

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 100 Session of
2011

INTRODUCED BY GREENLEAF, TARTAGLIONE, ERICKSON, M. WHITE,
BRUBAKER, EARLL, FERLO, WOZNIAK, YUDICHAK, BROWNE, BLAKE AND
WASHINGTON, JANUARY 12, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 11, 2012

AN ACT

1 ~~Amending Titles 18 (Crimes and Offenses), 42 (Judiciary and~~ ←
2 ~~Judicial Procedure) and 61 (Prisons and Parole) of the~~
3 ~~Pennsylvania Consolidated Statutes, in burglary and other~~
4 ~~criminal intrusion, further providing for the offense of~~
5 ~~burglary; in Pennsylvania Commission on sentencing, further~~
6 ~~providing for powers and duties and for publication of~~
7 ~~guidelines; in sentences, further providing for sentences for~~
8 ~~second and subsequent offenses, for sentencing generally and~~
9 ~~for sentence of county intermediate punishment; providing for~~
10 ~~court imposed sanctions for offenders violating probation;~~
11 ~~further providing for county intermediate punishment~~
12 ~~programs; in visitation, further providing for general~~
13 ~~provisions; in inmate prerelease plans, providing for time~~
14 ~~eligibility for prerelease; in motivational boot camp,~~
15 ~~further providing for definitions and for selection of inmate~~
16 ~~participants; in State intermediate punishment, further~~
17 ~~providing for definitions and for referral to State~~
18 ~~intermediate punishment program; in recidivism risk reduction~~
19 ~~incentive, further providing for definitions; establishing~~
20 ~~the Safe Community Reentry Program; and providing for the~~
21 ~~powers and duties of the Pennsylvania Board of Probation and~~
22 ~~Parole and the Department of Corrections.~~

23 AMENDING TITLES 18 (CRIMES AND OFFENSES), 42 (JUDICIARY AND ←
24 JUDICIAL PROCEDURE) AND 61 (PRISONS AND PAROLE) OF THE
25 PENNSYLVANIA CONSOLIDATED STATUTES, IN BURGLARY AND OTHER
26 CRIMINAL INTRUSION, FURTHER PROVIDING FOR THE OFFENSE OF
27 BURGLARY; IN OTHER OFFENSES, FURTHER PROVIDING FOR DRUG
28 TRAFFICKING SENTENCING AND PENALTIES; IN PENNSYLVANIA
29 COMMISSION ON SENTENCING, FURTHER PROVIDING FOR POWERS AND
30 DUTIES AND FOR PUBLICATION OF GUIDELINES; IN SENTENCING,
31 FURTHER PROVIDING FOR SENTENCES FOR SECOND AND SUBSEQUENT

1 OFFENSES; IN SENTENCING, PROVIDING FOR SENTENCING FOR CERTAIN
2 PAROLED OFFENDERS; IN SENTENCING, FURTHER PROVIDING FOR
3 SENTENCING GENERALLY, FOR DISPOSITION UNDER GUILTY BUT
4 MENTALLY ILL, FOR PARTIAL CONFINEMENT, FOR TOTAL CONFINEMENT
5 AND FOR PROCEEDINGS AND LOCATION; IN SENTENCING, PROVIDING
6 FOR COURT-IMPOSED SANCTIONS FOR OFFENDERS VIOLATING
7 PROBATION; IN COUNTY INTERMEDIATE PUNISHMENT, FURTHER
8 PROVIDING FOR DEFINITIONS AND FOR PROGRAMS; IN CORRECTIONAL
9 INSTITUTIONS ADMINISTRATION, FURTHER PROVIDING FOR DRUG
10 DISTRIBUTION DEFINITIONS; IN INMATE CONFINEMENT VISITATION,
11 FURTHER PROVIDING FOR GUBERNATORIAL VISITORS, FOR OFFICIAL
12 VISITORS AND FOR RIGHTS OF OFFICIAL VISITORS; IN INMATE
13 CONFINEMENT PRERELEASE PLANS, FURTHER PROVIDING FOR
14 ESTABLISHMENT OF PRERELEASE CENTERS, FOR PRERELEASE PLAN FOR
15 INMATES, FOR REGULATIONS AND FOR COMPENSATION OF INMATES; IN
16 INMATE CONFINEMENT MOTIVATIONAL BOOT CAMPS, FURTHER PROVIDING
17 FOR DEFINITIONS AND FOR SELECTION OF INMATE PARTICIPANTS; IN
18 INMATE CONFINEMENT STATE INTERMEDIATE PUNISHMENT, FURTHER
19 PROVIDING FOR DEFINITIONS AND FOR REFERRAL TO STATE
20 INTERMEDIATE PUNISHMENT PROGRAM; IN INMATE CONFINEMENT
21 RECIDIVISM RISK REDUCTION INCENTIVE, FURTHER PROVIDING FOR
22 DEFINITIONS; IN INMATE CONFINEMENT COMMUNITY CORRECTIONS
23 FACILITIES, FURTHER PROVIDING FOR DEFINITIONS; IN INMATE
24 CONFINEMENT, PROVIDING FOR SAFE COMMUNITY REENTRY AND FOR
25 COMMUNITY CORRECTIONS CENTERS AND COMMUNITY CORRECTIONS
26 FACILITIES; IN PROBATION AND PAROLE ADMINISTRATION, FURTHER
27 PROVIDING FOR CERTAIN OFFENDERS RESIDING IN GROUP-BASED
28 HOMES, FOR ADMINISTRATIVE POWERS OVER PAROLEES, FOR GENERAL
29 COURT CRITERIA FOR PAROLE, FOR PAROLE POWER, FOR PAROLE
30 VIOLATION AND FOR PAROLE PROCEDURE; IN PROBATION AND PAROLE
31 ADMINISTRATION, PROVIDING FOR EARLY PAROLE SUBJECT TO FEDERAL
32 ORDER; MAKING A RELATED REPEAL; AND ABROGATING REGULATIONS.

33 The General Assembly of the Commonwealth of Pennsylvania
34 hereby enacts as follows:

35 ~~Section 1. Section 3502 of Title 18 of the Pennsylvania~~ ←
36 ~~Consolidated Statutes is amended to read:~~

37 SECTION 1. SECTIONS 3502 AND 7508(C) OF TITLE 18 OF THE ←
38 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

39 § 3502. Burglary.

40 [(a) Offense defined.--A person is guilty of burglary if he
41 enters a building or occupied structure, or separately secured
42 or occupied portion thereof, with intent to commit a crime
43 therein, unless the premises are at the time open to the public
44 or the actor is licensed or privileged to enter.

45 (b) Defense.--It is a defense to prosecution for burglary
46 that the building or structure was abandoned.]

1 (a) Offense defined.--A person commits the offense of
2 burglary if, with the intent to commit a crime therein, the
3 person:

4 (1) enters a building or occupied structure, or
5 separately secured or occupied portion thereof that is
6 adapted for overnight accommodations in which at the time of
7 the offense any person is present;

8 (2) enters a building or occupied structure, or
9 separately secured or occupied portion thereof that is
10 adapted for overnight accommodations in which at the time of
11 the offense no person is present;

12 (3) enters a building or occupied structure, or
13 separately secured or occupied portion thereof that is not
14 adapted for overnight accommodations in which at the time of
15 the offense any person is present; or

16 (4) enters a building or occupied structure, or
17 separately secured or occupied portion thereof that is not
18 adapted for overnight accommodations in which at the time of
19 the offense no person is present.

20 (b) Defense.--It is a defense to prosecution for burglary if
21 any of the following exists at the time of the commission of the
22 offense:

23 (1) The building or structure was abandoned.

24 (2) The premises are open to the public.

25 (3) The actor is licensed or privileged to enter.

26 (c) Grading.--

27 (1) Except as provided in paragraph (2), burglary is a
28 felony of the first degree.

29 (2) [If the building, structure or portion entered is
30 not adapted for overnight accommodation and if no individual

1 is present at the time of entry, burglary is a felony of the
2 second degree.] An offense under subsection (a)(4) is a
3 felony of the second degree.

4 (d) Multiple convictions.--A person may not be [convicted]
5 sentenced both for burglary and for the offense which it was his
6 intent to commit after the burglarious entry or for an attempt
7 to commit that offense, unless the additional offense
8 constitutes a felony of the first or second degree.

9 § 7508. DRUG TRAFFICKING SENTENCING AND PENALTIES. ←

10 * * *

11 (C) MANDATORY SENTENCING.--THERE SHALL BE NO AUTHORITY IN
12 ANY COURT TO IMPOSE ON AN OFFENDER TO WHICH THIS SECTION IS
13 APPLICABLE A LESSER SENTENCE THAN PROVIDED FOR HEREIN OR TO
14 PLACE THE OFFENDER ON PROBATION, PAROLE[,] OR WORK RELEASE [OR
15 PRERELEASE] OR TO SUSPEND SENTENCE. NOTHING IN THIS SECTION
16 SHALL PREVENT THE SENTENCING COURT FROM IMPOSING A SENTENCE
17 GREATER THAN PROVIDED HEREIN. SENTENCING GUIDELINES PROMULGATED
18 BY THE PENNSYLVANIA COMMISSION ON SENTENCING SHALL NOT SUPERSEDE
19 THE MANDATORY SENTENCES PROVIDED HEREIN. DISPOSITION UNDER
20 SECTION 17 OR 18 OF THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND
21 COSMETIC ACT SHALL NOT BE AVAILABLE TO A DEFENDANT TO WHICH THIS
22 SECTION APPLIES.

23 * * *

24 Section 1.1. Sections 2153(a)(14) and (15) and 2155 of Title
25 42 are amended to read:

26 § 2153. Powers and duties.

27 (a) General rule.--The commission, pursuant to rules and
28 regulations, shall have the power to:

29 * * *

30 (14) Establish a program to systematically monitor

1 compliance with the guidelines, with the risk assessment
2 instrument, with recommitment ranges and with mandatory
3 sentencing laws to document eligibility for and releases
4 pursuant to a county reentry plan, to document eligibility
5 for and imposition of recidivism risk reduction incentive
6 minimum sentences and to document all parole and reparole
7 decisions by the board and any other paroling authority by:

8 (i) Promulgating forms which document the
9 application of sentencing, resentencing and parole
10 guidelines, mandatory sentencing laws, risk assessment
11 instrument, releases pursuant to a county reentry plan,
12 recommitment ranges and recidivism risk reduction
13 incentive minimum sentences and collecting information on
14 all parole and reparole decisions by the board and any
15 other paroling authority.

16 (ii) Requiring the timely completion and electronic
17 submission of such forms to the commission.

18 (15) Prior to adoption of changes to guidelines for
19 sentencing, resentencing and parole, risk assessment
20 instrument and recommitment ranges following revocation, use
21 a correctional population simulation model to determine:

22 (i) Resources that are required under current
23 guidelines, risk assessment instrument and ranges.

24 (ii) Resources that would be required to carry out
25 any proposed changes to the guidelines, risk assessment
26 instrument and ranges.

27 * * *

28 § 2155. Publication of guidelines for sentencing, resentencing
29 and parole, risk assessment instrument and
30 recommitment ranges following revocation.

1 (a) General rule.--The commission shall:

2 (1) Prior to adoption, publish in the Pennsylvania
3 Bulletin all proposed sentencing guidelines, resentencing
4 guidelines following revocation of probation, county
5 intermediate punishment and State intermediate punishment,
6 parole guidelines, risk assessment instrument and
7 recommitment ranges following revocationz by the board of ←
8 paroles granted, and hold public hearings not earlier than 30
9 days and not later than 60 days thereafter to afford an
10 opportunity for the following persons and organizations to
11 testify:

12 (i) Pennsylvania District Attorneys Association.

13 (ii) Chiefs of Police Associations.

14 (iii) Fraternal Order of Police.

15 (iv) Public Defenders Organization.

16 (v) Law school faculty members.

17 (vi) State Board of Probation and Parole.

18 (vii) Department of Corrections.

19 (viii) Pennsylvania Bar Association.

20 (ix) Pennsylvania Wardens Association.

21 (x) Pennsylvania Association on Probation, Parole
22 and Corrections.

23 (xi) Pennsylvania Conference of State Trial Judges.

24 (xii) Any other interested person or organization.

25 (2) Publish in the Pennsylvania Bulletin sentencing
26 guidelines, resentencing guidelines following revocation of
27 probation, county intermediate punishment and State
28 intermediate punishment, parole guidelines, risk assessment
29 instrument and recommitment ranges following revocation by
30 the board of paroles granted as adopted by the commission.

1 (b) Rejection by General Assembly.--Subject to gubernatorial
2 review pursuant to section 9 of Article III of the Constitution
3 of Pennsylvania, the General Assembly may by concurrent
4 resolution reject in their entirety any guidelines, risk
5 assessment instrument or recommitment ranges adopted by the
6 commission within 90 days of their publication in the
7 Pennsylvania Bulletin pursuant to subsection (a)(2).

8 (c) Effective date.--

9 (1) Sentencing guidelines, resentencing guidelines
10 following revocation of probation, county intermediate
11 punishment and State intermediate punishment, parole
12 guidelines, risk assessment instrument and recommitment
13 ranges following revocation by the board of paroles granted,
14 adopted by the commission shall become effective 90 days
15 after publication in the Pennsylvania Bulletin pursuant to
16 subsection (a)(2) unless disapproved pursuant to subsection
17 (b) and shall apply to sentences and resentences and parole
18 decisions made after the effective date of the guidelines.

19 (2) If not disapproved, the [commissioners] commission
20 shall conduct training and orientation for trial court judges
21 and board members prior to the effective date of the
22 guidelines, risk assessment instrument and recommitment
23 ranges.

24 Section 1.2. Section 9714(g) of Title 42, amended July 7,
25 2011 (P.L.220, No.40), is amended to read:

26 § 9714. Sentences for second and subsequent offenses.

