

## AMENDMENTS TO SENATE BILL NO. 501

Sponsor: REPRESENTATIVE KAUFFMAN

Printer's No. 692

1 Amend Bill, page 1, lines 3 and 4, by striking out "further  
2 providing for powers and duties," and inserting  
3 providing for commission, for composition of commission and for  
4 powers and duties of commission,

5 Amend Bill, page 1, line 8, by inserting after "instrument;"  
6 in judgments and other liens, further providing for personal  
7 earnings exempt from process;

8 Amend Bill, page 1, line 8, by inserting after "for"  
9 sentences for offenses against infant persons, for

10 Amend Bill, page 1, line 9, by inserting after "generally,"  
11 for collection of restitution, reparation, fees, costs, fines  
12 and penalties, for payments of court costs, restitution and  
13 fines,

14 Amend Bill, page 1, line 26, by inserting after  
15 "definitions,"  
16 for sentencing,

17 Amend Bill, page 1, line 26, by inserting after "reports"  
18 ; in miscellaneous provisions, further providing for  
19 confidentially of victim information

20 Amend Bill, page 1, line 30, by inserting after "parole"  
21 and for reentry supervision

22 Amend Bill, page 1, line 31, by striking out "and" where it  
23 occurs the first time and inserting a comma

24 Amend Bill, page 1, line 31, by inserting after "procedure"  
25 and for victim statements, testimony and participation in  
26 hearing and providing for parolee homicide review; in county  
27 probation officers' firearm education and training, further

1 providing for County Probation Officers' Firearm Education  
2 and Training Commission and for commission membership

3 Amend Bill, page 1, line 31, by striking out "and" where it  
4 occurs the second time

5 Amend Bill, page 1, line 32, by inserting after "amendments"  
6 ; and making a related repeal

7 Amend Bill, page 2, lines 3 through 30; page 3, lines 1  
8 through 23; by striking out all of said lines on said pages and  
9 inserting

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

12 § 2151.2. Commission.

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

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

18 § 2152. Composition of commission.

19 (a) Members.--The Pennsylvania Commission on Sentencing  
20 shall consist of the following:

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

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

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

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

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

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

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

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

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

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

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

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

8 (1) Preside at meetings of the commission.

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

12 (e) Meetings and quorum.--

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

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

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

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

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

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

32 (h) Competency to testify.--In a judicial, administrative or  
33 similar proceeding, a commissioner or commission staff shall not  
34 be competent to testify and may not be required to produce  
35 records or other discovery as to any statement, conduct,  
36 decision or deliberation occurring during the course of official  
37 business, to the same extent as a legislator or legislative  
38 staff of this Commonwealth acting in a legislative capacity.  
39 § 2153. Powers and duties of commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29       (16) Report to the General Assembly on:

30       (i) implementation of revisions to the guidelines  
31 under sections 2154 (relating to adoption of guidelines  
32 for sentencing) and 2154.1 (relating to adoption of  
33 guidelines for county intermediate punishment);

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

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

39       (iv) in consultation with the Office of the Budget  
40 and the Department of Corrections, implementation of  
41 short sentence parole under 61 Pa.C.S. § 6137.1 (relating  
42 to short sentence parole), use of the State Drug  
43 Treatment Program under 61 Pa.C.S. Ch. 41 (relating to  
44 State drug treatment program) and use of sanctions for  
45 technical parole violations under 61 Pa.C.S. § 6138(c)  
46 (1.2) (relating to violation of terms of parole); and

47       (v) evaluations of the effectiveness and cost-  
48 benefit of various criminal justice interventions and  
49 programming, including restrictive conditions of  
50 probation, recidivism risk reduction incentive programs,  
51 the State Drug Treatment Program, the State Motivational

1 Boot Camp Program, pretrial diversion programs, prisoner  
2 treatment programs and prison reentry programs. For  
3 evaluations of the effectiveness and cost-benefit of a  
4 program in reducing recidivism, the commission shall  
5 report on:

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

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

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

17 (D) Any other information the commission deems  
18 relevant.

