

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 304 Session of
1997

INTRODUCED BY MAITLAND, CLARK, EGOLF, LYNCH, RAMOS, BOSCOLA,
TIGUE, BELARDI, ITKIN AND JAMES, FEBRUARY 5, 1997

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 5, 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 powers of the
18 Pennsylvania Board of Probation and Parole.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Section 17 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, amended December 27, 1965 (P.L.1230, No.501), is
24 amended to read:

25 Section 17. (a) The board shall have exclusive power to

1 parole and reparole, commit and recommit for violations of
2 parole, and to discharge from parole all persons heretofore or
3 hereafter sentenced by any court in this Commonwealth to
4 imprisonment in any prison or penal institution thereof, whether
5 the same be a state or county penitentiary, prison or penal
6 institution, as hereinafter provided. It is further provided
7 that the board shall have exclusive power to supervise any
8 person hereafter placed on parole (when sentenced to a maximum
9 period of less than two years) by any judge of a court having
10 criminal jurisdiction, when the court may by special order
11 direct supervision by the board, in which case the parole case
12 shall be known as a special case and the authority of the board
13 with regard thereto shall be the same as herein provided with
14 regard to parole cases within one of the classifications above
15 set forth: Provided, however, That, except for such special
16 cases, the powers and duties herein conferred shall not extend
17 to persons sentenced for a maximum period of less than two
18 years, and nothing herein contained shall prevent any court of
19 this Commonwealth from paroling any person sentenced by it for a
20 maximum period of less than two years: And provided further,
21 That the period of two years herein referred to shall mean the
22 entire continuous term of sentence to which a person is subject,
23 whether the same be by one or more sentences, either to simple
24 imprisonment or to an indeterminate imprisonment at hard labor,
25 as now or hereafter authorized by law to be imposed for criminal
26 offenses. The power of the board to parole shall extend to
27 prisoners sentenced to definite or flat sentences.

28 (b) The board may, with the written agreement of the
29 parolee, extend the time period of the parole to enable the
30 parolee to comply with the conditions of the parole.

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