

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1803

Session of  
1981

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INTRODUCED BY PICCOLA, ALDEN, STEVENS, SALVATORE,  
W. D. HUTCHINSON, GEIST, HORGOS, RYAN, CIMINI, SPITZ,  
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ROCKS, CORDISCO, VROON, RASCO, MARMION, SIRIANNI, SNYDER,  
MANMILLER, WAMBACH, NOYE, WENGER, SAURMAN, FRAZIER, BOYES,  
FREIND, LESCOVITZ, MERRY, POTT, E. Z. TAYLOR, GRIECO,  
A. K. HUTCHINSON, PUNT, JOHNSON, MORRIS, COSLETT, CUNNINGHAM,  
PETERSON, McVERRY AND WESTON, SEPTEMBER 16, 1981

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
SEPTEMBER 14, 1982

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## AN ACT

1 Amending the act of August 6, 1941 (P.L.861, No.323), entitled,  
2 as amended, "An act to create a uniform and exclusive system  
3 for the administration of parole in this Commonwealth;  
4 providing state probation services; establishing the  
5 'Pennsylvania Board of Probation and Parole'; conferring and  
6 defining its jurisdiction, duties, powers and functions;  
7 including the supervision of persons placed upon probation  
8 and parole in certain designated cases; providing for the  
9 method of appointment of its members; regulating the  
10 appointment, removal and discharge of its officers, clerks  
11 and employes; dividing the Commonwealth into administrative  
12 districts for purposes of probation and parole; fixing the  
13 salaries of members of the board and of certain other  
14 officers and employes thereof; making violations of certain  
15 provisions of this act misdemeanors; providing penalties  
16 therefor; and for other cognate purposes, and making an  
17 appropriation," further providing for a Pennsylvania  
18 Revocation Board and defining its powers and duties with  
19 regard to post-release supervision and making repeals.

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

22 Section 1. The title, act of August 6, 1941 (P.L.861,  
23 No.323), referred to as the Pennsylvania Board of Probation and

1 Parole Law, amended December 27, 1965 (P.L.1230, No.501), is  
2 amended to read:

3 AN ACT

4 To create a uniform and exclusive system for the administration  
5 of [parole] post-release supervision in this Commonwealth;  
6 [providing state probation services;] establishing the  
7 'Pennsylvania [Board of Probation and Parole] Revocation  
8 Board'; conferring and defining its jurisdiction, duties,  
9 powers and functions; [including the supervision of persons  
10 placed upon probation and parole in certain designated  
11 cases;] providing for the method of appointment of its  
12 members; regulating the appointment, removal and discharge of  
13 its officers[, clerks] and employees; [dividing the  
14 Commonwealth into administrative districts for purposes of  
15 probation and parole;] fixing the salaries of members of the  
16 board and of certain other officers and employees thereof;  
17 [making violations of certain provisions of this act  
18 misdemeanors; providing penalties therefor;] providing for  
19 supervision by the Bureau of Correction of persons placed on  
20 post-release supervision in certain designated cases; and for  
21 other cognate purposes[, and making an appropriation].

22 Section 2. Section 1 of the act is repealed.

23 Section 3. Sections 2 and 3 of the act, amended December 27,  
24 1965 (P.L.1230, No.501), are amended to read:

25 Section 2. (a) There shall be and there is hereby  
26 established an independent administrative board for the  
27 administration of the [probation and parole] laws of this  
28 Commonwealth regarding commitment and release during post-  
29 release supervision which shall be known as the "Pennsylvania  
30 [Board of Probation and Parole] Revocation Board," and which is

1 hereinafter referred to as the "board." Said board shall consist  
2 of five members who shall be appointed by the Governor, by and  
3 with the advice and consent of [two-thirds] a majority of all  
4 the members of the Senate, and each of whom shall hold office  
5 for a term of six years[, or until his successor shall have been  
6 duly appointed and qualified: Provided, however, That in making  
7 the additional appointments to said board under this amendment,  
8 the two additional members shall be appointed for terms to  
9 expire two years after the end of the longest terms of the  
10 present members of the board]. The terms of office of the  
11 members of the board shall be staggered so that no more than two  
12 terms shall expire in any calendar year. Notwithstanding any  
13 other provision of law to the contrary, every appointee of the  
14 Governor shall only serve for the term of office as is set forth  
15 in the appointing commission. No appointee shall continue to  
16 hold office after the expiration of his term pending the  
17 appointment of any successor except that any appointed member  
18 whose successor has not been appointed and confirmed shall serve  
19 an additional sixty days beyond the expiration of the  
20 commission. Vacancies occurring in an office of member of the  
21 board for any reason other than by expiration of term[, death,  
22 resignation, removal or for any other reason] shall be filled in  
23 the manner aforesaid for the remainder of the unexpired term.

24 (b) Subject to the provisions of this act, the board shall  
25 have all the powers and shall perform the duties generally  
26 vested in and imposed upon independent administrative boards and  
27 commissions by the act, approved the ninth day of April, one  
28 thousand nine hundred twenty-nine (Pamphlet Laws, one hundred  
29 seventy-seven), designated as "The Administrative Code of 1929,"  
30 and its amendments, and shall be subject to all the provisions

1 of such code which apply generally to independent administrative  
2 boards and commissions.

3 (c) The present members of the Pennsylvania Board of  
4 Probation and Parole shall become members of the Pennsylvania  
5 Revocation Board until the terms for which they were appointed  
6 shall expire.