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

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

30 Amend Bill, page 4, line 6, by striking out all of said line  
31 and inserting

32 rehabilitative needs of the offender.

33 (b) Factors.--The guidelines shall

34 Amend Bill, page 5, line 1, by inserting a bracket before  
35 "(b) "

36 Amend Bill, page 5, line 1, by inserting after "(b) "

37 1 (c)

38 Amend Bill, page 5, lines 8 through 12, by striking out all  
39 of said lines and inserting

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

43 Amend Bill, page 5, line 13, by striking out "(c)" and

1 inserting  
2 (e)  
3 Amend Bill, page 5, line 14, by striking out the comma after  
4 "risk" and inserting  
5 and  
6 Amend Bill, page 5, line 15, by striking out "and cost"  
7 Amend Bill, page 5, line 16, by striking out "(d)" and  
8 inserting  
9 (f)  
10 Amend Bill, page 6, line 9, by inserting after "compliance"  
11 by each county  
12 Amend Bill, page 6, line 12, by inserting after  
13 "requirements"  
14 and section 9728(g.1) (relating to collection of  
15 restitution, reparation, fees, costs, fines and penalties)  
16 Amend Bill, page 6, line 30, by inserting after "2154.7(d),"  
17 8127(b), 9718,  
18 Amend Bill, page 6, line 30, by inserting after "(b),"  
19 9728(a)(2) and (b)(5), 9730,  
20 Amend Bill, page 7, line 1, by striking out "(b)(14)" and  
21 inserting  
22 (b)(1), (2), (8), (10), (14)  
23 Amend Bill, page 7, line 14, by inserting after "treatment"  
24 § 8127. Personal earnings exempt from process.  
25 \* \* \*  
26 (b) Priority.--An order of attachment for support shall have  
27 first priority and an order described in subsection (a)(5) shall  
28 have second priority over any other attachment, execution,  
29 garnishment or wage assignment.  
30 \* \* \*  
31 § 9718. Sentences for offenses against infant persons.  
32 (a) Mandatory sentence.--  
33 (1) A person convicted of the following offenses when  
34 the victim is less than 16 years of age shall be sentenced to  
35 a mandatory term of imprisonment as follows:  
36 18 Pa.C.S. § 2702(a)(1) and (4) (relating to aggravated

1 assault) - not less than two years.

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

4 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual  
5 intercourse) - not less than ten years.

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

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

11 18 Pa.C.S. § 2502(c) (relating to murder) - not less than  
12 15 years.

13 18 Pa.C.S. § 2702(a) (1) - not less than five years.

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

16 18 Pa.C.S. § 3121(c) and (d) - not less than ten years.

17 18 Pa.C.S. § 3125(a) (7) - not less than five years.

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

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

21 (c) [Proof at sentencing.--The provisions of this section  
22 shall not be an element of the crime, and notice of the  
23 provisions of this section to the defendant shall not be  
24 required prior to conviction, but reasonable notice of the  
25 Commonwealth's intention to proceed under this section shall be  
26 provided after conviction and before sentencing. The  
27 applicability of this section shall be determined at sentencing.  
28 The court shall consider any evidence presented at trial and  
29 shall afford the Commonwealth and the defendant an opportunity  
30 to present any necessary additional evidence and shall  
31 determine, by a preponderance of the evidence, if this section  
32 is applicable.] Application of mandatory minimum penalty.--With  
33 the exception of prior convictions, any provision of this  
34 section that requires imposition of a mandatory minimum sentence  
35 shall constitute an element enhancing the underlying offense.  
36 Any enhancing element must be proven beyond a reasonable doubt  
37 at trial on the underlying offense and must be submitted to the  
38 fact-finder for deliberation together with the underlying  
39 offense. If the fact-finder finds the defendant guilty of the  
40 underlying offense, the fact-finder shall also decide whether  
41 any enhancing element has been proven.

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

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



1 the mandatory sentences provided in this section.

