

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2580 Session of
1996

INTRODUCED BY BOSCOLA, CALTAGIRONE, GEIST, STURLA, COY, HALUSKA,
CARN, BROWNE, HERSHEY, ROBERTS, DeLUCA, MELIO, HORSEY, WAUGH,
YOUNGBLOOD, STEELMAN, LUCYK, ROONEY, JOSEPHS, McGEEHAN, MERRY
AND RAMOS, MAY 1, 1996

SENATOR TILGHMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, JUNE 25, 1996

AN ACT

1 Amending the act of December 19, 1990 (P.L.1391, No.215),
2 entitled "An act providing for motivational boot camps for
3 certain youthful offenders; and providing for selection of
4 participants," further providing for definitions. ~~AND FOR~~ <—
5 ~~SELECTION OF INMATE PARTICIPANTS.~~

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

8 Section 1. ~~Section 3 SECTIONS 3 AND 4(C)~~ SECTION 3 of the <—
9 act of December 19, 1990 (P.L.1391, No.215), known as the
10 Motivational Boot Camp Act, ~~is ARE~~ IS amended to read: <—

11 Section 3. Definitions.

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

15 "Commission." The Pennsylvania Commission on Sentencing.

16 "Department." The Department of Corrections of the
17 Commonwealth.

1 "Eligible inmate." A person sentenced to a term of
2 confinement under the jurisdiction of the Department of
3 Corrections who is serving a term of confinement, the minimum of
4 which is not more than two years and the maximum of which is
5 five years or less or an inmate who is serving a term of
6 confinement the minimum of which is not more than ~~five~~ THREE <—
7 years where that inmate is within two years of completing his
8 minimum term, and who has not reached 35 years of age at the
9 time he is approved for participation in the motivational boot
10 camp program. The term shall not include any inmate WHO IS <—
11 SUBJECT TO A SENTENCE THE CALCULATION OF WHICH INCLUDED AN
12 ENHANCEMENT FOR THE USE OF A DEADLY WEAPON AS DEFINED PURSUANT
13 TO THE SENTENCING GUIDELINES PROMULGATED BY THE PENNSYLVANIA
14 COMMISSION ON SENTENCING OR ANY INMATE serving a sentence for
15 any violation of one or more of the following provisions:

16 [18 Pa.C.S. § 2501 (relating to criminal homicide).] <—

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

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

19 18 PA.C.S. § 2506 (RELATING TO DRUG DELIVERY RESULTING IN
20 DEATH).

21 18 Pa.C.S. § 2901 (relating to kidnapping).

22 18 Pa.C.S. § 3121 (relating to rape).

23 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual
24 intercourse).

25 18 PA.C.S. § 3124.1 (RELATING TO SEXUAL ASSAULT). <—

26 18 PA.C.S. § 3125 (RELATING TO AGGRAVATED INDECENT
27 ASSAULT).

28 18 PA.C.S. § 3301(A)(1)(I) (RELATING TO ARSON AND RELATED
29 OFFENSES).

30 18 PA.C.S. § 3502 (RELATING TO BURGLARY) IN THE CASE OF

BURGLARY OF A STRUCTURE ADAPTED FOR OVERNIGHT ACCOMMODATION
IN WHICH AT THE TIME OF THE OFFENSE ANY PERSON IS PRESENT.

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

18 PA.C.S. § 3702 (RELATING TO ROBBERY OF A MOTOR VEHICLE).

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

"Motivational boot camp." A program in which eligible inmates participate for a period of six months in a humane program for motivational boot camp programs which shall provide for rigorous physical activity, intensive regimentation and discipline, work on public projects, substance abuse treatment services licensed by the Department of Health, ventilation therapy, continuing education, vocational training and prerelease counseling.

"Secretary." The Secretary of Corrections of the Commonwealth.

~~SECTION 4. SELECTION OF INMATE PARTICIPANTS.~~

~~* * *~~

~~(C) DUTIES OF DEPARTMENT. THE SECRETARY SHALL PROMULGATE RULES AND REGULATIONS PROVIDING FOR INMATE SELECTION CRITERIA AND THE ESTABLISHMENT OF MOTIVATIONAL BOOT CAMP SELECTION COMMITTEES WITHIN EACH DIAGNOSTIC AND CLASSIFICATION CENTER OF THE DEPARTMENT. IN THE CASE OF AN INMATE WHO IS SERVING A TERM OF CONFINEMENT THE MINIMUM OF WHICH IS NOT MORE THAN FIVE YEARS AND WHO IS WITHIN TWO YEARS OF COMPLETING HIS MINIMUM TERM, THE DEPARTMENT MAY IDENTIFY AND SELECT THAT INMATE FOR PARTICIPATION IN A MOTIVATIONAL BOOT CAMP EVEN IF THE INMATE WAS NOT~~

1 ~~IDENTIFIED AT THE TIME OF SENTENCING AS LONG AS THAT INMATE IS~~
2 ~~OTHERWISE ELIGIBLE TO PARTICIPATE.~~

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