

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1037 Session of  
2011

INTRODUCED BY DEASY, BENNINGHOFF, DALEY, BOYD, CREIGHTON,  
DeLUCA, DONATUCCI, HARHAI, HARRIS, HORNAMAN, MAHONEY,  
McGEEHAN, MOUL, MUSTIO, PASHINSKI, READSHAW, SWANGER,  
VULAKOVICH, YOUNGBLOOD, PYLE AND MURT, MARCH 14, 2011

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 14, 2011

AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania  
2 Consolidated Statutes, further providing for prerelease plans  
3 and for parole power.

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

6 Section 1. Section 3702(a), (c) heading and (d)(1) of Title  
7 61 of the Pennsylvania Consolidated Statutes are amended and  
8 subsection (c) is amended by adding a paragraph to read:

9 § 3702. Prerelease plan for inmates.

10 (a) Transfer authorization.--

11 [(1) The] If an inmate incarcerated in a State  
12 correctional institution meets the conditions for prerelease  
13 as established by department regulations, the secretary may  
14 transfer the inmate to a prerelease center. The secretary may  
15 transfer an inmate incarcerated in any prerelease center [or  
16 in] to any other prerelease center located in [any State  
17 correctional institution who has not been sentenced to death

or life imprisonment to any prerelease center.

(2) The transfer of the inmate to the prerelease center shall not occur where the transfer is not appropriate due to a certified terminal illness] this Commonwealth.

\* \* \*

(c) Conditions for [release] prerelease of certain inmates.--

\* \* \*

(5) An inmate convicted of an offense under any of the following provisions shall not be eligible for prerelease:

(i) 18 Pa.C.S. § 2502 (relating to murder).

(ii) 18 Pa.C.S. § 2507 (relating to criminal homicide of law enforcement officer).

(iii) 18 Pa.C.S. § 3121 (relating to rape).

(d) Notice of release.--

(1) An inmate who has served his minimum sentence and who meets the conditions for prerelease established by department regulations may be released by the department to a prerelease center only after notice to the judge that the privilege is being granted.

\* \* \*

Section 2. Section 6137(a)(1) introductory paragraph of Title 61 is amended and the section is amended by adding a subsection to read:

§ 6137. Parole power.

(a) General criteria for parole.--

(1) [The] Except as set forth in subsection (a.1), the board may parole subject to consideration of guidelines established under 42 Pa.C.S. § 2154.5 (relating to adoption of guidelines for parole) and may release on parole any

inmate to whom the power to parole is granted to the board by this chapter[, except an inmate condemned to death or serving life imprisonment,] whenever in its opinion:

\* \* \*

(a.1) Inmates not eligible for parole.--An inmate convicted of an offense under any of the following provisions shall not be eligible for parole:

(1) 18 Pa.C.S. § 2502 (relating to murder).

(2) 18 Pa.C.S. § 2507 (relating to criminal homicide of law enforcement officer).

(3) 18 Pa.C.S. § 3121 (relating to rape).

\* \* \*

Section 3. This act shall take effect in 60 days.