2 (e) Appeal by Commonwealth.--[If a sentencing court  
3 refuses to apply this section where applicable, the  
4 Commonwealth shall have the right to appellate review of the  
5 action of the sentencing court. The appellate court shall  
6 vacate the sentence and remand the case to the sentencing  
7 court for imposition of a sentence in accordance with this  
8 section if it finds that the sentence was imposed in  
9 violation of this section.] If the fact-finder has found any  
10 enhancing element and a sentencing court imposes a sentence  
11 below the mandatory minimum sentence, the Commonwealth shall  
12 have the right to appellate review of the sentence. If the  
13 appellate court finds that the mandatory sentencing provision  
14 was applicable, the court shall vacate the sentence and  
15 remand the case for resentencing in accordance with that  
16 provision.

17 Amend Bill, page 9, by inserting between lines 25 and 26

18 § 9728. Collection of restitution, reparation, fees, costs,  
19 fines and penalties.

20 (a) General rule.--

21 \* \* \*

22 (2) In accordance with section 9730.1 (relating to  
23 collection of court costs, restitution and fines by private  
24 collection agency), the collection of restitution,  
25 reparation, fees, costs, fines and penalties under this  
26 section may be referred to a private collection agency. Any  
27 county that does not engage the services of a private  
28 collection agency shall operate a collections enforcement  
29 unit consistent with the provisions of paragraph (1) and  
30 dedicated to carrying out the duties therein provided.  
31 Statistical information relating to the amount of restitution  
32 collected by the county probation department or any agent  
33 designated by the county commissioners of the county with the  
34 approval of the president judge of the county shall be [made  
35 available] provided to the Pennsylvania Commission on Crime  
36 and Delinquency and Pennsylvania Commission on Sentencing on  
37 an annual basis. The statistical information shall be  
38 sufficiently detailed so as to show compliance with the  
39 requirements of this section, including subsection (g.1).

40 (b) Procedure.--

41 \* \* \*

42 (5) Deductions shall be as follows:

43 (i) The [county correctional facility to which the  
44 offender has been sentenced or the] Department of  
45 Corrections shall [be authorized to] make monetary  
46 deductions [from] of at least 25% of deposits made to  
47 inmate wages and personal accounts for the purpose of  
48 collecting restitution [or], costs imposed under section  
49 9721(c.1), filing fees to be collected under section

1 6602(c) (relating to prisoner filing fees) and any other  
2 court-ordered obligation. [or costs imposed under section  
3 9721(c.1). Any amount deducted shall be transmitted by  
4 the Department of Corrections or the county correctional  
5 facility to the probation department of the county or  
6 other agent designated by the county commissioners of the  
7 county with the approval of the president judge of the  
8 county in which the offender was convicted. The  
9 Department of Corrections shall develop guidelines  
10 relating to its responsibilities under this paragraph.]

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

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

20 (B) Deduct an amount sufficient to satisfy any  
21 outstanding restitution, costs imposed under section  
22 9721(c.1), filing fees to be collected under section  
23 6602(c) or other court-ordered obligations before  
24 releasing funds on deposit.

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

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

37 \* \* \*

38 § 9730. Payment of court costs, restitution and fines.

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

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

48 (b) Procedures regarding default.--

49 (1) If a defendant defaults in the payment of [a fine,]  
50 court costs [or], restitution or fines after imposition of  
51 sentence, the issuing authority or a senior judge or senior

1 magisterial district judge appointed by the president judge  
2 for the purposes of this section may conduct a hearing to  
3 determine whether the defendant is financially able to pay.

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

12 (3) If the issuing authority, senior judge or senior  
13 magisterial district judge determines that the defendant is  
14 without the financial means to pay the [fine or] costs, restitution or fine immediately or in a single remittance,  
15 the issuing authority, senior judge or senior magisterial  
16 district judge may provide for payment in installments. In  
17 determining the appropriate installments, the issuing  
18 authority, senior judge or senior magisterial district judge  
19 shall consider the defendant's financial resources, the  
20 defendant's ability to make restitution and reparations and  
21 the nature of the burden the payment will impose on the  
22 defendant. If the defendant is in default of a payment or  
23 advises the issuing authority, senior judge or senior  
24 magisterial district judge that default is imminent, the  
25 issuing authority, senior judge or senior magisterial  
26 district judge may schedule a rehearing on the payment  
27 schedule. At the rehearing the defendant has the burden of  
28 proving changes of financial condition such that the  
29 defendant is without the means to meet the payment schedule.  
30 The issuing authority, senior judge or senior magisterial  
31 district judge may extend or accelerate the schedule, leave  
32 it unaltered or sentence the defendant to a period of  
33 community service as the issuing authority, senior judge or  
34 senior magisterial district judge finds to be just and  
35 practicable under the circumstances.

