

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 913 Session of 2021

INTRODUCED BY BAKER, BARTOLOTTA, A. WILLIAMS, SANTARSIERO, MARTIN, HAYWOOD, KANE, STEFANO, FONTANA, MENSCH, BOSCOLA, CAPPELLETTI, STREET, COLLETT, TARTAGLIONE, COMMITTA, FLYNN, SCHWANK, PITTMAN, YAW AND COSTA, OCTOBER 18, 2021

AS AMENDED ON THIRD CONSIDERATION, DECEMBER 14, 2021

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in sentencing, further
3 providing for conditions of probation and for modification or
4 revocation of order of probation AND PROVIDING FOR AUTHORITY <--
5 REGARDING PROBATION DETAINERS.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 9763(b) of Title 42 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 9763. Conditions of probation.

11 * * *

12 (b) Conditions generally.--The court may attach any of the
13 following conditions upon the defendant as it deems necessary:

14 (1) To meet family responsibilities[.], including
15 consideration of child care responsibilities and limitations,
16 other than the child care responsibilities and limitations
17 contained in 23 Pa.C.S. Ch. 43 (relating to support matters
18 generally) which shall be governed exclusively by the

1 provisions of that chapter.

2 (2) To be devoted to a specific occupation, employment
3 or education, study or vocational training initiative.

4 (3) To participate in a public or nonprofit community
5 service program.

6 (4) To undergo individual or family counseling.

7 (5) To undergo available medical or psychiatric
8 treatment or to enter and remain in a specified institution,
9 when required for that purpose.

10 (6) To attend educational or vocational training
11 programs.

12 (7) To attend or reside in a rehabilitative facility or
13 other intermediate punishment program.

14 (8) (Deleted by amendment).

15 (9) To not possess a firearm or other dangerous weapon
16 unless granted written permission.

17 (10) To make restitution of the fruits of the crime or
18 to make reparations, in an affordable amount and on a
19 schedule that the defendant can afford to pay, for the loss
20 or damage caused by the crime.

21 (11) To be subject to intensive supervision while
22 remaining within the jurisdiction of the court and to notify
23 the court or designated person of any change in address or
24 employment. The court must permit the defendant to
25 temporarily leave the jurisdiction of the court unless the
26 court finds a specific, identifiable and foreseeable reason
27 that leaving the court's jurisdiction would likely result in
28 the defendant absconding, causing harm to himself or others
29 or committing a crime. Any movement of a defendant outside of
30 the court's jurisdiction must comply with the applicable

1 requirements of the Interstate Compact for Adult Offender
2 Supervision and the applicable provisions of the Adam Walsh
3 Child Protection and Safety Act of 2006 (Public Law 109-248,
4 120 Stat. 587) as adopted in this Commonwealth.

5 (12) To report as directed to the court or the
6 designated person and to permit the designated person to
7 visit the defendant's home.

8 (13) To pay a fine.

9 (14) To participate in drug or alcohol screening and
10 treatment programs, including outpatient programs.

11 (15) To do other things reasonably related to
12 rehabilitation.

13 * * *

14 Section 2. Section 9771(c) of Title 42 is amended and the
15 section is amended by adding subsections to read:

16 § 9771. Modification or revocation of order of probation.

17 * * *

18 (b.1) Nonpayment of fines or costs.--Notwithstanding
19 subsection (b), the court may not extend the period of
20 probation, may not impose a brief sanction under section 9771.1
21 (relating to court-imposed sanctions for violating probation)
22 and may not revoke an order of probation solely due to
23 nonpayment of fines or costs unless the court finds, with
24 respect to the payment of fines, the defendant is financially
25 able to pay the fines and has willfully refused to do so.

26 (c) Limitation on sentence of total confinement.--[The court
27 shall not impose a sentence of total confinement upon revocation
28 unless it finds that:

29 (1) the defendant has been convicted of another crime;

30 or

1 (2) the conduct of the defendant indicates that it is
2 likely that he will commit another crime if he is not
3 imprisoned; or

4 (3) such a sentence is essential to vindicate the
5 authority of the court.] The following apply:

6 ~~(1) Except as provided in paragraph (2), the court may~~ <--
7 ~~not impose a sentence of total confinement upon revocation~~
8 ~~unless the court finds that the defendant has been convicted~~
9 ~~of another crime.~~

