

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 73

Session of
2007

INTRODUCED BY GREENLEAF, COSTA, FONTANA, TARTAGLIONE, KITCHEN,
M. WHITE, ERICKSON, O'PAKE, TOMLINSON, WASHINGTON, WOZNIAK,
GORDNER, BROWNE, BAKER, FERLO, PILEGGI AND FUMO,
FEBRUARY 9, 2007

REFERRED TO JUDICIARY, FEBRUARY 9, 2007

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) and
2 codifying Title 61 (Penal and Correctional Institutions) of
3 the Pennsylvania Consolidated Statutes, providing for
4 temporary release from county correctional institutions, for
5 parole without board supervision, for judicial power to
6 release inmates and for transfers of inmates needing medical
7 care; further providing for State intermediate punishment;
8 providing for other criminal provisions; amending the heading
9 of Title 61; adding definitions, provisions relating to
10 general administration of correctional institutions, State
11 correctional institutions, county correctional institutions,
12 the Philadelphia County Prison, house of detention for
13 untried inmates and witnesses, inmate labor, medical
14 services, visitation, motivational boot camp, execution
15 procedure and method, miscellaneous matters relating thereto,
16 probation and parole generally, the Pennsylvania Board of
17 Probation and Parole, County Probation and Parole Officers'
18 Firearm Education and Training, and correctional institution
19 interstate compacts; and making repeals relating to
20 codification.

21 TABLE OF CONTENTS

22 TITLE 42

23 JUDICIARY AND JUDICIAL PROCEDURE

24 PART VIII. CRIMINAL PROCEEDINGS

25 Chapter 97. Sentencing

26 Subchapter E. Imposition of Sentence

1 § 9755.1. Temporary release from county correctional
2 institution.

3 Subchapter F. Further Judicial Action

4 § 9775. Parole without board supervision.

5 § 9776. Judicial power to release inmates.

6 § 9777. Transfer of inmates in need of medical treatment.

7 Chapter 99. Other Criminal Provisions

8 Subchapter A. County Probation Officers

9 § 9911. Definitions.

10 § 9912. Supervisory relationship to offenders.

11 § 9913. Peace officer power for probation officers.

12 TITLE 61

13 PRISONS AND PAROLE

14 PART I. GENERAL PROVISIONS

15 Chapter 1. Preliminary Provisions

16 § 101. Short title of title.

17 § 102. Definitions.

18 PART II. CORRECTIONAL INSTITUTIONS

19 Chapter 11. General Administration

20 Subchapter A. Penal Operations and Procedures

21 § 1101. Benefits to injured employees of State correctional
22 institutions.

23 § 1102. Correctional facility for criminological diagnosis.

24 § 1103. Recording system for identification of criminal
25 offenders.

26 Subchapter B. Inmate Transfers

27 § 1151. General transfer authorization.

28 § 1152. Transfers to department.

29 § 1153. Expense of removing certain inmates.

30 § 1154. Law enforcement use of county correctional

1 institutions.

2 Subchapter C. Escaped Inmates

3 § 1161. Return of escaped inmates.

4 § 1162. Escaped inmate costs.

5 § 1163. Maintenance of escaping inmates under new sentence.

6 § 1164. Criminal offense during confinement.

7 Chapter 13. (Reserved)

8 Chapter 15. (Reserved)

9 Chapter 17. County Correctional Institutions

10 Subchapter A. Counties and Cities of the First Class

11 § 1701. Appropriations for improvements, railroad connection

12 and commitments.

13 § 1702. Arrest of disorderly minors.

14 § 1703. Commitment of disorderly minors and appeal.

15 § 1704. Employment of inmates.

16 § 1705. Offenses.

17 § 1706. Supplies and reports.

18 § 1707. Deficiency in maintenance.

19 § 1708. Habeas corpus.

20 § 1709. Extension of powers.

21 § 1710. Annual statement.

22 § 1710.1. Name of jail and appointment of inspectors.

23 § 1710.2. Duties of physician.

24 § 1710.3. Visitors to have permission in writing.

25 § 1710.4. Treatment of inmates on discharge.

26 § 1710.5. County of the first class to supply deficiency in

27 furnishing and maintaining prison.

28 § 1710.6. Inmates sentenced for less than two years to county

29 prison.

30 § 1710.7. Coroner of first class county not to hold inquests on

1 convicts, except in certain cases.

2 § 1710.8. Inspectors to discharge inmates.

3 § 1710.9. Treatment of inmates convicted of capital offenses.

4 § 1710.10. Cities of the first class.

5 Subchapter B. County Jail Oversight Board in Counties of the
6 Second Class and Second Class A

7 § 1721. Scope of subchapter.

8 § 1722. Definitions.

9 § 1723. County jail oversight board.

10 § 1724. Powers and duties.

11 § 1725. Rules and regulations.

12 § 1726. Warden.

13 § 1727. Board meetings.

14 § 1728. Contracts and purchases.

15 Subchapter C. Other Counties

16 § 1731. Establishment.

17 § 1732. Board meetings.

18 § 1733. Appointment of warden and employees.

19 § 1734. Powers of peace officers.

20 § 1735. Expenditures.

21 § 1736. Bonding requirement.

22 Subchapter D. Alternative Plan for Certain Counties

23 § 1741. Sixth, seventh and eighth class counties.

24 § 1742. Appointment of prison commissioners.

25 Subchapter E. Penal Operations and Procedures

26 § 1751. Costs of confinement.

27 § 1752. Board of inspectors to regulate salaries of wardens
28 and other staff.

29 § 1753. Residence of warden.

30 § 1754. Bonds for county prison staff in fourth class

1 counties.

2 § 1755. Property exempt from taxation.

3 § 1756. Loss of privileges.

4 § 1757. Collection from certain inmates.

5 Subchapter F. Joint Detention Centers

6 § 1761. Establishment by adjoining counties.

7 § 1762. Selection of site.

8 § 1763. Buildings.

9 § 1764. Construction contracts.

10 § 1765. Advisory board.

11 § 1766. Meetings.

12 § 1767. Chief administrator and employees.

13 § 1768. Rules and regulations.

14 § 1769. Initial transfer of inmates.

15 § 1770. Employment of inmates.

16 § 1771. Cost of transporting inmates.

17 § 1772. Financial reporting.

18 § 1773. Allocation of expenses to counties.

19 § 1774. County appropriations.

20 § 1775. Exemption from taxation.

21 Subchapter G. Joint Industrial Farms and Workhouses

22 § 1781. Establishment by counties.

23 § 1782. Selection of site.

24 § 1783. Buildings.

25 § 1784. Construction contracts.

26 § 1785. Advisory board.

27 § 1786. Meetings.

28 § 1787. Chief administrator and employees.

29 § 1788. Rules and regulations.

30 § 1789. Initial transfer of inmates.

- 1 § 1790. Employment of inmates.
- 2 § 1791. Cost of transporting inmates.
- 3 § 1792. Nature of inmate employment.
- 4 § 1793. Sale of goods and materials.
- 5 § 1794. Financial reporting.
- 6 § 1795. Allocation of expenses to counties.
- 7 § 1796. Borrowing authorized.
- 8 § 1797. Exemption from taxation.
- 9 § 1798. Nonapplicability.

10 PART III. INMATE CONFINEMENT

11 Chapter 31. Inmate Labor

- 12 § 3101. Inmates to be employed.
- 13 § 3102. Disposition of proceeds of labor.
- 14 § 3103. Agricultural labor at county correctional
- 15 institutions.
- 16 § 3104. Inmate labor in county correctional institutions.
- 17 § 3105. Inmate labor in counties of the first class.
- 18 § 3106. Inmate-made goods to be branded.
- 19 § 3107. Sale of inmate-made goods.

20 Chapter 33. Medical Services

- 21 § 3301. Short title of chapter.
- 22 § 3302. Definitions.
- 23 § 3303. Medical Services Program.
- 24 § 3304. Powers and duties of department.
- 25 § 3305. Costs outstanding upon release.
- 26 § 3306. Report to General Assembly.
- 27 § 3307. Applicability.

28 Chapter 35. Visitation

29 Subchapter A. General Provisions

- 30 § 3501. Gubernatorial visitor for philanthropic purposes.

1 § 3502. Official visitors.

2 § 3503. Rights of official visitors.

3 Subchapter B. Official Visitation

4 § 3511. Short title of subchapter.

5 § 3512. Definitions.

6 § 3513. Visitation.

7 § 3514. Employees of official visitor.

8 Chapter 37. Inmate Prerelease Plans

9 § 3701. Establishment of prerelease centers.

10 § 3702. Prerelease plan for inmates.

11 § 3703. Rules and regulations.

12 § 3704. Salaries and wages of inmates.

13 Chapter 39. Motivational Boot Camp

14 § 3901. Scope of chapter.

15 § 3902. Declaration of policy.

16 § 3903. Definitions.

17 § 3904. Selection of inmate participants.

18 § 3905. Motivational boot camp program.

19 § 3906. Procedure for selection of participant in motivational
20 boot camp program.

21 § 3907. Completion of motivational boot camp program.

22 § 3908. Appeals.

23 Chapter 41. State Intermediate Punishment

24 § 4101. Scope of chapter.

25 § 4102. Findings and purpose.

26 § 4103. Definitions.

27 § 4104. Referral to State intermediate punishment program.

28 § 4105. Drug offender treatment program.

29 § 4106. Written guidelines and regulations.

30 § 4107. Reports.

1 § 4108. Construction.

2 § 4109. Evaluation.

3 Chapter 43. Execution Procedure and Method

4 § 4301. Definitions.

5 § 4302. Issuance of warrant.

6 § 4303. Terms of confinement.

7 § 4304. Method of execution.

8 § 4305. Witnesses to execution.

9 § 4306. Certification of chief administrator.

10 § 4307. Postmortem examination.

11 § 4308. Costs of execution and examination.

12 Chapter 59. Miscellaneous Provisions

13 § 5901. Physical welfare of inmates.

14 § 5902. Contraband prohibited.

15 § 5903. Inmate uniforms.

16 § 5904. Assessment and collection of costs.

17 PART IV. PROBATION AND PAROLE

18 Chapter 61. Pennsylvania Board of Probation and Parole

19 Subchapter A. Preliminary Provisions

20 § 6101. Definitions.

21 § 6102. Operation of parole system generally.

22 Subchapter B. Administration

23 § 6111. Pennsylvania Board of Probation and Parole.

24 § 6112. Board chairperson.

25 § 6113. Board action.

26 § 6114. Salaries of board members.

27 § 6115. Incompatible offices and removal.

28 § 6116. Meetings.

29 § 6117. Official seal.

30 § 6118. Offices.

1 § 6119. District directors.

2 § 6120. District office employees.

3 § 6121. Disciplinary action.

4 § 6122. Political activities.

5 § 6123. Advisory committee.

6 Subchapter C. Powers and Duties

7 § 6131. General powers of board.

8 § 6132. Specific powers of board involving parolees.

9 § 6133. Probation services.

10 § 6134. Sentencing court to transmit records to board.

11 § 6135. Investigation of circumstances of offense.

12 § 6136. Right of access to inmates.

13 § 6137. Parole power.

14 § 6138. Violation of terms of parole.

15 § 6139. Parole procedure.

16 § 6140. Victim statements, testimony and participation in
17 hearing.

18 § 6141. General rules and special regulations.

19 Subchapter D. State Parole Agents

20 § 6151. Definitions.

21 § 6152. Status as peace officers.

22 § 6153. Supervisory relationship to offenders.

23 Chapter 63. County Probation Officers' Firearm Education and
24 Training

25 § 6301. Short title of chapter.

26 § 6302. Definitions.

27 § 6303. County Probation Officers' Firearm Education and
28 Training Commission.

29 § 6304. Commission membership.

30 § 6305. Powers and duties of commission.

1 § 6306. Training mandatory.

2 § 6307. Requirements for program participation or waiver.

3 § 6308. County Probation Officers' Firearm Education and
4 Training Fund.

5 § 6309. Applicability.

6 PART V. MISCELLANEOUS PROVISIONS

7 Chapter 71. Interstate Compacts

8 Subchapter A. Interstate Corrections Compact

9 § 7101. Short title of subchapter.

10 § 7102. Interstate Corrections Compact.

11 § 7103. Powers.

12 Subchapter B. Interstate Compact for the Supervision of
13 Adult Offenders

14 § 7111. Short title of subchapter.

15 § 7112. Authority to execute compact.

16 § 7113. When and how compact becomes operative.

17 § 7114. State council and compact administrator.

18 Subchapter C. Administrative Provisions

19 § 7121. Deputization.

20 § 7122. Supervision of persons paroled by other states.

21 § 7123. Penalty.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. Title 42 of the Pennsylvania Consolidated Statutes
25 is amended by adding sections to read:

26 § 9755.1. Temporary release from county correctional
27 institution.

28 (a) Conditions permitting release.--

29 (1) When a person has been sentenced to undergo
30 imprisonment in a county correctional institution for a term

of less than five years, the court, at the time of sentence or at any time thereafter upon application made therefor, may by order direct the sheriff or chief administrator of the county correctional institution to permit the inmate to leave the jail during necessary and reasonable hours for the purpose of:

(i) working at his employment;

(ii) conducting his own business or other self-employed occupation, including housekeeping and attending to the needs of family;

(iii) seeking employment;

(iv) attendance at an educational institution;

(v) securing medical treatment; or

(vi) such other lawful purposes as the court shall consider necessary and appropriate.

(2) The order of court may be rescinded or modified at any time with or without notice to the inmate.

(b) Surrender of wages.--When an inmate is employed for wages or salary, the chief administrator of the county correctional institution shall collect the wages or salary or require the inmate to turn over his wages or salary in full when received, and the chief administrator shall deposit the same in a trust checking account and keep a ledger showing the status of the account of each inmate.

(c) Liability for board cost.--

(1) An inmate gainfully employed shall be liable for the cost of his board in the county correctional institution as fixed by the county commissioners. If necessarily absent from jail at a meal time, the inmate shall, at his request, be furnished with an adequate nourishing lunch to carry to work.

1 (2) The chief administrator of the county correctional
2 institution shall charge the inmate's account if the inmate
3 has one for such board.

4 (3) If the inmate is gainfully self-employed, the inmate
5 shall pay for such board in default of which his privilege
6 under this section shall be automatically forfeited.

7 (4) If the food in the county correctional institution
8 is furnished directly by the county, the chief administrator
9 of the county correctional institution shall account for and
10 pay over such board payments to the county treasurer.

11 (d) Disbursements from inmate accounts.--By order of the
12 court, the wages or salaries of employed inmates shall be
13 disbursed for the following purposes in the order stated:

14 (1) The board of the inmate.

15 (2) Necessary travel expense to and from work and other
16 incidental expenses of the inmate.

17 (3) Support of the inmate's dependents, if any, the
18 amount to be determined by the court.

19 (4) Payment of docket costs connected with the
20 commitment of the inmate.

21 (5) Payment either in full or ratably of the inmate's
22 obligations acknowledged by him in writing or which have been
23 reduced to judgment.

24 (6) The balance, if any, to the inmate upon discharge.

25 (e) Intercounty custody.--The court may by order authorize
26 the chief administrator of a county correctional institution to
27 which an inmate is committed to arrange with the chief
28 administrator of another county correctional institution for the
29 employment of the prisoner in the other's county and while so
30 employed to be in the other's custody but in other respects to

1 be and continue subject to the commitment.

2 § 9775. Parole without board supervision.

3 A sentencing court shall grant parole from a term of
4 imprisonment for less than a maximum period of two years, and,
5 together with all probations except probation as to which
6 supervision is specially ordered by the court as provided for in
7 section 9721 (relating to sentencing generally), parole shall be
8 without supervision by the board.

9 § 9776. Judicial power to release inmates.

10 (a) General rule.--Except as otherwise provided under this
11 chapter or if the Pennsylvania Board of Probation and Parole has
12 exclusive parole jurisdiction, a court of this Commonwealth or
13 other court of record having jurisdiction may, after due
14 hearing, release on parole an inmate in the county correctional
15 institution of that judicial district.

16 (b) Petition required.--No inmate may be paroled under this
17 section except on petition verified by the oath of the inmate or
18 by the inmate's representative and presented and filed in the
19 court in which the inmate was convicted.

20 (c) Hearing.--On presentation of the petition, the court
21 shall fix a day for the hearing. A copy of the petition shall be
22 served on the district attorney and prosecutor in the case at
23 least ten days before the day fixed for the hearing. Proof of
24 service on the district attorney, and the prosecutor shall be
25 produced at the hearing.

26 (d) Order.--After the hearing, the court shall make such
27 order as it may deem just and proper. In case the court paroles
28 the inmate, it shall place the inmate in the charge of and under
29 the supervision of a designated probation officer.

30 (e) Recommit.--The court may, on cause shown by the

1 probation officer that the inmate has violated his parole,
2 recommit and reparole the inmate in the same manner and by the
3 same procedure as in the case of the original parole if, in the
4 judgment of the court, there is a reasonable probability that
5 the inmate will benefit by being paroled. The court may also
6 recommit for violation of that parole.

7 (f) Limitation.--

8 (1) Subject to the provisions of paragraph (2), the
9 power of a court to parole an inmate under this section shall
10 extend for a period not to exceed the maximum sentence
11 provided by law for the offense of which the inmate was
12 convicted.

13 (2) A court may release on parole, on petition to any
14 other court, an inmate committed to a correctional
15 institution by any magisterial district judge and shall have
16 the same power to recommit an inmate paroled under this
17 section.

18 § 9777. Transfer of inmates in need of medical treatment.

19 (a) General rule.--Whenever an inmate is shown to a court of
20 record by due proof that the inmate is seriously ill and that it
21 is necessary to remove the inmate from the correctional
22 institution, the court may:

23 (1) Modify its sentence, impose a suitable sentence or
24 modify the order of confinement for trial, as the case may
25 be.

26 (2) Provide for the confinement or care of the inmate in
27 some other suitable institution where proper medical
28 treatment may be administered.

29 (b) Recommitment.--When an inmate is removed under
30 subsection (a) and recovers from the serious illness, the court

1 shall recommit the inmate to the correctional facility from
2 which the inmate was removed.

3 (c) Penalty.--An inmate who is removed under an order of
4 court pursuant to subsection (a) and escapes commits an offense
5 under 18 Pa.C.S. § 5121(a) (relating to escape).

6 Section 2. Chapter 99 of Title 42 is amended to read:

7 [CHAPTER 99

8 STATE INTERMEDIATE PUNISHMENT

9 Sec.

10 9901. Scope of chapter.

11 9902. Findings and purpose.

12 9903. Definitions.

13 9904. Referral to State intermediate punishment program.

14 9905. Drug offender treatment program.

15 9906. Written guidelines and regulations.

16 9907. Reports.

17 9908. Construction.

18 9909. Evaluation.

19 § 9901. Scope of chapter.

20 This chapter relates to State intermediate punishment.

21 § 9902. Findings and purpose.

22 The General Assembly finds as follows:

23 (1) Many crimes are committed by persons who, because of
24 their addiction to drugs or alcohol, are unable to maintain
25 gainful employment.

26 (2) These persons often commit crimes as a means of
27 obtaining the funds necessary to purchase drugs or alcohol.

28 (3) Many persons commit crimes while under the influence
29 of drugs or alcohol even though they are not addicted to such
30 substances in a clinical sense.

1 (4) Punishing persons who commit crimes is an important
2 aspect of recognizing the harm that criminals visit upon
3 their victims.

4 (5) Many people who commit crimes will be able to become
5 law-abiding, contributing members of society if they are able
6 to obtain treatment for their drug or alcohol addiction or
7 abuse.

8 (6) The purpose of this chapter is to create a program
9 that punishes person who commit crimes, but also provides
10 treatment that offers the opportunity for those persons to
11 address their drug or alcohol addiction or abuse and thereby
12 reduce the incidents of recidivism and enhance public safety.

13 § 9903. Definitions.

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

17 "Commission." The Pennsylvania Commission on Sentencing.

18 "Community-based therapeutic community." A long-term
19 residential addiction treatment program licensed by the
20 Department of Health to provide addiction treatment services
21 using a therapeutic community model and determined by the
22 Department of Corrections to be qualified to provide addiction
23 treatment to eligible offenders.

24 "Community corrections center." A residential program that
25 is supervised and operated by the Department of Corrections for
26 inmates with prerelease status or who are on parole.

27 "Court." The trial judge exercising sentencing jurisdiction
28 over an eligible offender under this chapter or the president
29 judge if the original trial judge is no longer serving as a
30 judge of the sentencing court.

1 "Defendant." An individual charged with a drug-related
2 offense.

3 "Department." The Department of Corrections of the
4 Commonwealth.

5 "Drug offender treatment program." An individualized
6 treatment program established by the Department of Corrections
7 consisting primarily of drug and alcohol addiction treatment
8 that satisfies the terms and conditions listed in section 9905
9 (relating to drug offender treatment program).

10 "Drug-related offense." A criminal offense for which a
11 defendant is convicted and that the court determines was
12 motivated by the defendant's consumption of or addiction to
13 alcohol or a controlled substance, counterfeit, designer drug,
14 drug, immediate precursor or marihuana, as those terms are
15 defined in the act of April 14, 1972 (P.L.233, No.64), known as
16 The Controlled Substance, Drug, Device and Cosmetic Act.

17 "Eligible offender." Subject to section 9721(a.1) (relating
18 to sentencing generally), a defendant designated by the
19 sentencing court as a person convicted of a drug-related offense
20 who:

21 (1) Has undergone an assessment performed by the
22 Department of Corrections, which assessment has concluded
23 that the defendant is in need of drug and alcohol addiction
24 treatment and would benefit from commitment to a drug
25 offender treatment program and that placement in a drug
26 offender treatment program would be appropriate.

27 (2) Does not demonstrate a history of present or past
28 violent behavior.

29 (3) Would be placed in the custody of the department if
30 not sentenced to State intermediate punishment.

(4) Provides written consent permitting release of information pertaining to the defendant's participation in a drug offender treatment program.

The term shall not include a defendant who is subject to a sentence the calculation of which includes an enhancement for the use of a deadly weapon, as defined pursuant to law or the sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing, or a defendant who has been convicted of a personal injury crime as defined in section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, or an attempt or conspiracy to commit such a crime or who has been convicted of violating 18 Pa.C.S. § 4302 (relating to incest), 5901 (relating to open lewdness), 6312 (relating to sexual abuse of children), 6318 (relating to unlawful contact with minor) or 6320 (relating to sexual exploitation of children) or Ch. 76 Subch. C (relating to Internet child pornography).

"Expulsion." The permanent removal of a participant from a drug offender treatment program.

"Group home." A residential program that is contracted out by the Department of Corrections to a private service provider for inmates with prerelease status or who are on parole.

"Individualized drug offender treatment plan." An individualized addiction treatment plan within the framework of the drug offender treatment program.

"Institutional therapeutic community." A residential drug treatment program in a State correctional institution, accredited as a therapeutic community for treatment of drug and alcohol abuse and addiction by the American Correctional Association or other nationally recognized accreditation

1 organization for therapeutic community drug and alcohol
2 addiction treatment.

3 "Outpatient addiction treatment facility." An addiction
4 treatment facility licensed by the Department of Health and
5 designated by the Department of Corrections as qualified to
6 provide addiction treatment to criminal justice offenders.

7 "Participant." An eligible offender actually sentenced to
8 State intermediate punishment pursuant to section 9721(a)(7)
9 (relating to sentencing generally).

10 "Transitional residence." A residence investigated and
11 approved by the Department of Corrections as appropriate for
12 housing a participant in a drug offender treatment program.

13 § 9904. Referral to State intermediate punishment program.

14 (a) Referral for evaluation.--

15 (1) Prior to imposing a sentence, the court may, upon
16 motion of the Commonwealth and agreement of the defendant,
17 commit a defendant to the custody of the department for the
18 purpose of evaluating whether the defendant would benefit
19 from a drug offender treatment program and whether placement
20 in the drug offender treatment program is appropriate.

21 (2) Upon committing a defendant to the department, the
22 court shall forward to the department:

23 (i) A summary of the offense for which the defendant
24 has been convicted.

25 (ii) Information relating to the defendant's history
26 of delinquency or criminality, including the information
27 maintained by the court pursuant to Chapter 63 (relating
28 to juvenile matters), when available.

29 (iii) Information relating to the defendant's
30 history of drug or alcohol abuse or addiction, when

1 available.

2 (iv) A presentence investigation report, when
3 available.

4 (v) Any other information the court deems relevant
5 to assist the department with its assessment of the
6 defendant.

7 (b) Assessment of addiction.--

8 (1) The department shall conduct an assessment of the
9 addiction and other treatment needs of a defendant and
10 determine whether the defendant would benefit from a drug
11 offender treatment program. The assessment shall be conducted
12 using a nationally recognized assessment instrument or an
13 instrument that has been normed and validated on the
14 department's inmate population by a recognized expert in such
15 matters. The assessment instrument shall be administered by
16 persons skilled in the treatment of drug and alcohol
17 addiction and trained to conduct assessments. The assessments
18 shall be reviewed and approved by a supervisor with at least
19 three years of experience providing drug and alcohol
20 counseling services.

21 (2) The department shall conduct risk and other
22 assessments it deems appropriate and shall provide a report
23 of its assessment to the court, the defendant, the attorney
24 for the Commonwealth and the commission within 60 days of the
25 court's commitment of the defendant to the custody of the
26 department.

27 (c) Proposed drug offender treatment program.--If the
28 department in its discretion believes a defendant would benefit
29 from a drug offender treatment program and placement in the drug
30 offender treatment program is appropriate, the department shall

1 provide the court, the defendant, the attorney for the
2 Commonwealth and the commission with a proposed drug offender
3 treatment program detailing the type of treatment proposed.

4 (d) Prerequisites for commitment.--Upon receipt of a
5 recommendation for placement in a drug offender treatment
6 program from the department and agreement of the attorney for
7 the Commonwealth and the defendant, the court may sentence an
8 eligible offender to a period of 24 months of State intermediate
9 punishment if the court finds that:

10 (1) The eligible offender is likely to benefit from
11 State intermediate punishment.

12 (2) Public safety would be enhanced by the eligible
13 offender's participation in State intermediate punishment.

14 (3) Sentencing the eligible offender to State
15 intermediate punishment would not depreciate the seriousness
16 of the offense.

17 (e) Consecutive probation.--Nothing in this chapter shall
18 prohibit the court from sentencing an eligible offender to a
19 consecutive period of probation. The total duration of the
20 sentence may not exceed the maximum term for which the eligible
21 offender could otherwise be sentenced.

22 (f) Applicability and program limitations.--The court may
23 not modify or alter the terms of the department's proposed
24 individualized drug offender treatment plan without the
25 agreement of the department and the attorney for the
26 Commonwealth.

27 (g) Videoconferencing.--The department shall make
28 videoconferencing facilities available to allow the court to
29 conduct proceedings necessary under this section when the
30 eligible offender has been committed to the custody of the

1 department pursuant to subsection (b).

2 § 9905. Drug offender treatment program.

3 (a) Establishment.--The department shall establish and
4 administer a drug offender treatment program as a State
5 intermediate punishment. The program shall be designed to
6 address the individually assessed drug and alcohol abuse and
7 addiction needs of a participant and shall address other issues
8 essential to the participant's successful reintegration into the
9 community, including, but not limited to, educational and
10 employment issues.

11 (b) Duration and components.--Notwithstanding any credit to
12 which the defendant may be entitled under section 9760 (relating
13 to credit for time served), the duration of the drug offender
14 treatment program shall be 24 months and shall include the
15 following:

16 (1) A period in a State correctional institution of not
17 less than seven months. This period shall include:

18 (i) The time during which the defendants are being
19 evaluated by the department under section 9904(b)
20 (relating to referral to State intermediate punishment
21 program).

22 (ii) Following evaluation under subparagraph (i),
23 not less than four months shall be in an institutional
24 therapeutic community.

25 (2) A period of treatment in a community-based
26 therapeutic community of at least two months.

27 (3) A period of at least six months' treatment through
28 an outpatient addiction treatment facility. During the
29 outpatient addiction treatment period of the drug offender
30 treatment program, the participant may be housed in a

1 community corrections center or group home or placed in an
2 approved transitional residence. The participant must comply
3 with any conditions established by the department regardless
4 of where the participant resides during the outpatient
5 addiction treatment portion of the drug offender treatment
6 program.

7 (4) A period of supervised reintegration into the
8 community for the balance of the drug offender treatment
9 program, during which the participant shall continue to be
10 supervised by the department and comply with any conditions
11 imposed by the department.

12 (c) Program management.--

13 (1) Consistent with the minimum time requirements set
14 forth in subsection (b), the department may transfer, at its
15 discretion, a participant between a State correctional
16 institution, an institutional therapeutic community, a
17 community-based therapeutic community, an outpatient
18 addiction treatment program and an approved transitional
19 residence. The department may also transfer a participant
20 back and forth between less restrictive and more restrictive
21 settings based upon the participant's progress or regression
22 in treatment or for medical, disciplinary or other
23 administrative reasons.

24 (2) This subsection shall be construed to provide the
25 department with the maximum flexibility to administer the
26 drug offender treatment program both as a whole and for
27 individual participants.

28 (d) Right of refusal to admit.--The administrator of a
29 community-based therapeutic community or outpatient addiction
30 treatment facility may refuse to accept a participant whom the

1 administrator deems to be inappropriate for admission and may
2 immediately discharge to the custody of the department any
3 participant who fails to comply with facility rules and
4 treatment expectations or refuses to constructively engage in
5 the treatment process.

6 (e) Notice to court of completion of program.--When the
7 department determines that a participant has successfully
8 completed the drug offender treatment program, it shall notify
9 the sentencing court, the attorney for the Commonwealth and the
10 commission.

11 (f) Expulsion from program.--

12 (1) A participant may be expelled from the drug offender
13 treatment program at any time in accordance with guidelines
14 established by the department, including failure to comply
15 with administrative or disciplinary procedures or
16 requirements set forth by the department.

17 (2) The department shall promptly notify the court, the
18 defendant, the attorney for the Commonwealth and the
19 commission of the expulsion of a participant from the drug
20 offender treatment program and the reason for such expulsion.
21 The participant shall be housed in a State correctional
22 institution or county jail pending action by the court.

23 (3) The court shall schedule a prompt State intermediate
24 punishment revocation hearing pursuant to section 9774
25 (relating to revocation of State intermediate punishment
26 sentence).

27 § 9906. Written guidelines and regulations.

28 The department shall develop written guidelines for
29 participant selection criteria and the establishment of drug
30 offender treatment program selection committees within each

1 diagnostic and classification center of the department and shall
2 address suspensions and expulsions from the drug offender
3 treatment program. The guidelines shall not be subject to the
4 act of June 25, 1982 (P.L.633, No.181), known as the Regulatory
5 Review Act, and shall be effective for a period of two years
6 upon publication in the Pennsylvania Bulletin. The guidelines
7 shall be replaced by regulations promulgated by the department
8 consistent with the Regulatory Review Act within the two-year
9 period during which the guidelines are effective. The
10 regulations shall include a requirement that community-based
11 therapeutic communities utilized in the drug offender treatment
12 program be accredited as a therapeutic community for treatment
13 of drug and alcohol abuse and addiction by the Commission on
14 Accreditation of Rehabilitation Facilities or other nationally
15 recognized accreditation organization for community-based
16 therapeutic communities for drug and alcohol addiction
17 treatment.

18 § 9907. Reports.

19 (a) Final report.--The department shall provide a final
20 report to the court, the defendant, the attorney for the
21 Commonwealth and the commission on a participant's progress in
22 the drug offender treatment program.

23 (b) Evaluation and report to General Assembly.--The
24 department and the commission shall monitor and evaluate the
25 drug offender treatment program to ensure that the programmatic
26 objectives are met. In odd-numbered years, the department shall
27 present a report of its evaluation to the Judiciary Committee of
28 the Senate and the Judiciary Committee of the House of
29 Representatives no later than February 1. In even-numbered
30 years, the commission shall present a report of its evaluation

1 to the Judiciary Committee of the Senate and the Judiciary
2 Committee of the House of Representatives no later than February

3 1. The report shall include:

4 (1) The number of offenders evaluated for the drug
5 offender treatment program.

6 (2) The number of offenders sentenced to the drug
7 offender treatment program.

8 (3) The number of offenders sentenced to a State
9 correctional institution who may have been eligible for the
10 drug offender treatment program.

11 (4) The number of offenders successfully completing the
12 drug offender treatment program.

13 (5) The six-month, one-year, three-year and five-year
14 recidivism rates for offenders who have completed the drug
15 offender treatment program and for a comparison group of
16 offenders who were not placed in the drug offender treatment
17 program.

18 (6) Any changes the department or the commission
19 believes will make the drug offender treatment program more
20 effective.

21 § 9908. Construction.

22 Notwithstanding any other provision of law to the contrary,
23 this chapter shall not be construed to:

24 (1) Confer any legal right upon any individual,
25 including an individual participating in the drug offender
26 treatment program, to:

27 (i) participate in a drug offender treatment
28 program;

29 (ii) continue participation in a drug offender
30 treatment program;

(iii) modify the contents of the drug offender treatment program; or

(iv) file any cause of action in any court challenging the department's determination that a participant be suspended or expelled from or that a participant has successfully completed or failed to successfully complete treatment to be provided during any portion of a drug offender treatment program.

(2) Enlarge or limit the right of a participant to appeal the participant's sentence.

§ 9909. Evaluation.

The department and the commission shall monitor and evaluate the motivational boot camp program under the act of December 19, 1990 (P.L.1391, No.215), known as the Motivational Boot Camp Act, to ensure that the programmatic objectives are met. In even-numbered years, the department shall present a report of its evaluation to the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives no later than February 1. In odd-numbered years, the commission shall present a report of its evaluation to the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives no later than February 1.]

Section 3. Title 42 is amended by adding a chapter to read:

CHAPTER 99

OTHER CRIMINAL PROVISIONS

Subchapter

A. County Probation Officers

SUBCHAPTER A

COUNTY PROBATION OFFICERS

Sec.

1 9911. Definitions.

2 9912. Supervisory relationship to offenders.

3 9913. Peace officer power for probation officers.

4 § 9911. Definitions.

5 The following words and phrases when used in this subchapter
6 shall have the meanings given in this section unless the context
7 clearly indicates otherwise:

8 "ARD." Accelerated Rehabilitative Disposition.

9 "Conditions of supervision." Any terms or conditions of an
10 offender's supervision whether imposed by the court or an
11 officer, including compliance with all requirements of Federal,
12 State and local law.

13 "Contraband." Any item that an offender is not permitted to
14 possess under the conditions of supervision, including any item
15 whose possession is forbidden by any Federal, State or local
16 law.

17 "Court." The court of common pleas or any judge thereof, the
18 Philadelphia Municipal Court or any judge thereof, the
19 Pittsburgh Magistrates Court or any judge thereof or any
20 magisterial district judge.

21 "Exigent circumstances." The term includes, but is not
22 limited to, suspicion that contraband or other evidence of
23 violations of the conditions of supervision might be destroyed
24 or suspicion that a weapon might be used. Exigent circumstances
25 always exist with respect to a vehicle.

26 "Offender." A person released on county probation,
27 intermediate punishment or county parole. The term shall not
28 include any person serving a period of probation pursuant to
29 Accelerated Rehabilitative Disposition, except as authorized
30 under section 9912(b) (relating to supervisory relationship to

1 offenders).

2 "Officer." A probation or parole officer appointed or
3 employed by any court or by any county department of probation
4 and parole to supervise persons released on county probation or
5 parole.

6 "Personal search." A warrantless search of an offender's
7 person, including, but not limited to, the offender's clothing
8 and any personal property which is in the possession, within the
9 reach or under the control of the offender.

