

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1281 Session of 2009

INTRODUCED BY GIBBONS, BELFANTI, BROWN, DALEY, FAIRCHILD, GERGELY, JOSEPHS, KULA, LONGIETTI, MANN, M. O'BRIEN, PASHINSKI, PAYTON, SIPTROTH AND VULAKOVICH, APRIL 20, 2009

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 16, 2009

AN ACT

1 Providing for notice and a public hearing relating to privately
2 operated community corrections ~~centers supervised by the~~
3 ~~Department of Corrections~~ FACILITIES.



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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Privately
8 Operated Community Corrections ~~Center~~ FACILITY Act.



9 Section 2. Legislative intent.

10 The General Assembly finds and declares that the purpose of
11 this act is to require notice and a hearing relating to ~~the~~
12 ~~establishment of any proposed~~ ANY REQUEST FOR PROPOSAL ISSUED BY
13 THE DEPARTMENT OF CORRECTIONS FOR BEDS IN A community
14 corrections ~~center~~ FACILITY for inmates with prerelease status
15 or INDIVIDUALS who are on parole. The hearing will provide
16 concerned parties the opportunity to receive information
17 regarding the ~~location of the proposed center~~ BEDS REQUESTED AT



1 A COMMUNITY CORRECTIONS FACILITY and the impact on the community  
2 and will provide individuals with the opportunity to ask  
3 questions and express concerns relative to the ~~project~~ REQUEST ←  
4 FOR PROPOSAL.

5 Section 3. Definitions.

6 The following words and phrases when used in this act shall  
7 have the meanings given to them in this section unless the  
8 context clearly indicates otherwise:

9 ~~"Community corrections center." A residential program that~~ ←  
10 ~~is supervised by the Department of Corrections and operated by a~~  
11 ~~private vendor pursuant to a contract entered into between the~~  
12 ~~Department of Corrections and the private vendor for inmates~~  
13 ~~with prerelease status or who are on parole.~~

14 ~~"Department." The Department of Corrections of the~~  
15 ~~Commonwealth.~~

16 Section 4. Public hearing required.

17 ~~The department shall conduct a public hearing within the~~  
18 ~~county of the proposed site of the community corrections center~~  
19 ~~not less than six months prior to the date on which the center~~  
20 ~~is scheduled to commence operations and prior to the department~~  
21 ~~signing a contract with a private provider for community~~  
22 ~~corrections services. At the public hearing the department shall~~  
23 ~~explain the operations of the community corrections center and~~  
24 ~~shall permit public comments relating to the operation of the~~  
25 ~~center.~~

26 Section 5. Public notice.

27 ~~(a) Public notice. The department shall provide at a~~  
28 ~~minimum two notices in a newspaper of general circulation of its~~  
29 ~~intent to hold a public hearing. Each notice shall provide~~  
30 ~~information regarding topic, location and time of the public~~

1 ~~hearing and a contact number for interested persons to call for~~  
2 ~~additional information. The department shall obtain and keep on~~  
3 ~~file notarized statements attesting to the publishing of the~~  
4 ~~notices.~~

5 ~~(b) Notice to county and municipality. The department shall~~  
6 ~~send a copy of the public notice to the administrative offices~~  
7 ~~of all municipalities and the county wherein the proposed~~  
8 ~~community corrections center is to be located.~~

9 ~~(c) Time of notice. The department shall provide public~~  
10 ~~notice no earlier than 30 days and no later than 60 days from~~  
11 ~~the date of the scheduled public hearing.~~

12 "COMMUNITY CORRECTIONS FACILITY." A RESIDENTIAL FACILITY ←  
13 OPERATED BY A PRIVATE VENDOR THAT HOUSES INMATES WITH PRERELEASE  
14 STATUS OR INDIVIDUALS WHO ARE ON PAROLE PURSUANT TO A CONTRACT  
15 ENTERED INTO BETWEEN THE DEPARTMENT OF CORRECTIONS AND THE  
16 PRIVATE VENDOR.

17 "DEPARTMENT." THE DEPARTMENT OF CORRECTIONS OF THE  
18 COMMONWEALTH.

19 SECTION 4. PUBLIC HEARING REQUIRED.

20 (A) GENERAL RULE.--A PRIVATE VENDOR WHO INTENDS TO SUBMIT A  
21 BID TO THE DEPARTMENT PURSUANT TO A REQUEST FOR PROPOSAL FOR  
22 BEDS IN A COMMUNITY CORRECTIONS FACILITY SHALL CONDUCT A PUBLIC  
23 HEARING IN THE MUNICIPALITY OF THE PROPOSED SITE.

24 (B) CONDUCT OF HEARING.--AT THE PUBLIC HEARING THE PRIVATE  
25 VENDOR SHALL EXPLAIN THE OPERATION OF THE COMMUNITY CORRECTIONS  
26 FACILITY AND SHALL PERMIT PUBLIC COMMENTS RELATING TO THE SITE  
27 AND OPERATION OF THE FACILITY.

28 (C) TRANSCRIPT.--THE PRIVATE VENDOR SHALL SUBMIT A  
29 TRANSCRIPT OF THE PUBLIC HEARING TO THE DEPARTMENT AS PART OF  
30 ITS BID PURSUANT TO THE REQUEST FOR PROPOSAL.

1 (D) DEPARTMENT REVIEW.--THE DEPARTMENT SHALL REVIEW THE  
2 TRANSCRIPT AND SHALL CONSIDER THE SUBSTANCE OF THE PUBLIC  
3 COMMENTS WHEN AWARDING A CONTRACT PURSUANT TO THE REQUEST FOR  
4 PROPOSAL.

5 SECTION 5. PUBLIC NOTICE.

6 (A) PUBLIC NOTICE.--THE PRIVATE VENDOR SHALL PROVIDE NOTICE  
7 OF THE PUBLIC HEARING IN A NEWSPAPER OF GENERAL CIRCULATION ON  
8 AT LEAST TWO DIFFERENT DATES PRIOR TO THE HEARING. EACH NOTICE  
9 SHALL PROVIDE INFORMATION REGARDING TOPIC, LOCATION AND TIME OF  
10 THE PUBLIC HEARING AND A CONTACT NUMBER FOR INTERESTED PERSONS  
11 TO CALL FOR ADDITIONAL INFORMATION. THE PRIVATE VENDOR SHALL  
12 SUBMIT NOTARIZED STATEMENTS ATTESTING TO THE PUBLISHING OF THE  
13 NOTICES TO THE DEPARTMENT AS PART OF ITS BID PURSUANT TO THE  
14 REQUEST FOR PROPOSAL.

15 (B) NOTICE TO MUNICIPALITY.--THE PRIVATE VENDOR SHALL SEND A  
16 COPY OF THE NOTICE OF THE PUBLIC HEARING TO THE GOVERNING BODY  
17 OF THE MUNICIPALITY WHERE THE PROPOSED SITE IS LOCATED.

18 SECTION 6. NONAPPLICABILITY.

19 THIS ACT SHALL NOT APPLY TO ANY REQUEST FOR PROPOSAL ISSUED  
20 PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

21 Section ~~6~~ 7. Effective date.

22 This act shall take effect in 60 days.

