

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1533 Session of
1995

INTRODUCED BY WOGAN, FAJT, BELARDI, O'BRIEN, FICHTER, MASLAND,
ARMSTRONG, SATHER, McGEEHAN, J. TAYLOR, FARGO, BAKER, CLARK,
TRELLO, NYCE, KENNEY, DEMPSEY, SAYLOR, PETTIT, BATTISTO,
STISH, BUNT, SERAFINI, STABACK, HASAY, MICHLOVIC, HALUSKA,
BUTKOVITZ, KELLER, LEH, MERRY, SEMMEL, GEIST, DeLUCA, MILLER,
DIGIROLAMO, STRITTMATTER, B. SMITH AND BROWNE, MAY 3, 1995

REFERRED TO COMMITTEE ON JUDICIARY, MAY 3, 1995

AN ACT

1 Amending the act of August 6, 1941 (P.L.861, No.323), entitled,
2 as amended, "An act to create a uniform and exclusive system
3 for the administration of parole in this Commonwealth;
4 providing state probation services; establishing the
5 'Pennsylvania Board of Probation and Parole'; conferring and
6 defining its jurisdiction, duties, powers and functions;
7 including the supervision of persons placed upon probation
8 and parole in certain designated cases; providing for the
9 method of appointment of its members; regulating the
10 appointment, removal and discharge of its officers, clerks
11 and employes; dividing the Commonwealth into administrative
12 districts for purposes of probation and parole; fixing the
13 salaries of members of the board and of certain other
14 officers and employes thereof; making violations of certain
15 provisions of this act misdemeanors; providing penalties
16 therefor; and for other cognate purposes, and making an
17 appropriation," further providing for powers of parole and
18 probation officers.

19 The General Assembly of the Commonwealth of Pennsylvania

20 hereby enacts as follows:

21 Section 1. Section 27 of the act of August 6, 1941 (P.L.861,
22 No.323), referred to as the Pennsylvania Board of Probation and
23 Parole Law, is amended to read:

24 Section 27. (a) Parole officers appointed by the board are

1 hereby declared to be peace officers and are hereby given police
2 power and authority throughout the Commonwealth to arrest
3 without warrant, writ, rule or process any parolee [or],
4 probationer or person otherwise under the supervision of the
5 board for failing to report as required by the terms of his
6 probation or parole, or for any other violation thereof.

7 (b) In addition to any other power of peace officers, parole
8 officers shall be empowered and have the authority throughout
9 this Commonwealth to conduct personal searches without warrant
10 of any person on parole, probation, or otherwise under the
11 supervision of the board if the officer has a reasonable
12 suspicion the individual under the supervision of the board is
13 violating the rules or conditions of his supervision.

14 (c) As used in this section, "personal search" shall mean a
15 search of the individual's person, including, but not limited
16 to, the individual's clothing and any personal property in the
17 individual's possession or within the individual's reach.

18 Section 2. The act is amended by adding a section to read:

19 Section 27.1. (a) Probation officers heretofore or
20 hereafter appointed by any court of record of this Commonwealth
21 are hereby declared to be peace officers, and shall have police
22 powers and authority throughout this Commonwealth to arrest with
23 or without warrant, writ, rule or process any person on
24 probation, intermediate punishment, parole or otherwise under
25 the supervision of said court for failing to report as required
26 by the terms of his probation, intermediate punishment or parole
27 or for any other violation of his probation, intermediate
28 punishment or parole.

29 (b) In addition to any other power of peace officers,
30 probation officers shall be empowered and have the authority

1 throughout this Commonwealth to conduct personal searches
2 without warrant of any person on probation, intermediate
3 punishment, parole or otherwise under the supervision of any
4 court of record of this Commonwealth if the officer has a
5 reasonable suspicion that the individual under the supervision
6 of the board is in violation of the rules or conditions of his
7 supervision.

8 (c) As used in this section, the term "personal search"
9 shall mean a search of the individual's person, including, but
10 not limited to, the individual's clothing and any personal
11 property in the individual's possession or within the
12 individual's reach.

13 Section 3. The act of August 6, 1963 (P.L.521, No.277),
14 entitled "An act providing that probation officers shall have
15 the power of peace officers in the performance of their duties,"
16 is repealed.

17 Section 4. This act shall take effect in 60 days.