10 "Property search." A warrantless search of real property,
11 vehicle or personal property which is in the possession or under
12 the control of an offender.

13 "Real property." Any residence or business property of an
14 offender, including all portions of the property to which the
15 offender has access.

16 "Supervisor." An individual acting in a supervisory or
17 administrative capacity.

18 § 9912. Supervisory relationship to offenders.

19 (a) General rule.--Officers are in a supervisory
20 relationship with their offenders. The purpose of this
21 supervision is to assist the offenders in their rehabilitation
22 and reassimilation into the community and to protect the public.

23 (b) Searches and seizures authorized.--

24 (1) Officers and, where they are responsible for the
25 supervision of county offenders, State parole agents may
26 search the person and property of offenders in accordance
27 with the provisions of this section.

28 (2) (i) Officers may search, in accordance with the
29 provisions of this section, the person and property of
30 any offender who accepts ARD as a result of a charge of a

1 violation of 18 Pa.C.S. Ch. 31 (relating to sexual
2 offenses) if the court has determined that the offender
3 shall be subject to personal and property searches as a
4 condition of the offender's participation in the ARD
5 program.

6 (ii) The court shall notify each offender so offered
7 ARD, prior to admission to an ARD program, that the
8 offender shall be subject to searches in accordance with
9 this section.

10 (iii) Nothing in this section shall be construed to
11 permit searches or seizures in violation of the
12 Constitution of the United States or section 8 of Article
13 I of the Constitution of Pennsylvania.

14 (c) Effect of violation.--No violation of this section shall
15 constitute an independent ground for suppression of evidence in
16 any probation and parole or criminal proceeding.

17 (d) Grounds for personal search.--

18 (1) A personal search of an offender may be conducted by
19 an officer:

20 (i) if there is a reasonable suspicion to believe
21 that the offender possesses contraband or other evidence
22 of violations of the conditions of supervision;

23 (ii) when an offender is transported or taken into
24 custody; or

25 (iii) upon an offender entering or leaving the
26 securing enclosure of a correctional institution, jail or
27 detention facility.

28 (2) A property search may be conducted by an officer if
29 there is reasonable suspicion to believe that the real or
30 other property in the possession of or under the control of

1 the offender contains contraband or other evidence of
2 violations of the conditions of supervision.

3 (3) Prior approval of a supervisor shall be obtained for
4 a property search absent exigent circumstances. No prior
5 approval shall be required for a personal search.

6 (4) A written report of every property search conducted
7 without prior approval shall be prepared by the officer who
8 conducted the search and filed in the offender's case record.
9 The exigent circumstances shall be stated in the report.

10 (5) The offender may be detained if he is present during
11 a property search. If the offender is not present during a
12 property search, the officer in charge of the search shall
13 make a reasonable effort to provide the offender with notice
14 of the search, including a list of the items seized, after
15 the search is completed.

16 (6) The existence of reasonable suspicion to search
17 shall be determined in accordance with constitutional search
18 and seizure provisions as applied by judicial decision. In
19 accordance with such case law, the following factors, where
20 applicable, may be taken into account:

21 (i) The observations of officers.

22 (ii) Information provided by others.

23 (iii) The activities of the offender.

24 (iv) Information provided by the offender.

25 (v) The experience of the officers with the
26 offender.

27 (vi) The experience of officers in similar
28 circumstances.

29 (vii) The prior criminal and supervisory history of
30 the offender.

1 Chapter

2 1. Preliminary Provisions

3 CHAPTER 1

4 PRELIMINARY PROVISIONS

5 Sec.

6 101. Short title of title.

7 102. Definitions.

8 § 101. Short title of title.

9 This title shall be known and may be cited as the Prisons and
10 Parole Code.

11 § 102. Definitions.

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

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

16 "Chief administrator." The warden, superintendent or other
17 officer in charge of a correctional institution.

18 "Correctional institution." A State correctional institution
19 or a county correctional institution.

20 "Corrections officer." A person employed at a correctional
21 institution to provide any security or custodial service for
22 inmates.

23 "County correctional institution." A correctional facility,
24 prison or jail owned or operated by a county.

25 "Department." The Department of Corrections of the
26 Commonwealth.

27 "Inmate." A person committed to a term of imprisonment or
28 otherwise confined under the custody of the Commonwealth or a
29 county in a correctional institution in accordance with law.

30 "Secretary." The Secretary of Corrections of the

1 Commonwealth.

2 "State correctional institution." A correctional facility,
3 prison or jail owned or operated by the Commonwealth.

4 PART II

5 CORRECTIONAL INSTITUTIONS

6 Chapter

7 11. General Administration

8 13. (Reserved)

9 15. (Reserved)

10 17. County Correctional Institutions

11 CHAPTER 11

12 GENERAL ADMINISTRATION

13 Subchapter

14 A. Penal Operations and Procedures

15 B. Inmate Transfers

16 C. Escaped Inmates

17 SUBCHAPTER A

18 PENAL OPERATIONS AND PROCEDURES

19 Sec.

20 1101. Benefits to injured employees of State correctional
21 institutions.

22 1102. Correctional facility for criminological diagnosis.

23 1103. Recording system for identification of criminal
24 offenders.

25 § 1101. Benefits to injured employees of State correctional
26 institutions.

27 (a) General rule.--An employee of a State correctional
28 institution who is injured during the course of that employment
29 by an act of an inmate or by any person who has been committed
30 to the State correctional institution by any court of the

Commonwealth or by any provision of the act of July 9, 1976
(P.L.817, No.143), known as the Mental Health Procedures Act,
shall be paid by the Commonwealth the employee's full salary
until the disability arising from the injury no longer prevents
the employee's return as an employee of the department at a
salary equal to that earned by the employee at the time of the
injury.

(b) Medical and hospital expenses.--All medical and hospital
expenses incurred in connection with an injury described in
subsection (a) shall be paid by the Commonwealth until the
disability arising from the injury no longer prevents the
employee's return as an employee of the department at a salary
equal to that earned by the employee at the time of the injury.

(c) Workers' compensation.--During the time salary for an
injury described in subsection (a) shall be paid by the
Commonwealth, any workers' compensation received or collected
for the period shall be turned over to the Commonwealth and paid
into the General Fund. If such payment is not made, the amount
due the Commonwealth shall be deducted from any salary then or
thereafter becoming due and owing to the employee.

(d) Survivor benefits.--

(1) The surviving spouse and minor dependents of an
employee who dies within one year as a result of an injury
described in subsection (a) shall be paid benefits equal to
50% of the full salary of the deceased employee.

(2) (i) When a surviving spouse and minor dependents
not in the custody of the surviving spouse are entitled
to payments, 50% of the payments shall be paid to the
surviving spouse and 50% to the dependents.

(ii) In every case the amount payable to minor

dependents shall be divided equally among them and be paid to the persons or institutions having custody of them.

(3) (i) In the case of a surviving spouse or a surviving spouse with minor dependents in the custody of the surviving spouse, the benefits shall terminate when the surviving spouse remarries.

(ii) In the case of minor dependents, except when in the custody of a remarried surviving spouse, the benefits shall terminate when all of the minor dependents become 18 years of age.

(iii) Neither a surviving spouse nor minor dependents shall receive any benefits under this section while receiving benefits under the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.).

(4) The benefits provided under this subsection shall be reduced by the amount of any workers' compensation benefits received or collected by the surviving spouse or minor dependents because of the same injury.

(5) Payments for the benefit of minor dependents shall be made to the person having legal custody of them.

(e) Effect of injury on leave of absence.--No absence from duty of any State employee to whom this section applies by reason of any injury described in subsection (a) shall in any manner be deducted from any period of leave allowed the employee by law or by regulation.

§ 1102. Correctional facility for criminological diagnosis.

(a) Establishment.--There is hereby established a correctional facility for criminological diagnosis, classification, social and psychological treatment and research,

1 medical treatment and staff training.

2 (b) Operation and management.--The department shall operate
3 and manage the correctional facility established under this
4 section, including staff training and the treatment, care,
5 maintenance, employment and rehabilitation of the inmates in
6 that facility.

7 § 1103. Recording system for identification of criminal
8 offenders.

9 (a) General rule.--The Pennsylvania State Police shall
10 continue to procure and file for record photographs, pictures,
11 descriptions, fingerprints and such other information pertaining
12 to all persons who have been convicted of a criminal offense
13 within this Commonwealth and also of all well-known and habitual
14 criminal offenders, wherever they may be procured.

15 (b) Cooperation from chief administrators.--Chief
16 administrators of correctional facilities shall furnish to the
17 Pennsylvania State Police, upon request, the fingerprints,
18 photographs and description of any inmate.

19 (c) Fingerprinting and photographing authorized.--

20 (1) The Pennsylvania State Police, chief administrators
21 of correctional facilities and all police officers within the
22 several political subdivisions of this Commonwealth may take
23 or cause to be taken the fingerprints or photographs of any
24 person in custody, charged with the commission of a criminal
25 offense or reasonably believed to be a fugitive from justice
26 or a habitual criminal. This paragraph shall not apply to
27 persons charged with a violation of 75 Pa.C.S. (relating to
28 vehicles) which is punishable upon conviction in a summary
29 proceeding unless the person is reasonably believed to be a
30 fugitive from justice or a habitual criminal.

1 (2) The chiefs of law enforcement bureaus of all cities
2 within this Commonwealth shall furnish daily to the
3 Pennsylvania State Police copies of the fingerprints and, if
4 possible, photographs of any person arrested within their
5 jurisdiction charged with the commission of a criminal
6 offense classified as a felony of any degree, or who is
7 reasonably believed to be a fugitive from justice or a
8 habitual criminal. Such fingerprints shall be taken on forms
9 furnished or approved by the Pennsylvania State Police.

10 (3) The Pennsylvania State Police immediately upon the
11 receipt of records under this subsection shall compare them
12 with those already in their files and, if they find that any
13 person arrested has a previous criminal record or is a
14 fugitive from justice, shall immediately inform the arresting
15 officer or the officer having the inmate in charge of that
16 fact.

17 (d) Cooperation outside this Commonwealth.--The Pennsylvania
18 State Police shall cooperate with agencies of other states and
19 of the United States having similar powers to develop and carry
20 on a complete interstate, national and international system of
21 criminal identification and investigation and also to furnish,
22 upon request, any information in its possession concerning any
23 person charged with a criminal offense to any court, district
24 attorney or police officer of this Commonwealth, another state
25 or the United States.

26 (e) District attorneys may employ experts.--

27 (1) District attorneys may employ experts on
28 fingerprints to assist them in the investigation of pending
29 cases and to testify at the trial thereof. The compensation
30 of any such expert shall be fixed by the district attorney

1 employing the expert, with the approval of the court of
2 common pleas, and shall be paid from the county treasury upon
3 warrant of the county commissioners in the usual manner.

4 (2) The district attorney of any county, the chief
5 administrator of a county correctional institution, any
6 expert employed by the district attorney or any other person
7 designated by the district attorney may, upon the written
8 order of the district attorney, take the fingerprints of any
9 person confined in the county correctional institution for
10 use in the identification of the inmate or for the inmate's
11 trial.

12 (3) (i) The district attorneys of the several counties
13 shall keep and arrange files of the fingerprints, taken
14 under this section, of persons convicted of a criminal
15 offense and shall destroy the fingerprints of all persons
16 acquitted.

17 (ii) The files of fingerprints maintained by the
18 district attorneys shall be open to the inspection of any
19 other district attorney of this Commonwealth, or their
20 representatives, or of the Pennsylvania State Police or
21 any sheriff or law enforcement officer.

22 (f) Penalty.--

23 (1) Neglect or refusal of any person mentioned in this
24 section to make the report required in this section, or to do
25 or perform any other act required to be done or performed in
26 connection with the operation of this section, shall
27 constitute a summary offense.

28 (2) Such neglect or refusal shall also constitute
29 malfeasance in office and subject such person to removal from
30 office.

1 (3) Any person who removes, destroys or mutilates any of
2 the records of the Pennsylvania State Police or of any
3 district attorney shall be guilty of a misdemeanor of the
4 third degree.

5 SUBCHAPTER B

6 INMATE TRANSFERS

7 Sec.

8 1151. General transfer authorization.

9 1152. Transfers to department.

10 1153. Expense of removing certain inmates.

11 1154. Law enforcement use of county correctional institutions.

12 § 1151. General transfer authorization.

13 (a) County to State.--At the request of the chief
14 administrator of a county correctional institution, the
15 secretary or his designee may transfer inmates located in a
16 county correctional institution to the State correctional
17 institution system for such reasons and upon such terms and
18 conditions as the secretary may determine. The secretary or his
19 designee may transfer inmates in the State correctional
20 institution system to the jurisdiction of a county correctional
21 institution system upon such terms and conditions that the
22 secretary or his designee and the chief administrator of the
23 county correctional institution determine to be in the best
24 interests of the Commonwealth.

25 (b) County to county.--An inmate located in a county
26 correctional institution may be transferred to another county
27 correctional institution upon such terms and conditions as the
28 counties may determine.

29 (c) Federal to county or State.--The department and county
30 correctional institutions may contract with the Federal

Government for the housing of Federal inmates in correctional facilities.

(d) Temporary transfers.--The following shall apply to temporary transfers:

(1) (i) Except as provided in subparagraph (ii), the State correctional system shall transfer an inmate confined in a State correctional system temporarily to a State correctional institution of an appropriate security level for the particular inmate to be transferred that is located nearest to the location of the judicial proceeding. The Department of Corrections shall have the discretion to select alternative and reasonably accessible State correctional institutions due to unanticipated bed space limitations in the nearest State correctional institution.

(ii) In counties of the first and second class the Department of Corrections may designate reasonably accessible alternative facilities that are located no more than 100 miles from the location of the judicial proceeding.

(2) The Department of Corrections shall not be required to temporarily transfer any inmate under this subsection unless all of the following apply:

(i) A court of the Commonwealth, including a court of common pleas, has entered an order directing the presence of the inmate for a judicial proceeding.

(ii) The court has found that the inmate's presence is required for the judicial proceeding and that the Pennsylvania Constitution does not permit the inmate's testimony or participation in the proceedings to be

1 conducted by videoconferencing technology.

2 (3) The Department of Corrections may establish
3 reasonable regulations for the implementation of this
4 subsection in accordance with all of the following:

5 (i) The Department of Corrections may require notice
6 of up to seven days for a temporary transfer order.

7 (ii) The Department of Corrections may return an
8 inmate to the inmate's home correctional institution upon
9 completion of the judicial proceedings.

10 (iii) The Department of Corrections may choose which
11 correctional facility within 100 miles of the judicial
12 proceeding location shall serve as the temporary transfer
13 facility.

14 (iv) The Department of Corrections may require that
15 the inmate be removed from the State correctional
16 facility and detained in the county prison if the inmate
17 has been temporarily transferred more than twice in the
18 preceding 12 months or the judicial proceedings are
19 scheduled for more than one week.

20 (v) The Department of Corrections may require the
21 county to pay the reasonable cost of transportation
22 between State correctional facilities if a court of that
23 county has requested a temporary transfer under this
24 subsection. The county reimbursements for transportation
25 costs shall be automatically reappropriated to the
26 Department of Corrections for purposes of prisoner
27 transportation.

28 § 1152. Transfers to department.

29 (a) Cities of the first class.--Every person sentenced by
30 any court to a county correctional institution situate in a city

1 of the first class shall be committed to the custody of the
2 department, where the department has established a correctional,
3 diagnostic and classification service for persons convicted of
4 any crime.

5 (b) Duty of department.--

6 (1) Every person committed to the custody of the
7 department under subsection (a) shall be confined, diagnosed
8 and classified by the department.

9 (2) Upon the completion of the diagnosis and
10 classification, the person shall be placed in the county
11 correctional institution of the city determined to be most
12 appropriate for the service of sentence.

13 (3) In making the determination under paragraph (2), the
14 department shall consider the problem of rehabilitation,
15 security, adequacy of facilities and such other factors as,
16 in its opinion, will serve to promote the rehabilitation of
17 inmates, consistent with the security and protection of the
18 county.

19 (c) Intradepartmental transfers.--The department may
20 transfer between any correctional institutions under its control
21 or supervision an inmate confined and serving in any of those
22 institutions, whether the sentence is imposed before or after
23 the effective date of this section, if the transfer is, in the
24 opinion of the department, consistent with the standards for
25 original placement set forth in subsection (b).

26 § 1153. Expense of removing certain inmates.

27 The expenses of conveying inmates from the several counties
28 of this Commonwealth to the State correctional institutions in
29 the Eastern Region and Western Region shall be paid by the
30 counties from which the inmates may be sent.

1 § 1154. Law enforcement use of county correctional
2 institutions.

3 (a) General rule.--Sheriffs, constables, members of the
4 Pennsylvania State Police and other persons authorized by the
5 laws of this Commonwealth to make arrests shall have the use,
6 for a period not to exceed 48 hours, of borough and township
7 lockups and county correctional institutions for the detention
8 of persons arrested until they can be disposed of according to
9 law, if found necessary by the officer in charge.

10 (b) Reimbursement.--

11 (1) Boroughs, cities and townships are entitled to
12 receive compensation of not more than \$2 per day of 24 hours,
13 for each prisoner detained under subsection (a), from the
14 treasury of the county having jurisdiction over the person
15 detained.

16 (2) This subsection does not apply to counties of the
17 second class.

18 SUBCHAPTER C

19 ESCAPED INMATES

20 Sec.

21 1161. Return of escaped inmates.

22 1162. Escaped inmate costs.

23 1163. Maintenance of escaping inmates under new sentence.

24 1164. Criminal offense during confinement.

25 § 1161. Return of escaped inmates.

26 (a) General rule.--In all cases where an inmate after an
27 escape from a State correctional institution is apprehended or
28 arrested by any officer having authority to make such arrest,
29 the officer shall notify the State correctional institution from
30 which the escape was made. The State correctional institution

1 shall notify the department or the Pennsylvania State Police,
2 who shall immediately send an officer or officers to return the
3 inmate to the State correctional institution.

4 (b) Expenses.--All necessary expenses incurred by the
5 officer or officers in returning an escaped inmate to the State
6 correctional institution shall be borne by the State
7 correctional institution from which the escape was made, which
8 expenses shall be refunded to the county correctional
9 institution or the Pennsylvania State Police whose officer or
10 agent makes the return.

11 § 1162. Escaped inmate costs.

12 (a) County jurisdiction.--

13 (1) The cost of transporting an escaped inmate under the
14 jurisdiction of the county from the place of capture to any
15 county correctional institution after being sentenced for the
16 escape or for the commission of any crime or offense
17 following such escape and before apprehension, the cost of
18 maintenance while confined in the county correctional
19 institution awaiting trial, as well as the costs of the trial
20 for the violation by an inmate under the jurisdiction of the
21 county under 18 Pa.C.S. § 5121 (relating to escape), or of
22 the trial for crimes and offenses committed after the escape
23 and before apprehension, or of the trial for crimes and
24 offenses committed on the grounds or within the buildings of
25 any county correctional institution, as well as the costs
26 incurred in any proceedings on writs of habeas corpus, coram
27 nobis or other petitions arising out of any escape or crime
28 or the trials therefor or in any appeals of any such
29 proceedings or trials shall in each instance be borne and
30 paid by the respective counties of the Commonwealth from

1 whose courts the inmates were originally committed to any
2 county correctional institution.

3 (2) The county liable for costs under this subsection
4 shall, upon bills rendered by the county paying the costs in
5 the first instance, pay to that county the amount of the
6 costs.

7 (b) State jurisdiction.--The cost of transporting escaped
8 inmates under the jurisdiction of the Commonwealth from the
9 place of capture to any State correctional institution after
10 being sentenced for the escape, or for the commission of any
11 criminal offense following the escape and before apprehension,
12 as well as the costs of the trial for escape or breaking away of
13 inmates from any State correctional institution or the violation
14 by the inmates under the jurisdiction of the Commonwealth under
15 18 Pa.C.S. § 5121, or of the trial for crimes and offenses
16 committed after such escape and before apprehension, or of the
17 trial for crimes and offenses committed on the grounds or within
18 the buildings of any State correctional institution, as well as
19 the costs incurred in any proceedings on writs of habeas corpus,
20 coram nobis or other petitions arising out of any escape or
21 criminal offense or the trials therefor, or in any appeals of
22 any such proceedings or trials, shall in each instance be borne
23 and paid by the Commonwealth.

24 (c) Definition.--As used in this section, the term "costs"
25 includes, but is not limited to, charges for court stenographer,
26 district attorney, witness fees, magisterial district judge,
27 clerk of court, public defender and court-appointed attorney.
28 § 1163. Maintenance of escaping inmates under new sentence.

29 (a) County jurisdiction.--In case of conviction and sentence
30 of an escaping inmate under the jurisdiction of the county, the

costs of maintenance of the inmates under such new sentence shall be borne by the county from which the inmate was originally committed.

(b) State jurisdiction.--In case of conviction and sentence of an escaping inmate under the jurisdiction of the Commonwealth, the costs of maintenance of the inmate under such new sentence shall be borne by the Commonwealth.

(c) Additional police expenses.--Any additional police expenses incurred by a political subdivision as a result of the escape of an inmate under the jurisdiction of the Commonwealth shall be borne by the Commonwealth.

§ 1164. Criminal offense during confinement.

Where an inmate is in a State correctional institution either because of the inmate's sentence pursuant to the inmate's conviction or plea of guilty to a criminal charge or because of a commitment issued by any court of the Commonwealth having jurisdiction and, while so confined, the inmate commits a criminal offense and is subsequently convicted or enters a plea of guilty, the expenses of keeping the inmate in any State correctional institution pursuant to such subsequent conviction or plea of guilty shall be borne by the Commonwealth.

CHAPTER 13

(RESERVED)

CHAPTER 15

(RESERVED)

CHAPTER 17

COUNTY CORRECTIONAL INSTITUTIONS

Subchapter

A. Counties and Cities of the First Class

B. County Jail Oversight Board in Counties of the Second

Class and Second Class A

C. Other Counties

D. Alternative Plan for Certain Counties

E. Penal Operations and Procedures

F. Joint Detention Centers

G. Joint Industrial Farms and Workhouses

SUBCHAPTER A

COUNTIES AND CITIES OF THE FIRST CLASS

Sec.

1701. Appropriations for improvements, railroad connection
and commitments.

1702. Arrest of disorderly minors.

1703. Commitment of disorderly minors and appeal.

1704. Employment of inmates.

1705. Offenses.

1706. Supplies and reports.

1707. Deficiency in maintenance.

1708. Habeas corpus.

1709. Extension of powers.

1710. Annual statement.

1710.1. Name of jail and appointment of inspectors.

1710.2. Duties of physician.

1710.3. Visitors to have permission in writing.

1710.4. Treatment of inmates on discharge.

1710.5. County of the first class to supply deficiency in
furnishing and maintaining prison.

1710.6. Inmates sentenced for less than two years to county
prison.

1710.7. Coroner of first class county not to hold inquests on
convicts, except in certain cases.

1 1710.8. Inspectors to discharge inmates.

2 1710.9. Treatment of inmates convicted of capital offenses.

3 1710.10. Cities of the first class.

4 § 1701. Appropriations for improvements, railroad connection
5 and commitments.

6 Whenever the Board of Trustees of the Philadelphia Prison
7 System shall desire to make any additional permanent improvement
8 or purchase additional ground and shall recommend that the same
9 be done, then the city council of the City of Philadelphia shall
10 make all necessary appropriations asked for by the board for the
11 purposes so recommended. The board of the Philadelphia Prison
12 System shall superintend and direct the erection, completion and
13 furnishing of the buildings during the progress of the work. The
14 board may extend from their property a single track railroad
15 along and over such lands as may intervene between their ground
16 and the Philadelphia and Trenton Railroad Company, and connect
17 therewith, provided the railroad company assents thereto (the
18 distance of the road not to exceed 2,000 yards), and to purchase
19 right-of-way over the land to Philadelphia and Trenton Railroad,
20 and to erect wharves upon their property.

21 § 1702. Arrest of disorderly minors.

22 Upon complaint made on oath to any magisterial district judge
23 against a child who is at least 16 years of age and who resides
24 within a city of the first class by the child's parent or
25 guardian or other person standing to the child in place of a
26 parent as being disorderly, the magisterial district judge shall
27 issue a warrant for the apprehension of the offender and cause
28 the offender to be brought before himself or any other
29 magisterial district judge for examination.

30 § 1703. Commitment of disorderly minors and appeal.

If a magisterial district judge is satisfied by competent testimony that a person is a disorderly child within the meaning of this subchapter, he shall make up and sign a record of conviction and shall by warrant commit the person to the Philadelphia Prison System. The powers and duties of the Board of Trustees of the Philadelphia Prison System in relation to the children shall be the same in all things as are prescribed as to other minors received by them. The magisterial district judge, in addition to the record of conviction, shall annex the names and addresses of the different witnesses examined before him and the substance of the testimony given by them, respectively, on which the conviction was founded, provided that any person committed shall have the same right of appeal as is secured by law to persons convicted of criminal offenses, but on such appeal, mere informality in the issuing of any warrant shall not be held to be sufficient cause for granting a discharge.

§ 1704. Employment of inmates.

Every inmate in the custody of the Philadelphia Prison System not disqualified by sickness or casualty shall be employed by the chief administrator in quarrying stone, cultivating the ground, manufacturing such articles as may be needed for the prison, other public institution of the State or city of the first class or for other persons and at such other labor as shall, upon trial, be found to be profitable to the institution and suitable to its proper discipline and the health and capacities of the inmates. The chief administrator may detail such numbers of the inmates as he may regard proper to do the work outside the grounds of the institution for any of the departments or institutions of the city of the first class or for such other persons as may be approved by the board of

1 managers.

2 § 1705. Offenses.

3 (a) Destruction of property.--Any inmate of the Philadelphia
4 Prison System who shall willfully break, destroy or injure any
5 material, machinery, tool, property or thing belonging to the
6 Philadelphia Prison System commits a misdemeanor of the third
7 degree.

8 (b) Escape.--Any inmate of the Philadelphia Prison System
9 who shall escape therefrom shall be charged with the offense of
10 escape set forth in 18 Pa.C.S. § 5121 (relating to escape).

11 § 1706. Supplies and reports.

12 The prison commissioner shall make a monthly requisition on
13 the Board of Trustees of the Philadelphia Prison System for all
14 articles which the chief administrator shall deem necessary for
15 the institution, and such as shall be approved by them shall be
16 purchased. The prison commissioner shall, once in every month,
17 report to the board of trustees the number of inmates committed,
18 discharged, sick, dead or remaining in the institution and the
19 quality and kind of labor performed. The board of trustees shall
20 transmit annually to the city council a condensed statement of
21 the finances of the institution.

22 § 1707. Deficiency in maintenance.

23 For any deficiency in furnishing, keeping and maintaining the
24 Philadelphia Prison System, in conformity with the provisions of
25 this subchapter, the trustees may apply to the city council for
26 such sum or sums as shall be necessary; and the city council
27 shall appropriate the sum or sums deemed necessary.

28 § 1708. Habeas corpus.

29 Any person committed to the Philadelphia Prison System by any
30 other authority than the court of common pleas of the county of

1 the first class may apply for a writ of habeas corpus to any
2 judge of the court. Upon return of the writ, if the judge deems
3 there is sufficient or reasonable ground for granting the writ,
4 the judge shall enter upon a rehearing of the evidence and
5 either discharge the individual or modify or confirm the
6 commitment.

7 § 1709. Extension of powers.

8 The same power and authority that are given by ordinance of
9 councils or acts of the General Assembly to the guardians of the
10 poor, prison inspectors and managers of the House of Refuge of
11 the City of Philadelphia are hereby extended to the Board of
12 Trustees of the Philadelphia Prison System.

13 § 1710. Annual statement.

14 The board of trustees shall, on or before the first day of
15 November of each year, submit to council a statement of the sums
16 necessary for the maintenance of the Philadelphia Prison System
17 for the ensuing term.

18 § 1710.1. Name of jail and appointment of inspectors.

19 (a) General rule.--The Philadelphia County Prison shall be
20 managed by a board of inspectors consisting of 12 citizens
21 residing in the City of Philadelphia or County of Philadelphia
22 who shall serve without any pecuniary compensation as follows:

23 (1) Four members shall be appointed by the Mayor,
24 Recorder and Aldermen of the City of Philadelphia.

25 (2) Four members shall be appointed by the judges of the
26 court of common pleas.

27 (3) Four members shall be appointed by the judges of the
28 District Court of the City of Philadelphia and County of
29 Philadelphia.

30 (b) Terms.--The members shall serve for four years or until

1 their successors shall be appointed. In case of vacancy by
2 death, resignation or otherwise, the member shall be supplied by
3 the court who appointed the individual who has caused the
4 vacancy upon notice of such vacancy from the president of the
5 board of inspectors.

6 § 1710.2. Duties of physician.

7 (a) General rule.--The physician shall:

8 (1) Visit the Philadelphia County Prison daily, visit
9 and prescribe for all who are sick and at least once a month
10 visit every inmate confined in the county correctional
11 institution and report monthly in writing to the inspectors
12 as to the health of the inmates in the county correctional
13 institution.

14 (2) Attend immediately, on notice from the chief
15 administrator, any person that is sick.

16 (3) Examine every person brought into the county
17 correctional institution as an inmate as to the state of the
18 inmate's health.

19 (4) Keep a journal in which a record is maintained of
20 the names of all inmates as they come in and the state of
21 their health and also of all persons confined who may come
22 under the physician's care for medical treatment, together
23 with such remarks as the physician may deem important, which
24 journal shall be open to the inspectors and chief
25 administrator whenever they may require it.

26 (b) Dietary considerations and infirmary cells.--

27 (1) Inmates who are under the care of the physician
28 shall be allowed such diet as the physician shall direct.

29 (2) The inspectors shall appropriate as many cells,
30 together with the infirmary, as they may deem necessary for

1 the special occupation of the sick, and have the cells so
2 fitted up as will best promote the health, convenience and
3 comfort of the inmates.

4 (3) Whenever, in the opinion of the physician, an inmate
5 is so ill as to require removal from the ordinary cells to
6 those appropriated for the sick, the chief administrator
7 shall direct such removal, and the inmate shall be kept there
8 until the physician shall certify that the inmate may be
9 returned to the inmate's former cell without injury to the
10 inmate's health.

11 (4) Should the physician have reason to believe that an
12 inmate is materially affected by the discipline, treatment or
13 diet, the physician shall, if he thinks proper, order an
14 alteration therein, which order shall be entered on the
15 physician's journal, and a copy thereof furnished to the
16 chief administrator who shall carry the order into effect
17 until the next visit of the visiting inspectors, who shall
18 inquire into the case and confirm or annul the order or refer
19 the same to the board of inspectors.

20 § 1710.3. Visitors to have permission in writing.

21 (a) General rule.--No person shall be permitted to visit the
22 Philadelphia County Prison except:

23 (1) An official visitor specified in subsection (b).

24 (2) A person who has permission in writing from one of
25 the inspectors.

26 (3) An attorney who may be permitted to visit the
27 attorney's client confined for trial, as provided for by law.

28 (b) Designation of official visitors.--The official visitors
29 are:

30 (1) The Governor.

1 (2) The members of the General Assembly.

2 (3) The Secretary of the Commonwealth.

3 (4) The Attorney General.

4 (5) The deputies for the city of the first class and
5 county of the first class.

6 (6) The president and associate judges of the district
7 court of the City of Philadelphia and the County of
8 Philadelphia and the court of common pleas.

9 (7) The grand juries of the county of the first class.

10 (8) Commissioners of the county of the first class.

11 (9) The acting committee of the Philadelphia society for
12 alleviating the miseries of public prisons or its successor.

13 (10) The mayor and recorder of the City of Philadelphia.

14 (c) Communication prohibited.--

15 (1) Except for the official visitors identified in
16 subsection (b), no person shall have any communication with
17 the inmates except by authority of the board of prison
18 inspectors, who may issue permits to visit an inmate after
19 sentence in their discretion.

20 (2) No visitor may be permitted to deliver or to receive
21 from any inmate any letter or message whatever or to supply
22 an inmate with any article, except such letters or messages
23 to and from inmates confined for trial as may be first
24 submitted or communicated to the chief administrator or one
25 of the inspectors and approved by them, or either of them,
26 under the penalty of a \$100 fine, to be recovered as provided
27 for other fines under applicable law.

28 § 1710.4. Treatment of inmates on discharge.

29 (a) Clothing.--When an inmate shall be discharged by the
30 expiration of the term for which the inmate was sentenced or by

1 pardon, the clothes belonging to the Philadelphia County Prison
2 shall be taken off and the clothing belonging to the inmate
3 restored, together with such property, if any, that was taken
4 from the inmate at the time of reception into the county
5 correctional institution, which has not been otherwise legally
6 disposed of.

7 (b) Furnishing of suitable clothing.--If an inmate shall not
8 possess suitable clothing, the inspectors shall provide the
9 inmate with what may in their judgment be necessary. The
10 inspectors and chief administrator may furnish the discharged
11 inmate with a sum of money or clothing not exceeding \$5.

12 § 1710.5. County of the first class to supply deficiency in
13 furnishing and maintaining prison.

14 For any deficiency in keeping, furnishing and maintaining the
15 Philadelphia County Prison, in conformity with the provisions of
16 this chapter, the inspectors are authorized to apply to the
17 commissioners of the county of the first class for such sum or
18 sums as may be necessary or required. If it shall appear
19 reasonable, and that the accounts of the inspectors are properly
20 kept and adjusted, the commissioners of the county of the first
21 class shall draw an order on the treasurer of the county of the
22 first class for such sum or sums as may be necessary to satisfy
23 such demands.

24 § 1710.6. Inmates sentenced for less than two years to county
25 prison.

26 A person who shall be convicted in any court of common pleas
27 in the city of the first class or county of the first class of
28 any crime or offense, the punishment of which would be
29 imprisonment for a period of time under two years, shall be
30 sentenced by the court to imprisonment in the Philadelphia

County Prison, by separate or solitary confinement at hard labor for and during the term of the person's sentence and shall be fed, clothed and treated as provided for in this chapter.

§ 1710.7. Coroner of first class county not to hold inquests on convicts, except in certain cases.

(a) General rule.--The coroner of a county of the first class may not hold an inquest on the body of any inmate who dies during confinement in the county prison unless required by the inspectors thereof, except in cases of murder, suicide, manslaughter or death caused by casualties.

(b) Physician to give certificate of death of inmate.--The attending physician of the county prison in a county of the first class shall certify to the inspectors thereof the name and age of any inmate who dies in the county prison, together with the disease or cause of death of the inmate, so far as the attending physician can ascertain the same. The inspectors shall copy the certificate into a book to be kept by them for that purpose. After copying the certificate, the inspector shall send the certificate to the Board of Health of the county, who shall file the certificate. The inspectors shall inter the body of the inmate.

§ 1710.8. Inspectors to discharge inmates.

The board of prison inspectors of a county of the first class may discharge from the county prison any inmate who may have served the inmate's term of imprisonment, in the same manner and upon the same conditions as provided under this title for other county correctional institutions.

§ 1710.9. Treatment of inmates convicted of capital offenses.

The board of prison inspectors of a county of the first class shall treat prisoners sentenced to execution and who are not

executed after an imprisonment of six months, as other inmates who are sentenced to confinement and labor.

§ 1710.10. Cities of the first class.

A city of the first class may establish a prison system for the reception and detention of all persons charged with a criminal offense or held as witnesses in any judicial proceeding.

SUBCHAPTER B

COUNTY JAIL OVERSIGHT BOARD IN

COUNTIES OF THE SECOND CLASS

AND SECOND CLASS A

Sec.

