

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 112 Session of 2009

INTRODUCED BY GREENLEAF, TARTAGLIONE, FONTANA, ERICKSON, STOUT,
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COSTA, EARLL, O'PAKE, LEACH AND WOZNIAK, JANUARY 29, 2009

REFERRED TO JUDICIARY, JANUARY 29, 2009

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) and
codifying Title 61 (Penal and Correctional Institutions) of
the Pennsylvania Consolidated Statutes, further providing for
adoption of guidelines for resentencing, for adoption of
guidelines for parole and for adoption of recommitment ranges
following revocation of parole by board; providing for
temporary release from county correctional institutions;
further providing for sentence of total confinement;
providing for parole without board supervision, for judicial
power to release inmates and for transfers of inmates in need
of medical treatment; further providing for State
intermediate punishment; providing for other criminal
provisions; amending the heading of Title 61; adding
definitions, provisions relating to general administration of
correctional institutions, State correctional institutions,
county correctional institutions, house of detention for
untried inmates and witnesses, inmate labor, medical
services, visitation, inmate prerelease plans, motivational
boot camp, execution procedure and method, recidivism risk
reduction incentive, miscellaneous matters relating thereto,
probation and parole generally, the Pennsylvania Board of
Probation and Parole, County Probation and Parole Officers'
Firearm Education and Training, and correctional institution
interstate compacts; and making conforming amendments,
editorial changes and repeals relating to codification.

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21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 Section 1. Sections 2154.4, 2154.5 and 2154.6 of Title 42 of
24 the Pennsylvania Consolidated Statutes, added September 25, 2008
25 (P.L.1026, No.81), are amended to read:

26 § 2154.4. Adoption of guidelines for resentencing.

27 The commission shall adopt guidelines that shall be
28 considered by the court when resentencing an offender following
29 revocation of probation, county intermediate punishment or State
30 intermediate punishment. The guidelines shall take into account

1 [factors]:

2 (1) Factors considered in adopting the sentencing
3 guidelines[, the].

4 (2) The seriousness of the violation [and the].

5 (3) The rehabilitative needs of the defendant.

6 § 2154.5. Adoption of guidelines for parole.

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

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

16 (2) Provide for due consideration of victim input.

17 (3) Be designed to encourage inmates and parolees to
18 conduct themselves in accordance with conditions and rules of
19 conduct set forth by the department or other prison
20 facilities and the board.

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

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

28 (6) Use validated risk assessment tools, be evidence
29 based and take into account available research relating to
30 the risk of recidivism, minimizing the threat posed to public

1 safety and factors maximizing the success of reentry.

2 (b) Discretionary authority.--Notwithstanding any other
3 provision of law, this section shall not remove the
4 discretionary parole authority of the board and any other
5 paroling entity when exercising its power to parole and
6 reparole.

7 § 2154.6. Adoption of recommitment ranges following revocation
8 of parole by board.

9 (a) Recommitment ranges.--The commission shall adopt
10 recommitment ranges that shall be considered by the board when
11 exercising its power to reparole, commit and recommit for
12 violations of parole any person sentenced by a court in this
13 Commonwealth to imprisonment in any [prison or penal institution
14 of this Commonwealth, including State or county penitentiaries,
15 prisons or penal institutions] correctional institution. The
16 recommitment ranges shall take into account the seriousness of
17 the initial conviction offense, the level of seriousness of the
18 violation and the rehabilitative needs of the defendant. At the
19 end of the recommitment period, the parole violator shall be
20 reviewed for parole or, without further review, shall be
21 repared.

22 (b) Deviation.--In every case in which the board deviates
23 from the recommitment ranges, the board shall provide a
24 contemporaneous written statement of the reasons for the
25 deviation from the recommitment ranges to the commission as
26 established under section 2153(a)(14) (relating to powers and
27 duties).

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

1 "Recommitment range." A range of time within which a parole
2 violator may be recommitted to serve an additional part of the
3 term the parole violator would have been compelled to serve had
4 the parole violator not been paroled.

5 Section 2. Title 42 is amended by adding a section to read:

6 § 9755.1. Temporary release from county correctional
7 institution.

8 (a) (Reserved).

9 (b) Surrender of wages.--When an inmate is employed for
10 wages or salary, the chief administrator of the county
11 correctional institution shall collect the wages or salary or
12 require the inmate to turn over his wages or salary in full when
13 received, and the chief administrator shall deposit the same in
14 a trust checking account and keep a ledger showing the status of
15 the account of each inmate.

16 (c) Liability for board cost.--

17 (1) An inmate gainfully employed shall be liable for the
18 cost of his board in the county correctional institution as
19 fixed by the county commissioners. If necessarily absent from
20 jail at a meal time, the inmate shall, at his request, be
21 furnished with an adequate nourishing lunch to carry to work.

22 (2) The chief administrator of the county correctional
23 institution shall charge the inmate's account if the inmate
24 has one for such board.

25 (3) If the inmate is gainfully self-employed, the inmate
26 shall pay for such board in default of which his privilege
27 under this section shall be automatically forfeited.

28 (4) If the food in the county correctional institution
29 is furnished directly by the county, the chief administrator
30 of the county correctional institution shall account for and

1 pay over such board payments to the county treasurer.

2 (d) Disbursements from inmate accounts.--By order of the
3 court, the wages or salaries of employed inmates shall be
4 disbursed for the following purposes in the order stated:

5 (1) The board of the inmate.

6 (2) Necessary travel expense to and from work and other
7 incidental expenses of the inmate.

8 (3) Support of the inmate's dependents, if any, the
9 amount to be determined by the court.

10 (4) Payment of docket costs connected with the
11 commitment of the inmate.

12 (5) Payment either in full or ratably of the inmate's
13 obligations acknowledged by him in writing or which have been
14 reduced to judgment.

15 (6) The balance, if any, to the inmate upon discharge.

16 (e) Intercounty custody.--The court may by order authorize
17 the chief administrator of a county correctional institution to
18 which an inmate is committed to arrange with the chief
19 administrator of another county correctional institution for the
20 employment of the prisoner in the other's county and while so
21 employed to be in the other's custody but in other respects to
22 be and continue subject to the commitment.

23 Section 3. Sections 9756(b), (b.1) and (e) of Title 42,
24 amended or added September 25, 2008 (P.L.1026, No.81), are
25 amended to read:

26 § 9756. Sentence of total confinement.

27 * * *

28 (b) Minimum sentence.--

29 (1) The court shall impose a minimum sentence of
30 confinement which shall not exceed one-half of the maximum

1 sentence imposed.

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

6 (3) Except where the maximum sentence imposed is two
7 years or more, and except where a mandatory minimum sentence
8 of imprisonment or total confinement is required by law, the
9 court shall, at the time of sentencing, state whether or not
10 the defendant is eligible to participate in a reentry plan at
11 any time prior to the expiration of the minimum sentence or
12 at the expiration of a specified portion of the minimum
13 sentence. For maximum sentences of less than two years as
14 defined under section 9762(f) (relating to sentencing
15 proceeding; place of confinement), a court may parole a
16 defendant prior to the expiration of the minimum sentence
17 only if the defendant was made eligible to participate in a
18 reentry plan at the time of sentencing. The court shall
19 provide at least ten days' written notice and an opportunity
20 to be heard, pursuant to [the act of June 19, 1911 (P.L.1059,
21 No.813), referred to as the County Jail and Workhouse Parole
22 Law,] section 9776 (relating to judicial power to release
23 inmates), to the prosecuting attorney before granting parole
24 pursuant to this subsection. The reentry plan eligibility
25 shall be considered a part of the sentence and subject to the
26 requirements relating to the entry, recording and reporting
27 of sentences.

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

1 sentence under [44 Pa.C.S. Ch. 53] 61 Pa.C.S. Ch. 45 (relating
2 to recidivism risk reduction incentive). If the defendant is
3 eligible, the court shall impose a recidivism risk reduction
4 incentive minimum sentence in addition to a minimum sentence and
5 maximum sentence except, if the defendant was previously
6 sentenced to two or more recidivism risk reduction incentive
7 minimum sentences, the court shall have the discretion to impose
8 a sentence with no recidivism risk reduction incentive minimum.

9 * * *

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

15 Section 4. Title 42 is amended by adding sections to read:
16 § 9775. Parole without board supervision.

17 A sentencing court shall grant parole from a term of
18 imprisonment for less than a maximum period of two years, and,
19 together with all probations except probation as to which
20 supervision is specially ordered by the court as provided for
21 under section 9721 (relating to sentencing generally), parole
22 shall be without supervision by the board.

23 § 9776. Judicial power to release inmates.

24 (a) General rule.--Except as otherwise provided under this
25 chapter or if the Pennsylvania Board of Probation and Parole has
26 exclusive parole jurisdiction, a court of this Commonwealth or
27 other court of record having jurisdiction may, after due
28 hearing, release on parole an inmate in the county correctional
29 institution of that judicial district.

30 (b) Petition required.--No inmate may be paroled under this

1 section except on petition verified by the oath of the inmate or
2 by the inmate's representative and presented and filed in the
3 court in which the inmate was convicted.

4 (c) Hearing.--On presentation of the petition, the court
5 shall fix a day for the hearing. A copy of the petition shall be
6 served on the district attorney and prosecutor in the case at
7 least ten days before the day fixed for the hearing. Proof of
8 service on the district attorney and the prosecutor shall be
9 produced at the hearing.

10 (d) Order.--After the hearing, the court shall make such
11 order as it may deem just and proper. In case the court paroles
12 the inmate, it shall place the inmate in the charge of and under
13 the supervision of a designated probation officer.

14 (e) Recommit.--The court may, on cause shown by the
15 probation officer that the inmate has violated his parole,
16 recommit and reparole the inmate in the same manner and by the
17 same procedure as in the case of the original parole if, in the
18 judgment of the court, there is a reasonable probability that
19 the inmate will benefit by being paroled. The court may also
20 recommit for violation of that parole.

21 (f) Limitation.--

22 (1) Subject to the provisions of paragraph (2), the
23 power of a court to parole an inmate under this section shall
24 extend for a period not to exceed the maximum sentence
25 provided by law for the offense of which the inmate was
26 convicted.

27 (2) A court may release on parole, on petition to any
28 other court, an inmate committed to a correctional
29 institution by any magisterial district judge and shall have
30 the same power to recommit an inmate paroled under this

1 section.

2 § 9777. Transfer of inmates in need of medical treatment.

3 (a) Inmates committed to custody of department.--If an
4 inmate is committed to the custody of the department, the
5 department, the inmate or a person to whom the court grants
6 standing to act on behalf of the inmate may petition the
7 sentencing court to temporarily defer service of the sentence of
8 confinement and temporarily remove the inmate committed to the
9 custody of the department, or other facility, for placement in a
10 hospital, long-term care nursing facility or hospice care
11 location. The following shall apply:

12 (1) The sentencing court may approve the petitioner's
13 request to temporarily defer service of the sentence of
14 confinement and place the inmate in a hospital or long-term
15 care nursing facility under electronic monitoring by the
16 department upon clear and convincing proof that all of the
17 following apply:

18 (i) The medical needs of the inmate can be more
19 appropriately addressed in the hospital or long-term care
20 nursing facility.

21 (ii) The hospital or long-term care nursing facility
22 requested by the petitioner has agreed to accept the
23 placement of the inmate and to provide necessary medical
24 care.