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

40 Amend Bill, page 11, line 20, by inserting after "probation)"  
41 as it deems necessary to ensure or assist the defendant  
42 in leading a law-abiding life

43 Amend Bill, page 13, line 30, by striking out all of said  
44 line and inserting

45 (1) To meet family responsibilities, including  
46 consideration of child care responsibilities and limitations.

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

3 \* \* \*

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

6 \* \* \*

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

11 \* \* \*

12 Amend Bill, page 15, lines 18 through 22, by striking out all  
13 of said lines

14 Amend Bill, page 17, line 8, by inserting after "probation"  
15 or if the person presents an identifiable threat to public  
16 safety

17 Amend Bill, page 25, line 19, by inserting a bracket before  
18 "requiring"

19 Amend Bill, page 25, line 19, by inserting after  
20 "registration"

21 ] listed

22 Amend Bill, page 26, line 9, by inserting after  
23 "penalties).]"

24 18 Pa.C.S. § 2502 (relating to murder),

25 Amend Bill, page 26, line 12, by striking out the period  
26 after "offenses)" and inserting

27 or criminal attempt, criminal solicitation or criminal  
28 conspiracy to commit any of these offenses.

29 Amend Bill, page 27, line 29, by inserting after "section"

30 3 or

31 Amend Bill, page 29, line 7, by inserting after "3,4-  
32 methylenedioxy-N-ethylamphetamine;"

33 or

34 Amend Bill, page 29, line 11, by striking out "FENTENYL"  
35 where it occurs the first time and inserting

1           Fentanyl

2           Amend Bill, page 29, line 11, by striking out "FENTENYL"  
3 where it occurs the second time and inserting

4           Fentanyl

5           Amend Bill, page 29, line 13, by striking out "FENTENYL" and  
6 inserting

7           Fentanyl

8           Amend Bill, page 29, line 13, by striking out "50" and  
9 inserting

10          10

11          Amend Bill, page 29, by inserting between lines 13 and 14

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

15          Amend Bill, page 30, line 16, by inserting a bracket before  
16 "requiring"

17          Amend Bill, page 30, line 16, by inserting after  
18 "registration"

19           ] listed

20          Amend Bill, page 31, line 7, by inserting after  
21 "penalties).]"

22           18 Pa.C.S. § 2502 (relating to murder),

23          Amend Bill, page 31, line 9, by striking out the period after  
24 "offenses)" and inserting

25           or criminal attempt, criminal solicitation or criminal  
26 conspiracy to commit any of these offenses.

27          Amend Bill, page 33, line 20, by inserting a bracket before  
28 the period after "program"

29          Amend Bill, page 33, line 20, by inserting after "program."

30           ], public safety would be enhanced by the person's  
31 participation in the State drug treatment program, and  
32 placement of the person in the State drug treatment program  
33 would not depreciate the seriousness of the offense.

Amend Bill, page 42, line 6, by inserting a bracket before  
the period after "nation"

Amend Bill, page 42, line 6, by inserting after "nation."

] or criminal attempt, criminal solicitation or criminal  
conspiracy to commit any of these offenses.

