
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 959 Session of
2003

INTRODUCED BY ROBBINS, LEMMOND, COSTA, EARLL, BOSCOLA, M. WHITE,
WOZNIAK, WONDERLING, RHOADES AND PILEGGI, NOVEMBER 12, 2003

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 9, 2004

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for THE <—
3 CONSTABLES' EDUCATION AND TRAINING ACCOUNT AND, FOR <—
4 information required upon commitment and subsequent
5 disposition AND FOR DEFINITION OF "ELIGIBLE OFFENDER." <—

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 ~~Section 1. Section 9764(g) of Title 42 of the Pennsylvania~~ <—
9 ~~Consolidated Statutes is amended to read:~~

10 SECTION 1. SECTIONS 2949 AND 9764(F) AND (G) OF TITLE 42 OF <—
11 THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

12 § 2949. RESTRICTED ACCOUNT.

13 (A) ACCOUNT ESTABLISHED.--THERE IS HEREBY ESTABLISHED A
14 SPECIAL RESTRICTED ACCOUNT WITHIN THE GENERAL FUND, WHICH SHALL
15 BE KNOWN AS THE CONSTABLES' EDUCATION AND TRAINING ACCOUNT, FOR
16 THE PURPOSES OF FINANCING TRAINING PROGRAM EXPENSES, THE COSTS
17 OF ADMINISTERING THE PROGRAM AND ALL OTHER COSTS ASSOCIATED WITH
18 THE ACTIVITIES OF THE BOARD AND THE IMPLEMENTATION OF THIS

1 SUBCHAPTER AND AS PROVIDED UNDER SUBSECTION (F).

2 (B) SURCHARGE.--THERE IS HEREBY ASSESSED AS A COST IN EACH
3 CASE BEFORE A DISTRICT JUSTICE A SURCHARGE OF \$5 PER DOCKET
4 NUMBER IN EACH CRIMINAL CASE AND \$5 PER NAMED DEFENDANT IN EACH
5 CIVIL CASE IN WHICH A CONSTABLE OR DEPUTY CONSTABLE PERFORMS A
6 SERVICE PROVIDED IN THIS SUBCHAPTER, EXCEPT THAT NO COUNTY SHALL
7 BE REQUIRED TO PAY THIS SURCHARGE ON BEHALF OF ANY INDIGENT OR
8 OTHER DEFENDANT IN A CRIMINAL CASE.

9 (C) DISPOSITION OF FUNDS.--THE SURCHARGES COLLECTED UNDER
10 SUBSECTION (B), IF COLLECTED BY A CONSTABLE OR DEPUTY CONSTABLE
11 SHALL BE TURNED OVER WITHIN ONE WEEK TO THE ISSUING AUTHORITY.
12 THE ISSUING AUTHORITY SHALL REMIT THE SAME TO THE DEPARTMENT OF
13 REVENUE FOR DEPOSIT INTO THE ACCOUNT.

14 (D) DISBURSEMENTS.--DISBURSEMENTS FROM THE ACCOUNT SHALL BE
15 MADE BY THE COMMISSION.

16 (E) AUDIT.--THE AUDITOR GENERAL SHALL CONDUCT AN AUDIT OF
17 THE ACCOUNT AS HE MAY DEEM NECESSARY OR ADVISABLE FROM TIME TO
18 TIME, BUT NOT LESS THAN ONCE EVERY THREE YEARS.

19 (F) FUND SURPLUS.--IF ACCOUNT MONEYS ARE SUFFICIENT TO MEET
20 THE EXPENSES AND COSTS UNDER SUBSECTION (A), THE COMMISSION MAY
21 ALLOCATE ANY SURPLUS FUNDS IN THE ACCOUNT TO ASSIST CONSTABLES
22 AND DEPUTY CONSTABLES WITH COSTS ASSOCIATED WITH ATTENDANCE AT
23 CONTINUING EDUCATION PROGRAMS UNDER SECTION 2946 (RELATING TO
24 CONTINUING EDUCATION).

25 § 9764. Information required upon commitment and subsequent
26 disposition.

27 * * *

28 ~~(g) Release from county correctional facility to county~~ ←
29 ~~parole. Prior to the release of an inmate from a county~~
30 ~~correctional facility to county parole supervision, the facility~~

1 ~~shall provide to the county probation department the information~~
2 ~~contained in subsections (a)(1) through (4) and (b).~~

3 (F) RELEASE FROM COUNTY CORRECTIONAL FACILITY TO STATE
4 PROBATION OR PAROLE.--

<—

5 (1) PRIOR TO THE RELEASE OF AN INMATE FROM A COUNTY
6 CORRECTIONAL FACILITY TO STATE PROBATION OR PAROLE
7 SUPERVISION, THE FACILITY SHALL PROVIDE TO THE BOARD OF
8 PROBATION AND PAROLE THE INFORMATION CONTAINED IN SUBSECTIONS
9 (A)(1) THROUGH (4) AND (B).

