

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 4

Session of
2007

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THOMAS, TRUE, WANSACZ, WATSON, YUDICHAK, JAMES, WALKO AND
CALTAGIRONE, AUGUST 21, 2007

SENATOR ARMSTRONG, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, JULY 2, 2008

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 44
2 (Law and Justice) of the Pennsylvania Consolidated Statutes,
3 providing for definitions of "board" and "department";
4 further providing for composition of the Pennsylvania
5 Commission on Sentencing, for powers and duties and for
6 adoption of guidelines for sentencing; providing for adoption
7 of guidelines for resentencing, adoption of guidelines for
8 parole and adoption of recommitment ranges following
9 revocation of parole by the Pennsylvania Board of Probation
10 and Parole; further providing for publication of guidelines,
11 for sentencing generally, for sentence of total confinement,
12 for sentencing proceeding and place of confinement AND for <—
13 information required upon commitment and subsequent
14 disposition ~~and for referral to State intermediate punishment~~ <—
15 ~~program~~; providing for work release or other court order and
16 for recidivism risk reduction incentive; and making a related
17 repeal.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Section 2151.1 of Title 42 of the Pennsylvania
21 Consolidated Statutes is amended by adding definitions to read:

1 § 2151.1. Definitions.

2 The following words and phrases when used in this subchapter
3 shall have the meanings given to them in this section unless the
4 context clearly indicates otherwise:

5 "Board." The Pennsylvania Board of Probation and Parole.

6 * * *

7 "Department." The Department of Corrections of the
8 Commonwealth.

9 Section 2. Section 2152 of Title 42 is amended by adding a
10 subsection to read:

11 § 2152. Composition of commission.

12 * * *

13 (a.1) Ex officio members.--The Secretary of Corrections, the
14 victim advocate appointed under section 301 of the act of
15 November 24, 1998 (P.L.882, No.111), known as the Crime Victims
16 Act, and the chairman of the board, during their tenure in their
17 respective positions, shall serve as ex officio nonvoting
18 members of the commission.

19 * * *

20 Section 3. Section 2153(a)(7), (9), (10), (11), (12), (13)
21 and (14) of Title 42 are amended and the subsection is amended
22 by adding a paragraph to read:

23 § 2153. Powers and duties.

24 (a) General rule.--The commission, pursuant to rules and
25 regulations, shall have the power to:

26 * * *

27 (7) Establish a research and development program within
28 the commission for the purpose of:

29 (i) Serving as a clearinghouse and information
30 center for the collection, preparation and dissemination

1 of information on Commonwealth sentencing, resentencing
2 and parole practices.

3 (ii) Assisting and serving in a consulting capacity
4 to the board, State courts, departments and agencies in
5 the development, maintenance and coordination of sound
6 sentencing [practices], resentencing and parole
7 practices.

8 * * *

9 (9) Publish data concerning the sentencing and parole
10 processes.

11 (10) Collect systematically and disseminate information
12 concerning parole dispositions and sentences actually
13 imposed[.], including initial sentences and any subsequent
14 modification of sentences or resences following revocation
15 or remand, and parole and reparole decisions by the board and
16 any other paroling authority.

17 (11) Collect systematically and disseminate information
18 regarding effectiveness of parole dispositions and sentences
19 imposed.

20 (12) Make recommendations to the General Assembly
21 concerning modification or enactment of sentencing, parole
22 and correctional statutes which the commission finds to be
23 necessary and advisable to carry out an effective, humane and
24 rational sentencing, resentencing and parole policy.

25 (13) Establish a plan and timetable to collect and
26 disseminate information relating to incapacitation,
27 recidivism, deterrence and overall effectiveness of sentences
28 and parole dispositions imposed.

29 (14) Establish a program to systematically monitor
30 compliance with the guidelines, recommitment ranges and with

1 mandatory sentencing laws to document eligibility for and
2 releases pursuant to a county reentry plan, to document
3 eligibility for and imposition of recidivism risk reduction
4 incentive minimum sentences and to document all parole and
5 reparole decisions by the board and any other paroling
6 authority by:

7 (i) Promulgating forms which document the
8 application of [the] sentencing, resentencing and parole
9 guidelines, mandatory sentencing laws, [or both.]
10 releases pursuant to a county reentry plan, recommitment
11 ranges and recidivism risk reduction incentive minimum
12 sentences, and collecting information on all parole and
13 reparole decisions by the board and any other paroling
14 authority.

15 (ii) Requiring the timely completion and electronic
16 submission of such forms to the commission.

17 (15) Prior to adoption of changes to guidelines for
18 sentencing, resentencing and parole, and recommitment ranges
19 following revocation, use a correctional population
20 simulation model to determine:

21 (i) Resources that are required under current
22 guidelines and ranges.

23 (ii) Resources that would be required to carry out
24 any proposed changes to the guidelines and ranges.

25 * * *

26 Section 3.1. Section 2154(a) of Title 42 is amended by
27 adding a paragraph to read:

28 § 2154. Adoption of guidelines for sentencing.

29 (a) General rule.--The commission shall adopt guidelines for
30 sentencing within the limits established by law which shall be

considered by the sentencing court in determining the appropriate sentence for defendants who plead guilty or nolo contendere to, or who were found guilty of, felonies and misdemeanors. The guidelines shall:

* * *

(5) Consider the impact of any amendments to section 9756 (relating to sentence of total confinement).

* * *

Section 4. Title 42 is amended by adding sections to read:

§ 2154.4. Adoption of guidelines for resentencing.

The commission shall adopt guidelines that shall be considered by the court when resentencing an offender following revocation of probation, county intermediate punishment or State intermediate punishment. The guidelines shall take into account factors considered in adopting the sentencing guidelines, the seriousness of the violation and the rehabilitative needs of the defendant.

§ 2154.5. Adoption of guidelines for parole.

(a) Adoption.--The commission shall adopt guidelines that shall be considered by the board and any other paroling entity when exercising its power to parole and reparole all persons sentenced by any court in this Commonwealth to imprisonment in any State or county penitentiary, prison or penal institution. The guidelines shall do all of the following:

(1) Give primary consideration to the protection of the public and to victim safety.

(2) Provide for due consideration of victim input.

(3) Be designed to encourage inmates and parolees to conduct themselves in accordance with conditions and rules of conduct set forth by the department or other prison

1 facilities and the board.

2 (4) Be designed to encourage inmates and parolees to
3 participate in programs that have been demonstrated to be
4 effective in reducing recidivism, including appropriate drug
5 and alcohol treatment programs.