1721. Scope of subchapter.

1722. Definitions.

1723. County jail oversight board.

1724. Powers and duties.

1725. Rules and regulations.

1726. Warden.

1727. Board meetings.

1728. Contracts and purchases.

§ 1721. Scope of subchapter.

This subchapter relates to county jail oversight boards in counties of the second class and counties of the second class A.

§ 1722. Definitions.

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

"Board." The county jail oversight board of a county.

"County." A county of the second class or a county of the second class A.

1 § 1723. County jail oversight board.

2 (a) Establishment.--There is hereby established in each
3 county a county jail oversight board which shall be named the
4 (Name of County) County Jail Oversight Board. The board shall be
5 a continuation of the county prison board originally established
6 under the former act of December 10, 1980 (P.L.1152, No.208),
7 known as the Second Class County Prison Board Act, and the
8 former Article XXX-A of the act of July 28, 1953 (P.L.723,
9 No.230), known as the Second Class County Code.

10 (b) Composition.--The board shall be composed of:

11 (1) The county chief executive.

12 (2) Two judges of the court of common pleas, one of whom
13 shall be the president judge or his designee who shall be a
14 judge, and one judge appointed by the president judge.

15 (3) The county sheriff.

16 (4) The county controller.

17 (5) The president of county council or his designee.

18 (6) Three citizen members as provided in subsection (c).

19 (c) Qualifications of citizen members.--The citizen members
20 shall not be employees of the county or of the Commonwealth.
21 They shall serve for a term of three years and shall be
22 representative of the broad segments of the county's population
23 and shall include persons whose background and experience
24 indicate that they are qualified to act in the interest of the
25 public. The citizen members shall be appointed by the county
26 chief executive with the consent of county council.

27 § 1724. Powers and duties.

28 (a) General rule.--The board's administrative powers and
29 duties shall include the operation and maintenance of the prison
30 and all alternative housing facilities, the oversight of the

1 health and safekeeping of inmates and the confirmation of the
2 chief executive's selection of a warden.

3 (b) Living conditions.--The board shall insure that the
4 living conditions within the prison and alternative housing
5 facilities are healthful and otherwise adequate.

6 (c) Unannounced inspections.--The board shall, at least
7 twice each year, conduct an unannounced inspection of the
8 prison's physical plant. During such inspections the board shall
9 interview a cross section of inmates, out of the presence of the
10 warden and his agents, to determine the conditions within the
11 prison and alternative housing facilities. After each
12 inspection, the board shall prepare a written report setting
13 forth its findings and determinations which shall be available
14 for public inspection.

15 (d) Operations to be consistent with law.--The board shall
16 ensure that the prison is being operated in accordance with its
17 regulations and the laws and regulations of this Commonwealth
18 and of the United States.

19 (e) Investigations.--The board shall investigate allegations
20 of inadequate prison conditions and improper practices occurring
21 within the prison and may make such other investigations or
22 reviews of prison operation and maintenance. The books, papers
23 and records of the prison, including, but not limited to, the
24 papers and records of the warden and those relating to
25 individual inmates, shall at all times be available for
26 inspection by the board.

27 § 1725. Rules and regulations.

28 The board shall, in the manner provided by law, promulgate
29 such rules, regulations and forms it deems necessary for the
30 proper administration of the board and for the operation of the

prison and alternative housing facilities.

§ 1726. Warden.

(a) Appointment.--

(1) The chief executive shall appoint a warden subject to confirmation by the board. The warden shall serve at the pleasure of the chief executive, who shall fix an appropriate salary.

(2) The warden shall be a resident of the county six months after the date of appointment.

(b) Duty to employ staff.--Subject to approval of the manager, the warden shall employ deputies, assistants and other personnel required to adequately operate the prison and alternative housing facilities.

(c) Duty to report.--

(1) The warden shall submit an annual written report to the board which shall contain information on the population, conditions and practices in the prison and other matters as specified by the board. The annual report shall be available for public inspection.

(2) The warden shall report to the county chief executive and to the board.

§ 1727. Board meetings.

The board shall meet at least once each month and shall keep regular minutes of its proceedings which shall be open to public inspection.

§ 1728. Contracts and purchases.

All contracts and purchases required for the maintenance and support of the prisoners, repairs and improvements of the prison and alternative housing facilities and materials and supplies shall be conducted in accordance with the applicable provisions

1 of the county administrative code.

2 SUBCHAPTER C

3 OTHER COUNTIES

4 Sec.

5 1731. Establishment.

6 1732. Board meetings.

7 1733. Appointment of warden and employees.

8 1734. Powers of peace officers.

9 1735. Expenditures.

10 1736. Bonding requirement.

11 § 1731. Establishment.

12 (a) General rule.--

13 (1) In counties of the third, fourth and fifth class,
14 the persons now holding the following offices and their
15 successors in each county of the third, fourth or fifth class
16 shall compose a board to be known as the board of inspectors
17 of the jail or county prison.

18 (2) The following persons shall be members of the board:

19 (i) The president judge of the court of common pleas
20 or a judge designated by him.

21 (ii) The district attorney.

22 (iii) The sheriff.

23 (iv) The controller.

24 (v) The county commissioners.

25 (3) The board and the officers appointed by it shall
26 provide for the safekeeping, discipline and employment of
27 inmates and the government and management of the correctional
28 institution.

29 (4) The duty of the sheriff relating to the safekeeping
30 of inmates shall cease and determine on their committal to

1 the correctional institution, and the sheriff may not be
2 furnished a residence in the correctional institution.

3 (5) Notwithstanding the provisions of paragraph (2), the
4 president judge may choose at any time to delete the judge
5 position from the board by so notifying the chairperson and
6 secretary of the board in writing. The decision to delete
7 this position shall remain in effect for as long as the
8 president judge making the decision shall remain as president
9 judge and thereafter until rescinded in like fashion by a
10 successor.

11 (b) Counties that may elect to be subject to subchapter.--
12 Any county of the sixth, seventh or eighth class may elect by
13 resolution of the county commissioners to be governed by the
14 provisions of this subchapter.

15 § 1732. Board meetings.

16 (a) Quorum.--A majority of the members of the board shall
17 constitute a quorum for the transaction of business, and all
18 actions of the board shall be by the approval of a majority of
19 all the members of the board.

20 (b) Frequency and nature of meetings.--

21 (1) The board shall meet monthly, or more often if
22 required, and keep regular minutes of their proceedings in a
23 book to be filed with the financial records of the county.
24 The board shall make such rules and regulations for the
25 government and management of the county correctional
26 institution and the safekeeping, discipline and employment of
27 the inmates, as may be deemed necessary.

28 (2) The meetings shall be held at the county
29 correctional institution no less often than quarterly.

30 § 1733. Appointment of warden and employees.

1 The board shall appoint a warden of the county correctional
2 institution. The warden, subject to the approval of the board,
3 may appoint such deputy or deputies, assistant or assistants or
4 corrections officers as may be required in the taking care of
5 the county correctional institution. The number and compensation
6 of such deputies, assistants or corrections officers shall be
7 fixed by the salary board.

8 § 1734. Powers of peace officers.

9 A chief administrator, deputy warden or corrections officer
10 of a county correctional institution may exercise the powers of
11 a peace officer in the performance of that person's duties
12 generally in:

13 (1) Guarding, protecting and delivering inmates.

14 (2) Protecting the property and interests of the county.

15 (3) Capturing and returning inmates that may have
16 escaped.

17 § 1735. Expenditures.

18 All the expenditures required for the support and maintenance
19 of inmates and the repairs and improvement of the county
20 correctional institution shall be paid from the county treasury
21 by warrants drawn, in the mode prescribed by law, on the regular
22 appropriation for the purpose. No warrant shall be certified by
23 the controller for any expense connected with the county
24 correctional institution unless on vouchers approved by a
25 majority of the board and endorsed by the president and
26 secretary of the board, and all contracts involving an
27 expenditure of funds from the county treasury shall be made in
28 accordance with the procedures set forth in Article XVIII of the
29 act of August 9, 1955 (P.L.323, No.130), known as The County
30 Code.

1 § 1736. Bonding requirement.

2 The chief administrator of a county correctional institution,
3 at the time of appointment, shall give bond, with good and
4 sufficient security to be fixed and approved by the board of
5 inspectors, for the faithful performance of the chief
6 administrator's duty and may at any time be removed by the board
7 for misconduct or inefficiency. All deputies, assistants or
8 corrections officers shall also give bond if required by the
9 board and may at any time be suspended by the chief
10 administrator or removed by the board.

11 SUBCHAPTER D

12 ALTERNATIVE PLAN FOR CERTAIN COUNTIES

13 Sec.

14 1741. Sixth, seventh and eighth class counties.

15 1742. Appointment of prison commissioners.

16 § 1741. Sixth, seventh and eighth class counties.

17 (a) Management by sheriff.--In a county of the sixth,
18 seventh and eighth class, the government, management and control
19 of the county prison and the safekeeping, care, maintenance,
20 discipline and employment of the inmates therein are vested in
21 the sheriff of the county and the officers and employees
22 appointed by the sheriff.

23 (b) Residence may be furnished.--The sheriff and the
24 sheriff's family may be furnished a residence in the county
25 prison.

26 (c) Staffing.--The sheriff shall from time to time, with
27 approval of the county salary board, appoint as many corrections
28 officers and other employees of the county prison as the salary
29 board shall approve. The compensation of the corrections
30 officers and other employees shall be fixed by the county salary

board in the same manner as the compensation of other appointed
county officers and employees.

§ 1742. Appointment of prison commissioners.

Whenever the appointment of prison commissioners in any
county having a population of more than 150,000 is by law lodged
in the judges of the court of common pleas, the appointments
shall, in all cases as nearly as possible, be equally divided
between the two political parties polling the highest number of
votes at the preceding general election.

SUBCHAPTER E

PENAL OPERATIONS AND PROCEDURES

Sec.

1751. Costs of confinement.

1752. Board of inspectors to regulate salaries of wardens and
other staff.

1753. Residence of warden.

1754. Bonds for county prison staff in fourth class counties.

1755. Property exempt from taxation.

1756. Loss of privileges.

1757. Collection from certain inmates.

§ 1751. Costs of confinement.

(a) Liability of cities.--

(1) When an inmate is committed to any county
correctional institution in this Commonwealth, either for the
nonpayment of a fine or penalty imposed for the violation of
any city ordinance or while awaiting a hearing upon any
charge for the violation of any city ordinance, the costs of
proceedings and the expenses of maintaining the inmate during
his confinement by virtue of the commitment shall be borne
and paid by the city whose ordinance was alleged to have been

1 violated or to which any such fines or penalties are payable.

2 (2) The county in which the city is located shall not be
3 liable to the sheriff for any such maintenance or to any
4 officer, magistrate or person for any costs of such
5 proceedings.

6 (b) Nonapplicability.--This section does not apply to a city
7 of the third class.

8 § 1752. Board of inspectors to regulate salaries of wardens and
9 other staff.

10 (a) General rule.--The board of inspectors in any county
11 where such board exists shall, from time to time, fix and change
12 the salaries and compensation of the deputy wardens, corrections
13 officers and other persons employed in and about the county
14 prison.

15 (b) Nonapplicability.--This section shall not apply to
16 counties in which cities are coextensive with the counties.

17 § 1753. Residence of warden.

18 In any county where the government of the county prison is
19 vested in a prison board, the prison board may fix the place of
20 residence of the warden of the county prison either in the jail
21 or elsewhere.

22 § 1754. Bonds for county prison staff in fourth class counties.

23 In any county of the fourth class in which there is a board
24 of inspectors, the board shall pay out of the public moneys
25 under its jurisdiction the premiums on all bonds of employees
26 appointed by the board who are required to furnish bond.

27 § 1755. Property exempt from taxation.

28 All the property, real and personal, authorized to be held
29 under the former act of June 26, 1895 (P.L.377, No.269),
30 entitled "An act authorizing the erection of work-houses in the

several counties of this Commonwealth," shall be exempt from
taxation and from levy and sale by virtue of execution or any
other process.

§ 1756. Loss of privileges.

A chief administrator of a county correctional institution
may refuse to permit a prisoner to exercise the prisoner's
privilege to leave the county correctional institution for a
period of not more than five days for any breach of discipline
or other violation of regulations of the county correctional
institution.

§ 1757. Collection from certain inmates.

The governing body of a county correctional institution, or
where applicable the county commissioners, may, by resolution
which shall establish rates and qualifications, authorize the
chief administrator to collect a reasonable amount from inmates
incarcerated only on weekends or other short periods each week.

SUBCHAPTER F

JOINT DETENTION CENTERS

Sec.

1761. Establishment by adjoining counties.

1762. Selection of site.

1763. Buildings.

1764. Construction contracts.

1765. Advisory board.

1766. Meetings.

1767. Chief administrator and employees.

1768. Rules and regulations.

1769. Initial transfer of inmates.

1770. Employment of inmates.

1771. Cost of transporting inmates.

1 1772. Financial reporting.

2 1773. Allocation of expenses to counties.

3 1774. County appropriations.

4 1775. Exemption from taxation.

5 § 1761. Establishment by adjoining counties.

6 (a) Authority.--The county commissioners of any two or more
7 adjoining counties may join in establishing, according to a
8 plan, detention facilities for the confinement of persons
9 awaiting trial or sentence on criminal charges, convicted on
10 criminal charges or not otherwise eligible for confinement in
11 other county correctional institutions.

12 (b) Preapproval of plan by department.--Before establishing
13 detention facilities, the counties shall submit their plan to
14 the department for approval. The department may require, as a
15 condition to approving any plan, that two or more adjoining
16 counties join with another adjoining county to establish
17 detention facilities.

18 § 1762. Selection of site.

19 Whenever the commissioners of any two or more adjoining
20 counties decide and agree to construct a joint detention
21 facility, they shall acquire a suitable site for the facility.
22 The site may be selected from suitable lands already held by any
23 county of the district for county purposes from lands donated
24 for such purposes or any quantity of land within the respective
25 districts. In the selection of a site, there shall be taken into
26 consideration the objects and purposes of the joint detention
27 center. Title to the land shall be approved by the county
28 solicitor of the county in which the land is located, or such
29 other title guarantee corporation or attorney as may be
30 designated by the commissioners of the counties, and shall be

1 taken in the name of the county or counties comprising the
2 district. The site, before purchase, shall be approved by the
3 department.

4 § 1763. Buildings.

5 After the selection and acquisition of sites, the county
6 commissioners of the counties may erect and construct suitable
7 and necessary buildings thereon, repair any buildings already
8 erected and equip the sites for use and occupancy.

9 § 1764. Construction contracts.

10 Joint detention facilities shall be constructed by contract
11 or contracts let by the county commissioners of the counties to
12 the lowest responsible and best bidder after due advertisement
13 in at least one newspaper, published in each of the counties
14 joining in the erection of the joint detention facilities, once
15 a week for two consecutive weeks. When so constructed, the joint
16 detention facilities shall be equipped by the county
17 commissioners of the counties at the cost of the counties in the
18 same manner as other county buildings are equipped.

19 § 1765. Advisory board.

20 After joint detention facilities have been erected and
21 equipped and are ready for occupancy, the president judges of
22 the courts of common pleas of the counties joining in the
23 construction of the joint detention facilities shall appoint an
24 advisory board to consist of three persons from each of the
25 counties. The president judge of each of the counties shall
26 appoint one member of the board to serve for one year, one to
27 serve for two years, and one to serve for three years, or until
28 their successors are appointed and qualified. All appointments
29 at the expiration of any term shall be for a term of three
30 years.

1 § 1766. Meetings.

2 (a) General rule.--The advisory board shall meet at such
3 times as it deems necessary. The board shall visit and inspect
4 and keep in close touch with the management and operation of the
5 joint detention facilities and shall, from time to time, make
6 such recommendations and suggestions to the county commissioners
7 for changes or improvements in the management and operations of
8 the joint detention facilities as may be deemed advisable. It
9 shall also make an annual report to the county commissioners
10 concerning the management and operation of the joint detention
11 facilities.

12 (b) Administrative support.--The county commissioners shall,
13 at the expense of the counties, provide a meeting place for the
14 board and furnish all supplies and materials necessary to carry
15 on its work.

16 (c) Reimbursement of expenses.--The members of the board
17 shall not receive any compensation for their services, but shall
18 be reimbursed for all actual and necessary expenses incurred in
19 the discharge of their duties, which expenses shall be paid by
20 the counties as part of the cost of maintenance of the joint
21 detention facilities.

22 § 1767. Chief administrator and employees.

23 The county commissioners of the counties may, after
24 consultation with the advisory board, employ a chief
25 administrator and such other employees as may be necessary to
26 conduct and manage properly the joint detention facilities and
27 shall fix their compensation. The duties of those officers shall
28 be prescribed by the rules and regulations of the joint
29 detention facilities. They shall hold their offices,
30 respectively, at the pleasure of and their compensation shall be

1 fixed by the appointing power.

2 § 1768. Rules and regulations.

3 The county commissioners of the counties shall, before any
4 inmate may be admitted to the joint detention facilities, after
5 consulting with the advisory board, make general rules and
6 regulations for the management of the joint detention
7 facilities, which rules and regulations shall be effective after
8 they are approved by the department.

9 § 1769. Initial transfer of inmates.

10 When, in any district formed by counties under this
11 subchapter, the arrangements are complete for the reception of
12 inmates, transfer of all persons who are subject to confinement
13 as provided in this subchapter shall be made to the joint
14 detention facilities of the district.

15 § 1770. Employment of inmates.

16 An inmate of a joint detention facility under the provisions
17 of this subchapter, unless disqualified by sickness or
18 otherwise, shall be kept at some useful employment as may be
19 suited to the inmate's age and capacity and as may tend to
20 promote the best interest of the inmate. If an inmate refuses to
21 perform the work assigned to the inmate or is guilty of other
22 acts of insubordination, the chief administrator shall punish
23 the inmate in such manner as the rules and regulations provided
24 for may prescribe. The chief administrator shall keep a record
25 of and report to the advisory board all such offenses and
26 punishments.

27 § 1771. Cost of transporting inmates.

28 The cost of transporting inmates committed to the joint
29 detention facilities shall be paid by the counties,
30 respectively, from which the inmates are committed. The sheriff

of the county for inmates committed by the court and constables
for inmates committed by magisterial district judges shall
receive for the inmates committed to the joint detention
facilities no mileage or travel expenses on writs, except the
actual cost of transporting the inmates to the joint detention
facilities, together with any other fees for their services
allowed by law.

§ 1772. Financial reporting.

A detailed statement of the receipt and expenditures by any
county constituting a part of the district for joint detention
facilities erected under the provisions of this subchapter shall
be published by the county commissioners of each county or by
the controller in the county. Where the report is published by
the controller, it shall be included in the annual statement of
the fiscal affairs of such county.

§ 1773. Allocation of expenses to counties.

(a) General rule.--The original cost of the site and
buildings of the joint detention facilities and the equipment
thereof, all additions thereto and all fixed overhead charges in
conducting the joint detention facilities shall be paid by the
counties constituting the districts in the ratio of their
population according to the last preceding United States census.

(b) Inmate expense.--

(1) The cost of the care and maintenance of the inmates
in the districts shall be certified monthly to the counties
from which inmates have been committed. The cost shall be
paid by the counties in proportion to the number of inmates
committed from each county.

(2) All payments shall be on warrants of the county
commissioners, countersigned by the county controller in

1 counties where that office exists.

2 § 1774. County appropriations.

3 The county commissioners of each county joining in
4 establishing detention facilities as provided for in this
5 subchapter may make appropriations or incur or increase the
6 indebtedness of the county, in the manner provided by law, to an
7 amount sufficient to pay its proportionate part of the cost of
8 acquiring a site and of erecting, constructing and equipping the
9 joint detention facilities by issuing coupon bonds at a rate of
10 interest not exceeding 7%, and payable within 30 years from the
11 date of issue. The county commissioners of the county shall levy
12 an annual tax in an amount necessary to pay interest and sinking
13 fund charges upon such bonds.

14 § 1775. Exemption from taxation.

15 All the property, real and personal, authorized to be held by
16 counties under this subchapter shall be exempt from taxation.

17 SUBCHAPTER G

18 JOINT INDUSTRIAL FARMS AND WORKHOUSES

19 Sec.

20 1781. Establishment by counties.

21 1782. Selection of site.

22 1783. Buildings.

23 1784. Construction contracts.

24 1785. Advisory board.

25 1786. Meetings.

26 1787. Chief administrator and employees.

27 1788. Rules and regulations.

28 1789. Initial transfer of inmates.

29 1790. Employment of inmates.

30 1791. Cost of transporting inmates.

1 1792. Nature of inmate employment.

2 1793. Sale of goods and materials.

3 1794. Financial reporting.

4 1795. Allocation of expenses to counties.

5 1796. Borrowing authorized.

6 1797. Exemption from taxation.

7 1798. Nonapplicability.

8 § 1781. Establishment by counties.

9 The county commissioners of any two or more counties may join
10 in establishing a joint industrial farm and workhouse for the
11 confinement of:

12 (1) Persons sentenced by the courts of those counties,
13 after conviction, of any misdemeanor or felony, except
14 murder, voluntary manslaughter, rape and arson.

15 (2) Persons who are in default of payment of any fine or
16 penalty, or for nonpayment of costs, or for default in
17 complying with any order of court entered in any prosecution
18 for desertion or nonsupport, or for the violation of any
19 municipal ordinance.

20 § 1782. Selection of site.

21 Whenever the commissioners of any two or more counties decide
22 and agree to construct a joint industrial farm and workhouse,
23 they shall acquire a suitable site for the same. The site may be
24 selected from suitable lands already held by any county of the
25 district for county purposes, from lands donated for such
26 purposes or from any quantity of land within the respective
27 districts. In the selection of a site, there shall be taken into
28 consideration the objects and purposes of the joint industrial
29 farm and workhouse and all or as many as practicable of the
30 advantages and resources set forth in this section. The land

1 selected and purchased shall be a varied topography, with
2 natural resources and advantages for many forms of husbandry,
3 fruit growing and stock raising, for brickmaking and for the
4 preparation of all other road and paving material and shall have
5 good railroad, drainage, sewage and water facilities. Title to
6 the land shall be approved by the county solicitor of the county
7 in which the land is located or such other title guarantee
8 corporation or attorney as maybe designated by the commissioners
9 of the counties and shall be taken in the name of the county or
10 counties comprising the district.

11 § 1783. Buildings.

12 After the selection and acquisition of the sites, the county
13 commissioners of the counties may erect and construct suitable
14 and necessary buildings thereon, repair any buildings already
15 erected and equip the buildings for use and occupancy. All
16 buildings constructed in pursuance of this subchapter shall be
17 plain and inexpensive in character. The labor in constructing
18 such buildings and improvements and facilities shall be supplied
19 by the persons committed to county correctional institutions in
20 the counties or transferred thereto from any county correctional
21 institution, so far as found practicable.

22 § 1784. Construction contracts.

23 Joint industrial farm and workhouse buildings shall be
24 constructed by contract or contracts let by the county
25 commissioners of the counties to the lowest responsible and best
26 bidder, after due advertisement in at least one newspaper,
27 published in each of the counties joining in the erection of the
28 joint industrial farm and workhouse, once a week for four
29 consecutive weeks. When so constructed, the joint industrial
30 farm and workhouse buildings shall be equipped by the county

commissioners of the counties at the cost of the counties in the same manner as other county buildings are equipped.

§ 1785. Advisory board.

After a joint industrial farm and workhouse has been erected and equipped and is ready for occupancy, the president judges of the courts of common pleas of the counties joining in the construction of the joint industrial farm and workhouse shall appoint an advisory board to consist of three persons from each of the counties. The president judge of each of the counties shall appoint one member of the board to serve for one year, one to serve for two years, and one to serve for three years, or until their successors are appointed and qualified. All appointments at the expiration of any term shall be for a term of three years.

§ 1786. Meetings.

(a) General rule.--The advisory board shall meet monthly and at such other times as may be deemed necessary. The board shall visit and inspect and keep in close touch with the management and operation of the joint industrial farm and workhouse and shall, from time to time, make such recommendations and suggestions to the county commissioners for changes or improvements in the management and operations of the joint industrial farm and workhouse as may be deemed advisable. It shall also make an annual report to the county commissioners concerning the management and operation of the industrial farm and workhouse.

(b) Administrative support.--The county commissioners shall, at the expense of the counties, provide a meeting place for the board and furnish all supplies and materials necessary to carry on its work.

1 (c) Reimbursement of expenses.--The members of the board
2 shall not receive any compensation for their services, but shall
3 be allowed all actual and necessary expenses incurred in the
4 discharge of their duties, which shall be paid by the counties
5 as part of the cost of maintenance of the joint industrial farm
6 and workhouse.

7 § 1787. Chief administrator and employees.

8 The county commissioners of the counties may, after
9 consultation with the advisory board, employ a chief
10 administrator and such other employees as may be necessary to
11 conduct and manage properly the joint industrial farm and
12 workhouse and shall fix their compensation. The duties of those
13 officers shall be prescribed by the rules and regulations of the
14 joint industrial farm and workhouse.

15 § 1788. Rules and regulations.

16 The county commissioners of the counties shall, before any
17 inmate may be admitted to the joint industrial farm and
18 workhouse, after consulting with the advisory board, make
19 general rules and regulations for the management of the joint
20 industrial farm and workhouse.

21 § 1789. Initial transfer of inmates.

22 (a) General rule.--When, in any district formed by the
23 counties, the arrangements are complete for the reception of
24 inmates, transfer shall be made from the county correctional
25 institutions to the joint industrial farm and workhouse of the
26 district of all persons:

27 (1) Who have been sentenced to any of the county
28 correctional institutions for any misdemeanor or felony
29 except murder, voluntary manslaughter, rape and arson.

30 (2) Who have been committed to any of the county

1 correctional institutions in default of payment of any fine
2 or penalty, or for nonpayment of costs or for default in
3 complying with any order of court entered in any prosecution
4 for desertion or nonsupport.

5 (3) Legally confined in any of the county correctional
6 institutions, except those that are confined awaiting trial
7 or held as material witnesses.

8 (b) Persons eligible to become inmates.--

9 (1) When any person is convicted in any court in any
10 county of any offense classified as a misdemeanor or felony
11 except murder, voluntary manslaughter, rape and arson, the
12 punishment of which is or may be imprisonment in any county
13 correctional institution for a period of ten days or more,
14 the court may sentence such person to a joint industrial farm
15 and workhouse of the Commonwealth.

16 (2) Courts of record and courts not of record of any
17 county in this Commonwealth may commit to the joint
18 industrial farm and workhouse all persons who might be
19 lawfully committed to the county correctional institution on
20 charges of vagrancy, drunkenness or disorderly conduct, for
21 default or nonpayment of any costs, fine or penalty, for
22 default in complying with any order of court entered in any
23 prosecution for desertion or nonsupport or for violations of
24 municipal ordinances, where, in any such case, the commitment
25 will be for a period of ten days or more.

26 (c) Existing county correctional institutions.--The existing
27 county correctional institutions may be retained to confine
28 persons awaiting trial, held as material witnesses or sentenced
29 for a period of less than ten days, and such number of other
30 convicted persons as may be required to perform the necessary

1 institutional maintenance work.

2 (d) Clothing and treatment.--All inmates shall be clothed
3 and treated as provided for in this subchapter and in the rules
4 and regulations of the joint industrial farm and workhouse.

5 § 1790. Employment of inmates.

6 (a) General rule.--An inmate committed to a joint industrial
7 farm and workhouse under the provisions of this subchapter,
8 unless disqualified by sickness or otherwise, shall be kept at
9 some useful employment as may be suited to the inmate's age and
10 capacity and as may be most profitable to the joint industrial
11 farm and workhouse and tend to promote the best interest of the
12 inmate. If an inmate refuses to perform the work assigned to the
13 inmate or is guilty of other acts of insubordination, the chief
14 administrator shall punish the inmate in such manner as the
15 rules and regulations provided for may prescribe. The chief
16 administrator shall keep a record of and report to the advisory
17 board all such offenses and punishments.

18 (b) Pay schedule and inmate accounts.--All inmates shall
19 receive compensation for their work.

20 (1) Those inmates employed on institutional maintenance
21 and nonproductive labor shall receive not more than 20¢ per
22 day and not less than 10¢ per day.

23 (2) Those inmates employed on productive work shall
24 receive not more than 50¢ per day and not less than 20¢ per
25 day.

26 (3) The earnings of an inmate shall be credited to the
27 inmate's account, and disbursements made on approval of the
28 chief administrator of the institution and the written order
29 of the inmate, except when an inmate is committed for
30 nonsupport the court which sentenced the prisoner shall order

1 payment of the earnings. At time of release or discharge, the
2 inmate shall receive all moneys remaining in the inmate's
3 account and give receipt for the same.

4 § 1791. Cost of transporting inmates.

5 (a) General rule.--The cost of transporting inmates
6 committed to the joint industrial farms and workhouses shall be
7 paid by the counties, respectively, from which the inmates are
8 committed. The sheriff of the county for inmates committed by
9 the court and constables for inmates committed by magisterial
10 district judges shall receive for the inmates committed to the
11 joint industrial farm and workhouse no mileage or travel
12 expenses on writs, except the actual cost of transporting the
13 inmates so committed to the joint industrial farm and workhouse,
14 together with any other fees for their services allowed by law.

15 (b) Railroad ticket upon discharge.--When an inmate is
16 discharged from a joint industrial farm and workhouse, the chief
17 administrator thereof shall procure for the inmate a railroad
18 ticket to any point to which the inmate may desire to go, not
19 farther from the joint industrial farm and workhouse than the
20 point from which the inmate was sentenced.

21 § 1792. Nature of inmate employment.

22 A joint industrial farm and workhouse shall employ the
23 inmates committed or transferred thereto in work on or about the
24 buildings and farm and in growing produce, raising stock, etc.,
25 for supplies for its own use, the use of the several city and
26 county or county correctional institutions in the district, any
27 political division thereof or any public or charitable
28 institution owned or managed and directed by the counties
29 constituting the district, or any political division thereof.
30 Inmates may also be employed in the preparation of road

material, in making brick, tile and concrete or other road building material and in the manufacture of other products and materials as may be found practicable for the use of any of the counties constituting the district and for the proper and healthful employment of the inmates.

§ 1793. Sale of goods and materials.

All road material, brick, tile, concrete and other goods and materials prepared or made at a joint industrial farm and workhouse that are not needed for the purposes of the joint industrial farm and workhouse shall be offered for sale at a price to be fixed by the commissioners of the district. In offering such material for sale, preference shall be given to the counties forming the district of the joint industrial farm and workhouse and to the cities, boroughs and townships in the joint district. All moneys so received shall be applied toward paying the overhead expenses of the joint industrial farm and workhouse.

§ 1794. Financial reporting.

A detailed statement of the receipts and expenditures by any county constituting a part of the district for a joint industrial farm and workhouse erected under the provisions of this subchapter shall be published by the county commissioners of each county or by the controller in the county. Where the report is published by the controller, it shall be included in the annual statement of the fiscal affairs of the county.

§ 1795. Allocation of expenses to counties.

(a) General rule.--The original cost of the site and buildings of the joint industrial farm and workhouse, the equipment thereof, all additions thereto and all fixed overhead charges in conducting the joint industrial farm and workhouse

1 shall be paid by the counties constituting the districts in the
2 ratio of their population according to the last preceding United
3 States census.

4 (b) Inmate expense.--The cost of the care and maintenance of
5 the inmates shall be certified monthly to the counties from
6 which inmates have been committed. The cost shall be paid by the
7 counties in proportion to the number of inmates committed from
8 each county. All payments shall be on warrants of the county
9 commissioners, countersigned by the county controller in
10 counties where a county controller exists.

11 § 1796. Borrowing authorized.

12 The county commissioners of each county joining in
13 establishing a joint industrial farm and workhouse, as provided
14 for in this subchapter, may incur or increase the indebtedness
15 of the county, in the manner provided by law, to an amount
16 sufficient to pay its proportionate part of the cost of
17 acquiring a site and of erecting, constructing and equipping the
18 joint industrial farm and workhouse by issuing coupon bonds at a
19 rate of interest not exceeding 6% and payable within 30 years
20 from the date of issue. The county commissioners of the county
21 shall levy an annual tax in an amount necessary to pay interest
22 and sinking fund charges upon the bonds.

23 § 1797. Exemption from taxation.

24 All the property, real and personal, authorized to be held
25 under this subchapter shall be exempt from taxation.

26 § 1798. Nonapplicability.

27 This subchapter does not apply to cities and counties of the
28 first class.

29 PART III

30 INMATE CONFINEMENT

Chapter

31. Inmate Labor

33. Medical Services

35. Visitation

37. Inmate Prerelease Plans

39. Motivational Boot Camp

41. State Intermediate Punishment

43. Execution Procedure and Method

59. Miscellaneous Provisions

CHAPTER 31

INMATE LABOR

Sec.

3101. Inmates to be employed.

3102. Disposition of proceeds of labor.

3103. Agricultural labor at county correctional institutions.

3104. Inmate labor in county correctional institutions.

3105. Inmate labor in counties of the first class.

3106. Inmate-made goods to be branded.

3107. Sale of inmate-made goods.

§ 3101. Inmates to be employed.

The chief administrators may employ the inmates under their control for and on behalf of the Commonwealth and the inmates for and on behalf of their respective counties.

§ 3102. Disposition of proceeds of labor.

All moneys received under the provisions of this chapter for labor done within county correctional institutions or the products of such labor sold shall be credited on account of the receipts and expenditures paid to and for the maintenance of the respective correctional institutions.

§ 3103. Agricultural labor at county correctional institutions.

1 (a) General rule.--The chief administrator of a county
2 correctional institution shall permit the employment of such
3 inmates serving sentences therein, as they shall deem advisable,
4 at agricultural labor on any county farm of the county under the
5 direction of any person appointed by the chief administrator,
6 and all inmates so employed shall at all times be amenable to
7 restraint, discipline and punishment in the same manner as if
8 they were confined in the county correctional institution.

9 (b) Liability.--No person appointed by a chief administrator
10 of a county correctional institution or his sureties shall be
11 held liable on any bond conditioned for the safekeeping of
12 persons given into that person's care, in case any inmate so
13 employed shall escape, if due care and diligence has been
14 exercised in the discharge of the duties imposed on that person.

15 § 3104. Inmate labor in county correctional institutions.

16 (a) General rule.--An inmate of a county correctional
17 institution who is physically capable may be employed at labor
18 for not more than eight hours each day, other than Sundays and
19 public holidays. The employment may be in such character of work
20 and the production of such goods as may now be manufactured and
21 produced in county correctional institutions and may also be
22 for:

23 (1) the manufacture and production of supplies for the
24 county correctional institutions;

25 (2) the preparation and manufacture of building material
26 for the construction or repair of the county correctional
27 institution;

28 (3) the manufacture and production of crushed stone,
29 brick, tile and culvert pipe or other material suitable for
30 draining roads; or

1 (4) the preparation of road building and ballasting
2 material.

3 (b) Authority to county commissioners.--The county
4 commissioners or chief administrator of the county correctional
5 institution shall:

6 (1) determine the amount, kind and character of the
7 machinery to be erected and the industries to be carried on
8 in the county correctional institution;

9 (2) arrange for the purchase and installation of such
10 machinery at the expense of the county; and

11 (3) provide for the sale of articles and material
12 produced.

13 (c) Funding.--The county commissioners shall make available
14 the necessary funds to carry out the provisions of this section.

15 (d) Inmate accounts.--

16 (1) The authorities in charge of a county correctional
17 institution shall fix the wages of each inmate to be employed
18 and shall keep an account of all such wages and the amount
19 due each inmate.

20 (2) Three-fourths of the amount credited to each inmate,
21 or the entire amount if the inmate so elects, shall
22 constitute a fund for the relief of any person or persons
23 dependent upon the inmate and shall be paid to such persons,
24 establishing dependency to the satisfaction of the
25 authorities, at such times as they may prescribe.

