

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2199

Session of
1989

INTRODUCED BY EVANS, CALTAGIRONE, ROEBUCK, RIEGER, BLAUM,
HAYDEN, WILLIAMS, CARN, WAMBACH, FOX, YANDRISEVITS, COLAIZZO,
STUBAN, RYBAK, BELFANTI, VEON, TIGUE, NOYE, LINTON, FARGO,
FREEMAN, GLADECK, LANGTRY, WOGAN, RAYMOND, PISTELLA, McCALL,
J. L. WRIGHT, VROON, KOSINSKI, LUCYK, KASUNIC, ITKIN,
FAIRCHILD, MAINE, GIGLIOTTI, HERSHEY, BATTISTO, HERMAN,
BISHOP, PESCI, MELIO, HAGARTY, D. F. CLARK, JOSEPHS, McVERRY,
TRELLO, BROUJOS, BUSH, LEVDANSKY, DIETTERICK, GEIST,
LAUGHLIN, FARMER, CAPPABIANCA, DeLUCA, B. SMITH, LEE AND
BORTNER, DECEMBER 13, 1989

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 19, 1990

AN ACT

1 Providing for motivational boot camps for certain youthful
2 offenders; AND providing for selection of participants. ~~and~~ <—
3 ~~making an appropriation.~~

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Motivational
8 Boot Camp Act.

9 Section 2. Declaration of policy.

10 The General Assembly finds and declares as follows:

11 (1) The Commonwealth recognizes the severe problem of
12 overcrowding in State and county prisons and understands that
13 overcrowding is a causative factor contributing to
14 insurrection and prison rioting.

1 (2) The Commonwealth also recognizes that the frequency
2 of convictions responsible for the dramatic expansion of the
3 prison population is attributable in part to the increased
4 use of drugs and alcohol.

5 (3) The Commonwealth, in wishing to salvage the
6 contributions and dedicated work which its displaced citizens
7 may someday offer, is seeking to explore alternative methods
8 of incarceration which might serve as the catalyst for
9 reducing criminal behavior.

10 Section 3. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Commission." The Pennsylvania Commission on Sentencing.

15 "Department." The Department of Corrections of the
16 Commonwealth.

17 "Eligible inmate." A person sentenced to a term of
18 confinement under the jurisdiction of the Department of
19 Corrections who is serving a term of confinement, the minimum of
20 which is not more than two years and the maximum of which is
21 five years or less, and who has not reached 35 years of age at
22 the time he is approved for participation in the motivational
23 boot camp program. The term shall not include any inmate serving
24 a sentence for any violation of one or more of the following
25 provisions:

26 18 Pa.C.S. § 2501 (relating to criminal homicide).

27 18 Pa.C.S. § 2901 (relating to kidnapping).

28 18 Pa.C.S. § 3121 (relating to rape).

29 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual
30 intercourse).

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

3 "Motivational boot camp." A program in which eligible
4 inmates participate for a period of six months in a humane
5 program for motivational boot camp programs which shall provide
6 for rigorous physical activity, intensive regimentation and
7 discipline, work on public projects, substance abuse
8 rehabilitation therapy and programming certified by the
9 Department of Health, ventilation therapy, continuing education,
10 vocational training and prerelease counseling.

11 "Secretary." The Secretary of Corrections of the
12 Commonwealth.

13 Section 4. Selection of inmate participants.

14 (a) Duties of commission.--Through the use of sentencing
15 guidelines, the commission shall employ the definition of
16 "eligible inmate" as provided in this act to further identify
17 inmates who would be appropriate for participation in a
18 motivational boot camp.

19 (b) Duties of sentencing judge.--The sentencing judge shall
20 employ the sentencing guidelines to identify those defendants
21 who are eligible for participation in a motivational boot camp.
22 The judge shall have the discretion to exclude a defendant from
23 eligibility if the judge determines that the defendant would be
24 inappropriate for placement in a motivational boot camp. The
25 judge shall note on the sentencing order whether the defendant
26 has been identified as eligible for a motivational boot camp
27 program.

28 (c) Duties of department.--The secretary shall promulgate
29 rules and regulations providing for inmate selection criteria
30 and the establishment of motivational boot camp selection

1 committees within each diagnostic and classification center of
2 the department.

