

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2559 Session of
1992

INTRODUCED BY HAGARTY, HECKLER, TIGUE, MERRY, HANNA, PITTS,
FLEAGLE, DEMPSEY, FARMER, ITKIN, CIVERA, S. H. SMITH, LEH,
E. Z. TAYLOR, STEELMAN AND NAHILL, MARCH 25, 1992

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 25, 1992

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," eliminating provisions on
21 costs for offender supervision programs.

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

24 Section 1. Section 477.20 of the act of April 9, 1929
25 (P.L.177, No.175), known as The Administrative Code of 1929,
26 added August 14, 1991 (P.L.331, No.35), is amended to read:

27 [Section 477.20. Costs for Offender Supervision Programs.--

1 (a) The court shall impose, as a condition of supervision, a
2 monthly supervision fee of at least twenty-five dollars (\$25) on
3 any offender placed on probation, parole, accelerated
4 rehabilitative disposition, probation without verdict or
5 intermediate punishment, unless the court finds that such fee
6 should be reduced, waived or deferred based on the offender's
7 present inability to pay. Of the fee collected, fifty percent
8 (50%) shall be deposited into the County Offender Supervision
9 Fund established in each county pursuant to this section and the
10 remaining fifty percent (50%) shall be deposited into the State
11 Offender Supervision Fund established pursuant to this section.

12 (b) The Pennsylvania Board of Probation and Parole shall
13 impose, as a condition of supervision, a monthly supervision fee
14 of at least twenty-five dollars (\$25) on any offender under the
15 board's supervision, unless the board finds that such fee should
16 be reduced, waived or deferred based on the offender's present
17 inability to pay.

18 (c) For offenders under supervision of a county probation
19 department or the Pennsylvania Board of Probation and Parole, as
20 of the effective date of this section, the fee will
21 automatically become a part of the supervision conditions as if
22 the court or board had imposed it, unless the court or board
23 makes a finding that the offender is presently unable to pay.

24 (d) The court or board may make a finding that the offender
25 is unable to pay based on any of the following factors:

26 (1) The offender has diligently attempted but has been
27 unable to obtain employment that provides the offender
28 sufficient income to make such payments.

29 (2) The offender is a student in a school, college,
30 university or a course of vocational or technical training

1 designed to fit the student for gainful employment.

2 (3) The offender has an employment handicap, as determined
3 by an examination acceptable to or ordered by the court or
4 board.

5 (4) The offender's age prevents employment.

6 (5) The offender is responsible for the support of
7 dependents and the payment of the assessment constitutes an
8 undue hardship on the offender.

9 (6) Other extenuating circumstances as determined by the
10 court or board.

11 (e) During fiscal year 1991-1992, the county treasurer of
12 each county shall establish and administer a County Offender
13 Supervision Fund consisting of the fees collected pursuant to
14 this section. The county treasurer shall disperse moneys from
15 this fund only at the discretion of the president judge of the
16 court of common pleas. The moneys in this fund shall be used to
17 pay the salaries and employe benefits of all probation and
18 parole personnel employed by the county probation and parole
19 department and the operational expenses of said department.
20 Moneys from the fund shall be used to supplement Federal, State
21 or county appropriations for the county adult probation and
22 parole department. The president judge shall, on or before
23 August 31 of each year, provide the board with an annual
24 statement which fully reflects all collections deposited into
25 and expenditures from the Offender Supervision Fee Fund for the
26 preceding fiscal year. The board shall establish temporary
27 rules, regulations and guidelines for the immediate
28 implementation of the County Offender Supervision Fee Program
29 and shall, within one year of the effective date of this act,
30 promulgate regulations under the act of July 31, 1968 (P.L.769,

1 No.240), referred to as the Commonwealth Documents Law, and the
2 act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory
3 Review Act," to provide for the permanent administration of this
4 program.

5 (f) Beginning in fiscal year 1991-1992, there is hereby
6 established a State Offender Supervision Fund to be administered
7 by the board and comprised of the supervision fees collected by
8 the board pursuant to this section. The moneys in this fund
9 shall be used to supplement the Federal or State funds
10 appropriated for the improvement of adult probation services.

11 (g) For purposes of this section, the term "board" shall
12 refer to and mean the Pennsylvania Board of Probation and
13 Parole.]

14 Section 2. If this act takes effect after July 1, 1992, the
15 amendment of section 477.20 of the act shall apply retroactively
16 to July 1, 1992.

17 Section 3. This act shall take effect July 1, 1992, or
18 immediately, whichever is later.