6 (5) Provide for prioritization of incarceration,
7 rehabilitation and other criminal justice resources for
8 offenders posing the greatest risk to public safety.

9 (6) Use validated risk assessment tools, be evidence
10 based and take into account available research relating to
11 the risk of recidivism, minimizing the threat posed to public
12 safety and factors maximizing the success of reentry.

13 (b) Discretionary authority.--Notwithstanding any other
14 provision of law, this section shall not remove the
15 discretionary parole authority of the board and any other
16 paroling entity when exercising its power to parole and
17 reparole.

18 § 2154.6. Adoption of recommitment ranges following revocation
19 of parole by board.

20 (a) Recommitment ranges.--The commission shall adopt
21 recommitment ranges that shall be considered by the board when
22 exercising its power to reparole, commit and recommit for
23 violations of parole any person sentenced by a court in this
24 Commonwealth to imprisonment in any prison or penal institution
25 of this Commonwealth, including State or county penitentiaries,
26 prisons or penal institutions. The recommitment ranges shall
27 take into account the seriousness of the initial conviction
28 offense, the level of seriousness of the violation and the
29 rehabilitative needs of the defendant. At the end of the
30 recommittal period, the parole violator shall be reviewed for

1 ~~parole or repared without further review.~~, WITHOUT FURTHER
2 REVIEW, SHALL BE REPAROLED.

<—

3 (b) Deviation.--In every case in which the board deviates
4 from the recommitment ranges, the board shall provide a
5 contemporaneous written statement of the reasons for the
6 deviation from the recommitment ranges to the commission as
7 established under section 2153(a)(14) (relating to powers and
8 duties).

9 (c) Definitions.--As used in this section, the following
10 words and phrases shall have the meanings given to them in this
11 subsection:

12 "Recommitment range." A range of time within which a parole
13 violateur may be recommitted to serve an additional part of the
14 term the parole violateur would have been compelled to serve had
15 the parole violateur not been paroled.

16 Section 5. Sections 2155, 9718.3(A)(2)(I) and 9721(b) of
17 Title 42 are amended to read:

<—

18 § 2155. Publication of guidelines for sentencing[.],
19 resentencing and parole and recommitment ranges
20 following revocation.

21 (a) General rule.--The commission shall:

22 (1) Prior to adoption, publish in the Pennsylvania
23 Bulletin all proposed sentencing guidelines, resentencing
24 guidelines following revocation of probation, county
25 intermediate punishment and State intermediate punishment,
26 parole guidelines and recommitment ranges following
27 revocation by the board of paroles granted, and hold public
28 hearings not earlier than 30 days and not later than 60 days
29 thereafter to afford an opportunity for the following persons
30 and organizations to testify:

(i) Pennsylvania District Attorneys Association.

(ii) Chiefs of Police Associations.

(iii) Fraternal Order of Police.

(iv) Public Defenders Organization.

(v) Law school faculty members.

(vi) State Board of Probation and Parole.

(vii) [Bureau of Correction] Department of
Corrections.

(viii) Pennsylvania Bar Association.

(ix) Pennsylvania Wardens Association.

(x) Pennsylvania Association on Probation, Parole
and Corrections.

(xi) Pennsylvania Conference of State Trial Judges.

(xii) Any other interested person or organization.

(2) Publish in the Pennsylvania Bulletin sentencing
guidelines as adopted by the commission.

(b) Rejection by General Assembly.--Subject to gubernatorial
review pursuant to section 9 of Article III of the Constitution
of Pennsylvania, the General Assembly may by concurrent
resolution reject in their entirety any guidelines or
recommitment ranges adopted by the commission within 90 days of
their publication in the Pennsylvania Bulletin pursuant to
subsection (a)(2).

(c) Effective date.--Sentencing guidelines, resentencing
guidelines following revocation of probation, county
intermediate punishment and State intermediate punishment,
parole guidelines and recommitment ranges following revocation
by the board of paroles granted, adopted by the commission shall
become effective 90 days after publication in the Pennsylvania
Bulletin pursuant to subsection (a)(2) unless disapproved

pursuant to subsection (b) and shall apply to sentences and
resentences and parole decisions made after the effective date
of the guidelines. If not disapproved, the commissioners shall
conduct training and orientation for trial court judges and
board members prior to the effective date of the guidelines and
recommitment ranges.

§ 9718.3. SENTENCE FOR FAILURE TO COMPLY WITH REGISTRATION OF
SEXUAL OFFENDERS.

(A) MANDATORY SENTENCE.--MANDATORY SENTENCING SHALL BE AS
FOLLOWS:

* * *

(2) SENTENCING UPON CONVICTION FOR A SECOND OR
SUBSEQUENT OFFENSE SHALL BE AS FOLLOWS:

(I) NOT LESS THAN FIVE YEARS FOR AN INDIVIDUAL WHO:

(A) WAS SUBJECT TO SECTION [9795.1(A)] 9795.1 OR
A SIMILAR PROVISION FROM ANOTHER JURISDICTION; AND

(B) VIOLATED 18 PA.C.S. § 4915(A)(1) OR (2).

* * *

§ 9721. Sentencing generally.

* * *

(b) General standards.--In selecting from the alternatives
set forth in subsection (a) the court shall follow the general
principle that the sentence imposed should call for confinement
that is consistent with the protection of the public, the
gravity of the offense as it relates to the impact on the life
of the victim and on the community, and the rehabilitative needs
of the defendant. The court shall also consider any guidelines
for sentencing and resentencing adopted by the Pennsylvania
Commission on Sentencing and taking effect [pursuant to] under
section 2155 (relating to publication of guidelines for

1 sentencing, resentencing and parole and recommitment ranges
2 following revocation). In every case in which the court imposes
3 a sentence for a felony or misdemeanor, modifies a sentence,
4 resences an offender following revocation of probation,
5 county intermediate punishment or State intermediate punishment
6 or resences following remand, the court shall make as a part
7 of the record, and disclose in open court at the time of
8 sentencing, a statement of the reason or reasons for the
9 sentence imposed. In every case where the court imposes a
10 sentence or resentence outside the [sentencing] guidelines
11 adopted by the Pennsylvania Commission on Sentencing [pursuant
12 to section] under sections 2154 (relating to adoption of
13 guidelines for sentencing), 2154.1 (relating to adoption of
14 guidelines for county intermediate punishment), 2154.2 (relating
15 to adoption of guidelines for State intermediate punishment),
16 2154.3 (relating to adoption of guidelines for fines), 2154.4
17 (relating to adoption of guidelines for resentencing) and 2154.5
18 (relating to adoption of guidelines for parole) and made
19 effective [pursuant to] under section 2155, the court shall
20 provide a contemporaneous written statement of the reason or
21 reasons for the deviation from the guidelines to the commission,
22 as established under section 2153(a)(14) (relating to powers and
23 duties). Failure to comply shall be grounds for vacating the
24 sentence or resentence and resentencing the defendant.