7 Section 3. The Governor shall from time to time, as the  
8 occasion may arise, designate one of the members of the board to  
9 be its chairman who shall direct the operations of the board,  
10 [and] fulfill the functions established by this act[, secure the  
11 effective application of the probation system in all of the  
12 courts of the State and the enforcement of the probation laws]  
13 and be responsible for the daily administration of the board and  
14 its employes. He shall preside at all meetings of the board and  
15 perform all the duties and functions of chairman thereof. The  
16 board may designate one of its members to act as chairman during  
17 the absence or incapacity of the chairman and, when so acting,  
18 the member so designated shall have and perform all the powers  
19 and duties of chairman of the board, but shall not receive any  
20 additional compensation for so acting. The chairman, in  
21 performing his duties as they relate to violation and revocation  
22 proceedings shall act in accordance with the policies and  
23 procedures established by the board.

24 Section 4. Section 4 of the act is amended to read:

25 Section 4. A majority of the board shall constitute a quorum  
26 for transacting business and, except as hereinafter otherwise  
27 provided, a majority vote of those present at any meeting shall  
28 be sufficient for any official action taken by the board. [No  
29 person shall be paroled, discharged from parole, or the parole  
30 of any person revoked, except by a majority of the entire

1 membership of the board.] In making decisions to commit or  
2 release, the board is empowered to make such decisions in panels  
3 of two. A panel may consist of two board members or one board  
4 member and one hearing examiner. In cases of disagreement  
5 between the two panel members conducting a hearing, the hearing  
6 shall be heard de novo by a panel of three board members, or  
7 hearing examiners, at least one of whom shall be a board member,  
8 and at least two of whom shall not have served on the panel  
9 originally hearing the case. The board shall provide for  
10 administrative review or appeal if an offender wishes to contest  
11 an adverse decision of the panel. This review or appeal will be  
12 to a panel of three, consisting of three board members or two  
13 board members and one hearing examiner, at least two of whom  
14 shall not have served on the panel whose decision is being  
15 reviewed or appealed. This review or appeal will not be de novo,  
16 but rather on the basis of the materials from the hearing in  
17 conjunction with any alleged deficiencies or errors in judgment.  
18 The panel can affirm the original panel decision, reverse the  
19 original panel decision, order a hearing de novo by a panel of  
20 two distinct from the first, or remand to the original panel  
21 with such other instructions as may seem appropriate and in  
22 accordance with the laws of the Commonwealth.

23 Section 5. Section 5 of the act, amended August 24, 1951  
24 (P.L.1401, No.337), is amended to read:

25 Section 5. The chairman of the board [shall receive a salary  
26 of twelve thousand five hundred dollars (\$12,500) per annum] and  
27 each of the other members of the board shall receive [a salary  
28 of eleven thousand five hundred dollars (\$11,500) per annum]  
29 salaries as determined by the Executive Board.

30 Section 6. Section 7 of the act, amended July 3, 1957

1 (P.L.445, No.248), is amended to read:

2 Section 7. As soon as may be convenient after their  
3 appointment the members of the [Board of Parole] board shall  
4 meet and organize. They shall appoint a secretary, who shall not  
5 be a member of the board who shall hold office at their  
6 pleasure, who shall have such powers and perform such duties not  
7 inconsistent with any law of this Commonwealth as the board  
8 shall prescribe, and who shall receive such compensation as the  
9 board shall determine, in conformity with the rules of the  
10 Executive Board. In the absence or incapacity of the secretary  
11 to act the [Board of Parole] board may designate such other  
12 person as it may choose to perform temporarily the duties of  
13 secretary.

14 Section 7. Section 10 of the act, amended December 27, 1965  
15 (P.L.1230, No.501), is amended to read:

16 Section 10. The principal office of the board shall be in  
17 Harrisburg, [and the] but the board may meet and exercise any or  
18 all of its powers at other locations throughout the  
19 Commonwealth. The board shall appoint and employ [therein] such  
20 number and character of [officers, agents, clerks, stenographers  
21 and] employes as may be necessary to carry out the purposes of  
22 this act. The salaries of persons so appointed and employed by  
23 the board shall be fixed by the board. [The board, with the  
24 approval of the Governor, shall divide the Commonwealth for  
25 administrative purposes into a suitable number of districts, not  
26 to exceed ten, in each of which there shall be a district office  
27 which shall have immediate charge of the supervision of cases of  
28 probation and parole arising in the courts of the judicial  
29 districts embraced within its territorial limits, but as  
30 occasion may require the supervision of particular parolees may

1 be transferred by the board to other appropriate parole  
2 districts.

3 The board shall fix and determine the location of the various  
4 district offices within their respective districts, having  
5 regard to local conditions in each district and to the most  
6 convenient and efficient functioning of the office therein  
7 established, and at each of the locations so fixed and  
8 determined shall provide such office accommodations, furniture,  
9 equipment and supplies as may be reasonably suitable and  
10 adequate for the proper handling and dispatch of the parole  
11 business of the district, and to this end the board is hereby  
12 authorized and empowered to enter into contracts on behalf of  
13 the Commonwealth for such office accommodations, furniture,  
14 equipment and supplies aforesaid through the Department of  
15 Property and Supplies.]