27 * * *

28 (g) Definition.--As used in this section, the term "crime of
29 violence" means murder of the third degree, voluntary
30 manslaughter, manslaughter of a law enforcement officer as

1 defined in 18 Pa.C.S. § 2507(c) or (d) (relating to criminal
2 homicide of law enforcement officer), murder of the third degree
3 involving an unborn child as defined in 18 Pa.C.S. § 2604(c)
4 (relating to murder of unborn child), aggravated assault of an
5 unborn child as defined in 18 Pa.C.S. § 2606 (relating to
6 aggravated assault of unborn child), aggravated assault as
7 defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to
8 aggravated assault), assault of law enforcement officer as
9 defined in 18 Pa.C.S. § 2702.1 (relating to assault of law
10 enforcement officer), use of weapons of mass destruction as
11 defined in 18 Pa.C.S. § 2716(b) (relating to weapons of mass
12 destruction), terrorism as defined in 18 Pa.C.S. § 2717(b)(2)
13 (relating to terrorism), trafficking of persons when the offense
14 is graded as a felony of the first degree as provided in 18
15 Pa.C.S. § 3002 (relating to trafficking of persons), rape,
16 involuntary deviate sexual intercourse, aggravated indecent
17 assault, incest, sexual assault, arson as defined in 18 Pa.C.S.
18 § 3301(a) (relating to arson and related offenses), ecoterrorism
19 as defined in 18 Pa.C.S. § 3311(b)(2) (relating to
20 ecoterrorism), kidnapping, burglary [of a structure adapted for
21 overnight accommodation in which at the time of the offense any
22 person is present] as defined in 18 Pa.C.S. § 3502(a)(1)
23 (relating to burglary), robbery as defined in 18 Pa.C.S. §
24 3701(a)(1)(i), (ii) or (iii) (relating to robbery), or robbery
25 of a motor vehicle, drug delivery resulting in death as defined
26 in 18 Pa.C.S. § 2506(a) (relating to drug delivery resulting in
27 death), or criminal attempt, criminal conspiracy or criminal
28 solicitation to commit murder or any of the offenses listed
29 above, or an equivalent crime under the laws of this
30 Commonwealth in effect at the time of the commission of that

1 offense or an equivalent crime in another jurisdiction.

2 SECTION 1.3. TITLE 42 IS AMENDED BY ADDING A SECTION TO
3 READ: ←

4 § 9720.3. SENTENCING FOR CERTAIN PAROLED OFFENDERS.

5 A PERSON UNLAWFULLY PRESENT IN THE UNITED STATES WHO IS
6 CONVICTED IN A COURT OF THIS COMMONWEALTH OF AN OFFENSE
7 COMMITTED SUBSEQUENT TO BEING PAROLED UNDER 61 PA.C.S. § 6143
8 (RELATING TO EARLY PAROLE OF INMATES SUBJECT TO FEDERAL REMOVAL
9 ORDER) MAY BE IMPRISONED FOR A TERM UP TO TWICE THE TERM OF
10 SENTENCE OTHERWISE AUTHORIZED, FINED AN AMOUNT EQUAL TO TWICE
11 THE FINE OTHERWISE AUTHORIZED, OR BOTH.

12 Section 1.3. ~~Section 9721(a.1)~~ 2. SECTIONS 9721(A.1), ←
13 9727(D), 9755(G) AND 9756(D) of Title 42 ~~is~~ ARE amended to read: ←
14 § 9721. Sentencing generally.

15 * * *

16 (a.1) Exception.--

17 (1) Unless specifically authorized under section 9763
18 (relating to a sentence of county intermediate punishment) or
19 [Chapter 99] 61 PA.C.S. CH. 41 (relating to State ←
20 intermediate punishment), subsection (a) shall not apply
21 where a mandatory minimum sentence is otherwise provided by
22 law.

23 (2) An eligible offender may be sentenced to State
24 intermediate punishment pursuant to subsection (a)(7) and as
25 described in [Chapter 99] 61 PA.C.S. CH. 41 or to State ←
26 motivational boot camp as described in 61 Pa.C.S. Ch. 39
27 (relating to motivational boot camp), even if a mandatory
28 minimum sentence would otherwise be provided by law.

29 (3) An eligible offender may be sentenced to total
30 confinement pursuant to subsection (a)(4) and a recidivism

1 risk reduction incentive minimum sentence pursuant to section
2 9756(b.1) (relating to sentence of total confinement), even
3 if a mandatory minimum sentence would otherwise be provided
4 by law.

5 * * *

6 ~~Section 2. Section 9763(c) heading of Title 42 is amended~~ ←
7 ~~and the section is amended by adding a subsection to read:~~
8 ~~§ 9763. Sentence of county intermediate punishment.~~

9 * * *

10 ~~(c) Restriction for certain Vehicle Code violations.~~

11 * * *

12 ~~(c.1) Restriction for drug trafficking.~~

13 ~~(1) Any person receiving a penalty imposed pursuant to~~
14 ~~18 Pa.C.S. § 7508 (relating to drug trafficking sentencing~~
15 ~~and penalties) where the sentence is imposed pursuant to 18~~
16 ~~Pa.C.S. § 7508(a) (1) (i), (2) (i), (3) (i), (4) (i) or (7) (i) may~~
17 ~~only be sentenced to county intermediate punishment after~~
18 ~~undergoing a diagnostic assessment of dependency on alcohol~~
19 ~~or other drugs.~~

20 ~~(2) If the defendant is determined to be in need of drug~~
21 ~~and alcohol treatment, the defendant may only be sentenced to~~
22 ~~county intermediate punishment which includes participation~~
23 ~~in clinically prescribed drug and alcohol treatment combined~~
24 ~~with one or more of the following programs:~~

25 ~~(i) a residential inpatient program or a residential~~
26 ~~rehabilitative center;~~

27 ~~(ii) house arrest with electronic surveillance; or~~

28 ~~(iii) a partial confinement program, including, but~~
29 ~~not limited to, work release, work camp and halfway~~
30 ~~facility.~~

1 ~~(3) If the defendant is determined not to be in need of~~
2 ~~drug and alcohol treatment, the defendant may only be~~
3 ~~sentenced to county intermediate punishment in:~~

4 ~~(i) house arrest with electronic surveillance;~~

5 ~~(ii) a partial confinement program, including, but~~
6 ~~not limited to, work release, work camp and halfway~~
7 ~~facility; or~~

8 ~~(iii) any combination of the programs specified in~~
9 ~~this paragraph.~~

10 ~~(4) Each day of participation in a restrictive~~
11 ~~intermediate punishment program or combination of programs~~
12 ~~shall be considered the equivalent of and satisfy one day of~~
13 ~~total confinement required pursuant to 18 Pa.C.S. § 7508~~
14 ~~where the sentence is imposed pursuant to 18 Pa.C.S. §~~
15 ~~7508(a)(1)(i), (2)(i), (3)(i), (4)(i) or (7)(i).~~

16 * * *

17 § 9727. DISPOSITION OF PERSONS FOUND GUILTY BUT MENTALLY ILL. ←

18 * * *

19 (D) [PRERELEASE AND PAROLE] PAROLE CONDITIONS.--AN OFFENDER
20 WHO IS DISCHARGED FROM TREATMENT MAY BE PLACED ON [PRERELEASE
21 OR] PAROLE STATUS UNDER THE SAME TERMS AND LAWS APPLICABLE TO
22 ANY OTHER OFFENDER. PSYCHOLOGICAL AND PSYCHIATRIC COUNSELING AND
23 TREATMENT MAY BE REQUIRED AS A CONDITION OF SUCH STATUS. FAILURE
24 TO CONTINUE TREATMENT, EXCEPT BY AGREEMENT OF THE SUPERVISING
25 AUTHORITY, SHALL BE A BASIS FOR [TERMINATING PRERELEASE STATUS
26 OR] INSTITUTING PAROLE VIOLATION HEARINGS.

27 * * *

28 § 9755. SENTENCE OF PARTIAL CONFINEMENT.

29 * * *

30 (G) PRISONER RELEASE PLANS.--THIS SECTION SHALL NOT BE

1 INTERPRETED AS LIMITING [THE AUTHORITY OF THE BUREAU OF
2 CORRECTION AS SET FORTH IN THE ACT OF JULY 16, 1968 (P.L.351,
3 NO.173), AS AMENDED, RELATING TO PRISONER PRE-RELEASE CENTERS
4 AND RELEASE PLANS, OR] THE AUTHORITY OF THE COURT AS SET FORTH
5 IN [THE ACT OF AUGUST 13, 1963 (P.L.774, NO.390), AS AMENDED,
6 RELATING TO PRISONER RELEASE FOR OCCUPATIONAL AND OTHER
7 PURPOSES] SECTION 9755.1 (RELATING TO TEMPORARY RELEASE FROM
8 COUNTY CORRECTIONAL INSTITUTION).

9 * * *

10 § 9756. SENTENCE OF TOTAL CONFINEMENT.

11 * * *

12 (D) PRISONER RELEASE PLANS.--THIS SECTION SHALL NOT BE
13 INTERPRETED AS LIMITING [THE AUTHORITY OF THE BUREAU OF
14 CORRECTION AS SET FORTH IN THE ACT OF JULY 16, 1968 (P.L.351,
15 NO.173), AS AMENDED, RELATING TO PRISONER PRE-RELEASE CENTERS
16 AND RELEASE PLANS, OR] THE AUTHORITY OF THE COURT AS SET FORTH
17 IN [THE ACT OF AUGUST 13, 1963 (P.L.774, NO.390), AS AMENDED,
18 RELATING TO PRISONER RELEASE FOR OCCUPATIONAL AND OTHER
19 PURPOSES] SECTION 9755.1 (RELATING TO TEMPORARY RELEASE FROM
20 COUNTY CORRECTIONAL INSTITUTION).

21 * * *

22 SECTION 3. SECTION 9762 OF TITLE 42 IS AMENDED BY ADDING A ←
23 ~~SUBSECTION~~ SUBSECTIONS TO READ: ←

24 § 9762. SENTENCING PROCEEDING; PLACE OF CONFINEMENT.

25 * * *

26 (I) PROHIBITION.--NOTWITHSTANDING ANY OTHER PROVISION OF
27 LAW, NO PERSON SENTENCED TO TOTAL OR PARTIAL CONFINEMENT AFTER
28 THE EFFECTIVE DATE OF THIS SUBSECTION SHALL BE COMMITTED TO THE
29 DEPARTMENT OF CORRECTIONS UNLESS:

30 (1) THE PERSON IS SERVING A SENTENCE WHICH INCLUDES A ←

~~SENTENCE FOR AN OFFENSE GRADED AS A MISDEMEANOR OF THE SECOND DEGREE OR HIGHER; OR~~

(1) THE AGGREGATE SENTENCE CONSISTS OF A CONVICTION FOR AN OFFENSE GRADED AS A MISDEMEANOR OF THE SECOND DEGREE OR HIGHER; OR

(2) THE SECRETARY OF CORRECTIONS OR THE SECRETARY'S DESIGNEE HAS CONSENTED TO THE COMMITMENT.

(J) APPLICABILITY.--18 PA.C.S. § 106(B)(8) AND (9) (RELATING TO CLASSES OF OFFENSES) APPLIES TO SUBSECTION (I).

Section ~~3~~ 3.1. Title 42 is amended by adding a section to read:

§ 9771.1. Court-imposed sanctions for offenders violating probation.

(a) Program.--Notwithstanding the provisions of section 9771 (relating to modification or revocation of order of probation), the court of common pleas of a judicial district may establish a program to impose swift, predictable and immediate sanctions on offenders who violate their probation.

(b) Coordination with other officials.--The court shall work with probation administrators and officers, jail administrators, prosecutors, public defenders and law enforcement in the judicial district to develop and implement the program.

(c) Eligibility.--

(1) The court shall determine which offenders are eligible for and admitted into the program. The program shall focus on, but not be limited to, offenders who have committed drug-related crimes.

(2) An offender shall be ineligible for the program if the offender ~~was~~ HAS BEEN convicted OR ADJUDICATED DELINQUENT of a crime of violence as defined in section 9714 (relating

1 to sentences for second and subsequent offenses) or of a
2 crime requiring registration under ~~section 9795.1~~ SUBCHAPTER ←
3 H (relating to registration OF SEXUAL OFFENDERS). ←

4 (d) Warning hearing.--

5 (1) ~~The~~ AT THE TIME OF SENTENCING, THE court shall hold ←
6 a warning hearing for each participant in the program to
7 clearly communicate program expectations and consequences and
8 to encourage the participant's compliance and success.

9 (2) The court shall emphasize the expectations that the
10 participant remain drug-free and comply with any treatment or
11 services ordered by the court as a condition of the
12 participant's probation.

13 (3) The court shall put the participant on notice that
14 each probation violation, including missed appointments and
15 positive drug tests, will result in jail time as provided for
16 under subsection (g).

17 (e) Drug testing.--The program shall require, when
18 applicable, randomized drug testing.

19 (f) Violation hearing.--If a participant commits a probation
20 violation, the participant shall promptly be arrested and a
21 hearing shall be held no later than two business days after the
22 arrest date.

23 (g) Sanctions.--

24 (1) The court shall impose a term of imprisonment of up
25 to:

26 (i) three days for a first violation;

27 (ii) seven days for a second violation;

28 (iii) fourteen days for a third violation; and

29 (iv) twenty-one days for a fourth or subsequent
30 violation of probation.

1 (2) The court may allow the term of imprisonment to be
2 served on weekends or other nonwork days for employed
3 probationers who have committed a first or second violation.

4 (3) The court may increase the conditions of probation,
5 including additional substance abuse treatment for a
6 participant who has failed one or more drug tests.

7 (h) Exceptions.--If the participant is able to provide a
8 compelling reason for the probation violation, the court may
9 grant an exception to the sanctions authorized under subsection
10 (g).

11 (i) Revocation of probation.--

12 (1) After a third violation, the court may revoke the
13 order of probation.

14 (2) Upon revocation, the sentencing alternatives shall
15 be the same as were available at the time of initial
16 sentencing, due consideration being given to the time spent
17 -serving the order of probation.

18 (j) Local rules.--

19 (1) The court may adopt local rules for the
20 administration of this program. Except as provided for under
21 paragraph (2), the local rules may not be inconsistent with
22 this section or any rules adopted by the Supreme Court.

23 (2) The court may adopt local rules that are
24 inconsistent with subsection (g) regarding the terms of
25 imprisonment or other sanctions or conditions provided for
26 under subsection (g).

27 SECTION 3.2. THE DEFINITION OF "ELIGIBLE OFFENDER" IN
28 SECTION 9802 OF TITLE 42 IS AMENDED TO READ:
29 § 9802. DEFINITIONS.