25 * * *

26 Section 6. Section 9756(b) of Title 42 is amended and the
27 section is amended by adding subsections to read:

28 § 9756. Sentence of total confinement.

29 * * *

30 (b) Minimum sentence.--

1 (1) The court shall impose a minimum sentence of
2 confinement which shall not exceed one-half of the maximum
3 sentence imposed.

4 (2) The minimum sentence imposed under this section may
5 not be reduced through parole prior to the expiration of the
6 minimum sentence unless otherwise authorized by this section
7 or other law.

8 (3) Except where the maximum sentence imposed is two
9 years or more, and except where a mandatory minimum sentence
10 of imprisonment or total confinement is required by law, the
11 court shall, at the time of sentencing, state whether or not
12 the defendant is eligible to participate in a reentry plan at
13 any time prior to the expiration of the minimum sentence or
14 at the expiration of a specified portion of the minimum
15 sentence. For maximum sentences of less than two years as
16 defined under section 9762(f) (relating to sentencing
17 proceeding; place of confinement), a court may parole a
18 defendant prior to the expiration of the minimum sentence
19 only if the defendant was made eligible to participate in a
20 reentry plan at the time of sentencing. The court shall
21 provide at least ten days' written notice and an opportunity
22 to be heard, pursuant to the act of June 19, 1911 (P.L.1059,
23 No.813), referred to as the County Jail and Workhouse Parole
24 Law, to the prosecuting attorney before granting parole
25 pursuant to this subsection. The reentry plan eligibility
26 shall be considered a part of the sentence and subject to the
27 requirements relating to the entry, recording and reporting
28 of sentences.

29 (b.1) Recidivism risk reduction incentive minimum
30 sentence.--The court shall determine if the defendant is

eligible for a recidivism risk reduction incentive minimum sentence under 44 Pa.C.S. Ch. 53 (relating to recidivism risk reduction incentive). If the defendant is eligible, the court shall impose a recidivism risk reduction incentive minimum sentence in addition to a minimum sentence and maximum sentence except, if the defendant was previously sentenced to two or more recidivism risk reduction incentive minimum sentences, the court shall have the discretion to impose a sentence with no recidivism risk reduction incentive minimum.

* * *

(e) Definitions.--As used in this section, the term "reentry plan" is a release plan that may include drug and alcohol treatment, behavioral health treatment, job training, skills training, education, life skills or any other conditions deemed relevant by the court.

Section 7. Section 9762 of Title 42 is amended to read:

§ 9762. Sentencing proceeding; place of confinement.

[All persons sentenced to total or partial confinement for:

(1) maximum terms of five or more years shall be committed to the Bureau of Correction for confinement;

(2) maximum terms of two years or more but less than five years may be committed to the Bureau of Correction for confinement or may be committed to a county prison within the jurisdiction of the court;

(3) maximum terms of less than two years shall be committed to a county prison within the jurisdiction of the court except that as facilities become available on dates and in areas designated by the Governor in proclamations declaring the availability of State correctional facilities, such persons may be committed to the Bureau of Correction for

1 confinement.] (a) Sentences or terms of incarceration
2 imposed before a certain date.--For the three-year period
3 beginning on the effective date of this subsection, all
4 persons sentenced to total or partial confinement for the
5 following terms shall be committed as follows:

6 (1) Maximum terms of five or more years shall be
7 committed to the Department of Corrections for confinement.

8 (2) Maximum terms of two years or more but less than
9 five years may be committed to the Department of Corrections
10 for confinement or may be committed to a county prison within
11 the jurisdiction of the court.

12 (3) Maximum terms of less than two years shall be
13 committed to a county prison within the jurisdiction of the
14 court.

15 (b) Sentences or terms of incarceration imposed after a
16 certain date.--All persons sentenced three or more years after
17 the effective date of this subsection to total or partial
18 confinement shall be committed as follows:

19 (1) Maximum terms of five or more years shall be
20 committed to the Department of Corrections for confinement.

21 (2) Maximum terms of two years or more but less than
22 five years shall be committed to the Department of
23 Corrections for confinement, except upon a finding of all of
24 the following:

25 (i) The chief administrator of the county prison, or
26 the administrator's designee, has certified that the
27 county prison is available for the commitment of persons
28 sentenced to maximum terms of two or more years but less
29 than five years.

30 (ii) The attorney for the Commonwealth has consented

1 to the confinement of the person in the county prison.

2 (iii) The sentencing court has approved the
3 confinement of the person in the county prison within the
4 jurisdiction of the court.

5 (3) Maximum terms of less than two years shall be
6 committed to a county prison within the jurisdiction of the
7 court.

8 (c) Certification.--The chief administrator of the county
9 prison, or the administrator's designee, may issue a
10 certification under subsection (b)(2)(i) if the county prison
11 population is less than 110% of the rated capacity of the county
12 prison. The chief administrator shall revoke any previously
13 issued certification if the prison population exceed 110% of the
14 rated capacity. The president judge of the court, the district
15 attorney and the chief public defender of the county shall be
16 served with a written copy of any certification or revocation.

17 (d) County intermediate punishment.--Nothing in this section
18 shall prevent a judge from sentencing an offender to county
19 intermediate punishment which does not require confinement
20 within county prison if otherwise authorized by law.

21 (e) Reimbursement.--Beginning three years after the
22 effective date of this subsection:

23 (1) The Department of Corrections shall reimburse to the
24 counties the reasonable cost of confinement of every Level 4
25 or 5 offender as identified in the Basic Sentencing Matrix
26 promulgated by the Pennsylvania Commission on Sentencing who
27 is participating in an approved work release program. The
28 reimbursement per prisoner shall not exceed the average per-
29 prisoner cost of confinement paid by the Commonwealth for the
30 confinement of prisoners in the Department of Corrections. No

1 more than \$2,500,000 shall be expended annually for this
2 purpose. Reimbursement shall be made on a pro rata basis if
3 the total dollar amount of eligible confinement costs exceeds
4 \$2,500,000. Nothing in this paragraph shall prevent more than
5 \$2,500,000 being appropriated for this purpose. Reimbursement
6 shall be made on a pro rata basis if the total dollar amount
7 of eligible confinement costs exceeds any additional
8 appropriation. A county shall not be reimbursed under this
9 section for any offender participating in an approved work
10 release program for whom the county is being or has been
11 reimbursed from any other State funds regardless of their
12 source.

