

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1803 Session of  
1981

INTRODUCED BY PICCOLA, ALDEN, STEVENS, SALVATORE,  
W. D. HUTCHINSON, GEIST, HORGOS, RYAN, CIMINI, SPITZ,  
SHUPNIK, GLADECK, HAYES, SPENCER, HAGARTY, LEHR, McINTYRE,  
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MANMILLER, WAMBACH, NOYE, WENGER, SAURMAN, FRAZIER, BOYES,  
FREIND, LESCOVITZ, MERRY, POTT, E. Z. TAYLOR, GRIECO,  
A. K. HUTCHINSON, PUNT, JOHNSON, MORRIS AND COSLETT,  
SEPTEMBER 16, 1981

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 16, 1981

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 a Pennsylvania  
18 Revocation Board and defining its powers and duties with  
19 regard to post-release supervision and making repeals.

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

22 Section 1. The title, act of August 6, 1941 (P.L.861,  
23 No.323), referred to as the Pennsylvania Board of Probation and

1 Parole Law, amended December 27, 1965 (P.L.1230, No.501), is  
2 amended to read:

3 AN ACT

4 To create a uniform and exclusive system for the administration  
5 of [parole] post-release supervision in this Commonwealth;  
6 [providing state probation services;] establishing the  
7 'Pennsylvania [Board of Probation and Parole] Revocation  
8 Board'; conferring and defining its jurisdiction, duties,  
9 powers and functions; [including the supervision of persons  
10 placed upon probation and parole in certain designated  
11 cases;] providing for the method of appointment of its  
12 members; regulating the appointment, removal and discharge of  
13 its officers[, clerks] and employes; [dividing the  
14 Commonwealth into administrative districts for purposes of  
15 probation and parole;] fixing the salaries of members of the  
16 board and of certain other officers and employes thereof;  
17 [making violations of certain provisions of this act  
18 misdemeanors; providing penalties therefor;] providing for  
19 supervision by the Bureau of Correction of persons placed on  
20 post-release supervision in certain designated cases; and for  
21 other cognate purposes[, and making an appropriation].

22 Section 2. Section 1 of the act is repealed.

23 Section 3. Sections 2 and 3 of the act, amended December 27,  
24 1965 (P.L.1230, No.501), are amended to read:

25 Section 2. (a) There shall be and there is hereby  
26 established an independent administrative board for the  
27 administration of the [probation and parole] laws of this  
28 Commonwealth regarding commitment and release during post-  
29 release supervision which shall be known as the "Pennsylvania  
30 [Board of Probation and Parole] Revocation Board," and which is

1 hereinafter referred to as the "board." Said board shall consist  
2 of five members who shall be appointed by the Governor, by and  
3 with the advice and consent of [two-thirds] a majority of all  
4 the members of the Senate, and each of whom shall hold office  
5 for a term of six years[, or until his successor shall have been  
6 duly appointed and qualified: Provided, however, That in making  
7 the additional appointments to said board under this amendment,  
8 the two additional members shall be appointed for terms to  
9 expire two years after the end of the longest terms of the  
10 present members of the board]. The terms of office of the  
11 members of the board shall be staggered so that no more than two  
12 terms shall expire in any calendar year. Notwithstanding any  
13 other provision of law to the contrary, every appointee of the  
14 Governor shall only serve for the term of office as is set forth  
15 in the appointing commission. No appointee shall continue to  
16 hold office after the expiration of his term pending the  
17 appointment of any successor except that any appointed member  
18 whose successor has not been appointed and confirmed shall serve  
19 an additional sixty days beyond the expiration of the  
20 commission. Vacancies occurring in an office of member of the  
21 board for any reason other than by expiration of term[, death,  
22 resignation, removal or for any other reason] shall be filled in  
23 the manner aforesaid for the remainder of the unexpired term.

24 (b) Subject to the provisions of this act, the board shall  
25 have all the powers and shall perform the duties generally  
26 vested in and imposed upon independent administrative boards and  
27 commissions by the act, approved the ninth day of April, one  
28 thousand nine hundred twenty-nine (Pamphlet Laws, one hundred  
29 seventy-seven), designated as "The Administrative Code of 1929,"  
30 and its amendments, and shall be subject to all the provisions

1 of such code which apply generally to independent administrative  
2 boards and commissions.

3 (c) The present members of the Pennsylvania Board of  
4 Probation and Parole shall become members of the Pennsylvania  
5 Revocation Board until the terms for which they were appointed  
6 shall expire.

7 Section 3. The Governor shall from time to time, as the  
8 occasion may arise, designate one of the members of the board to  
9 be its chairman who shall direct the operations of the board and  
10 fulfill the functions established by this act[, secure the  
11 effective application of the probation system in all of the  
12 courts of the State and the enforcement of the probation laws].  
13 He shall preside at all meetings of the board and perform all  
14 the duties and functions of chairman thereof. The board may  
15 designate one of its members to act as chairman during the  
16 absence or incapacity of the chairman and, when so acting, the  
17 member so designated shall have and perform all the powers and  
18 duties of chairman of the board, but shall not receive any  
19 additional compensation for so acting. The chairman, in  
20 performing his duties shall act in accordance with the policies  
21 and procedures established by the board.

