

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 549 Session of  
2021

INTRODUCED BY A. WILLIAMS, STREET, SAVAL, COLLETT, KEARNEY,  
KANE, SCHWANK AND COSTA, APRIL 14, 2021

REFERRED TO JUDICIARY, APRIL 14, 2021

AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania  
2 Consolidated Statutes, establishing the Temporary Disaster  
3 Emergency Inmate Transfer Program.

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 chapter to read:

8 CHAPTER 37A

9 TEMPORARY DISASTER EMERGENCY INMATE

10 TRANSFER PROGRAM

11 Sec.

12 37A01. Definitions.

13 37A02. Temporary Disaster Emergency Inmate Transfer Program.

14 37A03. Notice.

15 37A04. Procedure.

16 37A05. Status.

17 37A06. Expiration.

18 § 37A01. 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:

"Community corrections center." As defined in section 5001 (relating to definitions).

"Community corrections facility." As defined in section 5001.

"COVID-19." The novel coronavirus as identified in the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020).

"Home confinement." The restriction to one's residence, with restrictions on travel and the impositions of other terms and conditions determined by the department.

"Vulnerable inmate." An inmate who meets all of the following:

(1) Is in the custody of the department.

(2) Has an autoimmune disorder or serious chronic medical condition that, according to guidance published by the Centers for Disease Control and Prevention, places the individual at a higher risk for complications from COVID-19, such as heart disease, diabetes, chronic respiratory disease or cancer.

§ 37A02. Temporary Disaster Emergency Inmate Transfer Program.

The department shall establish a Temporary Disaster Emergency Inmate Transfer Program to reduce exposure to COVID-19 and permit the transfer of a vulnerable inmate to a community corrections center, community corrections facility or home confinement.

§ 37A03. Notice.

(a) Requirement.--The department shall notify the applicable

county sentencing court and prosecuting attorney of the  
department's intent to transfer a vulnerable inmate to a  
community corrections center, community corrections facility or  
home confinement no less than five days before the transfer.

(b) Method.--Notifications and other communications under  
this section may be electronic.

§ 37A04. Procedure.

(a) Reentry plan.--Prior to an inmate being transferred  
under this chapter, a reentry plan, including access to  
rehabilitative programming that addresses reentry needs, must be  
approved by the department. The department shall determine  
reentry needs based on information contained in a risk and needs  
assessment and the vulnerable inmate's correctional plan.

(b) Assigned designation.--A vulnerable inmate may be  
transferred to a community corrections center, community  
corrections facility or to home confinement. A vulnerable inmate  
transferred under this chapter may not be permitted to leave the  
community corrections center, community corrections facility or  
home confinement without the prior consent of the department.

(c) Notification.--Upon completion of the requirements under  
subsection (a), the department may transfer a vulnerable inmate.  
A vulnerable inmate shall be notified and transferred  
immediately.

(d) Medical screening.--A vulnerable inmate may not be  
transferred under this chapter until the inmate passes a medical  
screening for COVID-19, as recommended by the Centers for  
Disease Control and Prevention.

(e) Information.--The department shall provide the board all  
information related to the conduct of a vulnerable inmate  
transferred under this chapter. The department and board may

1 consider the information for purposes of complying with their  
2 responsibilities under law.

3 § 37A05. Status.

4 After the temporary authority to transfer a vulnerable inmate  
5 under this chapter has expired, the following shall apply:

6 (1) A vulnerable inmate transferred under this chapter  
7 shall remain under the supervision of the department with  
8 credit for time served while subject to this chapter. Failure  
9 of an inmate to report or return from the assigned  
10 destination shall be deemed an offense under 18 Pa.C.S. §  
11 5121 (relating to escape). A police officer commissioned  
12 under section 1 of the act of May 21, 1943 (P.L.469, No.210),  
13 entitled "An act providing for commissioning as police  
14 officers certain employes of institutions maintained in whole  
15 or in part by the Commonwealth; conferring upon them the  
16 powers of constables in certain cases; and imposing duties on  
17 wardens and keepers of jails, police stations and lock-ups,"  
18 may issue a warrant for the return of the inmate released  
19 under this chapter to the custody of the department.

20 (2) A vulnerable inmate transferred under this chapter  
21 who is denied parole under section 6137 (relating to parole  
22 power) or 6137.1 (relating to short sentence parole) shall be  
23 immediately returned to a State correctional institution.

24 (3) A vulnerable inmate who has served the inmate's  
25 aggregate minimum sentence or aggregate minimum recidivism  
26 risk reduction incentive minimum sentence may be paroled from  
27 a community corrections center or home confinement, subject  
28 to section 6137.

29 § 37A06. Expiration.

30 The authority for the department to transfer inmates under

1 this chapter shall expire in 90 days.

2       Section 2.   This act shall take effect immediately.