26 (3) In case an inmate has no person dependent upon him,
27 the inmate's wages shall be deposited for his benefit and
28 shall be paid to him as follows:

29 (i) one-third at the time of his discharge;

30 (ii) one-third, three months thereafter; and

1 (iii) one-third, six months thereafter.

2 (e) Special administrative fund.--

3 (1) The authorities in charge of a county correctional
4 institution may establish a fund for the purpose of carrying
5 out this section and may provide for the purchase of
6 machinery and materials and payment of wages from such fund.

7 (2) All revenues received from the sale of articles
8 produced shall be paid into the fund.

9 (f) Nonapplicability.--This section shall not apply to a
10 county of the first class.

11 § 3105. Inmate labor in counties of the first class.

12 (a) General rule.--The board of inspectors of a county
13 correctional institution of a county of the first class may
14 establish, from time to time, a scale of wages that shall not be
15 less than ten cents per day, and may pay and the inmates may
16 receive compensation for their work according to such scale.

17 (b) Inmate account.--

18 (1) Except as otherwise provided in paragraph (2), the
19 earnings of each inmate shall be credited to his account and
20 disbursements made on approval of the chief administrator of
21 the institution and the written order of the inmate.

22 (2) When an inmate is committed for nonsupport, the
23 court which sentenced the inmate shall order payment of his
24 earnings and, in the case of other inmates, the court which
25 sentenced the inmate may order payments from his earnings to
26 be paid to his dependents.

27 (3) At time of release or discharge, the inmate shall
28 receive all moneys remaining in his account and give receipt
29 for the same.

30 § 3106. Inmate-made goods to be branded.

1 (a) General rule.--All goods, wares, merchandise or other
2 article or thing made by inmate labor in any correctional
3 institution or other establishment in which inmate labor is
4 employed, whether for the direct benefit and maintenance of the
5 correctional institution or other establishment or upon contract
6 by the authorities of the same with any third person,
7 immediately upon the completion of the same, shall be branded as
8 provided in this section and may not be taken into or exposed in
9 any place for sale at wholesale or retail without that brand.

10 (b) Style and place of brand.--

11 (1) The brand required by this section shall be in plain
12 English lettering and shall contain at the head or top of the
13 brand the words "inmate made," followed by the year and name
14 of the correctional institution or other establishment in
15 which made.

16 (2) The brand shall in all cases, when the nature of the
17 article will permit, be placed on the article and only where
18 the branding is impossible may it be placed on the box or
19 other receptacle or covering in which it is contained.

20 (3) The brand shall be affixed to the article by
21 casting, burning, pressing or other such process or means so
22 that the article may not be defaced and in all cases shall be
23 upon the most conspicuous place upon the article or the box,
24 receptacle or covering containing the article.

25 (c) Applicability.--This section shall not apply to goods,
26 wares and merchandise shipped to points outside of this
27 Commonwealth.

28 § 3107. Sale of inmate-made goods.

29 The department may contract to sell or sell the articles
30 manufactured or produced in any correctional institution which

cannot be used therein, to the Commonwealth or to any political subdivision thereof, or to any State, municipality, or county authority, created by or under any law of this Commonwealth, or to any State correctional institution, or to any educational or charitable institution receiving aid from the Commonwealth, or to the Federal Government or any department, bureau, commission, authority or agency thereof, or to any other state or political subdivision or authority thereof, or to any institution receiving aid from the Federal Government or of any other state.

CHAPTER 33

MEDICAL SERVICES

Sec.

3301. Short title of chapter.

3302. Definitions.

3303. Medical Services Program.

3304. Powers and duties of department.

3305. Costs outstanding upon release.

3306. Report to General Assembly.

3307. Applicability.

§ 3301. Short title of chapter.

This chapter shall be known and may be cited as the Correctional Institution Medical Services Act.

§ 3302. Definitions.

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

"Program." The Medical Services Program established for inmates under section 3303 (relating to Medical Services Program).

§ 3303. Medical Services Program.

1 (a) Establishment.--The Medical Services Program is
2 established in the department which shall include, but not be
3 limited to, the provisions of this chapter. The program shall be
4 a copay program requiring inmates to pay a fee to cover a
5 portion of the actual costs of the medical services provided.

6 (b) Fees.--

7 (1) The department shall develop by regulation a program
8 for inmates which includes fees for certain medical services.
9 The regulations shall provide for consistent medical services
10 guidelines by specifying the medical services which are
11 subject to fees, the fee amounts, payment procedures, medical
12 services which are not subject to fees and fees applicable to
13 medical emergencies, chronic care and preexisting conditions.

14 (2) In addition to other medical services provided to
15 the inmate, an inmate may be required to pay a fee for
16 medical services provided because of injuries the inmate
17 inflicted upon himself or another inmate.

18 (c) Explanation of program.--Each inmate shall be advised of
19 the medical services fees and payment procedures at the time of
20 intake. An explanation of the program regulations shall be
21 included in the inmate handbook.

22 (d) Written notice of changes.--Each inmate shall receive
23 written notice of any changes in medical services fees and
24 payment procedures and an initial written notice of the
25 program's implementation.

26 (e) Payment for medical services.--

27 (1) No inmate shall be denied access to medical services
28 because of an inability to pay the required fees.

29 (2) The department shall devise and implement a program
30 whereby inmates of State correctional institutions who have

medical insurance shall pay for their own medical needs through that insurance. This program shall be contained in regulations promulgated by the department.

(f) Fee debits.--An inmate shall acknowledge in writing any debit made to his inmate account for a medical services fee.

(g) Deposits.--Medical services fees collected under this chapter shall be deposited in the General Fund.

§ 3304. Powers and duties of department.

The department shall implement the program by:

(1) Issuing regulations as required under section 3303 (relating to Medical Services Program).

(2) Providing department staff and medical services providers with training relating to the program.

(3) Developing administrative forms for the implementation of the program.

(4) Providing for administrative and accounting procedures for the program and an annual audit of the program.

(5) Providing written notice to all current inmates regarding implementation of the program.

§ 3305. Costs outstanding upon release.

(a) Right to seek recovery of costs.--The department may seek to recover any amount owed for medical services fees by an inmate upon release from prison through a civil action brought within one year of the inmate's release. The department shall have the burden to prove the amount owed.

(b) Defense.--An inmate's inability to pay as determined by the court shall be a defense to the payment of part or all of the fees.

§ 3306. Report to General Assembly.

1 The department shall submit to the chairmen and minority
2 chairmen of the Appropriations Committee and the Judiciary
3 Committee of the Senate and the chairmen and minority chairmen
4 of the Appropriations Committee and the Judiciary Committee of
5 the House of Representatives an annual report on the program.
6 The report shall provide information on the fees charged and the
7 fees collected under the program and shall include a summary of
8 the annual audit of the program as required under section 3304
9 (relating to powers and duties of department). The report may
10 recommend legislative changes for the program and propose model
11 legislation for counties which may wish to develop similar
12 programs.

13 § 3307. Applicability.

14 The department shall collect fees for medical services
15 provided to an inmate after the effective date of the program
16 regulations as published in the Pennsylvania Bulletin.

17 CHAPTER 35

18 VISITATION

19 Subchapter

20 A. General Provisions

21 B. Official Visitation

22 SUBCHAPTER A

23 GENERAL PROVISIONS

24 Sec.

25 3501. Gubernatorial visitor for philanthropic purposes.

26 3502. Official visitors.

27 3503. Rights of official visitors.

28 § 3501. Gubernatorial visitor for philanthropic purposes.

29 The Governor may appoint a person to visit, for philanthropic
30 purposes, correctional institutions. No expense shall be

1 incurred to the Commonwealth for the implementation of this
2 section.

3 § 3502. Official visitors.

4 (a) General rule.--Subject to the provisions of subsection
5 (b), the active or visiting committee of any society
6 incorporated for the purpose of visiting and instructing inmates
7 are hereby made official visitors of any correctional
8 institution, with the same powers, privileges and functions as
9 are vested in the official visitors of correctional institutions
10 as now prescribed by law.

11 (b) Notice required.--No active or visiting committee as
12 identified in subsection (a) may visit a correctional
13 institution under this section unless notice of the names of the
14 members of the committee and the terms of their appointment are
15 given by the society, in writing, under its corporate seal, to
16 the chief administrator of the correctional institution.

17 § 3503. Rights of official visitors.

18 (a) Visiting hours.--A person designated by law to be an
19 official visitor of a correctional institution may enter and
20 visit any correctional institution on any and every day,
21 including Sundays, between the hours of 9 a.m. and 5 p.m. and at
22 such other times with the special permission of the chief
23 administrator.

24 (b) Confirmation of role.--All powers, functions and
25 privileges granted to official visitors of correctional
26 institutions under prior law are hereby confirmed. No official
27 visitor shall have the right or power to give or deliver to an
28 inmate during such visit any chattel or object whatsoever,
29 except objects and articles of religious or moral instruction or
30 use.

1 (c) Effect of violation.--

2 (1) If an official visitor violates any provision of
3 this section, a chief administrator may apply to the court of
4 common pleas in the county wherein the correctional
5 institution is situated, for a rule upon the official visitor
6 to show cause why he should not be deprived of his office.

7 (2) Upon proof to the satisfaction of the court, the
8 court shall enter a decree against the official visitor
9 depriving him of all rights, privileges and functions of an
10 official visitor.

11 SUBCHAPTER B

12 OFFICIAL VISITATION

13 Sec.

14 3511. Short title of subchapter.

15 3512. Definitions.

16 3513. Visitation.

17 3514. Employees of official visitor.

18 § 3511. Short title of subchapter.

19 This subchapter shall be known and may be cited as the
20 Official Visitation of Correctional Institutions Act.

21 § 3512. Definitions.

22 The following words and phrases when used in this subchapter
23 shall have the meanings given to them in this section unless the
24 context clearly indicates otherwise:

25 "Official visitor." The Governor, Lieutenant Governor,
26 President pro tempore and members of the Senate, Speaker and
27 members of the House of Representatives, justices and judges of
28 the courts of record, General Counsel, Attorney General and his
29 deputies and authorized members of the Pennsylvania Prison
30 Society who have been designated as official visitors, whose

1 names shall be given to a chief administrator, in writing,
2 together with the terms of their appointment under its corporate
3 seal.

4 § 3513. Visitation.

5 (a) Time.--An official visitor may enter and visit any
6 correctional institution on any and every day, including
7 Sundays, between the hours of 9 a.m. and 5 p.m. Visits at any
8 other time shall be made only with the special permission of the
9 chief administrator.

10 (b) Denial of entry.--

11 (1) If a chief administrator of a State correctional
12 institution is of the opinion that the visit would be
13 dangerous to the discipline or welfare of the correctional
14 institution or the safety of the visitor, the chief
15 administrator may temporarily deny entry to any official
16 visitor if the secretary has previously declared that an
17 emergency situation exists within the correctional
18 institution.

19 (2) If a temporary exclusion under paragraph (1) exceeds
20 72 hours, the official visitor may apply to the Commonwealth
21 Court for a ruling upon the secretary to show cause why the
22 official visitor should not be permitted entry into the State
23 correctional institution.

24 (c) Temporary denial of visitation for county correctional
25 institutions.--

26 (1) If the chief administrator of a county correctional
27 institution has previously determined that an emergency
28 exists at the county correctional institution, the chief
29 administrator may, with the approval of the president judge
30 of the court of common pleas of the county where the county

1 correctional institution is located, temporarily deny entry
2 to an official visitor.

3 (2) If a temporary exclusion under paragraph (1) exceeds
4 72 hours, the official visitor may apply to the Commonwealth
5 Court for a ruling upon the president judge to show cause why
6 the official visitor should not be permitted entry into the
7 county correctional institution.

8 (d) Interviews.--

9 (1) An official visitor may interview privately any
10 inmate confined in any correctional institution and for that
11 purpose may enter the cell, room or apartment wherein any
12 inmates are confined.

13 (2) If the chief administrator at the time of the visit
14 is of the opinion that entry into a cell would be dangerous
15 to the discipline of the correctional institution, then the
16 chief administrator may conduct any inmates with whom the
17 official visitor may desire a private interview into another
18 cell or room as the chief administrator may designate and
19 there permit the private interview between the official
20 visitor and the inmate to take place.

21 (e) Official visitors and employees not exempt from
22 prosecution.--Official visitors and their employees shall not be
23 exempt from prosecution for any criminal offense, including, but
24 not limited to, a violation of 18 Pa.C.S. §§ 5121 (relating to
25 escape), 5122 (relating to weapons or implements for escape) and
26 5123 (relating to contraband).

27 (f) Decree of court.--

28 (1) If an official visitor violates any provision of
29 this section, any chief administrator of a correctional
30 institution may apply to the appropriate court for a ruling

1 upon the official visitor to show cause why the official
2 visitor should not be deprived of his official visitation
3 status.

4 (2) Upon proof to the satisfaction of the court, the
5 court shall enter a decree against the official visitor
6 depriving him of all rights, privileges and functions of an
7 official visitor.

8 § 3514. Employees of official visitor.

9 One employee of an official visitor may accompany the
10 official visitor when visiting any correctional institution and
11 may be present during an interview conducted by the official
12 visitor.

13 CHAPTER 37

14 INMATE PRERELEASE PLANS

15 Sec.

16 3701. Establishment of prerelease centers.

17 3702. Prerelease plan for inmates.

18 3703. Rules and regulations.

19 3704. Salaries and wages of inmates.

20 § 3701. Establishment of prerelease centers.

21 The department shall establish, with the approval of the
22 Governor, prisoner prerelease centers at such locations
23 throughout this Commonwealth as it deems necessary to carry out
24 effective prisoner prerelease programs.

25 § 3702. Prerelease plan for inmates.

26 (a) Transfer authorization.--

27 (1) The secretary may transfer an inmate incarcerated in
28 any prerelease center or in any prerelease center located in
29 any State correctional institution who has not been sentenced
30 to death or life imprisonment to any prerelease center.

1 (2) The transfer of the inmate to the prerelease center
2 shall not occur where the transfer is not appropriate due to
3 a certified terminal illness.

4 (b) Temporary release.--An inmate transferred to and
5 confined in a prerelease center may be released temporarily with
6 or without direct supervision at the discretion of the
7 department, in accordance with rules and regulations as provided
8 in section 3703 (relating to rules and regulations), for the
9 purposes of gainful employment, vocational or technical
10 training, academic education and such other lawful purposes as
11 the department shall consider necessary and appropriate for the
12 furtherance of the inmate's individual prerelease program
13 subject to compliance with subsection (c).

14 (c) Conditions for release of certain inmates.--

15 (1) An inmate who has not served his minimum sentence
16 may not be transferred to a prerelease center unless:

17 (i) more than 20 days have elapsed after written
18 notice of the proposed transfer, describing the inmate's
19 individual prerelease program, has been received by the
20 sentencing judge or, in the event the sentencing judge is
21 unavailable, the sentencing court and the prosecuting
22 district attorney's office and no written objection by
23 the judge containing the reason therefor has been
24 received by the department;

25 (ii) the judge withdraws his objection after
26 consultation with representatives of the department; or

27 (iii) approval of the proposed transfer is given by
28 the Board of Pardons.

29 (2) In the event of a timely objection by the judge,
30 representatives of the department shall meet with the judge

1 and attempt to resolve the disagreement.

2 (3) If, within 20 days of the department's receipt of
3 the objection:

4 (i) the judge does not withdraw his objection;

5 (ii) the department does not withdraw its proposal
6 for transfer; or

7 (iii) the judge and the department do not agree on
8 an alternate proposal for transfer, the matter shall be
9 listed for hearing at the next session of the Board of
10 Pardons to be held in the hearing district in which the
11 judge is located.

12 (4) During the hearing before the Board of Pardons,
13 representatives of the judge, the department, the district
14 attorney of the county where the inmate was prosecuted and
15 any victim involved shall have the opportunity to be heard.

16 (d) Notice of release.--

17 (1) An inmate who has served his minimum sentence may be
18 released by the department only after notice to the judge
19 that the privilege is being granted.

20 (2) Notice of the release of an inmate shall be given to
21 the Pennsylvania State Police, the probation officer and the
22 sheriff or chief of police of the county, and the chief of
23 police of the municipality or township of the locality to
24 which the inmate is assigned or of the inmate's authorized
25 destination.

26 § 3703. Rules and regulations.

27 The department shall establish rules and regulations for
28 granting and administering release plans and shall determine
29 those inmates who may participate in any plan. If an inmate
30 violates the rules or regulations prescribed by the department,

1 the inmate's release privileges may be withdrawn. Failure of an
2 inmate to report to or return from the assigned place of
3 employment, training, education or other authorized destination
4 shall be deemed an offense under 18 Pa.C.S. § 5121 (relating to
5 escape).

6 § 3704. Salaries and wages of inmates.

7 (a) General rule.--The salaries or wages of inmates
8 gainfully employed under a plan established under this section
9 shall be collected by the department or its designated agents or
10 employees. The wages shall not be subject to garnishment or
11 attachment for any purpose either in the hands of the employer
12 or the department during the inmate's term of imprisonment and
13 shall be disbursed only as provided in this section, but for tax
14 purposes they shall be income of the inmate.

15 (b) Use of salaries or wages.--The salaries or wages of an
16 inmate participating in a plan established under this section
17 shall be disbursed by the department in the following order:

18 (1) The board of the inmate, including food and
19 clothing.

20 (2) Necessary travel expense to and from work and other
21 incidental expenses of the inmate.

22 (3) Support of the inmate's dependents, if any.

23 (4) Payment, either in full or ratably, of the inmate's
24 obligations acknowledged by him in writing or which have been
25 reduced to judgment.

26 (5) The balance, if any, to the inmate upon his
27 discharge.

28 CHAPTER 39

29 MOTIVATIONAL BOOT CAMP

30 Sec.

1 3901. Scope of chapter.
2 3902. Declaration of policy.
3 3903. Definitions.
4 3904. Selection of inmate participants.
5 3905. Motivational boot camp program.
6 3906. Procedure for selection of participant in motivational
7 boot camp program.
8 3907. Completion of motivational boot camp program.
9 3908. Appeals.

10 § 3901. Scope of chapter.

11 This chapter authorizes motivational boot camps.

12 § 3902. Declaration of policy.

13 The General Assembly finds and declares as follows:

14 (1) The Commonwealth recognizes the severe problem of
15 overcrowding in correctional institutions and understands
16 that overcrowding is a causative factor contributing to
17 insurrection and prison rioting.

18 (2) The Commonwealth also recognizes that the frequency
19 of convictions responsible for the dramatic expansion of the
20 population in correctional institutions is attributable in
21 part to the increased use of drugs and alcohol.

22 (3) The Commonwealth, in wishing to salvage the
23 contributions and dedicated work which its displaced citizens
24 may someday offer, is seeking to explore alternative methods
25 of incarceration which might serve as the catalyst for
26 reducing criminal behavior.

27 § 3903. Definitions.

28 The following words and phrases when used in this chapter
29 shall have the meanings given to them in this section unless the
30 context clearly indicates otherwise:

1 "Commission." The Pennsylvania Commission on Sentencing.

2 "Eligible inmate." A person sentenced to a term of

3 confinement under the jurisdiction of the Department of

4 Corrections who is serving a term of confinement, the minimum of

5 which is not more than two years and the maximum of which is

6 five years or less or an inmate who is serving a term of

7 confinement the minimum of which is not more than three years

8 where that inmate is within two years of completing his minimum

9 term, and who has not reached 35 years of age at the time he is

10 approved for participation in the motivational boot camp

11 program. The term shall not include any inmate who is subject to

12 a sentence the calculation of which included an enhancement for

13 the use of a deadly weapon as defined pursuant to the sentencing

14 guidelines promulgated by the Pennsylvania Commission on

15 Sentencing or any inmate serving a sentence for any violation of

16 one or more of the following provisions:

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 motor vehicle).

18 Pa.C.S. § 7508 (a)(1)(iii), (2)(iii), (3)(iii) or
(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, continuing
education, vocational training, prerelease counseling and
community corrections aftercare.

§ 3904. Selection of inmate participants.

(a) Duties of commission.--Through the use of sentencing
guidelines, the commission shall employ the definition of
"eligible inmate" as provided in this chapter to further
identify inmates who would be appropriate for participation in a
motivational boot camp.

(b) Duties of sentencing judge.--The sentencing judge shall
employ the sentencing guidelines to identify those defendants
who are eligible for participation in a motivational boot camp.
The judge shall have the discretion to exclude a defendant from
eligibility if the judge determines that the defendant would be
inappropriate for placement in a motivational boot camp. The
judge shall note on the sentencing order whether the defendant
has been identified as eligible for a motivational boot camp

1 program.

2 (c) Duties of department.--The secretary shall promulgate
3 rules and regulations providing for inmate selection criteria
4 and the establishment of motivational boot camp selection
5 committees within each diagnostic and classification center of
6 the department.

7 § 3905. Motivational boot camp program.

8 (a) Establishment.--There is hereby established in the
9 department a motivational boot camp program.

10 (b) Program objectives.--The objectives of the program are:

11 (1) To protect the health and safety of the Commonwealth
12 by providing a program which will reduce recidivism and
13 promote characteristics of good citizenship among eligible
14 inmates.

15 (2) To divert inmates who ordinarily would be sentenced
16 to traditional forms of confinement under the custody of the
17 department to motivational boot camps.

18 (3) To provide discipline and structure to the lives of
19 eligible inmates and to promote these qualities in the
20 postrelease behavior of eligible inmates.

21 (c) Rules and regulations.--

22 (1) The secretary shall promulgate rules and regulations
23 which shall include, but not be limited to, inmate
24 discipline, selection criteria, programming and supervision
25 and administration.

26 (2) The department shall provide four weeks of intensive
27 training for all staff prior to the start of their
28 involvement with the program.

29 (d) Approval.--Motivational boot camp programs may be
30 established only at correctional institutions classified by the

1 secretary as motivational boot camp institutions.

2 (e) Evaluation.--The department and the commission shall
3 monitor and evaluate the motivational boot camp programs to
4 ensure that the programmatic objectives are met. Both shall
5 present biennial reports of the evaluations to the Judiciary
6 Committee of the Senate and the Judiciary Committee of the House
7 of Representatives no later than February 1 in alternate years.

8 § 3906. Procedure for selection of participant in motivational
9 boot camp program.

10 (a) Application.--An eligible inmate may make an application
11 to the motivational boot camp selection committee for permission
12 to participate in the motivational boot camp program.

13 (b) Selection.--If the selection committee determines that
14 an inmate's participation in the program is consistent with the
15 safety of the community, the welfare of the applicant, the
16 programmatic objectives and the rules and regulations of the
17 department, the committee shall forward the application to the
18 secretary or his designee for approval or disapproval.

19 (c) Conditions.--Applicants may not participate in the
20 motivational boot camp program unless they agree to be bound by
21 all the terms and conditions thereof and indicate their
22 agreement by signing a memorandum of understanding.

23 (d) Qualifications to participate.--Satisfaction of the
24 qualifications set forth in this section to participate does not
25 mean that an inmate will automatically be permitted to
26 participate in the program.

27 (e) Expulsion from program.--

28 (1) An inmate's participation in the motivational boot
29 camp unit may be suspended or revoked for administrative or
30 disciplinary reasons.

1 (2) The department shall develop regulations consistent
2 with this subsection.

3 § 3907. Completion of motivational boot camp program.

4 Upon certification by the department of the inmate's
5 successful completion of the program, the Pennsylvania Board of
6 Probation and Parole shall immediately release the inmate on
7 parole, notwithstanding any minimum sentence imposed in the
8 case. The parolee will be subject to intensive supervision for a
9 period of time determined by the board, after which the parolee
10 will be subject to the usual parole supervision. For all other
11 purposes, the parole of the inmate shall be as provided by
12 Chapter 61 (relating to Pennsylvania Board of Probation and
13 Parole).

14 § 3908. Appeals.

15 Nothing in this chapter shall be construed to enlarge or
16 limit the right of an inmate to appeal his or her sentence.

17 CHAPTER 41

18 STATE INTERMEDIATE PUNISHMENT

19 Sec.

20 4101. Scope of chapter.

21 4102. Findings and purpose.

22 4103. Definitions.

23 4104. Referral to State intermediate punishment program.

24 4105. Drug offender treatment program.

25 4106. Written guidelines and regulations.

26 4107. Reports.

27 4108. Construction.

28 4109. Evaluation.

29 § 4101. Scope of chapter.

30 This chapter relates to State intermediate punishment.

1 § 4102. Findings and purpose.

2 The General Assembly finds as follows:

3 (1) Many crimes are committed by persons who, because of
4 their addiction to drugs or alcohol, are unable to maintain
5 gainful employment.

6 (2) These persons often commit crimes as a means of
7 obtaining the funds necessary to purchase drugs or alcohol.

8 (3) Many persons commit crimes while under the influence
9 of drugs or alcohol even though they are not addicted to such
10 substances in a clinical sense.

11 (4) Punishing persons who commit crimes is an important
12 aspect of recognizing the harm that criminals visit upon
13 their victims.

14 (5) Many people who commit crimes will be able to become
15 law-abiding, contributing members of society if they are able
16 to obtain treatment for their drug or alcohol addiction or
17 abuse.

18 (6) The purpose of this chapter is to create a program
19 that punishes person who commit crimes, but also provides
20 treatment that offers the opportunity for those persons to
21 address their drug or alcohol addiction or abuse and thereby
22 reduce the incidents of recidivism and enhance public safety.

23 § 4103. Definitions.

24 The following words and phrases when used in this chapter
25 shall have the meanings given to them in this section unless the
26 context clearly indicates otherwise:

27 "Commission." The Pennsylvania Commission on Sentencing.

28 "Community-based therapeutic community." A long-term
29 residential addiction treatment program licensed by the
30 Department of Health to provide addiction treatment services

using a therapeutic community model and determined by the
Department of Corrections to be qualified to provide addiction
treatment to eligible offenders.

"Community corrections center." A residential program that
is supervised and operated by the Department of Corrections for
inmates with prerelease status or who are on parole.

"Court." The trial judge exercising sentencing jurisdiction
over an eligible offender under this chapter or the president
judge if the original trial judge is no longer serving as a
judge of the sentencing court.

"Defendant." An individual charged with a drug-related
offense.

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

"Drug offender treatment program." An individualized
treatment program established by the Department of Corrections
consisting primarily of drug and alcohol addiction treatment
that satisfies the terms and conditions listed in section 4105
(relating to drug offender treatment program).

"Drug-related offense." A criminal offense for which a
defendant is convicted and that the court determines was
motivated by the defendant's consumption of or addiction to
alcohol or a controlled substance, counterfeit, designer drug,
drug, immediate precursor or marihuana, as those terms are
defined in the act of April 14, 1972 (P.L.233, No.64), known as
The Controlled Substance, Drug, Device and Cosmetic Act.

"Eligible offender." Subject to 42 Pa.C.S. § 9721(a.1)
(relating to sentencing generally), a defendant designated by
the sentencing court as a person convicted of a drug-related
offense who:

1 (1) Has undergone an assessment performed by the
2 Department of Corrections, which assessment has concluded
3 that the defendant is in need of drug and alcohol addiction
4 treatment and would benefit from commitment to a drug
5 offender treatment program and that placement in a drug
6 offender treatment program would be appropriate.

7 (2) Does not demonstrate a history of present or past
8 violent behavior.

9 (3) Would be placed in the custody of the department if
10 not sentenced to State intermediate punishment.

11 (4) Provides written consent permitting release of
12 information pertaining to the defendant's participation in a
13 drug offender treatment program.

14 The term shall not include a defendant who is subject to a
15 sentence the calculation of which includes an enhancement for
16 the use of a deadly weapon, as defined pursuant to law or the
17 sentencing guidelines promulgated by the Pennsylvania Commission
18 on Sentencing, or a defendant who has been convicted of a
19 personal injury crime as defined in section 103 of the act of
20 November 24, 1998 (P.L.882, No.111), known as the Crime Victims
21 Act, or an attempt or conspiracy to commit such a crime or who
22 has been convicted of violating 18 Pa.C.S. § 4302 (relating to
23 incest), 5901 (relating to open lewdness), 6312 (relating to
24 abuse of children), 6318 (relating to unlawful contact with
25 minor) or 6320 (relating to sexual exploitation of children) or
26 Ch. 76 Subch. C (relating to Internet child pornography).

27 "Expulsion." The permanent removal of a participant from a
28 drug offender treatment program.

29 "Group home." A residential program that is contracted out
30 by the Department of Corrections to a private service provider

1 for inmates with prerelease status or who are on parole.

2 "Individualized drug offender treatment plan." An
3 individualized addiction treatment plan within the framework of
4 the drug offender treatment program.

5 "Institutional therapeutic community." A residential drug
6 treatment program in a State correctional institution,
7 accredited as a therapeutic community for treatment of drug and
8 alcohol abuse and addiction by the American Correctional
9 Association or other nationally recognized accreditation
10 organization for therapeutic community drug and alcohol
11 addiction treatment.

12 "Outpatient addiction treatment facility." An addiction
13 treatment facility licensed by the Department of Health and
14 designated by the Department of Corrections as qualified to
15 provide addiction treatment to criminal justice offenders.

16 "Participant." An eligible offender actually sentenced to
17 State intermediate punishment pursuant to 42 Pa.C.S. §
18 9721(a)(7) (relating to sentencing generally).

19 "Transitional residence." A residence investigated and
20 approved by the Department of Corrections as appropriate for
21 housing a participant in a drug offender treatment program.

22 § 4104. Referral to State intermediate punishment program.

23 (a) Referral for evaluation.--

24 (1) Prior to imposing a sentence, the court may, upon
25 motion of the Commonwealth and agreement of the defendant,
26 commit a defendant to the custody of the department for the
27 purpose of evaluating whether the defendant would benefit
28 from a drug offender treatment program and whether placement
29 in the drug offender treatment program is appropriate.

30 (2) Upon committing a defendant to the department, the

1 court shall forward to the department:

2 (i) A summary of the offense for which the defendant
3 has been convicted.

4 (ii) Information relating to the defendant's history
5 of delinquency or criminality, including the information
6 maintained by the court pursuant to 42 Pa.C.S. Ch. 63
7 (relating to juvenile matters), when available.

8 (iii) Information relating to the defendant's
9 history of drug or alcohol abuse or addiction, when
10 available.

11 (iv) A presentence investigation report, when
12 available.

13 (v) Any other information the court deems relevant
14 to assist the department with its assessment of the
15 defendant.

16 (b) Assessment of addiction.--

17 (1) The department shall conduct an assessment of the
18 addiction and other treatment needs of a defendant and
19 determine whether the defendant would benefit from a drug
20 offender treatment program. The assessment shall be conducted
21 using a nationally recognized assessment instrument or an
22 instrument that has been normed and validated on the
23 department's inmate population by a recognized expert in such
24 matters. The assessment instrument shall be administered by
25 persons skilled in the treatment of drug and alcohol
26 addiction and trained to conduct assessments. The assessments
27 shall be reviewed and approved by a supervisor with at least
28 three years of experience providing drug and alcohol
29 counseling services.

30 (2) The department shall conduct risk and other

1 assessments it deems appropriate and shall provide a report
2 of its assessment to the court, the defendant, the attorney
3 for the Commonwealth and the commission within 60 days of the
4 court's commitment of the defendant to the custody of the
5 department.

6 (c) Proposed drug offender treatment program.--If the
7 department in its discretion believes a defendant would benefit
8 from a drug offender treatment program and placement in the drug
9 offender treatment program is appropriate, the department shall
10 provide the court, the defendant, the attorney for the
11 Commonwealth and the commission with a proposed drug offender
12 treatment program detailing the type of treatment proposed.

13 (d) Prerequisites for commitment.--Upon receipt of a
14 recommendation for placement in a drug offender treatment
15 program from the department and agreement of the attorney for
16 the Commonwealth and the defendant, the court may sentence an
17 eligible offender to a period of 24 months of State intermediate
18 punishment if the court finds that:

19 (1) The eligible offender is likely to benefit from
20 State intermediate punishment.

21 (2) Public safety would be enhanced by the eligible
22 offender's participation in State intermediate punishment.

23 (3) Sentencing the eligible offender to State
24 intermediate punishment would not depreciate the seriousness
25 of the offense.

26 (e) Consecutive probation.--Nothing in this chapter shall
27 prohibit the court from sentencing an eligible offender to a
28 consecutive period of probation. The total duration of the
29 sentence may not exceed the maximum term for which the eligible
30 offender could otherwise be sentenced.

1 (f) Applicability and program limitations.--The court may
2 not modify or alter the terms of the department's proposed
3 individualized drug offender treatment plan without the
4 agreement of the department and the attorney for the
5 Commonwealth.

6 (g) Videoconferencing.--The department shall make
7 videoconferencing facilities available to allow the court to
8 conduct proceedings necessary under this section when the
9 eligible offender has been committed to the custody of the
10 department pursuant to subsection (b).

11 § 4105. Drug offender treatment program.

12 (a) Establishment.--The department shall establish and
13 administer a drug offender treatment program as a State
14 intermediate punishment. The program shall be designed to
15 address the individually assessed drug and alcohol abuse and
16 addiction needs of a participant and shall address other issues
17 essential to the participant's successful reintegration into the
18 community, including, but not limited to, educational and
19 employment issues.

20 (b) Duration and components.--Notwithstanding any credit to
21 which the defendant may be entitled under 42 Pa.C.S. § 9760
22 (relating to credit for time served), the duration of the drug
23 offender treatment program shall be 24 months and shall include
24 the following:

25 (1) A period in a State correctional institution of not
26 less than seven months. This period shall include:

27 (i) The time during which the defendants are being
28 evaluated by the department under section 4104(b)
29 (relating to referral to State intermediate punishment
30 program).

1 (ii) Following evaluation under subparagraph (i),
2 not less than four months shall be in an institutional
3 therapeutic community.

4 (2) A period of treatment in a community-based
5 therapeutic community of at least two months.

6 (3) A period of at least six months' treatment through
7 an outpatient addiction treatment facility. During the
8 outpatient addiction treatment period of the drug offender
9 treatment program, the participant may be housed in a
10 community corrections center or group home or placed in an
11 approved transitional residence. The participant must comply
12 with any conditions established by the department regardless
13 of where the participant resides during the outpatient
14 addiction treatment portion of the drug offender treatment
15 program.

16 (4) A period of supervised reintegration into the
17 community for the balance of the drug offender treatment
18 program, during which the participant shall continue to be
19 supervised by the department and comply with any conditions
20 imposed by the department.

21 (c) Program management.--

22 (1) Consistent with the minimum time requirements set
23 forth in subsection (b), the department may transfer, at its
24 discretion, a participant between a State correctional
25 institution, an institutional therapeutic community, a
26 community-based therapeutic community, an outpatient
27 addiction treatment program and an approved transitional
28 residence. The department may also transfer a participant
29 back and forth between less restrictive and more restrictive
30 settings based upon the participant's progress or regression

1 in treatment or for medical, disciplinary or other
2 administrative reasons.

3 (2) This subsection shall be construed to provide the
4 department with the maximum flexibility to administer the
5 drug offender treatment program both as a whole and for
6 individual participants.

7 (d) Right of refusal to admit.--The administrator of a
8 community-based therapeutic community or outpatient addiction
9 treatment facility may refuse to accept a participant whom the
10 administrator deems to be inappropriate for admission and may
11 immediately discharge to the custody of the department any
12 participant who fails to comply with facility rules and
13 treatment expectations or refuses to constructively engage in
14 the treatment process.

15 (e) Notice to court of completion of program.--When the
16 department determines that a participant has successfully
17 completed the drug offender treatment program, it shall notify
18 the sentencing court, the attorney for the Commonwealth and the
19 commission.