10 ~~(2) A court may impose a determinate sentence of total~~
11 ~~confinement upon revocation if the court finds by a~~
12 ~~preponderance of the evidence that the defendant committed a~~
13 ~~technical violation and any of the following apply:~~

14 ~~(1) THE COURT SHALL NOT IMPOSE A SENTENCE OF TOTAL~~ <--
15 ~~CONFINEMENT UPON REVOCATION UNLESS THE COURT FINDS EITHER~~
16 ~~THAT THE DEFENDANT HAS BEEN CONVICTED OF ANOTHER CRIME OR~~
17 ~~THAT THE PROVISIONS OF PARAGRAPH (2) ARE SATISFIED.~~

18 ~~(2) A DEFENDANT WHO HAS NOT BEEN CONVICTED OF ANOTHER~~
19 ~~CRIME MAY BE SENTENCED TO TOTAL CONFINEMENT UPON REVOCATION~~
20 ~~ONLY IF THE COURT FIRST FINDS BY A PREPONDERANCE OF THE~~
21 ~~EVIDENCE THAT THE DEFENDANT COMMITTED A TECHNICAL VIOLATION~~
22 ~~AND ANY OF THE FOLLOWING APPLY:~~

23 ~~(i) The technical violation was sexual in nature.~~

24 ~~(ii) The technical violation involved assaultive~~
25 ~~behavior or included a credible threat to cause bodily~~
26 ~~injury to another.~~

27 ~~(iii) The technical violation involved possession or~~
28 ~~control of a weapon.~~

29 ~~(iv) The defendant absconded and cannot be safely~~
30 ~~diverted from total confinement through less restrictive~~

1 means.

2 (v) There exists an identifiable threat to public
3 safety, and the defendant cannot be safely diverted from
4 total confinement through less restrictive means.

5 (vi) The technical violation involved an intentional
6 and unexcused failure to adhere to recommended
7 programming or conditions on more than three occasions,
8 and the defendant cannot be safely diverted from total
9 confinement through less restrictive means.

10 (3) If a court imposes a sentence of total confinement
11 upon revocation for a condition under paragraph (2), the
12 defendant shall be sentenced TO A DETERMINATE SENTENCE as <--
13 follows:

14 (i) For a first technical violation, a maximum
15 period of 14 days.

16 (ii) For a second technical violation, a maximum
17 period of 30 days.

18 (iii) For a third or subsequent technical violation,
19 the court may impose any sentencing alternatives
20 available at the time of initial sentencing.

21 (iv) For a sentence of total confinement upon
22 revocation for a condition under paragraph (2)(i), (ii),
23 (iii) or (v), the court may add up to an additional 30
24 days for a first technical violation or up to an
25 additional 45 days for a second technical violation.

26 (v) The court shall consider allowing the term of
27 incarceration to be served on weekends or other nonwork
28 days for employed probationers who have committed a first
29 or second technical violation.

30 (vi) The time limitations contained in this

1 paragraph shall not apply to the extent that an
2 additional term of total confinement is necessary to
3 allow a defendant to either be evaluated for or to
4 participate in:

5 (A) a court-ordered drug, alcohol or mental
6 health treatment program; or

7 (B) a problem-solving court provided for in
8 section 916 (relating to problem-solving courts).

9 (4) NOTHING IN THIS SECTION SHALL PREVENT THE ADOPTION <--
10 OF A PROGRAM UNDER SECTION 9771.1.

11 * * *

12 (e) Probation review conference.--

13 (1) (i) Subject to subsections (2.1) and (2.2) and
14 except as otherwise provided by this section, a defendant
15 shall be eligible for an initial probation review
16 conference after the defendant has completed three years
17 of probation following a misdemeanor conviction or five
18 years of probation following a felony conviction.

19 (ii) If the sentence or sentences imposed arise out
20 of the conviction for multiple offenses and:

21 (A) The sentence or sentences imposed are all
22 misdemeanors and are based on the same conduct or
23 arise from the same criminal episode, the defendant
24 shall be eligible for a probation review conference
25 at the initial completion of three years of probation
26 by the defendant.

27 (B) The sentence or sentences imposed include a
28 felony and are based on the same conduct or arise
29 from the same criminal episode, the defendant shall
30 be eligible for a probation review conference at the

1 initial completion of five years of probation by the
2 defendant.

