

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2702 Session of  
2008

INTRODUCED BY PETRI, EVERETT, GOODMAN, HERSHEY, HESS, M. KELLER,  
KOTIK, MAJOR, MILLARD, MOUL, MOYER, MURT, PAYNE, PERZEL,  
PHILLIPS, RAPP, READSHAW, SAYLOR, SCAVELLO, SOLOBAY,  
J. TAYLOR, TRUE, VEREB, VULAKOVICH AND BOYD, JULY 2, 2008

REFERRED TO COMMITTEE ON JUDICIARY, JULY 2, 2008

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 power to parole.

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

20 Section 1. Section 21(b) of the act of August 6, 1941  
21 (P.L.861, No.323), referred to as the Pennsylvania Board of  
22 Probation and Parole Law, amended December 21, 1998 (P.L.1077,  
23 No.143), is amended to read:

24 Section 21. \* \* \*

1 (b) The board may not release a person on parole unless the  
2 person achieves a negative result within forty-five days prior  
3 to the date of release in a screening test approved by the  
4 Department of Health for the detection of the presence of  
5 controlled substances or designer drugs under the act of April  
6 14, 1972 (P.L.233, No.64), known as "The Controlled Substance,  
7 Drug, Device and Cosmetic Act." The cost of these pre-parole  
8 drug screening tests for inmates subject to the parole release  
9 jurisdiction of the board, whether confined in a State or local  
10 correctional facility, shall be paid by the board. The board  
11 shall establish rules and regulations for the payment of these  
12 costs and may limit the types and cost of these screening tests  
13 that would be subject to payment by the board. The board shall  
14 establish, as a condition of continued parole for a parolee who,  
15 as an inmate, tested positive for the presence of a controlled  
16 substance or a designer drug or who was paroled from a sentence  
17 arising from a conviction under "The Controlled Substance, Drug,  
18 Device and Cosmetic Act," or from a drug-related crime, or from  
19 a crime of violence or any felony conviction, the parolee's  
20 achievement of negative results in such screening tests randomly  
21 applied. The random screening tests shall be performed at the  
22 discretion of the board, and the parolee undergoing the tests  
23 shall be responsible for the costs of the tests. The funds  
24 collected for the tests shall be applied against the contract  
25 for such testing between the board and a testing laboratory  
26 approved by the Department of Health.

27 \* \* \*

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