20 (f) Expulsion from program.--

21 (1) A participant may be expelled from the drug offender
22 treatment program at any time in accordance with guidelines
23 established by the department, including failure to comply
24 with administrative or disciplinary procedures or
25 requirements set forth by the department.

26 (2) The department shall promptly notify the court, the
27 defendant, the attorney for the Commonwealth and the
28 commission of the expulsion of a participant from the drug
29 offender treatment program and the reason for such expulsion.
30 The participant shall be housed in a State correctional

1 institution or county jail pending action by the court.

2 (3) The court shall schedule a prompt State intermediate
3 punishment revocation hearing pursuant to 42 Pa.C.S. § 9774
4 (relating to revocation of State intermediate punishment
5 sentence).

6 § 4106. Written guidelines and regulations.

7 The department shall develop written guidelines for
8 participant selection criteria and the establishment of drug
9 offender treatment program selection committees within each
10 diagnostic and classification center of the department and shall
11 address suspensions and expulsions from the drug offender
12 treatment program. The guidelines shall not be subject to the
13 act of June 25, 1982 (P.L.633, No.181), known as the Regulatory
14 Review Act, and shall be effective for a period of two years
15 upon publication in the Pennsylvania Bulletin. The guidelines
16 shall be replaced by regulations promulgated by the department
17 consistent with the Regulatory Review Act within the two-year
18 period during which the guidelines are effective. The
19 regulations shall include a requirement that community-based
20 therapeutic communities utilized in the drug offender treatment
21 program be accredited as a therapeutic community for treatment
22 of drug and alcohol abuse and addiction by the Commission on
23 Accreditation of Rehabilitation Facilities or other nationally
24 recognized accreditation organization for community-based
25 therapeutic communities for drug and alcohol addiction
26 treatment.

27 § 4107. Reports.

28 (a) Final report.--The department shall provide a final
29 report to the court, the defendant, the attorney for the
30 Commonwealth and the commission on a participant's progress in

1 the drug offender treatment program.

2 (b) Evaluation and report to General Assembly.--The
3 department and the commission shall monitor and evaluate the
4 drug offender treatment program to ensure that the programmatic
5 objectives are met. In odd-numbered years, the department shall
6 present a report of its evaluation to the Judiciary Committee of
7 the Senate and the Judiciary Committee of the House of
8 Representatives no later than February 1. In even-numbered
9 years, the commission shall present a report of its evaluation
10 to the Judiciary Committee of the Senate and the Judiciary
11 Committee of the House of Representatives no later than February

12 1. The report shall include:

13 (1) The number of offenders evaluated for the drug
14 offender treatment program.

15 (2) The number of offenders sentenced to the drug
16 offender treatment program.

17 (3) The number of offenders sentenced to a State
18 correctional institution who may have been eligible for the
19 drug offender treatment program.

20 (4) The number of offenders successfully completing the
21 drug offender treatment program.

22 (5) The six-month, one-year, three-year and five-year
23 recidivism rates for offenders who have completed the drug
24 offender treatment program and for a comparison group of
25 offenders who were not placed in the drug offender treatment
26 program.

27 (6) Any changes the department or the commission
28 believes will make the drug offender treatment program more
29 effective.

30 § 4108. Construction.

1 Notwithstanding any other provision of law to the contrary,
2 this chapter shall not be construed to:

3 (1) Confer any legal right upon any individual,
4 including an individual participating in the drug offender
5 treatment program, to:

6 (i) participate in a drug offender treatment
7 program;

8 (ii) continue participation in a drug offender
9 treatment program;

10 (iii) modify the contents of the drug offender
11 treatment program; or

12 (iv) file any cause of action in any court
13 challenging the department's determination that a
14 participant be suspended or expelled from or that a
15 participant has successfully completed or failed to
16 successfully complete treatment to be provided during any
17 portion of a drug offender treatment program.

18 (2) Enlarge or limit the right of a participant to
19 appeal the participant's sentence.

20 § 4109. Evaluation.

21 The department and the commission shall monitor and evaluate
22 the motivational boot camp program under Chapter 39 (relating to
23 motivational boot camp) to ensure that the programmatic
24 objectives are met. In even-numbered years, the department shall
25 present a report of its evaluation to the Judiciary Committee of
26 the Senate and the Judiciary Committee of the House of
27 Representatives no later than February 1. In odd-numbered years,
28 the commission shall present a report of its evaluation to the
29 Judiciary Committee of the Senate and the Judiciary Committee of
30 the House of Representatives no later than February 1.

1 CHAPTER 43

2 EXECUTION PROCEDURE AND METHOD

3 Sec.

4 4301. Definitions.

5 4302. Issuance of warrant.

6 4303. Terms of confinement.

7 4304. Method of execution.

8 4305. Witnesses to execution.

9 4306. Certification of chief administrator.

10 4307. Postmortem examination.

11 4308. Costs of execution and examination.

12 § 4301. Definitions.

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

16 "Victim." The term shall have the same meaning given to it
17 in section 103 of the act of November 24, 1998 (P.L.882,
18 No.111), known as the Crime Victims Act.

19 "Victim advocate." The victim advocate within the
20 Pennsylvania Board of Probation and Parole.

21 § 4302. Issuance of warrant.

22 (a) Time.--

23 (1) After the receipt of the record pursuant to 42
24 Pa.C.S. § 9711(i) (relating to sentencing procedure for
25 murder of the first degree), unless a pardon or commutation
26 has been issued, the Governor shall, within 90 days, issue a
27 warrant specifying a day for execution which shall be no
28 later than 60 days after the date the warrant is signed.

29 (2) If because of a reprieve or a judicial stay of the
30 execution the date of execution passes without imposition of

1 the death penalty, unless a pardon or commutation has been
2 issued, the Governor shall, within 30 days after receiving
3 notice of the termination of the reprieve or the judicial
4 stay, reissue a warrant specifying a day for execution which
5 shall be no later than 60 days after the date of reissuance
6 of the warrant.

7 (b) Secretary.--The warrant shall be directed to the
8 secretary commanding that the subject of the warrant be executed
9 on the day named in the warrant and in the manner prescribed by
10 law.

11 (c) Failure to timely comply.--If the Governor fails to
12 timely comply with the provisions of this section and a pardon
13 or commutation has not been issued, the secretary shall, within
14 30 days following the Governor's failure to comply, schedule and
15 carry out the execution no later than 60 days from the date by
16 which the Governor was required to sign the warrant under
17 subsection (a).

18 § 4303. Terms of confinement.

19 Upon receipt of the warrant, the secretary shall, until
20 infliction of the death penalty or until lawful discharge from
21 custody, keep the inmate in solitary confinement. During the
22 confinement, no person shall be allowed access to the inmate
23 without an order of the sentencing court, except the following:

24 (1) The staff of the department.

25 (2) The inmate's counsel of record or other attorney
26 requested by the inmate.

27 (3) A spiritual adviser selected by the inmate or the
28 members of the immediate family of the inmate.

29 § 4304. Method of execution.

30 (a) Injection.--

1 (1) The death penalty shall be inflicted by injecting
2 the convict with a continuous intravenous administration of a
3 lethal quantity of an ultrashort-acting barbiturate in
4 combination with chemical paralytic agents approved by the
5 department until death is pronounced by the coroner. The
6 coroner shall issue the death certificate.

7 (2) The execution shall be supervised by the chief
8 administrator or his designee of the State correctional
9 institution designated by the department for the execution.

10 (b) Injection agents.--Notwithstanding section 13 of the act
11 of April 14, 1972 (P.L.233, No.64), known as The Controlled
12 Substance, Drug, Device and Cosmetic Act, the secretary or his
13 designee may obtain the injection agents directly from a
14 pharmacist or manufacturer.

15 § 4305. Witnesses to execution.

16 (a) List of witnesses.--No person except the following shall
17 witness any execution under the provisions of this chapter:

18 (1) The chief administrator or his designee of the State
19 correctional institution where the execution takes place.

20 (2) Six reputable adult citizens selected by the
21 secretary.

22 (3) One spiritual adviser, when requested and selected
23 by the inmate.

24 (4) Not more than six duly accredited representatives of
25 the news media.

26 (5) Such staff of the department as may be selected by
27 the secretary.

28 (6) Not more than four victims registered with and
29 selected by the victim advocate.

30 (b) Witnesses.--The secretary may refuse participation by a

1 witness for safety or security reasons. The department shall
2 make reasonable efforts to provide victims a viewing area
3 separate and apart from the area to which other witnesses are
4 admitted.

5 (c) Confidentiality.--The identity of department employees,
6 department contractors or victims who participate in the
7 administration of an execution pursuant to this section shall be
8 confidential.

9 § 4306. Certification of chief administrator.

10 After the execution, the chief administrator or his designee
11 shall certify in writing, under oath or affirmation, to the
12 court of the county where the inmate was sentenced to death that
13 the inmate was duly executed in accordance with this chapter.
14 The certificate shall be filed in the office of the clerk of
15 such court.

16 § 4307. Postmortem examination.

17 (a) General rule.--Immediately after execution, a postmortem
18 examination of the body of the inmate shall be made at the
19 discretion of the coroner of the county in which the execution
20 is performed. The coroner shall report the nature of any
21 examination made. This report shall be annexed to and filed with
22 the certificate required under section 4306 (relating to
23 certification of chief administrator).

24 (b) Disposition of body.--After the postmortem examination,
25 unless claimed by a relative or relatives, the department shall
26 be responsible for disposition of the body.

27 § 4308. Costs of execution and examination.

28 The actual and necessary costs of the execution and the
29 postmortem examination shall be paid by the department.

MISCELLANEOUS PROVISIONS

Sec.

5901. Physical welfare of inmates.

5902. Contraband prohibited.

5903. Inmate uniforms.

5904. Assessment and collection of costs.

§ 5901. Physical welfare of inmates.

(a) Physical exercise.--

(1) A chief administrator who may or shall have in charge any inmate, whether the inmate has been tried or not, shall provide the inmate with at least two hours of daily physical exercise in the open, weather permitting, and upon such days on which the weather is inclement, with two hours of daily physical exercise inside of the correctional institution.

(2) The physical exercise must be safe and practical, and the judges of several courts are to be the judges thereof.

(3) Inmates in segregation or disciplinary status shall receive a minimum of at least one hour of daily exercise five days per week.

(b) Limitation.--The physical exercise required by subsection (a) shall not be taken by an inmate within the confines of his cell or room in which the inmate is confined.

(c) Applicability.--This section shall not apply to inmates who are confined and not physically able to take the required physical exercise.

§ 5902. Contraband prohibited.

(a) Alcohol and drugs.--No spirituous or fermented liquors, drug, medicine, poison, opium, morphine or any other kind or

character of narcotics shall, on any pretense whatever:

(1) be sold or given away in a correctional institution or in any building appurtenant thereto, or on the land granted to or owned or leased by the Commonwealth for the use and benefit of inmates; or

(2) be brought into a correctional institution or any building appurtenant thereto, or on to the land granted to or owned or leased by the Commonwealth for the use of and benefit of inmates, without a written permit signed by the physician of the correctional institution specifying the quantity and quality of the liquor or narcotic which may be furnished to the inmate or employee in the prison and the name of the inmate or employee for whom and the time when the liquor or narcotic may be furnished, except the ordinary hospital supply of the prisons.

(b) Permit.--The permit shall be delivered to and kept by the chief administrator.

(c) No secured storage.--No spirituous or fermented liquor, drug, medicine, poison, opium, morphine or any other kind or character of narcotic shall be sold, given away or furnished, either directly or indirectly, to an inmate, either in or anywhere outside of the correctional institution, or be disposed of in such manner or in such a place that it may be secured by an inmate or employee of the prison.

(d) Tobacco.--Tobacco may be supplied and used, subject to such regulations as may be adopted by the chief administrator.

(e) Weapons.--No weapon or other implement which may be used to injure an inmate or person or in assisting an inmate to escape from imprisonment shall:

(1) be sold, given away or furnished to an inmate in any

correctional institution or any building appurtenant thereto,
or on the land granted to or owned or leased by the
Commonwealth for the use and benefit of inmates;

(2) be brought into any correctional institution or any
building appurtenant thereto, or on to the land granted to or
owned or leased by the Commonwealth for the use and benefit
of inmates; or

(3) be sold, given away or furnished, either directly or
indirectly, to an inmate, either in or anywhere outside of
the correctional institution, or be disposed of in such a
manner or in such a place that it may be secured by an inmate
in the correctional institution.

(f) Searches.--A chief administrator may search or cause to
have searched any person coming to the correctional institution
as a visitor, or in any other capacity, who is suspected of
having upon his person:

(1) any weapon or other implement which may be used to
injure an inmate or any other person or in assisting an
inmate to escape from imprisonment; or

(2) any spirituous or fermented liquor, drug, medicine,
poison, opium, morphine or any other kind or character of
narcotics.

(g) Penalty.--A person who violates any of the provisions of
this section commits a felony and shall, upon conviction, be
sentenced to pay a fine of not more than \$1,000 or to
imprisonment for not more than five years, or both.

§ 5903. Inmate uniforms.

While incarcerated, an inmate of a State correctional
institution shall wear identifiable prison uniforms and shall
not wear civilian clothing.

1 § 5904. Assessment and collection of costs.

2 (a) Power of department.--When the department determines
3 that there has been a financial loss or cost as a result of a
4 violation of a written rule governing inmate behavior,
5 including, but not limited to, property loss or damage or use of
6 a controlled substance, the department may require the inmate to
7 pay to the department, or to the person whose property has been
8 lost or damaged, the value of the property or the costs incurred
9 in the investigation and administrative review of the behavior.

10 (b) Procedures.--The department shall develop written
11 procedures relating to the determination, assessment and
12 collection of the costs of losses due to inmate misconduct. When
13 the procedures have been adopted by the department, the
14 provisions of 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and
15 procedure of Commonwealth agencies) shall not apply to
16 proceedings conducted by the department under this section.

17 (c) Deduction from inmate's institutional account.--

18 (1) The department may deduct from an inmate's
19 institutional account the amount of any judgment, court-
20 ordered costs or assessments against the inmate under
21 subsection (a).

22 (2) Notice of the deduction shall be provided to the
23 inmate by certified mail or personal notice.

24 PART IV

25 PROBATION AND PAROLE

26 Chapter

27 61. Pennsylvania Board of Probation and Parole

28 63. County Probation Officers' Firearm Education and
29 Training

30 CHAPTER 61

1 PENNSYLVANIA BOARD OF PROBATION AND PAROLE

2 Subchapter

3 A. Preliminary Provisions

4 B. Administration

5 C. Powers and Duties

6 D. State Parole Agents

7 SUBCHAPTER A

8 PRELIMINARY PROVISIONS

9 Sec.

10 6101. Definitions.

11 6102. Operation of parole system generally.

12 § 6101. Definitions.

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

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

17 § 6102. Operation of parole system generally.

18 The parole system shall operate consistent with the following
19 provisions:

20 (1) The parole system provides several benefits to the
21 criminal justice system, including the provision of adequate
22 supervision of the offender while protecting the public, the
23 opportunity for the offender to become a useful member of
24 society and the diversion of appropriate offenders from
25 prison.

26 (2) In providing these benefits to the criminal justice
27 system, the board shall first and foremost seek to protect
28 the safety of the public.

29 (3) In addition to this goal, the board shall address
30 input by crime victims , assist in the fair administration of

justice by ensuring the custody, control and treatment of
paroled offenders.

SUBCHAPTER B

ADMINISTRATION

Sec.

6111. Pennsylvania Board of Probation and Parole.

6112. Board chairperson.

6113. Board action.

6114. Salaries of board members.

6115. Incompatible offices and removal.

6116. Meetings.

6117. Official seal.

6118. Offices.

6119. District directors.

6120. District office employees.

6121. Disciplinary action.

6122. Political activities.

6123. Advisory committee.

§ 6111. Pennsylvania Board of Probation and Parole.

(a) Establishment.--The Pennsylvania Board of Probation and
Parole is reestablished as an independent administrative board
for the administration of the probation and parole laws of this
Commonwealth.

(b) Membership.--The board shall consist of nine members who
shall be appointed by the Governor, by and with the advice and
consent of a majority of the members of the Senate, and each of
whom shall hold office for a term of six years or until that
person's successor shall have been duly appointed and qualified,
but in no event more than 90 days beyond the expiration of that
person's appointed term.

1 (c) Vacancies.--

2 (1) Vacancies occurring in an office of member of the
3 board by expiration of term, death, resignation, removal or
4 for any other reason shall be filled in the manner provided
5 by section 8 of Article IV of the Constitution of
6 Pennsylvania for the remainder of the term.

7 (2) Whenever a board member's term expires, that
8 member's position shall be immediately deemed a vacancy, and
9 the Governor shall nominate a person to fill that membership
10 position on the board within 90 days of the date of
11 expiration, even if the member continues to remain on the
12 board.

13 (d) Eligibility.--To be eligible to be appointed by the
14 Governor for membership on the board, an individual shall have
15 at least six years of professional experience in parole,
16 probation, social work or related areas, including one year in a
17 supervisory or administrative capacity, and a bachelor's degree.
18 Any equivalent combination of experience and training shall be
19 acceptable.

20 (e) General powers.--Subject to the provisions of this
21 chapter, the board shall have all the powers and shall perform
22 the duties generally vested in and imposed upon independent
23 administrative boards and commissions by the act of April 9,
24 1929 (P.L.177, No.175), known as The Administrative Code of
25 1929, and shall be subject to all the provisions of that act
26 applicable generally to independent administrative boards and
27 commissions.

28 § 6112. Board chairperson.

29 (a) Designation by Governor.--The Governor shall from time
30 to time, as the occasion may arise, designate one of the members

1 of the board to be its chairperson who shall:

2 (1) Direct the operations of the board and fulfill the
3 functions established by this chapter.

4 (2) Secure the effective application of the probation
5 system in all of the courts of this Commonwealth and the
6 enforcement of the probation laws.

7 (3) Preside at all meetings of the board.

8 (4) Perform all the duties and functions of chairperson,
9 including organizing, staffing, controlling, directing and
10 administering the work of the staff.

11 (5) Administer the proceedings of the board to ensure
12 efficient and timely procedures for parole board decisions,
13 parole releases and recommitments.

14 (b) Alternate chairperson.--The board may designate one of
15 its members to act as alternate chairperson during the absence
16 or incapacity of the chairperson and, when so acting, the member
17 so designated shall have and perform all the powers and duties
18 of chairperson of the board, but shall not receive any
19 additional compensation for acting as chairperson.

20 (c) Subject to board policies and procedures.--The
21 chairperson and alternate chairperson, in performing the duties
22 of that office as they relate to parole, reparole and violation
23 and revocation proceedings, shall act in accordance with the
24 policies and procedures established by the board.

25 § 6113. Board action.

26 (a) Quorum.--

27 (1) A majority of the board shall constitute a quorum
28 for transacting business and, except as otherwise provided in
29 this chapter, a majority vote of those present at any meeting
30 shall be sufficient for any official action taken by the

1 board.

2 (2) Except as provided in subsections (b), (c) and (d),
3 no person shall be paroled or discharged from parole or have
4 his parole revoked, except by a majority of the entire
5 membership of the board.

6 (b) Panel decisions.--The board may make decisions on
7 parole, reparole, return or revocation in panels of two persons.
8 A panel shall consist of one board member and one hearing
9 examiner or of two board members. Panels shall be appointed by
10 the chairperson or the chairperson's designee.

11 (c) Disagreement within panel.--

12 (1) If there is disagreement on a decision to parole
13 between the members of a panel, the matter shall be decided
14 by a board member appointed by the chairperson or the
15 chairperson's designee, who shall concur with one of the
16 original panel members.

17 (2) If there is disagreement on a revocation decision
18 between the members of the panel, the matter shall be decided
19 by three board members appointed by the chairperson or the
20 chairperson's designee; at least two of these members must
21 not have been on the disagreeing panel, if practicable.

22 (d) Appeal.--

23 (1) An interested party may appeal a revocation decision
24 within 30 days of the board's order. The decision shall be
25 reviewed by three board members appointed by the chairperson
26 or the chairperson's designee.

27 (2) If practicable, at least two of the board members
28 reviewing the decision must not have been on the panel whose
29 decision is being appealed. The three board members deciding
30 the appeal may affirm, reverse or remand the decision of the

panel or may order the matter be heard de novo.

§ 6114. Salaries of board members.

The Executive Board shall determine the salaries to be paid to the members of the board.

§ 6115. Incompatible offices and removal.

(a) General rule.--The members of the board shall not hold any other public office or employment nor engage in any business, profession or employment during their terms of service as members thereof and shall hold their offices during the terms for which they shall have been appointed.

(b) Procedure for removal.--

(1) A member of the board may be removed by the Governor, by and with the advice and consent of two-thirds of the members of the Senate.

(2) During a recess of the Senate, the Governor may suspend a member of the board for cause, and before suspension the Governor shall furnish to the member a statement in writing of the reasons for the proposed suspension of the member. The suspension shall operate and be effective only until the adjournment of the next session of the Senate following the suspension.

§ 6116. Meetings.

(a) General rule.--As soon as may be convenient after their appointment, the members of the board shall meet and organize.

(b) Appointment of secretary.--The members of the board shall appoint a secretary, who:

(1) Shall not be a member of the board.

(2) Shall hold office at the pleasure of the board.

(3) Shall have such powers and perform such duties not inconsistent with any law of this Commonwealth as the board

1 shall prescribe.

2 (4) Shall receive such compensation as the board shall
3 determine in conformity with the rules of the Executive
4 Board.

5 (c) Temporary secretary.--In the absence or incapacity of
6 the secretary to act, the board may designate such other person
7 as it may choose to perform temporarily the duties of secretary.

8 § 6117. Official seal.

9 The board shall adopt an official seal by which its acts and
10 proceedings shall be authenticated and of which the courts shall
11 take judicial notice. The certificate of the chairperson of the
12 board, under the seal of the board and attested by the
13 secretary, shall be accepted in evidence in any judicial
14 proceeding in any court of this Commonwealth as adequate and
15 sufficient proof of the acts and proceedings of the board
16 referenced in the certificate.

17 § 6118. Offices.

18 (a) Principal office.--The principal office of the board
19 shall be in Harrisburg, and the board shall appoint and employ
20 such number and character of officers, agents, clerks,
21 stenographers and employees as may be necessary to carry out the
22 purposes of this chapter. The salaries of persons so appointed
23 and employed by the board shall be fixed by the board.

24 (b) District offices.--The board, with the approval of the
25 Governor, shall divide the Commonwealth for administrative
26 purposes into a suitable number of districts, not to exceed ten,
27 in each of which shall be a district office which shall have
28 immediate charge of the supervision of cases of probation and
29 parole arising in the courts of the judicial districts embraced
30 within its territorial limits, but, as occasion may require, the

1 supervision of particular parolees may be transferred by the
2 board to other appropriate parole districts.

3 (c) Location of district offices.--

4 (1) The board shall fix and determine the location of
5 the various district offices within their respective
6 districts, having regard to local conditions in each district
7 and to the most convenient and efficient functioning of the
8 office established in each district.

9 (2) At each of the locations so fixed and determined,
10 the board shall provide such office accommodations,
11 furniture, equipment and supplies as may be reasonably
12 suitable and adequate for the proper handling and dispatch of
13 the parole business of the district.

14 (3) The board may enter into contracts on behalf of the
15 Commonwealth for such office accommodations, furniture,
16 equipment and supplies through the Department of General
17 Services.

18 (d) Consideration for fixing compensation.--In fixing
19 compensation for its officers, clerks and employees under the
20 provisions of this chapter, the board shall have regard to the
21 kind, grade or class of service to be rendered, and whenever any
22 standard compensation has been fixed by the Executive Board for
23 any kind, grade or class of service or employment, the
24 compensation of all persons appointed or employed by the board
25 in the same kind, grade or class shall be fixed by it in
26 accordance with such standard.

27 § 6119. District directors.

28 (a) Establishment.--Each district parole office shall be in
29 charge of a district director who:

30 (1) Shall be appointed by the board, with the approval

1 of the Governor.

2 (2) Shall receive such annual salary as the board shall
3 determine in conformity with the rules of the Executive
4 Board.

5 (b) Status and role.--The district director shall be the
6 executive head of the district office to which the district
7 supervisor is appointed and shall have the control, management
8 and direction of all employees of the board assigned to the
9 district, subject to the supervision of the board.

10 § 6120. District office employees.

11 (a) Board to appoint.--The board shall appoint in the
12 various district offices a sufficient number of parole officers,
13 clerks, stenographers and other agents and employees to fully
14 and efficiently administer the parole laws of this Commonwealth,
15 but no employee of the board, other than its secretary and
16 district supervisors, shall be appointed by the board except in
17 the manner provided by this chapter.

18 (b) Salaries and qualifications.--The salaries of the
19 appointees in subsection (a) shall be fixed by the board. The
20 board shall from time to time by appropriate rule or regulation
21 prescribe the qualifications to be possessed by its personnel.
22 The qualifications shall be such as will best promote the
23 efficient operation of probation and parole.

24 § 6121. Disciplinary action.

25 (a) General rule.--Except as otherwise provided in
26 subsection (b), an employee of the board, excluding the
27 secretary and district supervisors, may be removed, discharged
28 or reduced in pay or position only for cause and after being
29 given the reasons therefor in writing and afforded an
30 opportunity to be heard in answer thereto.

1 (b) Exception.--An employee may be suspended without pay and
2 without hearing for a period not exceeding 30 days, but the
3 reason or reasons for the suspension must be given to the
4 employee by the board in writing.

5 (c) Successive suspensions.--There shall not be any
6 successive suspensions of the same employee under this section.
7 § 6122. Political activities.

8 (a) General rule.--No member of the board, or officer, clerk
9 or employee thereof, or any person officially connected with the
10 board:

11 (1) Shall take any active part in politics or be a
12 member of or delegate or alternate to any political
13 convention or be present at such convention, except in the
14 performance of that person's official duties under this
15 chapter.

16 (2) Shall serve as a member of or attend the meetings of
17 any committee of any political party, or take any part in
18 political management or political campaigns, or use that
19 person's office to influence political movements, or to
20 influence the action of any other officer, clerk or employee
21 of the board.

22 (3) Shall in any way or manner interfere with or
23 participate in the conduct of any election or the preparation
24 therefor at the polling place, or with the election officers
25 while counting the votes or returning the ballot boxes,
26 books, papers, election paraphernalia and machinery to the
27 place provided by law, or be within any polling place, except
28 for the purpose of voting as speedily as it reasonably can be
29 done or be otherwise within 50 feet of any polling place,
30 except for purposes of ordinary travel or residence during

1 the period of time beginning with one hour preceding the
2 opening of the polls for holding the election and ending with
3 the time when the election officers shall have finished
4 counting the votes and have left the polling place.

5 (4) Shall directly or indirectly make or give, demand or
6 solicit or be in any manner concerned in making, giving,
7 demanding, soliciting or receiving any assessments,
8 subscriptions or contributions, whether voluntary or
9 involuntary, to any political party or for any political
10 purpose whatsoever.

11 (b) Penalty.--Any person who violates any of the provisions
12 of this section:

13 (1) Commits a misdemeanor of the third degree, and, upon
14 conviction thereof, shall be punished by a fine not exceeding
15 \$500 and imprisonment not exceeding one year, or both.

16 (2) Shall forfeit that person's office or employment, as
17 the case may be.

18 (3) Shall not thereafter be appointed or employed by the
19 board in any position or capacity whatsoever.

20 (c) Dismissal required.--The board shall dismiss any
21 officer, clerk or employee thereof who shall violate this
22 section from that person's office or employment.

23 § 6123. Advisory committee.

24 (a) Establishment.--An advisory committee on probation is
25 reestablished to assist the board.

26 (b) Composition.--The advisory committee shall consist of
27 nine members, seven of whom shall be appointed by the Governor,
28 with the consent of a majority of the members of the Senate. At
29 least two shall be judges of courts of record of this
30 Commonwealth, at least one shall be a county commissioner, at

1 least one shall be a chief county probation officer, and the
2 remaining members shall be qualified in the field of probation
3 and parole either by training or experience. The President pro
4 tempore of the Senate and the Speaker of the House of
5 Representatives shall each appoint a member of their respective
6 houses to serve as members of the committee.

7 (c) Terms.--

8 (1) The term of a member hereafter appointed, except to
9 fill a vacancy, shall be for four years and until their
10 successors have been appointed and qualified, but in no event
11 more than 90 days beyond the expiration of their appointed
12 term.

13 (2) The terms of members of the committee who are
14 appointed by virtue of holding an office as a member of the
15 General Assembly, judge or county commissioner shall continue
16 only so long as that person remains in that office.

17 (3) Vacancies occurring in an office of a member of the
18 advisory committee by expiration of term, death, resignation,
19 removal or for any other reason shall be filled in the manner
20 provided by section 8 of Article IV of the Constitution of
21 Pennsylvania for the remainder of the term.

22 (4) Whenever the term of an advisory committee member,
23 other than one who is a member of the General Assembly,
24 expires, that member's position shall be immediately deemed a
25 vacancy, and the Governor shall nominate a person to fill
26 that membership position on the committee within 90 days of
27 the date of expiration, even if the member continues to
28 remain on the committee. The Governor shall designate one of
29 the members of the committee as its chairperson.

30 (d) Reimbursement of expenses.--Each member of the advisory

committee shall be paid all reasonable and necessary travel and other expenses incurred by him in the performance of his duties.

(e) Assistance to be provided.--The advisory committee shall aid the chairperson and the board in formulating and reviewing standards for probation personnel and probation services in the counties.

SUBCHAPTER C

POWERS AND DUTIES

Sec.

6131. General powers of board.

6132. Specific powers of board involving parolees.

6133. Probation services.

6134. Sentencing court to transmit records to board.

6135. Investigation of circumstances of offense.

6136. Right of access to inmates.

6137. Parole power.

6138. Violation of terms of parole.

6139. Parole procedure.

6140. Victim statements, testimony and participation in hearing.

6141. General rules and special regulations.

§ 6131. General powers of board.

(a) General rule.--The board shall have the power and its duty shall be:

(1) To supervise and make presentence investigations and reports as provided by law.

(2) To collect and maintain copies of all presentence investigations and reports.

(3) To collect and maintain a record of all persons who are placed on probation and parole.

1 (4) To collect, compile and publish statistical and
2 other information relating to probation and parole work in
3 all courts and such other information the board may deem of
4 value in probation service.

5 (5) To establish, by regulation, uniform Statewide
6 standards for:

7 (i) Presentence investigations.

8 (ii) The supervision of probationers.

9 (iii) The qualifications for probation personnel.

10 (iv) Minimum salaries.

11 (v) Quality of probation service.

12 The standards for the qualifications of probation personnel
13 shall only apply to probation personnel appointed after the
14 date the standards are established. Should any probation
15 personnel appointed prior to the date the standards were
16 established fail to meet the standards, the court having
17 jurisdiction of such personnel may request the board to
18 establish in-service training for them in accordance with the
19 standards.

20 (6) To adopt regulations establishing specific
21 composition, functions and responsibilities for citizens
22 advisory committees and to receive reports, recommendations
23 or other input concerning parole policies and parole-related
24 concerns from the committees on a regular basis.

25 (7) To adopt regulations establishing criteria for board
26 acceptance of cases for supervision and presentence
27 investigations from counties that on December 31, 1985,
28 maintained adult probation offices and parole systems.

29 (8) To enter into contracts for purchasing community
30 services to assist parolees and to supplement existing

1 programs.

2 (9) To pay the cost of preparole drug screening tests
3 for inmates within the parole release jurisdiction of the
4 board, who are confined in a State or local correctional
5 facility, as required under section 6137 (relating to parole
6 power).

7 (10) To enter into contracts which provide for the
8 continuous electronic monitoring of parolees.

9 (11) To establish and provide for intensive supervision
10 units and day reporting centers for the supervision of
11 parolees.

12 (b) Court-appointed probation officers to submit information
13 to board.--A court that appoints a probation officer shall
14 require the probation officer to submit to the board such
15 information as the board may require on forms prescribed and
16 furnished by the board.

17 (c) Access to county records.--The board shall have free and
18 ready access to all probation and parole records of any county.
19 § 6132. Specific powers of board involving parolees.

20 (a) General rule.--The board shall have exclusive power:

21 (1) (i) To parole and reparole, commit and recommit for
22 violations of parole and to discharge from parole all
23 persons sentenced by any court at any time to
24 imprisonment in a correctional facility.

25 (ii) This paragraph applies to inmates sentenced to
26 definite or flat sentences.

27 (2) (i) To supervise any person placed on parole, when
28 sentenced to a maximum period of less than two years, by
29 any judge of a court having criminal jurisdiction, when
30 the court may by special order direct supervision by the

1 board, in which case the parole case shall be known as a
2 special case and the authority of the board with regard
3 thereto shall be the same as provided in this chapter
4 with regard to parole cases within one of the
5 classifications set forth in this chapter.

6 (ii) Except for such special cases, the powers and
7 duties conferred by this section shall not extend to
8 persons sentenced for a maximum period of less than two
9 years.

10 (b) Construction.--Nothing contained in this section shall
11 be construed to prevent a court from paroling any person
12 sentenced by it for a maximum period of less than two years.

13 (c) Definition.--As used in this section, "period of two
14 years" means the entire continuous term of sentence to which a
15 person is subject, whether for one or more sentences, either to
16 simple imprisonment or to an indeterminate imprisonment as
17 authorized by law to be imposed for criminal offenses.

18 § 6133. Probation services.

19 (a) General rule.--The board shall have exclusive power to
20 supervise any person placed on probation by any judge of a court
21 having criminal jurisdiction, when the court by special order
22 directs supervision by the board.

23 (b) Presentence investigations.--The board shall make
24 presentence investigations when requested to do so by the court.

25 (c) Grant-in-aid.--

26 (1) A county that provides additional probation staff
27 for presentence investigations and improved probation
28 supervision and program shall receive a grant-in-aid from the
29 Commonwealth through the board for additional cost incurred
30 thereby but only to the extent that the additional staff and

1 program meet the qualifications and standards established by
2 the board.

3 (2) The grant-in-aid shall provide 80% of the personnel
4 salary costs incurred by a county to administer these
5 additional services and programs.

6 (3) If insufficient funds are appropriated, each county
7 shall receive a prorated reduction in the grant-in-aid.

8 (4) The board shall establish rules and regulations for
9 the allocation of funds available for such grants-in-aid.

10 (d) In-service training.--The board shall provide in-service
11 training for personnel of county probation offices when
12 requested to do so by the court having jurisdiction of the
13 probation office.

14 § 6134. Sentencing court to transmit records to board.

15 (a) Duty to transmit.--A court sentencing any person for a
16 term as to which power to parole is given to the board in this
17 chapter shall transmit to the board, within 30 days after the
18 imposition of the sentence:

19 (1) A copy of the notes of testimony of the sentencing
20 hearing that may have been filed of record in the case.

21 (2) Copies of any criminal identification records
22 secured from the Federal Bureau of Investigation.

23 (3) Copies of presentence investigation reports and
24 behavior clinic reports, if any were submitted to the court,
25 the last two of which records, being confidential records of
26 the court, shall be treated confidentially by the members of
27 the board, who shall not permit examination of the records by
28 anyone other than its duly appointed agents or
29 representatives except upon court order.

30 (b) Recommendations from judge.--

1 (1) A judge may make at any time a recommendation to the
2 board respecting the person sentenced and the term of
3 imprisonment the judge believes that person should be
4 required to serve before a parole is granted to that person.