3 (2) Subject to paragraphs (2.1) and (2.2) and unless
4 waived under subsection (d), the court shall hold a probation
5 review conference no later than 60 days from the date the
6 defendant is eligible. If a defendant's probation review
7 conference has not commenced within the time frames specified
8 in this subsection, the defendant's attorney, or the
9 defendant if unrepresented, may file a motion demanding a
10 probation review conference within five business days.

11 (2.1) Not later than 30 days prior to the date a
12 defendant is otherwise entitled to a probation review
13 conference pursuant to this section, the probation office
14 responsible for the supervision of the defendant shall
15 complete and submit a probation status report to the
16 defendant, the court, the Commonwealth and any victim
17 registered with either the Pennsylvania Office of Victim
18 Advocate or a county victim witness program. The probation
19 status report shall contain the following:

20 (i) The date the probation office believes the
21 defendant is eligible for a probation review conference.

22 (ii) A statement as to whether:

23 (A) Any of the factors or violations specified
24 in paragraph (8)(i)(A), (B), (C), (D), (E) and (F)
25 have occurred.

26 (B) The defendant has committed any other
27 technical violation within the six months prior to
28 the probation status report.

29 (C) The defendant was convicted of a misdemeanor
30 or felony while either incarcerated or serving

1 probation.

2 (D) The defendant has completed all treatment of
3 any other program required as a condition of
4 probation.

5 (E) The defendant has paid all restitution owed
6 by the defendant.

7 (iii) A description of the defendant's progress on
8 probation and a recommendation that:

9 (A) the defendant's probation be terminated at
10 or before the date the probation office believes the
11 defendant is eligible for a probation review
12 conference;

13 (B) the defendant should continue on probation
14 as previously ordered; or

15 (C) the defendant should continue on probation
16 under different, reduced or increased terms and
17 conditions.

18 (2.2) ~~The parties~~ ANY INDIVIDUAL OR ENTITY entitled to <--
19 the probation status report pursuant to paragraph (2.1) shall
20 have 30 days to object or otherwise respond to the probation
21 status report. If any party objects to all or any component
22 of the probation status report, the court shall hold a
23 probation review conference as otherwise provided by this
24 subsection and shall notify the defendant, the Commonwealth
25 and any victim registered with either the Pennsylvania Office
26 of Victim Advocate or a county victim witness program of the
27 date of the probation review conference. If none of the
28 parties entitled to the probation status report pursuant to
29 paragraph (2.1) object to the recommendation contained in the
30 report within 30 days, upon evidence satisfactory to the

1 court that the probation status report was sent to each party
2 entitled to receive it, the probation review conference shall
3 be deemed waived and the court shall so notify the defendant,
4 the Commonwealth and any victim registered with either the
5 Pennsylvania Office of Victim Advocate or a county victim
6 witness program and shall enter an order memorializing the
7 recommendation contained in the probation status report. The
8 court may enter the order even if the defendant's probation,
9 sentence or plea of guilty was the result of an agreement
10 between the Commonwealth and the defendant.

11 (3) A defendant serving probation following either a
12 felony conviction or misdemeanor conviction shall be eligible
13 for an initial probation review conference six months prior
14 to the date that the defendant would otherwise be eligible
15 under paragraph (1) if the defendant successfully satisfies
16 any of the following conditions while serving the term of
17 probation:

18 (i) Earns a high school diploma or certificate of
19 high school equivalency.

20 (ii) Earns an associate degree from an accredited
21 university, college, seminary college, community college
22 or two-year college.

23 (iii) Earns a bachelor's degree from an accredited
24 university, college or seminary college.

25 (iv) Earns a master's or other graduate degree from
26 an accredited university, college or seminary college.

27 (v) Obtains a vocational or occupational license,
28 certificate, registration or permit.

29 (vi) Completes a certified vocational, certified
30 technical or certified career education or training

1 program.

2 (vii) Any other condition approved by the court at
3 the time of sentencing that substantially assists the
4 defendant in leading a law-abiding life or furthers the
5 rehabilitative needs of the defendant.

6 (4) A defendant serving probation following a felony
7 conviction shall be eligible for an initial probation review
8 conference up to a total of six months prior to the date that
9 the defendant would otherwise be eligible under paragraph (3)
10 if the defendant satisfies an additional condition specified
11 in paragraph (3) while serving the term of probation.

