

**JUDICIAL CODE (42 PA.C.S.) AND PRISONS AND PAROLE (61 PA.C.S.)
- OMNIBUS AMENDMENTS**

Act of Dec. 18, 2019, P.L. 776, No. 115

Cl. 42

Session of 2019

No. 2019-115

SB 501

AN ACT

Amending Titles 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in judicial boards and commissions, providing for commission, for composition of commission and for powers and duties of commission, for adoption of guidelines for sentencing, for adoption of guidelines for county intermediate punishment, for adoption of guidelines for State intermediate punishment and for adoption of risk assessment instrument; in judgments and other liens, further providing for personal earnings exempt from process; in sentencing, further providing for sentences for offenses against infant persons, for sentencing generally, for collection of restitution, reparation, fees, costs, fines and penalties, for payments of court costs, restitution and fines, for order of probation, for sentence of partial confinement, for sentence of total confinement, for sentence of county intermediate punishment, for information required upon commitment and subsequent disposition, for modification or revocation of order of probation, for court-imposed sanctions for offenders violating probation, for modification or revocation of county intermediate punishment sentence and for revocation of State intermediate punishment sentence; in county intermediate punishment, further providing for county intermediate punishment programs and for continued eligibility; in motivational boot camp, further providing for definitions, for selection of inmate participants and for motivational boot camp program; in State intermediate punishment, further providing for scope of chapter, for definitions, for referral to State intermediate punishment program, for drug offender treatment program and for reports; in recidivism risk reduction incentive, further providing for definitions, for sentencing, for evaluation and for reports; in miscellaneous provisions, further providing for confidentiality of victim information; in Pennsylvania Board of Probation and Parole, further providing for definitions, for general powers of board, for probation services, for parole power, providing for short sentence parole and for reentry supervision, further providing for violation of terms of parole, for parole procedure and for victim statements, testimony and participation in hearing and providing for parolee homicide review; in county probation officers' firearm education and training, further providing for County Probation Officers' Firearm Education and Training Commission and for commission membership; making conforming amendments; and making a related repeal.

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

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding sections to read:

§ 2151.2. Commission.

(a) Continuation.--The commission is continued as an agency of the General Assembly.

(b) Seal.--The commission shall have a seal engraved with the commission's name and such other inscription as may be specified by regulation of the commission.

§ 2152. Composition of commission.

(a) Members.--The commission shall consist of the following:

(1) One individual selected by the Speaker of the House of Representatives, who shall be a district attorney.

(2) One individual selected by the President pro tempore of the Senate, who shall be a defense attorney.

(3) Two judges of courts of record selected by the Chief Justice of Pennsylvania.

(4) Two judges of courts of record, one of whom shall be selected by the President Judge of Commonwealth Court and one of whom shall be selected by the President Judge of Superior Court.

(5) One individual selected by the Chief Justice of Pennsylvania, who shall be a professor of law knowledgeable in criminal sentencing.

(6) One member of the Senate selected by the President pro tempore of the Senate.

(7) One member of the Senate selected by the Minority Leader of the Senate.

(8) One member of the House of Representatives selected by the Majority Leader of the House of Representatives.

(9) One member of the House of Representatives selected by the Minority Leader of the House of Representatives.

(b) Ex officio members.--The Secretary of Corrections and the chairperson of the board, during their tenure in their respective positions, shall serve as ex officio nonvoting members of the commission.

(c) Terms of office.--The members of the commission shall serve for terms of two years and until a successor has been selected and qualified. A vacancy on the commission shall be filled for the balance of the term.

(d) Chairperson and Executive Director.--The commission shall select a chairperson from its members and an Executive Director. The chairperson shall:

(1) Preside at meetings of the commission.

(2) Direct the preparation of requests for appropriations for the commission and the use of funds made available to the commission.

(e) Meetings and quorum.--

(1) The commission shall meet at least four times a year and not less than semiannually to establish the commission's general policies and rules.

(2) The commission shall be deemed an "agency" within the meaning of and shall be subject to the provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings).

(3) Seven commissioners shall constitute a quorum for the purpose of adopting proposed initial and subsequent guidelines. A majority of commissioners shall constitute a quorum for all other purposes.

(4) Minutes of meetings shall be kept by the Executive Director and filed at the executive office of the commission.

(f) Records of action.--Except as otherwise provided by law, the commission shall maintain and make available for public inspection a record of the final vote of each member on any action taken by the commission.

(g) Expenses.--Each commissioner shall be entitled to reimbursement for each commissioner's accountable expenses incurred while engaged in the business of the commission.

(h) Competency to testify.--In a judicial, administrative or similar proceeding, a commissioner or commission staff shall not be competent to testify and may not be required to produce records or other discovery as to any statement, conduct, decision or deliberation occurring during the course of official business, to the same extent as a legislator or legislative staff of this Commonwealth acting in a legislative capacity. § 2153. Powers and duties of commission.

(a) Powers and duties.--The commission, in accordance with the rules and regulations of the commission, shall have the powers to:

(1) Establish general policies and promulgate such rules and regulations for the commission as are necessary to administer this subchapter and Chapter 97 (relating to sentencing).

(2) Utilize, with the consent of Federal, State, local and private agencies and instrumentalities, the services, equipment, personnel, information and facilities of the Federal, State, local and private agencies and instrumentalities with or without reimbursement.

(3) Enter into and perform such contracts, leases, cooperative agreements and other transactions as may be necessary in the conduct of the functions of the commission, with any public agency or with any person, firm, association, corporation, educational institution or nonprofit organization.

(4) Request such information, data and reports from any officer or agency of the Commonwealth as the commission may from time to time require and as may be produced consistent with any other Federal or State law.

(5) Arrange with the head of any government unit for the performance by the government unit of any function of the commission, with or without reimbursement.

(6) Issue invitations requesting the attendance and testimony of witnesses and the production of any evidence that relates directly to a matter with respect to which the commission or any member thereof is empowered to make a determination under this subchapter.

(7) Establish a research and development program within the commission for the purpose of:

(i) Serving as a clearinghouse and information center for the collection, preparation and dissemination of information on Commonwealth sentencing, resentencing and parole practices.

(ii) Assisting and serving in a consulting capacity to the board, State courts, departments and agencies in the development, maintenance and coordination of sound sentencing, resentencing and parole practices.

(8) Collect systematically the data obtained from studies, research and the empirical experience of public and private agencies concerning the sentencing processes.

(9) Publish data concerning the sentencing and parole processes.

(10) Collect systematically and disseminate information concerning parole dispositions and sentences actually imposed, including initial sentences and any subsequent modification of sentences or resentences following revocation or remand, and parole and reparole decisions by the board and any other parole authority.

(11) Collect systematically and disseminate information regarding effectiveness of parole dispositions and sentences imposed.

(12) Make recommendations to the General Assembly concerning modification or enactment of sentencing, parole and correctional statutes which the commission finds to be necessary and advisable to carry out an effective, humane and rational sentencing, resentencing and parole policy.

(13) Establish a plan and timetable to collect and disseminate information relating to incapacitation, recidivism, deterrence and overall effectiveness of sentences and parole dispositions imposed.

(14) Establish a program to systematically monitor compliance with the guidelines, with the risk assessment instrument, with recommitment ranges and with mandatory sentencing laws to document eligibility for a release in accordance with a county reentry plan, to document eligibility for and imposition of recidivism risk reduction incentive minimum sentences and to document all parole and reparole decisions by the board and any other paroling authority by:

(i) Promulgating forms which document the application of sentencing, resentencing and parole guidelines, mandatory sentencing laws, risk assessment instrument, releases in accordance with a county reentry plan, recommitment ranges and recidivism risk reduction incentive minimum sentences and collecting information on all parole and reparole decisions by the board and any other paroling authority.

(ii) Requiring the timely completion and electronic submission of such forms to the commission.

(15) Prior to adoption of changes to guidelines for sentencing, resentencing and parole, risk assessment instrument and recommitment ranges following revocation, use a correctional population simulation model to determine:

(i) Resources that are required under current guidelines, risk assessment instruments and ranges.

(ii) Resources that would be required to carry out any proposed changes to the guidelines, risk assessment instruments and ranges.

(16) Report to the General Assembly on:

(i) implementation of revisions to the guidelines under sections 2154 (relating to adoption of guidelines for sentencing) and 2154.1 (relating to adoption of guidelines for restrictive conditions);

(ii) implementation and outcomes of justice reinvestment funding to county probation;

(iii) use of court-imposed sanctions for violation of probation under section 9771.1 (relating to court-imposed sanctions for violating probation);

(iv) in consultation with the Office of the Budget and the Department of Corrections, implementation of short sentence parole under 61 Pa.C.S. § 6137.1 (relating to short sentence parole), use of the State Drug Treatment Program under 61 Pa.C.S. Ch. 41 (relating to State drug treatment program) and use of sanctions for technical parole violations under 61 Pa.C.S. § 6138(c)(1.2) (relating to violation of terms of parole); and

(v) evaluations of the effectiveness and cost-benefit of various criminal justice interventions and programming, including restrictive conditions of

probation, recidivism risk reduction incentive programs, the State Drug Treatment Program, the State Motivational Boot Camp Program, pretrial diversion programs, prisoner treatment programs and prison reentry programs. For evaluations of the effectiveness and cost-benefit of a program in reducing recidivism, the commission shall report on:

(A) The number of individuals eligible for the program, the number of individuals participating in the program and the number of individuals who successfully completed the program during the period under study.

(B) The recidivism rates for participants of the program and for a comparison group of individuals who did not participate in the program.

(C) Potential changes in the program that the commission believes would make the program more effective.

(D) Any other information the commission deems relevant.

(b) Annual reports.--The commission shall report annually to the Governor, the General Assembly and the Administrative Office of Pennsylvania Courts on the activities of the commission.

(c) Additional powers and duties.--The commission shall have such other powers and duties and shall perform such other functions as may be necessary to carry out the purposes of this subchapter or as may be provided under any other provision of State law and may delegate to any commissioner or designated person such powers as may be appropriate other than the power to establish general policies, guidelines, rules and factors under subsection (a)(1).

Section 2. Sections 2154 and 2154.1 of Title 42 are amended to read:

§ 2154. Adoption of guidelines for sentencing.

(a) General rule.--The commission shall adopt guidelines for sentencing within the limits established by law which shall be considered by the sentencing court in determining the appropriate sentence for defendants who plead guilty or nolo contendere to, or who were found guilty of, felonies and misdemeanors. In adopting guidelines, the commission shall recommend confinement that is consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and the community and the rehabilitative needs of the offender.

(b) **Factors.**--The guidelines shall address the following **retributive factors**:

(1) Seriousness of the offense, by specifying the range of sentences applicable to crimes of a given degree of gravity[, including incapacitation of serious violent offenders].

(2) Criminal history, by specifying a range of sentences of increased severity **or intensity of intervention** for offenders previously convicted of or adjudicated delinquent for one or more misdemeanor or felony offenses committed prior to the current offense. **The commission may exclude or reduce the valuation of less serious offenses and increase the valuation of offenses committed while under supervision or in a temporal or offense pattern.**

(3) Criminal behavior, by specifying a range of sentences of increased severity **or intensity of intervention** for offenders [who pose a substantial risk to public safety]

with increased culpability, including those who possessed or used a deadly weapon **or inflicted substantial harm** during the commission of the current conviction offense.

(4) Aggravated and mitigated ranges, by specifying variations from the range of sentences applicable on account of aggravating or mitigating circumstances.

(5) The impact of any amendments to section 9756 (relating to sentence of total confinement).

[(b)] (c) Adjustments.--The guidelines shall include the following risk-related adjustments:

(1) Incapacitation of serious violent offenders.

(2) Modifications to criminal history to reflect risk to reoffend and substantial risk to public safety to adjust the length of total confinement for more serious criminal history.

(d) Probation guidelines.--The guidelines shall address the use of county intermediate punishment programs as restrictive conditions of probation and the duration of terms of probation.