16 Section 8. Sections 11 and 12 of the act are repealed.

17 Section 9. Section 15 of the act, amended May 27, 1943  
18 (P.L.767, No.324), is amended to read:

19 Section 15. No employe of the board, except the secretary  
20 [and district supervisors], shall be removed, discharged or  
21 reduced in pay or position, except for cause, and only after  
22 giving him the reasons therefor in writing and affording him an  
23 opportunity to be heard in answer thereto: Provided, however,  
24 That an employe may be suspended without pay and without hearing  
25 for a period not exceeding thirty days, but the reason or  
26 reasons for such suspension shall be given to the employe by the  
27 board in writing: And provided further, That successive  
28 suspensions of the same employe under the power hereby granted  
29 shall not be made.

30 Section 10. Sections 16.1 and 16.2 of the act are repealed.

1       Section 11. Section 17 of the act, amended December 27, 1965  
2       (P.L.1230, No.501), is amended to read:

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



1 as now or hereafter authorized by law to be imposed for criminal  
2 offenses. [The power of the board to parole shall extend to  
3 prisoners sentenced to definite or flat sentences.] The  
4 sentencing court shall have exclusive power to release or retain  
5 prior to or after the completion of the minimum term. Prior to  
6 exercising its power to release, the sentencing court shall  
7 notify the district attorney's office and shall provide an  
8 opportunity for a hearing at which the district attorney may  
9 present objections to the release. The district attorney shall  
10 notify the victim by postage paid, first class mail at his or  
11 her last known address that the sentencing court intends to  
12 release the prisoner and the date, time and place of any hearing  
13 on the matter. The sentencing court shall also have exclusive  
14 power to commit, re-release, and recommit for violations of  
15 post-release supervision all persons under post-release  
16 supervision sentenced to a maximum term of imprisonment of less  
17 than two years.

18 Section 12. Sections 17.1, 18 and 19 of the act are  
19 repealed.

20 Section 13. Section 20 of the act is amended to read:

21 Section 20. It shall be the duty of all prison officials at  
22 all reasonable times to grant access to any prisoner whom the  
23 board has power to [parole] release to the members of said board  
24 or its properly accredited representatives, and all prison  
25 officials shall at all reasonable times provide for the board or  
26 its properly accredited representatives facilities for  
27 communicating with and observing such prisoner while imprisoned,  
28 and shall furnish to the board from time to time such reports  
29 concerning the conduct of any prisoners [in their custody] as  
30 the board shall by general rule or special order require,

1 together with any other facts deemed pertinent in aiding the  
2 board to determine [whether such prisoners shall be paroled]  
3 when recommitted prisoners shall be released or what conditions  
4 of post-release supervision shall be imposed.

5 Section 14. Section 21 of the act, amended August 24, 1951  
6 (P.L.1401, No.337), is amended to read:

7 Section 21. [The board is hereby authorized to release on  
8 parole any convict confined in any penal institution of this  
9 Commonwealth as to whom power to parole is herein granted to  
10 said board, except convicts condemned to death or serving life  
11 imprisonment, whenever in its opinion the best interests of the  
12 convict justify or require his being paroled and it does not  
13 appear that the interests of the Commonwealth will be injured  
14 thereby. The power to parole herein granted to the Board of  
15 Parole may not be exercised in the board's discretion at any  
16 time before, but only after, the expiration of the minimum term  
17 of imprisonment fixed by the court in its sentence or by the  
18 Pardon Board in a sentence which has been reduced by  
19 commutation: Provided, however, That if the Board of Parole  
20 refuse to parole the prisoner at the expiration of any minimum  
21 term fixed by the Pardon Board, it shall, within ten days after  
22 the date when the minimum term expired, transmit to the Pardon  
23 Board a written statement of the reasons for refusal to parole  
24 the prisoner at the expiration of the minimum term fixed by the  
25 Pardon Board. Thereafter, the Pardon Board may either accept the  
26 action of the Board of Parole, or order the immediate release of  
27 the prisoner on parole, under the supervision of the Board of  
28 Parole. Said] (a) Every sentence of imprisonment imposed after  
29 the effective date, EXCLUDING LIFE SENTENCES FOR MURDER, shall  
30 include both a minimum and a maximum term, with the minimum not

<—

1 to exceed the maximum imposed. Except for an offender sentenced  
2 to a maximum term of imprisonment of less than two years, any  
3 other offender sentenced to imprisonment after the effective  
4 date of this act shall, except as provided in subsection (f), be  
5 released to an approved post-release supervision plan after  
6 serving the minimum term fixed by the court in its sentence or  
7 by the Board of Pardons in a sentence which has been reduced by  
8 commutation, minus any good time for which he is eligible AS <—  
9 PROVIDED FOR IN SECTION 34.3.

10 (b) An approved post-release supervision plan shall consist  
11 of:

12 (1) A residence investigated and approved by post-release  
13 supervision staff.

14 (2) A verifiable means of support, which may include  
15 employment or an educational or training program, investigated  
16 and approved by post-release supervision staff. This part of the  
17 plan may be waived by the post-release supervision staff.

18 (c) Rules and regulations concerning the initiation,  
19 development, investigation and approval of post-release  
20 supervision plans shall be promulgated by the Bureau of  
21 Correction for inmates with a maximum sentence of two years or  
22 more and shall be promulgated by the court of common pleas  
23 having sentencing jurisdiction over the inmate with a maximum  
24 sentence of less than two years.