5 (2) A recommendation made by a judge under paragraph (1)
6 respecting the parole or terms of parole of a person shall be
7 advisory only. No order in respect to the recommendation made
8 or attempted to be made as a part of a sentence shall be
9 binding upon the board in performing the duties and functions
10 conferred on it by this chapter.

11 § 6135. Investigation of circumstances of offense.

12 (a) Duty to investigate.--The board, on the commitment to a
13 correctional facility of any person whom the board is given the
14 power to parole under this chapter, shall consider:

15 (1) The nature and circumstances of the offense
16 committed.

17 (2) Any recommendations made by the trial judge and
18 prosecuting attorney.

19 (3) The general character and background of the inmate.

20 (4) Participation by an inmate sentenced after February
21 19, 1999, and who is serving a sentence for a crime of
22 violence as defined in 42 Pa.C.S. § 9714(g) (relating to
23 sentences for second and subsequent offenses) in a victim
24 impact education program offered by the Department of
25 Corrections.

26 (5) The written or personal statement of the testimony
27 of the victim or the victim's family submitted pursuant to
28 section 6140 (relating to victim statements, testimony and
29 participation in hearing).

30 (6) The notes of testimony of the sentencing hearing, if

1 any, together with such additional information regarding the
2 nature and circumstances of the offense committed for which
3 sentence was imposed as may be available.

4 (7) The conduct of the person while in prison and his
5 physical, mental and behavior condition and history, his
6 history of family violence and his complete criminal record.

7 (b) Cooperation of public officials.--A public official who
8 possesses such records or information shall furnish the records
9 or information to the board upon its request and without charge
10 so far as may be practicable while the case is recent.

11 § 6136. Right of access to inmates.

12 All prison officials shall:

13 (1) At all reasonable times grant access to any inmate
14 whom the board has power to parole to the members of the
15 board or its properly accredited representatives.

16 (2) At all reasonable times provide for the board or its
17 properly accredited representative facilities for
18 communicating with and observing an inmate while imprisoned.

19 (3) Furnish to the board from time to time such reports
20 concerning the conduct of inmates in their custody as the
21 board shall by general rule or special order require,
22 together with any other facts deemed pertinent in aiding the
23 board to determine whether such inmates shall be paroled.

24 § 6137. Parole power.

25 (a) General criteria for parole.--

26 (1) The board may release on parole any inmate to whom
27 the power to parole is granted to the board by this chapter,
28 except an inmate condemned to death or serving life
29 imprisonment, whenever in its opinion:

30 (i) The best interests of the inmate justify or

1 require the inmate being paroled.

2 (ii) It does not appear that the interests of the
3 Commonwealth will be injured by the inmate being paroled.

4 (2) Parole shall be subject in every instance to the
5 Commonwealth's right to immediately retake and hold in
6 custody without further proceedings any parolee charged after
7 his parole with an additional offense until a determination
8 can be made whether to continue his parole status.

9 (3) The power to parole granted under this section to
10 the board may not be exercised in the board's discretion at
11 any time before, but only after, the expiration of the
12 minimum term of imprisonment fixed by the court in its
13 sentence or by the Board of Pardons in a sentence which has
14 been reduced by commutation.

15 (4) In no case shall the board act upon an application
16 of an inmate:

17 (i) whose term of imprisonment was commuted from
18 life to life on parole;

19 (ii) who was serving a term of imprisonment for a
20 crime of violence; or

21 (iii) who is serving a sentence under 42 Pa.C.S. §
22 9712 (relating to sentences for offenses committed with
23 firearms) unless the inmate has served at least one year
24 in a prerelease center.

25 (5) Upon parole, a parolee subject to paragraph (3)
26 shall be subject to weekly supervision for the first six
27 months of parole.

28 (b) Preparole drug screening tests.--

29 (1) The board may not release a person on parole unless
30 the person achieves a negative result within 45 days prior to

1 the date of release in a screening test approved by the
2 Department of Health for the detection of the presence of
3 controlled substances or designer drugs under the act of
4 April 14, 1972 (P.L.233, No.64), known as The Controlled
5 Substance, Drug, Device and Cosmetic Act.

6 (2) The cost of these parole drug screening tests for
7 inmates subject to the parole release jurisdiction of the
8 board, whether confined in a correctional institution or
9 county prison, shall be paid by the board. The board shall
10 establish rules and regulations for the payment of these
11 costs and may limit the types and cost of these screening
12 tests that would be subject to payment by the board.

13 (3) (i) The board shall establish, as a condition of
14 continued parole for a parolee who, as an inmate, tested
15 positive for the presence of a controlled substance or a
16 designer drug or who was paroled from a sentence arising
17 from a conviction under The Controlled Substance, Drug,
18 Device and Cosmetic Act or from a drug-related crime, the
19 parolee's achievement of negative results in such
20 screening tests randomly applied.

21 (ii) The random screening tests shall be performed
22 at the discretion of the board, and the parolee
23 undergoing the tests shall be responsible for the costs
24 of the tests.

25 (iii) The funds collected for the tests shall be
26 applied against the contract for such testing between the
27 board and a testing laboratory approved by the Department
28 of Health.

29 (c) Crimes of violence.--The board may not release a person
30 who is sentenced after February 19, 1999, and is serving a

1 sentence for a crime of violence as defined in 42 Pa.C.S. §
2 9714(g) (relating to sentences for second and subsequent
3 offenses) on parole unless the person has received instruction
4 from the Department of Corrections on the impact of crime on
5 victims and the community.

6 (d) Power to recommit.--The board may, during the period for
7 which an inmate shall have been sentenced, recommit the inmate,
8 if paroled, for violation of the terms and conditions of his
9 parole and from time to time to reparole and recommit in the
10 same manner and with the same procedure as in the case of an
11 original parole or recommitment if, in the judgment of the
12 board:

13 (1) There is a reasonable probability that the inmate
14 will be benefited by paroling the inmate again.

15 (2) It does not appear that the interests of the
16 Commonwealth will be injured thereby.

17 (e) Notice to county probation department.--When the board
18 releases a parolee from a correctional facility, the board shall
19 provide written notice to the probation department located in
20 the county where the sentencing order was imposed of the release
21 and new address of the parolee.

22 § 6138. Violation of terms of parole.

23 (a) Convicted violators.--

24 (1) A parolee under the jurisdiction of the board
25 released from a correctional facility who, during the period
26 of parole or while delinquent on parole, commits a crime
27 punishable by imprisonment, for which the parolee is
28 convicted or found guilty by a judge or jury or to which the
29 parolee pleads guilty or nolo contendere at any time
30 thereafter in a court of record, may at the discretion of the

1 board be recommitted as a parole violator.

2 (2) If the parolee's recommitment is so ordered, the
3 parolee shall be reentered to serve the remainder of the term
4 which the parolee would have been compelled to serve had the
5 parole not been granted and shall be given no credit for the
6 time at liberty on parole.

7 (3) The board may, in its discretion, reparole whenever,
8 in its opinion, the best interests of the inmate justify or
9 require the inmate's release on parole and it does not appear
10 that the interests of the Commonwealth will be injured
11 thereby.

12 (4) The period of time for which the parole violator is
13 required to serve shall be computed from and begin on the
14 date that the parole violator is taken into custody to be
15 returned to the institution as a parole violator.

16 (5) If a new sentence is imposed on the parolee, the
17 service of the balance of the term originally imposed shall
18 precede the commencement of the new term imposed in the
19 following cases:

20 (i) If a person is paroled from a State correctional
21 institution and the new sentence imposed on the person is
22 to be served in the State correctional institution.

23 (ii) If a person is paroled from a county prison and
24 the new sentence imposed upon him is to be served in the
25 same county prison.

26 (iii) In all other cases, the service of the new
27 term for the latter crime shall precede commencement of
28 the balance of the term originally imposed.

29 (6) Where the new term is to be served last or the
30 balance of the term originally imposed is to be served last,

1 and the service is, in either case, in any correctional
2 facility:

3 (i) Any person upon recommitment shall be sent to
4 the institution as shall be designated by the Secretary
5 of Corrections or his designee.

6 (ii) Any female person shall be recommitted to the
7 State Correctional Institution at Muncy.

8 (b) Subsequent arrest.--

9 (1) The formal filing of a charge after parole against a
10 parolee within this Commonwealth for any violation of the
11 laws of this Commonwealth shall constitute an automatic
12 detainer and permit the parolee to be taken into and held in
13 custody.

14 (2) The automatic detainer shall dissolve 15 days after
15 the parolee is taken into custody unless sooner waived or
16 otherwise superseded by direction of the supervising parole
17 office.

18 (3) The automatic detainer shall be in addition to and
19 not in lieu of any other detainer that prior to the effective
20 date of this chapter may have been lodged in such
21 circumstances.

22 (c) Technical violators.--

23 (1) A parolee under the jurisdiction of the board who is
24 released from a correctional facility and who, during the
25 period of parole, violates the terms and conditions of his
26 parole, other than by the commission of a new crime of which
27 the parolee is convicted or found guilty by a judge or jury
28 or to which the parolee pleads guilty or nolo contendere in a
29 court of record, may be recommitted after a hearing before
30 the board.

1 (2) If the parolee is so recommitted, the parolee shall
2 be given credit for the time served on parole in good
3 standing but with no credit for delinquent time and may be
4 reentered to serve the remainder of the original sentence or
5 sentences.

6 (3) The remainder shall be computed by the board from
7 the time the parolee's delinquent conduct occurred for the
8 unexpired period of the maximum sentence imposed by the court
9 without credit for the period the parolee was delinquent on
10 parole. The parolee shall serve the remainder so computed
11 from the date the parolee is taken into custody on the
12 warrant of the board.

13 (4) The parolee shall be subject to reparole by the
14 board whenever in its opinion the best interests of the
15 inmate justify or require the parolee being repared and it
16 does not appear that the interests of the Commonwealth will
17 be injured reparing the parolee.

18 (d) Recommitment.--A technical violator under subsection (c)
19 shall be recommitted to a correctional facility as follows:

20 (1) If paroled from a county prison, to the same
21 institution or to any other institution to which the violator
22 may be legally transferred.

23 (2) If paroled from a State correctional institution, to
24 the nearest correctional institution as shall be designated
25 by the Secretary of Corrections or his designee.

26 § 6139. Parole procedure.

27 (a) Specific requirements.--

28 (1) The board may, subject to the provisions and
29 limitations set forth in section 6138 (relating to violation
30 of terms of parole), grant paroles of its own motion whenever

1 in its judgment the interests of justice require the granting
2 of these paroles.

3 (2) The board shall consider applications for parole by
4 an inmate or the inmate's attorney.

5 (3) Notwithstanding the provisions of paragraph (2), the
6 board shall not be required to consider nor dispose of an
7 application by an inmate or an inmate's attorney where a
8 parole decision has been issued by the board on that case
9 within one year of the date of the current application for
10 parole.

11 (4) Hearings of applications shall be held by the board
12 whenever in its judgment hearings are necessary. Reasonable
13 rules and regulations shall be adopted by the board for the
14 presentation and hearing of applications for parole.

15 (5) Whenever an inmate is paroled by the board, whether
16 of its own motion or after hearing of an application for
17 parole, or whenever an application for parole is refused by
18 the board, a brief statement of the reasons for the board's
19 action shall be filed of record in the offices of the board
20 and shall be at all reasonable times open to public
21 inspection.

22 (6) In no case shall a parole be granted, or an
23 application for parole be dismissed, unless a board member,
24 hearing examiner or other person so designated by the board
25 shall have seen and heard the parolee in person in regard
26 thereto within six months prior to the granting or dismissal
27 thereof.

28 (7) The board shall dispose of the application within
29 six months of its filing.

30 (b) Reliance on reports.--In granting and revoking paroles,

1 and in discharging from parole, the members of the board acting
2 thereon shall not be required to personally hear or see all the
3 witnesses and evidence submitted to them for their action, but
4 they may act on the report submitted to them by their agents and
5 employees, together with any pertinent and adequate information
6 furnished to them by fellow members of the board or by others.

7 (c) Notice to district attorney.--At least ten days before
8 paroling an inmate on its own motion, the board shall give
9 written notice of the contemplated parole to the district
10 attorney of the county in which the inmate was sentenced, and,
11 in cases of hearings on applications for parole as provided for
12 in this section, at least ten days' written notice of the time
13 and place fixed for such hearing shall be given either by the
14 board or by the applicant, as the board shall direct, to the
15 court and district attorney of the county in which the applicant
16 was sentenced.

17 § 6140. Victim statements, testimony and participation in
18 hearing.

19 (a) Duty of district attorney to provide notice.--

20 (1) The victim of the offense for which an inmate is
21 sentenced shall be notified by the district attorney
22 immediately following sentencing, in cases where the
23 defendant has been sentenced to a term of imprisonment, that
24 the victim or family member shall have the opportunity to
25 present a statement for the parole report to be considered at
26 the parole hearing or to testify to the parole board
27 expressing his opinion concerning the release of the inmate.

28 (2) The district attorney shall provide notice to a
29 member of the immediate family of the victim if the victim:

30 (i) is a juvenile;

1 (ii) is incapable of testifying; or

2 (iii) died as a result of the defendant's conduct.

3 (b) Notice of intent to submit statement.--In order to
4 submit a statement under subsection (a), a victim or family
5 member must notify the board of his intention to do so and
6 provide and keep current an appropriate mailing address with the
7 board.

8 (c) Contents of parole report.--The parole report may
9 include a statement concerning:

10 (1) The continuing nature and extent of any physical
11 harm or psychological or emotional harm or trauma suffered by
12 the victim.

13 (2) The extent of any loss of earnings or ability to
14 work suffered by the victim.

15 (3) The continuing effect of the crime upon the victim's
16 family.

17 (d) Notice to persons who previously contacted the board.--

18 (1) At the time public notice is given that an inmate is
19 being considered for parole pursuant to this section, the
20 board shall also notify any victim or nearest relative who
21 has previously contacted the board of the availability to
22 provide a statement for inclusion in the parole report or to
23 present testimony for inclusion at the parole hearing.

24 (2) The board shall notify the person identified under
25 paragraph (1) at the person's last known mailing address. The
26 notification required by this section shall be given by the
27 board in the case of a parole to be granted pursuant to
28 section 6139 (relating to parole procedure) or by the court
29 in the case of a parole to be granted pursuant to section
30 6133 (relating to probation services).

1 (e) Notice of intent to present testimony.--The victim or
2 family member shall notify the board within 30 days from the
3 date of the notice of his intent to present testimony at the
4 parole hearing. This time period may be waived by the board for
5 good cause.

6 (f) Referral to hearing officer.--If the victim or family
7 member submits a written statement to the board subsequent to
8 notice, the statement shall be made a part of the board's file
9 on the inmate, and the inmate's case shall be referred to a
10 hearing officer designated to conduct parole release hearings.

11 (g) Assignment to hearing examiner.--If the victim or family
12 member informs the board subsequent to notice being provided
13 that the person intends to testify, the chairperson shall assign
14 the inmate's case to a hearing examiner for the purpose of
15 receiving the person's testimony.

16 (h) Hearing procedure.--

17 (1) The assigned hearing examiner shall conduct a
18 hearing within 30 days from the date the board received
19 notification of the intent to offer testimony.

20 (2) The hearing shall be conducted at a time and place
21 and on a date determined by the chairperson or designee.
22 Notice of the time, place and date of the hearing shall be
23 provided to the victim or family member, in writing, and
24 shall be mailed at least ten days prior to the hearing date.

25 (3) The hearing shall be recorded by an electronic
26 recording device.

27 (4) The hearing examiner shall prepare a written report
28 within a reasonable amount of time prior to the hearing date.
29 A copy of the report shall be forwarded to the person
30 offering testimony. A copy of the report shall be made a part

1 of the board's file on the inmate.

2 (5) Upon completion of the written report, the inmate's
3 case shall be referred to a hearing examiner designated to
4 conduct parole release hearings.

5 (6) (i) The hearing scheduled pursuant to this section
6 shall be conducted, when possible, prior to a parole
7 release hearing and prior to the board rendering a
8 decision.

9 (ii) Nothing in this section shall be construed to
10 preclude the board from conducting a timely parole
11 release hearing.

12 (7) After submission of the report, the board shall
13 within a reasonable amount of time:

14 (i) Evaluate the information provided.

15 (ii) Determine whether the decision shall be
16 affirmed or modified.

17 (iii) Determine whether a rescission hearing shall
18 be conducted.

19 (iv) Notify the inmate in writing of its decision.

20 (8) Any and all statements or testimony of the victim or
21 family member submitted to the board pertaining to:

22 (i) the continuing nature and extent of any physical
23 harm or psychological or emotional harm or trauma
24 suffered by the victim;

25 (ii) the extent of any loss of earnings or ability
26 to work suffered by the victim; and

27 (iii) the continuing effect of the crime upon the
28 victim's family shall not be deemed confidential and
29 shall be released to the inmate unless the withholding of
30 the statements or testimony is requested by the victim

1 and the hearing officer determines that the release of
2 the statements or testimony would endanger the safety of
3 the person providing the statements or testifying. The
4 board on its own motion may for good cause identify all
5 or part of the statements or testimony as confidential.

6 (9) All records maintained by the board pertaining to
7 victims shall be kept separate and current address
8 information of the victim or family members shall be deemed
9 confidential.

10 (10) A victim or the family member who has submitted a
11 written statement for the parole report or testified at a
12 hearing pursuant to this section shall be notified by the
13 board of the final decision rendered in the inmate's case.

14 (11) If the final decision is to not release the inmate
15 and if, subsequent to that decision, additional parole
16 release hearings are conducted for that same inmate, then the
17 victim or family member who has submitted a written statement
18 for the parole report or who has testified at a hearing
19 pursuant to this section shall be notified by the board at
20 the last known address if and when additional parole hearings
21 are scheduled by the board.

22 § 6141. General rules and special regulations.

23 The board may make general rules for the conduct and
24 supervision of persons placed on parole and may, in particular
25 cases, as it deems necessary to effectuate the purpose of
26 parole, prescribe special regulations for particular persons.

27 SUBCHAPTER D

28 STATE PAROLE AGENTS

29 Sec.

30 6151. Definitions.

1 6152. Status as peace officers.

2 6153. Supervisory relationship to offenders.

3 § 6151. Definitions.

4 The following words and phrases when used in this subchapter
5 shall have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 "Agent." A State parole agent appointed by the board.

8 "Conditions of supervision." Any terms or conditions of the
9 offender's supervision, whether imposed by the court, the board
10 or an agent, including compliance with all requirements of
11 Federal, State and local law.

12 "Contraband." Any item that the offender is not permitted to
13 possess under the conditions of supervision, including any item
14 whose possession is forbidden by any Federal, State or local
15 law.

16 "Court." The court of common pleas or any judge thereof, the
17 Philadelphia Municipal Court or any judge thereof, the
18 Pittsburgh Magistrates Court or any judge thereof or any
19 magisterial district judge.

20 "Exigent circumstances." The term includes, but is not
21 limited to, suspicion that contraband or other evidence of
22 violations of the conditions of supervision might be destroyed
23 or suspicion that a weapon might be used. Exigent circumstances
24 always exist with respect to a vehicle.

25 "Offender." Any person subject to the parole or probationary
26 supervision of the board.

27 "Personal search." A warrantless search of an offender's
28 person, including, but not limited to, the offender's clothing
29 and any personal property which is in the possession, within the
30 reach or under the control of the offender.

1 "Property search." A warrantless search of real property,
2 vehicle or personal property which is in the possession or under
3 the control of the offender.

4 "Real property." Any residence or business property of an
5 offender, including all portions of the property to which the
6 offender has access.

7 "Supervisor." Any individual acting in a supervisory or
8 administrative capacity.

9 § 6152. Status as peace officers.

10 An agent is declared to be a peace officer and is given
11 police power and authority throughout this Commonwealth to
12 arrest without warrant, writ, rule or process any parolee or
13 probationer under the supervision of the board for failing to
14 report as required by the terms of his probation or parole or
15 for any other violation of the probation or parole.

16 § 6153. Supervisory relationship to offenders.

17 (a) General rule.--Agents in a supervisory relationship with
18 their offenders. The purpose of this supervision is to assist
19 the offenders in their rehabilitation and reassimilation into
20 the community and to protect the public.

21 (b) Searches and seizures authorized.--

22 (1) Agents may search the person and property of
23 offenders in accordance with the provisions of this section.

24 (2) Nothing in this section shall be construed to permit
25 searches or seizures in violation of the Constitution of the
26 United States or section 8 of Article I of the Constitution
27 of Pennsylvania.

28 (c) Effect of violation.--No violation of this section shall
29 constitute an independent ground for suppression of evidence in
30 any probation or parole proceeding or criminal proceeding.

1 (d) Grounds for personal search of offender.--

2 (1) A personal search of an offender may be conducted by
3 an agent:

4 (i) if there is a reasonable suspicion to believe
5 that the offender possesses contraband or other evidence
6 of violations of the conditions of supervision;

7 (ii) when an offender is transported or taken into
8 custody; or

9 (iii) upon an offender entering or leaving the
10 securing enclosure of a correctional institution, jail or
11 detention facility.

12 (2) A property search may be conducted by an agent if
13 there is reasonable suspicion to believe that the real or
14 other property in the possession of or under the control of
15 the offender contains contraband or other evidence of
16 violations of the conditions of supervision.

17 (3) Prior approval of a supervisor shall be obtained for
18 a property search absent exigent circumstances. No prior
19 approval shall be required for a personal search.

20 (4) A written report of every property search conducted
21 without prior approval shall be prepared by the agent who
22 conducted the search and filed in the offender's case record.
23 The exigent circumstances shall be stated in the report.

24 (5) The offender may be detained if he is present during
25 a property search. If the offender is not present during a
26 property search, the agent in charge of the search shall make
27 a reasonable effort to provide the offender with notice of
28 the search, including a list of the items seized, after the
29 search is completed.

30 (6) The existence of reasonable suspicion to search

1 shall be determined in accordance with constitutional search
2 and seizure provisions as applied by judicial decision. In
3 accordance with such case law, the following factors, where
4 applicable, may be taken into account:

5 (i) The observations of agents.

6 (ii) Information provided by others.

7 (iii) The activities of the offender.

8 (iv) Information provided by the offender.

9 (v) The experience of agents with the offender.

10 (vi) The experience of agents in similar
11 circumstances.

12 (vii) The prior criminal and supervisory history of
13 the offender.

14 (viii) The need to verify compliance with the
15 conditions of supervision.

16 (e) Nonresident offenders.--No agent shall conduct a
17 personal or property search of an offender who is residing in a
18 foreign state except for the limited purposes permitted under
19 the Interstate Compact for the Supervision of Offenders and
20 Probationers. The offender is held accountable to the rules of
21 both the sending state and the receiving state. Any personal or
22 property search of an offender residing in another state shall
23 be conducted by an agent of the receiving state.

24 (f) When authority is effective.--The authority granted to
25 agents under this section shall be effective upon enactment of
26 this section, without the necessity of any further regulation by
27 the board.

28 CHAPTER 63

29 COUNTY PROBATION OFFICERS'

30 FIREARM EDUCATION AND TRAINING

1 Sec.

2 6301. Short title of chapter.

3 6302. Definitions.

4 6303. County Probation Officers' Firearm Education and
5 Training Commission.

6 6304. Commission membership.

7 6305. Powers and duties of commission.

8 6306. Training mandatory.

9 6307. Requirements for program participation or waiver.

10 6308. County Probation Officers' Firearm Education
11 and Training Fund.

12 6309. Applicability.

13 § 6301. Short title of chapter.

14 This chapter shall be known and may be cited as the County
15 Probation Officers' Firearm Education and Training Law.

16 § 6302. Definitions.

17 The following words and phrases when used in this chapter
18 shall have the meanings given to them in this section unless the
19 context clearly indicates otherwise:

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

21 "Certification." The assignment of a certification number to
22 a probation or parole officer after successful completion of a
23 mandatory basic training course or receipt of a waiver of basic
24 training from the County Probation Officers' Firearm Education
25 and Training Commission and successful completion of mandatory
26 training.

27 "Commission." The County Probation Officers' Firearm
28 Education and Training Commission.

29 "Fund." The County Probation Officers' Firearm Education and
30 Training Fund established under section 6308 (relating to County

Probation Officers' Firearm Education and Training Fund).

"Officer." A county probation or parole officer of this Commonwealth.

"Program." The County Probation Officers' Firearm Education and Training Program established in this chapter.

"School." A school currently approved by the Municipal Police Officers' Education and Training Commission under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

"Weapon-carrying officer." A county probation or parole officer who is authorized to carry a weapon in connection with performance of the duties of the officer's employment.

§ 6303. County Probation Officers' Firearm Education and Training Commission.

The County Probation Officers' Firearm Education and Training Commission is established under the Pennsylvania Board of Probation and Parole. The commission shall establish within six months following the appointment of commission members a County Probation Officers' Firearm Education and Training Program to provide firearm education and training in accordance with the provisions of this chapter.

§ 6304. Commission membership.

(a) Composition.--The commission shall be composed of the chairman of the board and eight other members to be appointed by the Governor:

(1) Three county adult probation officers who are full members of the County Chief Adult Probation and Parole Officers' Association of Pennsylvania, one of whom is a chief adult probation officer from a county authorized to carry firearms and two of whom are firearms instructors certified

1 as such by the National Rifle Association, the Pennsylvania
2 State Police or the Federal Bureau of Investigation.

3 (2) One member of the Pennsylvania Council of Chief
4 Juvenile Probation Officers.

5 (3) One representative of the Juvenile Court Judges'
6 Commission.

7 (4) One judge of a court of common pleas of a county
8 that employs officers who carry firearms.

9 (5) One director qualified under 53 Pa.C.S. Ch. 21
10 Subch. D (relating to municipal police education and
11 training).

12 (6) One county commissioner from a county which employs
13 officers who carry firearms.

14 (b) Terms.--Terms of the members initially appointed shall
15 be three members for one year, three members for two years and
16 three members for three years, as designated by the Governor at
17 the time of appointment. Thereafter, terms shall be for three
18 years. Each member shall hold office until the expiration of the
19 term for which the member was selected or until the member's
20 earlier death, resignation or removal or until the member's
21 successor has been selected and qualified but in no event more
22 than six months beyond the expiration of the member's appointed
23 term.

24 (c) Vacancies.--A person appointed to fill a vacancy created
25 by other than expiration of a term shall be appointed for the
26 unexpired term of the member who that person is to succeed in
27 the same manner as the original appointment.

28 (d) Compensation.--The members of the commission shall serve
29 without compensation but shall be reimbursed the necessary and
30 actual expenses incurred in attending the meetings of the

commission and in the performance of their duties under this chapter.

(e) Organization.--The commission shall elect from among its members a chairperson and other officers who shall hold office at the pleasure of the commission. The commission shall act only with the concurrence of the majority.

(f) Meetings and quorum.--The commission shall meet at least four times each year until the program is implemented.

Thereafter, the commission shall meet as may be necessary, but at least once annually. Special meetings may be called by the chairperson of the commission or upon written request of three members. A quorum shall consist of four members of the commission.

§ 6305. Powers and duties of commission.

The powers and duties of the commission shall be as follows:

(1) To develop, establish and administer the minimum courses of study and training and competency standards for firearm training for county probation officers, including an initial curriculum of at least 40 hours and including the firing of a qualification course.

(2) To revoke an officer's certification for failing to comply with educational and training requirements established by the commission.

(3) To approve or revoke the approval for the purposes of this chapter of any school that may be utilized to comply with the educational and training requirements as established by the commission.

(4) To establish the minimum qualifications for instructors, to approve or revoke the approval of any instructor and to develop the requirements for continued

1 certification.

2 (5) To promote the most efficient and economical program
3 for training by utilizing existing facilities, programs and
4 qualified Federal, State and local police personnel.

5 (6) To make an annual report to the Governor and to the
6 General Assembly concerning:

7 (i) The administration of the program.

8 (ii) The activities of the commission, together with
9 any recommendations for executive or legislative actions.

10 (7) To require in accordance with this chapter county
11 probation officers to attend a minimum number of hours in in-
12 service training as provided for by regulation, unless the
13 officer's employer files a show-cause document with the
14 commission, requesting additional time for the officer to
15 comply with the in-service training requirements. Approval of
16 the request shall be made by the commission on a case-by-case
17 basis.

18 (8) To appoint an administrative officer who shall serve
19 and be directly responsible to the commission.

20 (9) To consult and cooperate with universities,
21 colleges, community colleges and institutes for the
22 development of specialized courses for county probation and
23 parole officers.

24 (10) To consult and cooperate with departments and
25 agencies of this Commonwealth and other states and the
26 Federal Government concerned with county probation officer
27 training.

28 (11) To certify officers who have satisfactorily
29 completed basic educational and training requirements as
30 established by the commission and to issue appropriate

1 certificates to these officers.

2 (12) To visit and inspect approved schools at least once
3 every two years. This inspection requirement does not apply
4 where training is conducted locally at a satellite center
5 consisting of a classroom and shooting range.

6 (13) To make rules and regulations and to perform other
7 duties as may be reasonably necessary or appropriate to
8 implement the training program for county probation officers.

9 (14) To consider granting waivers of mandatory basic
10 training to county probation officers who have successfully
11 completed previous equivalent training.

12 (15) To maintain certifications and other records as
13 necessary.

14 (16) To issue reports to the president judges of the
15 courts of common pleas relating to compliance with this
16 chapter.

17 § 6306. Training mandatory.

18 Within two years of the establishment of the County Probation
19 Officers' Firearm Education and Training Program and in
20 accordance with the provisions of this chapter, a county shall
21 provide for the training of any officer in its county probation
22 and parole department who carries a firearm. Following this two-
23 year period, a county shall provide that training and
24 certification requirements of this chapter are met prior to a
25 county probation officer being authorized to carry a firearm.

26 § 6307. Requirements for program participation or waiver.

27 In order to participate in the training program or be granted
28 a waiver of training requirements, at a minimum the officer
29 must:

30 (1) Be employed as a full-time county probation officer.

1 (2) Be a United States citizen.

2 (3) Not have been convicted of an offense graded a
3 misdemeanor of the first degree or greater or punishable by a
4 term of imprisonment of more than two years, unless in
5 possession of a waiver from the Bureau of Alcohol, Tobacco
6 and Firearms of the Department of the Treasury.

7 (4) Have had the officer's fingerprints submitted by the
8 officer's employer to the Pennsylvania State Police for the
9 purposes of a background investigation. The officer shall
10 have results of the investigation which indicate that the
11 requirements of paragraph (3) are met.

12 § 6308. County Probation Officers' Firearm Education and
13 Training Fund.

14 (a) Fund established.--The County Probation Officers'
15 Firearm Education and Training Fund is established as a
16 restricted receipts account within the General Fund. Moneys from
17 the fund shall be used exclusively for the purposes described
18 under this section.

19 (b) Costs imposed.--

20 (1) A person who accepts Accelerated Rehabilitative
21 Disposition or pleads guilty or nolo contendere or is
22 convicted of a felony or misdemeanor shall, in addition to
23 any other court costs imposed under the laws of this
24 Commonwealth, be sentenced to pay costs of \$5. Costs
25 collected by the clerk of courts under this subsection shall
26 be paid into the fund.

27 (2) Moneys in the fund shall be used to offset or pay
28 for:

29 (i) Training expenses.

30 (ii) Commission expenses.

1 (3) Disbursement and allocation of fund moneys shall be
2 at the discretion of the commission.

3 (c) Other moneys to be used.--In addition to payment of
4 training expenses as prescribed under subsection (b), training
5 expenses may also be paid out of the county offender supervision
6 fund under section 1102 of the act of November 24, 1998
7 (P.L.882, No.111), known as the Crime Victims Act, or any other
8 county fund.

9 (d) Juvenile probation officer participation.--In the event
10 that sufficient funds are not generated under the provisions of
11 subsection (b) to fully fund the costs of providing training to
12 juvenile probation officers, a training fee representing the
13 prorated share of the additional actual cost thereof shall be
14 payable by a participating juvenile probation officer's county
15 of employment.

16 § 6309. Applicability.

17 This chapter shall apply to county juvenile probation, adult
18 probation officers only, and only such officers shall be
19 eligible for training under this chapter.

20 PART V

21 MISCELLANEOUS PROVISIONS

22 Chapter

23 71. Interstate Compacts

24 CHAPTER 71

25 INTERSTATE COMPACTS

26 Subchapter

27 A. Interstate Corrections Compact

28 B. Interstate Compact for the Supervision of Adult Offenders

29 C. Administrative Provisions

30 SUBCHAPTER A

1 INTERSTATE CORRECTIONS COMPACT

2 Sec.

3 7101. Short title of subchapter.

4 7102. Interstate Corrections Compact.

5 7103. Powers.

6 § 7101. Short title of subchapter.

7 This subchapter may be cited as the Interstate Corrections
8 Compact Act.

9 § 7102. Interstate Corrections Compact.

10 The Interstate Corrections Compact is hereby enacted into law
11 and entered into by this State with any other states legally
12 joining therein in the form substantially as follows:

13 INTERSTATE CORRECTIONS COMPACT

14 ARTICLE I

15 Purpose and Policy

16 The party states, desiring by common action to fully utilize
17 and improve their institutional facilities and provide adequate
18 programs for the confinement, treatment and rehabilitation of
19 various types of offenders, declare that it is the policy of
20 each of the party states to provide such facilities and programs
21 on a basis of cooperation with one another, thereby serving the
22 best interests of such offenders and of society and effecting
23 economies in capital expenditures and operational costs. The
24 purpose of this compact is to provide for the mutual development
25 and execution of such programs of cooperation for the
26 confinement, treatment and rehabilitation of offenders with the
27 most economical use of human and material resources.

28 ARTICLE II

29 Definitions

30 As used in this compact, unless the context clearly requires

1 otherwise:

2 (a) "State" means a state of the United States; the United
3 States of America; a territory or possession of the United
4 States; the District of Columbia; the Commonwealth of Puerto
5 Rico.

6 (b) "Sending state" means a state party to this compact in
7 which conviction or court commitment was had.

8 (c) "Receiving state" means a state party to this compact to
9 which an inmate is sent for confinement other than a state in
10 which conviction or court commitment was had.

11 (d) "Inmate" means a male or female offender who is
12 committed, under sentence to or confined in a penal or
13 correctional institution.

14 (e) "Institution" means any penal or correctional facility,
15 including but not limited to a facility for the mentally ill or
16 mentally defective, in which inmates as defined in (d) above may
17 lawfully be confined.

18 ARTICLE III

19 Contracts

20 (a) Each party state may make one or more contracts with any
21 one or more of the other party states for the confinement of
22 inmates on behalf of a sending state in institutions situated
23 within receiving states. Any such contract shall provide for:

24 1. Its duration.

25 2. Payments to be made to the receiving state by the sending
26 state for inmate maintenance, extraordinary medical and dental
27 expenses, and any participation in or receipt by inmates of
28 rehabilitative or correctional services, facilities, programs or
29 treatment not reasonably included as part of normal maintenance.

30 3. Participation in programs of inmate employment, if any,

1 the disposition or crediting of any payments received by inmates
2 on account thereof; and the crediting of proceeds from or
3 disposal of any products resulting therefrom.

4 4. Delivery and retaking of inmates.

5 5. Such other matters as may be necessary and appropriate to
6 fix the obligations, responsibilities and rights of the sending
7 and receiving states.

8 (b) The terms and provisions of this compact shall be a part
9 of any contract entered into by the authority of or pursuant
10 thereto, and nothing in any such contract shall be inconsistent
11 therewith.

12 ARTICLE IV

13 Procedures and Rights

14 (a) Whenever the duly constituted authorities in a state
15 party to this compact, and which has entered into a contract
16 pursuant to Article III, shall decide that confinement in, or
17 transfer of an inmate to, an institution within the territory of
18 another party state is necessary or desirable in order to
19 provide adequate quarters and care or an appropriate program of
20 rehabilitation or treatment, said officials may direct that the
21 confinement be within an institution within the territory of
22 said other party state, the receiving state to act in that
23 regard solely as agent for the sending state.