25 (iii) The inmate is seriously ill and is expected by
26 a treating physician to not live for more than one year.

27 (iv) There are no writs filed or detainers lodged
28 against the inmate and the inmate is not subject to any
29 court order requiring the inmate's presence.

30 (v) The placement in the hospital or long-term care

1 nursing facility does not pose an undue risk of escape or
2 danger to the community. In making this determination the
3 sentencing court shall consider the inmate's
4 institutional conduct record, whether the inmate was ever
5 convicted of a crime of violence, the length of time that
6 the inmate has been imprisoned and any other factors the
7 sentencing court deems relevant.

8 (vi) The hospital or long-term care nursing facility
9 has agreed to notify the department and the court of any
10 material changes in the health status of the inmate, the
11 nature of the care provided or other information required
12 by the department.

13 (vii) Each agency representing the Commonwealth at a
14 proceeding which resulted in an order committing or
15 detaining the inmate, the State or local correctional
16 facility housing the inmate and any registered crime
17 victim have been given notice and an opportunity to be
18 heard on the petition.

19 (2) The sentencing court may approve the petitioner's
20 request to temporarily defer service of the sentence of
21 confinement in order for the inmate to receive care from a
22 licensed hospice care provider, proposed by the petitioner
23 and subject to electronic monitoring by the department if all
24 of the following are established by clear and convincing
25 proof:

26 (i) The inmate is terminally ill, not ambulatory and
27 likely to die in the near future.

28 (ii) The licensed hospice care provider can provide
29 the inmate with more appropriate care.

30 (iii) Appropriate medical care and palliative and

1 supportive services will be provided by the licensed
2 hospice care provider at the proposed hospice care
3 location.

4 (iv) The placement of the inmate in the proposed,
5 licensed hospice care location does not pose an undue
6 risk of escape or danger to the community. In making this
7 determination, the sentencing court shall consider the
8 inmate's institutional conduct record, whether the inmate
9 was ever convicted of a crime of violence, the length of
10 time that the inmate has been imprisoned and any other
11 factors the sentencing court deems relevant.

12 (v) The licensed hospice care provider has agreed to
13 notify the department and the sentencing court of any
14 material changes in the health status of the inmate, the
15 nature of the hospice care provided or other information
16 required by the department or the sentencing court.

17 (vi) Each agency representing the Commonwealth at a
18 proceeding which resulted in an order committing or
19 detaining the inmate, the State or local correctional
20 facility housing the inmate and any registered crime
21 victim have been given notice and an opportunity to be
22 heard on the petition.

23 (3) Any order entered pursuant to this subsection
24 temporarily deferring service of an inmate's sentence of
25 confinement shall include a provision that the department or
26 prosecuting attorney may at any time petition the sentencing
27 court for an order directing that the inmate be recommitted
28 to the custody of the department if the circumstances under
29 which the inmate was released change or for any previously
30 unknown circumstances, including a change in the inmate's

1 medical status, the inmate's risk of escape, the inmate's
2 danger to the community or the nature of the medical or other
3 care provided by the hospital, long-term care nursing
4 facility or hospice care provider.

5 (4) The sentencing court may terminate at any time its
6 order authorizing the temporary deferral of the service of an
7 inmate's sentence of confinement entered pursuant to this
8 subsection. An inmate taken into custody pursuant to an order
9 directing the inmate's detention or recommitment under this
10 subsection shall be delivered to the nearest State
11 correctional institution pending a hearing on the matter.

12 (b) Inmates committed to custody of other facilities.--An
13 inmate not committed to the custody of the department but
14 confined in an institution authorized to incarcerate or detain
15 persons for criminal sentences, violations of criminal law or
16 orders of parole, probation, bail or other order related to a
17 civil or criminal matter may have service of the sentence of
18 confinement deferred and may be placed in a hospital, long-term
19 care nursing facility or licensed hospice care location, subject
20 to electronic monitoring, by order of the judge that committed
21 the inmate to the facility or institution or by another
22 available judge designated to preside if all of the following
23 are established by clear and convincing proof:

24 (1) The chief administrator, the chief administrator's
25 designee, the inmate or a person to whom the court grants
26 standing to act on behalf of the inmate petitions the court
27 or has given written consent to the grant of a petition under
28 this section filed on behalf of the inmate.

29 (2) There is sufficient proof to establish the
30 requirements for a placement to a hospital or long-term care

1 nursing facility under subsection (a)(1) or a placement to a
2 hospice care location under subsection (a)(2).

3 (3) An entry of an order pursuant to this subsection
4 temporarily deferring service of an inmate's sentence of
5 confinement shall include a provision that the chief
6 administrator or the prosecuting attorney may at any time
7 petition the sentencing court seeking the issuance of a bench
8 warrant directing that the inmate be recommitted to the
9 custody of the appropriate correctional institution if the
10 circumstances under which the inmate was released change or
11 for previously unknown circumstances, including a change in
12 the inmate's medical status, the inmate's risk of escape, the
13 inmate's danger to the community or the nature of the medical
14 or other care provided by the hospital, long-term care
15 nursing facility or hospice care provider.

16 (4) The sentencing court may terminate at any time its
17 order authorizing the temporary deferral of the service of an
18 inmate's sentence of confinement entered pursuant to this
19 subsection. An inmate taken into custody pursuant to an order
20 directing detention or recommitment under this subsection
21 shall be delivered to the county correctional institution or
22 other institution at which the inmate was confined prior to
23 the entry of the order deferring the service of the sentence
24 of confinement pending a hearing on the matter.

25 (c) Service.--Any petition filed under this section shall be
26 served on each agency representing the Commonwealth at each
27 proceeding which resulted in an order by which the inmate is
28 committed or detained and to the correctional institution or
29 institution responsible for housing the inmate. Each party shall
30 have an opportunity to object and be heard as to the petition

1 for alternative placement, the circumstances of placement, the
2 conditions of return or any other relevant issue. The court
3 shall ensure that any crime victim entitled to notification
4 under section 201(7) or (8) of the act of November 24, 1998
5 (P.L.882, No.111), known as the Crime Victims Act, has been
6 given notice and the opportunity to be heard on the petition.
7 All parties served or notified under this subsection shall
8 receive a copy of the final order adjudicating the petition.

9 (d) Notice.--

10 (1) Any order entered under this section placing an
11 inmate in a hospital, long-term care nursing facility or
12 hospice care location which provides care to persons who were
13 not placed therein pursuant to an order entered under this
14 section shall direct the individual in charge of the
15 hospital, long-term care nursing facility or hospice care
16 location to ensure that each person receiving care at, and
17 each employee or contractor working in, the hospital, long-
18 term care nursing facility or hospice care location is
19 notified that the placement was ordered if it is foreseeable
20 that the person, employee or contractor will come into
21 contact with the inmate during the placement.

22 (2) The sentencing court shall forward notice of any
23 order entered under this section placing an inmate in a
24 hospital, long-term care nursing facility or hospice care
25 location to the hospital, long-term care nursing facility or
26 hospice care location and to the Department of Public
27 Welfare.

28 (e) Petition requirements.--Any petition filed pursuant to
29 this section must aver:

30 (1) The name of the hospital, long-term care nursing

1 facility or hospice care location proposed for placement.

2 (2) That the petitioner reasonably believes the named
3 hospital, long-term care nursing facility or hospice care
4 location has agreed to accept the placement of the inmate and
5 the facts upon which that belief is based.

6 (f) Removal from placement.--If an inmate placed in a
7 hospital, long-term care nursing facility or hospice care
8 location pursuant to this chapter removes himself from the
9 hospital, long-term care nursing facility or hospice care
10 location, the inmate shall be subject to arrest upon probable
11 cause and shall, upon conviction thereof, be guilty of criminal
12 contempt.

13 (g) Definitions.--As used in this section, the following
14 words and phrases shall have the meanings given to them in this
15 subsection unless the context clearly indicates otherwise:

16 "Chief administrator." As defined under 61 Pa.C.S. § 102
17 (relating to definitions).

18 "Department." The Department of Corrections of the
19 Commonwealth.

20 "Hospice care location." A home, independent living
21 environment or inpatient setting that provides a coordinated
22 program of palliative and supportive services through a licensed
23 hospice care provider.

24 "Hospital." An entity licensed as an acute-care general
25 hospital, a specialty hospital or a rehabilitation hospital
26 under the act of July 19, 1979 (P.L.130, No.48), known as the
27 Health Care Facilities Act.

28 "Licensed hospice care provider." A hospice as defined under
29 section 802.1 of the act of July 19, 1979 (P.L.130, No.48),
30 known as the Health Care Facilities Act.

1 "Long-term care nursing facility." A long-term care nursing
2 facility as defined under section 802.1 of the act of July 19,
3 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

4 "Prosecuting attorney." The Office of Attorney General of
5 the Commonwealth or the office of a district attorney of a
6 county who represented the Commonwealth at the most recent
7 sentencing of an inmate.

8 "Sentencing court." The trial judge who most recently
9 sentenced an inmate or, if the trial judge is no longer serving
10 as a judge of that court, the president judge of the county
11 court of common pleas.

12 Section 5. Chapter 99 of Title 42 is repealed:

13 [CHAPTER 99

14 STATE INTERMEDIATE PUNISHMENT

15 Sec.

16 9901. Scope of chapter.

17 9902. Findings and purpose.

18 9903. Definitions.

19 9904. Referral to State intermediate punishment program.

20 9905. Drug offender treatment program.

21 9906. Written guidelines and regulations.

22 9907. Reports.

23 9908. Construction.

24 9909. Evaluation.

25 § 9901. Scope of chapter.

26 This chapter relates to State intermediate punishment.

27 § 9902. Findings and purpose.

28 The General Assembly finds as follows:

29 (1) Many crimes are committed by persons who, because of
30 their addiction to drugs or alcohol, are unable to maintain

1 gainful employment.

2 (2) These persons often commit crimes as a means of
3 obtaining the funds necessary to purchase drugs or alcohol.

4 (3) Many persons commit crimes while under the influence
5 of drugs or alcohol even though they are not addicted to such
6 substances in a clinical sense.

7 (4) Punishing persons who commit crimes is an important
8 aspect of recognizing the harm that criminals visit upon
9 their victims.

10 (5) Many people who commit crimes will be able to become
11 law-abiding, contributing members of society if they are able
12 to obtain treatment for their drug or alcohol addiction or
13 abuse.

14 (6) The purpose of this chapter is to create a program
15 that punishes person who commit crimes, but also provides
16 treatment that offers the opportunity for those persons to
17 address their drug or alcohol addiction or abuse and thereby
18 reduce the incidents of recidivism and enhance public safety.

19 § 9903. Definitions.

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

23 "Commission." The Pennsylvania Commission on Sentencing.

24 "Community-based therapeutic community." A long-term
25 residential addiction treatment program licensed by the
26 Department of Health to provide addiction treatment services
27 using a therapeutic community model and determined by the
28 Department of Corrections to be qualified to provide addiction
29 treatment to eligible offenders.

30 "Community corrections center." A residential program that

1 is supervised and operated by the Department of Corrections for
2 inmates with prerelease status or who are on parole.

3 "Court." The trial judge exercising sentencing jurisdiction
4 over an eligible offender under this chapter or the president
5 judge if the original trial judge is no longer serving as a
6 judge of the sentencing court.

