
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 400 Session of
2003

INTRODUCED BY GREENLEAF, LEMMOND, O'PAKE, ORIE, SCHWARTZ,
RAFFERTY, EARLL, WAGNER, ERICKSON, WOZNIAK AND TARTAGLIONE,
MARCH 4, 2003

REFERRED TO JUDICIARY, MARCH 4, 2003

AN ACT

1 Relating to the treatment of sex offenders.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Sex Offenders
6 Treatment Act.

7 Section 2. Definitions.

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

11 "Board." The Pennsylvania Board of Probation and Parole.

12 "Commission." The Pennsylvania Commission on Crime and
13 Delinquency.

14 "Nonprofit agency." A not-for-profit human services
15 organization which provides treatment, guidance, counseling or
16 rehabilitation services to sex offenders.

17 "Program." A sex offenders treatment program operated by a

1 nonprofit agency.

2 "Sex offender." A person convicted of a sex offense.

3 "Sex offense." Any offense under 18 Pa.C.S. Ch. 31 (relating
4 to sexual offenses) or 18 Pa.C.S. § 4302 (relating to incest) or
5 6312(b) (relating to sexual abuse of children) and any offense
6 listed in 42 Pa.C.S. § 9795.1 (relating to registration).

7 Section 3. Sex offenders treatment program.

8 A sex offenders treatment program may be developed,
9 implemented and operated by a nonprofit agency for the following
10 purposes:

11 (1) To protect society by reducing the likelihood that
12 sex offenders will commit additional sex offenses through
13 increased monitoring and supervision of sex offenders and
14 through a treatment program for sex offenders.

15 (2) To assist sex offenders by providing treatment,
16 guidance, counseling or other rehabilitative services.

17 (3) To provide the mandatory counseling under 42 Pa.C.S.
18 § 9799.4 (relating to counseling of sexually violent
19 predators).

20 Section 4. Pennsylvania Commission on Crime and Delinquency.

21 The commission shall have the power and duty to:

22 (1) Review and approve or deny applications for grants.

23 (2) Develop standards for sex offenders treatment
24 programs.

25 (3) Ensure that all sex offenders treatment programs are
26 in compliance with the commission's standards and regulations
27 as well as in compliance with applicable Federal, State and
28 local laws.

29 (4) Monitor sex offenders treatment programs to
30 determine their impact on sex offenders.

1 (5) In cooperation with the board and county probation
2 and parole offices, develop and administer training programs
3 for State parole agents and county probation and parole
4 officers for supervising sex offenders, including the
5 identification of those behaviors peculiar to sex offenders
6 which are indicative of a sex offender's likelihood to
7 reoffend.

8 (6) Administer and disburse funds under this act.

9 (7) Promulgate regulations for the implementation of
10 this act.

11 Section 5. Probation and parole.

12 (a) Condition of probation or parole.--Participation in a
13 sex offenders treatment program may be made a condition of State
14 or county probation or parole. The board and county probation
15 and parole offices shall cooperate with sex offenders treatment
16 programs in identifying and referring sex offenders who are
17 under their supervision and in need of a treatment program. The
18 board and county probation and parole offices shall cooperate
19 with sex offenders treatment programs in developing supervision
20 plans for sex offenders which entail frequent contacts with the
21 sex offenders and prompt notification in the case of the failure
22 of a sex offender to comply with the conditions of probation or
23 parole or with treatment program rules, including, but not
24 limited to, failure to attend a session of the program to which
25 the sex offender is assigned.

26 (b) Pennsylvania Board of Probation and Parole.--The board
27 shall make recommendations to the commission on standards for
28 sex offenders treatment programs.

29 (c) Sex Offenders Assessment Board.--In making
30 recommendations to the commission on standards for sex offenders

1 treatment programs, the board shall seek input from the Sex
2 Offenders Assessment Board.

3 (d) County probation and parole.--The commission shall seek
4 input from county probation and parole offices on standards for
5 sex offenders treatment programs.

6 (e) Treatment providers.--The commission shall seek input
7 from sex offenders treatment program providers on standards for
8 sex offender treatment programs.

9 Section 6. Funding.

10 (a) Grants.--Subject to the availability of funding and to
11 the provisions of subsection (b), a sex offenders treatment
12 program may apply to the commission for a grant for funding of
13 the costs of the program. In determining whether to make a grant
14 and, if so, the amount of the grant, the commission shall
15 consider the following:

16 (1) Whether another program is serving the same
17 population in the same geographic area.

18 (2) The number of sex offenders served by the program.

19 (3) Whether the program meets the commission's
20 standards.

21 (b) Sex offenders' ability to pay.--To the extent that they
22 are able to pay, sex offenders shall be required to pay the
23 costs of their participation in a sex offenders treatment
24 program.

25 Section 7. Continued eligibility.

26 (a) Evaluation.--In order to remain eligible for continued
27 grant funding, a program must comply with the commission's
28 standards and participate in periodic evaluations to determine
29 program effectiveness. The form of the evaluation shall be
30 determined by the commission with input from the groups listed

1 in section 5.

2 (b) Suspension of funding.--

3 (1) If the commission determines that there are
4 reasonable grounds to believe that a program is not complying
5 with the commission's standards, the commission shall give 30
6 days' written notice to the program. The program shall submit
7 a written plan as to how and when the specific deficiencies
8 identified will be corrected and the commission shall review
9 the plan.

10 (2) If the commission finds the plan acceptable, it
11 shall notify the program that it has 45 days to correct the
12 deficiencies.

13 (3) If no plan is submitted to the commission within the
14 time limit or the deficiencies are not corrected within 45
15 days after the plan has been approved by the commission, the
16 commission may suspend part or all of the funding until
17 compliance is achieved.

18 Section 8. Use of Federal funds.

19 Nothing in this act shall be construed to prohibit the use of
20 Federal funds for the funding of grants for sex offenders
21 treatment programs. The commission shall examine the
22 availability of Federal funds for the implementation of this
23 act.

24 Section 9. Application of act to certain grants.

25 Nothing in this act shall be construed to prohibit the
26 funding of a sex offenders treatment program through a grant
27 under 42 Pa.C.S. Ch. 98 (relating to county intermediate
28 punishment).

29 Section 10. Effective date.

30 This act shall take effect in 60 days.