30 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER



1 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
2 CONTEXT CLEARLY INDICATES OTHERWISE:

3 * * *

4 "ELIGIBLE OFFENDER." SUBJECT TO SECTION 9721(A.1) (RELATING
5 TO SENTENCING GENERALLY), A PERSON CONVICTED OF AN OFFENSE WHO
6 WOULD OTHERWISE BE SENTENCED TO A COUNTY CORRECTIONAL FACILITY,
7 WHO DOES NOT DEMONSTRATE A PRESENT OR PAST PATTERN OF VIOLENT
8 BEHAVIOR AND WHO WOULD OTHERWISE BE SENTENCED TO PARTIAL
9 CONFINEMENT PURSUANT TO SECTION 9724 (RELATING TO PARTIAL
10 CONFINEMENT) OR TOTAL CONFINEMENT PURSUANT TO SECTION 9725
11 (RELATING TO TOTAL CONFINEMENT). THE TERM DOES NOT INCLUDE AN
12 OFFENDER WHO HAS BEEN CONVICTED OR ADJUDICATED DELINQUENT OF A
13 CRIME REQUIRING REGISTRATION UNDER 42 PA.C.S. CH. 97 SUBCH. H
14 (RELATING TO REGISTRATION OF SEXUAL OFFENDERS) OR AN OFFENDER
15 WITH A CURRENT CONVICTION OR A PRIOR CONVICTION WITHIN THE PAST
16 TEN YEARS FOR ANY OF THE FOLLOWING OFFENSES:

17 18 PA.C.S. § 2502 (RELATING TO MURDER).

18 18 PA.C.S. § 2503 (RELATING TO VOLUNTARY MANSLAUGHTER).

19 18 PA.C.S. § 2702 (RELATING TO AGGRAVATED ASSAULT).

20 18 PA.C.S. § 2703 (RELATING TO ASSAULT BY PRISONER).

21 18 PA.C.S. § 2704 (RELATING TO ASSAULT BY LIFE PRISONER).

22 18 PA.C.S. § 2901(A) (RELATING TO KIDNAPPING).

23 [18 PA.C.S. § 3121 (RELATING TO RAPE).]

24 18 PA.C.S. § 3122.1(A)(1) (RELATING TO STATUTORY SEXUAL
25 ASSAULT).

26 [18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY DEVIATE
27 SEXUAL INTERCOURSE).

28 18 PA.C.S. § 3124.1 (RELATING TO SEXUAL ASSAULT).

29 18 PA.C.S. § 3125 (RELATING TO AGGRAVATED INDECENT
30 ASSAULT).

1 18 PA.C.S. § 3126 (RELATING TO INDECENT ASSAULT).]

2 18 PA.C.S. § 3301 (RELATING TO ARSON AND RELATED
3 OFFENSES).

4 18 PA.C.S. § 3502 (RELATING TO BURGLARY) WHEN GRADED AS A
5 FELONY OF THE FIRST DEGREE.

6 18 PA.C.S. § 3701 (RELATING TO ROBBERY).

7 18 PA.C.S. § 3923 (RELATING TO THEFT BY EXTORTION).

8 18 PA.C.S. § 4302(A) (RELATING TO INCEST).

9 18 PA.C.S. § 5121 (RELATING TO ESCAPE).

10 * * *

11 Section 4. Section 9804(b)(1) of Title 42 is amended ~~and the~~ ←
12 ~~subsection is amended by adding a paragraph~~ to read:

13 § 9804. County intermediate punishment programs.

14 * * *

15 (b) Eligibility.--

16 (1) (i) No person other than the eligible offender
17 shall be sentenced to a county intermediate punishment
18 program.

19 (ii) The prosecuting attorney, in the prosecuting
20 attorney's sole discretion, may advise the court that the
21 Commonwealth has elected to waive the eligibility
22 requirements of this chapter if the victim has been given
23 notice of the prosecuting attorney's intent to waive the
24 eligibility requirements and an opportunity to be heard
25 on the issue.

26 (iii) The court, after considering victim input, may
27 refuse to accept the prosecuting attorney's waiver of the
28 eligibility requirements.

29 * * *

30 ~~(6) (i) Any person receiving a penalty imposed pursuant~~ ←

1 ~~to 18 Pa.C.S. § 7508 (relating to drug trafficking~~
2 ~~sentencing and penalties) where the sentence is imposed~~
3 ~~pursuant to 18 Pa.C.S. § 7508(a)(1)(i), (2)(i), (3)(i),~~
4 ~~(4)(i) or (7)(i) may only be sentenced to county~~
5 ~~intermediate punishment after undergoing a diagnostic~~
6 ~~assessment of dependency on alcohol or other drugs.~~

7 ~~(ii) If the defendant is determined to be in need of~~
8 ~~drug and alcohol treatment, the defendant may only be~~
9 ~~sentenced to county intermediate punishment which~~
10 ~~includes participation in clinically prescribed drug and~~
11 ~~alcohol treatment combined with one or more of the~~
12 ~~following programs:~~

13 ~~(A) a residential inpatient program or a~~
14 ~~residential rehabilitative center;~~

15 ~~(B) house arrest with electronic surveillance;~~

16 ~~or~~

17 ~~(C) a partial confinement program, including,~~
18 ~~but not limited to, work release, work camp and~~
19 ~~halfway facility.~~

20 ~~(iii) If the defendant is determined not to be in~~
21 ~~need of drug and alcohol treatment, the defendant may~~
22 ~~only be sentenced to county intermediate punishment in:~~

23 ~~(A) house arrest with electronic surveillance;~~

24 ~~(B) a partial confinement program, including,~~
25 ~~but not limited to, work release, work camp and~~
26 ~~halfway facility; or~~

27 ~~(C) any combination of the programs specified in~~
28 ~~this paragraph.~~

29 ~~(iv) Each day of participation in a restrictive~~
30 ~~intermediate punishment program or combination of~~

~~programs shall be considered the equivalent of and
satisfy one day of total confinement required pursuant to
18 Pa.C.S. § 7508 where the sentence is imposed pursuant
to 18 Pa.C.S. § 7508(a)(1)(i), (2)(i), (3)(i), (4)(i) or
(7)(i).~~

SECTION 5. THE DEFINITION OF "CORRECTIONAL FACILITY" IN
SECTION 1172 OF TITLE 61 IS AMENDED TO READ:

§ 1172. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
CONTEXT CLEARLY INDICATES OTHERWISE:

"CORRECTIONAL FACILITY." A CORRECTIONAL INSTITUTION, GROUP
HOME, [PRERELEASE CENTER,] COMMUNITY CORRECTIONS CENTER, PAROLE
CENTER OR ANY FACILITY THAT HOUSES A PERSON CONVICTED OF A
CRIMINAL OFFENSE, OR AWAITING TRIAL, SENTENCING OR EXTRADITION
IN A CRIMINAL PROCEEDING. THE TERM DOES NOT INCLUDE ANY FACILITY
OR INSTITUTION OPERATED, SUPERVISED OR LICENSED UNDER THE ACT OF
JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE CODE.

* * *

Section ~~5~~ 5.1. Subchapter A heading of Chapter 35 of Title
61 is amended to read:

SUBCHAPTER A

[GENERAL PROVISIONS]

(Reserved)

Section 6. Sections 3501, 3502 ~~and~~, 3503, 3701, 3702, 3703
AND 3704 of Title 61 are amended to read:

§ 3501. [Gubernatorial visitor for philanthropic purposes.

The Governor may appoint a person to visit, for philanthropic
purposes, correctional institutions. No expense shall be
incurred to the Commonwealth for the implementation of this

1 section.] (Reserved).

2 § 3502. [Official visitors.

3 (a) General rule.--Subject to the provisions of subsection
4 (b), the active or visiting committee of any society
5 incorporated for the purpose of visiting and instructing inmates
6 are hereby made official visitors of any correctional
7 institution, with the same powers, privileges and functions as
8 are vested in the official visitors of correctional institutions
9 as now prescribed by law.

10 (b) Notice required.--No active or visiting committee as
11 identified in subsection (a) may visit a correctional
12 institution under this section unless notice of the names of the
13 members of the committee and the terms of their appointment are
14 given by the society, in writing, under its corporate seal, to
15 the chief administrator of the correctional institution.]

16 (Reserved).

17 § 3503. [Rights of official visitors.

18 (a) Visiting hours.--A person designated by law to be an
19 official visitor of a correctional institution may enter and
20 visit any correctional institution on any and every day,
21 including Sundays, between the hours of 9 a.m. and 5 p.m. and at
22 such other times with the special permission of the chief
23 administrator.

24 (b) Confirmation of role.--All powers, functions and
25 privileges granted to official visitors of correctional
26 institutions under prior law are hereby confirmed. No official
27 visitor shall have the right or power to give or deliver to an
28 inmate during such visit any chattel or object whatsoever,
29 except objects and articles of religious or moral instruction or
30 use.

1 (c) Effect of violation.--

2 (1) If an official visitor violates any provision of
3 this section, a chief administrator may apply to the court of
4 common pleas in the county wherein the correctional
5 institution is situated for a rule upon the official visitor
6 to show cause why he should not be deprived of his office.

7 (2) Upon proof to the satisfaction of the court, the
8 court shall enter a decree against the official visitor
9 depriving him of all rights, privileges and functions of an
10 official visitor.] (Reserved).

11 ~~Section 7. Title 61 is amended by adding a section to read:~~ ←
12 ~~§ 3705. Time eligibility for prerelease.~~

13 ~~(a) General rule. To be time eligible for placement in a~~
14 ~~prerelease center, an inmate must:~~

15 ~~(1) have completed at least one half of the inmate's~~
16 ~~minimum sentence;~~

17 ~~(2) be within one year of completing the inmate's~~
18 ~~minimum sentence;~~

19 ~~(3) have no outstanding detainers; and~~

20 ~~(4) have continuously served for a total of at least~~
21 ~~nine months in a county jail or in a State correctional~~
22 ~~institution for that sentence.~~

23 ~~(b) Exception. Notwithstanding the provisions of subsection~~
24 ~~(a), no inmate shall be eligible for placement in a prerelease~~
25 ~~center prior to the completion of the inmate's minimum sentence~~
26 ~~if the inmate is serving a term of imprisonment for:~~

27 ~~(1) a crime of violence as defined in 42 Pa.C.S. §9714~~
28 ~~(relating to sentences for second and subsequent offenses);~~

29 ~~or~~

30 ~~(2) a crime requiring registration under 42 Pa.C.S.~~

1 ~~§9795.1 (relating to registration).~~

2 [§ 3701. ESTABLISHMENT OF PRERELEASE CENTERS. ←

3 THE DEPARTMENT SHALL ESTABLISH, WITH THE APPROVAL OF THE
4 GOVERNOR, PRISONER PRERELEASE CENTERS AT SUCH LOCATIONS
5 THROUGHOUT THIS COMMONWEALTH AS IT DEEMS NECESSARY TO CARRY OUT
6 EFFECTIVE PRISONER PRERELEASE PROGRAMS.

7 § 3702. PRERELEASE PLAN FOR INMATES.

8 (A) TRANSFER AUTHORIZATION.--

9 (1) THE SECRETARY MAY TRANSFER AN INMATE INCARCERATED IN
10 ANY PRERELEASE CENTER OR IN ANY PRERELEASE CENTER LOCATED IN
11 ANY STATE CORRECTIONAL INSTITUTION WHO HAS NOT BEEN SENTENCED
12 TO DEATH OR LIFE IMPRISONMENT TO ANY PRERELEASE CENTER.

13 (2) THE TRANSFER OF THE INMATE TO THE PRERELEASE CENTER
14 SHALL NOT OCCUR WHERE THE TRANSFER IS NOT APPROPRIATE DUE TO
15 A CERTIFIED TERMINAL ILLNESS.

16 (B) TEMPORARY RELEASE.--AN INMATE TRANSFERRED TO AND
17 CONFINED IN A PRERELEASE CENTER MAY BE RELEASED TEMPORARILY WITH
18 OR WITHOUT DIRECT SUPERVISION AT THE DISCRETION OF THE
19 DEPARTMENT, IN ACCORDANCE WITH RULES AND REGULATIONS AS PROVIDED
20 IN SECTION 3703 (RELATING TO RULES AND REGULATIONS), FOR THE
21 PURPOSES OF GAINFUL EMPLOYMENT, VOCATIONAL OR TECHNICAL
22 TRAINING, ACADEMIC EDUCATION AND SUCH OTHER LAWFUL PURPOSES AS
23 THE DEPARTMENT SHALL CONSIDER NECESSARY AND APPROPRIATE FOR THE
24 FURTHERANCE OF THE INMATE'S INDIVIDUAL PRERELEASE PROGRAM
25 SUBJECT TO COMPLIANCE WITH SUBSECTION (C).

26 (C) CONDITIONS FOR RELEASE OF CERTAIN INMATES.--

27 (1) AN INMATE WHO HAS NOT SERVED HIS MINIMUM SENTENCE
28 MAY NOT BE TRANSFERRED TO A PRERELEASE CENTER UNLESS:

29 (I) MORE THAN 20 DAYS HAVE ELAPSED AFTER WRITTEN
30 NOTICE OF THE PROPOSED TRANSFER, DESCRIBING THE INMATE'S

1 INDIVIDUAL PRERELEASE PROGRAM, HAS BEEN RECEIVED BY THE
2 SENTENCING JUDGE OR, IN THE EVENT THE SENTENCING JUDGE IS
3 UNAVAILABLE, THE SENTENCING COURT AND THE PROSECUTING
4 DISTRICT ATTORNEY'S OFFICE AND NO WRITTEN OBJECTION BY
5 THE JUDGE CONTAINING THE REASON THEREFOR HAS BEEN
6 RECEIVED BY THE DEPARTMENT;

7 (II) THE JUDGE WITHDRAWS HIS OBJECTION AFTER
8 CONSULTATION WITH REPRESENTATIVES OF THE DEPARTMENT; OR

9 (III) APPROVAL OF THE PROPOSED TRANSFER IS GIVEN BY
10 THE BOARD OF PARDONS.

11 (2) IN THE EVENT OF A TIMELY OBJECTION BY THE JUDGE,
12 REPRESENTATIVES OF THE DEPARTMENT SHALL MEET WITH THE JUDGE
13 AND ATTEMPT TO RESOLVE THE DISAGREEMENT.