22 Section 4. Section 4 of the act is amended to read:

23 Section 4. A majority of the board shall constitute a quorum  
24 for transacting business and, except as hereinafter otherwise  
25 provided, a majority vote of those present at any meeting shall  
26 be sufficient for any official action taken by the board. [No  
27 person shall be paroled, discharged from parole, or the parole  
28 of any person revoked, except by a majority of the entire  
29 membership of the board.] In making decisions to commit or  
30 release, the board is empowered to make such decisions in panels

1 of two. A panel may consist of two board members or one board  
2 member and one hearing examiner. In cases of disagreement among  
3 the two panel members conducting a hearing, the hearing shall be  
4 heard de novo by a panel of three board members, at least two of  
5 whom shall not have served on the panel originally hearing the  
6 case. The board shall provide for administrative review or  
7 appeal if an offender wishes to contest an adverse decision of  
8 the panel. This review or appeal will be to a panel of three  
9 board members, hearing examiners or a combination thereof, not  
10 de novo, but rather on the basis of the materials from the  
11 hearing in conjunction with any alleged deficiencies or errors  
12 in judgment. The panel can affirm the original panel decision,  
13 reverse the original panel decision, or order a hearing de novo  
14 by a panel of two distinct from the first, or remand with such  
15 other instructions as may seem appropriate and in accordance  
16 with the laws of the Commonwealth.

17 Section 5. Section 5 of the act, amended August 24, 1951  
18 (P.L.1401, No.337), is amended to read:

19 Section 5. The chairman of the board [shall receive a salary  
20 of twelve thousand five hundred dollars (\$12,500) per annum] and  
21 each of the other members of the board shall receive [a salary  
22 of eleven thousand five hundred dollars (\$11,500) per annum]  
23 salaries as determined by the Executive Board.

24 Section 6. Section 7 of the act, amended July 3, 1957  
25 (P.L.445, No.248), is amended to read:

26 Section 7. As soon as may be convenient after their  
27 appointment the members of the [Board of Parole] board shall  
28 meet and organize. They shall appoint a secretary, who shall not  
29 be a member of the board who shall hold office at their  
30 pleasure, who shall have such powers and perform such duties not

1 inconsistent with any law of this Commonwealth as the board  
2 shall prescribe, and who shall receive such compensation as the  
3 board shall determine, in conformity with the rules of the  
4 Executive Board. In the absence or incapacity of the secretary  
5 to act the [Board of Parole] board may designate such other  
6 person as it may choose to perform temporarily the duties of  
7 secretary.

8 Section 7. Section 10 of the act, amended December 27, 1965  
9 (P.L.1230, No.501), is amended to read:

10 Section 10. The principal office of the board shall be in  
11 Harrisburg, [and the] but the board may meet and exercise any or  
12 all of its powers at other locations throughout the  
13 Commonwealth. The board shall appoint and employ [therein] such  
14 number and character of [officers, agents, clerks, stenographers  
15 and] employes as may be necessary to carry out the purposes of  
16 this act. The salaries of persons so appointed and employed by  
17 the board shall be fixed by the board. [The board, with the  
18 approval of the Governor, shall divide the Commonwealth for  
19 administrative purposes into a suitable number of districts, not  
20 to exceed ten, in each of which there shall be a district office  
21 which shall have immediate charge of the supervision of cases of  
22 probation and parole arising in the courts of the judicial  
23 districts embraced within its territorial limits, but as  
24 occasion may require the supervision of particular parolees may  
25 be transferred by the board to other appropriate parole  
26 districts.

27 The board shall fix and determine the location of the various  
28 district offices within their respective districts, having  
29 regard to local conditions in each district and to the most  
30 convenient and efficient functioning of the office therein

1 established, and at each of the locations so fixed and  
2 determined shall provide such office accommodations, furniture,  
3 equipment and supplies as may be reasonably suitable and  
4 adequate for the proper handling and dispatch of the parole  
5 business of the district, and to this end the board is hereby  
6 authorized and empowered to enter into contracts on behalf of  
7 the Commonwealth for such office accommodations, furniture,  
8 equipment and supplies aforesaid through the Department of  
9 Property and Supplies.]

10 Section 8. Sections 11 and 12 of the act are repealed.

11 Section 9. Section 15 of the act, amended May 27, 1943  
12 (P.L.767, No.324), is amended to read:

13 Section 15. No employe of the board, except the secretary  
14 [and district supervisors], shall be removed, discharged or  
15 reduced in pay or position, except for cause, and only after  
16 giving him the reasons therefor in writing and affording him an  
17 opportunity to be heard in answer thereto: Provided, however,  
18 That an employe may be suspended without pay and without hearing  
19 for a period not exceeding thirty days, but the reason or  
20 reasons for such suspension shall be given to the employe by the  
21 board in writing: And provided further, That successive  
22 suspensions of the same employe under the power hereby granted  
23 shall not be made.