25 (d) An inmate may appeal a disapproval of his post-release  
26 supervision plan to the Revocation Board if his maximum sentence  
27 is two years or more, or to the sentencing court if his maximum  
28 sentence is less than two years, after exhausting any  
29 administrative reviews that may be provided by the  
30 administrative rules and regulations promulgated pursuant to

1 subsection (c).

2 (e) Following release, all offenders shall be under post-  
3 release supervision for the duration of the maximum sentence  
4 imposed. As provided in section 17, the board or the sentencing  
5 court shall have the power during the [period for which a person  
6 shall have been sentenced to recommit one paroled] post-release  
7 supervision period to recommit an offender for violation of [the  
8 terms and conditions of his parole and from time to time to  
9 reparole and recommit in the same manner and with the same  
10 procedure as in the case of an original parole or recommitment,  
11 if, in the judgment of the said board, there is a reasonable  
12 probability that the convict will be benefited by again  
13 according him liberty and it does not appear that the interests  
14 of the Commonwealth will be injured thereby] any conditions set  
15 by the board or the sentencing court and to again release the  
16 offender to post-release supervision whenever it appears that  
17 the best interests of the offender and society justify such  
18 release: Provided, however, That the period of recommitment  
19 shall not extend beyond the maximum sentence imposed, and that  
20 the supervision period following re-release shall extend until  
21 the expiration of the maximum sentence. The board shall  
22 promulgate criteria for its decisions on commitment and release.  
23 In committing and releasing offenders, the members of the board  
24 acting thereon shall not be required to personally see or hear  
25 all the witnesses and evidence submitted to them for their  
26 action, but they may act on reports submitted to them by their  
27 agents and employes, together with any pertinent and adequate  
28 information furnished to them by fellow members of the board or  
29 by others.

30 (f) The board may, in its sole discretion upon petition of

1 the Bureau of Correction and after a hearing, block the release  
2 of any offender upon the completion of a minimum term if the  
3 Bureau of Correction demonstrates that:

4 (1) The offender has not been successfully rehabilitated;

5 (2) The offender continues to pose a serious threat to the  
6 citizens of the Commonwealth; and

7 (3) The offender repeatedly violated the rules and  
8 regulations of the bureau while imprisoned.

9 Section 15. Section 21.1 of the act, amended June 28, 1957  
10 (P.L.429, No.235) and affected by the act of October 15, 1980  
11 (P.L.950, No.164), is amended to read:

12 Section 21.1. (a) [Convicted Violators. Any parolee] Any  
13 person on post-release supervision and under the jurisdiction of  
14 the [Pennsylvania Board of Parole released from any penal  
15 institution of the Commonwealth who, during the period of parole  
16 or while delinquent on parole] board who, during the post-  
17 release supervision period or while delinquent on post-release  
18 supervision, commits any crime punishable by imprisonment, for  
19 which he is convicted or found guilty by a judge or jury or to  
20 which he pleads guilty or nolo contendere at any time thereafter  
21 in a court of record, may, at the discretion of the board, be  
22 recommitted as a [parole violator. If his recommitment is so  
23 ordered, he shall be reentered to serve the remainder of the  
24 term which said parolee would have been compelled to serve had  
25 he not been paroled] post-release supervision violator, and he  
26 shall be given no credit for the time at liberty on [parole]  
27 post-release supervision. The board may, in its discretion[,  
28 reparole whenever, in its opinion, the best interests of the  
29 prisoner justify or require his release on parole and it does  
30 not appear that the interests of the Commonwealth will be

1 injured thereby] release the violator to post-release  
2 supervision or to serve any new sentence imposed whenever it  
3 appears that the best interests of the violator and society  
4 justify such release. The period of time [for] which the  
5 [parole] violator is required to serve by the board shall be  
6 computed from and begin on the date that he is taken into  
7 custody to be returned to the institution as a [parole] post-  
8 release supervision violator.

9 [If a new sentence is imposed upon such parolee, the service  
10 of the balance of said term originally imposed shall precede the  
11 commencement of the new term imposed in the following cases:

12 (1) If a person is paroled from any State penal or  
13 correctional institution under the control and supervision of  
14 the Department of Justice and the new sentence imposed upon him  
15 is to be served in any such State penal or correctional  
16 institution.

17 (2) If a person is paroled from a county penal or  
18 correctional institution and the new sentence imposed upon him  
19 is to be served in the same county penal or correctional  
20 institution.

21 In all other cases, the service of the new term for the  
22 latter crime shall precede commencement of the balance of the  
23 term originally imposed.

24 Where the new term is to be served last, or the balance of  
25 the term originally imposed is to be served last, and such  
26 service is, in either case, to be had in any penal or  
27 correctional institution under the control and supervision of  
28 the Department of Justice, any male person upon recommitment  
29 shall be sent to the nearest Correctional Diagnostic and  
30 Classification Center for service of the remainder of the

1 original term at such institution as shall be designated by the  
2 Deputy Commissioner for Treatment of the Bureau of Correction.  
3 Any female person shall be recommitted to the State Industrial  
4 Home for Women at Muncy.]

