

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 1158

PRINTER NO. 1820

AMOUNT

See Fiscal Impact

FUND

General Fund

DATE INTRODUCED

May 18, 2020

PRIME SPONSOR

Senator Arnold

DESCRIPTION

Senate Bill 1158 amends Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes further providing for general authority of the Governor.

This legislation amends section 7301 (relating to general authority of Governor) to restrict the Governor’s ability to release, transfer or otherwise move an inmate from the custody of a state correctional institution or county correctional institution during a disaster emergency.

A new subsection (g) (relating to release of incarcerated individuals) is added to provide that if the Governor decides to release, transfer or move an inmate described above during a disaster emergency, the Governor must first identify specific conditions of the disaster that create a specific and substantial danger to the inmate if the inmate remains incarcerated and what specific and substantial danger would be reduced or eliminated if the inmate was released.

Additionally, the Office of Victim Advocate, either the District Attorney or the Attorney General, the sentencing court and, if the inmate is incarcerated in a county correctional institution, the Board of Commissioners or the County Executive, shall be provided notice of the release, transfer or move and must be given no less than 72 hours to comment. No individual may be released, transferred or otherwise moved if an objection is timely received from any of the above.

Regardless of the sentence imposed, an inmate may not be released, transferred or otherwise moved pursuant to the authority granted to the Governor under this title if the inmate was or is:

- Committed for or with an aggregate sentence containing a personal injury crime;
- Committed for or with an aggregate sentence containing a crime of violence;
- Committed for or with an aggregate sentence containing an offense under 18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles);
- Committed for or with an aggregate sentence containing an enhancement for the use of a deadly weapon;

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- Committed for or with an aggregate sentence containing a violation of certain enumerated sexual offenses or drug offenses;
- Subject to a pending felony or misdemeanor arrest warrant or detainer;
- Serving a sentence to a state correctional institution and has been denied parole on the sentence;
- Convicted of any criminal offense committed while incarcerated;
- An identifiable risk to public safety; or
- Convicted of any of the above offenses within the past 10 years.

An inmate released, transferred or otherwise moved must first successfully complete all mandated programs, or continuation of those programs must be a condition of their release or transfer. The inmate must be supervised and tested for drug and alcohol use, as appropriate.

An inmate released, transferred or otherwise moved may be released to a community corrections center, a community corrections facility or to home confinement. An inmate released to home confinement shall be electronically monitored.

An inmate released, transferred or otherwise moved from a state correctional institution shall be recommitted to a state correctional institution upon the expiration of the declared disaster emergency unless the inmate has less than one month to serve on their minimum sentence.

The Department of Corrections (department) shall promulgate regulations to accomplish the requirements of this section.

This act shall take effect immediately.

FISCAL IMPACT:

According to the department, it may incur marginal costs related to the electronic monitoring requirement. Previously, under less restrictive conditions, the department released 159 inmates pursuant to the authority granted to the Governor under this title.

Under the conditions and requirements in this legislation, assuming 25% of those individuals would be released, transferred or otherwise moved from a state correctional institution, with a marginal cost \$18.34 per inmate/per day, the Commonwealth would incur additional annual costs of approximately \$266,090.