24 Section 10. Sections 16, 16.1 and 16.2 of the act are  
25 repealed.

26 Section 11. Section 17 of the act, amended December 27, 1965  
27 (P.L.1230, No.501), is amended to read:

28 Section 17. The board shall have exclusive power to [parole  
29 and reparole, commit and recommit for violations of parole, and  
30 to discharge from parole] commit, re-release, and recommit for

1 violations of post-release supervision all persons [heretofore  
2 or hereafter] under post-release supervision and sentenced by  
3 any court in this Commonwealth to a maximum term of imprisonment  
4 of two years or more in any prison or penal institution thereof,  
5 whether the same be a state or county penitentiary, prison or  
6 penal institution, as hereinafter provided. It is further  
7 provided that the board shall have [exclusive power to  
8 supervise] the same powers herein provided regarding any person  
9 [hereafter placed on parole] under post-release supervision  
10 (when sentenced to a maximum period of less than two years) [by  
11 any judge of a court having criminal jurisdiction, when the  
12 court may by special order direct supervision by the board] if a  
13 court having criminal jurisdiction so directs and if there is a  
14 felony conviction, or a misdemeanor conviction where the  
15 offender has a prior felony conviction, and the offender is  
16 subject to a period of supervision of not less than six months,  
17 in which case the [parole] post-release supervision case shall  
18 be known as a special case [and the authority of the board with  
19 regard thereto shall be the same as herein provided with regard  
20 to parole cases within one of the classifications above set  
21 forth: Provided, however, That, except for such special cases,  
22 the powers and duties herein conferred shall not extend to  
23 persons sentenced for a maximum period of less than two years,  
24 and nothing herein contained shall prevent any court of this  
25 Commonwealth from paroling any person sentenced by it for a  
26 maximum period of less than two years: And provided further,] :  
27 Provided, however, That the period of two years herein referred  
28 to shall mean the entire continuous term of sentence to which a  
29 person is subject, whether the same be by one or more  
30 sentences[, either to simple imprisonment or to an indeterminate

1 imprisonment at hard labor,] as now or hereafter authorized by  
2 law to be imposed for criminal offenses. [The power of the board  
3 to parole shall extend to prisoners sentenced to definite or  
4 flat sentences.] The sentencing court shall have exclusive power  
5 to commit, re-release, and recommit for violations of post-  
6 release supervision all persons under post-release supervision  
7 sentenced to a maximum term of imprisonment of less than two  
8 years.

9 Section 12. Sections 17.1, 18 and 19 of the act are  
10 repealed.

11 Section 13. Section 20 of the act is amended to read:

12 Section 20. It shall be the duty of all prison officials at  
13 all reasonable times to grant access to any prisoner whom the  
14 board has power to [parole] release to the members of said board  
15 or its properly accredited representatives, and all prison  
16 officials shall at all reasonable times provide for the board or  
17 its properly accredited representatives facilities for  
18 communicating with and observing such prisoner while imprisoned,  
19 and shall furnish to the board from time to time such reports  
20 concerning the conduct of any prisoners [in their custody] as  
21 the board shall by general rule or special order require,  
22 together with any other facts deemed pertinent in aiding the  
23 board to determine [whether such prisoners shall be paroled]  
24 when recommitted prisoners shall be released or what conditions  
25 of post-release supervision shall be imposed.

26 Section 14. Section 21 of the act, amended August 24, 1951  
27 (P.L.1401, No.337), is amended to read:

28 Section 21. [The board is hereby authorized to release on  
29 parole any convict confined in any penal institution of this  
30 Commonwealth as to whom power to parole is herein granted to

1 said board, except convicts condemned to death or serving life  
2 imprisonment, whenever in its opinion the best interests of the  
3 convict justify or require his being paroled and it does not  
4 appear that the interests of the Commonwealth will be injured  
5 thereby. The power to parole herein granted to the Board of  
6 Parole may not be exercised in the board's discretion at any  
7 time before, but only after, the expiration of the minimum term  
8 of imprisonment fixed by the court in its sentence or by the  
9 Pardon Board in a sentence which has been reduced by  
10 commutation: Provided, however, That if the Board of Parole  
11 refuse to parole the prisoner at the expiration of any minimum  
12 term fixed by the Pardon Board, it shall, within ten days after  
13 the date when the minimum term expired, transmit to the Pardon  
14 Board a written statement of the reasons for refusal to parole  
15 the prisoner at the expiration of the minimum term fixed by the  
16 Pardon Board. Thereafter, the Pardon Board may either accept the  
17 action of the Board of Parole, or order the immediate release of  
18 the prisoner on parole, under the supervision of the Board of  
19 Parole. Said] An offender sentenced to imprisonment after the  
20 effective date of this act, regardless of the length of the  
21 maximum term imposed, shall be released after serving the  
22 minimum term fixed by the court in its sentence or by the Board  
23 of Pardons in a sentence which has been reduced by commutation,  
24 minus any good time for which he is eligible. Following release,  
25 all offenders shall be under post-release supervision for the  
26 duration of the maximum sentence imposed. As provided in section  
27 17, the board or the sentencing court shall have the power  
28 during the [period for which a person shall have been sentenced  
29 to recommit one paroled] post-release supervision period to  
30 recommit an offender for violation of [the terms and conditions