14 (3) IF, WITHIN 20 DAYS OF THE DEPARTMENT'S RECEIPT OF
15 THE OBJECTION:

16 (I) THE JUDGE DOES NOT WITHDRAW HIS OBJECTION;

17 (II) THE DEPARTMENT DOES NOT WITHDRAW ITS PROPOSAL
18 FOR TRANSFER; OR

19 (III) THE JUDGE AND THE DEPARTMENT DO NOT AGREE ON
20 AN ALTERNATE PROPOSAL FOR TRANSFER, THE MATTER SHALL BE
21 LISTED FOR HEARING AT THE NEXT SESSION OF THE BOARD OF
22 PARDONS TO BE HELD IN THE HEARING DISTRICT IN WHICH THE
23 JUDGE IS LOCATED.

24 (4) DURING THE HEARING BEFORE THE BOARD OF PARDONS,
25 REPRESENTATIVES OF THE JUDGE, THE DEPARTMENT, THE DISTRICT
26 ATTORNEY OF THE COUNTY WHERE THE INMATE WAS PROSECUTED AND
27 ANY VICTIM INVOLVED SHALL HAVE THE OPPORTUNITY TO BE HEARD.

28 (D) NOTICE OF RELEASE.--

29 (1) AN INMATE WHO HAS SERVED HIS MINIMUM SENTENCE MAY BE
30 RELEASED BY THE DEPARTMENT ONLY AFTER NOTICE TO THE JUDGE

1 THAT THE PRIVILEGE IS BEING GRANTED.

2 (2) NOTICE OF THE RELEASE OF AN INMATE SHALL BE GIVEN TO
3 THE PENNSYLVANIA STATE POLICE, THE PROBATION OFFICER AND THE
4 SHERIFF OR CHIEF OF POLICE OF THE COUNTY AND THE CHIEF OF
5 POLICE OF THE MUNICIPALITY OR TOWNSHIP OF THE LOCALITY TO
6 WHICH THE INMATE IS ASSIGNED OR OF THE INMATE'S AUTHORIZED
7 DESTINATION.

8 § 3703. RULES AND REGULATIONS.

9 THE DEPARTMENT SHALL ESTABLISH RULES AND REGULATIONS FOR
10 GRANTING AND ADMINISTERING RELEASE PLANS AND SHALL DETERMINE
11 THOSE INMATES WHO MAY PARTICIPATE IN ANY PLAN. IF AN INMATE
12 VIOLATES THE RULES OR REGULATIONS PRESCRIBED BY THE DEPARTMENT,
13 THE INMATE'S RELEASE PRIVILEGES MAY BE WITHDRAWN. FAILURE OF AN
14 INMATE TO REPORT TO OR RETURN FROM THE ASSIGNED PLACE OF
15 EMPLOYMENT, TRAINING, EDUCATION OR OTHER AUTHORIZED DESTINATION
16 SHALL BE DEEMED AN OFFENSE UNDER 18 PA.C.S. § 5121 (RELATING TO
17 ESCAPE).

18 § 3704. SALARIES AND WAGES OF INMATES.

19 (A) GENERAL RULE.--THE SALARIES OR WAGES OF INMATES
20 GAINFULLY EMPLOYED UNDER A PLAN ESTABLISHED UNDER THIS CHAPTER
21 SHALL BE COLLECTED BY THE DEPARTMENT OR ITS DESIGNATED AGENTS OR
22 EMPLOYEES. THE WAGES SHALL NOT BE SUBJECT TO GARNISHMENT OR
23 ATTACHMENT FOR ANY PURPOSE EITHER IN THE HANDS OF THE EMPLOYER
24 OR THE DEPARTMENT DURING THE INMATE'S TERM OF IMPRISONMENT AND
25 SHALL BE DISBURSED ONLY AS PROVIDED IN THIS SECTION, BUT FOR TAX
26 PURPOSES THEY SHALL BE INCOME OF THE INMATE.

27 (B) USE OF SALARIES OR WAGES.--THE SALARIES OR WAGES OF AN
28 INMATE PARTICIPATING IN A PLAN ESTABLISHED UNDER THIS CHAPTER
29 SHALL BE DISBURSED BY THE DEPARTMENT IN THE FOLLOWING ORDER:

30 (1) THE BOARD OF THE INMATE, INCLUDING FOOD AND

1 CLOTHING.

2 (2) NECESSARY TRAVEL EXPENSE TO AND FROM WORK AND OTHER
3 INCIDENTAL EXPENSES OF THE INMATE.

4 (3) SUPPORT OF THE INMATE'S DEPENDENTS, IF ANY.

5 (4) PAYMENT, EITHER IN FULL OR RATABLY, OF THE INMATE'S
6 OBLIGATIONS ACKNOWLEDGED BY HIM IN WRITING OR WHICH HAVE BEEN
7 REDUCED TO JUDGMENT.

8 (5) THE BALANCE, IF ANY, TO THE INMATE UPON HIS
9 DISCHARGE.]

10 SECTION 7. (RESERVED).

11 Section 8. The definition of "eligible inmate" in section
12 3903 of Title 61 is amended to read:

13 § 3903. Definitions.

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

17 * * *

18 "Eligible inmate." A person sentenced to a term of
19 confinement under the jurisdiction of the Department of
20 Corrections who is serving a term of confinement, the minimum of
21 which is not more than two years and the maximum of which is
22 five years or less, or an inmate who is serving a term of
23 confinement, the minimum of which is not more than three years
24 where that inmate is within two years of completing his minimum
25 term, and who has not reached [35] 40 years of age at the time
26 he is approved for participation in the motivational boot camp
27 program. The term shall not include any inmate who is subject to
28 a sentence the calculation of which included an enhancement for
29 the use of a deadly weapon as defined pursuant to the sentencing
30 guidelines promulgated by the Pennsylvania Commission on

1 Sentencing [or any inmate ~~f~~erving a sentence for any violation ←
2 of one or more of the following provisions], ANY INMATE WHO HAS ←
3 BEEN CONVICTED OR ADJUDICATED DELINQUENT OF ANY CRIME REQUIRING
4 REGISTRATION UNDER 42 PA.C.S. CH. 97 SUBCH. H (RELATING TO
5 REGISTRATION OF SEXUAL OFFENDERS) OR ANY INMATE with a current
6 conviction or a prior conviction within the past ten years for
7 any of the following offenses:

8 18 Pa.C.S. § 2502 (relating to murder).

9 18 Pa.C.S. § 2503 (relating to voluntary manslaughter).

10 18 Pa.C.S. § 2506 (relating to drug delivery resulting in
11 death).

12 18 Pa.C.S. § [2901] 2901(A) (relating to kidnapping). ←

13 [18 Pa.C.S. § 3121 (relating to rape). ←

14 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual
15 intercourse).

16 18 Pa.C.S. § 3124.1 (relating to sexual assault).

17 18 Pa.C.S. § 3125 (relating to aggravated indecent
18 assault).] ←

19 18 Pa.C.S. § 3301(a)(1)(i) (relating to arson and related
20 offenses).

21 18 Pa.C.S. § 3502 (relating to burglary) in the case of
22 burglary of a structure adapted for overnight accommodation
23 in which at the time of the offense any person is present.

24 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to
25 robbery).

26 18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).

27 18 Pa.C.S. § 7508 (a)(1)(iii), (2)(iii), (3)(iii) or (4)
28 (iii) (relating to drug trafficking sentencing and
29 penalties).

30 * * *

1 Section 9. Section 3904 of Title 61 is amended by adding a
2 subsection to read:

3 § 3904. Selection of inmate participants.

4 * * *

5 (d) Waiver of eligibility requirements.--

6 (1) The prosecuting attorney, in the prosecuting
7 attorney's sole discretion, may advise the court that the
8 Commonwealth has elected to waive the eligibility
9 requirements of this chapter if the victim has been given
10 notice of the prosecuting attorney's intent to waive the
11 eligibility requirements and an opportunity to be heard on
12 the issue.

13 (2) The court, after considering victim input, may
14 refuse to accept the prosecuting attorney's waiver of the
15 eligibility requirements.

16 Section 10. The definitions of "~~defendant~~" and "~~eligible~~" ←
17 ~~offender~~" "COMMUNITY CORRECTIONS CENTER," "DEFENDANT," "ELIGIBLE" ←
18 OFFENDER" AND "GROUP HOME" in section 4103 of Title 61 are
19 amended to read:

20 § 4103. Definitions.

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

24 * * *

25 "~~Defendant.~~" ~~An individual charged with a drug related~~ ←
26 ~~offense, including an individual convicted of violating section~~
27 ~~13(a)(14), (30) or (37) of the act of April 14, 1972 (P.L.233,~~
28 ~~No.64), known as The Controlled Substance, Drug, Device and~~
29 ~~Cosmetic Act, where the sentence was imposed pursuant 18 Pa.C.S.~~
30 ~~§ 7508(a)(1)(i), (2)(i), (3)(i), (4)(i) or (7)(i) (relating to~~

1 ~~drug trafficking sentencing and penalties).~~

2 * * *

3 ~~"Eligible offender." Subject to 42 Pa.C.S. § 9721(a.1)~~
4 ~~(relating to sentencing generally), a defendant designated by~~
5 ~~the sentencing court as a person convicted of a drug related~~
6 ~~offense who:~~

7 (1) ~~Has undergone an assessment performed by the~~
8 ~~Department of Corrections, which assessment has concluded~~
9 ~~that the defendant is in need of drug and alcohol addiction~~
10 ~~treatment and would benefit from commitment to a drug~~
11 ~~offender treatment program and that placement in a drug~~
12 ~~offender treatment program would be appropriate.~~

13 (2) ~~Does not demonstrate a history of present or past~~
14 ~~violent behavior.~~

15 (3) ~~Would be placed in the custody of the department if~~
16 ~~not sentenced to State intermediate punishment.~~

17 (4) ~~Provides written consent permitting release of~~
18 ~~information pertaining to the defendant's participation in a~~
19 ~~drug offender treatment program.~~

20 ~~The term shall not include a defendant who is subject to a~~
21 ~~sentence the calculation of which includes an enhancement for~~
22 ~~the use of a deadly weapon, as defined pursuant to law or the~~
23 ~~sentencing guidelines promulgated by the Pennsylvania Commission~~
24 ~~on Sentencing, or a defendant [who has been convicted of a~~
25 ~~personal injury crime as defined in section 103 of the act of~~
26 ~~November 24, 1998 (P.L.882, No.111), known as the Crime Victims~~
27 ~~Act, or an attempt or conspiracy to commit such a crime or who~~
28 ~~has been convicted of violating 18 Pa.C.S. § 4302 (relating to~~
29 ~~incest), 5901 (relating to open lewdness), 6312 (relating to~~
30 ~~sexual abuse of children), 6318 (relating to unlawful contact~~

1 with minor) or 6320 (relating to sexual exploitation of
2 children) or Ch. 76 Subch. C (relating to Internet child-
3 pornography)] with a current conviction or a prior conviction
4 within the past ten years for any of the following offenses:

5 18 Pa.C.S. § 2502 (relating to murder).

6 18 Pa.C.S. § 2503 (relating to voluntary manslaughter).

7 18 Pa.C.S. § 2506 (relating to drug delivery resulting in
8 death).

9 18 Pa.C.S. § 2901 (relating to kidnapping).

10 18 Pa.C.S. § 3121 (relating to rape).

11 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual
12 intercourse).

13 18 Pa.C.S. § 3124.1 (relating to sexual assault).

14 18 Pa.C.S. § 3125 (relating to aggravated indecent
15 assault).

16 18 Pa.C.S. § 3301(a)(1)(i) (relating to arson and related
17 offenses).

18 18 Pa.C.S. § 3502 (relating to burglary), in the case of
19 burglary of a structure adapted for overnight accommodation
20 in which at the time of the offense any person is present.

21 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to
22 robbery).

23 18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).

24 18 Pa.C.S. § 7508 (a)(1)(iii), (2)(iii), (3)(iii) or (4)
25 (iii) (relating to drug trafficking sentencing and
26 penalties).

27 * * *

28 Section 11. Section 4104(a)(1) of Title 61 is amended and
29 the subsection is amended by adding a paragraph to read:

30 "COMMUNITY CORRECTIONS CENTER." A RESIDENTIAL PROGRAM THAT



1 IS SUPERVISED AND OPERATED BY THE DEPARTMENT OF CORRECTIONS [FOR
2 INMATES WITH PRERELEASE STATUS OR WHO ARE ON PAROLE] IN
3 ACCORDANCE WITH CHAPTER 50 (RELATING TO COMMUNITY CORRECTIONS
4 CENTERS AND COMMUNITY CORRECTIONS FACILITIES).

5 * * *

6 "DEFENDANT." AN INDIVIDUAL CHARGED WITH A DRUG-RELATED
7 OFFENSE, INCLUDING AN INDIVIDUAL CONVICTED OF VIOLATING SECTION
8 13(A) (14), (30) OR (37) OF THE ACT OF APRIL 14, 1972 (P.L.233,
9 NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND
10 COSMETIC ACT, WHERE THE SENTENCE WAS IMPOSED PURSUANT 18 PA.C.S.
11 § 7508(A) (1) (I), (2) (I), (3) (I), (4) (I) OR (7) (I) (RELATING TO
12 DRUG TRAFFICKING SENTENCING AND PENALTIES).

13 * * *

14 "ELIGIBLE OFFENDER." SUBJECT TO 42 PA.C.S. § 9721(A.1)
15 (RELATING TO SENTENCING GENERALLY), A DEFENDANT DESIGNATED BY
16 THE SENTENCING COURT AS A PERSON CONVICTED OF A DRUG-RELATED
17 OFFENSE WHO:

18 (1) HAS UNDERGONE AN ASSESSMENT PERFORMED BY THE
19 DEPARTMENT OF CORRECTIONS, WHICH ASSESSMENT HAS CONCLUDED
20 THAT THE DEFENDANT IS IN NEED OF DRUG AND ALCOHOL ADDICTION
21 TREATMENT AND WOULD BENEFIT FROM COMMITMENT TO A DRUG
22 OFFENDER TREATMENT PROGRAM AND THAT PLACEMENT IN A DRUG
23 OFFENDER TREATMENT PROGRAM WOULD BE APPROPRIATE.

24 (2) DOES NOT DEMONSTRATE A HISTORY OF PRESENT OR PAST
25 VIOLENT BEHAVIOR.