5 (b) [Technical Violators. Any parolee] Any person on post-  
6 release supervision and under the jurisdiction of the  
7 [Pennsylvania Board of Parole released from any penal  
8 institution in the Commonwealth who, during the period of  
9 parole, violates the terms and conditions of his parole] board  
10 who, during the post-release supervision period violates the  
11 terms and conditions of his supervision, other than by the  
12 commission of a new crime of which he is convicted or found  
13 guilty by a judge or jury or to which he pleads guilty or nolo  
14 contendere in a court of record, may be recommitted after  
15 hearing before the board. If he is so recommitted, he shall be  
16 given credit for the time served on [parole] post-release  
17 supervision in good standing but with no credit for delinquent  
18 time, and may be reentered to serve the remainder of his  
19 original maximum sentence or sentences. Said remainder shall be  
20 computed by the board from the time his delinquent conduct  
21 occurred for the unexpired period of the maximum sentence  
22 imposed by the court without credit for the period the [parolee  
23 was delinquent on parole] violinator was delinquent on post-  
24 release supervision, and he shall be required to serve such  
25 remainder so computed from the date he is taken into custody on  
26 the warrant of the board. [Such prisoner shall be subject to  
27 reparole by the board whenever in its opinion the best interests  
28 of the prisoner justify or require his being repared and it  
29 does not appear that the interests of the Commonwealth will be  
30 injured thereby.] The board may release the violator to post-

1 release supervision whenever it appears that the best interests  
2 of the violator and society justify such release.

3 (c) [Recommitment. †Technical violators shall be <—  
4 recommitted for service of the balance of said term originally  
5 imposed to penal or correctional institutions as follows:

6 (1) If paroled from a county penal or correctional  
7 institution, to the same institution or to any other institution  
8 to which legally transferred.

9 (2) If paroled from the Pennsylvania Industrial School at  
10 Camp Hill and upon recommitment such person has not attained the  
11 age of twenty-one years, to the same institution.

12 (3) If paroled from the State Industrial Home for Women at  
13 Muncy, to the same institution.

14 (4) If paroled from any other State penal or correctional  
15 institution under the control and supervision of the Department  
16 of Justice, to the nearest Correctional Diagnostic and  
17 Classification Center wherein the person shall be classified for  
18 service of the balance of the term in such institution as shall  
19 be designated by the Deputy Commissioner for Treatment in the  
20 Bureau of Correction.] In all cases of recommitment, the service  
21 of the original sentence shall precede the service of any new  
22 sentence or sentences imposed. Under no circumstances shall the  
23 service of a new sentence or sentences run concurrently with  
24 time served for violation of post-release supervision.

25 (d) The Commissioner of Correction is hereby authorized,  
26 subject to the approval of the Attorney General, to enter into  
27 contracts with similar officials of any other state or states  
28 for the purpose of sharing an equitable portion of the cost of  
29 effecting the return of any person who has violated the terms  
30 and conditions of post-release supervision or probation granted



1 by this State.

2 Section 16. Section 22 of the act is repealed.

3 Section 17. Section 23 of the act is amended to read:

4 Section 23. The board shall have the power, and it shall be  
5 its duty, to make general rules for the conduct [and  
6 supervision] of persons [heretofore or hereafter placed upon  
7 parole] on post-release supervision within the jurisdiction of  
8 the board. In addition to the power to make general rules and  
9 regulations hereby granted, the board may, in particular cases,  
10 as it deems necessary to effectuate the purpose of [parole,  
11 prescribe special regulations for particular parolees] post-  
12 release supervision, prescribe special regulations for  
13 particular persons on post-release supervision within the  
14 jurisdiction of the board.

15 Section 18. Sections 26, 27, 31 and 32 of the act are  
16 repealed.

17 Section 19. Sections 33 and 34 of the act are amended to  
18 read:

19 Section 33. In compliance with the Federal Interstate  
20 Compact Laws, the [Parole Board] Bureau of Correction is  
21 authorized to supervise persons paroled or placed on probation  
22 by other states and now residing in Pennsylvania, where such  
23 other states agree to perform similar services for the  
24 [Pennsylvania Board of Parole] Bureau of Correction.

25 Section 34. The [Pennsylvania Board of Parole] Bureau of  
26 Correction shall be charged with the duty of making  
27 investigations and recommendations to the [Pardon] Board of  
28 Pardons in cases coming before it, and upon its request.

29 Section 20. The act is amended by adding sections to read:

30 Section 34.1. (a) The Bureau of Correction shall have

1 exclusive power to supervise all persons during their post-  
2 release supervision period who are heretofore or hereafter  
3 sentenced by any court in this Commonwealth to a maximum term of  
4 imprisonment of two years or more. The bureau shall also have  
5 the power to supervise any person on post-release supervision  
6 who has been sentenced to a maximum term of less than two years  
7 if a court having criminal jurisdiction so directs and if there  
8 is a felony conviction, or a misdemeanor conviction where the  
9 offender has a prior felony conviction, or if the offender is  
10 presently under the jurisdiction of the Bureau of Correction,  
11 and the offender is subject to a period of supervision of not  
12 less than six months, in which case the post-release supervision  
13 case shall be known as a special case.

14 (b) The Bureau of Correction may accept responsibility for  
15 supervision of persons placed on probation as it deems  
16 appropriate if a court of criminal jurisdiction so directs and  
17 if the term of probation is not less than two years or when  
18 persons placed on probation are currently under the jurisdiction  
19 of the Bureau of Correction.

20 (c) The Bureau of Correction shall have the power:

21 (1) To supervise and make pre-sentence investigations and  
22 reports when requested to do so by a court.

23 (2) To collect and maintain copies of pre-sentence  
24 investigations and reports as necessary.