1 of his parole and from time to time to reparole and recommit in  
2 the same manner and with the same procedure as in the case of an  
3 original parole or recommitment, if, in the judgment of the said  
4 board, there is a reasonable probability that the convict will  
5 be benefited by again according him liberty and it does not  
6 appear that the interests of the Commonwealth will be injured  
7 thereby] any conditions set by the board or the sentencing court  
8 and to again release the offender to post-release supervision  
9 whenever it appears that the best interests of the offender and  
10 society justify such release: Provided, however, That the period  
11 of recommitment shall not extend beyond the maximum sentence  
12 imposed, and that the supervision period following re-release  
13 shall extend until the expiration of the maximum sentence. The  
14 board shall promulgate criteria for its decisions on commitment  
15 and release. In committing and releasing offenders, the members  
16 of the board acting thereon shall not be required to personally  
17 see or hear all the witnesses and evidence submitted to them for  
18 their action, but they may act on reports submitted to them by  
19 their agents and employes, together with any pertinent and  
20 adequate information furnished to them by fellow members of the  
21 board or by others.

22 Section 15. Section 21.1 of the act, amended June 28, 1957  
23 (P.L.429, No.235) and affected by the act of October 15, 1980  
24 (P.L.950, No.164), is amended to read:

25 Section 21.1. (a) [Convicted Violators. Any parolee] Any  
26 person on post-release supervision and under the jurisdiction of  
27 the [Pennsylvania Board of Parole released from any penal  
28 institution of the Commonwealth who, during the period of parole  
29 or while delinquent on parole] board who, during the post-  
30 release supervision period or while delinquent on post-release

1 supervision, commits any crime punishable by imprisonment, for  
2 which he is convicted or found guilty by a judge or jury or to  
3 which he pleads guilty or nolo contendere at any time thereafter  
4 in a court of record, may, at the discretion of the board, be  
5 recommitted as a [parole violator. If his recommitment is so  
6 ordered, he shall be reentered to serve the remainder of the  
7 term which said parolee would have been compelled to serve had  
8 he not been paroled] post-release supervision violator, and he  
9 shall be given no credit for the time at liberty on [parole]  
10 post-release supervision. The board may, in its discretion[,  
11 reparole whenever, in its opinion, the best interests of the  
12 prisoner justify or require his release on parole and it does  
13 not appear that the interests of the Commonwealth will be  
14 injured thereby] release the violator to post-release  
15 supervision or to serve any new sentence imposed whenever it  
16 appears that the best interests of the violator and society  
17 justify such release. The period of time [for] which the  
18 [parole] violator is required to serve by the board shall be  
19 computed from and begin on the date that he is taken into  
20 custody to be returned to the institution as a [parole] post-  
21 release supervision violator.

22 [If a new sentence is imposed upon such parolee, the service  
23 of the balance of said term originally imposed shall precede the  
24 commencement of the new term imposed in the following cases:

25 (1) If a person is paroled from any State penal or  
26 correctional institution under the control and supervision of  
27 the Department of Justice and the new sentence imposed upon him  
28 is to be served in any such State penal or correctional  
29 institution.

30 (2) If a person is paroled from a county penal or

1 correctional institution and the new sentence imposed upon him  
2 is to be served in the same county penal or correctional  
3 institution.

4 In all other cases, the service of the new term for the  
5 latter crime shall precede commencement of the balance of the  
6 term originally imposed.

7 Where the new term is to be served last, or the balance of  
8 the term originally imposed is to be served last, and such  
9 service is, in either case, to be had in any penal or  
10 correctional institution under the control and supervision of  
11 the Department of Justice, any male person upon recommitment  
12 shall be sent to the nearest Correctional Diagnostic and  
13 Classification Center for service of the remainder of the  
14 original term at such institution as shall be designated by the  
15 Deputy Commissioner for Treatment of the Bureau of Correction.  
16 Any female person shall be recommitted to the State Industrial  
17 Home for Women at Muncy.]

18 (b) [Technical Violators. Any parolee] Any person on post-  
19 release supervision and under the jurisdiction of the  
20 [Pennsylvania Board of Parole released from any penal  
21 institution in the Commonwealth who, during the period of  
22 parole, violates the terms and conditions of his parole] board  
23 who, during the post-release supervision period violates the  
24 terms and conditions of his supervision, other than by the  
25 commission of a new crime of which he is convicted or found  
26 guilty by a judge or jury or to which he pleads guilty or nolo  
27 contendere in a court of record, may be recommitted after  
28 hearing before the board. If he is so recommitted, he shall be  
29 given credit for the time served on [parole] post-release  
30 supervision in good standing but with no credit for delinquent

1 time, and may be reentered to serve the remainder of his  
2 original maximum sentence or sentences. Said remainder shall be  
3 computed by the board from the time his delinquent conduct  
4 occurred for the unexpired period of the maximum sentence  
5 imposed by the court without credit for the period the [parolee  
6 was delinquent on parole] violator was delinquent on post-  
7 release supervision, and he shall be required to serve such  
8 remainder so computed from the date he is taken into custody on  
9 the warrant of the board. [Such prisoner shall be subject to  
10 reparole by the board whenever in its opinion the best interests  
11 of the prisoner justify or require his being reparaoled and it  
12 does not appear that the interests of the Commonwealth will be  
13 injured thereby.] The board may release the violator to post-  
14 release supervision whenever it appears that the best interests  
15 of the violator and society justify such release.