13 (2) County prisons may require reimbursements from other
14 county prisons or the Department of Corrections for inmates
15 voluntarily accepted for incarceration at mutually agreeable
16 rates. The Department of Corrections shall maintain a list of
17 those counties willing to accept voluntary placement of out-
18 of-county inmates.

19 (f) Aggregation.--For purposes of this section, the
20 sentences or terms of incarceration shall mean the entire
21 continuous term of incarceration to which a person is subject,
22 notwithstanding whether the sentence is the result of any of the
23 following:

- 24 (1) One or more sentences.
25 (2) Sentences imposed for violations of probation or
26 intermediate punishment.
27 (3) Sentences to be served upon recommitment for
28 violations of parole.
29 (4) Any other manner of sentence.

30 (g) Date of imposition.--For purposes of this section, if a

1 person is subject to multiple sentences or terms of
2 incarceration or any combination of sentences or terms, the date
3 of the last sentence imposed or the date of recommitment,
4 whichever is later, shall determine the place of incarceration
5 and whether reimbursement is required.

6 (h) Transfer of prisoners.--Nothing in this section shall
7 prohibit the transfer of prisoners otherwise authorized by law
8 or prevent a judge from changing the place of confinement
9 between State and county facilities to the extent that the judge
10 would have such discretion at the time of imposition of sentence
11 or recommitment.

12 Section 8. Section 9764 of Title 42 is amended to read:

13 § 9764. Information required upon commitment and subsequent
14 disposition.

15 (a) General rule.--Upon commitment of an [offender] inmate
16 to the custody of the Department of Corrections, the sheriff or
17 transporting official shall provide to the institution's records
18 officer or duty officer, in addition to [the court commitment
19 order] a copy of the court commitment form DC-300B generated
20 from the Common Pleas Criminal Court Case Management System of
21 the Unified Judicial System, the following information:

22 (1) Record of adjustment in the county correctional
23 facility, including, but not limited to, misconducts and
24 escape history.

25 (2) Any current medical or psychological condition
26 requiring treatment, including, but not limited to, suicide
27 attempts.

28 (3) [Any medical admission testing performed by the
29 county and the results of those tests, including, but not
30 limited to, hepatitis, HIV/AIDS, tuberculosis or other

1 infectious disease testing. Any release of medical
2 information relating to HIV/AIDS shall be in accordance with
3 the act of November 29, 1990 (P.L.585, No.148), known as the
4 Confidentiality of HIV-Related Information Act.] All medical
5 records of the county correctional institution relating to
6 the inmate to the extent that those records may be disclosed
7 under Federal and State law. The records shall include
8 admission testing performed by the county and the results of
9 those tests and any testing related to hepatitis, HIV/AIDS,
10 tuberculosis or other infectious disease testing.

11 (4) Notice of current or previously administered
12 medications.

13 (5) A 48-hour supply of current medications.

14 (6) A written statement by the county correctional
15 institution relating to any sentencing credit to which the
16 inmate may be entitled.

17 (7) A written statement by the county correctional
18 institution setting forth all of the following:

19 (i) The dates on which the inmate was incarcerated.

20 (ii) The charges pending against the inmate with the
21 offense tracking number.

22 (iii) The date on which the inmate was released on
23 bail, if any, and a copy of the bail order.

24 (8) A copy of the sentencing order and any detainers
25 filed against the inmate which the county has notice. and the <—
26 court commitment form DC 300B generated from the Common Pleas
27 Criminal Court Case Management System of the Unified Judicial
28 System.

29 (b) Additional information.--Within ten days from the date
30 sentence is imposed, the court shall provide to the county

1 correctional facility the following information pertaining to
2 the [offender] inmate:

3 (1) A copy of the presentence investigation report.

4 Where a presentence investigation report was not ordered by
5 the court, the official version of the crime for which the
6 [offender] inmate was convicted or a copy of the guilty plea
7 transcript or preliminary hearing transcript.

8 (2) The criminal complaint or affidavit of probable
9 cause accompanying the arrest warrant.

10 [(3) Where available, the police report summarizing the
11 facts of the crime.]

12 (4) A copy of the completed guideline sentence form
13 [issued by the Pennsylvania Commission on Sentencing].

14 (5) All of the following:

15 (i) A written, sealed sentencing order from the
16 county.

17 (ii) The sentencing colloquy sealed by the court.

18 (iii) Court commitment orders.

19 ~~(iv) The completed Department of Correction's Court~~ <—
20 ~~Commitment State or County Correctional Institution Form~~
21 ~~(DC-300B).~~

22 (IV) THE COURT COMMITMENT FORM DC-300B GENERATED <—
23 FROM THE COMMON PLEAS CRIMINAL COURT CASE MANAGEMENT
24 SYSTEM OF THE UNIFIED JUDICIAL SYSTEM.

25 (v) Any detainers filed against the inmate of which
26 the county has notice.

27 (c) [Transfer of offender.--Where an offender is transferred
28 from a county correctional facility to a State correctional
29 facility for any reason, the information specified in subsection
30 (b) shall be transmitted to the State correctional facility

1 within 20 calendar days from the date on which the offender is
2 transferred.] Transmittal of additional inmate documentation.--
3 If a document provided by the court under subsection (b) is
4 received by the county correctional institution after the inmate
5 is transferred to the custody of the Department of Corrections,
6 the document shall be transmitted to the Department of
7 Corrections within 20 calendar days of its receipt.

8 (c.1) Implementation.--

9 (1) The Department of Corrections may refuse to accept
10 custody of an inmate for whom the sheriff or transporting
11 official does not provide the information under subsection
12 (a) under the following circumstances:

13 (i) The county correctional facility has a pattern
14 or practice of not providing the information mandated
15 under this section.

16 (ii) The Department of Corrections has previously
17 notified the chief administrator of the county
18 correctional facility, the county commissioners, the
19 county sheriff and the president judge of the county of
20 the specific deficiencies that constitute a pattern or
21 practice.

22 (iii) The Department of Corrections has provided the
23 county with a reasonable period of time to provide the
24 documentation.