10 (2) PRIOR TO THE RELEASE OF AN INMATE FROM A COUNTY
11 CORRECTIONAL FACILITY TO STATE PROBATION OR PAROLE
12 SUPERVISION, THE FACILITY SHALL PROVIDE TO THE INMATE HIS
13 CURRENT MEDICATIONS AS PRESCRIBED AND ANY CUSTOMARY AND
14 NECESSARY MEDICAL SUPPLIES AS DETERMINED BY THE PRESCRIBING
15 PHYSICIAN.

16 (G) RELEASE FROM COUNTY CORRECTIONAL FACILITY TO COUNTY
17 PROBATION OR PAROLE.--

18 (1) PRIOR TO THE RELEASE OF AN INMATE FROM A COUNTY
19 CORRECTIONAL FACILITY TO COUNTY PROBATION OR PAROLE
20 SUPERVISION, THE FACILITY SHALL PROVIDE TO THE COUNTY
21 PROBATION DEPARTMENT THE INFORMATION CONTAINED IN SUBSECTIONS
22 (A)(1) THROUGH (4) AND (B).

23 (2) PRIOR TO THE RELEASE OF AN INMATE FROM A COUNTY
24 CORRECTIONAL FACILITY TO COUNTY PROBATION OR PAROLE
25 SUPERVISION, THE FACILITY SHALL PROVIDE TO THE INMATE HIS
26 CURRENT MEDICATIONS AS PRESCRIBED AND ANY CUSTOMARY AND
27 NECESSARY MEDICAL SUPPLIES AS DETERMINED BY THE PRESCRIBING
28 PHYSICIAN.

29 * * *

30 SECTION 2. THE DEFINITION OF "ELIGIBLE OFFENDER" IN SECTION <—

1 9802 OF TITLE 42 IS AMENDED TO READ:

2 § 9802. DEFINITIONS.

3 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
4 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
5 CONTEXT CLEARLY INDICATES OTHERWISE:

6 * * *

7 "ELIGIBLE OFFENDER." SUBJECT TO SECTION 9721(A.1) (RELATING
8 TO SENTENCING GENERALLY), A PERSON CONVICTED OF AN OFFENSE WHO
9 WOULD OTHERWISE BE SENTENCED TO A COUNTY CORRECTIONAL FACILITY,
10 WHO DOES NOT DEMONSTRATE A PRESENT OR PAST PATTERN OF VIOLENT
11 BEHAVIOR AND WHO WOULD OTHERWISE BE SENTENCED TO PARTIAL
12 CONFINEMENT PURSUANT TO SECTION 9724 (RELATING TO PARTIAL
13 CONFINEMENT) OR TOTAL CONFINEMENT PURSUANT TO SECTION 9725
14 (RELATING TO TOTAL CONFINEMENT). THE TERM DOES NOT INCLUDE AN
15 OFFENDER [CONVICTED OF] WITH A CURRENT CONVICTION FOR ANY OF THE
16 FOLLOWING OFFENSES:

17 18 PA.C.S. § 2502 (RELATING TO MURDER).

18 18 PA.C.S. § 2503 (RELATING TO VOLUNTARY MANSLAUGHTER).

19 18 PA.C.S. § 2702 (RELATING TO AGGRAVATED ASSAULT).

20 18 PA.C.S. § 2703 (RELATING TO ASSAULT BY PRISONER).

21 18 PA.C.S. § 2704 (RELATING TO ASSAULT BY LIFE PRISONER).

22 18 PA.C.S. § 2901 (RELATING TO KIDNAPPING).

23 18 PA.C.S. § 3121 (RELATING TO RAPE).

24 18 PA.C.S. § 3122.1 (RELATING TO STATUTORY SEXUAL
25 ASSAULT).

26 18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
27 INTERCOURSE).

28 18 PA.C.S. § 3124.1 (RELATING TO SEXUAL ASSAULT).

29 18 PA.C.S. § 3125 (RELATING TO AGGRAVATED INDECENT
30 ASSAULT).

1 18 PA.C.S. § 3126 (RELATING TO INDECENT ASSAULT).

2 18 PA.C.S. § 3301 (RELATING TO ARSON AND RELATED
3 OFFENSES).

4 18 PA.C.S. § 3502 (RELATING TO BURGLARY) WHEN GRADED AS A
5 FELONY OF THE FIRST DEGREE.

6 18 PA.C.S. § 3701 (RELATING TO ROBBERY).

7 18 PA.C.S. § 3923 (RELATING TO THEFT BY EXTORTION).

8 18 PA.C.S. § 4302 (RELATING TO INCEST).

9 18 PA.C.S. § 5121 (RELATING TO ESCAPE).

10 * * *

11 Section ~~2~~ 3. This act shall take effect in 60 days.

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