12 (5) A defendant sentenced to probation following either
13 a felony conviction or a misdemeanor conviction shall be
14 eligible for an initial probation review conference prior to
15 the date otherwise eligible under paragraphs (1), (3) or (4)
16 as follows:

17 (i) Two months earlier for every six consecutive
18 calendar months served on probation without a violation.
19 Such six-calendar-month period shall be referred to as
20 the "non-violation period." No two non-violation periods
21 may contain the same calendar month in the same calendar
22 year.

23 (ii) Two months earlier for every six consecutive
24 calendar months in which the defendant maintains at least
25 80 hours per month of employment. Such six-calendar-month
26 period shall be referred to as the "employment period."
27 No two employment periods may contain the same calendar
28 month in the same calendar year.

29 (iii) Two months earlier for every six consecutive
30 calendar months in which the defendant performs at least

1 80 hours per month of community service on behalf of a
2 Pennsylvania registered 501(c)(3) nonprofit organization
3 or civic or governmental agency. Such six-calendar-month
4 period shall be referred to as the "community service
5 period." No two community service periods may contain the
6 same calendar month in the same calendar year.

7 (iv) In no event shall the total reduction in time
8 calculated pursuant to this paragraph exceed six months.

9 (6) To qualify a defendant for an accelerated initial
10 probation review conference under paragraph (3), (4) or (5),
11 any condition under paragraph (3) (v), (vi) or (vii) an
12 employer referenced under paragraph (5) (ii) or a nonprofit
13 organization or civic or governmental agency referenced under
14 paragraph (5) (iii) must be approved by the Pennsylvania
15 Commission on Crime and Delinquency or any advisory committee
16 of that commission designated to provide approval.

17 (7) A defendant sentenced to a period of probation
18 consecutive to a period of incarceration in a State
19 correctional institution shall be eligible for an initial
20 probation review conference 12 months prior to the date that
21 a defendant would otherwise be eligible for a probation
22 review conference under paragraph (1) if the defendant
23 completed the final 12 months of State parole supervision
24 without violating the terms and conditions of the defendant's
25 parole. This paragraph shall not apply to a defendant who
26 serves fewer than 12 months on State parole supervision.

27 (8) Notwithstanding paragraphs (1) and (11), no <--
28 defendant shall be eligible for a probation review conference
29 if: NO DEFENDANT SHALL HAVE THE DEFENDANT'S PROBATION <--
30 TERMINATED AT A PROBATION REVIEW CONFERENCE HELD UNDER

1 PARAGRAPHS (1), (2), (2.2), (3), (4), (5), (7) AND (11), IF:

2 (i) A court determines AT THE PROBATION REVIEW <--
3 CONFERENCE by a preponderance of the evidence that the
4 defendant committed one of the following technical
5 violations within the nine months immediately preceding
6 the defendant's probation review conference:

7 (A) A technical violation that was sexual in
8 nature.

9 (B) A technical violation that involved
10 assaultive behavior or included a credible threat to
11 cause bodily injury to another.

12 (C) A technical violation that involved
13 possession or control of a weapon.

14 (D) The defendant absconded.

15 (E) A technical violation that involved an
16 identifiable threat to public safety.

17 (F) A technical violation that involved an
18 intentional and unexcused failure to adhere to
19 recommended programming or conditions on more than
20 three occasions.

21 (ii) A court determines AT THE PROBATION REVIEW <--
22 CONFERENCE by a preponderance of the evidence that the
23 defendant committed any other technical violation not
24 enumerated in subparagraph (i) within the six months
25 immediately preceding the defendant's probation review
26 conference.

27 (iii) The defendant was convicted of a misdemeanor
28 or felony offense committed while either incarcerated or
29 -serving probation.

30 (8.1) If the defendant is ineligible for a scheduled <--

1 ~~review conference~~ TERMINATION OF PROBATION as a result of a <--
2 technical violation enumerated in paragraph (8)(i), then, if
3 all other conditions are satisfied, a probation review
4 conference will be held nine months after the date that the
5 enumerated technical violation occurred. If the defendant is
6 ineligible for a scheduled review conference TERMINATION OF <--
7 PROBATION as a result of a technical violation which is the
8 subject of paragraph (8)(ii), then, if all other conditions
9 are satisfied, a probation review conference will be held six
10 months after the date that the technical violation occurred.

11 (9) Following the probation review conference, the court
12 shall terminate probation unless the court finds by a
13 preponderance of the evidence any of the following:

14 (i) The conduct of the defendant on probation
15 creates an identifiable threat to public safety,
16 including consideration of whether the defendant is the
17 subject of an active protection from abuse order under 23
18 Pa.C.S. Ch. 61 or an active protection from intimidation
19 order under 18 Pa.C.S. Ch. 49 Subch. B.