(e) Interactive information.--The guidelines shall include interactive information to support decisions with risk and recidivism information.

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

"Possessed." On a defendant's person or within the defendant's immediate physical control.

"Previously convicted of or adjudicated delinquent." Any finding of guilt or adjudication of delinquency, whether or not sentence has been imposed or disposition ordered prior to the commission of the current offense.

§ 2154.1. Adoption of guidelines for [county intermediate punishment] **restrictive conditions.**

(a) General rule.--The commission shall adopt guidelines to identify offenders who would be eligible and appropriate for [participation in county intermediate punishment programs] restrictive conditions of probation. These guidelines shall be considered by the sentencing court in determining whether to [sentence an offender] **impose restrictive conditions** pursuant to section 9763 (relating to [sentence of county intermediate punishment] **conditions of probation**). The guidelines shall[:

(1) Use the description of "eligible offender" provided in Chapter 98 (relating to county intermediate punishment).

(2) Give] **give** primary consideration to **reducing recidivism for the protection of the public safety.**

(b) Compliance.--The commission shall certify compliance by each county with guidelines adopted by the commission for county intermediate punishment or for imposing restrictive conditions of probation and with related statutory requirements and section 9728(g.1) (relating to collection of restitution, reparation, fees, costs, fines and penalties) and report the results to the Pennsylvania Commission on Crime and Delinquency.

Section 3. Section 2154.2 of Title 42 is repealed:

[§ 2154.2. Adoption of guidelines for State intermediate punishment.

The commission shall adopt guidelines to identify offenders who would be appropriate for participation in State intermediate punishment programs. These guidelines shall be considered by the attorney for the Commonwealth and the sentencing court in determining whether to commit a defendant for evaluation and whether to sentence an eligible offender pursuant to 61 Pa.C.S. Ch. 41 (relating to State intermediate punishment). The guidelines shall:

(1) Use the description of "eligible offender" provided in 61 Pa.C.S. Ch. 41.

(2) Give primary consideration to protection of the public safety.]

Section 4. Sections 2154.7(d), 8127(b), 9718, 9721(a), (a.1) and (b), 9728(a)(2) and (b)(5), 9730, 9754, 9755(d) and (h), 9756(c.1), 9763 heading, (a), (b)(2), (8), (10), (14), (16) and (17), (c) and (d), 9764(f), 9771(a) and (b) and 9771.1 of Title 42 are amended to read:

§ 2154.7. Adoption of risk assessment instrument.

* * *

(d) Alternative sentencing.--Subject to the eligibility requirements of each program, the risk assessment instrument may be an aide to help determine:

(1) for persons under supervision, intensity of intervention, use of restrictive conditions and duration of supervision; and

(2) appropriate candidates for alternative sentencing, including the recidivism risk reduction incentive, State [and county intermediate punishment programs] drug treatment programs and State motivational boot camps.

* * *

§ 8127. Personal earnings exempt from process.

* * *

(b) Priority.--An order of attachment for support shall have **first priority and an order described in subsection (a)(5) shall have second priority** over any other attachment, execution, garnishment or wage assignment.

* * *

§ 9718. Sentences for offenses against infant persons.

(a) Mandatory sentence.--

(1) A person convicted of the following offenses when the victim is less than 16 years of age shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 2702(a)(1) and (4) (relating to aggravated assault) - not less than two years.

18 Pa.C.S. § 3121(a)(1), (2), (3), (4) and (5) (relating to rape) - not less than ten years.

18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse) - not less than ten years.

18 Pa.C.S. § 3125(a)(1) through (6) (relating to aggravated indecent assault) - not less than five years.

(2) A person convicted of the following offenses when the victim is less than 13 years of age shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 2502(c) (relating to murder) - not less than 15 years.

18 Pa.C.S. § 2702(a)(1) - not less than five years.

(3) A person convicted of the following offenses shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 3121(c) and (d) - not less than ten years.

18 Pa.C.S. § 3125(a)(7) - not less than five years.

18 Pa.C.S. § 3125(b) - not less than ten years.

(b) Eligibility for parole.--Parole shall not be granted until the minimum term of imprisonment has been served.

(c) [Proof at sentencing.--The provisions of this section shall not be an element of the crime, and notice of the provisions of this section to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing.

The court shall consider any evidence presented at trial and shall afford the Commonwealth and the defendant an opportunity to present any necessary additional evidence and shall determine, by a preponderance of the evidence, if this section is applicable.] **Application of mandatory minimum penalty.--With the exception of prior convictions, any provision of this section that requires imposition of a mandatory minimum sentence shall constitute an element enhancing the underlying offense. Any enhancing element must be proven beyond a reasonable doubt at trial on the underlying offense and must be submitted to the fact-finder for deliberation together with the underlying offense. If the fact-finder finds the defendant guilty of the underlying offense, the fact-finder shall also decide whether any enhancing element has been proven.**

(c.1) Notice.--Notice to the defendant of the applicability of this section shall be required prior to conviction.

(d) Authority of court in sentencing.--There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsection (a) or to place the offender on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(e) Appeal by Commonwealth.--[If a sentencing court refuses to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.] **If the fact-finder has found any enhancing element and a sentencing court imposes a sentence below the mandatory minimum sentence, the Commonwealth shall have the right to appellate review of the sentence. If the appellate court finds that the mandatory sentencing provision was applicable, the court shall vacate the sentence and remand the case for resentencing in accordance with that provision.**

§ 9721. Sentencing generally.

(a) General rule.--In determining the sentence to be imposed the court shall, except as provided in subsection (a.1), consider and select one or more of the following alternatives, and may impose them consecutively or concurrently:

- (1) An order of probation.
- (2) A determination of guilt without further penalty.
- (3) Partial confinement.
- (4) Total confinement.
- (5) A fine.
- [(6) County intermediate punishment.
- (7) State intermediate punishment.]

(a.1) Exception.--

(1) Unless specifically authorized under section 9763 (relating to [a sentence of county intermediate punishment] or 61 Pa.C.S. Ch. 41 (relating to State intermediate punishment)] **conditions of probation)**, subsection (a) shall not apply where a mandatory minimum sentence is otherwise provided by law.

(2) [An eligible offender may be sentenced to State intermediate punishment pursuant to subsection (a)(7) and as described in 61 Pa.C.S. Ch. 41 or to] **A person may be**

eligible for the State drug treatment program or State motivational boot camp as described in 61 Pa.C.S. Ch. 39 (relating to motivational boot camp), even if a mandatory minimum sentence would otherwise be provided by law.

(3) An eligible [offender] **person** may be sentenced to total confinement pursuant to subsection (a)(4) and a recidivism risk reduction incentive minimum sentence pursuant to section 9756(b.1) (relating to sentence of total confinement), even if a mandatory minimum sentence would otherwise be provided by law.

(b) General standards.--In selecting from the alternatives set forth in subsection (a), the court shall follow the general principle that the sentence imposed should call for **total confinement** that is consistent with **section 9725 (relating to total confinement)** and the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the defendant. The court shall also consider any guidelines for sentencing and resentencing adopted by the Pennsylvania Commission on Sentencing and taking effect under section 2155 (relating to publication of guidelines for sentencing, resentencing and parole, **risk assessment instrument** and recommitment ranges following revocation). In every case in which the court imposes a sentence for a felony or misdemeanor, modifies a sentence, resentsences [an offender] **a person** following revocation of probation[, county intermediate punishment or State intermediate punishment] or resentsences following remand, the court shall make as a part of the record, and disclose in open court at the time of sentencing, a statement of the reason or reasons for the sentence imposed. In every case where the court imposes a sentence or resentence outside the guidelines adopted by the Pennsylvania Commission on Sentencing under sections 2154 (relating to adoption of guidelines for sentencing), 2154.1 (relating to adoption of guidelines for [county intermediate punishment), 2154.2 (relating to adoption of guidelines for State intermediate punishment)] **restrictive conditions**), 2154.3 (relating to adoption of guidelines for fines), 2154.4 (relating to adoption of guidelines for resentencing) and 2154.5 (relating to adoption of guidelines for parole) and made effective under section 2155, the court shall provide a contemporaneous written statement of the reason or reasons for the deviation from the guidelines to the commission, as established under section 2153(a)(14) (relating to powers and duties). Failure to comply shall be grounds for vacating the sentence or resentence and resentencing the defendant.

* * *

§ 9728. Collection of restitution, reparation, fees, costs, fines and penalties.

(a) General rule.--

* * *

(2) In accordance with section 9730.1 (relating to collection of court costs, restitution and fines by private collection agency), the collection of restitution, reparation, fees, costs, fines and penalties under this section may be referred to a private collection agency. **Any county that does not engage the services of a private collection agency shall operate a collections enforcement unit consistent with the provisions of paragraph (1) and dedicated to carrying out the duties therein provided.** Statistical information relating to the amount of restitution collected by the county probation department or any agent

designated by the county commissioners of the county with the approval of the president judge of the county shall be [made available] **provided** to the Pennsylvania Commission on Crime and Delinquency and **Pennsylvania Commission on Sentencing** on an annual basis. **The statistical information shall be sufficiently detailed so as to show compliance with the requirements of this section, including subsection (g.1).**

(b) Procedure.--

* * *

(5) **Deductions shall be as follows:**

(i) The [county correctional facility to which the offender has been sentenced or the] Department of Corrections shall [be authorized to] make monetary deductions [from] **of at least 25% of deposits made to inmate wages and personal accounts for the purpose of collecting restitution [or], costs imposed under section 9721(c.1), filing fees to be collected under section 6602(c) (relating to prisoner filing fees) and any other court-ordered obligation. [or costs imposed under section 9721(c.1). Any amount deducted shall be transmitted by the Department of Corrections or the county correctional facility to the probation department of the county or other agent designated by the county commissioners of the county with the approval of the president judge of the county in which the offender was convicted. The Department of Corrections shall develop guidelines relating to its responsibilities under this paragraph.]**

(ii) **The county correctional facility to which the offender has been sentenced shall:**

(A) **Be authorized to make monetary deductions from inmate wages and personal accounts for the purpose of collecting restitution, costs imposed under section 9721(c.1), filing fees to be collected under section 6602(c) and any other court-ordered obligation or fees owed to the county jail or prison related to the inmate's incarceration.**

(B) **Deduct an amount sufficient to satisfy any outstanding restitution, costs imposed under section 9721(c.1), filing fees to be collected under section 6602(c) or other court-ordered obligations before releasing funds on deposit.**

(iii) **Any amount deducted under this paragraph shall be in addition to the full amount authorized to be collected pursuant to any order for support. Any amount deducted shall be transmitted to the probation department of the county or other agent designated by the county commissioners with the approval of the president judge of the county in which the offender was convicted.**

(iv) **The Department of Corrections and each county correctional facility shall develop guidelines relating to its responsibilities under this paragraph. The guidelines shall be incorporated into any contract entered into with a correctional facility.**

* * *

§ 9730. Payment of court costs, restitution and fines.

(a) [Use of credit cards] **Method of payment.**--The treasurer of each county may allow the use of credit cards and bank cards in the payment of court costs, **restitution and fines[.] and may provide for automatic periodic deductions from a bank account, subject to the agreement of the owner of the account.**

(a.1) **Wage attachment.**--A court may, at sentencing, assign an amount not greater than 25% of the defendant's gross salary, wages or other earnings to be used for the payment of court costs, restitution or fines.

(b) Procedures regarding default.--

(1) If a defendant defaults in the payment of [a fine,] court costs [or], restitution or fines after imposition of sentence, the issuing authority or a senior judge or senior magisterial district judge appointed by the president judge for the purposes of this section may conduct a hearing to determine whether the defendant is financially able to pay.

(2) If the issuing authority, senior judge or senior magisterial district judge determines that the defendant is financially able to pay the [fine or] costs, **restitution or fine**, the issuing authority, senior judge or senior magisterial district judge may **enter an order for wage attachment**, turn the delinquent account over to a private collection agency or impose imprisonment for nonpayment, as provided by law.