25 (3) To collect and maintain a record of all persons who are  
26 placed on probation and post-release supervision.

27 (4) To collect, compile, and publish statistical and other  
28 information relating to probation and post-release supervision  
29 work in all courts and such other information the bureau may  
30 deem of value.

1     (5) To establish uniform Statewide standards for (i) pre-  
2 sentence investigations; (ii) the supervision of persons on  
3 probation and post-release supervision; (iii) the qualifications  
4 and minimum salaries for personnel supervising persons on  
5 probation and post-release supervision; and (iv) the quality of  
6 probation and post-release supervision services. The standards  
7 for the qualifications of probation and post-release supervision  
8 personnel shall only apply to personnel appointed after the date  
9 the standards are established. The bureau may provide in-service  
10 training for county probation and post-release supervision  
11 personnel when requested to do so by the court having  
12 jurisdiction of such personnel.

13     (6) To administer a grant-in-aid program for the costs  
14 incurred by any county in providing additional probation staff  
15 for pre-sentence investigations and for improved probation and  
16 post-release supervision and programs, but only to the extent  
17 that the additional staff and programs meet the qualifications  
18 and standards established by the bureau. The bureau shall  
19 establish rules and regulations for the allocation of funds  
20 available for such grants-in-aid.

21     (d) All probation and post-release supervision officers  
22 appointed by any court of this Commonwealth shall be required by  
23 the court to submit to the Bureau of Correction such information  
24 as the bureau may require on forms prescribed and furnished by  
25 the bureau. The bureau shall have free and ready access to all  
26 probation and post-release supervision records of the counties  
27 of this Commonwealth.

28     Section 34.2. (a) The Bureau of Correction may, with  
29 approval of the Governor, divide the Commonwealth for  
30 administrative purposes into a suitable number of districts, not

1 to exceed ten, in each of which there shall be a district office  
2 which shall have immediate charge of the post-release  
3 supervision cases arising in the courts of the judicial  
4 districts embraced within its territorial limits, but as  
5 occasion may require, the supervision of particular persons may  
6 be transferred by the bureau to other appropriate districts.

7 (b) Staff responsible for post-release supervision are  
8 hereby declared to be peace officers and are hereby given police  
9 power and authority throughout the Commonwealth to arrest  
10 without warrant, writ, rule, or process any probationer or  
11 person on post-release supervision under the supervision of the  
12 bureau for failing to report as required by the terms of his  
13 probation or post-release supervision, or for any other  
14 violation thereof.

15 (c) The Commissioner of Correction is hereby authorized and  
16 empowered to deputize any person to act as an officer and agent  
17 of this Commonwealth in effecting the return of any person who  
18 has violated the terms and conditions of his probation or post-  
19 release supervision. In any matter relating to the return of  
20 such a person, any agent so deputized shall have all the powers  
21 of a police officer of this Commonwealth. Any deputization shall  
22 be in writing and any person authorized to act as an agent of  
23 this Commonwealth, pursuant hereto, shall carry formal evidence  
24 of his deputization and shall produce the same upon demand.

25 Section 34.3. After the effective date of this act, any  
26 offender, EXCLUDING OFFENDERS SERVING LIFE SENTENCES FOR  
27 MURDER, serving a sentence of imprisonment shall be awarded good  
28 time after each month spent without infractions of any rules and  
29 regulations established by the Commissioner of Correction for  
30 offenders incarcerated in institutions operated by the Bureau of

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1 Correction or by the inspectors, sheriffs or other persons  
2 having charge of county jails or prisons for offenders  
3 incarcerated in such institutions. Good time shall be computed  
4 as follows:

5 (1) Three days for each month during the first year of  
6 incarceration.

7 (2) Four and one-half days for each month during the second  
8 year of incarceration.

9 (3) Six days for each month during the third and fourth  
10 years of incarceration.

11 (4) Seven and one-half days for each month during the fifth  
12 through ninth years of incarceration.

13 (5) Ten days for each month during the tenth and subsequent  
14 years of incarceration.

15 Proportionate amounts of good time shall be granted to offenders  
16 with less than one month remaining on their minimum term. The  
17 Commissioner of Correction shall issue rules and regulations  
18 which state the types of conduct for which good time may be  
19 withheld for those inmates incarcerated in institutions operated  
20 by the Bureau of Correction. The inspectors, sheriffs or other  
21 persons having charge of county jails or prisons shall issue  
22 rules and regulations which state the types of conduct for which  
23 good time may be withheld for inmates incarcerated in such  
24 facilities. An inmate charged with infraction of such rules and  
25 regulations shall receive written notice of the charge and the  
26 reasons for it and shall be afforded a hearing. Only the good  
27 time for the month in which infractions were committed may be  
28 withheld for those infractions. Good time shall be awarded at  
29 the end of each month if no infractions have been charged during  
30 that month, and good time once granted shall not be revoked for

1 subsequent infractions. No good time shall be awarded for time  
2 served prior to the effective date of this act, but good time  
3 for time served after the effective date shall be computed in  
4 consideration of the total time the offender has been  
5 incarcerated. An individual serving a life sentence shall not  
6 accumulate good time., unless the sentence is reduced by <—  
7 commutation. In such cases, good time shall be earned after the  
8 date the term is set. Good time shall then be computed according  
9 to the schedule specified in this section and in consideration  
10 of the total time the offender has been incarcerated. Inmates  
11 who have been returned to prison by the Revocation Board or by  
12 the sentencing judge for violations of post-release supervision  
13 shall not be eligible for good time.

