

**SENATE APPROPRIATIONS COMMITTEE
FISCAL NOTE**

BILL NO. House Bill 1538

PRINTER NO. 3666

AMOUNT

No Fiscal Impact

FUND

General Fund
and
Judicial Computer System
Augmentation Restricted Receipt
Account

DATE INTRODUCED

June 3, 2019

PRIME SPONSOR

Representative White

DESCRIPTION

House Bill 1538 amends section 6139 (relating to parole procedure) of Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes to require that certain offenders must wait three years from the date of the current application to reapply for parole. Individuals affected by this provision include any person designated as a sexually violent predator under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders) or I (relating to continued registration of sexual offenders) and any person convicted of any of the following offenses:

- Section 2502(c) (relating to murder);
- Section 2503 (relating to voluntary manslaughter);
- Section 2901(a.1) (relating to kidnapping);
- Section 3011(b) (relating to trafficking in individuals);
- Section 3012 (relating to involuntary servitude);
- Section 3121 (relating to rape);
- Section 3122.1(b) (relating to statutory sexual assault);
- Section 3123 (relating to involuntary deviate sexual intercourse);
- Section 3124.1 (relating to sexual assault);
- Section 3124.2(a.1) (relating to institutional sexual assault);
- Section 3125 (relating to aggravated indecent assault);
- Section 3126(a)(7) (relating to indecent assault); or
- Section 4302(b) (relating to incest).

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Additionally, the bill clarifies that a hearing examiner, hearing officer or member of the board charged with making the parole release decision shall be required to hear and see in person, without the use of videoconferencing or similar virtual presence technology, any in-person victim testimony. Further, nothing in the section shall be construed to limit or reduce the rights of victims defined in the Crime Victims Act.

This amendment to section 6139 shall apply to all of the following:

- 1) Individuals convicted of an offense listed above before the effective date of this legislation who remain under the jurisdiction of the Department of Corrections;
- 2) Individuals who commit an offense listed above on or after the effective date of this legislation; and
- 3) Individuals, before or after the effective date of this legislation, who:
 - i. Are designated as a sexually violent predator under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders) or I (relating to continued registration of sexual offenders); and
 - ii. Are under the jurisdiction of the Department of Corrections.

This act shall take effect immediately.

FISCAL IMPACT:

According to the Department of Corrections and the Pennsylvania Board of Probation and Parole (board), enactment of this legislation will have no fiscal impact on Commonwealth funds. The current practice of the board generally is to require a two-to-three year waiting period for a subsequent parole hearing after the board issues a denial to inmates convicted of a serious offense.