

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2317 Session of
1988

INTRODUCED BY PITTS, IRVIS, R. C. WRIGHT, ITKIN, COWELL, HAYES,
LINTON, BURNS, WIGGINS, LEH, DISTLER, MERRY, D. W. SNYDER,
LANGTRY, SCHULER, OLASZ, DAWIDA, ROBBINS, BOWSER, TELEK,
NAHILL, WESTON, KOSINSKI, SAURMAN, BUNT, VROON, GODSHALL,
HECKLER, COHEN, FLICK, JOHNSON, CARN, MAINE, SEMMEL, ARTY,
DORR, GLADECK, RYBAK, HERSHEY, BOWLEY, KITCHEN, JACKSON,
BIRMELIN, MELIO, DeLUCA, SERAFINI, RAYMOND, BARLEY,
E. Z. TAYLOR, HUGHES, VEON, FATTAH, MAIALE, CLYMER, McVERRY,
CALTAGIRONE, CESSAR, RITTER, RICHARDSON, LASHINGER, WOZNIAK,
FISCHER, McHALE, HAGARTY, FOX, FREIND, SIRIANNI, McCLATCHY,
REINARD, LEVDANSKY, HARPER, MARKOSEK, JOSEPHS, TIGUE, GEIST,
J. L. WRIGHT, MAYERNIK, PRESSMANN, TRELLO, NOYE, HERMAN,
S. H. SMITH, SHOWERS, STAIRS, BLAUM, PICCOLA, FARMER,
ROEBUCK, STUBAN AND WAMBACH, APRIL 6, 1988

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 6, 1988

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," providing for participation in a literacy
18 program as an incentive for parole; and making an editorial
19 change.

20 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Section 19 of the act of August 6, 1941 (P.L.861,
3 No.323), referred to as the Pennsylvania Board of Probation and
4 Parole Law, amended October 9, 1986 (P.L.1424, No.134), is
5 amended to read:

6 Section 19. (a) It shall be the duty of the board, upon the
7 commitment to prison of any person whom said board is herein
8 given the power to parole, to investigate and inform itself
9 respecting the circumstances of the offense for which said
10 person shall have been sentenced, and, in addition thereto, it
11 shall procure information as full and complete as may be
12 obtainable with regard to the character, mental characteristics,
13 habits, antecedents, connections and environment of such person.
14 The board shall further procure the stenographic record, if any,
15 of the trial, conviction and sentence, together with such
16 additional information regarding the crime for which sentence
17 was imposed as may be available. The board shall further cause
18 the conduct of the person while in prison, including the
19 person's participation in a program that is approved by the
20 Division of Correction Education of the Department of Education
21 as designed to achieve basic literacy skills and his physical,
22 mental and behavior condition and history, his history of family
23 violence and his complete criminal record, as far as the same
24 may be known, to be investigated and reported. All public
25 officials having possession of such records or information are
26 hereby required and directed to furnish the same to the board
27 upon its request and without charge therefor. Said investigation
28 shall be made by the board so far as may be practicable while
29 the case is recent, and in granting paroles the board shall
30 consider the nature and character of the offense committed, any

1 recommendation made by the trial judge, the general character
2 and history of the prisoner and the written or personal
3 statement or testimony of the victim or the victim's family
4 submitted pursuant to section 22.1 of this act.

5 (b) The board shall, in all cases, consider the
6 recommendations of the trial judge and of the district attorney
7 and of each warden or superintendent, as the case may be, who
8 has had charge of an applicant, each of whom is directed to
9 submit to the board his recommendation and the reasons therefor,
10 with respect to each parole application.

11 (c) As used in this section, the term "basic literacy
12 skills" shall mean the ability to read at an eighth-grade level.

13 Section 2. Section 21 of the act, amended August 24, 1951
14 (P.L.1401, No.337), is amended to read:

15 Section 21. (a) The board is hereby authorized to release
16 on parole any convict confined in any penal institution of this
17 Commonwealth as to whom power to parole is herein granted to
18 said board, except convicts condemned to death or serving life
19 imprisonment, whenever in its opinion the best interests of the
20 convict justify or require his being paroled and it does not
21 appear that the interests of the Commonwealth will be injured
22 thereby. In its decision on whether to grant parole, the board
23 shall consider, as a positive factor, a convict's participation
24 in a program that is approved by the Division of Correction
25 Education of the Department of Education as designed to achieve
26 basic literacy skills. The power to parole herein granted to the
27 [Board of Parole] board may not be exercised in the board's
28 discretion at any time before, but only after, the expiration of
29 the minimum term of imprisonment fixed by the court in its
30 sentence or by the [Pardon] Board of Pardons in a sentence which

1 has been reduced by commutation: Provided, however, That if the
2 [Board of Parole] board refuse to parole the prisoner at the
3 expiration of any minimum term fixed by the [Pardon] Board of
4 Pardons, it shall, within ten days after the date when the
5 minimum term expired, transmit to the [Pardon] Board of Pardons
6 a written statement of the reasons for refusal to parole the
7 prisoner at the expiration of the minimum term fixed by the
8 [Pardon] Board of Pardons. Thereafter, the [Pardon] Board of
9 Pardons may either accept the action of the [Board of Parole]
10 board, or order the immediate release of the prisoner on parole,
11 under the supervision of the [Board of Parole] board. Said board
12 shall have the power during the period for which a person shall
13 have been sentenced to recommit one paroled for violation of the
14 terms and conditions of his parole and from time to time to
15 reparole and recommit in the same manner and with the same
16 procedure as in the case of an original parole or recommitment,
17 if, in the judgment of the said board, there is a reasonable
18 probability that the convict will be benefited by again
19 according him liberty and it does not appear that the interests
20 of the Commonwealth will be injured thereby.

21 (b) As used in this section, the term "basic literacy
22 skills" shall mean the ability to read at an eighth-grade level.

23 Section 3. The Division of Correction Education of the
24 Department of Education may promulgate regulations to administer
25 this act. In promulgating regulations, the division and the
26 department shall make every effort to include the widest array
27 of local education providers. Eligible providers shall include,
28 but not be limited to:

29 (1) School districts.

30 (2) Intermediate units.

1 (3) Area vocational-technical schools.
2 (4) Community colleges.
3 (5) Literacy councils.
4 (6) Libraries.
5 (7) Community-based private, nonprofit organizations
6 which are representative of communities or significant parts
7 of communities that provide basic education programs.
8 (8) Educational entities registered with the department
9 for providing an effective educational curriculum.
10 Section 4. This act shall take effect in 60 days.