24 (b) The appropriate officials of any state party to this
25 compact shall have access, at all reasonable times, to any
26 institution in which it has a contractual right to confine
27 inmates for the purpose of inspecting the facilities thereof and
28 visiting such of its inmates as may be confined in the
29 institution.

30 (c) Inmates confined in an institution pursuant to the terms

1 of this compact shall at all times be subject to the
2 jurisdiction of the sending state and may at any time be removed
3 therefrom for transfer to a prison or other institution within
4 the sending state, for transfer to another institution in which
5 the sending state may have a contractual or other right to
6 confine inmates, for release on probation or parole, for
7 discharge, or for any other purpose permitted by the laws of the
8 sending state; provided that the sending state shall continue to
9 be obligated to such payments as may be required pursuant to the
10 terms of any contract entered into under the terms of Article
11 III.

12 (d) Each receiving state shall provide regular reports to
13 each sending state on the inmates of that sending state in
14 institutions pursuant to this compact including a conduct record
15 of each inmate and certify said record to the official
16 designated by the sending state, in order that each inmate may
17 have official review of his or her record in determining and
18 altering the disposition of said inmate in accordance with the
19 law which may obtain in the sending state and in order that the
20 same may be a source of information for the sending state.

21 (e) All inmates who may be confined in an institution
22 pursuant to the provisions of this compact shall be treated in a
23 reasonable and humane manner and shall be treated equally with
24 such similar inmates of the receiving state as may be confined
25 in the same institution. The fact of confinement in a receiving
26 state shall not deprive any inmate so confined of any legal
27 rights which said inmate would have had if confined in an
28 appropriate institution of the sending state.

29 (f) Any hearing or hearings to which an inmate confined
30 pursuant to this compact may be entitled by the laws of the

1 sending state may be had before the appropriate authorities of
2 the sending state, or of the receiving state if authorized by
3 the sending state. The receiving state shall provide adequate
4 facilities for such hearings as may be conducted by the
5 appropriate officials of a sending state. In the event such
6 hearing or hearings are had before officials of the receiving
7 state, the governing law shall be that of the sending state and
8 a record of the hearing or hearings as prescribed by the sending
9 state shall be made. Said record together with any
10 recommendations of the hearing officials shall be transmitted
11 forthwith to the official or officials before whom the hearing
12 would have been had if it had taken place in the sending state.
13 In any and all proceedings had pursuant to the provisions of
14 this subdivision, the officials of the receiving state shall act
15 solely as agents of the sending state and no final determination
16 shall be made in any matter except by the appropriate officials
17 of the sending state.

18 (g) Any inmate confined pursuant to this compact shall be
19 released within the territory of the sending state unless the
20 inmate, and the sending and receiving states, shall agree upon
21 release in some other place. The sending state shall bear the
22 cost of such return to its territory.

23 (h) Any inmate confined pursuant to the terms of this
24 compact shall have any and all rights to participate in and
25 derive any benefits or incur or be relieved of any obligations
26 or have such obligations modified or his status changed on
27 account of any action or proceeding in which he could have
28 participated if confined in any appropriate institution of the
29 sending state located within such state.

30 (i) The parent, guardian, trustee, or other person or

1 persons entitled under the laws of the sending state to act for,
2 advise, or otherwise function with respect to any inmate shall
3 not be deprived of or restricted in his exercise of any power in
4 respect of any inmate confined pursuant to the terms of this
5 compact.

6 ARTICLE V

7 Acts Not Reviewable in Receiving State: Extradition

8 (a) Any decision of the sending state in respect of any
9 matter over which it retains jurisdiction pursuant to this
10 compact shall be conclusive upon and not reviewable within the
11 receiving state, but if at the time the sending state seeks to
12 remove an inmate from an institution in the receiving state
13 there is pending against the inmate within such state any
14 criminal charge or if the inmate is formally accused of having
15 committed within such state a criminal offense, the inmate shall
16 not be returned without the consent of the receiving state until
17 discharged from prosecution or other form of proceeding,
18 imprisonment or detention for such offense. The duly accredited
19 officers of the sending state shall be permitted to transport
20 inmates pursuant to this compact through any and all states
21 party to this compact without interference.

22 (b) An inmate who escapes from an institution in which he is
23 confined pursuant to this compact shall be deemed a fugitive
24 from the sending state and from the state in which the
25 institution is situated. In the case of an escape to a
26 jurisdiction other than the sending or receiving state, the
27 responsibility for institution of extradition or rendition
28 proceedings shall be that of the sending state, but nothing
29 contained herein shall be construed to prevent or affect the
30 activities of officers and agencies of any jurisdiction directed

1 toward the apprehension and return of an escapee.

2 ARTICLE VI

3 Federal Aid

4 Any state party to this compact may accept Federal aid for
5 use in connection with any institution or program, the use of
6 which is or may be affected by this compact or any contract
7 pursuant hereto and any inmate in a receiving state pursuant to
8 this compact may participate in any such Federally aided program
9 or activity for which the sending and receiving states have made
10 contractual provisions, provided that if such program or
11 activity is not part of the customary correctional regimen, the
12 express consent of the appropriate official of the sending state
13 shall be required therefor.

14 ARTICLE VII

15 Entry into Force

16 This compact shall enter into force and become effective and
17 binding upon the states so acting when it has been enacted into
18 law by any two states. Thereafter, this compact shall enter into
19 force and become effective and binding as to any other of said
20 states upon similar action by such state.

21 ARTICLE VIII

22 Withdrawal and Termination

23 This compact shall continue in force and remain binding upon
24 a party state until it shall have enacted a statute repealing
25 the same and providing for the sending of formal written notice
26 of withdrawal from the compact to the appropriate officials of
27 all other party states. An actual withdrawal shall not take
28 effect until one year after the notices provided in said statute
29 have been sent. Such withdrawal shall not relieve the
30 withdrawing state from its obligations assumed hereunder prior

1 to the effective date of withdrawal. Before the effective date
2 of withdrawal, a withdrawing state shall remove to its
3 territory, at its own expense, such inmates as it may have
4 confined pursuant to the provisions of this compact.

5 ARTICLE IX

6 Other Arrangements Unaffected

7 Nothing contained in this compact shall be construed to
8 abrogate or impair any agreement or other arrangement which a
9 party state may have with a non-party state for the confinement,
10 rehabilitation or treatment of inmates nor to repeal any other
11 laws of a party state authorizing the making of cooperative
12 institutional arrangements.

13 ARTICLE X

14 Construction and Severability

15 The provisions of this compact shall be liberally construed
16 and shall be severable. If any phrase, clause, sentence or
17 provision of this compact is declared to be contrary to the
18 Constitution of any participating state or of the United States
19 or the applicability thereof to any government, agency, person
20 or circumstance is held invalid, the validity of the remainder
21 of this compact and the applicability thereof to any government,
22 agency, person or circumstance shall not be affected thereby. If
23 this compact shall be held contrary to the Constitution of any
24 state participating therein, the compact shall remain in full
25 force and effect as to the remaining states and in full force
26 and effect as to the state affected as to all severable matters.

27 § 7103. Powers.

28 The Attorney General or his designee is hereby authorized and
29 directed to do all things necessary or incidental to the
30 carrying out of the compact in every particular except that no

contract for the confinement of inmates in the institutions of this State shall be entered into unless the Attorney General or the Secretary of Corrections has first determined that the inmates are acceptable, notwithstanding the provisions of Article IX-B of the act of April 9, 1929 (P.L.177, No.175), known as the Administrative Code of 1929. The Attorney General or his designee shall not enter into a contract pursuant to Article III of the compact relating to inmates who are mentally ill or mentally retarded without consultation with the Secretary of Public Welfare.

SUBCHAPTER B

INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS

Sec.

7111. Short title of subchapter.

7112. Authority to execute compact.

7113. When and how compact becomes operative.

7114. State council and compact administrator.

§ 7111. Short title of subchapter.

This subchapter shall be known and may be cited as the Interstate Compact for the Supervision of Adult Offenders Act.

§ 7112. Authority to execute compact.

The Governor of Pennsylvania, on behalf of this State, is hereby authorized to execute a compact in substantially the following form with any one or more of the states of the United States, and the General Assembly hereby signifies in advance its approval and ratification of such compact:

ARTICLE I

PURPOSE

The compacting states to this Interstate Compact recognize that each state is responsible for the supervision of adult

1 offenders in the community who are authorized pursuant to the
2 Bylaws and Rules of this compact to travel across state lines
3 both to and from each compacting state in such a manner as to
4 track the location of offenders, transfer supervision authority
5 in an orderly and efficient manner, and when necessary return
6 offenders to the originating jurisdictions. The compacting
7 states also recognize that Congress, by enacting the Crime
8 Control Act, 4 U.S.C. § 112 (relating to compacts between States
9 for cooperation in prevention of crime; consent of Congress),
10 has authorized and encouraged compacts for cooperative efforts
11 and mutual assistance in the prevention of crime. It is the
12 purpose of this compact and the Interstate Commission created
13 hereunder, through means of joint and cooperative action among
14 the compacting states: to provide the framework for the
15 promotion of public safety and protect the rights of victims
16 through the control and regulation of the interstate movement of
17 offenders in the community; to provide for the effective
18 tracking, supervision, and rehabilitation of these offenders by
19 the sending and receiving states; and to equitably distribute
20 the costs, benefits and obligations of the compact among the
21 compacting states. In addition, this compact will: create an
22 Interstate Commission which will establish uniform procedures to
23 manage the movement between states of adults placed under
24 community supervision and released to the community under the
25 jurisdiction of courts, paroling authorities, corrections or
26 other criminal justice agencies which will promulgate rules to
27 achieve the purpose of this compact; ensure an opportunity for
28 input and timely notice to victims and to jurisdictions where
29 defined offenders are authorized to travel or to relocate across
30 state lines; establish a system of uniform data collection,

access to information on active cases by authorized criminal justice officials, and regular reporting of Compact activities to heads of state councils, state executive, judicial, and legislative branches and criminal justice administrators; monitor compliance with rules governing interstate movement of offenders and initiate interventions to address and correct non-compliance; and coordinate training and education regarding regulations of interstate movement of offenders for officials involved in such activity. The compacting states recognize that there is no "right" of any offender to live in another state and that duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any offender under supervision subject to the provisions of this compact and Bylaws and Rules promulgated hereunder. It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the formation of public policies and are therefore public business.

ARTICLE II

DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

"Adult" means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.

"Bylaws" means those Bylaws established by the Interstate Commission for its governance, or for directing or controlling the Interstate Commission's actions or conduct.

"Compact Administrator" means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state's

supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.

"Compacting state" means any state which has enacted the enabling legislation for this compact.

"Commissioner" means the voting representative of each compacting state appointed pursuant to Article III of this compact.

"Interstate Commission" means the Interstate Commission for Adult Offender Supervision established by this compact.

"Member" means the commissioner of a compacting state or designee, who shall be a person officially connected with the commissioner.

"Non-compacting state" means any state which has not enacted the enabling legislation for this compact.

"Offender" means an adult placed under, or subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies.

"Person" means any individual, corporation, business enterprise, or other legal entity, either public or private.

"Rules" means acts of the Interstate Commission, duly promulgated pursuant to Article VIII of this compact, substantially affecting interested parties in addition to the Interstate Commission, which shall have the force and effect of law in the compacting states.

"State" means a state of the United States, the District of Columbia and any other territorial possessions of the United States.

1 "State Council" means the resident members of the State
2 Council for Interstate Adult Offender Supervision created by
3 each state under Article III of this compact.

4 ARTICLE III

5 THE COMPACT COMMISSION

6 The compacting states hereby create the "Interstate
7 Commission for Adult Offender Supervision." The Interstate
8 Commission shall be a body corporate and joint agency of the
9 compacting states. The Interstate Commission shall have all the
10 responsibilities, powers and duties set forth herein, including
11 the power to sue and be sued, and such additional powers as may
12 be conferred upon it by subsequent action of the respective
13 legislatures of the compacting states in accordance with the
14 terms of this compact. The Interstate Commission shall consist
15 of Commissioners selected and appointed by resident members of a
16 State Council for Interstate Adult Offender Supervision for each
17 state.

18 In addition to the Commissioners who are the voting
19 representatives of each state, the Interstate Commission shall
20 include individuals who are not commissioners but who are
21 members of interested organizations; such non-commissioner
22 members must include a member of the national organizations of
23 governors, legislators, state chief justices, attorneys general
24 and crime victims. All non-commissioner members of the
25 Interstate Commission shall be ex-officio (non-voting) members.
26 The Interstate Commission may provide in its Bylaws for such
27 additional, ex-officio, non-voting members as it deems
28 necessary.

29 Each compacting state represented at any meeting of the
30 Interstate Commission is entitled to one vote. A majority of the

compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the Bylaws of the Interstate Commission.

The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of 27 or more compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

The Interstate Commission shall establish an Executive Committee which shall include commission officers, members and others as shall be determined by the Bylaws. The Executive Committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the Compact. The Executive Committee oversees the day-to-day activities managed by the Executive Director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its Bylaws and as directed by the Interstate Commission and performs other duties as directed by Commission or set forth in the Bylaws.

ARTICLE IV

THE STATE COUNCIL

Each member state shall create a State Council for Interstate Adult Offender Supervision which shall be responsible for the appointment of the commissioner who shall serve on the Interstate Commission from that state. Each state council shall appoint as its commissioner the Compact Administrator from that state to serve on the Interstate Commission in such capacity under or pursuant to applicable law of the member state. While

each member state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups and compact administrators. Each compacting state retains the right to determine the qualifications of the Compact Administrator who shall be appointed by the Governor in consultation with the Legislature and the Judiciary. In addition to appointment of its commissioner to the National Interstate Commission, each state council shall exercise oversight and advocacy concerning its participation in Interstate Commission activities and other duties as may be determined by each member state, including, but not limited to, development of policy concerning operations and procedures of the compact within that state.

ARTICLE V

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

To adopt a seal and suitable Bylaws governing the management and operation of the Interstate Commission.

To promulgate rules which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact.

To oversee, supervise and coordinate the interstate movement of offenders subject to the terms of this compact and any Bylaws adopted and rules promulgated by the compact commission.

To enforce compliance with compact provisions, Interstate Commission rules, and Bylaws, using all necessary and proper means, including, but not limited to, the use of judicial

1 process.

2 To establish and maintain offices.

3 To purchase and maintain insurance and bonds.

4 To borrow, accept, or contract for services of personnel,
5 including, but not limited to, members and their staffs.

6 To establish and appoint committees and hire staff which
7 it deems necessary for the carrying out of its functions
8 including, but not limited to, an executive committee as
9 required by Article III which shall have the power to act on
10 behalf of the Interstate Commission in carrying out its
11 powers and duties hereunder.

12 To elect or appoint such officers, attorneys, employees,
13 agents, or consultants, and to fix their compensation, define
14 their duties and determine their qualifications; and to
15 establish the Interstate Commission's personnel policies and
16 programs relating to, among other things, conflicts of
17 interest, rates of compensation, and qualifications of
18 personnel.

19 To accept any and all donations and grants of money,
20 equipment, supplies, materials, and services, and to receive,
21 utilize, and dispose of same.

22 To lease, purchase, accept contributions or donations of,
23 or otherwise to own, hold, improve or use any property, real,
24 personal, or mixed.

25 To sell, convey, mortgage, pledge, lease, exchange,
26 abandon, or otherwise dispose of any property, real, personal
27 or mixed.

28 To establish a budget and make expenditures and levy dues
29 as provided in Article X of this compact.

30 To sue and be sued.

1 To provide for dispute resolution among Compacting
2 States.

3 To perform such functions as may be necessary or
4 appropriate to achieve the purposes of this compact.

5 To report annually to the legislatures, governors,
6 judiciary, and state councils of the compacting states
7 concerning the activities of the Interstate Commission during
8 the preceding year. Such reports shall also include any
9 recommendations that may have been adopted by the Interstate
10 Commission.

11 To coordinate education, training and public awareness
12 regarding the interstate movement of offenders for officials
13 involved in such activity.

14 To establish uniform standards for the reporting,
15 collecting, and exchanging of data.

16 ARTICLE VI

17 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

18 Section A. Bylaws

19 The Interstate Commission shall, by a majority of the
20 Members, within twelve months of the first Interstate Commission
21 meeting, adopt Bylaws to govern its conduct as may be necessary
22 or appropriate to carry out the purposes of the Compact,
23 including, but not limited to: establishing the fiscal year of
24 the Interstate Commission; establishing an executive committee
25 and such other committees as may be necessary; providing
26 reasonable standards and procedures:

- 27 (i) for the establishment of committees, and
28 (ii) governing any general or specific delegation of any
29 authority or function of the Interstate Commission;
30 providing reasonable procedures for calling and conducting

1 meetings of the Interstate Commission, and ensuring reasonable
2 notice of each such meeting; establishing the titles and
3 responsibilities of the officers of the Interstate Commission;
4 providing reasonable standards and procedures for the
5 establishment of the personnel policies and programs of the
6 Interstate Commission. Notwithstanding any civil service or
7 other similar laws of any Compacting State, the Bylaws shall
8 exclusively govern the personnel policies and programs of the
9 Interstate Commission; and providing a mechanism for winding up
10 the operations of the Interstate Commission and the equitable
11 return of any surplus funds that may exist upon the termination
12 of the Compact after the payment and/or reserving of all of its
13 debts and obligations; providing transition rules for "start up"
14 administration of the Compact; establishing standards and
15 procedures for compliance and technical assistance in carrying
16 out the Compact.

17 Section B. Officers and Staff

18 The Interstate Commission shall, by a majority of the
19 Members, elect from among its Members a chairperson and a vice
20 chairperson, each of whom shall have such authorities and duties
21 as may be specified in the Bylaws. The chairperson or, in his or
22 her absence or disability, the vice chairperson, shall preside
23 at all meetings of the Interstate Commission. The Officers so
24 elected shall serve without compensation or remuneration from
25 the Interstate Commission; PROVIDED THAT, subject to the
26 availability of budgeted funds, the officers shall be reimbursed
27 for any actual and necessary costs and expenses incurred by them
28 in the performance of their duties and responsibilities as
29 officers of the Interstate Commission.

30 The Interstate Commission shall, through its executive

committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, and hire and supervise such other staff as may be authorized by the Interstate Commission, but shall not be a Member.

Section C. Corporate Records of the Interstate Commission

The Interstate Commission shall maintain its corporate books and records in accordance with the Bylaws.

Section D. Qualified Immunity, Defense and Indemnification

The Members, officers, executive director and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities; PROVIDED, that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss injury or liability caused by the intentional or willful and wanton misconduct of any such person.

The Interstate Commission shall defend the Commissioner of a Compacting State, or his or her representatives or employees, or the Interstate Commission's representatives or employees, in any civil action seeking to impose liability, arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities; PROVIDED, that the

1 actual or alleged act, error or omission did not result from
2 intentional wrongdoing on the part of such person.

3 The Interstate Commission shall indemnify and hold the
4 Commissioner of a Compacting State, the appointed designee or
5 employees, or the Interstate Commission's representatives or
6 employees, harmless in the amount of any settlement or judgment
7 obtained against such persons arising out of any actual or
8 alleged act, error or omission that occurred within the scope of
9 Interstate Commission employment, duties or responsibilities, or
10 that such persons had a reasonable basis for believing occurred
11 within the scope of Interstate Commission employment, duties or
12 responsibilities, PROVIDED, that the actual or alleged act,
13 error or omission did not result from gross negligence or
14 intentional wrongdoing on the part of such person.

15 ARTICLE VII

16 ACTIVITIES OF THE INTERSTATE COMMISSION

17 The Interstate Commission shall meet and take such actions as
18 are consistent with the provisions of this Compact.

19 Except as otherwise provided in this Compact and unless a
20 greater percentage is required by the Bylaws, in order to
21 constitute an act of the Interstate Commission, such act shall
22 have been taken at a meeting of the Interstate Commission and
23 shall have received an affirmative vote of a majority of the
24 Members present.

25 Each Member of the Interstate Commission shall have the right
26 and power to cast a vote to which that Compacting State is
27 entitled and to participate in the business and affairs of the
28 Interstate Commission. A Member shall vote in person on behalf
29 of the state and shall not delegate a vote to another member
30 state. However, a State Council shall appoint another authorized

1 representative, in the absence of the commissioner from that
2 state, to cast a vote on behalf of the member state at a
3 specified meeting. The Bylaws may provide for Members'
4 participation in meetings by telephone or other means of
5 telecommunication or electronic communication. Any voting
6 conducted by telephone, or other means of telecommunication or
7 electronic communication shall be subject to the same quorum
8 requirements of meetings where members are present in person.
9 The Interstate Commission shall meet at least once during each
10 calendar year. The chairperson of the Interstate Commission may
11 call additional meetings at any time and, upon the request of a
12 majority of the Members, shall call additional meetings.

13 The Interstate Commission's Bylaws shall establish conditions
14 and procedures under which the Interstate Commission shall make
15 its information and official records available to the public for
16 inspection or copying. The Interstate Commission may exempt from
17 disclosure any information or official records to the extent
18 they would adversely affect personal privacy rights or
19 proprietary interests. In promulgating such Rules, the
20 Interstate Commission may make available to law enforcement
21 agencies records and information otherwise exempt from
22 disclosure, and may enter into agreements with law enforcement
23 agencies to receive or exchange information or records subject
24 to nondisclosure and confidentiality provisions.

25 Public notice shall be given of all meetings and all meetings
26 shall be open to the public, except as set forth in the Rules or
27 as otherwise provided in the Compact. The Interstate Commission
28 shall promulgate Rules consistent with the principles contained
29 in the "Government in Sunshine Act," 5 U.S.C. Section 552(b), as
30 may be amended. The Interstate Commission and any of its

committees may close a meeting to the public where it determines
by two-thirds vote that an open meeting would be likely to:

relate solely to the Interstate Commission's internal
personnel practices and procedures;

disclose matters specifically exempted from disclosure by
statute;

disclose trade secrets or commercial or financial
information which is privileged or confidential;

involve accusing any person of a crime, or formally
censuring any person;

disclose information of a personal nature where
disclosure would constitute a clearly unwarranted invasion of
personal privacy;

disclose investigatory records compiled for law
enforcement purposes;

disclose information contained in or related to
examination, operating or condition reports prepared by, or
on behalf of or for the use of, the Interstate Commission
with respect to a regulated entity for the purpose of
regulation or supervision of such entity;

disclose information, the premature disclosure of which
would significantly endanger the life of a person or the
stability of a regulated entity;

specifically relate to the Interstate Commission's
issuance of a subpoena, or its participation in a civil
action or proceeding.

For every meeting closed pursuant to this provision, the
Interstate Commission's chief legal officer shall publicly
certify that, in his or her opinion, the meeting may be closed
to the public, and shall reference each relevant exemptive

1 provision. The Interstate Commission shall keep minutes which
2 shall fully and clearly describe all matters discussed in any
3 meeting and shall provide a full and accurate summary of any
4 actions taken, and the reasons therefor, including a description
5 of each of the views expressed on any item and the record of any
6 roll call vote (reflected in the vote of each Member on the
7 question). All documents considered in connection with any
8 action shall be identified in such minutes.

9 The Interstate Commission shall collect standardized data
10 concerning the interstate movement of offenders as directed
11 through its Bylaws and Rules which shall specify the data to be
12 collected and the means of collection and data exchange and
13 reporting requirements.

14 ARTICLE VIII

15 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

16 The Interstate Commission shall promulgate Rules in order to
17 effectively and efficiently achieve the purposes of the Compact
18 including transition rules governing administration of the
19 Compact during the period in which it is being considered and
20 enacted by the states.

21 Rulemaking shall occur pursuant to the criteria set forth in
22 this Article and the Bylaws and Rules adopted pursuant thereto.
23 Such rulemaking shall substantially conform to the principles of
24 the Federal Administrative Procedure Act, 5 U.S.C. Ch. 5 Subchs.
25 II (relating to administrative procedure) and III (relating to
26 negotiated rulemaking procedure), and the Federal Advisory
27 Committee Act, 5 U.S.C.S. app. 2, section 1 et seq., as may be
28 amended (hereinafter "APA").

29 All Rules and amendments shall become binding as of the date
30 specified in each Rule or amendment.

1 If a majority of the legislatures of the Compacting States
2 rejects a Rule, by enactment of a statute or resolution in the
3 same manner used to adopt the compact, then such Rule shall have
4 no further force and effect in any Compacting State.

5 When promulgating a Rule, the Interstate Commission shall:

6 publish the proposed Rule stating with particularity the
7 text of the Rule which is proposed and the reason for the
8 proposed Rule;

9 allow persons to submit written data, facts, opinions and
10 arguments, which information shall be publicly available;

11 provide an opportunity for an informal hearing; and

12 promulgate a final Rule and its effective date, if
13 appropriate, based on the rulemaking record.

14 Not later than sixty days after a Rule is promulgated, any
15 interested person may file a petition in the United States
16 District Court for the District of Columbia or in the Federal
17 District Court where the Interstate Commission's principal
18 office is located for judicial review of such Rule. If the court
19 finds that the Interstate Commission's action is not supported
20 by substantial evidence, (as defined in the APA), in the
21 rulemaking record, the court shall hold the Rule unlawful and
22 set it aside.

23 Subjects to be addressed within 12 months after the first
24 meeting must at a minimum include:

25 notice to victims and opportunity to be heard;

26 offender registration and compliance;

27 violations/ returns;

28 transfer procedures and forms;

29 eligibility for transfer;

30 collection of restitution and fees from offenders;

1 data collection and reporting;
2 the level of supervision to be provided by the receiving
3 state;
4 transition rules governing the operation of the compact
5 and the Interstate Commission during all or part of the
6 period between the effective date of the compact and the date
7 on which the last eligible state adopts the compact;
8 mediation, arbitration and dispute resolution.

9 The existing rules governing the operation of the previous
10 compact superseded by this Act shall be null and void twelve
11 (12) months after the first meeting of the Interstate Commission
12 created hereunder.

13 Upon determination by the Interstate Commission that an
14 emergency exists, it may promulgate an emergency rule which
15 shall become effective immediately upon adoption, provided that
16 the usual rulemaking procedures provided hereunder shall be
17 retroactively applied to said rule as soon as reasonably
18 possible, in no event later than 90 days after the effective
19 date of the rule.

20 ARTICLE IX

21 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

22 BY THE INTERSTATE COMMISSION

23 Section A. Oversight

24 The Interstate Commission shall oversee the interstate
25 movement of adult offenders in the compacting states and shall
26 monitor such activities being administered in Non-compacting
27 States which may significantly affect Compacting States.

28 The courts and executive agencies in each Compacting State
29 shall enforce this Compact and shall take all actions necessary
30 and appropriate to effectuate the Compact's purposes and intent.

In any judicial or administrative proceeding in a Compacting State pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Interstate Commission, the Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

Section B. Dispute Resolution

The Compacting States shall report to the Interstate Commission on issues or activities of concern to them, and cooperate with and support the Interstate Commission in the discharge of its duties and responsibilities.

The Interstate Commission shall attempt to resolve any disputes or other issues which are subject to the compact and which may arise among Compacting States and Non-compacting States.

The Interstate Commission shall enact a Bylaw or promulgate a Rule providing for both mediation and binding dispute resolution for disputes among the Compacting States.

Section C. Enforcement

The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact using any or all means set forth in Article XII, Section B, of this compact.

Section D. Extradition

The duly accredited officers of a sending state may at all times enter a receiving state, and there apprehend and retake any person on probation or parole. For that purpose, no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of

1 fugitives from justice are hereby expressly waived on the part
2 of states party hereto as to such persons. The decision of the
3 sending state to retake a person on probation or parole shall be
4 conclusive upon and not reviewable within the receiving state.
5 If at the time when a state seeks to retake a probationer or
6 parolee, there should be pending against him within the
7 receiving state any criminal charge, or he is suspected of
8 having committed within such state a criminal offense, he shall
9 not be retaken without the consent of the receiving state until
10 discharged from prosecution or from imprisonment for such
11 offense. The duly accredited officers of the sending state will
12 be permitted to transport prisoners being retaken through any
13 and all states parties to this compact without interference.

14 ARTICLE X

15 FINANCE

16 The Interstate Commission shall pay or provide for the
17 payment of the reasonable expenses of its establishment,
18 organization and ongoing activities.

19 The Interstate Commission shall levy on and collect an annual
20 assessment from each Compacting State to cover the cost of the
21 internal operations and activities of the Interstate Commission
22 and its staff which must be in a total amount sufficient to
23 cover the Interstate Commission's annual budget as approved each
24 year. The aggregate annual assessment amount shall be allocated
25 based upon a formula to be determined by the Interstate
26 Commission, taking into consideration the population of the
27 state and the volume of interstate movement of offenders in each
28 Compacting State and shall promulgate a Rule binding upon all
29 Compacting States which governs said assessment.

30 The Interstate Commission shall not incur any obligations of

1 any kind prior to securing the funds adequate to meet the same;
2 nor shall the Interstate Commission pledge the credit of any of
3 the Compacting States, except by and with the authority of the
4 Compacting State.

5 The Interstate Commission shall keep accurate accounts of all
6 receipts and disbursements. The receipts and disbursements of
7 the Interstate Commission shall be subject to the audit and
8 accounting procedures established under its Bylaws. However, all
9 receipts and disbursements of funds handled by the Interstate
10 Commission shall be audited yearly by a certified or licensed
11 public accountant and the report of the audit shall be included
12 in and become part of the annual report of the Interstate
13 Commission.

14 ARTICLE XI

15 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

16 Any state, as defined in Article II of this Compact, is
17 eligible to become a Compacting State. The Compact shall become
18 effective and binding upon legislative enactment of the Compact
19 into law by no less than 35 of the States. The initial effective
20 date shall be the later of July 1, 2001, or upon enactment into
21 law by the 35th jurisdiction. Thereafter it shall become
22 effective and binding, as to any other Compacting State, upon
23 enactment of the Compact into law by that State. The governors
24 of Non-member states or their designees will be invited to
25 participate in Interstate Commission activities on a non-voting
26 basis prior to adoption of the Compact by all states and
27 territories of the United States.

28 Amendments to the Compact may be proposed by the Interstate
29 Commission for enactment by the Compacting States. No amendment
30 shall become effective and binding upon the Interstate

1 Commission and the Compacting States unless and until it is
2 enacted into law by unanimous consent of the Compacting States.

3 ARTICLE XII

4 WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

5 Section A. Withdrawal

6 Once effective, the Compact shall continue in force and
7 remain binding upon each and every Compacting State; PROVIDED,
8 that a Compacting State may withdraw from the Compact
9 ("Withdrawing State") by enacting a statute specifically
10 repealing the statute which enacted the Compact into law. The
11 effective date of withdrawal is the effective date of the
12 repeal.

13 The Withdrawing State shall immediately notify the
14 chairperson of the Interstate Commission in writing upon the
15 introduction of legislation repealing this Compact in the
16 Withdrawing State.

17 The Interstate Commission shall notify the other Compacting
18 States of the Withdrawing State's intent to withdraw within
19 sixty days of its receipt thereof.

20 The Withdrawing State is responsible for all assessments,
21 obligations and liabilities incurred through the effective date
22 of withdrawal, including any obligations, the performance of
23 which extend beyond the effective date of withdrawal.

24 Reinstatement following withdrawal of any Compacting State
25 shall occur upon the Withdrawing State reenacting the Compact or
26 upon such later date as determined by the Interstate Commission.

27 Section B. Default

28 If the Interstate Commission determines that any Compacting
29 State has at any time defaulted ("Defaulting State") in the
30 performance of any of its obligations or responsibilities under

this Compact, the Bylaws or any duly promulgated Rules the Interstate Commission may impose any or all of the following penalties:

Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;

Remedial training and technical assistance as directed by the Interstate Commission;

Suspension and termination of membership in the Compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the Bylaws and Rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the Governor, the Chief Justice or Chief Judicial Officer of the state; the majority and minority leaders of the defaulting state's legislature, and the State Council.

The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission Bylaws, or duly promulgated Rules. The Interstate Commission shall immediately notify the Defaulting State in writing of the penalty imposed by the Interstate Commission on the Defaulting State pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the Defaulting State must cure its default. If the Defaulting State fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the Defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Compacting States and all rights, privileges and benefits conferred by this Compact shall

1 be terminated from the effective date of suspension. Within
2 sixty days of the effective date of termination of a Defaulting
3 State, the Interstate Commission shall notify the Governor, the
4 Chief Justice or Chief Judicial Officer and the Majority and
5 Minority Leaders of the Defaulting State's legislature and the
6 state council of such termination.

7 The Defaulting State is responsible for all assessments,
8 obligations and liabilities incurred through the effective date
9 of termination including any obligations, the performance of
10 which extends beyond the effective date of termination.

11 The Interstate Commission shall not bear any costs relating
12 to the Defaulting State unless otherwise mutually agreed upon
13 between the Interstate Commission and the Defaulting State.

14 Reinstatement following termination of any Compacting State
15 requires both a reenactment of the Compact by the Defaulting
16 State and the approval of the Interstate Commission pursuant to
17 the Rules.

18 Section C. Judicial Enforcement

19 The Interstate Commission may, by majority vote of the
20 Members, initiate legal action in the United States District
21 Court for the District of Columbia or, at the discretion of the
22 Interstate Commission, in the Federal District where the
23 Interstate Commission has its offices to enforce compliance with
24 the provisions of the Compact, its duly promulgated Rules and
25 Bylaws, against any Compacting State in default. In the event
26 judicial enforcement is necessary the prevailing party shall be
27 awarded all costs of such litigation including reasonable
28 attorneys fees.

29 Section D. Dissolution of Compact

30 The Compact dissolves effective upon the date of the

withdrawal or default of the Compacting State which reduces membership in the Compact to one Compacting State.

Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be wound up and any surplus funds shall be distributed in accordance with the Bylaws.

ARTICLE XIII

SEVERABILITY AND CONSTRUCTION

The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable. The provisions of this Compact shall be liberally constructed to effectuate its purposes.

ARTICLE XIV

BINDING EFFECT OF COMPACT AND OTHER LAWS

Section A. Other Laws

Nothing herein prevents the enforcement of any other law of a Compacting State that is not inconsistent with this Compact. All Compacting States' laws conflicting with this Compact are superseded to the extent of the conflict.

Section B. Binding Effect of the Compact

All lawful actions of the Interstate Commission, including all Rules and Bylaws promulgated by the Interstate Commission, are binding upon the Compacting States.

All agreements between the Interstate Commission and the Compacting States are binding in accordance with their terms. Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the Compacting States, the Interstate

1 Commission may issue advisory opinions regarding such meaning or
2 interpretation.

3 In the event any provision of this Compact exceeds the
4 constitutional limits imposed on the legislature of any
5 Compacting State, the obligations, duties, powers or
6 jurisdiction sought to be conferred by such provision upon the
7 Interstate Commission shall be ineffective and such obligations,
8 duties, powers or jurisdiction shall remain in the Compacting
9 State and shall be exercised by the agency thereof to which such
10 obligations, duties, powers or jurisdiction are delegated by law
11 in effect at the time this Compact becomes effective.

12 § 7113. When and how compact becomes operative.

13 (a) General rule.--When the Governor executes the Interstate
14 Compact for the Supervision of Adult Offenders on behalf of this
15 State and files a verified copy thereof with the Secretary of
16 the Commonwealth and when the compact is ratified by one or more
17 other states, then the compact shall become operative and
18 effective between this State and such other state or states. The
19 Governor is hereby authorized and directed to take such action
20 as may be necessary to complete the exchange of official
21 documents between this State and any other state ratifying the
22 compact.

