

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2906 Session of
2006

INTRODUCED BY W. KELLER, BUNT, CALTAGIRONE, CAPPELLI, CAWLEY,
CRAHALLA, CRUZ, DeLUCA, HABAY, GODSHALL, GRUCELA, HARPER,
HERSHEY, KENNEY, KILLION, LEDERER, MAHER, O'NEILL, PALLONE,
RAYMOND, BUTKOVITZ, SATHER, WOJNAROSKI AND LEWIS
(BY REQUEST), SEPTEMBER 14, 2006

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 14, 2006

AN ACT

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

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

21 Section 1. Section 27.2(d) of the act of August 6, 1941
22 (P.L.861, No.323), referred to as the Pennsylvania Board of
23 Probation and Parole Law, is amended by adding paragraphs to
24 read:

Section 27.2. * * *

(d) * * *

(7) It is not the intent of the General Assembly to authorize officers or law enforcement officers to conduct personal or property searches for the sole purpose of harassment.

(8) An inmate who is eligible for release on parole from an offense under 18 Pa.C.S. Pt. II Art. B (relating to offenses involving danger to the person) or Ch. 61 (relating to firearms and other dangerous articles) must agree in writing to be subject to search or seizure by an officer or law enforcement officer at any time, with or without a search warrant and with or without cause.

(9) An officer or law enforcement officer may conduct a personal or property search of an inmate released on parole from an offense under 18 Pa.C.S. Pt. II Art. B or Ch. 61 without a warrant and without cause.

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Section 2. This act shall take effect in 60 days.