(3) If the issuing authority, senior judge or senior magisterial district judge determines that the defendant is without the financial means to pay the [fine or] costs, **restitution or fine** immediately or in a single remittance, the issuing authority, senior judge or senior magisterial district judge may provide for payment in installments. In determining the appropriate installments, the issuing authority, senior judge or senior magisterial district judge shall consider the defendant's financial resources, the defendant's ability to make restitution and reparations and the nature of the burden the payment will impose on the defendant. If the defendant is in default of a payment or advises the issuing authority, senior judge or senior magisterial district judge that default is imminent, the issuing authority, senior judge or senior magisterial district judge may schedule a rehearing on the payment schedule. At the rehearing the defendant has the burden of proving changes of financial condition such that the defendant is without the means to meet the payment schedule. The issuing authority, senior judge or senior magisterial district judge may extend or accelerate the schedule, leave it unaltered or sentence the defendant to a period of community service as the issuing authority, senior judge or senior magisterial district judge finds to be just and practicable under the circumstances.

(4) A decision of the issuing authority, senior judge or senior magisterial district judge under paragraph (2) or (3) is subject to section 5105 (relating to right to appellate review).

§ 9754. Order of probation.

(a) General rule.--In imposing an order of probation the court shall specify at the time of sentencing the length of any term during which the defendant is to be supervised, which term may not exceed the maximum term for which the defendant could be confined, and the authority that shall conduct the supervision. **The court shall consider probation guidelines adopted by the Pennsylvania Commission on Sentencing under sections 2154 (relating to adoption of guidelines for sentencing) and 2154.1 (relating to adoption of guidelines for restrictive conditions).**

(b) Conditions generally.--The court shall attach [such of the reasonable conditions authorized by subsection (c) of this

section as it deems necessary to insure or assist the defendant in leading a law-abiding life.

(c) Specific conditions.--The court may as a condition of its order require the defendant:

(1) To meet his family responsibilities.

(2) To devote himself to a specific occupation or employment.

(2.1) To participate in a public or nonprofit community service program unless the defendant was convicted of murder, rape, aggravated assault, arson, theft by extortion, terroristic threats, robbery or kidnapping.

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

(4) To pursue a prescribed secular course of study or vocational training.

(5) To attend or reside in a facility established for the instruction, recreation, or residence of persons on probation.

(6) To refrain from frequenting unlawful or disreputable places or consorting with disreputable persons.

(7) To have in his possession no firearm or other dangerous weapon unless granted written permission.

(8) To make restitution of the fruits of his crime or to make reparations, in an amount he can afford to pay, for the loss or damage caused thereby.

(9) To remain within the jurisdiction of the court and to notify the court or the probation officer of any change in his address or his employment.

(10) To report as directed to the court or the probation officer and to permit the probation officer to visit his home.

(11) To pay such fine as has been imposed.

(12) To participate in drug or alcohol treatment programs.

(13) To satisfy any other conditions reasonably related to the rehabilitation of the defendant and not unduly restrictive of his liberty or incompatible with his freedom of conscience.

(14) To remain within the premises of his residence during the hours designated by the court.] **reasonable conditions authorized by section 9763 (relating to conditions of probation) as it deems necessary to ensure or assist the defendant in leading a law-abiding life .**

(d) Sentence following violation of probation.--The sentence to be imposed in the event of the violation of a condition shall not be fixed prior to a finding on the record that a violation has occurred.

§ 9755. Sentence of partial confinement.

* * *

(d) Conditions to release.--The court may in addition include in its order such of the conditions as are enumerated in section [9754 (relating to order of probation)] **9763 (relating to conditions of probation)** as may be reasonably related to the sentence.

* * *

(h) Sentence of partial confinement combined with [sentence of county intermediate punishment] **probation**.--The court may impose a sentence of partial confinement without parole under this subsection only when:

(1) the period of partial confinement is followed immediately by [a sentence] **restrictive conditions of**

probation imposed pursuant to section 9763 [(relating to sentence of county intermediate punishment)] in which case the sentence of partial confinement shall specify the number of days of partial confinement to be served; and

(2) the maximum sentence of partial confinement imposed on one or more indictments to run consecutively or concurrently total 90 days or less.

§ 9756. Sentence of total confinement.

* * *

(c.1) Sentence of total confinement combined with [sentence of county intermediate punishment] **probation**.--The court may impose a sentence of imprisonment without parole under this subsection only when:

(1) the period of total confinement is followed immediately by [a sentence] **restrictive conditions of probation** imposed pursuant to section 9763(c) or (d) (relating to [sentence of county intermediate punishment]) **conditions of probation**) in which case the sentence of total confinement shall specify the number of days of total confinement also to be served; and

(2) the maximum sentence of total confinement imposed on one or more indictments to run consecutively or concurrently total 90 days or less.

* * *

§ 9763. [Sentence of county intermediate punishment] **Conditions of probation**.

(a) General rule.--In imposing [a sentence of county intermediate punishment] **probation**, the court shall **consider guidelines adopted by the Pennsylvania Commission on Sentencing under section 2154 (relating to adoption of guidelines for sentencing) or 2154.1 (relating to adoption of guidelines for restrictive conditions) and** specify at the time of sentencing the **conditions of probation, including the** length of the term [for which the defendant is to be in a county intermediate punishment program established under Chapter 98 (relating to county intermediate punishment) or a combination of county intermediate punishment programs. The term may not exceed the maximum term for which the defendant could be confined and the program to which the defendant is sentenced. The court may order a defendant to serve a portion of the sentence under section 9755 (relating to sentence of partial confinement) or 9756 (relating to sentence of total confinement) and to serve a portion in a county intermediate punishment program or a combination of county intermediate punishment programs.] **of restrictive conditions under subsection (c) or (d). The term of restrictive conditions under subsection (c) shall be equal to or greater than the mandatory minimum term of imprisonment required by statute.**

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

* * *

(2) To be devoted to a specific occupation [or], employment **or education initiative**.

* * *

[(8) To refrain from frequenting unlawful or disreputable places or consorting with disreputable persons.]

* * *

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

* * *

(14) To participate in drug or alcohol screening and treatment programs, including outpatient [and inpatient] programs.

* * *

[(16) To remain within the premises of the defendant's residence during the hours designated by the court.

(17) To be subject to electronic monitoring.]

(c) [Restriction] **Restrictive DUI probation conditions.--**

(1) Any person receiving a penalty imposed pursuant to 75 Pa.C.S. § 1543(b) (relating to driving while operating privilege is suspended or revoked), former 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance) or 75 Pa.C.S. § 3804 (relating to penalties) for a first, second or third offense under 75 Pa.C.S. Ch. 38 (relating to driving after imbibing alcohol or utilizing drugs) may only [be sentenced to county intermediate punishment] **have probation imposed** after undergoing an assessment under 75 Pa.C.S. § 3814 (relating to drug and alcohol assessments).

(2) If the defendant is determined to be in need of drug and alcohol treatment, the defendant may only [be sentenced to county intermediate punishment which] **have probation that** includes participation in drug and alcohol treatment under 75 Pa.C.S. § 3815(c) (relating to mandatory sentencing). The defendant [may only be sentenced to county intermediate punishment in] **shall have restrictive DUI probation conditions of:**

(i) a residential inpatient program or a residential rehabilitative center;

(ii) house arrest with electronic surveillance;

(iii) a partial confinement program such as work release, work camp and halfway facility; or

(iv) any combination of the programs set forth in this paragraph.

(3) If the defendant is determined not to be in need of drug and alcohol treatment, the defendant [may only be sentenced to county intermediate punishment in] **shall have restrictive DUI probation conditions of:**

(i) house arrest with electronic surveillance;

(ii) partial confinement programs such as work release, work camps and halfway facilities; or

(iii) any combination of the programs set forth in this paragraph.

(4) If the defendant is determined to be in need of additional treatment under 75 Pa.C.S. § 3814(2), the judge shall impose a minimum sentence as provided by law and a maximum sentence equal to the statutorily available maximum.

(d) [Sentence following violation of condition.--The sentence to be imposed in the event of the violation of a condition under subsection (b) shall not be imposed prior to a finding on the record that a violation has occurred.

Notwithstanding any other provision of law requiring notice prior to sentencing, in the event of a violation of a condition under subsection (b), the attorney for the Commonwealth may file notice at any time prior to resentencing of the Commonwealth's intention to proceed under an applicable provision of law requiring a mandatory minimum sentence.]

Restrictive conditions of probation.--Probation may include restrictive conditions that:

(1) house the person full time or part time, including inpatient treatment; or

(2) significantly restrict the person's movement and monitor the person's compliance with the program, including electronic monitoring or home confinement.

§ 9764. Information required upon commitment and subsequent disposition.

* * *

(f) Release from county correctional facility to State probation or parole.--

(1) Prior to the release of an inmate from a county correctional facility to State probation or parole supervision, the facility shall provide to the **Department of Corrections and the Pennsylvania** Board of Probation and Parole the information contained in subsections [(a)(1) through (4)] **(a)** and **(b)** with the exception of subsection **(a) (5)**.

(2) Prior to the release of an inmate from a county correctional facility to State probation or parole supervision, the facility shall provide to the inmate his current medications as prescribed and any customary and necessary medical supplies as determined by the prescribing physician.

* * *

§ 9771. Modification or revocation of order of probation.

(a) General rule.--The court [may] **has inherent power to** at any time terminate continued supervision [or], lessen [or increase] the conditions upon which an order of probation has been imposed[.] **or increase the conditions under which an order of probation has been imposed upon a finding that a person presents an identifiable threat to public safety.**

(b) Revocation.--The court may **increase the conditions, impose a brief sanction under section 9771.1 (relating to court-imposed sanctions for violating probation) or** revoke an order of probation upon proof of the violation of specified conditions of the probation. Upon revocation the sentencing alternatives available to the court shall be the same as were available at the time of initial sentencing, due consideration being given to the time spent serving the order of probation. **The attorney for the Commonwealth may file notice at any time prior to resentencing of the Commonwealth's intention to proceed under an applicable provision of law requiring a mandatory minimum sentence.**

* * *

§ 9771.1. Court-imposed sanctions for [offenders] violating probation.

(a) Program.--Notwithstanding the provisions of section 9771 (relating to modification or revocation of order of probation), the court of common pleas of a judicial district may establish a program to impose swift, predictable and [immediate] **brief** sanctions on [offenders] **persons** who violate their probation.

[(b) Coordination with other officials.--The court shall work with probation administrators and officers, jail administrators, prosecutors, public defenders and law enforcement in the judicial district to develop and implement the program.

(c) Eligibility.--

(1) The court shall determine which offenders are eligible for and admitted into the program. The program shall focus on, but not be limited to, offenders who have committed drug-related crimes.

(2) An offender shall be ineligible for the program if the offender has been convicted or adjudicated delinquent of a crime of violence as defined in section 9714 (relating to sentences for second and subsequent offenses) or of a crime requiring registration under Subchapter H (relating to registration of sexual offenders).

(d) Warning hearing.--

(1) At the time of sentencing, the court shall hold a warning hearing for each participant in the program to clearly communicate program expectations and consequences and to encourage the participant's compliance and success.

(2) The court shall emphasize the expectations that the participant remain drug free and comply with any treatment or services ordered by the court as a condition of the participant's probation.

(3) The court shall put the participant on notice that each probation violation, including missed appointments and positive drug tests, will result in jail time as provided for under subsection (g).

(e) Drug testing.--The program shall require, when applicable, randomized drug testing.]

(f) Violation hearing.--If a participant commits a probation violation, the participant shall promptly be arrested, and a hearing shall be held no later than two business days after the arrest date.

(g) Sanctions.--

(1) The court shall impose a term of imprisonment of up to:

- (i) three days for a first violation;
- (ii) seven days for a second violation;
- (iii) fourteen days for a third violation; and
- (iv) twenty-one days for a fourth or subsequent

violation of probation.