20 (ii) The defendant has not successfully completed
21 all treatment or other programs required as a condition
22 of probation, and termination of probation would either
23 prevent the defendant from continuing in the court-
24 mandated treatment or programming that the court
25 determines is still necessary to aid in the defendant's
26 rehabilitation or would create a substantial likelihood
27 that the defendant would discontinue the treatment or
28 programs.

29 (iii) The defendant has failed to pay the total
30 restitution owed by the defendant.

1 (9.1) The court may terminate probation pursuant to
2 paragraph (9) even if the defendant's probation, sentence or
3 plea of guilty was the result of an agreement between the
4 Commonwealth and the defendant.

5 (10) If the court does not terminate probation at a
6 probation review conference solely because of the defendant's
7 failure to pay restitution in full, the court shall order
8 that the defendant be placed on administrative probation if
9 either the defendant has paid at least 50% of the restitution
10 owed or the court determines, considering the defendant's
11 resources, income and family, legal or other obligations,
12 that the defendant has made a good faith effort to pay. For
13 purposes of this paragraph, "administrative probation" shall
14 be defined as probation imposed under this paragraph that:

15 (i) Requires a defendant to make supervision contact
16 at least one time per year.

17 (ii) Requires a defendant to provide updated contact
18 information upon a change in residence or employment.

19 (iii) Requires a defendant to pay the remaining
20 restitution owed, as ordered by the court on a schedule
21 that the defendant can afford to pay.

22 (iv) Does not impose any other condition of
23 probation.

24 (11) If the court does not terminate probation at a
25 probation review conference, the defendant shall receive
26 written notice of the court's order detailing its findings.
27 The defendant shall be eligible for a subsequent probation
28 review conference no later than 12 months after the date of
29 the most recent probation review conference.

30 (12) This subsection shall not apply and the defendant

1 shall not be entitled to a probation review conference or to
2 termination of probation pursuant to paragraphs (2.1) and
3 (2.2) if any of the following has occurred:

4 (i) The defendant was convicted of an offense listed
5 under Chapter 97 Subchapter H (relating to registration
6 of sexual offenders) or I (relating to continued
7 registration of sexual offenders).

8 (ii) The defendant was convicted of a crime of
9 violence.

10 (iii) The defendant was convicted of an offense
11 under 18 Pa.C.S. § 2701 (relating to simple assault) or
12 2709.1 (relating to stalking) against any of the
13 defendant's family or household members.

14 (13) Nothing in this subsection shall be construed to:

15 (i) Prevent a defendant from petitioning a court for
16 early termination of probation or modification of the
17 terms and conditions of probation as otherwise permitted
18 by law.

19 (ii) Prohibit the court, in its discretion, from
20 eliminating or decreasing the term of probation under
21 subsection (d).

22 (iii) Diminish the court's power to:

23 (A) otherwise, at any time, terminate continued
24 supervision or lessen the conditions upon which an
25 order of probation has been imposed;

26 (B) create or administer a process or program
27 which seeks to terminate continued supervision or
28 lessen the conditions upon which an order of
29 probation has been imposed; or

30 (C) seek information from the Commonwealth,

1 defendant, victim, county probation officer or any
2 other individual or entity to assist in these
3 processes or programs.

4 (f) Definitions.--As used in this section, the following
5 words and phrases shall have the meanings given to them in this
6 subsection unless the context clearly indicates otherwise:

7 "Crime of violence." As defined in section 9714(g) (relating
8 to sentences for second and subsequent offenses).

9 "Family or household members." As defined in 23 Pa.C.S. §
10 6102(a) (relating to definitions).

11 "Technical violation." A violation of the SPECIFIC terms and <--
12 conditions of a defendant's ~~sentence~~ PROBATION, other than by <--
13 the commission of a new crime of which the defendant is
14 convicted or found guilty by a judge or jury or to which the
15 defendant pleads guilty or nolo contendere in a court of record.

16 "WEAPON." AS DEFINED IN 18 PA.C.S. § 907(D) (RELATING TO <--
17 POSSESSING INSTRUMENT OF CRIME).

18 SECTION 2.1. TITLE 42 IS AMENDED BY ADDING A SECTION TO
19 READ:

20 § 9771.2. AUTHORITY REGARDING PROBATION DETAINERS.