16 (c) Recommitment. [Technical violators shall be recommitted  
17 for service of the balance of said term originally imposed to  
18 penal or correctional institutions as follows:

19 (1) If paroled from a county penal or correctional  
20 institution, to the same institution or to any other institution  
21 to which legally transferred.

22 (2) If paroled from the Pennsylvania Industrial School at  
23 Camp Hill and upon recommitment such person has not attained the  
24 age of twenty-one years, to the same institution.

25 (3) If paroled from the State Industrial Home for Women at  
26 Muncy, to the same institution.

27 (4) If paroled from any other State penal or correctional  
28 institution under the control and supervision of the Department  
29 of Justice, to the nearest Correctional Diagnostic and  
30 Classification Center wherein the person shall be classified for

1 service of the balance of the term in such institution as shall  
2 be designated by the Deputy Commissioner for Treatment in the  
3 Bureau of Correction.] In all cases of recommitment, the service  
4 of the original sentence shall precede the service of any new  
5 sentence or sentences imposed. Under no circumstances shall the  
6 service of a new sentence or sentences run concurrently with  
7 time served for violation of post-release supervision.

8 (d) The Commissioner of Correction is hereby authorized,  
9 subject to the approval of the Auditor General, to enter into  
10 contracts with similar officials of any other state or states  
11 for the purpose of sharing an equitable portion of the cost of  
12 effecting the return of any person who has violated the terms  
13 and conditions of post-release supervision or probation granted  
14 by this State.

15 Section 16. Section 22 of the act is repealed.

16 Section 17. Section 23 of the act is amended to read:

17 Section 23. The board shall have the power, and it shall be  
18 its duty, to make general rules for the conduct [and  
19 supervision] of persons [heretofore or hereafter placed upon  
20 parole] on post-release supervision within the jurisdiction of  
21 the board. In addition to the power to make general rules and  
22 regulations hereby granted, the board may, in particular cases,  
23 as it deems necessary to effectuate the purpose of [parole,  
24 prescribe special regulations for particular parolees] post-  
25 release supervision, prescribe special regulations for  
26 particular persons on post-release supervision within the  
27 jurisdiction of the board.

28 Section 18. Sections 26, 27, 31 and 32 of the act are  
29 repealed.

30 Section 19. Sections 33 and 34 of the act are amended to

1 read:

2 Section 33. In compliance with the Federal Interstate  
3 Compact Laws, the [Parole Board] Bureau of Correction is  
4 authorized to supervise persons paroled by other states and now  
5 residing in Pennsylvania, where such other states agree to  
6 perform similar services for the [Pennsylvania Board of Parole]  
7 Bureau of Correction.

8 Section 34. The [Pennsylvania Board of Parole] Bureau of  
9 Correction shall be charged with the duty of making  
10 investigations and recommendations to the [Pardon] Board of  
11 Pardons in cases coming before it, and upon its request.

12 Section 20. The act is amended by adding sections to read:

13 Section 34.1. (a) The Bureau of Correction shall have  
14 exclusive power to supervise all persons during their post-  
15 release supervision period who are heretofore or hereafter  
16 sentenced by any court in this Commonwealth to a maximum term of  
17 imprisonment of two years or more. The bureau shall also have  
18 the power to supervise any person on post-release supervision  
19 who has been sentenced to a maximum term of less than two years  
20 if a court having criminal jurisdiction so directs and if there  
21 is a felony conviction, or a misdemeanor conviction where the  
22 offender has a prior felony conviction, and the offender is  
23 subject to a period of supervision of not less than six months,  
24 in which case the post-release supervision case shall be known  
25 as a special case.

26 (b) The Bureau of Correction may accept responsibility for  
27 supervision of persons placed on probation as it deems  
28 appropriate if a court of criminal jurisdiction so directs and  
29 if the term of probation is not less than two years.

30 (c) The Bureau of Correction shall have the power:

1       (1) To supervise and make pre-sentence investigations and  
2 reports when requested to do so by a court.

3       (2) To collect and maintain copies of pre-sentence  
4 investigations and reports as necessary.

5       (3) To collect and maintain a record of all persons who are  
6 placed on probation and post-release supervision.

7       (4) To collect, compile, and publish statistical and other  
8 information relating to probation and post-release supervision  
9 work in all courts and such other information the bureau may  
10 deem of value.

11       (5) To establish uniform Statewide standards for (i) pre-  
12 sentence investigations; (ii) the supervision of persons on  
13 probation and post-release supervision; (iii) the qualifications  
14 and minimum salaries for personnel supervising persons on  
15 probation and post-release supervision; and (iv) the quality of  
16 probation and post-release supervision services. The standards  
17 for the qualifications of probation and post-release supervision  
18 personnel shall only apply to personnel appointed after the date  
19 the standards are established. The bureau may provide in-service  
20 training for county probation and post-release supervision  
21 personnel when requested to do so by the court having  
22 jurisdiction of such personnel.