14 Section 21. All references in statute and regulation to  
15 parole shall hereby be deemed references to post-release  
16 supervision. All statutory references to parolees shall hereby  
17 be deemed references to persons under post-release supervision.

18 Section 22. (a) The Pennsylvania Revocation Board shall  
19 have exclusive powers to release all persons sentenced prior to  
20 the effective date of this act by any court in this Commonwealth  
21 to a maximum term of imprisonment of two years or more in any  
22 prison or penal institution thereof, whether the same be a State  
23 or county penitentiary, prison, or penal institution: Provided,  
24 however, That the powers and duties herein conferred shall not  
25 extend to persons sentenced for a maximum period of less than  
26 two years, and nothing in this section shall prevent any court  
27 of this Commonwealth from releasing any person who was sentenced  
28 by it prior to the effective date of this act for a maximum  
29 period of less than two years: And provided further, That the  
30 period of two years herein referred to shall mean the entire

1 continuous term of sentence to which a person is subject,  
2 whether the same be by one or more sentences as authorized by  
3 law to be imposed for criminal offenses: And provided further,  
4 That the powers and duties conferred by this section shall not  
5 extend to persons whose sentences are reduced by commutation  
6 after the effective date of this act.

7 (b) The board is hereby authorized to release and place on  
8 post-release supervision any offender confined in any penal  
9 institution of this Commonwealth as to whom power to release is  
10 granted to the board under this section, except offenders  
11 condemned to death or serving life imprisonment, whenever in its  
12 opinion the best interests of the offender justify or require  
13 his being released and it does not appear that the interests of  
14 the Commonwealth will be injured thereby. This power to release  
15 shall not be exercised at any time before, but only after, the  
16 expiration of the minimum term of imprisonment fixed by the  
17 court in its sentence or by the Board of Pardons in a sentence  
18 which has been reduced by commutation. ~~minus any good time for~~ <—  
19 ~~which an offender is eligible.~~

20 (c) It shall be the duty of the board, with regard to any  
21 person as to whom the board is granted power to release under  
22 this section, to investigate and inform itself respecting the  
23 circumstances of the offense for which said person shall have  
24 been sentenced, and, in addition thereto, it shall procure  
25 information as full and complete as may be obtainable with  
26 regard to the character, mental characteristics, habits,  
27 antecedents, connections and environment of such person. The  
28 board shall further procure as needed the stenographic record,  
29 if any, of the trial, conviction and sentence, together with  
30 such additional information as may be available regarding the

1 crime for which sentence was imposed. The board shall further  
2 cause the conduct of the person while in prison and his  
3 physical, mental and behavior condition and history and his  
4 complete criminal record, as far as the same may be known, to be  
5 investigated and reported. All public officials having  
6 possession of such records or information are hereby required  
7 and directed to furnish the same to the board upon its request  
8 and without charge therefor. Said investigation shall be made by  
9 the board so far as may be practicable while the case is recent,  
10 and in granting release the board shall consider the nature and  
11 character of the offense committed and any recommendation made  
12 by the trial judge as well as the general character and history  
13 of the prisoner.

14 (d) The board shall, in all cases, consider the  
15 recommendations of the trial judge and of the district attorney  
16 and of each warden or superintendent, as the case may be, who  
17 has had charge of an applicant, each of whom is directed to  
18 submit to the board his recommendation and the reasons  
19 therefore, with respect to each individual eligible for release.

20 (e) The board shall have the power to grant release of its  
21 own motion, with regard to any person as to whom the board is  
22 granted power to release under this section, whenever in its  
23 judgment the interests of justice require the granting of the  
24 same. In addition thereto, the board shall have the power, and  
25 it shall be its duty, to consider applications for release by a  
26 prisoner or by his attorney, relatives or friends or by any  
27 person properly interested in the matter. Hearings of  
28 applications shall be held by the board whenever in its judgment  
29 hearings are necessary. Reasonable rules and regulations shall  
30 be adopted by the board for the presentation and hearing of



1 applications for release: Provided, however, That whenever any  
2 prisoner is released by the board, whether of its own motion or  
3 after hearing of an application therefor, or whenever an  
4 application for release is refused by the board, a brief  
5 statement of the reasons for the board's action shall be filed  
6 of record in the offices of the board and shall be at all  
7 reasonable times open to public inspection; in no case shall  
8 release be granted or an application for release dismissed,  
9 unless an agent of the board shall have seen and heard him in  
10 person in regard thereto within six months prior to the granting  
11 or dismissal thereof. Applications shall be disposed of by the  
12 board within six months of the filing thereof. Except in cases  
13 where the minimum term has been reduced by commutation, the  
14 board shall initially act on the application, if possible,  
15 before the expiration of the minimum term so fixed, and in no  
16 case more than thirty days thereafter. In granting release, the  
17 members of the board acting thereon shall not be required to  
18 personally hear or see all the witnesses and evidence submitted  
19 to them for their action, but they may act on report submitted  
20 to them by their agents and employes, together with any  
21 pertinent and adequate information furnished to them by fellow  
22 members of the board or by others. At least ten days before  
23 releasing a prisoner on its own motion the board shall give  
24 written notice of such contemplated release to the district  
25 attorney of the county wherein the prisoner shall have been  
26 sentenced, and, in cases of hearings on applications for release  
27 as herein provided for, at least ten days written notice of the  
28 time and place fixed for such hearing shall be given either by  
29 the board or by the applicant, as the board shall direct, to the  
30 court and district attorney of the county wherein the applicant

1 shall have been sentenced.