7 "Defendant." An individual charged with a drug-related
8 offense.

9 "Department." The Department of Corrections of the
10 Commonwealth.

11 "Drug offender treatment program." An individualized
12 treatment program established by the Department of Corrections
13 consisting primarily of drug and alcohol addiction treatment
14 that satisfies the terms and conditions listed in section 9905
15 (relating to drug offender treatment program).

16 "Drug-related offense." A criminal offense for which a
17 defendant is convicted and that the court determines was
18 motivated by the defendant's consumption of or addiction to
19 alcohol or a controlled substance, counterfeit, designer drug,
20 drug, immediate precursor or marihuana, as those terms are
21 defined in the act of April 14, 1972 (P.L.233, No.64), known as
22 The Controlled Substance, Drug, Device and Cosmetic Act.

23 "Eligible offender." Subject to section 9721(a.1) (relating
24 to sentencing generally), a defendant designated by the
25 sentencing court as a person convicted of a drug-related offense
26 who:

27 (1) Has undergone an assessment performed by the
28 Department of Corrections, which assessment has concluded
29 that the defendant is in need of drug and alcohol addiction
30 treatment and would benefit from commitment to a drug

offender treatment program and that placement in a drug offender treatment program would be appropriate.

(2) Does not demonstrate a history of present or past violent behavior.

(3) Would be placed in the custody of the department if not sentenced to State intermediate punishment.

(4) Provides written consent permitting release of information pertaining to the defendant's participation in a drug offender treatment program.

The term shall not include a defendant who is subject to a sentence the calculation of which includes an enhancement for the use of a deadly weapon, as defined pursuant to law or the sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing, or a defendant who has been convicted of a personal injury crime as defined in section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, or an attempt or conspiracy to commit such a crime or who has been convicted of violating 18 Pa.C.S. § 4302 (relating to incest), 5901 (relating to open lewdness), 6312 (relating to sexual abuse of children), 6318 (relating to unlawful contact with minor) or 6320 (relating to sexual exploitation of children) or Ch. 76 Subch. C (relating to Internet child pornography).

"Expulsion." The permanent removal of a participant from a drug offender treatment program.

"Group home." A residential program that is contracted out by the Department of Corrections to a private service provider for inmates with prerelease status or who are on parole.

"Individualized drug offender treatment plan." An individualized addiction treatment plan within the framework of

1 the drug offender treatment program.

2 "Institutional therapeutic community." A residential drug
3 treatment program in a State correctional institution,
4 accredited as a therapeutic community for treatment of drug and
5 alcohol abuse and addiction by the American Correctional
6 Association or other nationally recognized accreditation
7 organization for therapeutic community drug and alcohol
8 addiction treatment.

9 "Outpatient addiction treatment facility." An addiction
10 treatment facility licensed by the Department of Health and
11 designated by the Department of Corrections as qualified to
12 provide addiction treatment to criminal justice offenders.

13 "Participant." An eligible offender actually sentenced to
14 State intermediate punishment pursuant to section 9721(a)(7)
15 (relating to sentencing generally).

16 "Transitional residence." A residence investigated and
17 approved by the Department of Corrections as appropriate for
18 housing a participant in a drug offender treatment program.

19 § 9904. Referral to State intermediate punishment program.

20 (a) Referral for evaluation.--

21 (1) Prior to imposing a sentence, the court may, upon
22 motion of the Commonwealth and agreement of the defendant,
23 commit a defendant to the custody of the department for the
24 purpose of evaluating whether the defendant would benefit
25 from a drug offender treatment program and whether placement
26 in the drug offender treatment program is appropriate.

27 (2) Upon committing a defendant to the department, the
28 court shall forward to the department:

29 (i) A summary of the offense for which the defendant
30 has been convicted.

1 (ii) Information relating to the defendant's history
2 of delinquency or criminality, including the information
3 maintained by the court pursuant to Chapter 63 (relating
4 to juvenile matters), when available.

5 (iii) Information relating to the defendant's
6 history of drug or alcohol abuse or addiction, when
7 available.

8 (iv) A presentence investigation report, when
9 available.

10 (v) Any other information the court deems relevant
11 to assist the department with its assessment of the
12 defendant.

13 (b) Assessment of addiction.--

14 (1) The department shall conduct an assessment of the
15 addiction and other treatment needs of a defendant and
16 determine whether the defendant would benefit from a drug
17 offender treatment program. The assessment shall be conducted
18 using a nationally recognized assessment instrument or an
19 instrument that has been normed and validated on the
20 department's inmate population by a recognized expert in such
21 matters. The assessment instrument shall be administered by
22 persons skilled in the treatment of drug and alcohol
23 addiction and trained to conduct assessments. The assessments
24 shall be reviewed and approved by a supervisor with at least
25 three years of experience providing drug and alcohol
26 counseling services.

27 (2) The department shall conduct risk and other
28 assessments it deems appropriate and shall provide a report
29 of its assessment to the court, the defendant, the attorney
30 for the Commonwealth and the commission within 60 days of the

1 court's commitment of the defendant to the custody of the
2 department.

3 (c) Proposed drug offender treatment program.--If the
4 department in its discretion believes a defendant would benefit
5 from a drug offender treatment program and placement in the drug
6 offender treatment program is appropriate, the department shall
7 provide the court, the defendant, the attorney for the
8 Commonwealth and the commission with a proposed drug offender
9 treatment program detailing the type of treatment proposed.

10 (d) Prerequisites for commitment.--Upon receipt of a
11 recommendation for placement in a drug offender treatment
12 program from the department and agreement of the attorney for
13 the Commonwealth and the defendant, the court may sentence an
14 eligible offender to a period of 24 months of State intermediate
15 punishment if the court finds that:

16 (1) The eligible offender is likely to benefit from
17 State intermediate punishment.

18 (2) Public safety would be enhanced by the eligible
19 offender's participation in State intermediate punishment.

20 (3) Sentencing the eligible offender to State
21 intermediate punishment would not depreciate the seriousness
22 of the offense.

23 (e) Consecutive probation.--Nothing in this chapter shall
24 prohibit the court from sentencing an eligible offender to a
25 consecutive period of probation. The total duration of the
26 sentence may not exceed the maximum term for which the eligible
27 offender could otherwise be sentenced.

28 (f) Applicability and program limitations.--The court may
29 not modify or alter the terms of the department's proposed
30 individualized drug offender treatment plan without the

1 agreement of the department and the attorney for the
2 Commonwealth.

3 (g) Videoconferencing.--The department shall make
4 videoconferencing facilities available to allow the court to
5 conduct proceedings necessary under this section when the
6 eligible offender has been committed to the custody of the
7 department pursuant to subsection (b).

8 § 9905. Drug offender treatment program.

9 (a) Establishment.--The department shall establish and
10 administer a drug offender treatment program as a State
11 intermediate punishment. The program shall be designed to
12 address the individually assessed drug and alcohol abuse and
13 addiction needs of a participant and shall address other issues
14 essential to the participant's successful reintegration into the
15 community, including, but not limited to, educational and
16 employment issues.

17 (b) Duration and components.--Notwithstanding any credit to
18 which the defendant may be entitled under section 9760 (relating
19 to credit for time served), the duration of the drug offender
20 treatment program shall be 24 months and shall include the
21 following:

22 (1) A period in a State correctional institution of not
23 less than seven months. This period shall include:

24 (i) The time during which the defendants are being
25 evaluated by the department under section 9904(b)
26 (relating to referral to State intermediate punishment
27 program).

28 (ii) Following evaluation under subparagraph (i),
29 not less than four months shall be in an institutional
30 therapeutic community.

1 (2) A period of treatment in a community-based
2 therapeutic community of at least two months.

3 (3) A period of at least six months' treatment through
4 an outpatient addiction treatment facility. During the
5 outpatient addiction treatment period of the drug offender
6 treatment program, the participant may be housed in a
7 community corrections center or group home or placed in an
8 approved transitional residence. The participant must comply
9 with any conditions established by the department regardless
10 of where the participant resides during the outpatient
11 addiction treatment portion of the drug offender treatment
12 program.

13 (4) A period of supervised reintegration into the
14 community for the balance of the drug offender treatment
15 program, during which the participant shall continue to be
16 supervised by the department and comply with any conditions
17 imposed by the department.

18 (c) Program management.--

19 (1) Consistent with the minimum time requirements set
20 forth in subsection (b), the department may transfer, at its
21 discretion, a participant between a State correctional
22 institution, an institutional therapeutic community, a
23 community-based therapeutic community, an outpatient
24 addiction treatment program and an approved transitional
25 residence. The department may also transfer a participant
26 back and forth between less restrictive and more restrictive
27 settings based upon the participant's progress or regression
28 in treatment or for medical, disciplinary or other
29 administrative reasons.

30 (2) This subsection shall be construed to provide the

department with the maximum flexibility to administer the drug offender treatment program both as a whole and for individual participants.

(d) Right of refusal to admit.--The administrator of a community-based therapeutic community or outpatient addiction treatment facility may refuse to accept a participant whom the administrator deems to be inappropriate for admission and may immediately discharge to the custody of the department any participant who fails to comply with facility rules and treatment expectations or refuses to constructively engage in the treatment process.

(e) Notice to court of completion of program.--When the department determines that a participant has successfully completed the drug offender treatment program, it shall notify the sentencing court, the attorney for the Commonwealth and the commission.

(f) Expulsion from program.--

(1) A participant may be expelled from the drug offender treatment program at any time in accordance with guidelines established by the department, including failure to comply with administrative or disciplinary procedures or requirements set forth by the department.

(2) The department shall promptly notify the court, the defendant, the attorney for the Commonwealth and the commission of the expulsion of a participant from the drug offender treatment program and the reason for such expulsion. The participant shall be housed in a State correctional institution or county jail pending action by the court.

(3) The court shall schedule a prompt State intermediate punishment revocation hearing pursuant to section 9774

(relating to revocation of State intermediate punishment sentence).

§ 9906. Written guidelines and regulations.

The department shall develop written guidelines for participant selection criteria and the establishment of drug offender treatment program selection committees within each diagnostic and classification center of the department and shall address suspensions and expulsions from the drug offender treatment program. The guidelines shall not be subject to the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, and shall be effective for a period of two years upon publication in the Pennsylvania Bulletin. The guidelines shall be replaced by regulations promulgated by the department consistent with the Regulatory Review Act within the two-year period during which the guidelines are effective. The regulations shall include a requirement that community-based therapeutic communities utilized in the drug offender treatment program be accredited as a therapeutic community for treatment of drug and alcohol abuse and addiction by the Commission on Accreditation of Rehabilitation Facilities or other nationally recognized accreditation organization for community-based therapeutic communities for drug and alcohol addiction treatment.

§ 9907. Reports.

(a) Final report.--The department shall provide a final report to the court, the defendant, the attorney for the Commonwealth and the commission on a participant's progress in the drug offender treatment program.

(b) Evaluation and report to General Assembly.--The department and the commission shall monitor and evaluate the

1 drug offender treatment program to ensure that the programmatic
2 objectives are met. In odd-numbered years, the department shall
3 present a report of its evaluation to the Judiciary Committee of
4 the Senate and the Judiciary Committee of the House of
5 Representatives no later than February 1. In even-numbered
6 years, the commission shall present a report of its evaluation
7 to the Judiciary Committee of the Senate and the Judiciary
8 Committee of the House of Representatives no later than February

9 1. The report shall include:

10 (1) The number of offenders evaluated for the drug
11 offender treatment program.