(2) The court may allow the term of imprisonment to be served on weekends or other nonwork days for employed probationers who have committed a first or second violation.

(3) The court may increase the conditions of probation, including additional substance abuse treatment for a participant who has failed one or more drug tests.

(h) Exceptions.--If the participant is able to provide a compelling reason for the probation violation, the court may grant an exception to the sanctions authorized under subsection (g).

(i) Revocation of probation.--

(1) After a third violation, the court may revoke the order of probation.

(2) Upon revocation, the sentencing alternatives shall be the same as were available at the time of initial sentencing, due consideration being given to the time spent serving the order of probation.

(j) Local rules.--

(1) The court may adopt local rules for the administration of this program. Except as provided for under paragraph (2), the local rules may not be inconsistent with this section or any rules adopted by the Supreme Court.

(2) The court may adopt local rules that are inconsistent with subsection (g) regarding the terms of imprisonment or other sanctions or conditions provided for under subsection (g).

Section 5. Sections 9773 and 9774 of Title 42 are repealed:
[§ 9773. Modification or revocation of county intermediate punishment sentence.

(a) General rule.--The court may at any time terminate a sentence of county intermediate punishment or increase or decrease the conditions of a sentence pursuant to section 9763 (relating to sentence of county intermediate punishment).

(b) Revocation.--The court may revoke a sentence of county intermediate punishment upon proof of a violation of specific conditions of the sentence. Upon revocation and subject to section 9763(d), the sentencing alternatives available to the court shall be the same as the alternatives available at the time of initial sentencing. Upon a revocation of county intermediate punishment for any reason specified by law, the attorney for the Commonwealth may file notice, at any time prior to resentencing, of the Commonwealth's intention to proceed under an applicable provision of law requiring a mandatory minimum sentence. Consideration shall be given to the time served in the county intermediate punishment program.

(c) Hearing required.--A court shall not revoke or increase the conditions of a sentence of county intermediate punishment without a hearing at which the court shall consider the record of the initial sentencing proceeding as well as the conduct of the defendant while serving a sentence of county intermediate punishment. A hearing is not required to decrease the conditions of the sentence.

§ 9774. Revocation of State intermediate punishment sentence.

(a) General rule.--The court may at any time terminate a sentence of State intermediate punishment pursuant to 61 Pa.C.S. Ch. 41 (relating to State intermediate punishment).

(b) Revocation.--The court shall revoke a sentence of State intermediate punishment if after a hearing it determines that the participant was expelled from or failed to complete the program.

(c) Proceedings upon revocation.--Upon revocation of a State intermediate punishment sentence, the sentencing alternatives available to the court shall be the same as the alternatives available at the time of initial sentencing. The attorney for the Commonwealth must file notice, at any time prior to resentencing, of the Commonwealth's intention to proceed under an applicable provision of law requiring a mandatory minimum sentence.]

Section 6. Sections 9804 and 9810(a) of Title 42 are amended to read:

§ 9804. County intermediate punishment programs.

(a) Description.--County intermediate punishment [program options shall include the following:

(1) Restrictive intermediate punishments providing for the strict supervision of the offender, including programs that:

- (i) house the offender full or part time;
 - (ii) significantly restrict the offender's movement and monitor the offender's compliance with the program;
- or

(iii) involve a combination of programs that meet the standards set forth under subparagraphs (i) and (ii).

(2) When utilized in combination with restrictive intermediate punishments, restorative sanctions providing for nonconfinement sentencing options that:

(i) Are the least restrictive in terms of the constraint of the offender's liberties.

(ii) Do not involve the housing of the offender, either full or part time.

(iii) Focus on restoring the victim to pre-offense status.] **programs are restrictive conditions of probation**

imposed under section 9763(c) or (d) (relating to conditions of probation), which may be subject to guidelines adopted under section 2154.1 (relating to adoption of guidelines for restrictive conditions).

(b) Eligibility.--

(1) (i) [No person other than the eligible offender shall be sentenced to a county intermediate punishment program.] **Upon adoption of guidelines for imposing restrictive conditions adopted by the Pennsylvania Commission on Sentencing under section 2154.1, only eligible persons may have restrictive conditions imposed.**

(ii) The prosecuting attorney, in the prosecuting attorney's sole discretion, may advise the court that the Commonwealth has elected to waive the eligibility requirements [of this chapter] if the victim has been given notice of the prosecuting attorney's intent to waive the eligibility requirements and an opportunity to be heard on the issue.

(iii) The court, after considering victim input, may refuse to accept the prosecuting attorney's waiver of the eligibility requirements.

(2) [The Pennsylvania Commission on Sentencing shall employ the term "eligible offender" to further identify offenders who would be appropriate for participation in county intermediate punishment programs. In developing the guidelines, the commission shall give primary consideration to protection of the public safety.] **Only programs that meet the requirements of restrictive conditions of probation under section 9763(c) or (d) and are certified in accordance with section 2154.1(b) shall be eligible for county intermediate punishment program funding.**

[(4) (i) Any person receiving a penalty imposed pursuant to 75 Pa.C.S. § 1543(b) (relating to driving while operating privilege is suspended or revoked), 3804 (relating to penalties) or 3808(a)(2) (relating to illegally operating a motor vehicle not equipped with ignition interlock) shall undergo an assessment under 75 Pa.C.S. § 3814 (relating to drug and alcohol assessments).

(ii) If the defendant is determined to be in need of drug and alcohol treatment, a sentence to county intermediate punishment shall include participation in drug and alcohol treatment under 75 Pa.C.S. § 3815(c) (relating to mandatory sentencing). The defendant may only be sentenced to county intermediate punishment in:

- (A) a residential inpatient program or a residential rehabilitative center;
- (B) house arrest with electronic surveillance;
- (C) a partial confinement program such as work release, work camp and halfway facility; or
- (D) any combination of the programs set forth in this subparagraph.

(iii) If the defendant is determined not to be in need of drug and alcohol treatment or if the defendant receives a penalty imposed under 30 Pa.C.S. § 5502(c.1) (relating to operating watercraft under influence of alcohol or controlled substance), the defendant may only be sentenced to a county intermediate punishment program in:

- (A) house arrest with electronic surveillance;
- (B) partial confinement programs such as work release, work camps and halfway facilities; or

(C) any combination of the programs set forth in this paragraph.

(5) A defendant subject to 75 Pa.C.S. § 3804 (relating to penalties) or 30 Pa.C.S. § 5502(c.1) may only be sentenced to county intermediate punishment for a first, second or third offense under 75 Pa.C.S. Ch. 38 (relating to driving after imbibing alcohol or utilizing drugs) or 30 Pa.C.S. § 5502.]

§ 9810. Continued eligibility.

(a) Evaluation.--In order to remain eligible for [continued grant] **county intermediate punishment** funding, a county shall comply with commission standards and regulations and participate in an evaluation to determine program effectiveness. The form of the evaluation shall be determined by the commission[.] **and shall include certification by the Pennsylvania Commission on Sentencing under section 2154.1(b) (relating to adoption of guidelines for restrictive conditions).**

* * *

Section 7. The definition of "eligible inmate" in section 3903 of Title 61 is amended to read:

§ 3903. 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:

* * *

"Eligible inmate." A person sentenced to a term of confinement under the jurisdiction of the Department of Corrections who is serving a term of confinement, the minimum of which is not more than two years and the maximum of which is five years or less, or an inmate who is serving a term of confinement, the minimum of which is not more than three years where that inmate is within two years of completing his minimum term, and who has not reached 40 years of age at the time he is approved for participation in the motivational boot camp program. The term shall not include any inmate who is subject to a sentence the calculation of which included an enhancement for the use of a deadly weapon as defined pursuant to the sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing, any inmate who has been convicted or adjudicated delinquent of any crime [requiring registration] **listed** under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders) **or I (relating to continued registration of sexual offenders)** or any inmate with a current conviction or a prior conviction within the past ten years for [any of the following offenses:

18 Pa.C.S. § 2502 (relating to murder).

18 Pa.C.S. § 2503 (relating to voluntary manslaughter).

18 Pa.C.S. § 2506 (relating to drug delivery resulting in death).

18 Pa.C.S. § 2901(a) (relating to kidnapping).

18 Pa.C.S. § 3301(a)(1)(i) (relating to arson and related offenses).

18 Pa.C.S. § 3502 (relating to burglary) in the case of burglary of a structure adapted for overnight accommodation in which at the time of the offense any person is present.

18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery).

18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).

18 Pa.C.S. § 7508 (a)(1)(iii), (2)(iii), (3)(iii) or (4)(iii) (relating to drug trafficking sentencing and penalties).] **18 Pa.C.S. § 2502 (relating to murder), drug trafficking as defined in section 4103 (relating to**

definitions) or a crime of violence as defined in 42 Pa.C.S. § 9714(g) (relating to sentences for second or subsequent offenses) or criminal attempt, criminal solicitation or criminal conspiracy to commit any of these offenses.

* * *

Section 8. Sections 3904(b) and 3905(e) of Title 61 are amended to read:

§ 3904. Selection of inmate participants.

* * *

(b) Duties of sentencing judge.--The sentencing judge shall employ the sentencing guidelines to identify those defendants who are eligible for participation in a motivational boot camp. The judge shall have the discretion to exclude a defendant from eligibility if the judge determines that the defendant would be inappropriate for placement in a motivational boot camp. The judge shall note on the sentencing order whether the defendant has been [identified as eligible] **excluded from eligibility** for a motivational boot camp program.

* * *

§ 3905. Motivational boot camp program.

* * *

[(e) Evaluation.--The department and the commission shall monitor and evaluate the motivational boot camp programs to ensure that the programmatic objectives are met. Both shall present biennial reports of the evaluations to the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives no later than February 1 in alternate years.]

Section 9. The heading of Chapter 41 of Title 61 is amended to read:

CHAPTER 41

STATE [INTERMEDIATE PUNISHMENT] **DRUG TREATMENT PROGRAM**

Section 10. Section 4101 of Title 61 is amended to read:

§ 4101. Scope of chapter.

This chapter relates to **the State [intermediate punishment] drug treatment program.**

Section 11. The definitions of "eligible offender" and "participant" in section 4103 of Title 61 are amended and the section is amended by adding a definition to read:

§ 4103. 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:

* * *

"Drug trafficking." A violation of section 13(a)(14), (30) or (37) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, where the controlled substance is:

(1) Marijuana, if the amount of marijuana involved is at least 50 pounds or at least 51 live plants.

(2) A narcotic drug classified in Schedule I or Schedule II under section 3 or 4 of The Controlled Substance, Drug, Device and Cosmetic Act, if the aggregate weight of the compound or mixture containing the substance involved is at least 100 grams.

(3) Any of the following, if the aggregate weight of the compound or mixture of the substance involved is at least 100 grams:

(i) Coca leaves.

(ii) A salt, compound, derivative or preparation of coca leaves.

(iii) A salt, compound, derivative or preparation which is chemically equivalent or identical with any of the substances under subparagraphs (i) and (ii).

(iv) A mixture containing any of the substances under subparagraphs (i) and (ii), except decocainized coca leaves or extracts of coca leaves which do not contain cocaine or ecgonine.

(4) Any of the following, if the aggregate weight of the compound or mixture of the substance involved is at least 100 grams:

(i) Methamphetamine.

(ii) Phencyclidine.

(iii) A salt, isomer or salt of an isomer of methamphetamine or phencyclidine.

(iv) A mixture containing:

(A) Methamphetamine or phencyclidine.

(B) A salt of methamphetamine or phencyclidine.

(C) An isomer of methamphetamine or phencyclidine.

(D) A salt of an isomer of methamphetamine or phencyclidine.

(5) Heroin or a mixture containing heroin, if the aggregate weight of the compound or mixture containing the heroin is 50 grams or greater.

