

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2734 Session of 2010

INTRODUCED BY BARRAR, BELFANTI, BOBACK, CONKLIN, GOODMAN, HELM, KILLION, KORTZ, MILLER, MOUL, READSHAW, REICHLEY, SWANGER, TRUE, VULAKOVICH, BEYER AND BOYLE, SEPTEMBER 17, 2010

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, SEPTEMBER 17, 2010

AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania
2 Consolidated Statutes, in general administration,
3 establishing the Pennsylvania Public Alert System.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 61 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 1165. Pennsylvania Public Alert System.

9 (a) Establishment.--The department and county correctional
10 facilities shall jointly establish and maintain an automated
11 notification system, to be known as the Pennsylvania Public
12 Alert System, to alert members of the public in the event of
13 escape by a person officially detained or confined in a
14 correctional institution.

15 (b) Protocols and procedures.--The department and county
16 correctional institutions shall jointly establish such protocols
17 and procedures as are necessary for the effective operation of

1 the system and shall educate and inform the public regarding its
2 availability. At a minimum, the system shall have the following
3 features:

4 (1) Allow persons within a two-mile radius of a
5 correctional institution to register for notification,
6 through the Internet website, electronic mail, text message,
7 pager or telephone, of an escape.

8 (2) Allow schools and child-care centers within a ten-
9 mile radius of a correctional institution to register to
10 receive notification, through the Internet website,
11 electronic mail, text message, pager or telephone, of an
12 escape.

13 (3) Allow persons outside a two-mile radius of a
14 correctional institution, to receive notification, through
15 the Internet website, electronic mail, text message, pager or
16 telephone, of an escape.

17 (c) Annual update of registration information.--For
18 registrants under subsection (b)(1) and (2), the department and
19 county correctional institutions shall jointly update
20 registration information on an annual basis.

21 (d) Duties.--

22 (1) Notice of an escape shall be provided to members of
23 the public, schools and child-care centers who have
24 registered to receive such notifications through the system.

25 (2) Where the person who escapes is an adult and
26 officially detained or confined in a State correctional
27 institution, a community-based correctional facility or
28 alternative residential facility under the jurisdiction of
29 the department, the department shall provide immediate
30 notification of the escape to all system registrants. The

1 department shall also provide registrants with notification
2 of subsequent apprehension of the person who escaped.

3 (3) Where the person who escaped is an adult and
4 officially detained or confined in a county correctional
5 institution, a community-based correctional facility or
6 alternative residential facility operated by a county or
7 under contract with a county, the county correctional
8 institution shall provide immediate notification of the
9 escape to all system registrants. The county correctional
10 institution shall also provide registrants with notification
11 of subsequent apprehension of the person who escaped.

12 (4) Where the person who escapes is a juvenile and has
13 been ordered to residential placement, a shelter facility or
14 a detention center operated by a county or under contract
15 with a county, the county correctional institution shall
16 provide immediate notification of the escape to all system
17 registrants. The county correctional institution shall also
18 provide registrants with notification of subsequent
19 apprehension of the person who escaped.

20 (5) Where the person who escapes is an adult or a
21 juvenile and is committed to a mental health facility from a
22 State correctional institution or a county correctional
23 institution, the department or county correctional
24 institution which placed the person shall provide immediate
25 notification of the escape to all system registrants. The
26 entity responsible for notification shall also provide
27 registrants with notification of subsequent apprehension of
28 the person who escaped.

29 (e) Policies.--

30 (1) The department and county correctional institution

1 shall develop written policies regarding the public
2 notification procedure. The policies shall:

3 (i) Identify how the public registers for
4 notification, the circumstances under which public
5 notification will take place and who is responsible for
6 the notification.

7 (ii) Include procedures for securing updated
8 information from registrants, annual system checks and
9 the handling of false alarms.

10 (2) The system, policies and procedures implemented by
11 each correctional institution shall be subject to annual
12 review in conjunction with the annual inspection conducted by
13 the department.

14 (f) Definitions.--The following words and phrases when used
15 in this act shall have the meanings given to them in this
16 section unless the context clearly indicates otherwise:

17 "Child-care center." A child day-care center, group and
18 family day-care home, boarding home for children or other
19 facility that provides child-care services subject to approval,
20 licensure, registration or certification by the Department of
21 Public Welfare or a county social services agency or are
22 provided pursuant to a contract with the Department of
23 Corrections or a county social services agency.

24 "Correctional institution." The term includes a community-
25 based correctional facility, alternative residential facility,
26 juvenile detention center or private residential rehabilitative
27 institution.

28 "County correctional institution." The term includes a
29 detention facility operated by a county or jointly by more than
30 one county or under contract with a county or counties for the

1 confinement of individuals for safe custody.

2 "Escape." The unauthorized absence or departure or
3 unauthorized removal of a person from official detention or the
4 failure of a person to return to official detention following
5 temporary leave granted for a specific purpose or limited
6 period.

7 "Juvenile." An individual who is alleged or has been found
8 to be a "delinquent child" as defined in 42 Pa.C.S. § 6302
9 (relating to definitions).

10 "Official detention." Detention in a facility for custody of
11 persons under charge or conviction of a crime or alleged or
12 found to be delinquent. The phrase does not include supervision
13 of probation or parole, or constraint incidental to release on
14 bail.

15 "School." A public or private school, intermediate unit or
16 area vocational-technical school.

17 "System." The Pennsylvania Public Alert System established
18 by this section.

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