25 (iv) The Department of Corrections has notified the
26 officials designated under subparagraph (ii) of the
27 intent to refuse to accept inmates without documentation
28 as of a specified date that shall be no sooner than 30
29 days after the service of the notification.

30 (2) In cases of a refusal to accept custody of an inmate

1 under this subsection, the sheriff or transporting official
2 shall return the inmate to the sending county correctional
3 institution, which shall accept custody of the inmate. The
4 inmate may be recommitted to the custody of the Department of
5 Corrections upon provision of the documentation required
6 under subsection (a).

7 (3) The Department of Corrections, board and a county
8 correctional facility shall not be liable for compensatory,
9 punitive or other damages for relying in good faith on any
10 sentencing order or court commitment form DC-300B generated
11 from the Common Pleas Criminal Court Case Management System
12 of the Unified Judicial System or otherwise transmitted to
13 them.

14 (c.2) ~~Electronic~~ EFFECT OF ELECTRONIC transfer of <—
15 information.--The NOTWITHSTANDING ANY ELECTRONIC TRANSFER OF <—
16 INFORMATION WHICH MAY OCCUR, THE Department of Corrections, in
17 its discretion, may require actual sealed court orders to the
18 extent that they relate to the commitment, term of sentence, or
19 other matter that may affect the fact or duration of
20 confinement.

21 (d) Transfer to county facility.--Upon transfer of an inmate
22 from a State correctional institution to a county correctional
23 facility, the Department of Corrections shall provide to the
24 county facility, unless the facility prior to the time of
25 transfer agrees to accept the inmate without the information,
26 the record of the inmate's institutional adjustment, including,
27 but not limited to, misconducts and/or escape history, and
28 written notice of any current medical or psychological condition
29 requiring treatment, including, but not limited to, suicide
30 attempts, notice of current or previously ordered medication and

1 a 48-hour supply of current medication.

2 (e) Release by Department of Corrections.--Prior to the
3 release of an inmate from the Department of Corrections to State
4 parole supervision, the Department of Corrections shall provide
5 to the Board of Probation and Parole the information contained
6 in subsections (a)(1) and (2) and (b).

7 (f) Release from county correctional facility to State
8 probation or parole.--

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

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

20 (g) Release from county correctional facility to county
21 probation or parole.--

22 (1) Prior to the release of an inmate from a county
23 correctional facility to county probation or parole
24 supervision, the facility shall provide to the county
25 probation department the information contained in subsections
26 (a)(1) through (4) and (b).

27 (2) Prior to the release of an inmate from a county
28 correctional facility to county probation or parole
29 supervision, the facility shall provide to the inmate his
30 current medications as prescribed and any customary and

1 necessary medical supplies as determined by the prescribing
2 physician.

3 (h) Record of inmate moneys.--Prior to the release of an
4 inmate from the Department of Corrections to State parole
5 supervision, the department shall provide to the Board of
6 Probation and Parole a record of any moneys paid by the inmate
7 and any balance remaining towards satisfaction of restitution or
8 any other court-ordered financial obligations. Prior to the
9 release of an inmate from a county correctional facility to
10 State parole supervision, the county correctional facility shall
11 provide to the Board of Probation and Parole a record of any
12 moneys paid by the inmate and any balance remaining towards the
13 satisfaction of restitution or any other court-ordered financial
14 obligations. Prior to the release of an inmate from a county
15 correctional facility to county parole supervision, the facility
16 shall provide to the county probation department or other agent
17 designated by the county commissioners of the county with the
18 approval of the president judge of the county a record of any
19 moneys paid by the inmate and any remaining balance towards the
20 satisfaction of restitution and any other court-ordered
21 financial obligations.

22 (i) Continuing payments.--The Board of Probation and Parole
23 shall require as a condition of parole that any inmate released
24 to their supervision shall make continuing payments on
25 restitution or any other court-ordered financial obligations.
26 The sentencing court shall require as a condition of county
27 parole that any inmate released to the supervision of the county
28 probation department shall make continuing payments of
29 restitution or any other court-ordered financial obligations.

30 (j) Release after maximum sentence.--Upon release of an

1 inmate from the Department of Corrections at the expiration of
2 his maximum sentence, the Department of Corrections shall
3 transmit to the county probation department or other agent
4 designated by the county commissioners of the county with the
5 approval of the president judge of the county in which the
6 inmate was convicted a record of any moneys paid by the inmate
7 and any outstanding amounts owed by the inmate towards
8 satisfaction of restitution or any other court-ordered financial
9 obligations.

10 (k) Procedures.--The Department of Corrections and the
11 Pennsylvania Board of Probation and Parole shall develop
12 procedures to implement the provisions of this section.

13 (l) Application.--This section shall apply to offenders
14 transferred to or released from a State or county correctional
15 facility after the effective date of this section.

16 Section 8.1. Title 42 is amended by adding a section to
17 read:

18 § 9813. Work release or other court order and purposes.

19 (a) Generally.--Notwithstanding any provision of law, if any
20 offender has been sentenced to undergo imprisonment in a county
21 jail for a term of less than five years, the court, at the time
22 of sentence or at any time thereafter upon application made in
23 accordance with this section, may enter an order making the
24 offender eligible to leave the jail during necessary and
25 reasonable hours for the purpose of working at his employment,
26 conducting his own business or other self-employed occupation,
27 including housekeeping and attending to the needs of family,
28 seeking employment, attending an educational institution,
29 securing medical treatment or for other lawful purposes as the
30 court shall consider necessary and appropriate.

1 (b) Procedure.--At the time of imposition of a county jail
2 sentence, a crime victim receiving notice of the sentence
3 imposed shall be informed that the offender may be eligible for
4 an order under this section. An application for an order under
5 this section shall be served on the attorney for the
6 Commonwealth. Prior to granting any order under this section,
7 the court shall ensure that the attorney for the Commonwealth
8 and a registered crime victim have received notice of the
9 application and had a reasonable opportunity to be heard on the
10 application.

11 (c) Revocation or modification of previously entered
12 order.--The county jail officials may detain and recommit the
13 offender or preclude the offender from leaving the county jail
14 if the offender violates the conditions set by the jail
15 officials or the court, or if allowing the offender to leave the
16 county jail poses a risk to community safety or the orderly and
17 safe management of the jail. The jail officials shall notify the
18 court of such action. In addition, the order of court may be
19 revoked or modified at any time with notice to the prisoner.