12 (2) The number of offenders sentenced to the drug
13 offender treatment program.

14 (3) The number of offenders sentenced to a State
15 correctional institution who may have been eligible for the
16 drug offender treatment program.

17 (4) The number of offenders successfully completing the
18 drug offender treatment program.

19 (5) The six-month, one-year, three-year and five-year
20 recidivism rates for offenders who have completed the drug
21 offender treatment program and for a comparison group of
22 offenders who were not placed in the drug offender treatment
23 program.

24 (6) Any changes the department or the commission
25 believes will make the drug offender treatment program more
26 effective.

27 § 9908. Construction.

28 Notwithstanding any other provision of law to the contrary,
29 this chapter shall not be construed to:

30 (1) Confer any legal right upon any individual,

1 including an individual participating in the drug offender
2 treatment program, to:

3 (i) participate in a drug offender treatment
4 program;

5 (ii) continue participation in a drug offender
6 treatment program;

7 (iii) modify the contents of the drug offender
8 treatment program; or

9 (iv) file any cause of action in any court
10 challenging the department's determination that a
11 participant be suspended or expelled from or that a
12 participant has successfully completed or failed to
13 successfully complete treatment to be provided during any
14 portion of a drug offender treatment program.

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

17 § 9909. Evaluation.

18 The department and the commission shall monitor and evaluate
19 the motivational boot camp program under the act of December 19,
20 1990 (P.L.1391, No.215), known as the Motivational Boot Camp
21 Act, to ensure that the programmatic objectives are met. In
22 even-numbered years, the department shall present a report of
23 its evaluation to the Judiciary Committee of the Senate and the
24 Judiciary Committee of the House of Representatives no later
25 than February 1. In odd-numbered years, the commission shall
26 present a report of its evaluation to the Judiciary Committee of
27 the Senate and the Judiciary Committee of the House of
28 Representatives no later than February 1.]

29 Section 6. Title 42 is amended by adding a chapter to read:

30 CHAPTER 99

1 OTHER CRIMINAL PROVISIONS

2 Subchapter

3 A. County Probation Officers

4 SUBCHAPTER A

5 COUNTY PROBATION OFFICERS

6 Sec.

7 9911. Definitions.

8 9912. Supervisory relationship to offenders.

9 9913. Peace officer power for probation officers.

10 § 9911. Definitions.

11 The following words and phrases when used in this subchapter
12 shall have the meanings given in this section unless the context
13 clearly indicates otherwise:

14 "ARD." Accelerated Rehabilitative Disposition.

15 "Conditions of supervision." Any terms or conditions of an
16 offender's supervision whether imposed by the court or an
17 officer, including compliance with all requirements of Federal,
18 State and local law.

19 "Contraband." Any item that an offender is not permitted to
20 possess under the conditions of supervision, including any item
21 whose possession is forbidden by any Federal, State or local
22 law.

23 "Court." The court of common pleas or any judge thereof, the
24 Philadelphia Municipal Court or any judge thereof, the
25 Pittsburgh Magistrates Court or any judge thereof or any
26 magisterial district judge.

27 "Exigent circumstances." The term includes, but is not
28 limited to, suspicion that contraband or other evidence of
29 violations of the conditions of supervision might be destroyed
30 or suspicion that a weapon might be used. Exigent circumstances

1 always exist with respect to a vehicle.

2 "Offender." A person released on county probation,
3 intermediate punishment or county parole. The term shall not
4 include any person serving a period of probation pursuant to
5 Accelerated Rehabilitative Disposition, except as authorized
6 under section 9912(b) (relating to supervisory relationship to
7 offenders).

8 "Officer." A probation or parole officer appointed or
9 employed by any court or by any county department of probation
10 and parole to supervise persons released on county probation or
11 parole.

12 "Personal search." A warrantless search of an offender's
13 person, including, but not limited to, the offender's clothing
14 and any personal property which is in the possession, within the
15 reach or under the control of the offender.

16 "Property search." A warrantless search of real property,
17 vehicle or personal property which is in the possession or under
18 the control of an offender.

19 "Real property." Any residence or business property of an
20 offender, including all portions of the property to which the
21 offender has access.

22 "Supervisor." An individual acting in a supervisory or
23 administrative capacity.

24 § 9912. Supervisory relationship to offenders.

25 (a) General rule.--Officers are in a supervisory
26 relationship with their offenders. The purpose of this
27 supervision is to assist the offenders in their rehabilitation
28 and reassimilation into the community and to protect the public.

29 (b) Searches and seizures authorized.--

30 (1) Officers and, where they are responsible for the

1 supervision of county offenders, State parole agents may
2 search the person and property of offenders in accordance
3 with the provisions of this section.

4 (2) (i) Officers may search, in accordance with the
5 provisions of this section, the person and property of
6 any offender who accepts ARD as a result of a charge of a
7 violation of 18 Pa.C.S. Ch. 31 (relating to sexual
8 offenses) if the court has determined that the offender
9 shall be subject to personal and property searches as a
10 condition of the offender's participation in the ARD
11 program.

12 (ii) The court shall notify each offender so offered
13 ARD, prior to admission to an ARD program, that the
14 offender shall be subject to searches in accordance with
15 this section.

16 (iii) Nothing in this section shall be construed to
17 permit searches or seizures in violation of the
18 Constitution of the United States or section 8 of Article
19 I of the Constitution of Pennsylvania.

20 (c) Effect of violation.--No violation of this section shall
21 constitute an independent ground for suppression of evidence in
22 any probation and parole or criminal proceeding.

23 (d) Grounds for personal search.--

24 (1) A personal search of an offender may be conducted by
25 an officer:

26 (i) if there is a reasonable suspicion to believe
27 that the offender possesses contraband or other evidence
28 of violations of the conditions of supervision;

29 (ii) when an offender is transported or taken into
30 custody; or

1 (iii) upon an offender entering or leaving the
2 securing enclosure of a correctional institution, jail or
3 detention facility.

4 (2) A property search may be conducted by an officer if
5 there is reasonable suspicion to believe that the real or
6 other property in the possession of or under the control of
7 the offender contains contraband or other evidence of
8 violations of the conditions of supervision.

9 (3) Prior approval of a supervisor shall be obtained for
10 a property search absent exigent circumstances. No prior
11 approval shall be required for a personal search.

12 (4) A written report of every property search conducted
13 without prior approval shall be prepared by the officer who
14 conducted the search and filed in the offender's case record.
15 The exigent circumstances shall be stated in the report.

16 (5) The offender may be detained if he is present during
17 a property search. If the offender is not present during a
18 property search, the officer in charge of the search shall
19 make a reasonable effort to provide the offender with notice
20 of the search, including a list of the items seized, after
21 the search is completed.

22 (6) The existence of reasonable suspicion to search
23 shall be determined in accordance with constitutional search
24 and seizure provisions as applied by judicial decision. In
25 accordance with such case law, the following factors, where
26 applicable, may be taken into account:

27 (i) The observations of officers.

28 (ii) Information provided by others.

29 (iii) The activities of the offender.

30 (iv) Information provided by the offender.

1 (v) The experience of the officers with the
2 offender.

3 (vi) The experience of officers in similar
4 circumstances.

5 (vii) The prior criminal and supervisory history of
6 the offender.

7 (viii) The need to verify compliance with the
8 conditions of supervision.

9 (e) Nonresident offenders.--No officer shall conduct a
10 personal or property search of an offender who is residing in a
11 foreign state except for the limited purposes permitted under
12 the Interstate Compact for the Supervision of Parolees and
13 Probationers. The offender is held accountable to the rules of
14 both the sending state and the receiving state. Any personal or
15 property search of an offender residing in another state shall
16 be conducted by an officer of the receiving state.

17 (f) When authority is effective.--The authority granted to
18 the officers under this section shall be effective upon
19 enactment of this section, without the necessity of any further
20 regulation by the board.

21 § 9913. Peace officer power for probation officers.

22 An officer is declared to be a peace officer and shall have
23 police powers and authority throughout this Commonwealth to
24 arrest, with or without warrant, writ, rule or process, any
25 person on probation, intermediate punishment or parole under the
26 supervision of the court for failing to report as required by
27 the terms of that person's probation, intermediate punishment or
28 parole or for any other violation of that person's probation,
29 intermediate punishment or parole.

30 Section 7. The heading of Title 61 is amended and the title

1 is amended by adding parts to read:

2 TITLE 61

3 [PENAL AND CORRECTIONAL INSTITUTIONS]

4 PRISONS AND PAROLE

5 PART I

6 GENERAL PROVISIONS

7 Chapter

8 1. Preliminary Provisions

9 CHAPTER 1

10 PRELIMINARY PROVISIONS

11 Sec.

12 101. Short title of title.

13 102. Definitions.

14 § 101. Short title of title.

15 This title shall be known and may be cited as the Prisons and
16 Parole Code.

17 § 102. Definitions.

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

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

22 "Chief administrator." The warden, superintendent or other
23 officer in charge of a correctional institution.

24 "Commission." The Pennsylvania Commission on Sentencing.

25 "Correctional institution." A State correctional institution
26 or a county correctional institution.

27 "Corrections officer." A person employed at a correctional
28 institution to provide any security or custodial service for
29 inmates.

30 "County correctional institution." A correctional facility,

prison or jail owned or operated by a county.

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

"Inmate." A person committed to a term of imprisonment or
otherwise confined under the custody of the Commonwealth or a
county in a correctional institution in accordance with law.

"Secretary." The Secretary of Corrections of the
Commonwealth.

"State correctional institution." A correctional facility,
prison or jail owned or operated by the Commonwealth.

PART II

CORRECTIONAL INSTITUTIONS

Chapter

11. General Administration

13. (Reserved)

15. (Reserved)

17. County Correctional Institutions

CHAPTER 11

GENERAL ADMINISTRATION

Subchapter

A. Penal Operations and Procedures

B. Inmate Transfers

C. Escaped Inmates

SUBCHAPTER A

PENAL OPERATIONS AND PROCEDURES

Sec.

1101. Benefits to injured employees of State correctional
institutions.

1102. Correctional facility for criminological diagnosis.

1103. Recording system for identification of criminal

1 offenders.

2 § 1101. Benefits to injured employees of State correctional
3 institutions.

4 (a) General rule.--An employee of a State correctional
5 institution who is injured during the course of that employment
6 by an act of an inmate or by any person who has been committed
7 to the State correctional institution by any court of the
8 Commonwealth or by any provision of the act of July 9, 1976
9 (P.L.817, No.143), known as the Mental Health Procedures Act,
10 shall be paid by the Commonwealth the employee's full salary
11 until the disability arising from the injury no longer prevents
12 the employee's return as an employee of the department at a
13 salary equal to that earned by the employee at the time of the
14 injury.

15 (b) Medical and hospital expenses.--All medical and hospital
16 expenses incurred in connection with an injury described in
17 subsection (a) shall be paid by the Commonwealth until the
18 disability arising from the injury no longer prevents the
19 employee's return as an employee of the department at a salary
20 equal to that earned by the employee at the time of the injury.

