

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2246 Session of
2015

INTRODUCED BY BARBIN, BARRAR, SAINATO, READSHAW, GOODMAN,
GODSHALL, NEUMAN, D. COSTA, ACOSTA, PASHINSKI, SACCONI,
V. BROWN, TRUITT, MAHONEY, HELM, BULLOCK, DUSH, MURT AND
GROVE, JULY 7, 2016

REFERRED TO COMMITTEE ON JUDICIARY, JULY 7, 2016

AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania
2 Consolidated Statutes, providing for Veterans Alternative
3 Punishment Program; and making an appropriation.

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

6 Section 1. Title 61 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 40

9 VETERANS ALTERNATIVE PUNISHMENT PROGRAM

10 Sec.

11 4001. Scope of chapter.

12 4002. Declaration of policy.

13 4003. Definitions.

14 4004. Veterans Alternative Punishment Program.

15 4005. Leaders of program.

16 4006. Selection of participants.

17 4007. Phase-in of program.

1 4008. Completion of program.

2 4009. Appeals.

3 4010. Evaluation.

4 4011. Appropriation.

5 § 4001. Scope of chapter.

6 This chapter authorizes the Veterans Alternative Punishment
7 Program.

8 § 4002. Declaration of policy.

9 (Reserved).

10 § 4003. Definitions.

11 The following words and phrases when used in this chapter
12 shall have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Commission." The Pennsylvania Commission on Sentencing.

15 "Eligible inmate." A veteran sentenced to a term of
16 confinement under the jurisdiction of the Department of
17 Corrections who is considered eligible under the regulations
18 promulgated by the department.

19 "Program." The Veterans Alternative Punishment Program which
20 shall be referred to as the Pennsylvania Conservation Battalion.

21 "Program leader." A veteran who was commissioned during the
22 veteran's service.

23 "Program staff." A veteran who was not a commissioned
24 officer during the veteran's service.

25 "Veteran." A Pennsylvania resident who has served in the
26 United States Armed Forces, including a reserve component or
27 National Guard and was discharged or released from the service
28 under conditions other than dishonorable.

29 § 4004. Veterans Alternative Punishment Program.

30 (a) Establishment.--There is established in the department

1 the Veterans Alternative Punishment Program which shall be
2 referred to as the Pennsylvania Conservation Battalion.

3 (b) Scope of program.--The program shall be phased in in
4 accordance with section 4007 (relating to phase-in of program)
5 to include 1,500 eligible inmates selected in accordance with
6 section 4006 (relating to selection of participants). The 1,500
7 eligible inmates shall be in three groups of 500 with each group
8 of 500 led by a program leader.

9 (c) Voluntary program.--The program shall be voluntary for
10 eligible inmates and no punishment or benefits may be offered in
11 exchange for an eligible inmate's participation or
12 nonparticipation. An inmate may apply for the program or the
13 program may be offered to an eligible inmate.

14 (d) Conditions.--Applicants may not participate in the
15 program unless they agree to be bound by all the terms and
16 conditions and sign a memorandum of understanding.

17 (e) Qualifications to participate.--Satisfaction of the
18 qualifications set forth in this section and in the regulations
19 established by the department to participate does not mean that
20 an inmate will automatically be permitted to participate in the
21 program.

22 (f) Activities.--The eligible inmates who participate in the
23 program will reside outside of the State correctional facility
24 and participate in activities including building, constructing,
25 maintaining or repairing conservation facilities and trails.

26 (g) Expulsion from program.--

27 (1) An inmate's participation in the program may be
28 suspended or revoked for administrative or disciplinary
29 reasons.

30 (2) The department shall develop regulations consistent

1 with this subsection.

2 § 4005. Leaders and staff of program.

3 Each group of 500 shall be organized into four companies of
4 125 eligible inmates who are admitted into the program and shall
5 be led by a program leader and staff, who will be hired by the
6 department from qualified applicants. Each leader and all staff
7 members shall be required to do the following:

8 (1) Attend a training program designed by the
9 department. The training program shall be at minimum a four-
10 week intensive program.

