

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1362 Session of
1999

INTRODUCED BY CIVERA, BARD, BELFANTI, BUNT, COLAFELLA, FLICK,
GIGLIOTTI, GODSHALL, HERMAN, JAMES, KELLER, MAITLAND, MELIO,
PRESTON, READSHAW, SEMMEL, SERAFINI, STEELMAN, E. Z. TAYLOR,
J. TAYLOR, THOMAS, WALKO AND WILLIAMS, APRIL 20, 1999

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 20, 1999

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 sentencing procedure.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 9719.1. Sentencing procedure for substance abuse offenses and
9 chemical dependency, chemical testing and
10 treatment.

11 (a) Drug and alcohol assessment.--Upon conviction of a
12 misdemeanor or felony offense, an offender shall be subject to a
13 simple preliminary screening for drug or alcohol abuse.
14 Preliminary screening tools shall be designated by the
15 Department of Health. If warranted by the preliminary screening,
16 the court shall order a drug and alcohol abuse assessment which
17 shall include a recommended treatment program from the

1 Department of Health.

2 (b) Postconviction requirements.--A person assessed for drug
3 and alcohol use and dependence and who is found to be a
4 chemical-dependent person shall, in addition to any other
5 penalty, be required to participate in compulsory programs of
6 drug and alcohol treatment established by the Department of
7 Health in collaboration with the Department of Corrections under
8 the act of April 14, 1972 (P.L.221, No.63), known as the
9 Pennsylvania Drug and Alcohol Abuse Control Act. Persons
10 required to participate in a correctional institution-based
11 program shall not be eligible for parole nor a modification of
12 sentence until successful completion of the program.

13 (c) Postconviction assessments.--Every person placed on
14 probation or parole for violation of any criminal law of this
15 Commonwealth shall, as a condition of probation or parole, be
16 required at that person's expense, unless the expense is
17 determined to be a financial hardship, to submit to chemical
18 testing for the detection and determination of drug and alcohol
19 abuse or dependency, not less than twice per month.

20 (d) Treatment.--If it is determined that the person placed
21 on probation or parole for violation of the criminal laws of
22 this Commonwealth is a chemical-dependent person, the court may
23 impose, as a condition of such probation or parole, that the
24 person continue to receive treatment in a treatment facility as
25 an inpatient or outpatient. A person shall be referred to either
26 an inpatient or outpatient facility based on the treatment
27 program considered to be appropriate for the person's recovery
28 from substance abuse or dependency.

29 (e) Duration of treatment.--The person shall receive
30 treatment at the facility for as long as it is determined by the

1 treatment facility that the person will benefit from treatment,
2 but in no event shall the person receive treatment at the
3 facility for a period longer than the period of probation or
4 parole ordered by the court, unless the person consents to an
5 extended period of treatment. The court shall require a periodic
6 program of chemical testing as a condition of probation or
7 parole to determine the drug and alcohol-free status of the
8 person. A probationer or parolee who successfully completes the
9 treatment program and who complies with its conditions may be
10 eligible for a reduction in the period of probation or parole.

11 (f) Notification of unsuccessful treatment.--If, at any time
12 during treatment ordered as a condition to probation or parole,
13 the person violates the conditions by not complying with
14 facility or treatment rules or if it is determined that the
15 person is not amenable to treatment and that the treatment
16 should not be continued, the facility shall immediately notify
17 the person's probation or parole officer or a designated officer
18 of the court. After notification is received, the court shall
19 issue such process as necessary to order the person to
20 immediately appear before the court.

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