20 ~~Section 9. Section 9904 of Title 42 is amended by adding a~~ <—
21 ~~subsection to read:~~

22 ~~§ 9904. Referral to State intermediate punishment program.~~

23 ~~* * *~~

24 ~~(d.1) Resentencing. The department may make a written~~
25 ~~request to the sentencing court that an offender who is~~
26 ~~otherwise eligible but has not been referred for evaluation or~~
27 ~~originally sentenced to State intermediate punishment be~~
28 ~~sentenced to State intermediate punishment. The court may~~
29 ~~resentence the offender to State intermediate punishment if all~~
30 ~~of the following apply:~~

~~(1) The department has recommended placement in a drug offender treatment program.~~

~~(2) The attorney for the Commonwealth and the offender have agreed to the placement and modification of sentence.~~

~~(3) The court makes the findings set forth under subsection (d).~~

~~(4) The resentencing has occurred within 180 days of the date of the defendant's admission to the custody of the department.~~

~~(5) The court has otherwise complied with all other requirements for the imposition of sentence including victim notification under the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.~~

~~* * *~~

Section 40 9. Title 44 is amended by adding a part to read: <—

PART III

INCARCERATION

Chapter

51. Preliminary Provisions (Reserved)

53. Recidivism Risk Reduction Incentive

CHAPTER 51

PRELIMINARY PROVISIONS

(Reserved)

CHAPTER 53

RECIDIVISM RISK REDUCTION INCENTIVE

Sec.

5301. Scope of chapter.

5302. Purpose.

5303. Definitions.

5304. Recidivism risk reduction incentive programs.

1 5305. Sentencing.

2 5306. Recidivism risk reduction incentive minimum.

3 5307. Authority of board.

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5 5309. Evaluation.

6 5310. Reports.

7 5311. Construction.

8 5312. Applicability.

9 § 5301. Scope of chapter.

10 This chapter relates to recidivism risk reduction incentive.

11 § 5302. Purpose.

12 This chapter seeks to create a program that ensures
13 appropriate punishment for persons who commit crimes, encourages
14 prisoner participation in evidence-based programs that reduce
15 the risks of future crime and ensures the openness and
16 accountability of the criminal justice process while ensuring
17 fairness to crime victims.

18 § 5303. Definitions.

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

22 "Board." The Pennsylvania Board of Probation and Parole.

23 "Commission." The Pennsylvania Commission on Sentencing.

24 "Court." The trial judge exercising sentencing jurisdiction
25 over an eligible offender under this chapter or the president
26 judge or the president judge's designee if the original trial
27 judge is no longer serving as a judge of the sentencing court.

28 "Defendant." An individual charged with a criminal offense.

29 "Department." The Department of Corrections of the
30 Commonwealth.

1 "Eligible offender." A defendant or prisoner convicted of a
2 criminal offense who will be committed to the custody of the
3 department and who meets all of the following ELIGIBILITY
4 REQUIREMENTS:

5 (1) Does not demonstrate a history of present or past
6 violent behavior.

7 (2) Has not been subject to a sentence the calculation
8 of which includes an enhancement for the use of a deadly
9 weapon as defined under law or the sentencing guidelines
10 promulgated by the Pennsylvania Commission on Sentencing or
11 the attorney for the Commonwealth has not demonstrated that
12 the defendant has been found guilty of or was convicted of an
13 offense involving a deadly weapon or offense under 18 Pa.C.S.
14 Ch. 61 (relating to firearms and other dangerous articles) or
15 the equivalent offense under the laws of the United States or
16 one of its territories or possessions, another state, the
17 District of Columbia, the Commonwealth of Puerto Rico or a
18 foreign nation.

19 (3) Has not been found guilty or previously convicted or
20 adjudicated delinquent for or an attempt or conspiracy to
21 commit a personal injury crime as defined under section 103
22 of the act of November 24, 1998 (P.L.882, No.111), known as
23 the Crime Victims Act, or an equivalent offense under the
24 laws of the United States or one of its territories or
25 possessions, another state, the District of Columbia, the
26 Commonwealth of Puerto Rico or a foreign nation.

27 (4) Has not been found guilty or previously convicted or
28 adjudicated delinquent for violating any of the following
29 provisions or an equivalent offense under the laws of the
30 United States or one of its territories or possessions,

1 another state, the District of Columbia, the Commonwealth of
2 Puerto Rico or a foreign nation:

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

4 (ii) 18 Pa.C.S. § 5901 (relating to open lewdness).

5 (iii) 18 Pa.C.S. § 6312 (relating to sexual abuse of
6 children).

7 (iv) 18 Pa.C.S. § 6318 (relating to unlawful contact
8 with minor).

9 (v) 18 Pa.C.S. § 6320 (relating to sexual
10 exploitation of children).

11 (vi) 18 Pa.C.S. Ch. 76 Subch. C (relating to
12 Internet child pornography).

13 (vii) Received a criminal sentence pursuant to 42
14 Pa.C.S. § 9712.1 (relating to sentences for certain drug
15 offenses committed with firearms).

16 (viii) Any offense listed under 42 Pa.C.S. § 9795.1
17 (relating to registration).

18 (5) Is not awaiting trial or sentencing for additional
19 criminal charges, if a conviction or sentence on the
20 additional charges would cause the defendant to become
21 ineligible under this definition.

22 (6) Has not been found guilty or previously convicted of
23 violating section 13(a)(14), (30) or (37) of the act of April
24 14, 1972 (P.L.233, No.64), known as The Controlled Substance,
25 Drug, Device and Cosmetic Act, where the sentence was imposed
26 pursuant to 18 Pa.C.S. § 7508(a)(1)(iii), (2)(iii), (3)(iii),
27 (4)(iii), (7)(iii) or (8)(iii) (relating to drug trafficking
28 sentencing and penalties).

29 "Program plan." An individualized plan recommended by the
30 department that contains approved treatment and other approved

1 programs designed to reduce recidivism risk of a specific
2 prisoner.

3 § 5304. Recidivism risk reduction incentive programs.

4 (a) Authorization.--Subject to the provisions of this
5 chapter, the department is authorized to create or otherwise
6 designate treatment or other programs as recidivism risk
7 reduction incentive programs.

8 (b) Intent.--This chapter is intended to encourage eligible
9 offenders committed to the custody of the department to
10 participate in and successfully complete evidence-based programs
11 under this chapter that reduce the likelihood of recidivism and
12 improve public safety.