23       (6) To administer a grant-in-aid program for the costs  
24 incurred by any county in providing additional probation staff  
25 for pre-sentence investigations and for improved probation and  
26 post-release supervision and programs, but only to the extent  
27 that the additional staff and programs meet the qualifications  
28 and standards established by the bureau. The bureau shall  
29 establish rules and regulations for the allocation of funds  
30 available for such grants-in-aid.

1       (d) All probation and post-release supervision officers  
2 appointed by any court of this Commonwealth shall be required by  
3 the court to submit to the Bureau of Correction such information  
4 as the bureau may require on forms prescribed and furnished by  
5 the bureau. The bureau shall have free and ready access to all  
6 probation and post-release supervision records of the counties  
7 of this Commonwealth.

8       Section 34.2. (a) The Bureau of Correction may, with  
9 approval of the Governor, divide the Commonwealth for  
10 administrative purposes into a suitable number of districts, not  
11 to exceed ten, in each of which there shall be a district office  
12 which shall have immediate charge of the post-release  
13 supervision cases arising in the courts of the judicial  
14 districts embraced within its territorial limits, but as  
15 occasion may require, the supervision of particular persons may  
16 be transferred by the bureau to other appropriate districts.

17       (b) Staff responsible for post-release supervision are  
18 hereby declared to be peace officers and are hereby given police  
19 power and authority throughout the Commonwealth to arrest  
20 without warrant, writ, rule, or process any probationer or  
21 person on post-release supervision under the supervision of the  
22 bureau for failing to report as required by the terms of his  
23 probation or post-release supervision, or for any other  
24 violation thereof.

25       (c) The Commissioner of Correction is hereby authorized and  
26 empowered to deputize any person to act as an officer and agent  
27 of this Commonwealth in effecting the return of any person who  
28 has violated the terms and conditions of his probation or post-  
29 release supervision. In any matter relating to the return of  
30 such a person, any agent so deputized shall have all the powers

1 of a police officer of this Commonwealth. Any deputization shall  
2 be in writing and any person authorized to act as an agent of  
3 this Commonwealth, pursuant hereto, shall carry formal evidence  
4 of his deputization and shall produce the same upon demand.

5 Section 34.3. After the effective date of this act, any  
6 offender serving a sentence of imprisonment shall be awarded  
7 good time after each month spent without infractions of any  
8 rules and regulations established by the Commissioner of  
9 Correction for offenders incarcerated in institutions operated  
10 by the Bureau of Correction or by the inspectors, sheriffs or  
11 other persons having charge of county jails or prisons for  
12 offenders incarcerated in such institutions. Good time shall be  
13 computed as follows:

14 (1) Three days for each month during the first year of  
15 incarceration.

16 (2) Four and one-half days for each month during the second  
17 year of incarceration.

18 (3) Six days for each month during the third and fourth  
19 years of incarceration.

20 (4) Seven and one-half days for each month during the fifth  
21 through ninth years of incarceration.

22 (5) Ten days for each month during the tenth and subsequent  
23 years of incarceration.

24 Proportionate amounts of good time shall be granted to offenders  
25 with less than one month remaining on their minimum term. The  
26 Commissioner of Correction shall issue rules and regulations  
27 which state the types of conduct for which good time may be  
28 withheld for those inmates incarcerated in institutions operated  
29 by the Bureau of Correction. The inspectors, sheriffs or other  
30 persons having charge of county jails or prisons shall issue

1 rules and regulations which state the types of conduct for which  
2 good time may be withheld for inmates incarcerated in such  
3 facilities. An inmate charged with infraction of such rules and  
4 regulations shall receive written notice of the charge and the  
5 reasons for it and shall be afforded a hearing. Only the good  
6 time for the month in which infractions were committed may be  
7 withheld for those infractions. Good time shall be awarded at  
8 the end of each month if no infractions have been charged during  
9 that month, and good time once granted shall not be revoked for  
10 subsequent infractions. No good time shall be awarded for time  
11 served prior to the effective date of this act, but good time  
12 for time served after the effective date shall be computed in  
13 consideration of the total time the offender has been  
14 incarcerated. An individual serving a life sentence shall not  
15 accumulate good time, unless the sentence is reduced by  
16 commutation. In such cases, good time shall be earned after the  
17 date the term is set. Good time shall then be computed according  
18 to the schedule specified in this section and in consideration  
19 of the total time the offender has been incarcerated. Inmates  
20 who have been returned to prison by the Revocation Board or by  
21 the sentencing judge for violations of post-release supervision  
22 shall not be eligible for good time.

23 Section 21. All references in statute and regulation to  
24 parole shall hereby be deemed references to post-release  
25 supervision. All statutory references to parolees shall hereby  
26 be deemed references to persons under post-release supervision.

