a) General rule.--Recipients may not use funds granted  
16 under this act to supplant existing funds from the State or  
17 local government for existing correctional programs or for the  
18 construction, renovation or operation of a State, county or  
19 municipal incarceration facility.

20 (b) Administrative costs.--Administrative costs connected  
21 with the expenditure of community corrections funds under this  
22 act may not exceed a percentage amount established by the  
23 commission.

24 Section 10. Continued eligibility.

25 (a) Evaluation.--In order to remain eligible for continued  
26 funding, a community must substantially comply with commission  
27 standards and regulations and participate in an evaluation to  
28 determine program effectiveness. The form of the evaluation will  
29 be determined by the commission.

30 (b) Suspension of funding.--If the commission determines

1 that there are reasonable grounds to believe that a community is  
2 not complying with its community corrections plan or minimum  
3 standards, the commission shall give 30 days' written notice to  
4 the board. If the commission finds noncompliance, it shall  
5 require the board to provide a written agreement as to how and  
6 when the specific deficiencies identified will be corrected. If  
7 no agreement is submitted to the commission within the time  
8 limit or if the deficiencies are not corrected within 45 days  
9 after an agreement has been approved by the commission, the  
10 commission may suspend part or all of the funding until  
11 compliance is achieved.

12 Section 11. Appropriation.

13 The sum of \$2,500,000 is hereby appropriated to the  
14 Pennsylvania Commission on Crime and Delinquency for the purpose  
15 of making grants under this act, including the reasonable  
16 expenses of the commission.

17 Section 12. Effective date.

18 This act shall take effect in 90 days.