13 (c) Program requirements.--In accordance with the provisions
14 of this chapter, the department may designate a treatment
15 program or other program as a recidivism risk reduction
16 incentive program if there is appropriate scientific research
17 that demonstrates that the proposed program would likely reduce
18 overall recidivism rates or serious crime rates of program
19 participants. A recidivism risk reduction incentive program
20 designed to provide treatment in the form of a therapeutic
21 community for drug abuse or addiction shall meet the
22 requirements of an institutional therapeutic community as
23 defined under 42 Pa.C.S. § 9903 (relating to definitions).

24 (d) Consultation.--The department shall consult with
25 appropriate research and technical assistance organizations,
26 such as the National Institute of Justice, the National
27 Institute of Corrections and the American Correctional
28 Association concerning evidence-based programs that reduce
29 recidivism risks of prisoners and the scientific research
30 relating to those programs.

1 (e) Program approval process.--

2 (1) The department shall publish, in a manner reasonably
3 calculated to inform, a detailed description of the program,
4 the types of offenders who will be eligible to participate in
5 the program, the name and citation of research reports that
6 demonstrate the effectiveness of the proposed program and the
7 name and address of a department contact person responsible
8 for receiving public comments. On the same date as
9 publication, the department shall also deliver a copy of the
10 list to the Judiciary Committee of the Senate, the Judiciary
11 Committee of the House of Representatives, the board, the
12 commission and the Victim Advocate.

13 (2) Upon consideration of the public comments and the
14 expiration of at least 60 days from the date of publication
15 required under paragraph (1), the department may designate
16 any program published as approved for inclusion in the
17 recidivism risk reduction incentive program.

18 § 5305. Sentencing.

19 (a) Generally.--At the time of sentencing, the court shall
20 make a determination whether the defendant is an eligible
21 offender.

22 (b) Waiver of eligibility requirements.--The prosecuting
23 attorney, in the prosecuting attorney's sole discretion, may
24 advise the court that the Commonwealth has elected to waive the
25 eligibility requirements of this chapter if the victim has been
26 given notice of the prosecuting attorney's intent to waive the
27 eligibility requirements and an opportunity to be heard on the
28 issue. The court, after considering victim input, may refuse to
29 accept the prosecuting attorney's waiver of the eligibility
30 requirements.

1 (c) Recidivism risk reduction incentive minimum sentence.--
2 If the court determines that the defendant is an eligible
3 offender or the prosecuting attorney has waived the eligibility
4 requirements under subsection (b), the court shall enter a
5 sentencing order that does all of the following:

6 (1) Imposes the minimum and maximum sentences as
7 required under 42 Pa.C.S. § 9752 (relating to sentencing
8 proceeding generally).

9 (2) Imposes the recidivism risk reduction incentive
10 minimum sentence. The recidivism risk reduction incentive
11 minimum shall be equal to three-fourths of the minimum
12 sentence imposed when the minimum sentence is three years or
13 less. The recidivism risk reduction incentive minimum shall
14 be equal to five-sixths of the minimum sentence if the
15 minimum sentence is greater than three years. For purposes of
16 these calculations, partial days shall be rounded to the
17 nearest whole day. In determining the recidivism risk
18 reduction incentive minimum sentence, the aggregation
19 provisions of 42 Pa.C.S. §§ 9757 (relating to consecutive
20 sentences of total confinement for multiple offenses) and
21 9762(d) (relating to sentencing proceeding; place of
22 confinement) shall apply.

23 (3) Notwithstanding paragraph (2), if the defendant was
24 previously sentenced to two or more recidivism risk reduction
25 incentive minimum sentences, the court shall have the <—
26 discretion to impose a sentence with no recidivism risk
27 reduction incentive minimum. THE COURT SHALL HAVE THE <—
28 DISCRETION, WITH THE APPROVAL OF THE PROSECUTING ATTORNEY, TO
29 IMPOSE THE RECIDIVISM RISK REDUCTION INCENTIVE MINIMUM
30 SENTENCE AS PROVIDED FOR IN PARAGRAPH (2).

1 (4) Complies with all other applicable sentencing
2 provisions, including provisions relating to victim
3 notification and the opportunity to be heard.

4 § 5306. Recidivism risk reduction incentive minimum.

5 (a) Generally.--The board or its designee shall issue a
6 decision to parole, without further review by the board, a
7 prisoner who has been sentenced to a recidivism risk reduction
8 incentive minimum sentence at the expiration of that recidivism
9 risk reduction incentive minimum sentence upon a determination
10 that all of the following apply:

11 (1) The department certified that it has conducted an
12 appropriate assessment of the treatment needs and risks of
13 the prisoner using nationally recognized assessment tools
14 that have been normed and validated.

15 (2) The department has certified that it developed a
16 program plan based on the assessment conducted under
17 paragraph (1) that is designed to reduce the risk of
18 recidivism through the use of recidivism risk reduction
19 incentive programs authorized and approved under this chapter
20 that are appropriate for that particular prisoner.

21 (3) The department advised the prisoner that the
22 prisoner is required to successfully complete the program
23 plan.

24 (4) The prisoner has successfully completed all required
25 recidivism risk reduction incentive programs or other
26 programs designated in the program plan.

27 (5) The prisoner has maintained a good conduct record
28 following the imposition of the recidivism risk reduction
29 incentive minimum sentence.

30 (6) The reentry plan for the prisoner is adequate.

1 (7) Individual conditions and requirements for parole
2 have been established.

3 (8) Notice and opportunity to be heard was provided by
4 the board to the sentencing court and the prosecuting
5 attorney in a manner consistent with section 21(b.2) of the
6 act of August 6, 1941 (P.L.861, No.323), referred to as the
7 Pennsylvania Board of Probation and Parole Law.

8 (9) The department has certified that the prisoner
9 continues to be an eligible offender. In the event that a
10 recidivism risk reduction minimum sentence was imposed under
11 section 5305(b) (relating to sentencing), the department
12 certifies that it has not received additional information
13 demonstrating a history of past or present violent behavior
14 which was not available at the time of sentencing and the
15 prosecuting attorney was unaware of that information at the
16 time of sentencing.

17 (10) There is no reasonable indication that the prisoner
18 poses a risk to public safety.

19 (b) Funding.--The department shall make all reasonable
20 efforts to seek appropriate funding and resources in order to
21 implement the recidivism risk reduction program.

22 (c) Program content.--Nothing in this section shall do any
23 of the following:

24 (1) Require the department to include recidivism risk
25 reduction programs in an individual program plan where the
26 risk assessment indicates that such a program is unlikely to
27 reduce recidivism for that particular prisoner.