23 (b) Notice in Pennsylvania Bulletin.--The Secretary of the
24 Commonwealth shall publish a notice in the Pennsylvania Bulletin
25 when the conditions set forth in subsection (a) are satisfied
26 and shall include in the notice the date on which the compact
27 became effective and operative between this State and any other
28 state or states in accordance with this subchapter.

29 § 7114. State council and compact administrator.

30 (a) State council.--Consistent with Article IV of the

Interstate Compact for the Supervision of Adult Offenders, there is hereby established the State Council for Interstate Adult Offender Supervision. The council shall consist of nine members, seven of whom shall be appointed by the Governor. At least two members shall be judges of courts of record of this Commonwealth and at least one shall be a county chief probation officer, a representative from the executive branch of government, a representative of victims groups and the compact administrator. The President pro tempore of the Senate and the Speaker of the House of Representatives shall each appoint a member of the General Assembly to serve as a member of the council. The term of a member of the council hereafter appointed, except to fill a vacancy, shall be for four years and until a successor has been appointed, but in no event more than 90 days beyond the expiration of the appointed term. The term of a member of the council who is appointed by virtue of serving as a member of the General Assembly, as a judge or as a county chief probation officer shall continue only as long as the individual remains in that office. A vacancy occurring in an office of a member of the council by expiration of term or for any other reason shall be filled by the appointing authority for the remainder of the term.

(b) Appointment of administrator.--The compact administrator shall be appointed by the Governor and shall serve as a member of the State Council for the Supervision of Adult Offenders and shall serve on the Interstate Commission for Adult Offender Supervision established pursuant to the Interstate Compact for the Supervision of Adult Offenders.

(c) Compensation and expenses of administrator.--The compact administrator who represents this State, as provided for in

1 Article IV of the Interstate Compact for the Supervision of
2 Adult Offenders, shall not be entitled to any additional
3 compensation for his duties and responsibilities as compact
4 administrator but shall be entitled to reimbursement for
5 reasonable expenses actually incurred in connection with his
6 duties and responsibilities as compact administrator in the same
7 manner as for expenses incurred in connection with other duties
8 and responsibilities of his office or employment.

9 SUBCHAPTER C

10 ADMINISTRATIVE PROVISIONS

11 Sec.

12 7121. Deputization.

13 7122. Supervision of persons paroled by other states.

14 7123. Penalty.

15 § 7121. Deputization.

16 (a) General rule.--The chairperson of the Pennsylvania Board
17 of Probation and Parole may deputize any person to act as an
18 officer and agent of the Commonwealth in effecting the return of
19 any person who has violated the terms and conditions of parole
20 or probation as granted by the Commonwealth. In any matter
21 relating to the return of such person, an agent so deputized has
22 all the powers of a police officer of this Commonwealth.

23 (b) Evidence of deputization.--A deputization under this
24 section must be in writing and a person authorized to act as an
25 agent of the Commonwealth under that authority shall carry
26 formal evidence of the deputization and shall produce it on
27 demand.

28 (c) Interstate contracts.--The chairperson of the
29 Pennsylvania Board of Probation and Parole may, subject to the
30 approval of the Auditor General, enter into contracts with

1 similar officials of any other state for the purpose of sharing
2 an equitable portion of the cost of effecting the return of any
3 person who has violated the terms and conditions of parole or
4 probation as granted by the Commonwealth.

5 § 7122. Supervision of persons paroled by other states.

6 (a) General rule.--In compliance with the Federal interstate
7 compact laws and the provisions of this section, the board may
8 supervise persons who are paroled by other states and reside in
9 this Commonwealth, where such other states agree to perform
10 similar services for the board.

11 (b) Witness Protection Program.--The board may relinquish
12 jurisdiction over a parolee to the proper Federal authorities
13 where the parolee is placed into the Witness Protection Program
14 of the United States Department of Justice.

15 (c) Applicability.--The provisions of this section shall
16 apply only to those persons under the supervision of the board.

17 (d) Contracting state obligations.--The contracting state
18 must adhere to this Commonwealth's laws regarding the interstate
19 compact, which are as follows:

20 (1) The contracting state solemnly agrees that it is
21 competent for the duly constituted judicial and
22 administrative authorities of a state party to the compact,
23 referred to as the "sending state," to permit any person
24 convicted of an offense within such state and placed on
25 probation or released on parole to reside in any other state,
26 referred to as the "receiving state," while on probation or
27 parole if:

28 (i) A confirmed offer of viable employment or other
29 verifiable means of support exists.

30 (ii) A residence approved by the sending state shall

1 be available.

2 (2) The following information must be made available to
3 the receiving state from the sending state at the time the
4 application for acceptance to the receiving state shall be
5 filed:

6 (i) Institutional adjustment information on parolees
7 or probationers.

8 (ii) Current supervision history on parolees or
9 probationers.

10 (iii) A psychological report or psychological
11 update, completed no more than one year prior to the
12 receiving state's consideration, for persons convicted of
13 a violent offense.

14 (iv) The following information must be made
15 available to the receiving state for those cases defined
16 as a sexual offense:

17 (A) A summary of any type of treatment received
18 and dates of completion.

19 (B) A description of behavioral characteristics
20 that may have contributed to the parolee or
21 probationer's conduct.

22 (3) Any parolee or probationer convicted of a sexual
23 offense shall be required to:

24 (i) Submit to mandatory registration and public
25 notification of all current addresses with the
26 Pennsylvania State Police.

27 (ii) Provide a signed copy of the "Pennsylvania
28 State Police Sexual Offender Registration Notification"
29 form and the "Pennsylvania State Police Sexual Offender
30 Registration" form to the receiving state.

1 (iii) Provide a signed copy of "Addendum to
2 Application for Compact Services/Agreement to Return"
3 form to the receiving state.

4 (4) Except as provided in this subsection, the receiving
5 state shall not consider the acceptance of supervision if the
6 parolee is already physically present in this Commonwealth.
7 Investigation and consideration of a case shall occur only
8 after the parolee returns to the sending state and proper
9 application is filed. The receiving state may consider the
10 acceptance of supervision if the probationer is already
11 physically present in this Commonwealth, where the
12 probationer has established domicile in the receiving state
13 before adjudication on the criminal offense.

14 (5) Electronic monitoring or other special conditions,
15 or both, of supervision shall be imposed as deemed necessary
16 by the receiving state.

17 (6) At the request of the receiving state, the sending
18 state shall agree to retake the parolee or probationer if
19 that individual violates any condition of probation or
20 parole.

21 (e) Definitions.--As used in this section the following
22 words and phrases shall have the meaning given to them in this
23 subsection unless the context clearly indicates otherwise:

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

25 "Sexual offense."

26 (1) Any of the following offenses or an equivalent
27 offense that is classified as a felony and involves a victim
28 who is a minor:

29 18 Pa.C.S. § 2901 (relating to kidnapping).

30 18 Pa.C.S. § 5902(a) (relating to prostitution and

1 related offenses).

2 18 Pa.C.S. § 5903(a)(3), (4), (5) or (6) (relating to
3 obscene and other sexual materials and performances).

4 (2) Any of the following offenses or an equivalent
5 offense that is classified as a felony and involves a victim
6 who is younger than 13 years of age:

7 18 Pa.C.S. § 3126 (relating to indecent assault).

8 (3) Any of the following offenses or an equivalent
9 offense, regardless of the victim's age:

10 18 Pa.C.S. § 3121 (relating to rape).

11 18 Pa.C.S. § 3123 (relating to involuntary deviate
12 sexual intercourse).

13 18 Pa.C.S. § 3125 (relating to aggravated indecent
14 assault).

15 "Violent offense."

16 (1) Any of the following offenses or an equivalent
17 offense:

18 18 Pa.C.S. § 2502 (relating to murder).

19 18 Pa.C.S. § 2503 (relating to voluntary
20 manslaughter).

21 18 Pa.C.S. § 2702 (relating to aggravated assault).

22 18 Pa.C.S. § 2703 (relating to assault by prisoner).

23 18 Pa.C.S. § 2704 (relating to assault by life
24 prisoner).

25 18 Pa.C.S. § 2901 (relating to kidnapping) where the
26 victim is a minor.

27 18 Pa.C.S. § 3121 (relating to rape).

28 18 Pa.C.S. § 3123 (relating to involuntary deviate
29 sexual intercourse).

30 18 Pa.C.S. § 3301 (relating to arson and related

1 offenses).

2 18 Pa.C.S. § 3502 (relating to burglary).

3 18 Pa.C.S. § 3701 (relating to robbery).

4 18 Pa.C.S. § 3923 (relating to theft by extortion)
5 where a threat of violence is made.

6 (2) A criminal attempt, criminal solicitation or
7 criminal conspiracy to commit any offenses set forth in this
8 definition.

9 "Other verifiable means of support." The term includes, but
10 is not limited to, support by parent, grandparent, sibling,
11 spouse or adult child. The term does not include public
12 assistance.

13 § 7123. Penalty.

14 A person who is on parole or probation in another state and
15 who resides in this Commonwealth in violation of section 6373
16 (relating to supervision of persons paroled by other states)
17 commits a misdemeanor of the first degree and shall be sentenced
18 to pay a fine of not more than \$10,000 or to imprisonment for
19 not more than five years, or both.

20 Section 5. The addition of 61 Pa.C.S. Pts. I, II, III, IV
21 and V is a continuation of the acts and parts of acts listed in
22 section 7 of this act, except for the following:

23 Act of January 17, 1831 (P.L.12, No.12), entitled "A further
24 supplement to an act, entitled, An act to reform the penal laws
25 of this Commonwealth."

26 Sections 3 and 14 of the act of April 14, 1835 (P.L.232,
27 No.140), entitled "A supplement to the act entitled An act to
28 provide for the erection of a new prison and a debtors'
29 apartment within the city and county of Philadelphia, and for
30 the sale of the county prison in Walnut street in said city."

1 Section 11 of the act of February 8, 1842 (P.L.12, No.10),
2 entitled "A supplement to an act entitled 'An act relating to
3 the prison of the county of Chester,' approved February first,
4 one thousand eight hundred and thirty-nine, and relative to the
5 Dauphin county prison."

6 The act of January 4, 1856 (P.L.711, No.661), entitled "A
7 further supplement to an act, entitled 'An Act to provide for
8 the erection of a new prison and debtors' apartment within the
9 city and county of Philadelphia, and for the sale of the county
10 prison in Walnut street in the said city, approved April
11 fourteenth, one thousand eight hundred thirty-five.'"

12 Sections 8, 12 and 14 of the act of June 2, 1871 (P.L.1301,
13 No.1209), entitled "An act to establish and maintain for the
14 city of Philadelphia, a house of correction, employment and
15 reformation for adults and minors."

16 Act of June 8, 1874 (P.L.278, No.163), entitled "An act
17 relating to prison inspectors and regulating prisons."

18 Sections 2 and 4 of the act of June 13, 1883 (P.L.112,
19 No.99), entitled "An act to abolish the contract system in the
20 prisons and reformatory institutions of the State of
21 Pennsylvania, and to regulate the wages of the inmates."

22 Act of June 22, 1897 (P.L.182, No.150), entitled "A
23 supplement to an act entitled 'An act for the punishment of
24 cruelty to animals in this Commonwealth,' approved the twenty-
25 ninth day of March, one thousand eight hundred and sixty-nine,
26 requiring the keepers or persons in charge of all jails, lock-
27 ups and station-houses within the Commonwealth to receive all
28 persons arrested for any violation of the provisions of said
29 act."

30 Act of May 25, 1907 (P.L.247, No.191), entitled "An act

1 authorizing the employment of male prisoners of the jails, and
2 workhouses of this Commonwealth upon the public highways of the
3 several counties, and regulating the same; and providing for the
4 establishment of Prison Boards, the purchase of material and
5 tools, and employment of deputies, at the expense of the proper
6 county, and a penalty for the escape of prisoners while employed
7 outside of said jails, workhouses."

8 Act of May 28, 1913 (P.L.363, No.247), entitled "An act
9 regulating the discharge of prisoners on parole, from the penal
10 institutions of the Commonwealth."

11 Section 9 of the act of July 25, 1913 (P.L.1311, No.816),
12 entitled "An act providing for the establishment of a State
13 Industrial Home for Women; authorizing the purchase of a site,
14 and the erection thereon and equipment of necessary buildings;
15 providing for the commitment to said State Industrial Home for
16 Women of females between the ages of sixteen and thirty years,
17 convicted of, or pleading guilty to, the commission of any
18 criminal offense; and providing for the government and
19 management of said institution; and making an appropriation to
20 carry out the purposes of this act."

21 Act of July 19, 1917 (P.L.1117, No.378), entitled "An act
22 providing for the establishment, in cities of the first class,
23 of a house or houses of detention for witnesses and untried
24 prisoners; for the commitment of such prisoners and witnesses
25 thereto; and for the payment of the cost of establishing and
26 maintaining the same by the county wherein said cities are
27 situated."

28 Act of May 1, 1929 (P.L.1184, No.416), entitled "An act
29 conferring and imposing certain powers and duties upon the State
30 Board of Pardons with respect to inmates of State penal and

1 correctional institutions released on parole."

2 Act of June 22, 1931 (P.L.864, No.280), entitled "An act
3 making a convict whose minimum sentence exceeds one-half of the
4 maximum sentence eligible to apply for release on parole when
5 said convict has served or will have served one-half his maximum
6 sentence."

7 Sections 25, 31, 32, 33, 33.1 and 34.1 of the act of August
8 6, 1941 (P.L.861, No.323), entitled, as amended, "An act to
9 create a uniform and exclusive system for the administration of
10 parole in this Commonwealth; providing state probation services;
11 establishing the 'Pennsylvania Board of Probation and Parole';
12 conferring and defining its jurisdiction, duties, powers and
13 functions; including the supervision of persons placed upon
14 probation and parole in certain designated cases; providing for
15 the method of appointment of its members; regulating the
16 appointment, removal and discharge of its officers, clerks and
17 employees; dividing the Commonwealth into administrative
18 districts for purposes of probation and parole; fixing the
19 salaries of members of the board and of certain other officers
20 and employees thereof; making violations of certain provisions of
21 this act misdemeanors; providing penalties therefor; and for
22 other cognate purposes, and making an appropriation."

23 Section 5 of the act of August 13, 1963 (P.L.774, No.390),
24 entitled "An act authorizing courts to permit certain prisoners
25 to leave jail during reasonable and necessary hours for
26 occupational, scholastic or medical purposes; conferring powers
27 and imposing duties upon courts, county commissioners and
28 sheriffs and other persons in charge of a jail or workhouse."

29 Act of December 27, 1965 (P.L.1237, No.502), entitled "An act
30 establishing regional correctional facilities administered by

1 the Bureau of Correction as part of the State correctional
2 system; establishing standards for county jails, and providing
3 for inspection and classification of county jails and for
4 commitment to State correctional facilities and county jails."

5 Act of March 21, 1986 (P.L.64, No.19), known as the Private
6 Prison Moratorium and Study Act.

7 Chapters 3, 5, 9 and 11 of the act of July 1, 1990 (P.L.315,
8 No.71), known as the Prison Facilities Improvement Act.

9 Section 6. The following shall apply:

10 (1) Except as otherwise provided in 61 Pa.C.S. Pts. I,
11 II, III, IV and V, all activities initiated under any of the
12 acts identified in section 5 of this act shall continue and
13 remain in full force and effect and may be completed under 61
14 Pa.C.S. Pts. I, II, III, IV and V. Resolutions, orders,
15 regulations, rules and decisions which were made under any of
16 the acts identified in section 5 of this act and which are in
17 effect on the effective date of this section shall remain in
18 full force and effect until revoked, vacated or modified
19 under 61 Pa.C.S. Pts. I, II, III, IV and V. Contracts,
20 obligations and agreements entered into under any of the acts
21 identified in section 5 of this act are not affected nor
22 impaired by the continuation of the acts and parts of acts
23 identified in section 5.

24 (2) Any difference in language between 61 Pa.C.S. Pts.
25 I, II, III, IV and V and the acts identified in section 5 of
26 this act is intended only to conform to the style of the
27 Pennsylvania Consolidated Statutes and is not intended to
28 change or affect the legislative intent, judicial
29 construction or administrative interpretation and
30 implementation of those acts, except as follows:

1 61 Pa.C.S. Part I.

2 61 Pa.C.S. § 3104(f).

3 The definition of "motivational boot camp" in 61 Pa.C.S.
4 § 3903, by deleting an obsolete reference to ventilation
5 therapy.

6 61 Pa.C.S. § 5903, by adding a reference to civilian
7 clothing to conform to Department of Corrections policy.

8 61 Pa.C.S. § 6112(a)(5).

9 61 Pa.C.S. § 6138(a)(5)(ii) and (d) to conform to
10 Department of Corrections policy.

11 Section 7. (a) The repeals in this section are necessary to
12 effectuate this act.

13 (b) The following acts and parts of acts are repealed:

14 Act of March 29, 1819 (P.L.232, No.146), entitled "An act to
15 prevent the coroner of Philadelphia county from holding inquests
16 in certain cases, and for other purposes."

17 Act of January 17, 1831 (P.L.12, No.12), entitled "A further
18 supplement to an act, entitled, An act to reform the penal laws
19 of this Commonwealth."

20 Act of April 14, 1835 (P.L.232, No.140), entitled "A
21 supplement to the act entitled 'An act to provide for the
22 erection of a new prison and a debtors' apartment within the
23 city and county of Philadelphia, and for the sale of the county
24 prison in Walnut street in said city.'"

25 Act of February 8, 1842 (P.L.12, No.10), entitled "A
26 supplement to an act entitled 'An act relating to the prison of
27 the county of Chester,' approved February first, one thousand
28 eight hundred and thirty-nine, and relative to the Dauphin
29 county prison."

30 Section 5 of the act of April 16, 1845 (P.L.507, No.342),

1 entitled "An act to provide for the ordinary expenses of the
2 government, repair of the canals and railroads of the state, and
3 other claims upon the commonwealth."

4 Act of January 4, 1856 (P.L.711, No.661), entitled "A further
5 supplement to an act, entitled 'An act to provide for the
6 erection of a new prison and debtors' apartment within the city
7 and county of Philadelphia, and for the sale of the county
8 prison in Walnut street in the said city,' approved April
9 fourteenth, one thousand eight hundred thirty-five."

10 Act of April 18, 1857 (P.L.253, No.295), entitled "A further
11 supplement to an act to Reform the Penal Laws of this
12 Commonwealth, approved the seventeenth day of January, Anno
13 Domini one thousand eight hundred and thirty-one."

14 Act of May 1, 1861 (P.L.528, No.491), entitled "An act
15 granting further Powers to the Inspectors of the Philadelphia
16 County Prison."

17 Act of April 17, 1867 (P.L.87, No.68), entitled "An act to
18 authorize the Governor to appoint a person to visit prisons and
19 almshouses."

20 Act of June 2, 1871 (P.L.1301, No.1209), entitled "An act to
21 establish and maintain for the city of Philadelphia, a house of
22 correction, employment and reformation for adults and minors."

23 Act of June 8, 1874 (P.L.278, No.163), entitled "An act
24 relating to prison inspectors and regulating prisons."

25 Act of June 13, 1883 (P.L.112, No.99), entitled "An act to
26 abolish the contract system in the prisons and reformatory
27 institutions of the State of Pennsylvania, and to regulate the
28 wages of the inmates."

29 Act of June 20, 1883 (P.L.125, No.110), entitled "An act to
30 require a brand upon all goods, wares, merchandise or other

1 article or thing made for sale by convict labor in any
2 penitentiary, reformatory prison, school or other establishment
3 in which convict labor is employed."

4 Act of May 9, 1889 (P.L.154, No.170), entitled "An act
5 authorizing and empowering boards of prison inspectors, in
6 counties where such boards exist, to fix the salaries of deputy
7 wardens, keepers and other persons employed in and about the
8 jails of such counties."

9 Act of June 26, 1895 (P.L.377, No.269), entitled "An act
10 authorizing the erection of work-houses in the several counties
11 of this Commonwealth."

12 Act of May 11, 1897 (P.L.49, No.41), entitled "An act
13 relating to appointment of Prison Commissioners in counties of
14 the Commonwealth having over one hundred and fifty thousand
15 population."

16 Act of June 22, 1897 (P.L.182, No.150), entitled "A
17 supplement to an act, entitled 'An act for the punishment of
18 cruelty to animals in this Commonwealth,' approved the twenty-
19 ninth day of March, one thousand eight hundred and sixty-nine,
20 requiring the keepers or persons in charge of all jails, lock-
21 ups and station-houses within the Commonwealth to receive all
22 persons arrested for any violation of the provisions of said
23 act."

24 Act of April 28, 1899 (P.L.89, No.75), entitled "An act
25 authorizing the employment of male prisoners of the jails and
26 workhouses of this Commonwealth, and regulating the same, and
27 providing a penalty for an escape of prisoners while employed
28 outside of said jails or workhouses."

29 Act of March 20, 1903 (P.L.45, No.48), entitled "An act to
30 make active or visiting committees, of societies incorporated

1 for the purpose of visiting and instructing prisoners, official
2 visitors of penal and reformatory institutions."

3 Act of May 25, 1907 (P.L.247, No.191), entitled "An act
4 authorizing the employment of male prisoners of the jails, and
5 workhouses of this Commonwealth upon the public highways of the
6 several counties, and regulating the same; and providing for the
7 establishment of Prison Boards, the purchase of material and
8 tools, and employment of deputies, at the expense of the proper
9 county, and a penalty for the escape of prisoners while employed
10 outside of said jails, workhouses."

11 Act of April 23, 1909 (P.L.141, No.92), entitled "An act
12 providing for the use of borough and township lockups and city
13 or county prisons, for the detention of prisoners arrested by
14 sheriffs, constables, members of the State constabulary, or
15 other persons authorized by the laws of the Commonwealth to make
16 arrests, and entitling boroughs, townships, and cities to
17 receive remuneration for the same."

18 Act of May 14, 1909 (P.L.838, No.656), entitled "An act to
19 define the rights and functions of official visitors of jails,
20 penitentiaries, and other penal or reformatory institutions, and
21 providing for their removal."

22 Act of May 11, 1911 (P.L.274, No.176), entitled "An act to
23 prohibit the bringing into prisons of all weapons or other
24 implements which may be used to injure any convict or person, or
25 in assisting any convict to escape punishment, or the selling or
26 furnishing of same to convicts; to prohibit the bringing into
27 prisons of all spirituous or fermented liquors, drugs,
28 medicines, poisons, opium, morphine, or any other kind or
29 character of narcotics; or the giving, selling or furnishing of
30 spirituous or fermented liquor, drugs, medicine, poison, opium,

1 morphine, or any other kind or character of narcotics; or
2 bringing into or taking out letters, notes, money, or contraband
3 goods of any kind, whatsoever; and providing a penalty for the
4 violation thereof."

5 Act of June 7, 1911 (P.L.677, No.268), entitled "An act
6 providing for the payment of the costs of proceedings and the
7 expenses of maintaining prisoners committed to county prisons,
8 either for non-payment of fines or penalties imposed for, or
9 while awaiting a hearing upon, any charge for the violation of
10 any city or borough ordinance, or any ordinance of townships of
11 the first class, by the city, borough, or township of the first
12 class whose ordinances are alleged to have been violated, or to
13 which any such fines or penalties are payable."

14 Act of June 19, 1911 (P.L.1059, No.813), referred to as the
15 County Jail and Workhouse Parole Law.

16 Act of May 28, 1913 (P.L.363, No.247), entitled "An act
17 regulating the discharge of prisoners on parole, from the penal
18 institutions of the Commonwealth."

19 Act of June 19, 1913 (P.L.532, No.340), entitled "A
20 supplement to an act approved the nineteenth day of June, one
21 thousand nine hundred eleven, entitled 'An act authorizing the
22 release on probation of certain convicts, instead of imposing
23 sentences; the appointment of probation and parole officers, and
24 the payment of their salaries and expenses; regulating the
25 manner of sentencing convicts in certain cases, and providing
26 for their release on parole; their conviction of crime during
27 parole, and their re-arrest and reconviction for breach of
28 parole; and extending the powers and duties of boards of prison
29 inspectors of penitentiaries.'"

30 Act of July 22, 1913 (P.L.912, No.437), entitled "An act

1 providing for the payment of the costs incurred in the trial of
2 convicts and prisoners escaping, or attempting to escape, from
3 the several penitentiaries and reformatories of the Commonwealth
4 of Pennsylvania, by the respective counties from whose courts
5 the said escaping convicts or prisoners have been committed; and
6 providing for the maintenance of such convicts under sentence
7 for escape, et cetera."

8 Section 9 of the act of July 25, 1913 (P.L.1311, No.816),
9 entitled "An act providing for the establishment of a State
10 Industrial Home for Women; authorizing the purchase of a site,
11 and the erection thereon and equipment of necessary buildings;
12 providing for the commitment to said State Industrial Home for
13 Women of females between the ages of sixteen and thirty years,
14 convicted of, or pleading guilty to, the commission of any
15 criminal offense; and providing for the government and
16 management of said institution; and making an appropriation to
17 carry out the purposes of this act."

18 Act of May 24, 1917 (P.L.283, No.150), entitled "An act
19 fixing the residence of the warden of the county jail or prison,
20 in counties of this Commonwealth where the government of such
21 jail or prison is or may hereafter be vested in a prison board."

22 Act of July 17, 1917 (P.L.1036, No.337), entitled "A Joint
23 Resolution authorizing the authorities having control and
24 supervision of county jails and prisons to permit the employment
25 of inmates thereof on county or almshouse farms; exempting
26 wardens and keepers from liability in certain cases for
27 escapes."

28 Act of July 19, 1917 (P.L.1117, No.378), entitled "An act
29 providing for the establishment, in cities of the first class,
30 of a house or houses of detention for witnesses and untried

1 prisoners; for the commitment of such prisoners and witnesses
2 thereto; and for the payment of the cost of establishing and
3 maintaining the same by the county wherein said cities are
4 situated."

5 Act of May 31, 1919 (P.L.356, No.170), entitled, as amended,
6 "An act authorizing courts of record to remove convicts and
7 persons confined in jails, workhouses, reformatories, reform or
8 industrial schools, penitentiaries, prisons, houses of
9 correction or any other penal institutions, who are seriously
10 ill, to other institutions; and providing penalties for breach
11 of prison."

12 Act of May 10, 1921 (P.L.433, No.209), entitled "An act
13 providing for the sentencing of certain criminals to
14 reformatories or houses of correction in counties of the first
15 class."

16 Act of May 16, 1921 (P.L.579, No.262), referred to as the
17 County Prison Board Law.

18 Act of May 19, 1923 (P.L.271, No.172), entitled "An act
19 providing a system of employment and compensation for the
20 inmates of county jails and prisons."

21 Act of June 14, 1923 (P.L.775, No.306), entitled "An act to
22 provide for the physical welfare of all persons confined
23 (whether such persons be tried or untried prisoners) in any
24 penitentiary or county prison in this Commonwealth."

25 Act of July 11, 1923 (P.L.1044, No.425), referred to as the
26 Prisoner Transfer Law.

27 Act of April 27, 1927 (P.L.414, No.270), entitled, as
28 amended, "An act providing for a system of recording the
29 identification of persons convicted of crime, and of fugitives
30 from justice, and habitual criminals; conferring powers and

1 imposing duties upon the Pennsylvania State Police, district
2 attorneys, police officers, wardens or keepers of jails,
3 prisons, workhouses, or other penal institutions, and sheriffs;
4 providing for the payment of certain expenses by the counties;
5 and imposing penalties."

6 Sections 903-B and 904-B of the act of April 9, 1929
7 (P.L.177, No.175), known as The Administrative Code of 1929.

8 Act of May 1, 1929 (P.L.1182, No.414), entitled "An act
9 providing the procedure and the powers of the State Board of
10 Pardons and boards of trustees of penitentiaries where prisoners
11 released on parole violate the terms of such parole; and fixing
12 the penalty for such violation."

13 Act of May 1, 1929 (P.L.1184, No.416), entitled "An act
14 conferring and imposing certain powers and duties upon the State
15 Board of Pardons with respect to inmates of State penal and
16 correctional institutions released on parole."

17 Act of May 20, 1931 (P.L.138, No.99), entitled "An act
18 permitting the sale of prison made goods, in counties of the
19 first class, to such counties and to cities and school districts
20 and to political subdivisions of such counties and to certain
21 institutions therein; permitting contracts for such sales and
22 purchases, without advertising or competitive bidding;
23 permitting payment of compensation to inmates; and repealing
24 inconsistent laws."

25 Act of June 12, 1931 (P.L.512, No.166), referred to as the
26 Industrial Farms and Workhouses Law.

27 Act of June 22, 1931 (P.L.864, No.280), entitled "An act
28 making a convict whose minimum sentence exceeds one-half of the
29 maximum sentence eligible to apply for release on parole when
30 said convict has served or will have served one-half his maximum

1 sentence."

2 Act of June 21, 1939 (P.L.660, No.307), entitled, as amended,
3 "An act providing for the return of escaped prisoners and
4 convicts after apprehension, to the penitentiary or state
5 institution from which they escape, by the agents of the
6 Department of Justice or the Pennsylvania State Police, and
7 requiring the penitentiary or state institution to defray the
8 expenses thereof."

9 Act of August 6, 1941 (P.L.861, No.323), referred to as the
10 Pennsylvania Board of Probation and Parole Law.

11 Act of May 17, 1945 (P.L.628, No.268), entitled "An act
12 requiring boards of prison inspectors in counties of the fourth
13 class to pay the premiums on all bonds required of employes
14 appointed by the board."

15 Act of May 11, 1949 (P.L.1191, No.359), entitled "An act for
16 the government, management and control of county jails and
17 prisons in counties of sixth, seventh and eighth classes."

18 Article XXX-A of the act of July 28, 1953 (P.L.723, No.230),
19 known as the Second Class County Code.

20 Act of December 13, 1955 (P.L.829, No.240), entitled "An act
21 authorizing the commitment to the Department of Public Welfare
22 in any city of the first class persons convicted of crimes and
23 sentences by courts situate within such city to a city or county
24 penal institution, where such Department has established a
25 correctional, diagnostic and classification service, and
26 authorizing the transfer of prisoners between such institutions
27 by the Department."

28 Act of December 13, 1955 (P.L.841, No.246), entitled "An act
29 authorizing cooperative return of parole and probation violators
30 and the making of contracts or deputization of persons pursuant

1 thereto."

2 Act of August 6, 1963 (P.L.521, No.277), entitled "An act
3 providing that probation officers shall have the power of peace
4 officers in the performance of their duties."

5 Act of August 13, 1963 (P.L.774, No.390), entitled "An act
6 authorizing courts to permit certain prisoners to leave jail
7 during reasonable and necessary hours for occupational,
8 scholastic or medical purposes; conferring powers and imposing
9 duties upon courts, county commissioners and sheriffs and other
10 persons in charge of a jail or workhouse."

11 Act of December 22, 1965 (P.L.1189, No.472), entitled "An act
12 establishing a correctional facility for criminological
13 diagnosis, classification, social and psychological treatment
14 and research, medical treatment and staff training."

15 Act of December 27, 1965 (P.L.1237, No.502), entitled "An act
16 establishing regional correctional facilities administered by
17 the Bureau of Correction as part of the State correctional
18 system; establishing standards for county jails, and providing
19 for inspection and classification of county jails and for
20 commitment to State correctional facilities and county jails."

21 Act of July 16, 1968 (P.L.351, No.173), referred to as the
22 Prisoner Pre-release Plan Law.

23 Act of December 22, 1969 (P.L.394, No.175), entitled "An act
24 providing for the establishment, operation and maintenance of
25 detention facilities for certain persons by adjoining counties
26 on approval by the Bureau of Correction."

27 Act of October 16, 1972 (P.L.913, No.218), entitled "An act
28 establishing regional community treatment centers for women
29 administered by the Bureau of Correction of the Department of
30 Justice as part of the State Correctional System, providing for

1 the commitment of females to such centers and their temporary
2 release therefrom for certain purposes, restricting confinement
3 of females in county jails and conferring powers and duties upon
4 the Department of Justice and the Bureau of Correction."

5 Act of December 30, 1974 (P.L.1075, No.348), known as the
6 Interstate Corrections Compact.

7 Act of March 21, 1986 (P.L.64, No.19), known as the Private
8 Prison Moratorium and Study Act.

9 Chapters 3, 5, 9 and 11 of the act of July 1, 1990 (P.L.315,
10 No.71), known as the Prison Facilities Improvement Act.

11 Act of December 7, 1990 (P.L.615, No.156), known as the
12 Official Visitation of Prisons Act.

13 Act of December 19, 1990 (P.L.1391, No.215), known as the
14 Motivational Boot Camp Act.

15 Act of December 27, 1994 (P.L.1354, No.158), known as the
16 County Probation and Parole Officers' Firearm Education and
17 Training Law.

18 Act of May 16, 1996 (P.L.220, No.40), known as the Prison
19 Medical Services Act.

20 Act of June 18, 1998 (P.L.622, No.80), entitled "An act
21 providing for a procedure and method of execution; and making
22 repeals."

23 Act of December 3, 1998 (P.L.932, No.120), entitled "An act
24 requiring all prison inmates to wear identifiable prison
25 uniforms while incarcerated."

26 Act of June 19, 2002 (P.L.377, No.56), known as the
27 Interstate Compact for the Supervision of Adult Offenders Act.

28 (c) The following acts are also repealed:

29 Act of June 25, 1937 (P.L.2086, No.415), entitled "An act
30 providing for the making of compacts by the Commonwealth with

1 other states for mutual helpfulness in relation to persons on
2 probation or parole; and imposing certain powers and duties on
3 the Governor and the Board of Pardons."

4 Act of July 20, 1968 (P.L.441, No.207), entitled "An act
5 providing for the incarceration of probationers or parolees in
6 certain other states under certain circumstances."

7 (d) The act of December 8, 1959 (P.L.1718, No.632),
8 entitled, as amended, "An act providing for the payment of the
9 salary, medical and hospital expenses of employes of State penal
10 and correctional institutions, State mental hospitals, Youth
11 Development Centers, County Boards of Assistance, and under
12 certain conditions other employes of the Department of Public
13 Welfare, who are injured in the performance of their duties; and
14 providing benefit to their widows and dependents in certain
15 cases," is repealed insofar as it relates to employees of State
16 correctional institutions as that term is defined in 61 Pa.C.S.
17 § 102 (relating to definitions).

18 Section 8. A reference in any act or part of an act to:

19 (1) A parole agent of a county shall be deemed a
20 reference to a probation officer.

21 (2) A parole officer of the State shall be deemed a
22 reference to a parole agent.

23 (3) The County Probation and Parole Officers' Firearm
24 Education and Training Program shall be deemed a reference to
25 the County Probation Officers' Firearm Education and Training
26 Program.

27 (4) The County Probation and Parole Officers' Firearm
28 Education and Training Fund shall be deemed a reference to
29 the County Probation Officers' Firearm Education and Training
30 Fund.

1 Section 9. The County Probation Officers' Firearm Education
2 and Training Commission is a continuation of the County
3 Probation and Parole Officers' Firearm Education and Training
4 Commission.

5 Section 10. The County Probation Officers' Firearm Education
6 and Training Fund is a continuation of the County Probation and
7 Parole Officers' Firearm Education and Training Fund.

8 Section 11. This act shall take effect as follows:

9 (1) Section 7(c) of this act shall take effect on the
10 date that the Interstate Compact for the Supervision of Adult
11 Offenders becomes effective and operative between this State
12 and any other state or states in accordance with 61 Pa.C.S. §
13 7113.

14 (2) The remainder of this act shall take effect
15 immediately.