26 (3) WOULD BE PLACED IN THE CUSTODY OF THE DEPARTMENT IF
27 NOT SENTENCED TO STATE INTERMEDIATE PUNISHMENT.

28 (4) PROVIDES WRITTEN CONSENT PERMITTING RELEASE OF
29 INFORMATION PERTAINING TO THE DEFENDANT'S PARTICIPATION IN A
30 DRUG OFFENDER TREATMENT PROGRAM.

1 THE TERM SHALL NOT INCLUDE A DEFENDANT WHO IS SUBJECT TO A
2 SENTENCE THE CALCULATION OF WHICH INCLUDES AN ENHANCEMENT FOR
3 THE USE OF A DEADLY WEAPON, AS DEFINED PURSUANT TO LAW OR THE
4 SENTENCING GUIDELINES PROMULGATED BY THE PENNSYLVANIA COMMISSION
5 ON SENTENCING, A DEFENDANT WHO HAS BEEN CONVICTED OR ADJUDICATED
6 DELINQUENT OF ANY CRIME REQUIRING REGISTRATION UNDER 42 PA.C.S.
7 CH. 97 SUBCH. H (RELATING TO REGISTRATION OF SEXUAL OFFENDERS)
8 OR A DEFENDANT [WHO HAS BEEN CONVICTED OF A PERSONAL INJURY
9 CRIME AS DEFINED IN SECTION 103 OF THE ACT OF NOVEMBER 24, 1998
10 (P.L.882, NO.111), KNOWN AS THE CRIME VICTIMS ACT, OR AN ATTEMPT
11 OR CONSPIRACY TO COMMIT SUCH A CRIME OR WHO HAS BEEN CONVICTED
12 OF VIOLATING 18 PA.C.S. § 4302 (RELATING TO INCEST), 5901
13 (RELATING TO OPEN LEWDNESS), 6312 (RELATING TO SEXUAL ABUSE OF
14 CHILDREN), 6318 (RELATING TO UNLAWFUL CONTACT WITH MINOR) OR
15 6320 (RELATING TO SEXUAL EXPLOITATION OF CHILDREN) OR CH. 76
16 SUBCH. C (RELATING TO INTERNET CHILD PORNOGRAPHY)] WITH A
17 CURRENT CONVICTION OR A PRIOR CONVICTION WITHIN THE PAST TEN
18 YEARS FOR ANY OF THE FOLLOWING OFFENSES:
19 18 PA.C.S. § 2502 (RELATING TO MURDER).
20 18 PA.C.S. § 2503 (RELATING TO VOLUNTARY MANSLAUGHTER).
21 18 PA.C.S. § 2506 (RELATING TO DRUG DELIVERY RESULTING IN
22 DEATH).
23 18 PA.C.S. § 2901(A) (RELATING TO KIDNAPPING).
24 18 PA.C.S. § 3301(A)(1)(I) (RELATING TO ARSON AND RELATED
25 OFFENSES).
26 18 PA.C.S. § 3502 (RELATING TO BURGLARY), IN THE CASE OF
27 BURGLARY OF A STRUCTURE ADAPTED FOR OVERNIGHT ACCOMMODATION
28 IN WHICH AT THE TIME OF THE OFFENSE ANY PERSON IS PRESENT.
29 18 PA.C.S. § 3701(A)(1)(I), (II) OR (III) (RELATING TO
30 ROBBERY).

1 18 PA.C.S. § 3702 (RELATING TO ROBBERY OF MOTOR VEHICLE).
2 18 PA.C.S. § 7508 (A) (1) (III), (2) (III), (3) (III) OR (4)
3 (III) (RELATING TO DRUG TRAFFICKING SENTENCING AND
4 PENALTIES).

5 * * *

6 "GROUP HOME." A RESIDENTIAL PROGRAM THAT IS CONTRACTED OUT
7 BY THE DEPARTMENT OF CORRECTIONS TO A PRIVATE SERVICE PROVIDER
8 FOR INMATES [WITH PRERELEASE STATUS OR] WHO ARE ON PAROLE.

9 * * *

10 SECTION 11. SECTION 4104(A) (1) AND (D) OF TITLE 61 ARE
11 AMENDED, SUBSECTION (A) IS AMENDED BY ADDING A PARAGRAPH AND THE
12 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

13 § 4104. Referral to State intermediate punishment program.

14 (a) Referral for evaluation.--

15 (1) Prior to imposing a sentence, the court may~~†~~, upon ←
16 motion of the Commonwealth [and agreement of the defendant],~~†~~ ←
17 commit a defendant to the custody of the department for the
18 purpose of evaluating whether the defendant would benefit
19 from a drug offender treatment program and whether placement
20 in the drug offender treatment program is appropriate.

21 (1.1) (i) The prosecuting attorney, in the prosecuting
22 attorney's sole discretion, may advise the court that the
23 Commonwealth has elected to waive the eligibility
24 requirements of this chapter, if the victim has been
25 given notice of the prosecuting attorney's intent to
26 wave the eligibility requirements and an opportunity to
27 be heard on the issue.

28 (ii) The court, after considering victim input, may
29 refuse to accept the prosecuting attorney's waiver of the
30 eligibility requirements.

1 * * *

2 (D) PREREQUISITES FOR COMMITMENT.--UPON RECEIPT OF A ←
3 RECOMMENDATION FOR PLACEMENT IN A DRUG OFFENDER TREATMENT
4 PROGRAM FROM THE DEPARTMENT AND AGREEMENT OF THE ATTORNEY FOR
5 THE COMMONWEALTH [AND THE DEFENDANT], THE COURT MAY SENTENCE AN
6 ELIGIBLE OFFENDER TO A PERIOD OF 24 MONTHS OF STATE INTERMEDIATE
7 PUNISHMENT IF THE COURT FINDS THAT:

8 (1) THE ELIGIBLE OFFENDER IS LIKELY TO BENEFIT FROM
9 STATE INTERMEDIATE PUNISHMENT.

10 (2) PUBLIC SAFETY WOULD BE ENHANCED BY THE ELIGIBLE
11 OFFENDER'S PARTICIPATION IN STATE INTERMEDIATE PUNISHMENT.

12 (3) SENTENCING THE ELIGIBLE OFFENDER TO STATE
13 INTERMEDIATE PUNISHMENT WOULD NOT DEPRECIATE THE SERIOUSNESS
14 OF THE OFFENSE.

15 * * *

16 (I) VICTIMS.--VICTIMS OF PERSONAL INJURY CRIMES SHALL BE
17 GIVEN THE OPPORTUNITY TO RECEIVE NOTICE OF AND TO PROVIDE PRIOR
18 COMMENT ON ANY RECOMMENDATION BY THE DEPARTMENT UNDER SUBSECTION
19 (B) OR (D) THAT THE OFFENDER PARTICIPATE IN THE STATE
20 INTERMEDIATE PUNISHMENT PROGRAM.

21 (J) DEFINITIONS.--AS USED IN THIS SECTION, THE TERM
22 "PERSONAL INJURY CRIME" SHALL BE DEFINED AS IN SECTION 103 OF
23 THE ACT OF NOVEMBER 24, 1998 (P.L.882, NO.111), KNOWN AS THE
24 CRIME VICTIMS ACT.

25 Section 12. The definition of "eligible offender" in section
26 4503 of Title 61, AMENDED DECEMBER 20, 2011 (P.L.446, NO.111), ←
27 is amended to read:

28 § 4503. Definitions.

29 The following words and phrases when used in this chapter
30 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 * * *

3 "Eligible offender." A defendant or inmate convicted of a
4 criminal offense who will be committed to the custody of the
5 department and who meets all of the following eligibility
6 requirements:

7 (1) Does not demonstrate a history of present or past
8 violent behavior.

9 (2) Has not been subject to a sentence the calculation
10 of which includes an enhancement for the use of a deadly
11 weapon as defined under law or the sentencing guidelines
12 promulgated by the Pennsylvania Commission on Sentencing or
13 the attorney for the Commonwealth has not demonstrated that
14 the defendant has been found guilty of or was convicted of an
15 offense involving a deadly weapon or offense under 18 Pa.C.S.
16 Ch. 61 (relating to firearms and other dangerous articles) or
17 the equivalent offense under the laws of the United States or
18 one of its territories or possessions, another state, the
19 District of Columbia, the Commonwealth of Puerto Rico or a
20 foreign nation.

21 (3) Has not been found guilty of or previously convicted
22 of or adjudicated delinquent for or an attempt or conspiracy
23 to commit a personal injury crime as defined under section
24 103 of the act of November 24, 1998 (P.L.882, No.111), known
25 as the Crime Victims Act, except for an offense under 18
26 Pa.C.S. § 2701 (relating to simple assault) when the offense
27 is a misdemeanor of the third degree, or an equivalent
28 offense under the laws of the United States or one of its
29 territories or possessions, another state, the District of
30 Columbia, the Commonwealth of Puerto Rico or a foreign

1 nation.

2 (4) Has not been found guilty or previously convicted or
3 adjudicated delinquent for violating any of the following
4 provisions or an equivalent offense under the laws of the
5 United States or one of its territories or possessions,
6 another state, the District of Columbia, the Commonwealth of
7 Puerto Rico or a foreign nation:

8 +18 Pa.C.S. § [4302] 4302(A) (relating to incest).+ ←

9 18 Pa.C.S. § 5901 (relating to open lewdness).

10 [18 Pa.C.S. § 6312 (relating to sexual abuse of ←
11 children).

12 18 Pa.C.S. § 6318 (relating to unlawful contact with
13 minor).

14 18 Pa.C.S. § 6320 (relating to sexual exploitation of
15 children).] ←

16 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet
17 child pornography).

18 Received a criminal sentence pursuant to 42 Pa.C.S. §
19 9712.1 (relating to sentences for certain drug offenses
20 committed with firearms).

21 ~~Any offense listed under 42 Pa.C.S. § 9795.1~~ ←
22 ~~(relating to registration).~~

23 ANY [SEXUALLY VIOLENT OFFENSE AS DEFINED IN] OFFENSE ←
24 FOR WHICH REGISTRATION IS REQUIRED UNDER 42 PA.C.S. CH.
25 97 SUBCH. H (RELATING TO REGISTRATION OF SEXUAL
26 OFFENDERS).

27 (5) Is not awaiting trial or sentencing for additional
28 criminal charges, if a conviction or sentence on the
29 additional charges would cause the defendant to become
30 ineligible under this definition.

1 (6) Has not been found guilty or previously convicted of
2 violating section 13(a)(14), (30) or (37) of the act of April
3 14, 1972 (P.L.233, No.64), known as The Controlled Substance,
4 Drug, Device and Cosmetic Act, where the sentence was imposed
5 pursuant to 18 Pa.C.S. § 7508(a)(1)(iii), (2)(iii), (3)(iii),
6 (4)(iii), (7)(iii) or (8)(iii) (relating to drug trafficking
7 sentencing and penalties).

8 * * *

9 SECTION 12.1. SECTION 4701 OF TITLE 61 IS AMENDED TO READ: ←

10 § 4701. 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 "COMMUNITY CORRECTIONS FACILITY." A RESIDENTIAL FACILITY
15 OPERATED BY A PRIVATE [VENDOR] CONTRACTOR THAT:

16 (1) HOUSES [INMATES WITH PRERELEASE STATUS OR
17 INDIVIDUALS WHO ARE ON PAROLE] OFFENDERS PURSUANT TO A
18 CONTRACT [ENTERED INTO BETWEEN] WITH THE DEPARTMENT OF
19 CORRECTIONS [AND THE PRIVATE VENDOR]; AND

20 (2) IS OPERATED IN ACCORDANCE WITH CHAPTER 50 (RELATING
21 TO COMMUNITY CORRECTIONS CENTERS AND COMMUNITY CORRECTIONS
22 FACILITIES).

23 Section 13. Title 61 is amended by adding ~~a chapter~~ CHAPTERS ←
24 to read:

25 CHAPTER 49

26 SAFE COMMUNITY REENTRY

27 Sec.

28 4901. Scope of chapter.

29 4902. Definitions.

30 4903. Safe Community Reentry Program.

1 4904. Contract for services.

2 4905. Rules and regulations.

3 ~~4906. Study and report.~~ ←

4 § 4901. Scope of chapter.

5 This chapter relates to the Safe Community Reentry Program.

6 § 4902. Definitions.

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

10 "Community-based programs." Programs which are administered
11 and operated outside of a correctional institution.

12 "Community organization." A community, faith-based or other
13 private charitable organization which is organized as a
14 nonprofit corporation or nonprofit unincorporated association
15 under the laws of the United States or this Commonwealth which
16 is authorized to do business in this Commonwealth as a nonprofit
17 corporation or unincorporated association under the laws of this
18 Commonwealth.

19 "Institutional-based programs." Programs which are
20 administered and operated within a correctional institution.

21 "Offender." An inmate in a correctional institution or a
22 person released from incarceration. THE TERM SHALL NOT INCLUDE ←
23 AN INMATE SERVING A SENTENCE OF LIFE IMPRISONMENT OR DEATH.

24 "Program." The Safe Community Reentry Program established in
25 this chapter.

26 § 4903. Safe Community Reentry Program.

27 ~~(a) Program established. The department, in cooperation and~~ ←
28 ~~coordination with the board, shall establish a comprehensive~~
29 ~~program to reduce recidivism and ensure the successful reentry~~
30 ~~of offenders into the community. The program shall provide~~

1 offenders with access to a full continuum of services during
2 incarceration and upon release during their transition and
3 reintegration into the community.

4 (A) PROGRAM ESTABLISHED.--THE DEPARTMENT AND THE BOARD SHALL ←
5 JOINTLY ESTABLISH A SAFE COMMUNITY REENTRY PROGRAM TO REDUCE
6 RECIDIVISM AND ENSURE THE SUCCESSFUL REENTRY OF OFFENDERS INTO
7 THE COMMUNITY.

8 (b) Assessment and plan.--

9 (1) The department shall assess each offender entering
10 into the State correctional system to determine which
11 treatment services, programs and skills the offender needs to
12 develop to be successful in the community following the
13 offender's release.

14 (2) The department OR THE BOARD shall assist each ←
15 offender in developing a reentry plan for the offender. The
16 reentry plan shall include the offender's educational,
17 employment, housing and treatment needs as appropriate and
18 necessary to encourage the successful transition and
19 reintegration of the offender into the community.