28 (2) Prohibit the department from including appropriate
29 community works or public service projects as part of the
30 program plan.

1 (3) Prohibit the department from making modifications to
2 the program plan at any time in order to ensure appropriate
3 treatment and recidivism risk reduction incentive program
4 placement.

5 (d) Adjudication.--Nothing in this section shall be
6 interpreted as granting a right to be paroled to any person, and
7 any decision by the board and its designees or the department,
8 under this section, shall not be considered an adjudication
9 under 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and
10 procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating
11 to judicial review of Commonwealth agency action).

12 § 5307. Authority of board.

13 If a prisoner has been sentenced by a court to a recidivism
14 risk reduction incentive minimum sentence and the prisoner is
15 not paroled under this chapter, the board shall have exclusive
16 authority to grant parole. Except as otherwise provided under
17 this chapter, the board shall retain its power and authority to
18 parole, commit and reparole prisoners committed to the
19 department.

20 § 5308. Written guidelines and regulations.

21 The department, upon consultation with the board, shall
22 develop written interim guidelines to assist in the
23 implementation of the provisions of this chapter. The interim
24 guidelines shall not be subject to the requirements of the act
25 of June 25, 1982 (P.L.633, No.181), known as the Regulatory
26 Review Act, and shall be effective for a period of two years
27 after publication in the Pennsylvania Bulletin. The interim
28 guidelines shall be replaced by regulations promulgated by the
29 department consistent with the Regulatory Review Act on or
30 before the date of expiration of the interim guidelines.

1 § 5309. Evaluation.

2 The department, the board and the commission shall monitor
3 and evaluate the recidivism risk reduction incentive programs.
4 Evaluations under this section should be scientifically rigorous
5 and seek to determine the effectiveness of the programs,
6 including whether specific recidivism risk reduction incentive
7 programs have reduced the recidivism rates of the program
8 participants as compared to previously incarcerated and
9 similarly situated prisoners. The department, the board and the
10 commission shall make evaluations conducted under this section
11 and underlying data available to the public. The publicly
12 available data and evaluations shall comply with generally
13 accepted practices of the research community, including
14 expectations relating to subject privacy and identifying
15 information.

16 § 5310. Reports.

17 (a) Recidivism risk reduction.--The department, the board
18 and the commission shall monitor and evaluate the recidivism
19 risk reduction incentive programs to ensure that the goals and
20 objectives of this chapter are met. Reports to the General
21 Assembly shall be as follows:

22 (1) In odd-numbered years, the department shall present
23 a report of its evaluation to the Judiciary Committee of the
24 Senate and the Judiciary Committee of the House of
25 Representatives no later than February 1. The report shall
26 include all of the following:

27 (i) The number of offenders determined by the
28 department to be eligible offenders under this chapter
29 and the offenses for which the offenders were committed
30 to the custody of the department.

1 (ii) The number of prisoners committed to the
2 custody of the department who were subject to a
3 recidivism risk reduction incentive minimum sentence.

4 (iii) The number of prisoners paroled at the
5 recidivism risk reduction incentive minimum date.

6 (iv) Any potential changes that would make the
7 program more effective.

8 (v) The six-month, one-year, three-year and five-
9 year recidivism rates for prisoners released at the
10 recidivism risk reduction incentive minimum sentence.

11 (vi) Any other information the department deems
12 relevant.

13 (2) In even-numbered years, the commission shall present
14 a report of its evaluation to the Judiciary Committee of the
15 Senate and the Judiciary Committee of the House of
16 Representatives no later than February 1. The report shall
17 include all of the following:

18 (i) Whether the goals of this chapter could be
19 achieved through amendments to parole or sentencing
20 guidelines.

21 (ii) The various options for parole or sentencing
22 guidelines under subparagraph (i).

23 (iii) The status of any proposed or implemented
24 guidelines designed to implement the provisions of this
25 chapter.

26 (iv) Any potential changes to the program that would
27 be likely to reduce the risk of recidivism of prisoners
28 and improve public safety.

29 (v) Any other information the commission deems
30 relevant.

1 (b) Educational plan.--The Pennsylvania Commission on Crime
2 and Delinquency shall publish a report of a proposed educational
3 program plan within one year of the effective date of this
4 section. The proposed educational program plan shall be
5 developed in consultation with the department, commission,
6 board, the Pennsylvania District Attorneys Association, the
7 Victim Advocate and representatives of the judiciary and the
8 criminal defense bar and other criminal justice stakeholders.
9 The plan shall seek to provide cost-effective training or
10 information through electronic means, publications or continuing
11 educational programs that address the following topics:

12 (1) The treatment programs available through the board
13 and the department.

14 (2) The availability of programs and eligibility
15 requirements that can reduce recidivism risk including State
16 intermediate punishment, the motivational boot camp and
17 recidivism risk reduction incentives programs.

18 (3) The calculation of sentencing credit and practices
19 that could inadvertently prevent an inmate from receiving
20 sentence credit.

21 (4) Recent statutory changes relating to sentencing,
22 place of confinement, medical releases, transfer of inmates
23 and parole.

24 § 5311. Construction.

25 Notwithstanding any other provision of law, this chapter
26 shall not be construed to do any of the following:

27 (1) Confer any legal right upon any individual,
28 including an individual participating in or seeking to
29 participate in a recidivism risk reduction incentive program,
30 to do any of the following:

1 (i) Participate in a recidivism risk reduction
2 incentive program.

3 (ii) Continue participation in a recidivism risk
4 reduction incentive program.

5 (iii) Modify the contents of the recidivism risk
6 reduction incentive program.

7 (iv) File any cause of action in any Federal or
8 State court challenging the department's determination
9 that a participant be suspended or expelled from or that
10 a participant has successfully completed or failed to
11 successfully complete any recidivism risk reduction
12 incentive program.

13 (2) Confer any legal right on any individual to be
14 released on parole under this act.

15 (3) Enlarge or limit the right of a participant to
16 appeal the participant's sentence.

17 § 5312. Applicability.

18 This chapter shall apply to persons incarcerated under the
19 supervision of the department.

20 Section ~~11~~ 10. Repeals are as follows:

<—

21 (1) The General Assembly declares that the repeal under
22 paragraph (2) is necessary to effectuate the addition of 42
23 Pa.C.S. § 9813.

24 (2) Section 1 of the act of August 13, 1963 (P.L.774,
25 No.390), referred to as the County Jail Prisoner Temporary
26 Release Law, is repealed.

27 Section ~~12~~ 11. This act shall take effect in 60 days.

<—