



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

SENATE BILL NO. 501

PRINTERS NO. 1434

PRIME SPONSOR: Killion

### COST / (SAVINGS)

FUND	FY 2019/20	FY 2020/21
General Fund	See Fiscal Impact	

#### SUMMARY:

Senate Bill 501 amends Title 42 (Judiciary and Judicial Procedure) and Title 61 (Prisons and Parole). Effective dates vary by provision.

#### ANALYSIS:

Senate Bill 501 makes numerous changes to the Judicial Code (Title 42) and Title 61 (Prisons and Parole).

The current County Intermediate Punishment (CIP) program is eliminated as a distinct sentencing option, and CIP is instead treated as part of county probation. Under the bill, the court may order probation and specify the length of supervision, up to the maximum sentence, but in imposing probation, the court must consider the Sentencing Commission's guidelines for probation and restrictive conditions of supervision and to specify at the time of sentencing the conditions of probation and restrictive conditions. The bill also provides that restrictive conditions may include that a probationer remain within the offender's residence during hours designated by the court and be subject to electronic monitoring following a violation of a condition of probation.

A court will not have the inherent authority to increase conditions of probation unless there is proof of a violation of probation conditions or the person presents an identifiable threat to public safety.

SB 501 also requires notice by county prisons to DOC, in addition to the current notice to the PBPP, regarding county inmates who are released to state probation or parole.

The bill changes the name of the PA Board of Probation and Parole (PBPP) to the Pennsylvania Parole Board. It eliminates a county probation committee organized to advise the PBPP. In granting or revoking parole or bringing an alleged parole violator before a hearing examiner, the bill authorizes the appearance to be conducted via videoconferencing or similar technology.

SB 501 eliminates the current "State Intermediate Punishment" Program (SIP) as a sentencing option and replaces it with the State Drug Treatment Program (SDTP). Offenders are presumed eligible unless the court at sentencing excludes the offender. Among those offenders excluded from the

SDTP are offenders convicted of “drug trafficking,” which is defined to mean a conviction under certain provisions of the Controlled Substance, Drug, Device and Cosmetic Act.

Department of Corrections (DOC) employees who are designated to act as police officers under the “Commissioning Institutional Employees as Police Officers Act” are granted the authority to issue an arrest warrant for any offender who absconds from the SDTP, pursuant to the Rules of Criminal Procedure. DOC is required to make reports to the General Assembly on the SDTP every three years.

Concerning offender eligibility for the Recidivism Risk Reduction Incentive (RRRI), the bill replaces a current provision relating to ineligibility for certain drug transactions with an ineligibility if convicted of “drug trafficking” as defined in the SDTP. A requirement in current law for DOC, PBPP and the Sentencing Commission to prepare reports regarding RRRI is removed. The bill requires the sentencing court to direct DOC to calculate the length of RRRI minimum sentences.

Concerning offender ineligibility for motivational boot camp, the bill replaces a list of specifically enumerated offenses with a conviction for “drug trafficking” as defined in the SDTP or a “crime of violence.” The bill also shifts current law to establish a presumption of eligibility for boot camp if all eligibility factors are met, so that a court will identify only whether an offender is ineligible rather than being required affirmatively to identify the offender as boot camp eligible. A requirement for DOC and the Sentencing Commission to prepare a biennial report regarding the boot camp program is eliminated.

SB 501 establishes a new “Short Sentence Parole” (SSP) procedure for offenders sentenced to a minimum term of imprisonment or RRRI of two years or less. If the offender is committed to DOC after his minimum date has already passed, then SSP shall apply within 30 days of the commitment. Under this form of presumptive parole, an offender will be automatically paroled at the expiration of the offender’s minimum sentence, without the need for an interview with the board or other procedural requirements for parole consideration. Numerous circumstances under which an offender will not be eligible for SSP are enumerated in the bill.

SB 501 allows the PBPP to treat as a convicted parole violator a parolee who is convicted of certain summary offenses listed in the bill. The bill also authorizes “quick dip” detention for technical parole violators. An offender who commits a technical parole violation may be arrested and detained for up to 7 days without fully revoking parole. This provision will not apply where the violation was sexual in nature, involved assaultive behavior, involved possession or control of a weapon, or involved escape or possessing implements of escape, where there exists an identifiable threat to public safety, or if the violation involved an intentional and unexcused failure to adhere to recommended programming or conditions on more than three occasions.

The bill adds a new parole tail for offenders committed to a state correctional institution for a minimum sentence of four years or more. The parole tail adds 12 months of “reentry supervision” to the offender’s sentence if the offender is not granted parole during his term of incarceration.

The bill establishes a Parolee Homicide Review Team within the DOC. The Team is tasked with examining the circumstances surrounding homicides committed by offenders under the supervision

of the PBPP and make recommendations. The goal is that regular review of these incidents will result in improved practices and public safety. The subject of each review shall be confidential. The discussion, deliberations and records of the Team are privileged from discovery and not subject to the Right-to-Know Law. Meetings of the Team shall be closed to the public and not subject to the Sunshine Act. The Team may agree to include cases of nonhomicide for review if such case involved a serious breach of public safety. The Team must submit a report to the Governor, and the majority and minority chairpersons of the Senate and House Judiciary Committees by September 30 annually.

The bill fixes a constitutional defect in Title 42, concerning mandatory minimum sentences for violent crimes committed against children.

SB 501 enhances the tools for collection of restitution and other fees and fines. The bill also clarifies current law to provide that a victim, victim's representative and any family member of a victim each has a right to provide a statement to the PBPP prior a parole decision of the victim's offender.

SB 501 makes several changes concerning the Sentencing Commission and sentencing guidelines. The bill authorizes use of the Sentencing Commission's risk assessment instrument by a court to determine the "intensity of intervention, use of restrictive conditions and duration of supervision" for those placed under supervision. The bill requires the Sentencing Commission to certify county compliance with any guidelines for restrictive conditions on county probation (currently known as CIP) and Section 9728(g.1) (relating to collection of restitution) and report the results to the Pennsylvania Commission on Crime and Delinquency (PCCD). Certification is necessary to receive county probation grant funding from PCCD. The bill also adds to the duties of the Sentencing Commission to report to the General Assembly. Finally, the bill reverts composition of the Sentencing Commission to the law as it was prior to July 2019 such that House appointees to the Commission must be House members.

**FISCAL IMPACT:**

According to the Department of Corrections, Senate Bill 501 will produce an inmate population reduction of approximately 600 inmates over its first five years of enactment, which translates to a cost savings of \$44.9 million. Primarily these savings come from eliminating the State Intermediate Punishment program and replacing it with the more inclusive State Drug Treatment Program.

The Pennsylvania Commission on Sentencing estimates a four-year annual cost of \$400,000 for information technology enhancements to fulfill the additional duties and mandates required by this legislation.

**PREPARED BY:** Jeff Miller  
House Appropriations Committee (R)

**DATE:** December 17, 2019

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*