

PENNSYLVANIA BOARD OF PROBATION AND PAROLE LAW - AMEND
Act of Nov. 17, 1995, Special Session 1, P.L. 1145, No. 37 Cl. 44
Special Session No. 1 of 1995
No. 1995-37

SB 23

AN ACT

Amending the act of August 6, 1941 (P.L.861, No.323), entitled, as amended, "An act to create a uniform and exclusive system for the administration of parole in this Commonwealth; providing state probation services; establishing the 'Pennsylvania Board of Probation and Parole'; conferring and defining its jurisdiction, duties, powers and functions; including the supervision of persons placed upon probation and parole in certain designated cases; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employes; dividing the Commonwealth into administrative districts for purposes of probation and parole; fixing the salaries of members of the board and of certain other officers and employes thereof; making violations of certain provisions of this act misdemeanors; providing penalties therefor; and for other cognate purposes, and making an appropriation," further providing for investigations and recommendations to the Board of Pardons and for powers and duties of the Pennsylvania Board of Probation and Parole; and making an appropriation.

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

Section 1. Section 16.2(a) of the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, amended July 11, 1990 (P.L.476, No.114), is amended to read:

Section 16.2. (a) The board shall have the power and its duty shall be:

- (1) To supervise and make pre-sentence investigations and reports as provided by law;
- (2) To collect and maintain copies of all pre-sentence investigations and reports;
- (3) To collect and maintain a record of all persons who are placed on probation and parole after the effective date of this amendment;
- (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) pre-sentence investigations; (ii) the supervision of probationers; (iii) the qualifications for probation personnel; (iv) minimum salaries; and (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 such personnel in accordance with the standards;

(6) To adopt regulations establishing specific composition, functions and responsibilities for the Citizens Advisory Committees, and to receive reports, recommendations or other input concerning parole policies and parole-related concerns from these committees on a regular basis;

(7) To adopt regulations establishing criteria for board acceptance of cases for supervision and pre-sentence investigations from counties that on December 31, 1985, maintained adult probation offices and parole systems;

(8) To enter into contracts for purchasing community services to assist parolees and to supplement existing programs; and

(9) To pay the cost of pre-parole drug screening tests for inmates within the parole release jurisdiction of the board, who are confined in a State or local correctional facility, as required under section 21.

(10) To enter into contracts which provide for the continuous electronic monitoring of parolees.

(11) To establish and provide for intensive supervision units and day reporting centers for the supervision of parolees.

* * *

Section 2. Section 34.1 of the act, added June 1, 1995 (1st Sp. Sess., P.L.1020, No.16), is amended to read:

Section 34.1. (a) The board shall have the following powers and duties with regard to the Board of Pardons and individuals granted clemency by the Governor who are subject to parole supervision by the board:

(1) Make investigations and recommendations to the Board of Pardons in cases coming before it and upon its request. The investigations shall include all information set forth under section 19 of this act, including a risk assessment if the applicant is incarcerated.

(2) Immediately notify the Board of Pardons when a parolee has violated a condition of parole. This shall apply to parolees under supervision by other jurisdictions through the Interstate Compact.

(3) In no case shall the board act upon an application of an inmate whose term of imprisonment was commuted from life to life on parole or upon an inmate who was serving a term of imprisonment for a crime of violence or is an inmate serving a sentence under 42 Pa.C.S. § 9712 (relating to sentences for offenses committed with firearms) unless the inmate has served at least one year in a prerelease center. The transfer of the inmate to a prerelease center shall not occur where the transfer is not appropriate due to a certified terminal illness. Upon parole, these parolees shall be subject to weekly supervision for the first six months of parole. The parolee shall not be paroled to another jurisdiction unless the jurisdiction will provide weekly supervision for the first six months of parole. The parolee shall not be paroled to another jurisdiction unless the jurisdiction will provide weekly supervision for the first six months of the parole.

(b) As used in this section, the term "crime of violence" means:

(1) Murder of the third degree, voluntary manslaughter, rape, sexual assault, involuntary deviate sexual intercourse, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery), **robbery of a motor vehicle, arson as defined in 18 Pa.C.S. § 3301(a) (relating to arson and related offenses),** aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) (relating to aggravated assault) or kidnapping.

(2) An attempt to commit voluntary manslaughter, rape, involuntary deviate sexual intercourse, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii), aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or kidnapping.

Section 3. The sum of \$3,249,000, or as much thereof as may be necessary, is hereby appropriated to the Pennsylvania Board of

Probation and Parole for the fiscal year July 1, 1995, to June 30, 1996, to carry out the provisions of this act.

Section 4. This act shall take effect in 60 days.

APPROVED--The 17th day of November, A. D. 1995.

THOMAS J. RIDGE