27 Section 22. (a) The Pennsylvania Revocation Board shall  
28 have exclusive powers to release all persons sentenced prior to  
29 the effective date of this act by any court in this Commonwealth  
30 to a maximum term of imprisonment of two years or more in any

1 prison or penal institution thereof, whether the same be a State  
2 or county penitentiary, prison, or penal institution: Provided,  
3 however, That the powers and duties herein conferred shall not  
4 extend to persons sentenced for a maximum period of less than  
5 two years, and nothing in this section shall prevent any court  
6 of this Commonwealth from releasing any person who was sentenced  
7 by it prior to the effective date of this act for a maximum  
8 period of less than two years: And provided further, That the  
9 period of two years herein referred to shall mean the entire  
10 continuous term of sentence to which a person is subject,  
11 whether the same be by one or more sentences as authorized by  
12 law to be imposed for criminal offenses: And provided further,  
13 That the powers and duties conferred by this section shall not  
14 extend to persons whose sentences are reduced by commutation  
15 after the effective date of this act.

16 (b) The board is hereby authorized to release and place on  
17 post-release supervision any offender confined in any penal  
18 institution of this Commonwealth as to whom power to release is  
19 granted to the board under this section, except offenders  
20 condemned to death or serving life imprisonment, whenever in its  
21 opinion the best interests of the offender justify or require  
22 his being released and it does not appear that the interests of  
23 the Commonwealth will be injured thereby. This power to release  
24 shall not be exercised at any time before, but only after, the  
25 expiration of the minimum term of imprisonment fixed by the  
26 court in its sentence or by the Board of Pardons in a sentence  
27 which has been reduced by commutation minus any good time for  
28 which an offender is eligible.

29 (c) It shall be the duty of the board, with regard to any  
30 person as to whom the board is granted power to release under

1 this section, to investigate and inform itself respecting the  
2 circumstances of the offense for which said person shall have  
3 been sentenced, and, in addition thereto, it shall procure  
4 information as full and complete as may be obtainable with  
5 regard to the character, mental characteristics, habits,  
6 antecedents, connections and environment of such person. The  
7 board shall further procure as needed the stenographic record,  
8 if any, of the trial, conviction and sentence, together with  
9 such additional information as may be available regarding the  
10 crime for which sentence was imposed. The board shall further  
11 cause the conduct of the person while in prison and his  
12 physical, mental and behavior condition and history and his  
13 complete criminal record, as far as the same may be known, to be  
14 investigated and reported. All public officials having  
15 possession of such records or information are hereby required  
16 and directed to furnish the same to the board upon its request  
17 and without charge therefor. Said investigation shall be made by  
18 the board so far as may be practicable while the case is recent,  
19 and in granting release the board shall consider the nature and  
20 character of the offense committed and any recommendation made  
21 by the trial judge as well as the general character and history  
22 of the prisoner.

23 (d) The board shall, in all cases, consider the  
24 recommendations of the trial judge and of the district attorney  
25 and of each warden or superintendent, as the case may be, who  
26 has had charge of an applicant, each of whom is directed to  
27 submit to the board his recommendation and the reasons  
28 therefore, with respect to each individual eligible for release.

29 (e) The board shall have the power to grant release of its  
30 own motion, with regard to any person as to whom the board is

1 granted power to release under this section, whenever in its  
2 judgment the interests of justice require the granting of the  
3 same. In addition thereto, the board shall have the power, and  
4 it shall be its duty, to consider applications for release by a  
5 prisoner or by his attorney, relatives or friends or by any  
6 person properly interested in the matter. Hearings of  
7 applications shall be held by the board whenever in its judgment  
8 hearings are necessary. Reasonable rules and regulations shall  
9 be adopted by the board for the presentation and hearing of  
10 applications for release: Provided, however, That whenever any  
11 prisoner is released by the board, whether of its own motion or  
12 after hearing of an application therefor, or whenever an  
13 application for release is refused by the board, a brief  
14 statement of the reasons for the board's action shall be filed  
15 of record in the offices of the board and shall be at all  
16 reasonable times open to public inspection; in no case shall  
17 release be granted or an application for release dismissed,  
18 unless an agent of the board shall have seen and heard him in  
19 person in regard thereto within six months prior to the granting  
20 or dismissal thereof. Applications shall be disposed of by the  
21 board within six months of the filing thereof. Except in cases  
22 where the minimum term has been reduced by commutation, the  
23 board shall initially act on the application, if possible,  
24 before the expiration of the minimum term so fixed, and in no  
25 case more than thirty days thereafter. In granting release, the  
26 members of the board acting thereon shall not be required to  
27 personally hear or see all the witnesses and evidence submitted  
28 to them for their action, but they may act on report submitted  
29 to them by their agents and employes, together with any  
30 pertinent and adequate information furnished to them by fellow

1 members of the board or by others. At least ten days before  
2 releasing a prisoner on its own motion the board shall give  
3 written notice of such contemplated release to the district  
4 attorney of the county wherein the prisoner shall have been  
5 sentenced, and, in cases of hearings on applications for release  
6 as herein provided for, at least ten days written notice of the  
7 time and place fixed for such hearing shall be given either by  
8 the board or by the applicant, as the board shall direct, to the  
9 court and district attorney of the county wherein the applicant  
10 shall have been sentenced.