2 (f) Release of persons sentenced prior to the effective date  
3 of this act to a maximum period of less than two years  
4 imprisonment shall be granted by the sentencing court unless the  
5 board agrees to accept jurisdiction upon the direction of the  
6 court.

7 (g) Following the release from imprisonment of any person  
8 sentenced prior to the effective date of this act, the  
9 provisions of this section shall no longer apply to that person,  
10 and all other provisions of this act shall have full force and  
11 effect with regard to that person.

12 Section 23. The provisions of this act are hereby extended  
13 to all persons who, at the effective date hereof, may be on  
14 parole under existing laws with the same force and effect as if  
15 this act had been in operation at the time such persons were  
16 placed on parole.

17 Section 24. All personnel, allocations, appropriations,  
18 equipment, files, records, contracts, agreements, obligations  
19 and other materials which are used, employed, or expended in  
20 connection with the powers, duties, or functions given by this  
21 act to the Bureau of Correction, which powers, duties, and  
22 functions were formerly exercised by the Pennsylvania Board of  
23 Probation and Parole are hereby transferred to the Bureau of  
24 Correction with the same force and effect as if the  
25 appropriations had been made to and said items had been the  
26 property of the Bureau of Correction in the first instance, and  
27 as if said contracts, agreements, and obligations had been  
28 incurred or entered into by the Bureau of Correction.

29 Section 25. The provisions of this act shall not affect any  
30 act done, liability incurred, right accorded or vested, or

1 adjudication or decision made, including parole revocations,  
2 under the authority of any act of Assembly or part thereof,  
3 repealed by this act.

4 Section 26. The following acts or parts of acts are  
5 repealed:

6 Sections 4, 5, 6, 10 and 13, act of April 28, 1887 (P.L.63,  
7 No.30), entitled, as amended, "An act in relation to the  
8 imprisonment, government and release of inmates in the  
9 Pennsylvania Industrial School at Camp Hill, Cumberland County,  
10 Pennsylvania."

11 Sections 3 and 4, act of June 6, 1893 (P.L.326, No.263),  
12 entitled "A supplement to an act, entitled 'An act in relation  
13 to the imprisonment, government and release of convicts in the  
14 Pennsylvania Industrial Reformatory at Huntingdon,' approved the  
15 twenty-eighth day of April, Anno Domini one thousand eight  
16 hundred and eighty-seven."

17 The act of June 19, 1911 (P.L.1059, No.813), entitled "An act  
18 extending the powers of judges of courts of quarter sessions and  
19 of oyer and terminer, in relation to releasing prisoners in  
20 jails and workhouses on parole."

21 The act of May 28, 1913 (P.L.363, No.247), entitled "An act  
22 regulating the discharge of prisoners on parole, from the penal  
23 institutions of the Commonwealth."

24 Sections 16, 19, 20 and 27, act of July 25, 1913 (P.L.1311,  
25 No.816), entitled "An act providing for the establishment of a  
26 State Industrial Home for Women; authorizing the purchase of a  
27 site, and the erection thereon and equipment of necessary  
28 buildings; providing for the commitment to said State Industrial  
29 Home for Women of females between the ages of sixteen and thirty  
30 years, convicted of, or pleading guilty to, the commission of

1 any criminal offense; and providing for the government and  
2 management of said institution; and making an appropriation to  
3 carry out the purposes of this act."

4 The act of May 1, 1929 (P.L.1182, No.414), entitled "An act  
5 providing the procedure and the powers of the State Board of  
6 Pardons and boards of trustees of penitentiaries where prisoners  
7 released on parole violate the terms of such parole; and fixing  
8 the penalty for such violation."

9 The act of May 1, 1929 (P.L.1183, No.415), entitled "An act  
10 relating to persons paroled from the Pennsylvania Industrial  
11 Reformatory at Huntingdon; and regulating the procedure when  
12 such persons violate the terms of paroles, and the effect of  
13 such violations."

14 The act of June 22, 1931 (P.L.864, No.280), entitled "An act  
15 making a convict whose minimum sentence exceeds one-half of the  
16 maximum sentence eligible to apply for release on parole when  
17 said convict has served or will have served one-half his maximum  
18 sentence."

19 The act of December 13, 1955 (P.L.841, No.246), entitled "An  
20 act authorizing cooperative return of parole and probation  
21 violators and the making of contracts or deputization of persons  
22 pursuant thereto."

23 As much of 42 Pa.C.S. § 9755(b) (relating to sentence of  
24 partial confinement) which reads; "which shall not exceed one-  
25 half of the maximum sentence imposed."

26 As much of 42 Pa.C.S. § 9756(b) (relating to sentence of  
27 total confinement) which reads; "which shall not exceed one-half  
28 of the maximum sentence imposed."

29 42 Pa.C.S. § 9756(c) (relating to sentence of total  
30 confinement).

1       The last sentence of 42 Pa.C.S. § 9757 (relating to  
2 consecutive sentences of total confinement for multiple  
3 offenses) which reads; "Such minimum sentence shall not exceed  
4 one-half of the maximum sentence imposed."

5       Section 27. This act shall take effect in 90 days.