21 (c) Workers' compensation.--During the time salary for an
22 injury described in subsection (a) shall be paid by the
23 Commonwealth, any workers' compensation received or collected
24 for the period shall be turned over to the Commonwealth and paid
25 into the General Fund. If such payment is not made, the amount
26 due the Commonwealth shall be deducted from any salary then or
27 thereafter becoming due and owing to the employee.

28 (d) Survivor benefits.--

29 (1) The surviving spouse and minor dependents of an
30 employee who dies within one year as a result of an injury

1 described in subsection (a) shall be paid benefits equal to
2 50% of the full salary of the deceased employee.

3 (2) (i) When a surviving spouse and minor dependents
4 not in the custody of the surviving spouse are entitled
5 to payments, 50% of the payments shall be paid to the
6 surviving spouse and 50% to the dependents.

7 (ii) In every case, the amount payable to minor
8 dependents shall be divided equally among them and be
9 paid to the persons or institutions having custody of
10 them.

11 (3) (i) In the case of a surviving spouse or a
12 surviving spouse with minor dependents in the custody of
13 the surviving spouse, the benefits shall terminate when
14 the surviving spouse remarries.

15 (ii) In the case of minor dependents, except when in
16 the custody of a remarried surviving spouse, the benefits
17 shall terminate when all of the minor dependents become
18 18 years of age.

19 (iii) Neither a surviving spouse nor minor
20 dependents shall receive any benefits under this section
21 while receiving benefits under the Social Security Act
22 (49 Stat. 620, 42 U.S.C. § 301 et seq.).

23 (4) The benefits provided under this subsection shall be
24 reduced by the amount of any workers' compensation benefits
25 received or collected by the surviving spouse or minor
26 dependents because of the same injury.

27 (5) Payments for the benefit of minor dependents shall
28 be made to the person having legal custody of them.

29 (e) Effect of injury on leave of absence.--No absence from
30 duty of any State employee to whom this section applies by

reason of any injury described in subsection (a) shall in any manner be deducted from any period of leave allowed the employee by law or by regulation.

§ 1102. Correctional facility for criminological diagnosis.

(a) Establishment.--There is hereby established a correctional facility for criminological diagnosis, classification, social and psychological treatment and research, medical treatment and staff training.

(b) Operation and management.--The department shall operate and manage the correctional facility established under this section, including staff training and the treatment, care, maintenance, employment and rehabilitation of the inmates in that facility.

§ 1103. Recording system for identification of criminal offenders.

(a) General rule.--The Pennsylvania State Police shall continue to procure and file for record photographs, pictures, descriptions, fingerprints and such other information pertaining to all persons who have been convicted of a criminal offense within this Commonwealth and also of all well-known and habitual criminal offenders, wherever they may be procured.

(b) Cooperation from chief administrators.--Chief administrators of correctional facilities shall furnish to the Pennsylvania State Police, upon request, the fingerprints, photographs and description of any inmate.

(c) Fingerprinting and photographing authorized.--

(1) The Pennsylvania State Police, chief administrators of correctional facilities and all police officers within the several political subdivisions of this Commonwealth may take or cause to be taken the fingerprints or photographs of any

1 person in custody, charged with the commission of a criminal
2 offense or reasonably believed to be a fugitive from justice
3 or a habitual criminal. This paragraph shall not apply to
4 persons charged with a violation of 75 Pa.C.S. (relating to
5 vehicles) which is punishable upon conviction in a summary
6 proceeding unless the person is reasonably believed to be a
7 fugitive from justice or a habitual criminal.

8 (2) The chiefs of law enforcement bureaus of all cities
9 within this Commonwealth shall furnish daily to the
10 Pennsylvania State Police copies of the fingerprints and, if
11 possible, photographs of any person arrested within their
12 jurisdiction charged with the commission of a criminal
13 offense classified as a felony of any degree or who is
14 reasonably believed to be a fugitive from justice or a
15 habitual criminal. Such fingerprints shall be taken on forms
16 furnished or approved by the Pennsylvania State Police.

17 (3) The Pennsylvania State Police, immediately upon the
18 receipt of records under this subsection, shall compare them
19 with those already in their files and, if they find that any
20 person arrested has a previous criminal record or is a
21 fugitive from justice, shall immediately inform the arresting
22 officer or the officer having the inmate in charge of that
23 fact.

24 (d) Cooperation outside this Commonwealth.--The Pennsylvania
25 State Police shall cooperate with agencies of other states and
26 of the United States having similar powers to develop and carry
27 on a complete international, national and interstate system of
28 criminal identification and investigation and also to furnish,
29 upon request, any information in its possession concerning any
30 person charged with a criminal offense to any court, district

1 attorney or police officer of this Commonwealth, another state
2 or the United States.

3 (e) District attorneys may employ experts.--

4 (1) District attorneys may employ experts on
5 fingerprints to assist them in the investigation of pending
6 cases and to testify at the trial thereof. The compensation
7 of any such expert shall be fixed by the district attorney
8 employing the expert, with the approval of the court of
9 common pleas, and shall be paid from the county treasury upon
10 warrant of the county commissioners in the usual manner.

11 (2) The district attorney of any county, the chief
12 administrator of a county correctional institution, any
13 expert employed by the district attorney or any other person
14 designated by the district attorney may, upon the written
15 order of the district attorney, take the fingerprints of any
16 person confined in the county correctional institution for
17 use in the identification of the inmate or for the inmate's
18 trial.

19 (3) (i) The district attorneys of the several counties
20 shall keep and arrange files of the fingerprints, taken
21 under this section, of persons convicted of a criminal
22 offense and shall destroy the fingerprints of all persons
23 acquitted.

24 (ii) The files of fingerprints maintained by the
25 district attorneys shall be open to the inspection of any
26 other district attorney of this Commonwealth, or their
27 representatives, or of the Pennsylvania State Police or
28 any sheriff or law enforcement officer.

29 (f) Penalty.--

30 (1) Neglect or refusal of any person mentioned in this

1 section to make the report required in this section, or to do
2 or perform any other act required to be done or performed in
3 connection with the operation of this section, shall
4 constitute a summary offense.

5 (2) Such neglect or refusal shall also constitute
6 malfeasance in office and subject such person to removal from
7 office.

8 (3) Any person who removes, destroys or mutilates any of
9 the records of the Pennsylvania State Police or of any
10 district attorney shall be guilty of a misdemeanor of the
11 third degree.

12 SUBCHAPTER B

13 INMATE TRANSFERS

14 Sec.

15 1151. General transfer authorization.

16 1152. Transfers to department.

17 1153. Expense of removing certain inmates.

18 1154. Law enforcement use of county correctional institutions.

19 § 1151. General transfer authorization.

20 (a) Between State and county.--At the request of the chief
21 administrator of a county correctional institution, the
22 secretary or his designee may transfer inmates located in a
23 county correctional institution to the State correctional
24 institution system for such reasons and upon such terms and
25 conditions as the secretary may determine. The secretary or his
26 designee may transfer inmates in the State correctional
27 institution system to the jurisdiction of a county correctional
28 institution system upon such terms and conditions that the
29 secretary or his designee and the chief administrator of the
30 county correctional institution determine to be in the best

1 interests of the Commonwealth.

2 (b) Between counties.--An inmate located in a county
3 correctional institution may be transferred to another county
4 correctional institution upon such terms and conditions as the
5 counties may determine.

6 (c) Between Federal Government and the State or county.--The
7 department and county correctional institutions may contract
8 with the Federal Government for the housing of Federal inmates
9 in correctional facilities.

10 (d) Temporary transfers.--The following shall apply to
11 temporary transfers:

12 (1) The department shall temporarily transfer an inmate
13 confined in the State correctional system to a State
14 correctional institution determined by the department to be
15 of an appropriate security level that is nearest to the
16 location of the judicial proceeding. The department shall
17 have the discretion to select an alternative and reasonably
18 accessible State correctional institution if bed space
19 limitations in the nearest State correctional institution
20 prevent the temporary transfer to that institution.

21 (2) The department shall not be required to temporarily
22 transfer any inmate under this subsection unless all of the
23 following apply:

24 (i) A court order has been entered directing the
25 presence of the inmate at a judicial proceeding.

26 (ii) The court has found that the inmate's presence
27 is required at the judicial proceeding.

28 (iii) The Constitution of the United States or the
29 Constitution of Pennsylvania does not permit the inmate's
30 testimony or participation in the proceeding to be

1 conducted by videoconferencing technology.

2 (3) The department shall establish regulations for the
3 implementation of this subsection in accordance with all of
4 the following:

5 (i) The regulations may require up to 14 days'
6 notice prior to the entry of a temporary transfer order.

7 (ii) The regulations may require return of an inmate
8 to the inmate's home correctional institution upon
9 completion of the judicial proceeding.

10 (iii) The regulations may require that an inmate is
11 to be removed from the State correctional institution by
12 a government official authorized by the court directing
13 the presence of the inmate for a judicial proceeding be
14 detained in the county prison if the inmate has been
15 temporarily transferred more than twice in the preceding
16 six months or the judicial proceeding is scheduled to
17 last more than one week.

18 (4) Pending implementation of the regulations required
19 under paragraph (3), the department shall publish interim
20 guidelines consistent with the provisions of paragraph (3).
21 The provisions of this section shall be in full force and
22 effect even if the department has not yet published interim
23 guidelines or implemented the regulations required under this
24 section.

25 (5) The department may presume that the judicial
26 proceedings have concluded when the inmate is returned to the
27 temporary correctional institution after a judicial
28 proceeding unless a court otherwise notifies the department
29 in the manner required by the department.

30 (6) The department may require a county to pay the

reasonable cost of transportation between State correctional facilities if a court of that county has requested a temporary transfer under this section. The county reimbursements for transportation costs shall be automatically reappropriated to the department.

(7) This section shall not be construed:

(i) To prohibit the use of alternative transportation methods authorized by law.

(ii) To authorize a court to designate a particular place of confinement or the length of confinement in the temporary correctional institution.

§ 1152. Transfers to department.

(a) Cities of the first class.--Every person sentenced by any court to a county correctional institution situate in a city of the first class shall be committed to the custody of the department, where the department has established a correctional, diagnostic and classification service for persons convicted of any crime.

(b) Duty of department.--

(1) Every person committed to the custody of the department under subsection (a) shall be confined, diagnosed and classified by the department.

(2) Upon the completion of the diagnosis and classification, the person shall be placed in the county correctional institution of the city determined to be most appropriate for the service of sentence.

(3) In making the determination under paragraph (2), the department shall consider the problem of rehabilitation, security, adequacy of facilities and such other factors as, in its opinion, will serve to promote the rehabilitation of

1 inmates, consistent with the security and protection of the
2 county.

3 (c) Intradepartmental transfers.--The department may
4 transfer between any correctional institutions under its control
5 or supervision an inmate confined and serving in any of those
6 institutions, whether the sentence is imposed before or after
7 the effective date of this section, if the transfer is, in the
8 opinion of the department, consistent with the standards for
9 original placement set forth in subsection (b).

10 § 1153. Expense of removing certain inmates.

11 The expenses of conveying inmates from the several counties
12 of this Commonwealth to the State correctional institutions in
13 the Eastern Region and Western Region shall be paid by the
14 counties from which the inmates may be sent.

15 § 1154. Law enforcement use of county correctional
16 institutions.