20 (3) The department OR THE BOARD shall ENDEAVOR TO ←
21 coordinate the specifics of the offender's reentry plan with
22 the educational, vocational training and treatment services
23 that will be provided to the offender during the offender's
24 incarceration.

25 (c) Transition and reintegration programs.--The department
26 ~~shall~~ MAY identify a comprehensive network of transition and ←
27 reintegration programs to address the needs of offenders
28 released from incarceration.

29 (d) Community organizations.--

30 (1) The department and the board ~~shall~~ MAY use community ←

1 organizations AND OTHER NONPROFIT AND FOR-PROFIT ENTITIES to ←
2 assist the department and the board in meeting the needs of
3 offenders reentering the community.

4 (2) The department and the board shall MAY develop and ←
5 maintain a list of community organizations AND OTHER ←
6 NONPROFIT AND FOR-PROFIT ENTITIES available to provide ←
7 services.

8 ~~(3) Community organizations may provide services~~ PROVIDE ←
9 SERVICES. COMMUNITY ORGANIZATIONS AND OTHER NONPROFIT AND
10 FOR-PROFIT ENTITIES MAY PROVIDE SERVICES, including
11 education, vocational training, follow-up treatment services, ←
12 support with finding housing and employment and may help with
13 family issues and other elements of life after incarceration.

14 ~~(4)~~ (3) The department and the board may refer offenders ←
15 to community organizations AND OTHER NONPROFIT AND FOR-PROFIT ←
16 ENTITIES on the list.

17 ~~(e) Sharing of information.~~ ←

18 ~~(1) The department and the board may share information~~
19 (E) SHARING OF INFORMATION.--THE DEPARTMENT AND THE BOARD ←
20 MAY SHARE INFORMATION about offenders with the entities the
21 department and the board contract with under section 4704
22 (relating to contract for services) and other agencies and
23 providers of services as necessary to adequately assess and
24 address the needs of each offender.

25 ~~(2) This subsection shall not apply to the disclosure of~~ ←
26 ~~an offender's personal health information unless the offender~~
27 ~~consents to the disclosure.~~

28 ~~(3) This subsection shall not be construed to permit~~
29 ~~disclosure of personal health information if the disclosure~~
30 ~~violates the Health Insurance Portability and Accountability~~

~~Act of 1996 (Public Law 104-191, 110 Stat. 1936) or other
Federal or State law. THE FOLLOWING SHALL APPLY:~~

~~(1) NO PERSON HAVING ACCESS TO ANY REPORT, RECORD OR
OTHER INFORMATION PREPARED OR ASSEMBLED UNDER THIS CHAPTER
SHALL DISCLOSE THE REPORT, RECORD OR INFORMATION WITHOUT THE
PERMISSION OF THE DEPARTMENT OR THE BOARD.~~

~~(2) NOTHING UNDER THIS SUBSECTION SHALL BE CONSTRUED TO
PERMIT THE DEPARTMENT OR THE BOARD TO DISCLOSE INFORMATION
WHERE DISCLOSURE IS PROHIBITED UNDER FEDERAL OR STATE LAW OR
REGULATIONS.~~

§ 4904. Contract for services.

~~(a) Duty of department and board. As part of the program,
the department and the board may contract with private vendors,
including community organizations, units of local government and
other entities to provide for reintegration and transitional
programs and services, which may include institutional based and
community based programs. The programs and services provided
under these contracts may include:~~

~~(A) AUTHORITY.--THE DEPARTMENT AND THE BOARD MAY CONTRACT
WITH COMMUNITY ORGANIZATIONS AND OTHER NONPROFIT OR FOR-PROFIT
ENTITIES TO PROVIDE PROGRAMS AND SERVICES UNDER THIS CHAPTER.
THE PROGRAMS AND SERVICES PROVIDED UNDER THESE CONTRACTS MAY
INCLUDE:~~

~~(1) Assisting in the development of each offender's
reentry plan.~~

~~(2) Coordinating the supervision and services provided
to offenders in correctional institutions with any
supervision and services provided to offenders who have been
released from incarceration.~~

~~(3) Providing offenders awaiting release with documents~~

1 that are necessary after release, including identification
2 papers, referrals to services, medical prescriptions, job
3 training certificates, apprenticeship papers, information on
4 obtaining public assistance and other documents useful in
5 achieving a successful transition from a correctional
6 institution to the community.

7 (4) Involving county agencies whose programs and
8 initiatives strengthen inmate reentry services for offenders
9 who have been returned to the county of their jurisdiction.

10 (5) Providing structured programs, post-release housing
11 and transitional housing, including group homes for
12 recovering substance abusers, through which offenders are
13 provided supervision and services immediately following
14 reentry into the community.

15 (6) Assisting offenders in securing permanent housing
16 upon release or following a stay in post-release or
17 transitional housing.

18 (7) Continuing to link offenders with health resources
19 for health services that were provided to them when they were
20 under the jurisdiction of the department, including mental
21 health, substance abuse treatment, aftercare and treatment
22 services for contagious diseases.

23 (8) Providing education, job training, English as a
24 second language programs, work experience programs, self-
25 respect and life skills training and other skills needed to
26 achieve self-sufficiency for a successful transition from
27 incarceration.

28 (9) Facilitating collaboration among corrections
29 administrators, technical schools, community colleges and the
30 work force development and employment service sectors so that

1 there are efforts to:

2 (i) Promote, where appropriate, the employment of
3 offenders released from correctional institutions and
4 facilitate the creation of job opportunities, including
5 transitional jobs, for such offenders that will also
6 benefit communities.

7 (ii) Connect offenders to employment, including
8 supportive employment and employment services, before
9 their release from correctional institutions.

10 (iii) Address barriers to employment, including
11 obtaining a driver's license.

12 (10) Assessing the literacy and educational needs of
13 offenders and providing appropriate services to meet those
14 needs, including follow-up assessments and long-term
15 services.

16 (11) Addressing systems under which family members of
17 offenders are involved with facilitating the successful
18 reentry of those offenders into the community, including
19 removing obstacles to the maintenance of family relationships
20 while the offender is in custody, strengthening the family's
21 capacity to establish and maintain a stable living situation
22 during the reentry process where appropriate and involving
23 family members in the planning and implementation of the
24 reentry process.

25 (12) Facilitating visitation and maintenance of family
26 relationships with respect to offenders by addressing
27 obstacles such as travel, telephone costs, mail restrictions
28 and restrictive visitation policies.

29 (13) Addressing barriers to the visitation of children
30 with an incarcerated parent and maintenance of the parent-

1 child relationship, including, but not limited to, the
2 location of facilities in remote areas, telephone costs, mail
3 restrictions and visitation policies.

4 (14) Creating mentoring programs designed to assist
5 offenders in changing the offenders' pattern of behavior so
6 that the offenders will not revictimize their victims or have
7 new victims. Mentoring may occur inside the correctional
8 institution and in the community once the offender is
9 released. The mentor shall:

10 (i) Act as a role model for the offender.

11 (ii) Foster a caring and supportive relationship by
12 creating an independence from and not a dependence upon
13 the mentor or the system as a whole.

14 (iii) Encourage positive self-concept.

15 (iv) Teach and aid in goal setting.

16 (v) Support other positive relationships within the
17 community.

18 (vi) Assist in linking the offender to community-
19 based services.

20 (vii) Promote appropriate, positive family
21 relationships.

22 (viii) Help develop personal accountability and
23 personal responsibility.

24 (15) Facilitating and encouraging timely and complete
25 payment of restitution and fines by offenders to victims and
26 the community.

27 (b) Accountability.--To ensure accountability, any contract
28 entered under this section shall contain specific performance
29 measures that the department and the board shall use to evaluate
30 compliance with the terms of the contract.

1 § 4905. Rules and regulations.

2 The department and board may promulgate rules and regulations
3 as deemed necessary to implement this chapter.

4 ~~§ 4906. Study and report.~~ ←

5 ~~(a) Study. The department shall conduct and coordinate~~
6 ~~research to determine whether the program established under~~
7 ~~section 4903 (relating to Safe Community Reentry Program)~~
8 ~~reduces recidivism rates.~~

9 ~~(b) Report. Not later than February 1 of each even numbered~~
10 ~~year, the department shall present a report of the research~~
11 ~~conducted or coordinated under subsection (a) to the Judiciary~~
12 ~~Committee of the Senate and the Judiciary Committee of the House~~
13 ~~of Representatives. The report shall evaluate the program and,~~
14 ~~if appropriate, make recommendations for legislation.~~

15 Section 14. This act shall take effect as follows:

16 (1) ~~The addition of 61 Pa.C.S. § 3705 shall take effect~~
17 ~~in one year.~~

18 (2) ~~This section shall take effect immediately.~~

19 (3) ~~The remainder of this act shall take effect in 60~~
20 ~~days.~~

21 CHAPTER 50 ←

22 COMMUNITY CORRECTIONS CENTERS AND COMMUNITY

23 CORRECTIONS FACILITIES

24 SEC.

25 5001. DEFINITIONS.

26 5002. DEPARTMENT.

27 5003. OFFENDERS WHO MAY BE HOUSED.

28 5004. AUTHORITY OF COMMONWEALTH EMPLOYEES.

29 5005. AUTHORITY OF CHAIRMAN.

30 5006. ESCAPE.

1 § 5001. DEFINITIONS.

2 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
3 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
4 CONTEXT CLEARLY INDICATES OTHERWISE:

5 "BOARD." THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE.

6 "CHAIRMAN." THE CHAIRMAN OF THE BOARD.

7 "COMMUNITY CORRECTIONS CENTER." A RESIDENTIAL PROGRAM THAT
8 IS SUPERVISED AND OPERATED BY THE DEPARTMENT IN ACCORDANCE WITH
9 THIS CHAPTER.

10 "COMMUNITY CORRECTIONS FACILITY." A RESIDENTIAL FACILITY
11 OPERATED BY A PRIVATE CONTRACTOR THAT:

12 (1) HOUSES OFFENDERS PURSUANT TO A CONTRACT WITH THE
13 DEPARTMENT; AND

14 (2) IS OPERATED IN ACCORDANCE WITH THIS CHAPTER.

15 § 5002. DEPARTMENT.

16 THE DEPARTMENT MAY DO ALL OF THE FOLLOWING:

17 (1) ESTABLISH COMMUNITY CORRECTIONS CENTERS AT LOCATIONS
18 THROUGHOUT THIS COMMONWEALTH APPROVED BY THE GOVERNOR.

19 (2) ENTER INTO CONTRACTS WITH PRIVATE VENDORS TO OPERATE
20 COMMUNITY CORRECTIONS FACILITIES.

21 § 5003. OFFENDERS WHO MAY BE HOUSED.

22 THE FOLLOWING OFFENDERS MAY BE HOUSED IN COMMUNITY
23 CORRECTIONS CENTERS AND COMMUNITY CORRECTIONS FACILITIES:

24 (1) A PAROLEE UNDER THE JURISDICTION OF THE BOARD WHO IS
25 IN GOOD STANDING WITH THE BOARD.

26 (2) A PAROLEE IN ACCORDANCE WITH THE FOLLOWING:

27 (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II), A
28 PAROLEE UNDER THE JURISDICTION OF THE BOARD WHO IS
29 DETAINED OR AWAITING A HEARING OR WHO HAS BEEN
30 RECOMMITTED FOR A TECHNICAL VIOLATION OF THE CONDITIONS

1 OF PAROLE ESTABLISHED BY THE BOARD IF THE PAROLEE IS
2 ELIGIBLE TO BE HOUSED IN A COMMUNITY CORRECTIONS CENTER
3 OR COMMUNITY CORRECTIONS FACILITY UNDER SECTION 6138
4 (RELATING TO VIOLATION OF TERMS OF PAROLE).

5 (II) SUBPARAGRAPH (I) SHALL NOT APPLY TO A PAROLEE
6 UNDER THE JURISDICTION OF THE BOARD WHO IS DETAINED OR
7 AWAITING A HEARING OR WHO HAS BEEN RECOMMITTED FOR A
8 TECHNICAL VIOLATION OF THE CONDITIONS OF PAROLE
9 ESTABLISHED BY THE BOARD AS A RESULT OF THE COMMISSION OF
10 A NEW CRIME OF WHICH THE PAROLEE IS CONVICTED OR FOUND
11 GUILTY BY A JUDGE OR JURY OR TO WHICH THE PAROLEE PLEADS
12 GUILTY OR NOLO CONTENDERE IN A COURT OF RECORD.

13 (3) AN OFFENDER WHO IS SERVING THE COMMUNITY-BASED
14 PORTION OF A SENTENCE OF STATE INTERMEDIATE PUNISHMENT.

15 (4) AN OFFENDER WHO HAS BEEN GRANTED CLEMENCY BY THE
16 GOVERNOR.

17 (5) INMATES TRANSFERRED BY THE DEPARTMENT UNDER CHAPTER
18 37 (RELATING TO INMATE PRERELEASE PLANS). THIS PARAGRAPH
19 SHALL EXPIRE JULY 1, 2013.

20 § 5004. AUTHORITY OF COMMONWEALTH EMPLOYEES.

21 COMMONWEALTH EMPLOYEES OF COMMUNITY CORRECTIONS CENTERS AND
22 COMMONWEALTH EMPLOYEES, WHILE PRESENT IN COMMUNITY CORRECTIONS
23 FACILITIES, HAVE THE AUTHORITY TO DO ALL OF THE FOLLOWING:

24 (1) IN ORDER TO MAINTAIN SECURITY AND TO ENFORCE THE
25 RULES OF THE COMMUNITY CORRECTIONS CENTER OR COMMUNITY
26 CORRECTIONS FACILITY:

27 (I) SEARCH THE PERSON AND PROPERTY OF AN OFFENDER
28 RESIDING IN THE COMMUNITY CORRECTIONS CENTER OR COMMUNITY
29 CORRECTION FACILITY;

30 (II) SEIZE PROPERTY FROM AN OFFENDER RESIDING IN THE

1 COMMUNITY CORRECTIONS CENTER OR COMMUNITY CORRECTIONS
2 FACILITY; AND

3 (III) IF NECESSARY, USE REASONABLE FORCE AGAINST AN
4 OFFENDER RESIDING IN THE COMMUNITY CORRECTIONS CENTER OR
5 COMMUNITY CORRECTIONS FACILITY.