3 Section 5. Establishment of motivational boot camp program.

4 (a) Establishment.--There is hereby established in the
5 department a motivational boot camp program.

6 (b) Program objectives.--The objectives of the program are:

7 (1) To protect the health and safety of the Commonwealth
8 by providing a program which will reduce recidivism and
9 promote characteristics of good citizenship among eligible
10 inmates.

11 (2) To divert inmates, who ordinarily would be sentenced
12 to traditional forms of confinement under the custody of the
13 department, to motivational boot camps.

14 (3) To provide discipline and structure to the lives of
15 eligible inmates, and to promote these qualities in the
16 postrelease behavior of eligible inmates.

17 (c) Rules and regulations.--The secretary shall have the
18 duty to promulgate rules and regulations which shall include,
19 but not be limited to, inmate discipline, selection criteria,
20 programming and supervision, and administration. The department
21 shall provide four weeks of intensive training for all staff
22 prior to the start of their involvement with the program.

23 (d) Approval.--Motivational boot camp programs may be
24 established only at correctional facilities classified by the
25 secretary as motivational boot camp facilities.

26 (e) Evaluation.--The department and the commission shall
27 monitor and evaluate the motivational boot camp programs to
28 ensure that the programmatic objectives are met. Both shall
29 present annual reports of the evaluations of the Judiciary
30 Committees of the House of Representatives and Senate no later

1 than February 1 of each year.

2 Section 6. Procedure for selection of participant in
3 motivational boot camp program.

4 (a) Application.--An eligible inmate may make an application
5 to the motivational boot camp selection committee for permission
6 to participate in the motivational boot camp program.

7 (b) Selection.--If the selection committee determines that
8 an inmate's participation in the program is consistent with the
9 safety of the community, the welfare of the applicant, the
10 programmatic objectives and the rules and regulations of the
11 department, the committee shall forward the application to the
12 secretary or his designee for approval or disapproval.

13 (c) Conditions.--Applicants may not participate in the
14 motivational boot camp program unless they agree to be bound by
15 all the terms and conditions thereof and indicate their
16 agreement by signing a memorandum of the program immediately
17 below a statement reading as follows:

18 I accept the foregoing program and agree to be bound by
19 the terms and conditions thereof. I understand that my
20 participation in the program is a privilege that may be
21 revoked at any time at the sole discretion of the
22 secretary. I understand that I am also provided with the
23 right to terminate, at any time, my involvement in the
24 program. I understand that I must successfully complete
25 the entire program to obtain a certificate of earned
26 eligibility upon the completion of said program, and, in
27 the event that I do not successfully complete said
28 program, for any reason, I will be transferred to a
29 nonintensive incarceration correctional facility to
30 continue service of my sentence.

1 (d) Privilege.--Participation in the motivational boot camp
2 program shall be a privilege. Nothing contained in this act may
3 be construed to confer upon any inmate the right to participate
4 or continue to participate therein.

5 Section 7. Completion of motivational boot camp program.

6 Upon certification by the department of the inmate's
7 successful completion of the program, the Pennsylvania Board of
8 Probation and Parole shall immediately release the inmate on
9 parole, notwithstanding any minimum sentence imposed in the
10 case. The parolee will be subject to intensive supervision for a
11 period of time determined by the board, after which he will be
12 subject to the usual parole supervision. For all other purposes,
13 the parole of the inmate shall be as provided by the act of
14 August 6, 1941 (P.L.861, No.323), referred to as the
15 Pennsylvania Board of Probation and Parole Law.

16 Section 8. Appeals.

17 Nothing in this act shall be construed to enlarge or limit
18 the right of an inmate to appeal his or her sentence.

19 ~~Section 9. Appropriation.~~ <—

20 ~~The sum of \$5,000,000, or as much thereof as may be~~
21 ~~necessary, is hereby appropriated to the Department of~~
22 ~~Corrections for the fiscal year July 1, 1990, to June 30, 1991,~~
23 ~~to carry out the provisions of this act.~~

24 ~~Section 10 9. Repeals.~~ <—

25 All acts and parts of acts are repealed insofar as they are
26 inconsistent with this act.

27 ~~Section 11 10. Effective date.~~ <—

28 This act shall take effect in 60 days.