17 (a) General rule.--Sheriffs, constables, members of the
18 Pennsylvania State Police and other persons authorized by the
19 laws of this Commonwealth to make arrests shall have the use,
20 for a period not to exceed 48 hours, of borough and township
21 lockups and county correctional institutions for the detention
22 of persons arrested until they can be disposed of according to
23 law, if found necessary by the officer in charge.

24 (b) Reimbursement.--

25 (1) Boroughs, cities and townships are entitled to
26 receive compensation of not more than \$2 per day of 24 hours,
27 for each prisoner detained under subsection (a), from the
28 treasury of the county having jurisdiction over the person
29 detained.

30 (2) This subsection does not apply to counties of the

1 second class.

2 SUBCHAPTER C

3 ESCAPED INMATES

4 Sec.

5 1161. Return of escaped inmates.

6 1162. Escaped inmate costs.

7 1163. Maintenance of escaping inmates under new sentence.

8 1164. Criminal offense during confinement.

9 § 1161. Return of escaped inmates.

10 (a) General rule.--In all cases where an inmate, after an
11 escape from a State correctional institution, is apprehended or
12 arrested by any officer having authority to make such arrest,
13 the officer shall notify the State correctional institution from
14 which the escape was made. The State correctional institution
15 shall notify the department or the Pennsylvania State Police,
16 which shall immediately send an officer or officers to return
17 the inmate to the State correctional institution.

18 (b) Expenses.--All necessary expenses incurred by the
19 officer or officers in returning an escaped inmate to the State
20 correctional institution shall be borne by the State
21 correctional institution from which the escape was made, which
22 expenses shall be refunded to the county correctional
23 institution or the Pennsylvania State Police whose officer or
24 agent makes the return.

25 § 1162. Escaped inmate costs.

26 (a) County jurisdiction.--

27 (1) The cost of transporting an escaped inmate under the
28 jurisdiction of the county from the place of capture to any
29 county correctional institution after being sentenced for the
30 escape or for the commission of any crime or offense

1 following such escape and before apprehension, the cost of
2 maintenance while confined in the county correctional
3 institution awaiting trial, as well as the costs of the trial
4 for the violation by an inmate under the jurisdiction of the
5 county under 18 Pa.C.S. § 5121 (relating to escape), or of
6 the trial for crimes and offenses committed after the escape
7 and before apprehension or of the trial for crimes and
8 offenses committed on the grounds or within the buildings of
9 any county correctional institution, as well as the costs
10 incurred in any proceedings on writs of habeas corpus, coram
11 nobis or other petitions arising out of any escape or crime
12 or the trials therefor or in any appeals of any such
13 proceedings or trials shall in each instance be borne and
14 paid by the respective counties of the Commonwealth from
15 whose courts the inmates were originally committed to any
16 county correctional institution.

17 (2) The county liable for costs under this subsection
18 shall, upon bills rendered by the county paying the costs in
19 the first instance, pay to that county the amount of the
20 costs.

21 (b) State jurisdiction.--The cost of transporting escaped
22 inmates under the jurisdiction of the Commonwealth from the
23 place of capture to any State correctional institution after
24 being sentenced for the escape, or for the commission of any
25 criminal offense following the escape and before apprehension,
26 as well as the costs of the trial for escape or breaking away of
27 inmates from any State correctional institution or the violation
28 by the inmates under the jurisdiction of the Commonwealth under
29 18 Pa.C.S. § 5121, or of the trial for crimes and offenses
30 committed after such escape and before apprehension or of the

1 trial for crimes and offenses committed on the grounds or within
2 the buildings of any State correctional institution, as well as
3 the costs incurred in any proceedings on writs of habeas corpus,
4 coram nobis or other petitions arising out of any escape or
5 criminal offense or the trials therefor, or in any appeals of
6 any such proceedings or trials, shall in each instance be borne
7 and paid by the Commonwealth.

8 (c) Definition.--As used in this section, the term "costs"
9 includes, but is not limited to, charges for court stenographer,
10 district attorney, witness fees, magisterial district judge,
11 clerk of court, public defender and court-appointed attorney.

12 § 1163. Maintenance of escaping inmates under new sentence.

13 (a) County jurisdiction.--In case of conviction and sentence
14 of an escaping inmate under the jurisdiction of the county, the
15 costs of maintenance of the inmates under such new sentence
16 shall be borne by the county from which the inmate was
17 originally committed.

18 (b) State jurisdiction.--In case of conviction and sentence
19 of an escaping inmate under the jurisdiction of the
20 Commonwealth, the costs of maintenance of the inmate under such
21 new sentence shall be borne by the Commonwealth.

22 (c) Additional police expenses.--Any additional police
23 expenses incurred by a political subdivision as a result of the
24 escape of an inmate under the jurisdiction of the Commonwealth
25 shall be borne by the Commonwealth.

26 § 1164. Criminal offense during confinement.

27 Where an inmate is in a State correctional institution either
28 because of the inmate's sentence pursuant to the inmate's
29 conviction or plea of guilty to a criminal charge or because of
30 a commitment issued by any court of the Commonwealth having

jurisdiction and, while so confined, the inmate commits a
criminal offense and is subsequently convicted or enters a plea
of guilty, the expenses of keeping the inmate in any State
correctional institution pursuant to such subsequent conviction
or plea of guilty shall be borne by the Commonwealth.

CHAPTER 13

(RESERVED)

CHAPTER 15

(RESERVED)

CHAPTER 17

COUNTY CORRECTIONAL INSTITUTIONS

Subchapter

A. (Reserved)

B. County Jail Oversight Board in Counties of the Second
Class and Second Class A

C. Other Counties

D. Alternative Plan for Certain Counties

E. Penal Operations and Procedures

F. Joint Detention Centers

G. Joint Industrial Farms and Workhouses

SUBCHAPTER A

(RESERVED)

SUBCHAPTER B

COUNTY JAIL OVERSIGHT BOARD IN

COUNTIES OF THE SECOND CLASS

AND SECOND CLASS A

Sec.

1721. Scope of subchapter.

1722. Definitions.

1723. County jail oversight board.

1 1724. Powers and duties.
2 1725. Rules and regulations.
3 1726. Warden.
4 1727. Board meetings.
5 1728. Contracts and purchases.
6 § 1721. Scope of subchapter.

7 This subchapter relates to county jail oversight boards in
8 counties of the second class and counties of the second class A.

9 § 1722. Definitions.

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

13 "Board." The county jail oversight board of a county.

14 "County." A county of the second class or a county of the
15 second class A.

16 § 1723. County jail oversight board.

17 (a) Establishment.--There is hereby established in each
18 county a county jail oversight board which shall be named the
19 (Name of County) County Jail Oversight Board. The board shall be
20 a continuation of the county prison board originally established
21 under the former act of December 10, 1980 (P.L.1152, No.208),
22 known as the Second Class County Prison Board Act, and the
23 former Article XXX-A of the act of July 28, 1953 (P.L.723,
24 No.230), known as the Second Class County Code.

25 (b) Composition.--The board shall be composed of:

26 (1) The county chief executive.

27 (2) Two judges of the court of common pleas, one of whom
28 shall be the president judge or his designee who shall be a
29 judge, and one judge appointed by the president judge.

30 (3) The county sheriff.

1 (4) The county controller.

2 (5) The president of county council or his designee.

3 (6) Three citizen members as provided in subsection (c).

4 (c) Qualifications of citizen members.--The citizen members
5 shall not be employees of the county or of the Commonwealth.
6 They shall serve for a term of three years and shall be
7 representative of the broad segments of the county's population
8 and shall include persons whose background and experience
9 indicate that they are qualified to act in the interest of the
10 public. The citizen members shall be appointed by the county
11 chief executive with the consent of county council.

12 § 1724. Powers and duties.

13 (a) General rule.--The board's administrative powers and
14 duties shall include the operation and maintenance of the prison
15 and all alternative housing facilities, the oversight of the
16 health and safekeeping of inmates and the confirmation of the
17 chief executive's selection of a warden.

18 (b) Living conditions.--The board shall ensure that the
19 living conditions within the prison and alternative housing
20 facilities are healthful and otherwise adequate.

21 (c) Unannounced inspections.--The board shall, at least
22 twice each year, conduct an unannounced inspection of the
23 prison's physical plant. During such inspections, the board
24 shall interview a cross section of inmates, out of the presence
25 of the warden and his agents, to determine the conditions within
26 the prison and alternative housing facilities. After each
27 inspection, the board shall prepare a written report setting
28 forth its findings and determinations which shall be available
29 for public inspection.

30 (d) Operations to be consistent with law.--The board shall

1 ensure that the prison is being operated in accordance with its
2 regulations and the laws and regulations of this Commonwealth
3 and of the United States.

4 (e) Investigations.--The board shall investigate allegations
5 of inadequate prison conditions and improper practices occurring
6 within the prison and may make such other investigations or
7 reviews of prison operation and maintenance. The books, papers
8 and records of the prison, including, but not limited to, the
9 papers and records of the warden and those relating to
10 individual inmates, shall at all times be available for
11 inspection by the board.

12 § 1725. Rules and regulations.

13 The board shall, in the manner provided by law, promulgate
14 such rules, regulations and forms it deems necessary for the
15 proper administration of the board and for the operation of the
16 prison and alternative housing facilities.

17 § 1726. Warden.

18 (a) Appointment.--

19 (1) The chief executive shall appoint a warden subject
20 to confirmation by the board. The warden shall serve at the
21 pleasure of the chief executive, who shall fix an appropriate
22 salary.

23 (2) The warden shall be a resident of the county six
24 months after the date of appointment.

25 (b) Duty to employ staff.--Subject to approval of the
26 manager, the warden shall employ deputies, assistants and other
27 personnel required to adequately operate the prison and
28 alternative housing facilities.

29 (c) Duty to report.--

30 (1) The warden shall submit an annual written report to

1 the board which shall contain information on the population,
2 conditions and practices in the prison and other matters as
3 specified by the board. The annual report shall be available
4 for public inspection.

5 (2) The warden shall report to the county chief
6 executive and to the board.

7 § 1727. Board meetings.

8 The board shall meet at least once each month and shall keep
9 regular minutes of its proceedings which shall be open to public
10 inspection.

11 § 1728. Contracts and purchases.

12 All contracts and purchases required for the maintenance and
13 support of the prisoners, repairs and improvements of the prison
14 and alternative housing facilities and materials and supplies
15 shall be conducted in accordance with the applicable provisions
16 of the county administrative code.

17 SUBCHAPTER C

18 OTHER COUNTIES

19 Sec.

20 1731. Establishment.

21 1732. Board meetings.

22 1733. Appointment of warden and employees.

23 1734. Powers of peace officers.

24 1735. Expenditures.

25 1736. Bonding requirement.

26 § 1731. Establishment.

27 (a) General rule.--

28 (1) In counties of the third, fourth and fifth class,
29 the persons now holding the following offices and their
30 successors in each county of the third, fourth or fifth class

1 shall compose a board to be known as the board of inspectors
2 of the jail or county prison.

3 (2) The following persons shall be members of the board:

4 (i) The president judge of the court of common pleas
5 or a judge designated by him.

6 (ii) The district attorney.

7 (iii) The sheriff.

8 (iv) The controller.

9 (v) The county commissioners.

