

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 649 Session of
2003

INTRODUCED BY CAPPELLI, BAKER, BASTIAN, BELFANTI, DeWEESE,
FAIRCHILD, FEESE, GEIST, GODSHALL, HARPER, HORSEY, JAMES,
JOSEPHS, LEACH, MANDERINO, R. MILLER, PICKETT, SAINATO,
THOMAS, WASHINGTON, WILT AND YOUNGBLOOD, MARCH 4, 2003

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 4, 2003

AN ACT

1 Amending the act of July 16, 1968 (P.L.351, No.173), entitled,
2 as amended, "An act authorizing the establishment of prisoner
3 pre-release centers and release plans under the jurisdiction
4 of the Department of Justice and defining its powers and
5 duties," further providing for release plans.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 2 of the act of July 16, 1968 (P.L.351,
9 No.173), referred to as the Prisoner Pre-release Plan Law,
10 amended December 27, 1974 (P.L.933, No.325), is amended to read:

11 Section 2. Release Plan for Prison Inmates.--(a) The
12 Commissioner of Correction may transfer any person incarcerated
13 in any pre-release center or in any pre-release center located
14 in any State or Regional Penal or Correctional Institution under
15 the supervision of the Bureau of Correction who has not been
16 sentenced to death or life imprisonment, to any pre-release
17 center under the supervision of the Department of Justice[.]
18 provided, the pre-release center in which the person is

1 incarcerated immediately prior to his release from any State or
2 regional penal or correctional institution under the supervision
3 of the Bureau of Corrections is within fifty miles of the county
4 where the individual was most recently prosecuted.

5 (b) Any person transferred to and confined in a pre-release
6 center may be released therefrom temporarily with or without
7 direct supervision at the discretion of the Bureau of Correction
8 in accordance with rules and regulations as provided in section
9 3 of this act, for the purposes of gainful employment,
10 vocational or technical training, academic education and such
11 other lawful purposes as the bureau shall consider necessary and
12 appropriate for the furtherance of the inmate's individual pre-
13 release program subject to compliance with subsection (c) of
14 this section.

15 (c) A person who has not served his minimum sentence shall
16 not be transferred to a pre-release center unless (i) more than
17 twenty days have elapsed after written notice of the proposed
18 transfer, describing the person's individual pre-release
19 program, has been received by the sentencing judge or in the
20 event he is unavailable, the sentencing court and the
21 prosecuting district attorney's office and no written objection
22 by the judge containing the reason therefor has been received by
23 the bureau; or (ii) the judge withdraws his objection after
24 consultation with representatives of the bureau; or (iii)
25 approval of the proposed transfer is given by the Board of
26 Pardons.

27 In the event of a timely objection by the judge,
28 representatives of the bureau shall meet with the judge and
29 attempt to resolve the disagreement. If, within twenty days of
30 the bureau's receipt of the objection, the judge does not

1 withdraw his objection, or the bureau does not withdraw its
2 proposal for transfer, or the judge and the bureau do not agree
3 on an alternate proposal for transfer, the matter shall be
4 listed for hearing at the next session of the Board of Pardons
5 to be held in the hearing district in which the judge is
6 located. During the hearing before the Board of Pardons,
7 representatives of the judge, the bureau, the district attorney
8 of the county where the individual was prosecuted and any victim
9 involved shall have the opportunity to be heard.

10 A person who has served his minimum sentence may be released
11 by the Bureau of Correction only after notice to the judge that
12 the privilege is being granted.

13 Notice of the release of each person shall be given to the
14 State Police, the probation officer and the sheriff or chief of
15 police of the county, and the chief of police of the
16 municipality or township of the locality to which the individual
17 is assigned or of his authorized destination.

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