6 (2) DETAIN, BY USING REASONABLE FORCE IF NECESSARY, AN
7 OFFENDER RESIDING IN THE COMMUNITY CORRECTIONS CENTER OR
8 COMMUNITY CORRECTIONS FACILITY IN ORDER TO MAINTAIN CONTROL
9 OF THE OFFENDER PENDING THE ARRIVAL OF A PAROLE AGENT, POLICE
10 OFFICER OR OTHER APPROPRIATE LAW ENFORCEMENT OFFICER.

11 § 5005. AUTHORITY OF CHAIRMAN.

12 THE CHAIRMAN HAS THE FOLLOWING AUTHORITY:

13 (1) DESIGNATE COMMUNITY CORRECTIONS CENTERS OR COMMUNITY
14 CORRECTIONS FACILITIES WHERE PAROLEES ARE TO BE HOUSED.

15 (2) DETERMINE WHETHER PAROLEES ARE TO BE HOUSED IN A
16 SECURED OR UNSECURED PORTION OF A COMMUNITY CORRECTIONS
17 CENTER OR COMMUNITY CORRECTIONS FACILITY.

18 (3) DETERMINE, JOINTLY WITH THE SECRETARY OF THE
19 DEPARTMENT OF CORRECTIONS, USING EVIDENCE-BASED PRACTICES
20 DESIGNED TO REDUCE THE LIKELIHOOD OF RECIDIVISM AND IMPROVE
21 PUBLIC SAFETY, THE APPROPRIATE TREATMENT AND PROGRAMMING FOR
22 PAROLEES WHO ARE HOUSED AT COMMUNITY CORRECTIONS CENTERS AND
23 COMMUNITY CORRECTIONS FACILITIES.

24 (4) AUDIT, JOINTLY WITH THE SECRETARY, THE PERFORMANCE
25 OF TREATMENT AND SERVICES PROVIDED BY COMMUNITY CORRECTIONS
26 CENTERS AND COMMUNITY CORRECTIONS FACILITIES.

27 § 5006. ESCAPE.

28 AN INDIVIDUAL COMMITTED TO A COMMUNITY CORRECTIONS CENTER OR
29 A COMMUNITY CORRECTIONS FACILITY SHALL BE DEEMED TO BE IN
30 OFFICIAL DETENTION UNDER 18 PA.C.S. § 5121 (RELATING TO ESCAPE).

1 SECTION 14. SECTIONS 6124(C), 6132(A)(2)(II) AND (B),
2 6134.1(C)(1) AND (2) AND 6137(A)(4) OF TITLE 61 ARE AMENDED TO
3 READ:

4 § 6124. CERTAIN OFFENDERS RESIDING IN GROUP-BASED HOMES.

5 * * *

6 (C) DEFINITION.--THE FOLLOWING WORDS AND PHRASES WHEN USED
7 IN THIS SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
8 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

9 "GROUP-BASED HOME." ANY NONPROFIT OR FOR-PROFIT ENTITY THAT
10 MAINTAINS A FACILITY THAT PROVIDES HOUSING TO [INMATES WITH
11 PRERELEASE STATUS,] INDIVIDUALS ON PROBATION OR PAROLE OR OTHER
12 INDIVIDUALS PREVIOUSLY CONVICTED OF CRIMES. THE TERM SHALL NOT
13 INCLUDE A CORRECTIONAL INSTITUTION OR A FACILITY MAINTAINED BY A
14 DOMESTIC VIOLENCE PROGRAM.

15 "OFFICIAL INTERNET WEBSITE." THE OFFICIAL INTERNET LOCATION
16 DESIGNATED BY A MUNICIPALITY OR COUNTY AS ITS PRIMARY METHOD OF
17 ELECTRONICALLY COMMUNICATING WITH THE PUBLIC ABOUT ITS OFFICIAL
18 BUSINESS.

19 § 6132. SPECIFIC POWERS OF BOARD INVOLVING PAROLEES.

20 (A) GENERAL RULE.--THE BOARD SHALL HAVE EXCLUSIVE POWER:

21 * * *

22 (2) * * *

23 (II) EXCEPT FOR SUCH SPECIAL CASES, THE POWERS AND
24 DUTIES CONFERRED BY THIS SECTION SHALL NOT EXTEND TO
25 PERSONS SENTENCED FOR A MAXIMUM PERIOD OF LESS THAN TWO
26 YEARS AND SHALL NOT EXTEND TO THOSE PERSONS COMMITTED TO
27 COUNTY CONFINEMENT WITHIN THE JURISDICTION OF THE COURT
28 PURSUANT TO 42 PA.C.S. § [9762(B)(2)] 9762 (RELATING TO
29 SENTENCING PROCEEDING; PLACE OF CONFINEMENT).

30 (B) CONSTRUCTION.--NOTHING CONTAINED IN THIS SECTION SHALL

1 BE CONSTRUED TO PREVENT A COURT FROM PAROLING ANY PERSON
2 SENTENCED BY IT FOR A MAXIMUM PERIOD OF LESS THAN TWO YEARS OR
3 FROM PAROLING A PERSON COMMITTED TO COUNTY CONFINEMENT WITHIN
4 THE JURISDICTION OF THE COURT PURSUANT TO 42 PA.C.S. § [9762(B)
5 (2)] 9762.

6 * * *

7 § 6134.1. GENERAL CRITERIA FOR PAROLE BY COURT.

8 * * *

9 (C) PROCEDURE.--

10 (1) PRIOR TO MAKING A DECISION TO PAROLE A PERSON
11 COMMITTED TO COUNTY CONFINEMENT WITHIN THE JURISDICTION OF
12 THE COURT PURSUANT TO 42 PA.C.S. § [9762(B)(2)] 9762
13 (RELATING TO SENTENCING [PROCEDURE] PROCEEDING; PLACE OF
14 CONFINEMENT) FROM A SENTENCE OF IMPRISONMENT IMPOSED
15 FOLLOWING CONVICTION FOR A PERSONAL INJURY CRIME, EACH VICTIM
16 WHO HAS REGISTERED TO RECEIVE VICTIM SERVICES IN CONNECTION
17 WITH THE PERSONAL INJURY CRIME SHALL BE GIVEN AN OPPORTUNITY
18 BY THE COURT TO SUBMIT A PREPAROLE STATEMENT TO THE COURT
19 EXPRESSING CONCERNS OR RECOMMENDATIONS REGARDING THE PAROLE
20 OR PAROLE SUPERVISION OF THE PERSON.

21 (2) THE DISTRICT ATTORNEY SHALL, IMMEDIATELY FOLLOWING
22 SENTENCE IN CASES WHERE A SENTENCE OF CONFINEMENT HAS BEEN
23 IMPOSED AND THE SENTENCED PERSON REMAINS WITHIN THE
24 JURISDICTION OF THE COURT PURSUANT TO 42 PA.C.S. § [9762(B)
25 (2)] 9762, NOTIFY ALL REGISTERED VICTIMS THAT THEY SHALL HAVE
26 THE OPPORTUNITY TO SUBMIT A PREPAROLE STATEMENT TO THE COURT.

27 * * *

28 § 6137. PAROLE POWER.

29 (A) GENERAL CRITERIA FOR PAROLE.--

30 * * *

1 (4) UNLESS THE INMATE HAS SERVED AT LEAST ONE YEAR IN A
2 [PRERELEASE CENTER] COMMUNITY CORRECTIONS CENTER OR COMMUNITY
3 CORRECTIONS FACILITY, THE BOARD SHALL NOT ACT UPON AN
4 APPLICATION OF AN INMATE WHO IS GRANTED CLEMENCY BY THE
5 GOVERNOR, IS SUBJECT TO PAROLE SUPERVISION AND:

6 (I) WHOSE TERM OF IMPRISONMENT WAS COMMUTED FROM
7 LIFE TO LIFE ON PAROLE;

8 (II) WHO WAS SERVING A TERM OF IMPRISONMENT FOR A
9 CRIME OF VIOLENCE; OR

10 (III) WHO IS SERVING A SENTENCE UNDER 42 PA.C.S. §
11 9712 (RELATING TO SENTENCES FOR OFFENSES COMMITTED WITH
12 FIREARMS).

13 * * *

14 SECTION 15. SECTION 6138(A)(2), (C)(1), (2), (4), (5)(V) AND
15 (6) AND (D) INTRODUCTORY PARAGRAPH AND (2) OF TITLE 61 ARE
16 AMENDED, SUBSECTIONS (A), (C) AND (D) ARE AMENDED BY ADDING
17 PARAGRAPHS AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO
18 READ:

19 § 6138. VIOLATION OF TERMS OF PAROLE.

20 (A) CONVICTED VIOLATORS.--

21 * * *

22 (2) IF THE PAROLEE'S RECOMMITMENT IS SO ORDERED, THE
23 PAROLEE SHALL BE REENTERED TO SERVE THE REMAINDER OF THE TERM
24 WHICH THE PAROLEE WOULD HAVE BEEN COMPELLED TO SERVE HAD THE
25 PAROLE NOT BEEN GRANTED AND, EXCEPT AS PROVIDED UNDER
26 PARAGRAPH (2.1), SHALL BE GIVEN NO CREDIT FOR THE TIME AT
27 LIBERTY ON PAROLE.

28 (2.1) THE BOARD MAY, IN ITS DISCRETION, AWARD CREDIT TO
29 A PAROLEE RECOMMITTED UNDER PARAGRAPH (2) FOR THE TIME SPENT

1 AT LIBERTY ON PAROLE, UNLESS ANY OF THE FOLLOWING APPLY:

2 (I) THE CRIME COMMITTED DURING THE PERIOD OF PAROLE
3 OR WHILE DELINQUENT ON PAROLE IS A CRIME OF VIOLENCE AS
4 DEFINED IN 42 PA.C.S. § 9714(G) (RELATING TO SENTENCES
5 FOR SECOND AND SUBSEQUENT OFFENSES) OR A CRIME REQUIRING
6 REGISTRATION UNDER 42 PA.C.S. CH. 97 SUBCH. H (RELATING
7 TO REGISTRATION OF SEXUAL OFFENDERS).

8 (II) THE PAROLEE WAS RECOMMITTED UNDER SECTION 6143
9 (RELATING TO EARLY PAROLE OF INMATES SUBJECT TO FEDERAL
10 REMOVAL ORDER).

11 * * *

12 (C) TECHNICAL VIOLATORS.--

13 (1) A PAROLEE UNDER THE JURISDICTION OF THE BOARD WHO
14 [IS RELEASED FROM A CORRECTIONAL FACILITY AND WHO, DURING THE
15 PERIOD OF PAROLE,] VIOLATES THE TERMS AND CONDITIONS OF HIS
16 PAROLE, OTHER THAN BY THE COMMISSION OF A NEW CRIME OF WHICH
17 THE PAROLEE IS CONVICTED OR FOUND GUILTY BY A JUDGE OR JURY
18 OR TO WHICH THE PAROLEE PLEADS GUILTY OR NOLO CONTENDERE IN A
19 COURT OF RECORD, MAY BE DETAINED PENDING A HEARING BEFORE THE
20 BOARD OR WAIVER OF THE HEARING OR RECOMMITTED AFTER A HEARING
21 BEFORE THE BOARD[.] OR A WAIVER OF THE HEARING. DETENTION AND
22 RECOMMITMENT UNDER THIS PARAGRAPH SHALL BE IN A COMMUNITY
23 CORRECTIONS CENTER OR COMMUNITY CORRECTIONS FACILITY, UNLESS
24 THE BOARD DETERMINES THAT ONE OF THE FOLLOWING CONDITIONS IS
25 PRESENT:

1 (I) THE VIOLATION WAS SEXUAL IN NATURE.

2 (II) THE VIOLATION INVOLVED ASSAULTIVE BEHAVIOR.

3 (III) THE VIOLATION INVOLVED POSSESSION OR CONTROL
4 OF A WEAPON.

5 (IV) THE PAROLEE HAS ABSCONDED, AND THE PAROLEE
6 CANNOT BE SAFELY DIVERTED TO A COMMUNITY CORRECTIONS
7 CENTER OR COMMUNITY CORRECTIONS FACILITY.

8 (V) THERE EXISTS AN IDENTIFIABLE THREAT TO PUBLIC
9 SAFETY, AND THE PAROLEE CANNOT BE SAFELY DIVERTED TO A
10 COMMUNITY CORRECTIONS CENTER OR COMMUNITY CORRECTIONS
11 FACILITY.

12 (1.1) IF THE BOARD DETERMINES THAT A CONDITION UNDER
13 PARAGRAPH (1) APPLIES, THE PAROLEE SHALL BE DETAINED IN OR
14 RECOMMITTED TO A STATE CORRECTIONAL INSTITUTION OR CONTRACTED
15 COUNTY JAIL.

16 (2) IF THE PAROLEE IS [SO] RECOMMITTED UNDER THIS
17 SUBSECTION, THE PAROLEE SHALL BE GIVEN CREDIT FOR THE TIME
18 SERVED ON PAROLE IN GOOD STANDING BUT WITH NO CREDIT FOR
19 DELINQUENT TIME AND MAY BE REENTERED TO SERVE THE REMAINDER
20 OF THE ORIGINAL SENTENCE OR SENTENCES.

21 * * *

22 (4) [THE] SUBJECT TO SUBSECTION (E), THE PAROLEE SHALL
23 BE SUBJECT TO REPAROLE BY THE BOARD WHENEVER IN ITS OPINION
24 THE BEST INTERESTS OF THE INMATE JUSTIFY OR REQUIRE THE
25 PAROLEE BEING REPAROLED AND IT DOES NOT APPEAR THAT THE
26 INTERESTS OF THE COMMONWEALTH WILL BE INJURED REPAROLING THE
27 PAROLEE.

28 (5) PAROLE VIOLATORS SHALL BE SUPERVISED IN ACCORDANCE
29 WITH EVIDENCE-BASED PRACTICES THAT MAY INCLUDE:

30 * * *

1 (V) RECOMMITMENT TO:

2 (A) A STATE CORRECTIONAL [FACILITY] INSTITUTION;

3 (B) A CONTRACTED COUNTY JAIL;

4 (C) A COMMUNITY CORRECTIONS CENTER; OR

5 (D) A COMMUNITY CORRECTIONS FACILITY.

