

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 620 Session of
1989

INTRODUCED BY LOEPER, JUBELIRER, LEMMOND, PECORA, FISHER, ROCKS,
HELFRICK, GREENWOOD, BRIGHTBILL, HESS, WENGER, HOLL, WILT,
HOPPER, TILGHMAN, BELL, MADIGAN, SHAFFER, ARMSTRONG,
SALVATORE, PETERSON, RHOADES, SHUMAKER, PUNT, BAKER, CORMAN,
PORTERFIELD, SCANLON, LINCOLN, LEWIS, FATTAH, STOUT,
AFFLERBACH, REIBMAN, MELLOW, JONES, O'PAKE AND REGOLI,
FEBRUARY 28, 1989

SENATOR SHUMAKER, LAW AND JUSTICE, AS AMENDED, JUNE 13, 1989

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 the power to parole;
18 and making a repeal.

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

21 Section 1. Section 21 of the act of August 6, 1941 (P.L.861,
22 No.323), referred to as the Pennsylvania Board of Probation and
23 Parole Law, amended August 24, 1951 (P.L.1401, No.337), is

1 amended to read:

2 Section 21. The board is hereby authorized to release on
3 parole any convict confined in any penal institution of this
4 Commonwealth as to whom power to parole is herein granted to
5 said board, except convicts condemned to death or serving life
6 imprisonment, whenever in its opinion the best interests of the
7 convict justify or require his being paroled and it does not
8 appear that the interests of the Commonwealth will be injured
9 thereby. The power to parole herein granted to the Board of
10 Parole may not be exercised in the board's discretion at any
11 time before, but only after, the expiration of the minimum term
12 of imprisonment fixed by the court in its sentence or by the
13 Pardon Board in a sentence which has been reduced by
14 commutation: Provided, however, That if the Board of Parole
15 refuse to parole the prisoner at the expiration of any minimum
16 term fixed by the Pardon Board, it shall, within ten days after
17 the date when the minimum term expired, transmit to the Pardon
18 Board a written statement of the reasons for refusal to parole
19 the prisoner at the expiration of the minimum term fixed by the
20 Pardon Board. Thereafter, the Pardon Board may either accept the
21 action of the Board of Parole, or order the immediate release of
22 the prisoner on parole, under the supervision of the Board of
23 Parole. The board may not release a person on parole unless the
24 person achieves a negative result WITHIN ONE WEEK PRIOR TO THE <—
25 DATE OF RELEASE in a screening test approved by the Department
26 of Health for the detection of the presence of controlled
27 substances or designer drugs under the act of April 14, 1972
28 (P.L.233, No.64), known as "The Controlled Substance, Drug,
29 Device and Cosmetic Act." <—
30 ~~If an inmate tests positive for the~~
~~presence of a controlled substance or a designer drug or if an~~

1 ~~inmate is paroled from a sentence arising from a conviction~~
2 ~~under such act or from a drug related crime, the board shall~~
3 ~~establish, as a condition of a person's continued parole, the~~
4 ~~person's achievement of negative results in such screening tests~~
5 ~~randomly applied. The random screening tests shall be performed~~
6 ~~at the discretion of the board, and the person undergoing the~~
7 ~~tests shall be responsible for the costs of the tests.~~ THE BOARD <—
8 SHALL ESTABLISH, AS A CONDITION OF CONTINUED PAROLE FOR A
9 PAROLEE WHO, AS AN INMATE, TESTED POSITIVE FOR THE PRESENCE OF A
10 CONTROLLED SUBSTANCE OR A DESIGNER DRUG OR WHO WAS PAROLED FROM
11 A SENTENCE ARISING FROM A CONVICTION UNDER "THE CONTROLLED
12 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," OR FROM A DRUG-
13 RELATED CRIME, THE PAROLEE'S ACHIEVEMENT OF NEGATIVE RESULTS IN
14 SUCH SCREENING TESTS RANDOMLY APPLIED. THE RANDOM SCREENING
15 TESTS SHALL BE PERFORMED AT THE DISCRETION OF THE BOARD, AND THE
16 PAROLEE UNDERGOING THE TESTS SHALL BE RESPONSIBLE FOR THE COSTS
17 OF THE TESTS. THE FUNDS COLLECTED FOR THE TESTS SHALL BE APPLIED
18 AGAINST THE CONTRACT FOR SUCH TESTING BETWEEN THE BOARD AND A
19 TESTING LABORATORY APPROVED BY THE DEPARTMENT OF HEALTH. Said
20 board shall have the power during the period for which a person
21 shall have been sentenced to recommit one paroled for violation
22 of the terms and conditions of his parole and from time to time
23 to reparole and recommit in the same manner and with the same
24 procedure as in the case of an original parole or recommitment,
25 if, in the judgment of the said board, there is a reasonable
26 probability that the convict will be benefited by again
27 according him liberty and it does not appear that the interests
28 of the Commonwealth will be injured thereby.

29 Section 2. Section 16(4) of the act of April 14, 1972
30 (P.L.233, No.64), known as The Controlled Substance, Drug,

1 Device and Cosmetic Act, is repealed.

2 Section 3. This act shall take effect in 60 days.