

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 718 Session of
1989

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

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, NOVEMBER 14, 1989

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 plan." A document which describes a
3 proposed community corrections program.

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

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~~ TO IMPLEMENT A PLAN. THE BOARD shall consist, at a <—
4 minimum, of the following:

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

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

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

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

15 (5) A representative of county government.

16 (6) The district attorney.

17 (7) The warden of the county prison.

18 (8) A county probation officer.

19 (9) A DISTRICT JUSTICE. <—

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

23 (c) Powers and duties.--A board has the following powers and
24 duties:

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

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

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

1 programs.

2 (4) To monitor the effectiveness of local correctional
3 services and recommend needed modifications.

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

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

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

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

14 (9) To develop the community corrections plan under
15 section 6.

16 Section 6. Community corrections plan.

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

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

22 (2) Public information and education programs.

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

26 (4) Use of existing community agencies and organizations
27 whenever possible.

28 (5) Client eligibility criteria for the community
29 corrections program.

30 (6) A mechanism whereby offenders can be linked to

1 appropriate service.

2 (7) All costs associated with the community corrections
3 program.

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

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

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

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

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

22 Section 7. Commission.

23 The commission has the following powers and duties:

24 (1) To promulgate regulations regarding:

25 (i) The submission, review and approval of community
26 corrections plans.

27 (ii) Standards for the development, operation and
28 evaluation of programs and services. STANDARDS FOR

29 PROBATION AND PAROLE PROGRAMS SHALL BE CONSISTENT WITH

30 THE COUNTY ADULT PROBATION STANDARDS PROMULGATED BY THE

<—

PENNSYLVANIA BOARD OF PROBATION AND PAROLE.

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

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

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

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

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

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

Section 8. Funding and audits.

(a) Eligibility.--A community where community correction has been approved under section 6(b) shall be eligible for direct
~~50% to 100% State funding of the total cost of the program as determined by the commission. No local matching funds shall be required.~~ A GRANT TO PAY UP TO 50% OF THE TOTAL COST OF THE PLAN
AS DETERMINED BY THE COMMISSION. NO ONE PROJECT WITHIN THE PLAN
WOULD BE ELIGIBLE TO RECEIVE MORE THAN THREE YEARS OF FUNDING.

This act shall not prohibit the use of Federal funds.

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

(c) Funding.--Funding under this act shall be granted on an annual basis. ~~At the end of the fiscal year, money unspent by a community corrections program shall be returned to the commission to be used for reallocation to other community corrections programs authorized under this act.~~ Funding shall be granted on the basis of local need, the quality of the community

1 corrections program, consideration of whether the community
2 corrections plan is consistent with the goals of this act, the
3 number of communities served and funding availability. Funding
4 shall be made in a manner to provide the equal geographic
5 development of community corrections programs. In addition, the
6 commission shall consider the following criteria pertaining to
7 the jurisdiction in question:

8 (1) Number of nonviolent commitments to correctional
9 institutions.

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

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

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

16 (5) Availability of local correctional services.

17 (6) Sufficient local service capability to support the
18 community corrections programs.

19 (7) Demonstrated involvement and support of the
20 judiciary, criminal justice or correctional officials and
21 local government.

22 Section 9. Prohibitions.

23 (a) General rule.--Recipients may not use funds granted
24 under this act to supplant existing funds from the State or
25 local government for existing correctional programs or for the
26 construction, renovation or operation of a State, county or
27 municipal incarceration facility.

28 (b) Administrative costs.--Administrative costs connected
29 with the expenditure of community corrections funds under this
30 act may not exceed a percentage amount established by the

1 commission.

2 Section 10. Continued eligibility.

3 (a) Evaluation.--In order to remain eligible for continued
4 GRANT funding, a community must substantially comply with <—
5 commission standards and regulations and participate in an
6 evaluation to determine program effectiveness. The form of the
7 evaluation will be determined by the commission.

8 (b) Suspension of funding.--If the commission determines
9 that there are reasonable grounds to believe that a community is
10 not complying with its community corrections plan or minimum
11 standards, the commission shall give 30 days' written notice to
12 the board. If the commission finds noncompliance, it shall
13 require the board to provide a written agreement as to how and
14 when the specific deficiencies identified will be corrected. If
15 no agreement is submitted to the commission within the time
16 limit or if the deficiencies are not corrected within 45 days
17 after an agreement has been approved by the commission, the
18 commission may suspend part or all of the funding until
19 compliance is achieved.

20 Section 11. Appropriation.

21 The sum of \$2,500,000 is hereby appropriated to the
22 Pennsylvania Commission on Crime and Delinquency FOR THE FISCAL <—
23 YEAR JULY 1, 1989, TO JUNE 30, 1990, for the purpose of making
24 grants under this act, including the reasonable expenses of the
25 commission. THIS APPROPRIATION SHALL NOT LAPSE. <—

26 Section 12. Effective date.

27 This act shall take effect in 90 days.