(6) A mixture containing 3, 4-methylenedioxyamphetamine (MDA); 3, 4-methylenedioxymethamphetamine (MDMA); 5-methoxy-3, 4-methylenedioxyamphetamine (MMDA); 3, 4-methylenedioxy-N-ethylamphetamine; or N-hydroxy-3, 4-methylenedioxyamphetamine when the aggregate weight of the compound or mixture containing the substance involved is at least 1,000 tablets, capsules, caplets or other dosage units, or 300 grams.

(7) Fentanyl or a mixture containing Fentanyl, if the aggregate weight of the compound or mixture containing the Fentanyl is 10 grams or more.

(8) Carfentanil or a mixture containing carfentanil, if the aggregate weight of the compound or mixture containing the carfentanil is one gram or more.

"Eligible [offender." Subject to 42 Pa.C.S. § 9721(a.1) (relating to sentencing generally), a defendant] **person.**"

(1) A **person who has not been** designated by the sentencing court as **ineligible and is** a person convicted of a drug-related offense who:

[(1)] (i) Has undergone an assessment performed by the Department of Corrections, which assessment has concluded that the [defendant] **person** is in need of drug and alcohol addiction treatment and would benefit from commitment to [a drug offender] **the State drug** treatment program and that placement in [a drug offender] **the State drug** treatment program would be appropriate.

[(2)] (ii) Does not demonstrate a history of present or past violent behavior.

[(3) Would be placed in the custody of the department if not sentenced to State intermediate punishment.]

(iii) Is a person sentenced to a term of confinement under the jurisdiction of the department, the minimum of which is not more than two years, or a person who is serving a term of confinement, the minimum of which is not more than five years where

the person is within two years of completing the person's minimum term.

[(4)] **(iv)** Provides written consent permitting release of information pertaining to the [defendant's] **person's** participation in [a drug offender] **the State drug** treatment program.

(2) The term shall not include a [defendant] **person** who is subject to a sentence the calculation of which includes an enhancement for the use of a deadly weapon, as defined pursuant to law or the sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing, a [defendant] **person** who has been convicted or adjudicated delinquent of any crime [requiring registration] **listed** under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders) **or I (relating to continued registration of sexual offenders)** or a [defendant] **person** with a current conviction or a prior conviction within the past ten years for [any of the following offenses:

18 Pa.C.S. § 2502 (relating to murder).

18 Pa.C.S. § 2503 (relating to voluntary manslaughter).

18 Pa.C.S. § 2506 (relating to drug delivery resulting in death).

18 Pa.C.S. § 2901(a) (relating to kidnapping).

18 Pa.C.S. § 3301(a)(1)(i) (relating to arson and related offenses).

18 Pa.C.S. § 3502 (relating to burglary), in the case of burglary of a structure adapted for overnight accommodation in which at the time of the offense any person is present.

18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery).

18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).

18 Pa.C.S. § 7508 (a)(1)(iii), (2)(iii), (3)(iii) or (4)(iii) (relating to drug trafficking sentencing and penalties).] **18 Pa.C.S. § 2502 (relating to murder), drug trafficking as defined in this section or a crime of violence as defined in 42 Pa.C.S. § 9714(g) (relating to sentences for second or subsequent offenses) or criminal attempt, criminal solicitation or criminal conspiracy to commit any of these offenses.**

* * *

"Participant." An eligible [offender actually sentenced to State intermediate punishment pursuant to 42 Pa.C.S. § 9721(a)(7) (relating to sentencing generally).] **person placed in the State drug treatment program.**

* * *

Section 12. Sections 4104, 4105 and 4107 of Title 61 are amended to read:

§ 4104. [Referral to State intermediate punishment] **Selection for the State drug treatment program.**

(a) [Referral for evaluation.--

(1) Prior to imposing a sentence, the court may, upon motion of the Commonwealth, commit a defendant to the custody of the department for the purpose of evaluating whether the defendant would benefit from a drug offender treatment program and whether placement in the drug offender treatment program is appropriate.

(1.1)] **Duties of commission and sentencing judge.--**

(1) **Through the use of sentencing guidelines, the commission shall employ the term "eligible person" as defined in this chapter to further identify persons who would be**

potentially appropriate for participation in the State drug treatment program. The sentencing judge shall employ the sentencing guidelines to identify persons who are eligible for participation in the State drug treatment program. The judge shall consider the position of a victim of the crime, as advised by the prosecuting attorney, on whether to exclude the person from eligibility for placement in the State drug treatment program. The judge shall exclude the person from eligibility if the prosecuting attorney opposes eligibility. The judge shall note on the sentencing order if a person has been excluded from eligibility for the State drug treatment program. If the person is not excluded from eligibility, the minimum sentence imposed shall operate as the minimum for parole eligibility purposes if the person is not placed in the program by the department under subsection (c) or if the person is expelled from the program under section 4105(f) (relating to State drug treatment program).

(2) (i) The prosecuting attorney shall advise the court if the prosecuting attorney or a victim of the crime opposes eligibility and, in the prosecuting attorney's sole discretion, may advise the court that the Commonwealth has elected to waive the eligibility requirements of this chapter if the victim has been given notice of the prosecuting attorney's intent to waive the eligibility requirements and an opportunity to be heard on the issue.

(ii) The court, after considering victim input, may refuse to accept the prosecuting attorney's waiver of the eligibility requirements.

[(2) Upon committing a defendant to the department, the court shall forward to the department:

(i) A summary of the offense for which the defendant has been convicted.

(ii) Information relating to the defendant's history of delinquency or criminality, including the information maintained by the court under 42 Pa.C.S. Ch. 63 (relating to juvenile matters), when available.

(iii) Information relating to the defendant's history of drug or alcohol abuse or addiction, when available.

(iv) A presentence investigation report, when available.

(v) Any other information the court deems relevant to assist the department with its assessment of the defendant.]

(b) Assessment of [addiction.--

(1) The] **addiction.--The** department shall conduct an assessment of the addiction and other treatment needs of [a defendant] **an eligible person** and determine whether the [defendant] **person** would benefit from [a drug offender] **the State drug treatment program[.]**, **public safety would be enhanced by the person's participation in the State drug treatment program, and placement of the person in the State drug treatment program would not depreciate the seriousness of the offense.** The assessment shall be conducted using a nationally recognized assessment instrument or an instrument that has been normed and validated on the department's inmate population by a recognized expert in such matters. The assessment instrument shall be administered by persons skilled in the treatment of drug and alcohol addiction and trained to conduct assessments. The assessments shall be reviewed and approved by a supervisor with at least three

years of experience providing drug and alcohol counseling services.

[(2) The department shall conduct risk and other assessments it deems appropriate and shall provide a report of its assessments to the court, the defendant, the attorney for the Commonwealth and the commission within 60 days of the court's commitment of the defendant to the custody of the department.]

(c) [Proposed drug offender] **Placement in the State drug treatment program.**--If the department in its discretion believes [a defendant] **an eligible person** would benefit from [a drug offender] **the State drug** treatment program and placement in the [drug offender treatment] program is appropriate, the department shall [provide] **make the placement and notify** the court, the [defendant,] **eligible person, the commission and** the attorney for the Commonwealth [and the commission with a proposed drug offender treatment program detailing the type of treatment proposed] **of the placement.**

[(d) Prerequisites for commitment.--Upon receipt of a recommendation for placement in a drug offender treatment program from the department and agreement of the attorney for the Commonwealth, the court may sentence an eligible offender to a period of 24 months of State intermediate punishment if the court finds that:

(1) The eligible offender is likely to benefit from State intermediate punishment.

(2) Public safety would be enhanced by the eligible offender's participation in State intermediate punishment.

(3) Sentencing the eligible offender to State intermediate punishment would not depreciate the seriousness of the offense.

(e) Resentencing.--The department may make a written request to the sentencing court that an offender who is otherwise eligible but has not been referred for evaluation or originally sentenced to State intermediate punishment be sentenced to State intermediate punishment. The court may resentence the offender to State intermediate punishment if all of the following apply:

(1) The department has recommended placement in a drug offender treatment program.

(2) The attorney for the Commonwealth and the offender have agreed to the placement and modification of sentence.

(3) The court makes the findings set forth under subsection (d).

(4) The resentencing has occurred within 365 days of the date of the defendant's admission to the custody of the department.

(5) The court has otherwise complied with all other requirements for the imposition of sentence including victim notification under the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.]

(f) Consecutive probation.--Nothing in this chapter shall prohibit the court from sentencing an eligible [offender] **person** to a consecutive period of probation. The total duration of the sentence may not exceed the maximum term for which the eligible [offender] **person** could otherwise be sentenced.

[(g) Applicability and program limitations.--The court may not modify or alter the terms of the department's proposed individualized drug offender treatment plan without the agreement of the department and the attorney for the Commonwealth.

(h) Videoconferencing.--The department shall make videoconferencing facilities available to allow the court to

conduct proceedings necessary under this section when the eligible offender has been committed to the custody of the department pursuant to subsection (b).

(i) Victims.--Victims of personal injury crimes shall be given the opportunity to receive notice of and to provide prior comment on any recommendation by the department under subsection (b) or (d) that the offender participate in the State Intermediate Punishment Program.

(j) Definitions.--As used in this section, the term "personal injury crime" shall be defined as in section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.]

§ 4105. [Drug offender] **State drug** treatment program.

(a) Establishment.--The department shall establish and administer [a drug offender] **the State drug** treatment program [as a State intermediate punishment]. The program shall be designed to address the individually assessed drug and alcohol abuse and addiction needs of a participant and shall address other issues essential to the participant's successful reintegration into the community, including, but not limited to, educational and employment issues.

(b) Duration and components.--Notwithstanding any credit to which the defendant may be entitled under 42 Pa.C.S. § 9760 (relating to credit for time served), the duration of the **State drug** [offender] treatment program [shall be] **is 24 months** [and], **but if the participant is unable to complete the program within 24 months and is otherwise compliant with the program, subject to the discretion of the department, the program duration may be extended up to 30 months total in order for the participant to successfully complete the program. The program shall include the following:**

(1) A period in a State correctional institution of not less than seven months. This period shall include:

(i) The time during which the [defendants are] **eligible person is** being evaluated by the department under section 4104(b) (relating to [referral to State intermediate punishment] **selection for the State drug treatment** program).

(ii) Following evaluation under subparagraph (i), not less than four months shall be in an institutional therapeutic community.

(2) A period of treatment in a community-based therapeutic community of at least two months.

(3) A period of at least six-months' treatment through an outpatient addiction treatment facility. During the outpatient addiction treatment period of the [drug offender treatment] program, the participant may be housed in a community corrections center or group home or placed in an approved transitional residence. The participant must comply with any conditions established by the department regardless of where the participant resides during the outpatient addiction treatment portion of the [drug offender treatment] program.

(4) A period of supervised reintegration into the community for the balance of the [drug offender treatment] program, during which the participant shall continue to be supervised by the department and comply with any conditions imposed by the department.

(5) **Upon certification by the department of the participant's successful completion of the program, the entire term of confinement that rendered the participant**

eligible to participate in the State drug treatment program shall be deemed to have been served.

(c) Program management.--

(1) Consistent with the minimum time requirements set forth in subsection (b), the department may transfer, at its discretion, a participant between a State correctional institution, an institutional therapeutic community, a community-based therapeutic community, an outpatient addiction treatment program and an approved transitional residence. The department may also transfer a participant back and forth between less restrictive and more restrictive settings based upon the participant's progress or regression in treatment or for medical, disciplinary or other administrative reasons.

(2) This subsection shall be construed to provide the department with the maximum flexibility to administer the **State** drug [offender] treatment program both as a whole and for individual participants.

(d) Right of refusal to admit.--The administrator of a community-based therapeutic community or outpatient addiction treatment facility may refuse to accept a participant whom the administrator deems to be inappropriate for admission and may immediately discharge to the custody of the department any participant who fails to comply with facility rules and treatment expectations or refuses to constructively engage in the treatment process.

(e) Notice to court of completion of program.--When the department determines that a participant has successfully completed the **State** drug [offender] treatment program, it shall notify the sentencing court, the attorney for the Commonwealth and the commission.