Amend Bill, page 42, line 8, by inserting a bracket before  
"an"

Amend Bill, page 42, line 9, by inserting after "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

Amend Bill, page 42, line 23, by inserting after "nation"

or criminal attempt, criminal solicitation or criminal  
conspiracy to commit any of these offenses

Amend Bill, page 43, line 1, by inserting a bracket before  
"for"

Amend Bill, page 43, line 1, by inserting after "required"

] listed

Amend Bill, page 43, by inserting between lines 18 and 19

Section 13.1. Section 4505(c)(2) of Title 61 is 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 enter a  
sentencing order that does all of the following:

\* \* \*

(2) Imposes the recidivism risk reduction incentive  
minimum sentence. Prior to sentencing, 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

1 shall be rounded to the nearest whole day. In determining the  
2 recidivism risk reduction incentive minimum sentence, the  
3 aggregation provisions of 42 Pa.C.S. §§ 9757 (relating to  
4 consecutive sentences of total confinement for multiple  
5 offenses) and 9762(f) (relating to sentencing proceeding;  
6 place of confinement) shall apply[.] and the recidivism risk  
7 reduction incentive minimum sentence shall be recalculated  
8 following the aggregation of consecutive sentences. An  
9 offender determined by the court to be ineligible for a  
10 recidivism risk reduction incentive minimum sentence for any  
11 of the sentences subject to aggregation shall be ineligible  
12 for a recidivism risk reduction incentive minimum sentence  
13 for the aggregated sentence.

14 \* \* \*

15 Amend Bill, page 46, by inserting between lines 15 and 16

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

18 § 5906. Confidentiality of victim information.

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

22 \* \* \*

23 Amend Bill, page 48, line 22, by inserting after "6137(a)(1)"

24 and (g)

25 Amend Bill, page 50, by inserting between lines 28 and 29

26 (g) Procedure.--

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

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

42 (2.1) The department shall provide the board all  
43 information related to the inmate's adjustment while  
44 incarcerated, misconducts, if any, information related to  
45 programming and treatment, including success, completion or  
46 failure to complete, or any other information the department  
47 deems relevant. The board shall send such information to the

1 prosecuting attorney and to the court no less than six months  
2 before the expiration of the inmate's minimum sentence. The  
3 notice may be sent electronically. For inmates committed to  
4 the department whose expiration of the minimum sentence is  
5 six months or less from the date of admission, such  
6 information shall be sent at the same time prompt notice  
7 under paragraph (2) is given.

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

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

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

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

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

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

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

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

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

48 \* \* \*

49 Amend Bill, page 50, line 29, by striking out "a section" and



1 inserting

2 sections

3 Amend Bill, page 51, by inserting between lines 13 and 14

4 (1.1) persons committed for or with an aggregate  
5 sentence containing a crime of violence, or any criminal  
6 attempt, criminal solicitation or criminal conspiracy to  
7 commit a crime of violence as defined in 42 Pa.C.S. § 9714(g)  
8 (relating to sentences for second or subsequent offenses);

9 Amend Bill, page 51, line 17, by inserting after "firearms)"

10 or a criminal attempt, criminal solicitation or criminal  
11 conspiracy to commit the offense

12 Amend Bill, page 51, line 25, by inserting after "articles)"

13 or a criminal attempt, criminal solicitation or criminal  
14 conspiracy to commit the offense

15 Amend Bill, page 52, line 5, by inserting after "nation"

16 , including a criminal attempt, criminal solicitation or  
17 criminal conspiracy to commit the offense

18 Amend Bill, page 52, line 13, by striking out "for which  
19 registration is required" and inserting

20 listed

21 Amend Bill, page 52, line 16, by striking out "for which  
22 registration is required" and inserting

23 listed

24 Amend Bill, page 52, line 26, by inserting after  
25 "~~penalties);~~"

26 persons committed for or with an aggregate sentence  
27 containing an offense of

28 Amend Bill, page 52, line 27, by striking out the semicolon  
29 after "DEFINITIONS)" and inserting

30 or a criminal attempt, criminal solicitation or criminal  
31 conspiracy to commit drug trafficking as defined in section  
32 4103;

33 Amend Bill, page 53, line 1, by striking out "or"

34 Amend Bill, page 53, lines 4 through 16, by striking out all

of said lines and inserting

;

(8) persons convicted of any criminal offense 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.