11 (2) Conduct the program within the guidelines and
12 regulations established by the department and commission.

13 § 4006. Selection of participants.

14 (a) Primary candidates.--The primary eligible inmates for
15 the program shall be veteran inmates serving an individual or
16 aggregate minimum sentence of confinement in a State
17 correctional facility.

18 (b) Assessment.--Prior to being selected for the program, an
19 inmate must undergo an assessment performed by the department.

20 (c) Ineligibility.--In addition to any other conditions
21 imposed as part of the selection process, inmates may not:

22 (1) Be subject to the deadly weapon-used enhancement
23 under the sentencing guidelines.

24 (2) Have been convicted or adjudicated delinquent of a
25 crime requiring registration under 42 Pa.C.S. Ch.97
26 Subchapter H (relating to registration of sex offenders).

27 (3) Have a conviction within the past 10 years of any:
28 (i) 18 Pa.C.S. § 2502 (relating to murder).
29 (ii) 18 Pa.C.S. § 2503 (relating to voluntary
30 manslaughter).

1 (iii) 18 Pa.C.S. § 2506 (relating to drug delivery
2 resulting in death).

3 (iv) 18 Pa.C.S. § 2901(a) (relating to kidnapping).

4 (v) 18 Pa.C.S. § 3301(a)(1)(i) (relating to arson
5 and related offenses).

6 § 4007. Phase-in of program.

7 (a) First year.--By June 30, 2017, the department and
8 commission shall:

9 (1) Set guidelines and regulations on the program
10 established in this chapter.

11 (2) Create a training program for program leaders and
12 select at least one program leader who has been hired and has
13 completed all requirements set by the department and
14 commission.

15 (3) Create a training program for all staff members who
16 will be working on the program and have trained the first
17 group of staff members.

18 (4) Select a group of 500 eligible inmates who will
19 participate in the program in lieu of completing prison
20 sentences in a State correctional facility.

21 (5) Implement the program with the first group of 500
22 eligible inmates.

23 (b) Second year.--By June 30, 2018, the department shall:

24 (1) Have at least two program leaders on staff who are
25 fully trained and have completed all requirements set by the
26 department and commission.

27 (2) Have sufficient trained staff members to implement
28 the second group of the program.

29 (3) Select a second group of 500 eligible inmates to
30 participate in the program.

1 (4) Implement the program for the second group of 500
2 eligible inmates.

3 (c) Third year.--By June 30, 2019, the department shall:

4 (1) Have three program leaders on staff who are fully
5 trained and have completed all requirements set by the
6 department and commission.

7 (2) Select a third group of 500 eligible inmates to
8 participate in the program.

9 (3) Implement the program for the third group of 500
10 inmates.

11 § 4008. Completion of program.

12 Upon certification by the department of the inmate's
13 successful completion of the program, the Pennsylvania Board of
14 Probation and Parole shall immediately release the inmate on
15 parole, notwithstanding any minimum sentence imposed in the
16 case. The parolee will be subject to intensive supervision for a
17 period of time determined by the board, after which the parolee
18 will be subject to the usual parole supervision. For all other
19 purposes, the parole of the inmate shall be as provided by
20 Chapter 61 (relating to Pennsylvania Board of Probation and
21 Parole).

22 § 4009. Appeals.

23 Nothing in this chapter shall be construed to enlarge or
24 limit the right of an inmate to appeal the inmate's sentence.

25 § 4010. Evaluation.

26 The department and the commission shall monitor and evaluate
27 the program to ensure that the programmatic objectives are met.

28 § 4011. Appropriation.

29 Each year, the sum of \$6,000,000 shall be transferred to the
30 department from the General Fund for the purposes of carrying

1 out this chapter. In the first year, an additional sum of
2 \$4,000,000 shall be transferred to the department from the
3 General Fund for equipment, supplies and housing for the
4 purposes of carrying out this chapter.

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