11 (f) Release of persons sentenced prior to the effective date  
12 of this act to a maximum period of less than two years  
13 imprisonment shall be granted by the sentencing court unless the  
14 board agrees to accept jurisdiction upon the direction of the  
15 court.

16 (g) Following the release from imprisonment of any person  
17 sentenced prior to the effective date of this act, the  
18 provisions of this section shall no longer apply to that person,  
19 and all other provisions of this act shall have full force and  
20 effect with regard to that person.

21 Section 23. The provisions of this act are hereby extended  
22 to all persons who, at the effective date hereof, may be on  
23 parole under existing laws with the same force and effect as if  
24 this act had been in operation at the time such persons were  
25 placed on parole.

26 Section 24. All personnel, allocations, appropriations,  
27 equipment, files, records, contracts, agreements, obligations  
28 and other materials which are used, employed, or expended in  
29 connection with the powers, duties, or functions given by this  
30 act to the Bureau of Correction, which powers, duties, and

1 functions were formerly exercised by the Pennsylvania Board of  
2 Probation and Parole are hereby transferred to the Bureau of  
3 Correction with the same force and effect as if the  
4 appropriations had been made to and said items had been the  
5 property of the Bureau of Correction in the first instance, and  
6 as if said contracts, agreements, and obligations had been  
7 incurred or entered into by the Bureau of Correction.

8 Section 25. The provisions of this act shall not affect any  
9 act done, liability incurred, right accorded or vested, or  
10 adjudication or decision made, including parole revocations,  
11 under the authority of any act of Assembly or part thereof,  
12 repealed by this act.

13 Section 26. The following acts or parts of acts are  
14 repealed:

15 Sections 4, 5, 6, 10 and 13, act of April 28, 1887 (P.L.63,  
16 No.30), entitled, as amended, "An act in relation to the  
17 imprisonment, government and release of inmates in the  
18 Pennsylvania Industrial School at Camp Hill, Cumberland County,  
19 Pennsylvania."

20 Sections 3 and 4, act of June 6, 1893 (P.L.326, No.263),  
21 entitled "A supplement to an act, entitled 'An act in relation  
22 to the imprisonment, government and release of convicts in the  
23 Pennsylvania Industrial Reformatory at Huntingdon,' approved the  
24 twenty-eighth day of April, Anno Domini one thousand eight  
25 hundred and eighty-seven."

26 The act of June 19, 1911 (P.L.1059, No.813), entitled "An act  
27 extending the powers of judges of courts of quarter sessions and  
28 of oyer and terminer, in relation to releasing prisoners in  
29 jails and workhouses on parole."

30 The act of May 28, 1913 (P.L.363, No.247), entitled "An act

1 regulating the discharge of prisoners on parole, from the penal  
2 institutions of the Commonwealth."

3 Sections 16, 19, 20 and 27, act of July 25, 1913 (P.L.1311,  
4 No.816), entitled "An act providing for the establishment of a  
5 State Industrial Home for Women; authorizing the purchase of a  
6 site, and the erection thereon and equipment of necessary  
7 buildings; providing for the commitment to said State Industrial  
8 Home for Women of females between the ages of sixteen and thirty  
9 years, convicted of, or pleading guilty to, the commission of  
10 any criminal offense; and providing for the government and  
11 management of said institution; and making an appropriation to  
12 carry out the purposes of this act."

13 The act of May 1, 1929 (P.L.1182, No.414), entitled "An act  
14 providing the procedure and the powers of the State Board of  
15 Pardons and boards of trustees of penitentiaries where prisoners  
16 released on parole violate the terms of such parole; and fixing  
17 the penalty for such violation."

18 The act of May 1, 1929 (P.L.1183, No.415), entitled "An act  
19 relating to persons paroled from the Pennsylvania Industrial  
20 Reformatory at Huntingdon; and regulating the procedure when  
21 such persons violate the terms of paroles, and the effect of  
22 such violations."

23 The act of June 22, 1931 (P.L.864, No.280), entitled "An act  
24 making a convict whose minimum sentence exceeds one-half of the  
25 maximum sentence eligible to apply for release on parole when  
26 said convict has served or will have served one-half his maximum  
27 sentence."

28 The act of December 13, 1955 (P.L.841, No.246), entitled "An  
29 act authorizing cooperative return of parole and probation  
30 violators and the making of contracts or deputization of persons

1 pursuant thereto."

2 As much of 42 Pa.C.S. § 9755(b) (relating to sentence of  
3 partial confinement) which reads; "which shall not exceed one-  
4 half of the maximum sentence imposed."

5 As much of 42 Pa.C.S. § 9756(b) (relating to sentence of  
6 total confinement) which reads; "which shall not exceed one-half  
7 of the maximum sentence imposed."

8 42 Pa.C.S. § 9756(c) (relating to sentence of total  
9 confinement).

10 The last sentence of 42 Pa.C.S. § 9757 (relating to  
11 consecutive sentences of total confinement for multiple  
12 offenses) which reads; "Such minimum sentence shall not exceed  
13 one-half of the maximum sentence imposed."

14 Section 27. This act shall take effect in 90 days.