Amend Bill, page 53, line 26, by striking out "individuals" and inserting

persons

Amend Bill, page 54, line 4, by striking out "chairman of the"

Amend Bill, page 54, line 20, by striking out "HARM" and inserting

injury

Amend Bill, page 54, line 21, by striking out "AND" and inserting

or

Amend Bill, page 54, by inserting between lines 22 and 23 § 6137.2. Reentry supervision.

1 (a) General rule.--This section applies to persons committed  
2 to the department with a minimum sentence of total confinement  
3 under 42 Pa.C.S. § 9756(b) (relating to sentence of total  
4 confinement) of 4 years or more. Regardless of the sentence  
5 imposed, this section does not apply to persons sentenced to  
6 death, life imprisonment or persons otherwise ineligible for  
7 parole.

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

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

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

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

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

23 Amend Bill, page 54, line 23, by striking out "6138(c)" and  
24 inserting

25 6138(c)(1) and (1.1)

26 Amend Bill, page 54, line 23, by striking out "is" and  
27 inserting

28 are

29 Amend Bill, page 54, line 23, by inserting after "amended"

30 and the subsections (a) and (c) are amended

31 Amend Bill, page 54, line 24, by striking out "a paragraph"  
32 and inserting

33 paragraphs

34 Amend Bill, page 54, line 26, by striking out all of said  
35 line and inserting

36 (a) Convicted violators.--

37 \* \* \*

38 (1.1) In addition to paragraph (1), a parolee under the  
39 jurisdiction of the board released from a correctional  
40 facility who, during the period of parole or while delinquent  
41 on parole, commits a crime punishable by imprisonment for  
42 which the parolee is convicted or found guilty by a judge or

1 jury or to which the parolee pleads guilty or nolo contendere  
2 or of any misdemeanor of the third degree or of any of the  
3 following offenses where graded as a summary offense, may at  
4 the discretion of the board be recommitted as a parole  
5 violation:

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

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

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

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

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

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

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

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

26 \* \* \*

27 Amend Bill, page 54, lines 27 through 30; page 55, lines 1  
28 through 30; page 56, line 1; by striking out all of said lines  
29 on said pages and inserting

30 (c) Technical violators.--

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

44 (i) The violation was sexual in nature.

45 (ii) The violation involved assaultive behavior.

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

48 (iv) The parolee has absconded, and the parolee

1 cannot be safely diverted to a community corrections  
2 center or community corrections facility.

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

7 (1.1) If the board determines that a condition under  
8 paragraph (1) applies, the parolee shall be detained in or  
9 recommitted to a State correctional institution or contracted  
10 county jail.] or any secured facility operated or contracted  
11 by the department.

12 (1.2) Notwithstanding paragraph (1) and subject to  
13 paragraph (1.3), a parolee under the jurisdiction of the  
14 board who violates the terms and conditions of his parole,  
15 other than a convicted violator who has parole revoked under  
16 subsection (a), may be arrested and detained without  
17 revocation of parole under a program to impose swift,  
18 predictable and brief sanctions. The program shall provide  
19 for immediate detention in a community corrections center,  
20 community corrections facility or any secured facility  
21 operated or contracted by the department for a period not to  
22 exceed seven days. The board shall adopt procedures governing  
23 appropriate detention under this paragraph, including  
24 identifying which offenders are eligible for the program and  
25 providing warnings to parolees to clearly communicate  
26 expectations and consequences.

27 (1.3) If the board determines that one of the following  
28 conditions is present regarding a parolee who violates the  
29 terms and conditions of parole, the parolee shall not be  
30 eligible for detention under paragraph (1.2) and shall be  
31 detained in or recommitted to a State correctional  
32 institution or contracted county jail:

33 (i) The violation was sexual in nature.

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

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

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

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

48 (vi) The violation involved an intentional and  
49 unexcused failure to adhere to recommended programming or  
50 conditions on more than three occasions, and the parolee  
51 cannot be safely diverted to a community corrections

1 center, community corrections facility or any secured  
2 facility operated or contracted by the department.  
3 \* \* \*

4 Amend Bill, page 56, line 29, by inserting after  
5 "technology."

6 This subsection shall not apply to victim input under  
7 section 6140 (relating to victim statements, testimony and  
8 participation in hearing).