6 [(6) THE BOARD SHALL DIVERT TECHNICAL PAROLE VIOLATORS
7 FROM CONFINEMENT IN A STATE CORRECTIONAL INSTITUTION UNLESS
8 THE PAROLEE'S DIVERSION POSES AN UNDUE RISK TO PUBLIC
9 SAFETY.]

10 (7) A PAROLEE DETAINED OR RECOMMITTED TO A COMMUNITY
11 CORRECTIONS CENTER OR COMMUNITY CORRECTIONS FACILITY UNDER
12 PARAGRAPH (1) SHALL BE SEGREGATED FROM OTHER OFFENDERS
13 LOCATED AT THE FACILITY.

14 (D) RECOMMITMENT TO CORRECTIONAL FACILITY.--A TECHNICAL
15 VIOLATOR [UNDER SUBSECTION (C) SHALL BE RECOMMITTED TO A
16 CORRECTIONAL FACILITY, UNLESS PLACED AT A PAROLE VIOLATOR
17 CENTER,] RECOMMITTED TO A STATE CORRECTIONAL INSTITUTION OR A
18 CONTRACTED COUNTY JAIL UNDER SUBSECTION (C) SHALL BE RECOMMITTED
19 AS FOLLOWS:

20 * * *

21 (2) IF PAROLED FROM A STATE CORRECTIONAL INSTITUTION, TO
22 ANY [MALE PERSON UPON RECOMMITMENT SHALL BE SENT TO THE
23 NEAREST STATE CORRECTIONAL INSTITUTION FOR SERVICE OF THE
24 REMAINDER OF THE ORIGINAL TERM AT THE INSTITUTION AS SHALL BE
25 DESIGNATED BY THE DEPARTMENT. ANY FEMALE PERSON SHALL BE
26 RECOMMITTED TO THE STATE CORRECTIONAL INSTITUTION AT MUNCY OR
27 OTHER] STATE CORRECTIONAL INSTITUTION [AS] OR CONTRACTED
28 COUNTY JAIL DESIGNATED BY THE DEPARTMENT.

29 (3) EXCEPT AS SET FORTH IN PARAGRAPH (4) OR (5), THE
30 PAROLEE SHALL BE RECOMMITTED FOR ONE OF THE FOLLOWING

1 PERIODS, AT WHICH TIME THE PAROLEE SHALL AUTOMATICALLY BE
2 REPAROLED WITHOUT FURTHER ACTION BY THE BOARD:

3 (I) FOR THE FIRST RECOMMITMENT UNDER THIS
4 SUBSECTION, A MAXIMUM PERIOD OF SIX MONTHS.

5 (II) FOR THE SECOND RECOMMITMENT UNDER THIS
6 SUBSECTION FOR THE SAME SENTENCE, A MAXIMUM OF NINE
7 MONTHS.

8 (III) FOR THE THIRD OR SUBSEQUENT RECOMMITMENT UNDER
9 THIS SUBSECTION FOR THE SAME SENTENCE, A MAXIMUM OF ONE
10 YEAR.

11 (4) THE PAROLEE MAY BE REPAROLED BY THE BOARD PRIOR TO
12 EXPIRATION OF THE TIME PERIOD UNDER PARAGRAPH (3) IF THE
13 BOARD DETERMINES THAT IT IS IN THE BEST INTEREST OF THE
14 COMMONWEALTH AND THE PAROLEE.

15 (5) THE TIME LIMIT UNDER PARAGRAPH (3) SHALL NOT BE
16 APPLICABLE TO A PAROLEE WHO:

17 (I) COMMITTED A DISCIPLINARY INFRACTION INVOLVING
18 ASSAULTIVE BEHAVIOR, SEXUAL ASSAULT, A WEAPON OR
19 CONTROLLED SUBSTANCES;

20 (II) SPENT MORE THAN 90 DAYS IN SEGREGATED HOUSING
21 DUE TO ONE OR MORE DISCIPLINARY INFRACTIONS; OR

22 (III) REFUSED PROGRAMMING OR A WORK ASSIGNMENT.

23 (E) RECOMMITMENT TO COMMUNITY CORRECTIONS CENTER OR
24 COMMUNITY CORRECTIONS FACILITY.--

25 (1) A TECHNICAL VIOLATOR RECOMMITTED TO A COMMUNITY
26 CORRECTIONS CENTER OR COMMUNITY CORRECTIONS FACILITY UNDER
27 SUBSECTION (C) SHALL BE RECOMMITTED FOR A MAXIMUM PERIOD OF
28 SIX MONTHS, AFTER WHICH THE PAROLEE SHALL AUTOMATICALLY BE
29 REPAROLED WITHOUT FURTHER ACTION BY THE BOARD.

30 (2) A PAROLEE UNDER PARAGRAPH (1) MAY BE REPAROLED BY

1 THE BOARD PRIOR TO EXPIRATION OF THE SIX-MONTH PERIOD IF THE
2 BOARD DETERMINES THAT IT IS IN THE BEST INTEREST OF THE
3 COMMONWEALTH AND THE PAROLEE.

4 (3) THIS SUBSECTION SHALL NOT APPLY TO A PAROLEE WHO IS
5 NOT IN GOOD STANDING WITH THE BOARD.

6 (F) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
7 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
8 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

9 "COMMUNITY CORRECTIONS CENTER." A RESIDENTIAL PROGRAM THAT
10 IS SUPERVISED AND OPERATED BY THE DEPARTMENT IN ACCORDANCE WITH
11 CHAPTER 50 (RELATING TO COMMUNITY CORRECTIONS CENTERS AND
12 COMMUNITY CORRECTIONS FACILITIES).

13 "COMMUNITY CORRECTIONS FACILITY." A RESIDENTIAL FACILITY
14 OPERATED BY A PRIVATE CONTRACTOR THAT:

15 (1) HOUSES OFFENDERS PURSUANT TO A CONTRACT WITH THE
16 DEPARTMENT; AND

17 (2) IS OPERATED IN ACCORDANCE WITH CHAPTER 50.

18 "CONTRACTED COUNTY JAIL." A COUNTY CORRECTIONAL FACILITY
19 WHICH HAS CONTRACTED WITH THE DEPARTMENT TO PROVIDE CORRECTIONAL
20 OR OTHER SERVICES.

21 "STATE CORRECTIONAL INSTITUTION." ANY OF THE FOLLOWING OWNED
22 AND OPERATED BY THE COMMONWEALTH:

23 (1) A CORRECTIONAL FACILITY.

24 (2) A PRISON.

25 (3) A JAIL.

26 SECTION 16. TITLE 61 IS AMENDED BY ADDING A SECTION TO READ:
27 § 6143. EARLY PAROLE OF INMATES SUBJECT TO FEDERAL REMOVAL
28 ORDER.

29 (A) ELIGIBILITY.--NOTWITHSTANDING ANY OTHER PROVISION OF
30 LAW, THE BOARD MAY PAROLE AN INMATE INTO THE CUSTODY OF THE

1 UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT FOR
2 DEPORTATION PRIOR TO THE EXPIRATION OF THE INMATE'S MINIMUM TERM
3 OF IMPRISONMENT IF ALL OF THE FOLLOWING REQUIREMENTS ARE
4 SATISFIED:

5 (1) THE BOARD HAS RECEIVED A FINAL ORDER OF REMOVAL FOR
6 THE INMATE FROM THE UNITED STATES IMMIGRATION AND CUSTOMS
7 ENFORCEMENT.

8 (2) THE INMATE IS AT LEAST 18 YEARS OF AGE AND IS NOT A
9 NATIVE OR CITIZEN OF THE UNITED STATES.

10 (3) THE OFFENDER HAS NEVER BEEN CONVICTED OR ADJUDICATED
11 DELINQUENT OF A CRIME OF VIOLENCE OR A CRIME REQUIRING
12 REGISTRATION UNDER 42 PA.C.S. CH. 97 SUBCH. H (RELATING TO
13 REGISTRATION OF SEXUAL OFFENDERS).

14 (4) THE BOARD CERTIFIES THAT REMOVAL OF THE INMATE IS
15 APPROPRIATE AND IN THE BEST INTERESTS OF THE COMMONWEALTH.

16 (5) THE INMATE HAS BEEN ADVISED OF ALL OF THE FOLLOWING:

17 (I) UNLAWFUL REENTRY INTO THE UNITED STATES WILL
18 RESULT IN THE INMATE'S RETURN TO THE DEPARTMENT TO SERVE
19 THE REMAINDER OF THE INMATE'S MAXIMUM TERM OF
20 IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE.

21 (II) IF THE INMATE REENTERS THE UNITED STATES AND
22 COMMITTS A CRIMINAL OFFENSE, UPON CONVICTION THE INMATE
23 SHALL BE SUBJECT TO 42 PA.C.S. § 9720.3 (RELATING TO
24 SENTENCING FOR CERTAIN PAROLED OFFENDERS).

25 (III) REENTRY INTO THE UNITED STATES MAY SUBJECT THE
26 INMATE TO PROSECUTION BY THE UNITED STATES UNDER 8 U.S.C.
27 § 1326 (RELATING TO REENTRY OF REMOVED ALIENS).

28 (B) PAROLE DISCRETIONARY.--THE DECISION TO PAROLE AN INMATE
29 UNDER SUBSECTION (A) SHALL BE WITHIN THE SOLE DISCRETION OF THE
30 BOARD. NOTHING UNDER THIS SECTION SHALL BE CONSTRUED TO CONFER A

1 LEGAL RIGHT UPON THE INMATE TO PAROLE UNDER SUBSECTION (A).

2 (C) RETURN OF INMATE BY UNITED STATES.--IF THE UNITED STATES
3 IMMIGRATION AND CUSTOMS ENFORCEMENT IS UNABLE TO OR DOES NOT
4 DEPORT THE INMATE, THE INMATE SHALL BE RETURNED TO THE CUSTODY
5 OF THE DEPARTMENT AND THE BOARD SHALL RESCIND THE INMATE'S
6 PAROLE.

7 (D) UNLAWFUL REENTRY.--AN INMATE PAROLED UNDER THIS SECTION
8 WHO RETURNS UNLAWFULLY TO THE UNITED STATES SHALL BE GIVEN A
9 HEARING BEFORE THE BOARD AND RECOMMITTED AS A PAROLE VIOLATOR
10 UPON A DETERMINATION BY THE BOARD THAT THE INMATE DID UNLAWFULLY
11 RETURN TO THE UNITED STATES. UPON RECOMMITMENT, THE INMATE SHALL
12 BE REQUIRED TO SERVE THE REMAINDER OF THE INMATE'S MAXIMUM TERM
13 OF IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE. THE INMATE
14 SHALL NOT BE ENTITLED TO CREDIT FOR ANY TIME ON PAROLE UNDER
15 THIS SECTION.

16 (E) DEFINITION.--AS USED IN THIS SECTION, THE TERM "CRIME OF
17 VIOLENCE" SHALL BE DEFINED AS PROVIDED IN 42 PA.C.S. § 9714(G)
18 (RELATING TO SENTENCES FOR SECOND AND SUBSEQUENT OFFENSES).

19 SECTION 17. REPEALS ARE AS FOLLOWS:

20 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
21 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE REPEAL OF 61
22 PA.C.S. §§ 3701, 3702, 3703 AND 3704.

23 (2) THE FOLLOWING ACTS OR PARTS OF ACTS ARE REPEALED:

24 (I) SECTION 909(F) AND (G) OF THE ACT OF APRIL 9,
25 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE
26 OF 1929.

27 (II) SECTION 441.1(B) AND THE DEFINITION OF
28 "CORRECTIONAL INSTITUTION" IN SECTION 1401-A OF THE ACT
29 OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC
30 WELFARE CODE.

1 SECTION 18. THE REGULATIONS AT 37 PA. CODE CH. 94 ARE
2 ABROGATED INSOFAR AS THEY ARE INCONSISTENT WITH THE REPEAL OF 61
3 PA.C.S. §§ 3701, 3702, 3703 AND 3704.

4 SECTION 19. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

5 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
6 IMMEDIATELY:

7 (I) (RESERVED).

8 (II) THE AMENDMENT OF 61 PA.C.S. § 6132(A)(2)(II)
9 AND (B).

10 (III) THE AMENDMENT OF 61 PA.C.S. § 6134.1(C)(1) AND
11 (2).

12 (IV) (RESERVED).

13 (V) THIS SECTION.

14 (1.1) THE ADDITION OF 42 PA.C.S. § 9762(I) AND (J) SHALL
15 TAKE EFFECT IN 30 DAYS. ←

16 (2) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT IN 180
17 DAYS:

18 (I) THE ADDITION OF 61 PA.C.S. CH. 50.

19 (II) THE AMENDMENT OR ADDITION OF 61 PA.C.S. §
20 6138(C)(1), (1.1), (2), (4), (5)(V), (6) AND (7), (D)
21 INTRODUCTORY PARAGRAPH, (2), (3), (4) AND (5), (E) AND
22 (F).

23 (3) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT JULY 1,
24 2013:

25 (I) THE AMENDMENT OF 18 PA.C.S. § 7508(C).

26 (II) THE AMENDMENT OF 42 PA.C.S. §§:

27 (A) 9727(D);

28 (B) 9755(G); AND

29 (C) 9756(D).

30 (III) THE AMENDMENT OF THE DEFINITION OF

1 "CORRECTIONAL FACILITY" IN 61 PA.C.S. § 1172.

2 (IV) THE REPEAL OF 61 PA.C.S. §§:

3 (A) 3701;

4 (B) 3702;

5 (C) 3703; AND

6 (D) 3704.

7 (V) THE AMENDMENT OF THE DEFINITIONS OF "COMMUNITY
8 CORRECTIONS CENTER," "DEFENDANT," "ELIGIBLE OFFENDER" AND
9 "GROUP HOME" IN 61 PA.C.S. § 4103.

10 (VI) (RESERVED).

11 (VII) THE AMENDMENT OF 61 PA.C.S. § 4701.

12 (VIII) THE AMENDMENT OF 61 PA.C.S. § 6124(C).

13 (IX) THE AMENDMENT OF 61 PA.C.S. § 6137(A)(4).

14 (X) SECTION 17 OF THIS ACT.

15 (XI) SECTION 18 OF THIS ACT.

16 (4) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
17 DAYS.