10 (3) The board and the officers appointed by it shall
11 provide for the safekeeping, discipline and employment of
12 inmates and the government and management of the correctional
13 institution.

14 (4) The duty of the sheriff relating to the safekeeping
15 of inmates shall cease and determine on their committal to
16 the correctional institution, and the sheriff may not be
17 furnished a residence in the correctional institution.

18 (5) Notwithstanding the provisions of paragraph (2), the
19 president judge may choose at any time to delete the judge
20 position from the board by so notifying the chairperson and
21 secretary of the board in writing. The decision to delete
22 this position shall remain in effect for as long as the
23 president judge making the decision shall remain as president
24 judge and thereafter until rescinded in like fashion by a
25 successor.

26 (b) Counties that may elect to be subject to subchapter.--
27 Any county of the sixth, seventh or eighth class may elect by
28 resolution of the county commissioners to be governed by the
29 provisions of this subchapter.

30 § 1732. Board meetings.

1 (a) Quorum.--A majority of the members of the board shall
2 constitute a quorum for the transaction of business, and all
3 actions of the board shall be by the approval of a majority of
4 all the members of the board.

5 (b) Frequency and nature of meetings.--

6 (1) The board shall meet monthly, or more often if
7 required, and keep regular minutes of their proceedings in a
8 book to be filed with the financial records of the county.
9 The board shall make such rules and regulations for the
10 government and management of the county correctional
11 institution and the safekeeping, discipline and employment of
12 the inmates, as may be deemed necessary.

13 (2) The meetings shall be held at the county
14 correctional institution no less often than quarterly.

15 § 1733. Appointment of warden and employees.

16 The board shall appoint a warden of the county correctional
17 institution. The warden, subject to the approval of the board,
18 may appoint such deputy or deputies, assistant or assistants or
19 corrections officers as may be required in the taking care of
20 the county correctional institution. The number and compensation
21 of such deputies, assistants or corrections officers shall be
22 fixed by the salary board.

23 § 1734. Powers of peace officers.

24 A chief administrator, deputy warden or corrections officer
25 of a county correctional institution may exercise the powers of
26 a peace officer in the performance of that person's duties
27 generally in:

28 (1) Guarding, protecting and delivering inmates.

29 (2) Protecting the property and interests of the county.

30 (3) Capturing and returning inmates that may have

1 escaped.

2 § 1735. Expenditures.

3 All the expenditures required for the support and maintenance
4 of inmates and the repairs and improvement of the county
5 correctional institution shall be paid from the county treasury
6 by warrants drawn, in the mode prescribed by law, on the regular
7 appropriation for the purpose. No warrant shall be certified by
8 the controller for any expense connected with the county
9 correctional institution unless on vouchers approved by a
10 majority of the board and endorsed by the president and
11 secretary of the board, and all contracts involving an
12 expenditure of funds from the county treasury shall be made in
13 accordance with the procedures set forth in Article XVIII of the
14 act of August 9, 1955 (P.L.323, No.130), known as The County
15 Code.

16 § 1736. Bonding requirement.

17 The chief administrator of a county correctional institution,
18 at the time of appointment, shall give bond, with good and
19 sufficient security to be fixed and approved by the board of
20 inspectors, for the faithful performance of the chief
21 administrator's duty and may at any time be removed by the board
22 for misconduct or inefficiency. All deputies, assistants or
23 corrections officers shall also give bond if required by the
24 board and may at any time be suspended by the chief
25 administrator or removed by the board.

26 SUBCHAPTER D

27 ALTERNATIVE PLAN FOR CERTAIN COUNTIES

28 Sec.

29 1741. Sixth, seventh and eighth class counties.

30 1742. Appointment of prison commissioners.

1 § 1741. Sixth, seventh and eighth class counties.

2 (a) Management by sheriff.--In a county of the sixth,
3 seventh and eighth class, the government, management and control
4 of the county prison and the safekeeping, care, maintenance,
5 discipline and employment of the inmates therein are vested in
6 the sheriff of the county and the officers and employees
7 appointed by the sheriff.

8 (b) Residence may be furnished.--The sheriff and the
9 sheriff's family may be furnished a residence in the county
10 prison.

11 (c) Staffing.--The sheriff shall, from time to time, with
12 approval of the county salary board, appoint as many corrections
13 officers and other employees of the county prison as the salary
14 board shall approve. The compensation of the corrections
15 officers and other employees shall be fixed by the county salary
16 board in the same manner as the compensation of other appointed
17 county officers and employees.

18 § 1742. Appointment of prison commissioners.

19 Whenever the appointment of prison commissioners in any
20 county having a population of more than 150,000 is by law lodged
21 in the judges of the court of common pleas, the appointments
22 shall, in all cases as nearly as possible, be equally divided
23 between the two political parties polling the highest number of
24 votes at the preceding general election.

25 SUBCHAPTER E

26 PENAL OPERATIONS AND PROCEDURES

27 Sec.

28 1751. Costs of confinement.

29 1752. Board of inspectors to regulate salaries of wardens and
30 other staff.

1 1753. Residence of warden.

2 1754. Bonds for county prison staff in fourth class counties.

3 1755. Property exempt from taxation.

4 1756. Loss of privileges.

5 1757. Collection from certain inmates.

6 § 1751. Costs of confinement.

7 (a) Liability of cities.--

8 (1) When an inmate is committed to any county
9 correctional institution in this Commonwealth, either for the
10 nonpayment of a fine or penalty imposed for the violation of
11 any city ordinance or while awaiting a hearing upon any
12 charge for the violation of any city ordinance, the costs of
13 proceedings and the expenses of maintaining the inmate during
14 his confinement by virtue of the commitment shall be borne
15 and paid by the city whose ordinance was alleged to have been
16 violated or to which any such fines or penalties are payable.

17 (2) The county in which the city is located shall not be
18 liable to the sheriff for any such maintenance or to any
19 officer, magistrate or person for any costs of such
20 proceedings.

21 (b) Nonapplicability.--This section does not apply to a city
22 of the third class.

23 § 1752. Board of inspectors to regulate salaries of wardens and
24 other staff.

25 (a) General rule.--The board of inspectors in any county
26 where such board exists shall, from time to time, fix and change
27 the salaries and compensation of the deputy wardens, corrections
28 officers and other persons employed in and about the county
29 prison.

30 (b) Nonapplicability.--This section shall not apply to

1 counties in which cities are coextensive with the counties.

2 § 1753. Residence of warden.

3 In any county where the government of the county prison is
4 vested in a prison board, the prison board may fix the place of
5 residence of the warden of the county prison either in the jail
6 or elsewhere.

7 § 1754. Bonds for county prison staff in fourth class counties.

8 In any county of the fourth class in which there is a board
9 of inspectors, the board shall pay out of the public moneys
10 under its jurisdiction the premiums on all bonds of employees
11 appointed by the board who are required to furnish bond.

12 § 1755. Property exempt from taxation.

13 All the property, real and personal, authorized to be held
14 under the former act of June 26, 1895 (P.L.377, No.269),
15 entitled "An act authorizing the erection of work-houses in the
16 several counties of this Commonwealth," shall be exempt from
17 taxation and from levy and sale by virtue of execution or any
18 other process.

19 § 1756. Loss of privileges.

20 A chief administrator of a county correctional institution
21 may refuse to permit a prisoner to exercise the prisoner's
22 privilege to leave the county correctional institution for a
23 period of not more than five days for any breach of discipline
24 or other violation of regulations of the county correctional
25 institution.

26 § 1757. Collection from certain inmates.

27 The governing body of a county correctional institution, or
28 where applicable, the county commissioners, may, by resolution
29 which shall establish rates and qualifications, authorize the
30 chief administrator to collect a reasonable amount from inmates

1 incarcerated only on weekends or other short periods each week.

2 SUBCHAPTER F

3 JOINT DETENTION CENTERS

4 Sec.

5 1761. Establishment by adjoining counties.

6 1762. Selection of site.

7 1763. Buildings.

8 1764. Construction contracts.

9 1765. Advisory board.

10 1766. Meetings.

11 1767. Chief administrator and employees.

12 1768. Rules and regulations.

13 1769. Initial transfer of inmates.

14 1770. Employment of inmates.

15 1771. Cost of transporting inmates.

16 1772. Financial reporting.

17 1773. Allocation of expenses to counties.

18 1774. County appropriations.

19 1775. Exemption from taxation.

20 § 1761. Establishment by adjoining counties.

21 (a) Authority.--The county commissioners of any two or more
22 adjoining counties may join in establishing, according to a
23 plan, detention facilities for the confinement of persons
24 awaiting trial or sentence on criminal charges, convicted on
25 criminal charges or not otherwise eligible for confinement in
26 other county correctional institutions.

27 (b) Preapproval of plan by department.--Before establishing
28 detention facilities, the counties shall submit their plan to
29 the department for approval. The department may require, as a
30 condition to approving any plan, that two or more adjoining

1 counties join with another adjoining county to establish
2 detention facilities.

3 § 1762. Selection of site.

4 Whenever the commissioners of any two or more adjoining
5 counties decide and agree to construct a joint detention
6 facility, they shall acquire a suitable site for the facility.

7 The site may be selected from suitable lands already held by any
8 county of the district for county purposes from lands donated
9 for such purposes or any quantity of land within the respective
10 districts. In the selection of a site, there shall be taken into
11 consideration the objects and purposes of the joint detention
12 center. Title to the land shall be approved by the county
13 solicitor of the county in which the land is located, or such
14 other title guarantee corporation or attorney as may be
15 designated by the commissioners of the counties, and shall be
16 taken in the name of the county or counties comprising the
17 district. The site, before purchase, shall be approved by the
18 department.

19 § 1763. Buildings.

20 After the selection and acquisition of sites, the county
21 commissioners of the counties may erect and construct suitable
22 and necessary buildings thereon, repair any buildings already
23 erected and equip the sites for use and occupancy.

24 § 1764. Construction contracts.

25 Joint detention facilities shall be constructed by contract
26 or contracts let by the county commissioners of the counties to
27 the lowest responsible and best bidder after due advertisement
28 in at least one newspaper, published in each of the counties
29 joining in the erection of the joint detention facilities, once
30 a week for two consecutive weeks. When so constructed, the joint

detention facilities shall be equipped by the county
commissioners of the counties at the cost of the counties in the
same manner as other county buildings are equipped.

§ 1765. Advisory board.

After joint detention facilities have been erected and
equipped and are ready for occupancy, the president judges of
the courts of common pleas of the counties joining in the
construction of the joint detention facilities shall appoint an
advisory board to consist of three persons from each of the
counties. The president judge of each of the counties shall
appoint one member of the board to serve for one year, one to
serve for two years and one to serve for three years or until
their successors are appointed and qualified. All appointments
at the expiration of any term shall be for a term of three
years.

§ 1766. Meetings.

(a) General rule.--The advisory board shall meet at such
times as it deems necessary. The board shall visit and inspect
and keep in close touch with the management and operation of the
joint detention facilities and shall, from time to time, make
such recommendations and suggestions to the county commissioners
for changes or improvements in the management and operations of
the joint detention facilities as may be deemed advisable. It
shall also make an annual report to the county commissioners
concerning the management and operation of the joint detention
facilities.

(b) Administrative support.--The county commissioners shall,
at the expense of the counties, provide a meeting place for the
board and furnish all supplies and materials necessary to carry
on its work.