21 NOTHING IN THIS SUBCHAPTER SHALL INFRINGE OR INHIBIT THE
22 AUTHORITY OF A COURT OF COMPETENT JURISDICTION, A PROBATION
23 OFFICER OR ANY OTHER RELEVANT OFFICER OR ENTITY FROM LEVYING OR
24 REQUESTING A PROBATION DETAINER IN THE EVENT THAT NEW CRIMINAL
25 CHARGES ARE FILED AGAINST AN INDIVIDUAL SERVING A TERM OF
26 PROBATION.

27 Section 3. This act shall apply as follows:

28 (1) This act shall apply to individuals sentenced or
29 resentenced on or after the effective date of this section.

30 (2) Except for the addition of 42 Pa.C.S. § 9771(e),

1 this act shall apply to individuals sentenced or resentenced
2 prior to the effective date of this section.

3 Section 4. Nothing in this act shall be construed to prevent
4 a defendant from petitioning a court for early termination of
5 probation or modification of the terms and conditions of
6 probation as otherwise permitted by law.

7 Section 5. Courts shall ensure that the probation of all
8 individuals sentenced or resentenced prior to the effective date
9 of this section are reviewed to determine whether the
10 individuals should be considered for early termination of
11 probation or modification of the terms and conditions of
12 probation. The review shall occur at the later of two years
13 after the effective date of this section or:

14 (1) the date that the individual has completed three
15 years of probation following a misdemeanor conviction or five
16 years of probation following a felony conviction; or

17 (2) if the sentence or sentences imposed arise out of
18 the conviction of multiple offenses and:

19 (i) The sentence or sentences imposed are all
20 misdemeanors and are based on the same conduct or arise
21 from the same criminal episode, the defendant shall be
22 eligible for a probation review conference at the initial
23 completion of three years of probation by the defendant.

24 (ii) The sentence or sentences imposed include a
25 felony and are based on the same conduct or arise from
26 the same criminal episode, the defendant shall be
27 eligible for a probation review conference at the initial
28 completion of five years of probation by the defendant.

29 For each case under review, the defendant and the Commonwealth
30 shall have the opportunity, in advance of a decision, to provide

1 written comments to the court. Courts may by local rule adopt
2 such procedures as they deem appropriate to accomplish the
3 reviews.

4 Section 6. When a court, either as a result of a petition or
5 as a result of its review under section 5 of this act, seeks to
6 determine whether an individual sentenced or resentenced prior
7 to the effective date of this section should be considered for
8 early termination of probation or modification of the terms and
9 conditions of probation, the court shall ensure that due
10 consideration is given to whether the individual has
11 successfully satisfied the conditions contained in 42 Pa.C.S. §
12 9771(e) (3) or (e) (4) or has engaged in behavior that would have
13 otherwise made the individual eligible for the reductions in
14 time specified in 42 Pa.C.S. § 9771(e) (5).

15 Section 7. Section 5 of this act shall not apply and the
16 defendant shall not be entitled to a probation review if:

17 (1) The defendant committed one of the following
18 technical violations within the nine months immediately
19 preceding the defendant's probation review conference:

20 (i) A technical violation that was sexual in nature.

21 (ii) A technical violation that involved assaultive
22 behavior or included a credible threat to cause bodily
23 injury to another.

24 (iii) A technical violation that involved possession
25 or control of a weapon.

26 (iv) The defendant absconded.

27 (v) A technical violation that involved an
28 identifiable threat to public safety.

29 (vi) A technical violation which involved an
30 intentional and unexcused failure to adhere to

1 recommended programming or conditions on more than three
2 occasions.

3 (2) The defendant committed any other technical
4 violation not enumerated in paragraph (1) within the six
5 months immediately preceding the defendant's probation review
6 conference.

7 (3) The defendant was convicted of a misdemeanor or
8 felony offense committed while either incarcerated or serving
9 probation.

10 (4) The defendant was convicted of an offense listed
11 under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of
12 sexual offenders) or I (relating to continued registration of
13 sexual offenders).

14 (5) The defendant was convicted of a crime of violence.

15 (6) The defendant was convicted of an offense under 18
16 Pa.C.S. § 2701 (relating to simple assault) or 2709.1
17 (relating to stalking) against any of the defendant's family
18 or household members.

19 Section 8. This act shall take effect January 1, 2022, OR <--
20 IMMEDIATELY, WHICHEVER IS LATER.