9 Amend Bill, page 56, by inserting after line 30

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

12 § 6140. Victim statements, testimony and participation in  
13 hearing.

14 \* \* \*

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

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

23 SUBCHAPTER E

24 PAROLEE HOMICIDE REVIEW

25 Sec.

26 6161. Parolee Homicide Review Team.

27 6162. Members.

28 6163. Confidentiality.

29 6164. Regulations.

30 § 6161. Parolee Homicide Review Team.

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

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

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

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

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

47 (4) Review relevant and applicable issues related to the

1 training of individuals who interact with those under the  
2 supervision of the board and develop and recommend any  
3 appropriate changes to such training.

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

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

12 (7) Submit a report to the Governor and the chairperson  
13 and minority chairperson of the Judiciary Committee of the  
14 Senate and the chairperson and minority chairperson of the  
15 Judiciary Committee of the House of Representatives by  
16 September 30 of each year relating to the activities, review,  
17 findings, analysis and recommendations of the Parolee  
18 Homicide Review Team. The recommendations shall address all  
19 issues identified under paragraphs (1), (2), (3), (4), (5)  
20 and (6), as well as factors that are likely to improve  
21 supervision practices, identify deficiencies in the system  
22 and recommendations to address them in order to reduce  
23 recidivism and improve public safety and strengthen  
24 collaboration with criminal justice agencies.

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

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

35 § 6162. Members.

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

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

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

41 (3) The commissioner of the Pennsylvania State Police.

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

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

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

1       (7) The Attorney General.  
2       (8) The executive director of the Pennsylvania Chiefs of  
3 Police Association.  
4       (9) The victim advocate.  
5       (10) No more than two professors of law with expertise  
6 in criminal justice, appointed by the Governor.  
7       (11) A representative from the Administrative Office of  
8 Pennsylvania Courts, appointed by the Chief Justice.  
9       (12) A representative of a local victim services  
10 organization, appointed by the Governor.  
11       (13) The executive director of the Pennsylvania  
12 Commission on Crime and Delinquency.

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

22 § 6163. Confidentiality.

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

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

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

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

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

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

43       (g) Penalty.--A person who violates the provisions of this  
44 section commits a misdemeanor of the third degree.

45 § 6164. Regulations.

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

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

50       § 6303. County Probation Officers' Firearm Education and  
51               Training Commission.



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

15 § 6304. Commission [membership] and advisory subcommittee.

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

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

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

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

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

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

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

39 [(b) Terms.--Terms of the members initially appointed shall  
40 be three members for one year, three members for two years and  
41 three members for three years, as designated by the Governor at  
42 the time of appointment. Thereafter, terms shall be for three  
43 years. Each member shall hold office until the expiration of the  
44 term for which the member was selected or until the member's  
45 earlier death, resignation or removal or until the member's  
46 successor has been selected and qualified but in no event more  
47 than six months beyond the expiration of the member's appointed  
48 term.

49 (c) Vacancies.--A person appointed to fill a vacancy created  
50 by other than expiration of a term shall be appointed for the  
51 unexpired term of the member who that person is to succeed in

1 the same manner as the original appointment.]

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

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

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

20 Section 25. Repeals are as follows:

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

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

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

31 Amend Bill, page 57, line 1, by striking out "22" and  
32 inserting

33 27

34 Amend Bill, page 57, lines 13 and 14, by striking out "The  
35 following shall take effect in 120 days:

36 (i) "

37 Amend Bill, page 57, line 14, by inserting after "amendment"  
38 or addition

39 Amend Bill, page 57, line 15, by striking out "6138(c)" and  
40 inserting

41 6138(c) (8)

42 Amend Bill, page 57, line 15, by inserting after "(b)"

1                   shall take effect in 120 days

2       Amend Bill, page 57, line 16, by striking out all of said  
3 line and inserting

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

6       Amend Bill, page 57, line 17, by striking out "(3)" and  
7 inserting

8           (4)