

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1756 Session of
1997

INTRODUCED BY BIRMELIN, SEPTEMBER 10, 1997

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 10, 1997

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 the power to parole.

18 The General Assembly of the Commonwealth of Pennsylvania

19 hereby enacts as follows:

20 Section 1. Section 21 of the act of August 6, 1941 (P.L.861,
21 No.323), referred to as the Pennsylvania Board of Probation and
22 Parole Law, amended June 1, 1995 (1st Sp.Sess., P.L.1020,
23 No.16), is amended to read:

24 Section 21. (a) The board is hereby authorized to release
25 on parole any convict confined in any penal institution of this

1 Commonwealth as to whom power to parole is herein granted to
2 [said] the board, except convicts condemned to death or serving
3 life imprisonment, whenever in its opinion the best interests of
4 the convict justify or require his being paroled and it does not
5 appear that the interests of the Commonwealth will be injured
6 thereby. The power to parole herein granted to the Board of
7 Parole may not be exercised in the board's discretion at any
8 time before, but only after, the expiration of the minimum term
9 of imprisonment fixed by the court in its sentence or by the
10 Pardon Board in a sentence which has been reduced by
11 commutation.

12 **(b)** The board may not release a person on parole unless the
13 person achieves a negative result within forty-five days prior
14 to the date of release in a screening test approved by the
15 Department of Health for the detection of the presence of
16 controlled substances or designer drugs under the act of April
17 14, 1972 (P.L.233, No.64), known as "The Controlled Substance,
18 Drug, Device and Cosmetic Act." The cost of these pre-parole
19 drug screening tests for inmates subject to the parole release
20 jurisdiction of the board, whether confined in a State or local
21 correctional facility, shall be paid by the board. The board
22 shall establish rules and regulations for the payment of these
23 costs and may limit the types and cost of these screening tests
24 that would be subject to payment by the board. The board shall
25 establish, as a condition of continued parole for a parolee who,
26 as an inmate, tested positive for the presence of a controlled
27 substance or a designer drug or who was paroled from a sentence
28 arising from a conviction under "The Controlled Substance, Drug,
29 Device and Cosmetic Act," or from a drug-related crime, the
30 parolee's achievement of negative results in such screening

1 tests randomly applied. The random screening tests shall be
2 performed at the discretion of the board, and the parolee
3 undergoing the tests shall be responsible for the costs of the
4 tests. The funds collected for the tests shall be applied
5 against the contract for such testing between the board and a
6 testing laboratory approved by the Department of Health.

7 (c) [Said] The board shall have the power during the period
8 for which a person shall have been sentenced to recommit one
9 paroled for violation of the terms and conditions of his parole
10 and from time to time to reparole and recommit in the same
11 manner and with the same procedure as in the case of an original
12 parole or recommitment, if, in the judgment of the [said] board,
13 there is a reasonable probability that the convict will be
14 benefited by again according him liberty and it does not appear
15 that the interests of the Commonwealth will be injured thereby.

16 (d) When the board releases a parolee from a State or local
17 correctional facility, the board shall notify the probation
18 department located in the county where the sentencing order was
19 imposed of the release and new address of the parolee.

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