(f) Expulsion from program.--

(1) A participant may be expelled from the **State** drug [offender] treatment program at any time in accordance with guidelines established by the department, including failure to comply with administrative or disciplinary procedures or requirements set forth by the department. **An expelled participant shall be housed in a State correctional institution to serve the remainder of the participant's sentence. The expelled participant shall be eligible for parole at the minimum sentence but may not be eligible for short sentence parole under section 6137.1 (relating to short sentence parole).**

(1.1) A police officer commissioned under section 1 of the act of May 21, 1943 (P.L.469, No.210), entitled "An act providing for commissioning as police officers certain employes of institutions maintained in whole or in part by the Commonwealth; conferring upon them the powers of constables in certain cases; and imposing duties on wardens and keepers of jails, police stations and lock-ups," shall have the authority to issue a warrant for the return of a participant who is not in compliance with the terms of the drug offender treatment program to the custody of the department.

(2) The department shall promptly notify the court, the [defendant] **participant**, the attorney for the Commonwealth and the commission of the expulsion of a participant from the **State** drug [offender] treatment program and the reason for such expulsion. [The participant shall be housed in a State correctional institution or county jail pending action by the court.

(3) The court shall schedule a prompt State intermediate punishment revocation hearing pursuant to 42 Pa.C.S. § 9774 (relating to revocation of State intermediate punishment sentence).]

§ 4107. [Reports] **Evaluation.**

[(a) Final report.--The department shall provide a final report to the court, the defendant, the attorney for the Commonwealth and the commission on a participant's progress in the drug offender treatment program.]

(b) Evaluation and report to General Assembly.--The department [and the commission] shall monitor and evaluate the **State** drug [offender] treatment program to ensure that the programmatic objectives are met. [In odd-numbered years, the] **Every three years, the** department shall present a report of its evaluation to the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives no later than February 1. [In even-numbered years, the commission shall present a report of its evaluation to the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives no later than February 1.] The report shall include:

(1) The number of [offenders] **persons** evaluated for the **State** drug [offender] treatment program.

(2) The number of [offenders sentenced to] **persons placed into** the **State** drug [offender] treatment program.

(3) The number of [offenders] **persons** sentenced to a State correctional institution who may have been eligible for the **State** drug [offender] treatment program.

(4) The number of [offenders] **persons** successfully completing the **State** drug [offender] treatment program.

(5) The six-month, one-year, three-year and five-year recidivism rates for [offenders] **persons** who have completed the **State** drug [offender] treatment program and for a comparison group of [offenders] **persons** who were not placed in the **State** drug [offender] treatment program.

(6) Any changes the department [or the commission] believes will make the **State** drug [offender] treatment program more effective.

Section 13. The definition of "eligible offender" in section 4503 of Title 61 is amended to read:

§ 4503. 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:

* * *

"Eligible [offender] **person.**" A defendant or inmate convicted of a criminal offense who will be committed to the custody of the department and who meets all of the following eligibility requirements:

(1) Does not demonstrate a history of present or past violent behavior.

(2) Has not been subject to a sentence the calculation of which includes an enhancement for the use of a deadly weapon as defined under law or the sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing or the attorney for the Commonwealth has not demonstrated that the defendant has been found guilty of or was convicted of an offense involving a deadly weapon or offense under 18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles) or the equivalent offense under the laws of the United States or one of its territories or possessions,

another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation[.] **or criminal attempt, criminal solicitation or criminal conspiracy to commit any of these offenses.**

(3) Has not been found guilty of or previously convicted of or adjudicated delinquent for or [an attempt or conspiracy to commit] **criminal attempt, criminal solicitation or criminal conspiracy to commit murder, a crime of violence as defined in 42 Pa.C.S. § 9714(g) (relating to sentences for second and subsequent offenses) or a personal injury crime as defined under section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, except for an offense under 18 Pa.C.S. § 2701 (relating to simple assault) when the offense is a misdemeanor of the third degree, or an equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation.**

(4) Has not been found guilty of or previously convicted or adjudicated delinquent for violating any of the following provisions or an equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation **or criminal attempt, criminal solicitation or criminal conspiracy to commit any of these offenses:**

18 Pa.C.S. § 4302(a) (relating to incest).

18 Pa.C.S. § 5901 (relating to open lewdness).

18 Pa.C.S. Ch. 76 Subch. C (relating to Internet child pornography).

Received a criminal sentence pursuant to 42 Pa.C.S. § 9712.1 (relating to sentences for certain drug offenses committed with firearms).

Any offense [for which registration is required] **listed** under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders) **or I (relating to continued registration of sexual offenders).**

Drug trafficking as defined in section 4103 (relating to definitions).

(5) Is not awaiting trial or sentencing for additional criminal charges, if a conviction or sentence on the additional charges would cause the defendant to become ineligible under this definition.

[(6) Has not been found guilty of or previously convicted of violating section 13(a)(14), (30) or (37) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, where the sentence was imposed pursuant to 18 Pa.C.S. § 7508(a)(1)(iii), (2)(iii), (3)(iii), (4)(iii), (7)(iii) or (8)(iii) (relating to drug trafficking sentencing and penalties).]

* * *

Section 13.1. Section 4505(c) introductory paragraph and (2) of Title 61 are amended to read:
§ 4505. Sentencing.

* * *

(c) Recidivism risk reduction incentive minimum sentence.--If the court determines that the defendant is an eligible offender or the prosecuting attorney has waived the eligibility requirements under subsection (b), the court shall **provide notice of eligibility to the defendant and** enter a sentencing order that does all of the following:

* * *

(2) Imposes the recidivism risk reduction incentive minimum sentence. **The court shall direct the department to calculate the length of the sentence.** The recidivism risk reduction incentive minimum shall be equal to three-fourths of the minimum sentence imposed when the minimum sentence is three years or less. The recidivism risk reduction incentive minimum shall be equal to five-sixths of the minimum sentence if the minimum sentence is greater than three years. For purposes of these calculations, partial days shall be rounded to the nearest whole day. In determining the recidivism risk reduction incentive minimum sentence, the aggregation provisions of 42 Pa.C.S. §§ 9757 (relating to consecutive sentences of total confinement for multiple offenses) and 9762(f) (relating to sentencing proceeding; place of confinement) shall apply[.] **and the recidivism risk reduction incentive minimum sentence shall be recalculated following the aggregation of consecutive sentences. An offender determined by the court to be ineligible for a recidivism risk reduction incentive minimum sentence for any of the sentences subject to aggregation shall be ineligible for a recidivism risk reduction incentive minimum sentence for the aggregated sentence.**

* * *

Section 14. Sections 4509 and 4510 of Title 61 are repealed:
[§ 4509. Evaluation.

(a) General rule.--The department, the board and the commission shall monitor and evaluate the recidivism risk reduction incentive programs. Evaluations under this section should be scientifically rigorous and seek to determine the effectiveness of the programs, including whether specific recidivism risk reduction incentive programs have reduced the recidivism rates of the program participants as compared to previously incarcerated and similarly situated inmates.

(b) Publication.--The department, the board and the commission shall make evaluations conducted under this section and underlying data available to the public. The publicly available data and evaluations shall comply with generally accepted practices of the research community, including expectations relating to subject privacy and identifying information.

§ 4510. Reports.

(a) Recidivism risk reduction.--The department, the board and the commission shall monitor and evaluate the recidivism risk reduction incentive programs to ensure that the goals and objectives of this chapter are met and shall report to the General Assembly as follows:

(1) In even-numbered years, the department shall present a report of its evaluation to the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives no later than February 1. The report shall include all of the following:

(i) The number of inmates determined by the department to be eligible offenders under this chapter and the offenses for which the eligible offenders were committed to the custody of the department.

(ii) The number of inmates committed to the custody of the department who were subject to a recidivism risk reduction incentive minimum sentence.

(iii) The number of inmates paroled at the recidivism risk reduction incentive minimum date.

(iv) Any potential changes that would make the program more effective.

(v) The six-month, one-year, three-year and five-year recidivism rates for inmates released at the recidivism risk reduction incentive minimum sentence.

(vi) Any other information the department deems relevant.

(2) In odd-numbered years, the commission shall present a report of its evaluation to the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives no later than February 1. The report shall include all of the following:

(i) Whether the goals of this chapter could be achieved through amendments to parole or sentencing guidelines.

(ii) The various options for parole or sentencing guidelines under subparagraph (i).

(iii) The status of any proposed or implemented guidelines designed to implement the provisions of this chapter.

(iv) Any potential changes to the program that would be likely to reduce the risk of recidivism of inmates and improve public safety.

(v) Any other information the commission deems relevant.

(b) Educational plan.--

(1) The Pennsylvania Commission on Crime and Delinquency shall publish a report of a proposed educational program plan within one year of the effective date of this section. The proposed educational program plan shall be developed in consultation with the department, the commission, the board, the Pennsylvania District Attorneys Association, the victim advocate and representatives of the judiciary and the criminal defense bar and other criminal justice stakeholders.

(2) The plan shall seek to provide cost-effective training or information through electronic means, publications or continuing educational programs that address the following topics:

(i) The treatment programs available through the board and the department.

(ii) The availability of programs and eligibility requirements that can reduce recidivism risk, including State intermediate punishment, motivational boot camp and recidivism risk reduction incentive programs.

(iii) The calculation of sentencing credit and practices that could inadvertently prevent an inmate from receiving sentence credit.

(iv) Recent statutory changes relating to sentencing, place of confinement, medical releases, transfer of inmates and parole.]

Section 14.1. Section 5906(a) introductory paragraph of Title 61 is amended to read:

§ 5906. Confidentiality of victim information.

(a) General rule.--Notwithstanding any other provision of law, any and all statements or testimony of the victim [or] **and of any** family member submitted to the department shall be:

* * *

Section 15. Section 6101 of Title 61 is amended to read: § 6101. 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:

"Board." The Pennsylvania [Board of Probation and] Parole **Board.**

Section 16. The heading of Subchapter B of Chapter 61 of Title 61 is amended to read:

SUBCHAPTER B

ADMINISTRATION OF THE PENNSYLVANIA PAROLE BOARD

Section 16.1. Section 6111 heading and (a) of Title 61 are amended to read:

§ 6111. Pennsylvania [Board of Probation and] Parole **Board**.

(a) Establishment.--The Pennsylvania [Board of Probation and] Parole **Board** is an independent administrative board for the administration of the [probation and] parole laws of this Commonwealth.

* * *

Section 17. (Reserved).

Section 18. Sections 6131(a)(3), (4) and (5), 6133(c) and (d) and 6137(a)(1) and (g) of Title 61 are amended to read:

§ 6131. General powers of board.

(a) General rule.--The board shall have the power and its duty shall be:

* * *

(3) To collect and maintain a record of all persons who are placed on [probation and] parole.

[(4) To collect, compile and publish statistical and other information relating to probation and parole work in all courts and such other information the board may deem of value in probation service.

(5) To establish, by regulation, uniform Statewide standards for:

(i) Presentence investigations.

(ii) The supervision of probationers.

(iii) The qualifications for probation personnel.

(iv) Minimum salaries.

(v) Quality of probation service.

The standards for the qualifications of probation personnel shall only apply to probation personnel appointed after the date the standards are established. Should any probation personnel appointed prior to the date the standards were established fail to meet the standards, the court having jurisdiction of such personnel may request the board to establish in-service training for them in accordance with the standards.]

* * *

§ 6133. Probation services.

* * *

(c) [Grant-in-aid.--

(1) A county that provides additional probation staff for presentence investigations and improved probation supervision and programs shall receive a grant-in-aid from the Commonwealth through the board for additional costs incurred thereby but only to the extent that the additional staff and program meet the qualifications and standards established by the board.

(2) The grant-in-aid shall provide 80% of the personnel salary costs incurred by a county to administer these additional services and programs.

(3) If insufficient funds are appropriated, each county shall receive a prorated reduction in the grant-in-aid.

(4) The board shall establish rules and regulations for the allocation of funds available for such grants-in-aid.]

