

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

SENATE AMENDMENTS TO HOUSE AMENDMENTS, NOVEMBER 20, 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, for information
4 required upon commitment and subsequent disposition and for
5 definition of "eligible offender."

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

8 Section 1. Sections 2949 and 9764(f) and (g) of Title 42 of
9 the Pennsylvania Consolidated Statutes are amended to read:

10 § 2949. Restricted account.

11 (a) Account established.--There is hereby established a
12 special restricted account within the General Fund, which shall
13 be known as the Constables' Education and Training Account, for
14 the purposes of financing training program expenses, the costs
15 of administering the program and all other costs associated with
16 the activities of the board and the implementation of this
17 subchapter and as provided under subsection (f).

18 (b) Surcharge.--There is hereby assessed as a cost in each
19 case before a district justice a surcharge of \$5 per docket

1 number in each criminal case and \$5 per named defendant in each
2 civil case in which a constable or deputy constable performs a
3 service provided in this subchapter, except that no county shall
4 be required to pay this surcharge on behalf of any indigent or
5 other defendant in a criminal case.

6 (c) Disposition of funds.--The surcharges collected under
7 subsection (b), if collected by a constable or deputy constable
8 shall be turned over within one week to the issuing authority.
9 The issuing authority shall remit the same to the Department of
10 Revenue for deposit into the account.

11 (d) Disbursements.--Disbursements from the account shall be
12 made by the commission.

13 (e) Audit.--The Auditor General shall conduct an audit of
14 the account as he may deem necessary or advisable from time to
15 time, but not less than once every three years.

16 (f) Fund surplus.--If account moneys are sufficient to meet
17 the expenses and costs under subsection (a), the commission may
18 allocate any surplus funds in the account to assist constables
19 and deputy constables with costs associated with attendance at
20 continuing education programs under section 2946 (relating to
21 continuing education).

22 § 9764. Information required upon commitment and subsequent
23 disposition.

24 * * *

25 (f) Release from county correctional facility to State
26 probation or parole.--

27 (1) Prior to the release of an inmate from a county
28 correctional facility to State probation or parole
29 supervision, the facility shall provide to the Board of
30 Probation and Parole the information contained in subsections

1 (a)(1) through (4) and (b).

2 (2) Prior to the release of an inmate from a county
3 correctional facility to State probation or parole
4 supervision, the facility shall provide to the inmate his
5 current medications as prescribed and any customary and
6 necessary medical supplies as determined by the prescribing
7 physician.

8 (g) Release from county correctional facility to county
9 probation or parole.--

10 (1) Prior to the release of an inmate from a county
11 correctional facility to county probation or parole
12 supervision, the facility shall provide to the county
13 probation department the information contained in subsections
14 (a)(1) through (4) and (b).

15 (2) Prior to the release of an inmate from a county
16 correctional facility to county probation or parole
17 supervision, the facility shall provide to the inmate his
18 current medications as prescribed and any customary and
19 necessary medical supplies as determined by the prescribing
20 physician.

21 * * *

22 Section 2. The definition of "eligible offender" in section
23 9802 of Title 42 is amended to read:

24 § 9802. Definitions.

25 The following words and phrases when used in this chapter
26 shall have the meanings given to them in this section unless the
27 context clearly indicates otherwise:

28 * * *

29 "Eligible offender." Subject to section 9721(a.1) (relating
30 to sentencing generally), a person convicted of an offense who

1 would otherwise be sentenced to a county correctional facility,
2 who does not demonstrate a present or past pattern of violent
3 behavior and who would otherwise be sentenced to partial
4 confinement pursuant to section 9724 (relating to partial
5 confinement) or total confinement pursuant to section 9725
6 (relating to total confinement). The term does not include an
7 offender [convicted of] with a current conviction OR A PRIOR ←
8 CONVICTION WITHIN THE PAST TEN YEARS for any of the following
9 offenses:

- 10 18 Pa.C.S. § 2502 (relating to murder).
- 11 18 Pa.C.S. § 2503 (relating to voluntary manslaughter).
- 12 18 Pa.C.S. § 2702 (relating to aggravated assault).
- 13 18 Pa.C.S. § 2703 (relating to assault by prisoner).
- 14 18 Pa.C.S. § 2704 (relating to assault by life prisoner).
- 15 18 Pa.C.S. § 2901 (relating to kidnapping).
- 16 18 Pa.C.S. § 3121 (relating to rape).
- 17 18 Pa.C.S. § 3122.1 (relating to statutory sexual
18 assault).
- 19 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual
20 intercourse).
- 21 18 Pa.C.S. § 3124.1 (relating to sexual assault).
- 22 18 Pa.C.S. § 3125 (relating to aggravated indecent
23 assault).
- 24 18 Pa.C.S. § 3126 (relating to indecent assault).
- 25 18 Pa.C.S. § 3301 (relating to arson and related
26 offenses).
- 27 18 Pa.C.S. § 3502 (relating to burglary) when graded as a
28 felony of the first degree.
- 29 18 Pa.C.S. § 3701 (relating to robbery).
- 30 18 Pa.C.S. § 3923 (relating to theft by extortion).

1 18 Pa.C.S. § 4302 (relating to incest).

2 18 Pa.C.S. § 5121 (relating to escape).

3 * * *

4 Section 3. This act shall take effect in 60 days.