Supervision and investigation.--Supervision and presentence investigations by court order or request shall be provided in accordance with board regulations.

(d) In-service training.--The board shall provide in-service training for personnel of county probation offices when requested to do so by the court having jurisdiction of the probation office[.] **as provided by memorandum of understanding with the Pennsylvania Commission on Crime and Delinquency and contingent upon the availability of money.**

§ 6137. Parole power.

(a) General criteria for parole.--

(1) The board may parole subject to consideration of guidelines established under 42 Pa.C.S. § 2154.5 (relating to adoption of guidelines for parole) **or subject to section 6137.1 (relating to short sentence parole)** and may release on parole any inmate to whom the power to parole is granted to the board by this chapter, except an inmate condemned to death or serving life imprisonment, whenever in its opinion:

(i) The best interests of the inmate justify or require that the inmate be paroled.

(ii) It does not appear that the interests of the Commonwealth will be injured by the inmate's parole.

* * *

(g) Procedure.--

(1) The department shall identify all inmates committed to the custody of the department that meet the definition of an eligible offender.

(2) Upon identification of an inmate as an eligible offender, the department shall send notice to the board. The board shall send notice to the prosecuting attorney and the court no less than six months before the expiration of the inmate's minimum sentence indicating that the department has preliminarily identified the inmate as an eligible offender. The notice shall be sent by United States mail unless the board, the court and the prosecutor have consented to receipt of notice via electronic means. For inmates committed to the department whose expiration of the minimum sentence is six months or less from the date of admission, the department shall give prompt notice.

(2.1) The department shall provide the board all information related to the inmate's adjustment while incarcerated, misconducts, if any, information related to programming and treatment, including success, completion or failure to complete, or any other information the department deems relevant. The board shall send such information to the prosecuting attorney and to the court no less than six months before the expiration of the inmate's minimum sentence. The notice may be sent electronically. For inmates committed to the department whose expiration of the minimum sentence is six months or less from the date of admission, such information shall be sent at the same time prompt notice under paragraph (2) is given.

(3) Within 30 days of receipt of notice under paragraph (2), the court or prosecuting attorney may file a written objection to the department's preliminary identification of the inmate as an eligible offender. Notice of the objection shall be provided to the department and the board.

(4) If no notice of objection has been filed under paragraph (3), the board or its designee shall approve for parole at the expiration of the eligible offender's minimum date upon a determination that all of the following apply:

(i) The department certified that the inmate has maintained a good conduct record and continues to remain an eligible offender.

(ii) The reentry plan for the inmate is adequate.

(iii) Individual conditions and requirements for parole have been established.

(iv) There is no reasonable indication that the inmate poses a risk to public safety.

(5) If the court or prosecuting attorney files a timely objection under paragraph (3), the board shall make a determination as to whether the inmate is an eligible offender. The board shall notify the department, prosecuting attorney and court of its determination no later than 30 days prior to the minimum parole date. If the board determines that the inmate is an eligible offender under this chapter, the board shall follow the provisions under paragraph (4). If the board determines that the inmate is not an eligible offender under section 4503 (relating to definitions), the board shall retain exclusive jurisdiction to grant parole and shall determine whether the inmate should be paroled at the minimum date, paroled at a later date or denied parole.

(6) Nothing in this subsection shall be construed as granting a right to be paroled to any person, and any decision by the board and its designees or the department, under this section shall not be considered an adjudication under 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

(7) Except as provided under this subsection, nothing in this chapter shall otherwise affect the powers and duties of the board or the department.

* * *

Section 19. Title 61 is amended by adding sections to read:
§ 6137.1. Short sentence parole.

(a) General rule.--This section applies to persons committed to the department with an aggregate minimum sentence of confinement under 42 Pa.C.S. § 9756(b) (relating to sentence of total confinement) of two years or less or a recidivism risk reduction incentive minimum sentence under 42 Pa.C.S. § 9756(b.1) of two years or less, whichever is shorter. Regardless of sentence imposed, this section does not apply to:

(1) persons committed for or with an aggregate sentence containing a personal injury crime, or any criminal attempt, criminal solicitation or criminal conspiracy to commit a personal injury crime as defined in section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act;

(1.1) persons committed for or with an aggregate sentence containing a crime of violence, or any criminal attempt, criminal solicitation or criminal conspiracy to commit a crime of violence as defined in 42 Pa.C.S. § 9714(g) (relating to sentences for second or subsequent offenses);

(2) persons committed for or with an aggregate sentence containing an offense under 18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles) or a criminal attempt, criminal solicitation or criminal conspiracy to commit the offense;

(3) persons committed for or with an aggregate sentence containing an enhancement for the use of a deadly weapon as defined under law or the sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing or where the attorney for the Commonwealth has demonstrated that the defendant has been found guilty of or was convicted of an offense involving a deadly weapon or a criminal attempt, criminal solicitation or criminal conspiracy to commit the

offense or an equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation;

(4) persons committed for or with an aggregate sentence containing a violation of any of the following provisions or an equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, including a criminal attempt, criminal solicitation or criminal conspiracy to commit the offense:

18 Pa.C.S. § 4302(a) (relating to incest).

18 Pa.C.S. § 5901 (relating to open lewdness).

18 Pa.C.S. Ch. 76 Subch. C (relating to Internet child pornography).

A criminal sentence pursuant to 42 Pa.C.S. § 9712.1 (relating to sentences for certain drug offenses committed with firearms).

An offense listed under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders).

An offense listed under 42 Pa.C.S. Ch. 97 Subch. I (relating to continued registration of sexual offenders).

(5) persons committed for or with an aggregate sentence containing an offense of drug trafficking as defined in section 4103 (relating to definitions) or a criminal attempt, criminal solicitation or criminal conspiracy to commit drug trafficking as defined in section 4103;

(6) persons awaiting trial or sentencing for additional criminal charges, if a conviction or sentence on the additional charges would cause the person to become ineligible under this subsection;

(7) persons who are currently serving a sentence to State prison and have been denied parole on that sentence;

(8) persons convicted of any criminal offense committed while incarcerated; or

(9) any person who the board, in its discretion, determines should be excluded from this section because:

(i) there exists an identifiable threat to public safety; or

(ii) inclusion substantially jeopardizes the rehabilitative needs of the person.

(b) Approval of parole.--The board shall, without requiring an interview, approve for parole a person eligible for short sentence parole under this section at the expiration of the person's minimum date or recidivism risk reduction incentive minimum date, whichever is shorter. If the person was committed to the department after expiration of the person's minimum date, the board shall approve the person for parole within 30 days after commitment to the department.

(b.1) Misconduct.--Notwithstanding subsection (b), a person shall not be eligible for short sentence parole under this section if the person has:

(1) been found guilty of a major disciplinary infraction while confined in a county correctional institution or State correctional institution; or

(2) a pending felony charge or outstanding felony arrest warrant or detainer, except that this section may be applied to allow a person to be paroled to a detainer related to an underlying felony charge.

(c) Nonapplicability.--The requirements of sections 6135 (relating to investigation of circumstances of offense), 6137(a)(3.1), (e)(1), (f) and (g) (relating to parole power)

and 6139 (relating to parole procedure) and section 1101(e) of the Crime Victims Act do not apply to paroles under this section.

(d) Assessment.--The department shall provide a risk-and-needs assessment to the board, and the board shall establish initial conditions of parole based on the assessment.

(e) Applicability.--This section shall only apply to persons sentenced after the effective date of this section.

(f) Reports.--The Pennsylvania Commission on Sentencing shall provide a report to the General Assembly on cost savings and recidivism attributed to this section as follows:

(1) No later than two years after the effective date of this section.

(2) No later than two years after the report issued under paragraph (1).

(g) Procedures.--The board shall adopt procedures to carry out this section.

(h) Definition.--As used in this section, the term "major disciplinary infraction" means the violation:

(1) was sexual in nature;

(2) involved assaultive behavior or included a credible threat to cause bodily injury to another;

(3) involved possession or control of a weapon; or

(4) involved escape or possessing implements of escape.

§ 6137.2. Reentry supervision.

(a) General rule.--This section applies to persons committed to the department with an aggregate minimum sentence of total confinement under 42 Pa.C.S. § 9756(b) (relating to sentence of total confinement) of 4 years or more. Regardless of the sentence imposed, this section does not apply to persons sentenced to death, life imprisonment, persons otherwise ineligible for parole or persons subject to 42 Pa.C.S. § 9718.5 (relating to mandatory period of probation for certain sexual offenders).

(b) Reentry supervision.--Any person under subsection (a) shall be sentenced to a period of reentry supervision of 12 months consecutive to and in addition to any other lawful sentence issued by the court.

(c) Parole granted.--Persons who have been granted any period of parole by the parole board during the same period of incarceration shall be deemed to have served the requirements of this section.

(d) Supervision.--A person released to reentry supervision shall be considered to be released on parole.

(e) Imposition.--The court shall impose reentry supervision in addition to the maximum sentence permitted for the offense for which the defendant was convicted.

(f) Applicability.--This section shall only apply to persons sentenced after the effective date of this section.

Section 20. Section 6138(c)(1) and (1.1) of Title 61 are amended and subsections (a) and (c) are amended by adding paragraphs to read:

§ 6138. Violation of terms of parole.

(a) Convicted violators.--

* * *

(1.1) In addition to paragraph (1), a parolee under the jurisdiction of the board released from a correctional facility who, during the period of parole or while delinquent on parole, commits a crime punishable by imprisonment for which the parolee is convicted or found guilty by a judge or jury or to which the parolee pleads guilty or nolo contendere or of any misdemeanor of the third degree or of

any of the following offenses where graded as a summary offense, may at the discretion of the board be recommitted as a parole violator:

(i) Possession of a firearm in a court facility under 18 Pa.C.S. § 913(b)(3) (relating to possession of firearm or other dangerous weapon in court facility).

(ii) Harassment under 18 Pa.C.S. § 2709 (relating to harassment).

(iii) Retail theft under 18 Pa.C.S. § 3929 (relating to retail theft).

(iv) Disorderly conduct under 18 Pa.C.S. § 5503 (relating to disorderly conduct).

(v) Public drunkenness under 18 Pa.C.S. § 5505 (relating to public drunkenness and similar misconduct).

(vi) Cruelty to animals under 18 Pa.C.S. § 5533 (relating to cruelty to animal).

(vii) Aiding or abetting a minor to commit truancy under 18 Pa.C.S. § 6301 (relating to corruption of minors).

(viii) Selling or furnishing nonalcoholic beverages to minors under 18 Pa.C.S. § 6310.7 (relating to selling or furnishing nonalcoholic beverages to persons under 21 years of age).

* * *

(c) Technical violators.--

(1) [A] **Subject to paragraph (1.3), a parolee under the jurisdiction of the board who violates the terms and conditions of his parole, other than [by the commission of a new crime of which the parolee is convicted or found guilty by a judge or jury or to which the parolee pleads guilty or nolo contendere in a court of record] a convicted violator who has parole revoked under subsection (a),** may be detained pending a hearing before the board or waiver of the hearing or recommitted after a hearing before the board or a waiver of the hearing. Detention and recommitment under this paragraph shall be in a community corrections center [or], community corrections facility[, unless the board determines that one of the following conditions is present:

(i) The violation was sexual in nature.

(ii) The violation involved assaultive behavior.

(iii) The violation involved possession or control of a weapon.

(iv) The parolee has absconded, and the parolee cannot be safely diverted to a community corrections center or community corrections facility.

(v) There exists an identifiable threat to public safety, and the parolee cannot be safely diverted to a community corrections center or community corrections facility.

(1.1) If the board determines that a condition under paragraph (1) applies, the parolee shall be detained in or recommitted to a State correctional institution or contracted county jail.] **or any secured facility operated or contracted by the department.**

(1.2) **Notwithstanding paragraph (1) and subject to paragraph (1.3), a parolee under the jurisdiction of the board who violates the terms and conditions of his parole, other than a convicted violator who has parole revoked under subsection (a), may be arrested and detained without revocation of parole under a program to impose swift, predictable and brief sanctions. The program shall provide for immediate detention in a community corrections center,**

community corrections facility or any secured facility operated or contracted by the department for a period not to exceed seven days. The board shall adopt procedures governing appropriate detention under this paragraph, including identifying which offenders are eligible for the program and providing warnings to parolees to clearly communicate expectations and consequences.

(1.3) If the board determines that one of the following conditions is present regarding a parolee who violates the terms and conditions of parole, the parolee shall not be eligible for detention under paragraph (1.2) and shall be detained in or recommitted to a State correctional institution or contracted county jail:

(i) The violation was sexual in nature.

(ii) The violation involved assaultive behavior or included a credible threat to cause bodily injury to another.

(iii) The violation involved possession or control of a weapon.

(iv) The parolee has absconded and the parolee cannot be safely diverted to a community corrections center, community corrections facility or any secured facility operated or contracted by the department.

(v) There exists an identifiable threat to public safety, and the parolee cannot be safely diverted to a community corrections center, community corrections facility or any secured facility operated or contracted by the department.

(vi) The violation involved an intentional and unexcused failure to adhere to recommended programming or conditions on more than three occasions, and the parolee cannot be safely diverted to a community corrections center, community corrections facility or any secured facility operated or contracted by the department.

* * *

Section 21. Section 6139(a)(6) and (b) of Title 61 are amended to read:

§ 6139. Parole procedure.

(a) Specific requirements.--

* * *

(6) In no case shall a parole be granted, or an application for parole be dismissed, unless a board member, hearing examiner or other person so designated by the board shall have seen and heard the parolee in person in regard thereto within six months prior to the granting or dismissal thereof. **This requirement does not apply to paroles under section 6137.1 (relating to short sentence parole) .**

* * *

(b) Reliance on reports.--In granting and revoking paroles and in discharging from parole, the members of the board acting thereon shall not be required to personally hear or see all the witnesses and evidence submitted to them for their action, but they may act on the report submitted to them by their agents and employees, together with any pertinent and adequate information furnished to them by fellow members of the board or by others. **In granting or revoking parole or bringing an alleged parole violator before a hearing examiner, the appearance may be conducted via videoconferencing or similar virtual presence technology. This subsection shall not apply to victim input under section 6140 (relating to victim statements, testimony and participation in hearing).**

* * *

Section 22. Section 6140 of Title 61 is amended by adding a subsection to read:

§ 6140. Victim statements, testimony and participation in hearing.

* * *

(i) Victim or family member.--The term "victim or family member" shall be interpreted and applied to include all victims and family members and shall not be interpreted or applied to exclude any victim, victim's representative or family member who wishes to submit a statement, testify or otherwise participate under this section.

Section 23. Chapter 61 of Title 61 is amended by adding a subchapter to read:

**SUBCHAPTER E
PAROLEE HOMICIDE REVIEW**

Sec.

6161. Parolee Homicide Review Team.

6162. Members.

6163. Confidentiality.

6164. Regulations.

§ 6161. Parolee Homicide Review Team.

(a) Establishment.--The department shall establish the Parolee Homicide Review Team, which shall examine circumstances surrounding those who have committed criminal homicide while under supervision by the board.

(b) Powers and duties.--The department, in cooperation with the members of the Parolee Homicide Review Team, shall have the following powers and duties in relation to the program:

(1) Collect, review and analyze all appropriate events and issues surrounding and related to homicides committed by those while under the supervision of the board.

(2) Identify compliance with applicable statutes, regulations, guidelines, best practices, protocols and other standards.

(3) Develop and recommend any appropriate changes in applicable statutes, regulations, guidelines, best practices, protocols and other standards.

(4) Review relevant and applicable issues related to the training of individuals who interact with those under the supervision of the board and develop and recommend any appropriate changes to such training.

(5) Review relevant and applicable issues related to collaboration with other criminal justice agencies and develop recommendations to address any systematic gaps in supervision and public safety.

(6) Review relevant and applicable issues related to treatment, counseling, services and reentry programs and develop recommendations to improve case management of individuals.

(7) Submit a report to the Governor and the chairperson and minority chairperson of the Judiciary Committee of the Senate and the chairperson and minority chairperson of the Judiciary Committee of the House of Representatives by September 30 of each year relating to the activities, review, findings, analysis and recommendations of the Parolee Homicide Review Team. The recommendations shall address all issues identified under paragraphs (1), (2), (3), (4), (5) and (6), as well as factors that are likely to improve supervision practices, identify deficiencies in the system and recommendations to address them in order to reduce

recidivism and improve public safety and strengthen collaboration with criminal justice agencies.

(c) Nonhomicides.--The chair, in consultation with and approval of the other members of the Parolee Homicide Review Team, may include case reviews of nonhomicide cases if such cases resulted in a serious breach of public safety and review of such cases is necessary to maintain or improve the safety of the public.

(d) Meetings.--The Parolee Homicide Review Team shall meet no less than once per year, but as often as the chair deems necessary to fulfill the duties of the Parolee Homicide Review Team.

§ 6162. Members.

(a) Permanent members.--The Parolee Homicide Review Team shall consist of the following individuals or their designees:

(1) The Secretary of Corrections, who shall chair the Parolee Homicide Review Team.

(2) The chair of the Pennsylvania Board of Probation and Parole.

(3) The commissioner of the Pennsylvania State Police.

(4) Three district attorneys selected by the Pennsylvania District Attorneys Association. Each district attorney shall be from different regions of this Commonwealth.

(5) Three chief county probation officers selected by the County Probation Officers Association. Each chief county probation officer shall be from different regions of this Commonwealth.

(6) The executive director of the Pennsylvania Commission on Sentencing.

(7) The Attorney General.

(8) The executive director of the Pennsylvania Chiefs of Police Association.

(9) The victim advocate.

(10) No more than two professors of law with expertise in criminal justice, appointed by the Governor.

(11) A representative from the Administrative Office of Pennsylvania Courts, appointed by the Chief Justice.

(12) A representative of a local victim services organization, appointed by the Governor.

(13) The executive director of the Pennsylvania Commission on Crime and Delinquency.

(b) Ad hoc members.--The chair, in consultation with and approval of the other members of the Parolee Homicide Review Team, may invite other relevant individuals to serve on an ad hoc basis and participate as full members of the review team for a particular review. These individuals may include individuals with particular expertise that would be helpful to the review panel or representatives of organizations or agencies that had contact with or provided services to the homicide victim or the alleged perpetrator.

§ 6163. Confidentiality.

(a) Maintenance.--Members of the Parolee Homicide Review Team shall maintain the confidentiality of any identifying information obtained relating to this section.

(b) Agreement.--Each member of the Parolee Homicide Review Team shall sign a confidentiality agreement applicable to all reviews conducted by the Parolee Homicide Review Team.

(c) Liability.--An individual, agency or entity that in good faith provides information or records to the Parolee Homicide Review Team shall not be subject to civil or criminal liability as a result of providing the information or record.

(d) **Discovery.**--The discussions, deliberations and records of the Parolee Homicide Review Team are privileged and confidential and shall not be subject to discovery, subpoena or introduction into evidence in any civil or criminal action.

(e) **Right-to-Know Law.**--The provisions of this chapter shall not be subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(f) **Meetings.**--Meetings of the Parolee Homicide Review Team shall be closed to the public and shall not be subject to the provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings).

(g) **Penalty.**--A person who violates the provisions of this section commits a misdemeanor of the third degree.
§ 6164. **Regulations.**

The department shall promulgate regulations necessary to carry out the purposes of this subchapter.

Section 24. Sections 6303 and 6304 of Title 61 are amended to read:

§ 6303. **County Probation Officers' Firearm Education and Training Commission.**

[The County Probation Officers' Firearm Education and Training Commission is established under the Pennsylvania Board of Probation and Parole. The commission shall establish within six months following the appointment of commission members a County Probation Officers' Firearm Education and Training Program to provide firearm education and training in accordance with the provisions of this chapter.] **The County Adult Probation and Parole Advisory Committee established under the act of November 22, 1978 (P.L.1166, No.274), referred to as the Pennsylvania Commission on Crime and Delinquency Law, shall serve as the County Probation Officers' Firearm Education and Training Commission under this chapter, including assuming all of its funding, powers, duties and responsibilities under this chapter.**

§ 6304. **Commission [membership] and advisory subcommittee.**

(a) **Composition.**--The [commission] **chairperson of the County Adult Probation and Parole Advisory Committee** shall [be composed of the chairman of the board and eight other members to be appointed by the Governor] **appoint an advisory subcommittee to be composed of:**

(1) Three county adult probation officers who are full members of the County Chief Adult Probation and Parole Officers' Association of Pennsylvania, one of whom is a chief adult probation officer from a county authorized to carry firearms and two of whom are firearms instructors certified as such by the National Rifle Association, the Pennsylvania State Police or the Federal Bureau of Investigation.

(2) One member of the Pennsylvania Council of Chief Juvenile Probation Officers.

(3) One representative of the Juvenile Court Judges' Commission.

(4) One judge of a court of common pleas of a county that employs officers who carry firearms.

(5) One director qualified under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

(6) One county commissioner from a county which employs officers who carry firearms.

[(b) **Terms.**--Terms of the members initially appointed shall be three members for one year, three members for two years and three members for three years, as designated by the Governor at the time of appointment. Thereafter, terms shall be for three years. Each member shall hold office until the expiration of

the term for which the member was selected or until the member's earlier death, resignation or removal or until the member's successor has been selected and qualified but in no event more than six months beyond the expiration of the member's appointed term.

(c) Vacancies.--A person appointed to fill a vacancy created by other than expiration of a term shall be appointed for the unexpired term of the member who that person is to succeed in the same manner as the original appointment.]

(d) Compensation.--The members of the commission **and subcommittee** shall serve without compensation but shall be reimbursed the necessary and actual expenses incurred in attending the meetings of the commission and in the performance of their duties under this chapter.

(e) Organization.--[The commission shall elect from among its members a chairperson and other officers who shall hold office at the pleasure of the commission.] **The chairperson of the County Adult Probation and Parole Advisory Committee shall serve as chairperson of the commission.** The commission shall act only with the concurrence of the majority.

(f) Meetings and quorum.--The commission shall meet [at least four times each year until the program is implemented. Thereafter, the commission shall meet] as may be necessary, but at least once annually. Special meetings may be called by the chairperson of the commission or upon written request of three members. A quorum shall consist of [four members of the commission] **a majority of the members appointed.**

Section 25. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of 42 Pa.C.S. §§ 2151.2, 2152 and 2153.

(2) Article XXVIII-F of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is repealed.

Section 26. The addition of 61 Pa.C.S. § 6137.1 shall not be interpreted to create a right to parole or a liberty interest. The Commonwealth and its agencies shall not be subject to suit for failure to grant parole under 61 Pa.C.S. § 6137.1.

Section 27. This act shall take effect as follows:

(1) The following shall take effect in 60 days:

(i) The amendment of 42 Pa.C.S. §§ 2154, 2154.1 and 2154.7.

(ii) The repeal of 42 Pa.C.S. § 2154.2.

(iii) The amendment of 61 Pa.C.S. §§ 4101, 4103, 4104, 4105 and 4107.

(iv) The amendment of 61 Pa.C.S. Ch. 61 Subch. B heading.

(v) The amendment of 61 Pa.C.S. §§ 6101, 6111, 6131(a)(3), (4) and (5) and 6133(c) and (d).

(2) The amendment or addition of 61 Pa.C.S. §§ 6137(a)(1), 6138(a)(1.1) and (c)(1.2) and (1.3) and 6139(a)(6) and (b) shall take effect in 120 days.

(3) The amendment of 61 Pa.C.S. §§ 6303 and 6304 shall take effect in one year.

(4) The remainder of this act shall take effect immediately.

APPROVED--The 18th day of December, A.D. 2019.

TOM WOLF