1 (c) Reimbursement of expenses.--The members of the board
2 shall not receive any compensation for their services, but shall
3 be reimbursed for all actual and necessary expenses incurred in
4 the discharge of their duties, which expenses shall be paid by
5 the counties as part of the cost of maintenance of the joint
6 detention facilities.

7 § 1767. Chief administrator and employees.

8 The county commissioners of the counties may, after
9 consultation with the advisory board, employ a chief
10 administrator and such other employees as may be necessary to
11 conduct and manage properly the joint detention facilities and
12 shall fix their compensation. The duties of those officers shall
13 be prescribed by the rules and regulations of the joint
14 detention facilities. They shall hold their offices,
15 respectively, at the pleasure of and their compensation shall be
16 fixed by the appointing power.

17 § 1768. Rules and regulations.

18 The county commissioners of the counties shall, before any
19 inmate may be admitted to the joint detention facilities, after
20 consulting with the advisory board, make general rules and
21 regulations for the management of the joint detention
22 facilities, which rules and regulations shall be effective after
23 they are approved by the department.

24 § 1769. Initial transfer of inmates.

25 When, in any district formed by counties under this
26 subchapter, the arrangements are complete for the reception of
27 inmates, transfer of all persons who are subject to confinement
28 as provided in this subchapter shall be made to the joint
29 detention facilities of the district.

30 § 1770. Employment of inmates.

1 An inmate of a joint detention facility under the provisions
2 of this subchapter, unless disqualified by sickness or
3 otherwise, shall be kept at some useful employment as may be
4 suited to the inmate's age and capacity and as may tend to
5 promote the best interest of the inmate. If an inmate refuses to
6 perform the work assigned to the inmate or is guilty of other
7 acts of insubordination, the chief administrator shall punish
8 the inmate in such manner as the rules and regulations provided
9 for may prescribe. The chief administrator shall keep a record
10 of and report to the advisory board all such offenses and
11 punishments.

12 § 1771. Cost of transporting inmates.

13 The cost of transporting inmates committed to the joint
14 detention facilities shall be paid by the counties,
15 respectively, from which the inmates are committed. The sheriff
16 of the county for inmates committed by the court and constables
17 for inmates committed by magisterial district judges shall
18 receive for the inmates committed to the joint detention
19 facilities no mileage or travel expenses on writs, except the
20 actual cost of transporting the inmates to the joint detention
21 facilities, together with any other fees for their services
22 allowed by law.

23 § 1772. Financial reporting.

24 A detailed statement of the receipt and expenditures by any
25 county constituting a part of the district for joint detention
26 facilities erected under the provisions of this subchapter shall
27 be published by the county commissioners of each county or by
28 the controller in the county. Where the report is published by
29 the controller, it shall be included in the annual statement of
30 the fiscal affairs of such county.

1 § 1773. Allocation of expenses to counties.

2 (a) General rule.--The original cost of the site and
3 buildings of the joint detention facilities and the equipment
4 thereof, all additions thereto and all fixed overhead charges in
5 conducting the joint detention facilities shall be paid by the
6 counties constituting the districts in the ratio of their
7 population according to the last preceding United States census.

8 (b) Inmate expense.--

9 (1) The cost of the care and maintenance of the inmates
10 in the districts shall be certified monthly to the counties
11 from which inmates have been committed. The cost shall be
12 paid by the counties in proportion to the number of inmates
13 committed from each county.

14 (2) All payments shall be on warrants of the county
15 commissioners, countersigned by the county controller in
16 counties where that office exists.

17 § 1774. County appropriations.

18 The county commissioners of each county joining in
19 establishing detention facilities as provided for in this
20 subchapter may make appropriations or incur or increase the
21 indebtedness of the county, in the manner provided by law, to an
22 amount sufficient to pay its proportionate part of the cost of
23 acquiring a site and of erecting, constructing and equipping the
24 joint detention facilities by issuing coupon bonds at a rate of
25 interest not exceeding 7% and payable within 30 years from the
26 date of issue. The county commissioners of the county shall levy
27 an annual tax in an amount necessary to pay interest and sinking
28 fund charges upon such bonds.

29 § 1775. Exemption from taxation.

30 All the property, real and personal, authorized to be held by

1 counties under this subchapter shall be exempt from taxation.

2 SUBCHAPTER G

3 JOINT INDUSTRIAL FARMS AND WORKHOUSES

4 Sec.

5 1781. Establishment by counties.

6 1782. Selection of site.

7 1783. Buildings.

8 1784. Construction contracts.

9 1785. Advisory board.

10 1786. Meetings.

11 1787. Chief administrator and employees.

12 1788. Rules and regulations.

13 1789. Initial transfer of inmates.

14 1790. Employment of inmates.

15 1791. Cost of transporting inmates.

16 1792. Nature of inmate employment.

17 1793. Sale of goods and materials.

18 1794. Financial reporting.

19 1795. Allocation of expenses to counties.

20 1796. Borrowing authorized.

21 1797. Exemption from taxation.

22 1798. Nonapplicability.

23 § 1781. Establishment by counties.

24 The county commissioners of any two or more counties may join
25 in establishing a joint industrial farm and workhouse for the
26 confinement of:

27 (1) Persons sentenced by the courts of those counties,
28 after conviction, of any misdemeanor or felony, except
29 murder, voluntary manslaughter, rape and arson.

30 (2) Persons who are in default of payment of any fine or

1 penalty, or for nonpayment of costs, or for default in
2 complying with any order of court entered in any prosecution
3 for desertion or nonsupport, or for the violation of any
4 municipal ordinance.

5 § 1782. Selection of site.

6 Whenever the commissioners of any two or more counties decide
7 and agree to construct a joint industrial farm and workhouse,
8 they shall acquire a suitable site for the same. The site may be
9 selected from suitable lands already held by any county of the
10 district for county purposes, from lands donated for such
11 purposes or from any quantity of land within the respective
12 districts. In the selection of a site, there shall be taken into
13 consideration the objects and purposes of the joint industrial
14 farm and workhouse and all or as many as practicable of the
15 advantages and resources set forth in this section. The land
16 selected and purchased shall be a varied topography, with
17 natural resources and advantages for many forms of husbandry,
18 fruit growing and stock raising, for brickmaking and for the
19 preparation of all other road and paving material and shall have
20 good railroad, drainage, sewage and water facilities. Title to
21 the land shall be approved by the county solicitor of the county
22 in which the land is located or such other title guarantee
23 corporation or attorney as may be designated by the
24 commissioners of the counties and shall be taken in the name of
25 the county or counties comprising the district.

26 § 1783. Buildings.

27 After the selection and acquisition of the sites, the county
28 commissioners of the counties may erect and construct suitable
29 and necessary buildings thereon, repair any buildings already
30 erected and equip the buildings for use and occupancy. All

buildings constructed in pursuance of this subchapter shall be plain and inexpensive in character. The labor in constructing such buildings and improvements and facilities shall be supplied by the persons committed to county correctional institutions in the counties or transferred thereto from any county correctional institution, so far as found practicable.

§ 1784. Construction contracts.

Joint industrial farm and workhouse buildings shall be constructed by contract or contracts let by the county commissioners of the counties to the lowest responsible and best bidder, after due advertisement in at least one newspaper, published in each of the counties joining in the erection of the joint industrial farm and workhouse, once a week for four consecutive weeks. When so constructed, the joint industrial farm and workhouse buildings shall be equipped by the county commissioners of the counties at the cost of the counties in the same manner as other county buildings are equipped.

§ 1785. Advisory board.

After a joint industrial farm and workhouse has been erected and equipped and is ready for occupancy, the president judges of the courts of common pleas of the counties joining in the construction of the joint industrial farm and workhouse shall appoint an advisory board to consist of three persons from each of the counties. The president judge of each of the counties shall appoint one member of the board to serve for one year, one to serve for two years and one to serve for three years or until their successors are appointed and qualified. All appointments at the expiration of any term shall be for a term of three years.

§ 1786. Meetings.

1 (a) General rule.--The advisory board shall meet monthly and
2 at such other times as may be deemed necessary. The board shall
3 visit and inspect and keep in close touch with the management
4 and operation of the joint industrial farm and workhouse and
5 shall, from time to time, make such recommendations and
6 suggestions to the county commissioners for changes or
7 improvements in the management and operations of the joint
8 industrial farm and workhouse as may be deemed advisable. It
9 shall also make an annual report to the county commissioners
10 concerning the management and operation of the industrial farm
11 and workhouse.

12 (b) Administrative support.--The county commissioners shall,
13 at the expense of the counties, provide a meeting place for the
14 board and furnish all supplies and materials necessary to carry
15 on its work.

16 (c) Reimbursement of expenses.--The members of the board
17 shall not receive any compensation for their services, but shall
18 be allowed all actual and necessary expenses incurred in the
19 discharge of their duties, which shall be paid by the counties
20 as part of the cost of maintenance of the joint industrial farm
21 and workhouse.

22 § 1787. Chief administrator and employees.

23 The county commissioners of the counties may, after
24 consultation with the advisory board, employ a chief
25 administrator and such other employees as may be necessary to
26 conduct and manage properly the joint industrial farm and
27 workhouse and shall fix their compensation. The duties of those
28 officers shall be prescribed by the rules and regulations of the
29 joint industrial farm and workhouse.

30 § 1788. Rules and regulations.

1 The county commissioners of the counties shall, before any
2 inmate may be admitted to the joint industrial farm and
3 workhouse, after consulting with the advisory board, make
4 general rules and regulations for the management of the joint
5 industrial farm and workhouse.

6 § 1789. Initial transfer of inmates.

7 (a) General rule.--When, in any district formed by the
8 counties, the arrangements are complete for the reception of
9 inmates, transfer shall be made from the county correctional
10 institutions to the joint industrial farm and workhouse of the
11 district of all persons:

12 (1) Who have been sentenced to any of the county
13 correctional institutions for any misdemeanor or felony
14 except murder, voluntary manslaughter, rape and arson.

15 (2) Who have been committed to any of the county
16 correctional institutions in default of payment of any fine
17 or penalty, or for nonpayment of costs or for default in
18 complying with any order of court entered in any prosecution
19 for desertion or nonsupport.

20 (3) Legally confined in any of the county correctional
21 institutions, except those that are confined awaiting trial
22 or held as material witnesses.

23 (b) Persons eligible to become inmates.--

24 (1) When any person is convicted in any court in any
25 county of any offense classified as a misdemeanor or felony
26 except murder, voluntary manslaughter, rape and arson, the
27 punishment of which is or may be imprisonment in any county
28 correctional institution for a period of ten days or more,
29 the court may sentence such person to a joint industrial farm
30 and workhouse of the Commonwealth.

1 (2) Courts of record and courts not of record of any
2 county in this Commonwealth may commit to the joint
3 industrial farm and workhouse all persons who might be
4 lawfully committed to the county correctional institution on
5 charges of vagrancy, drunkenness or disorderly conduct, for
6 default or nonpayment of any costs, fine or penalty, for
7 default in complying with any order of court entered in any
8 prosecution for desertion or nonsupport or for violations of
9 municipal ordinances, where, in any such case, the commitment
10 will be for a period of ten days or more.

11 (c) Existing county correctional institutions.--The existing
12 county correctional institutions may be retained to confine
13 persons awaiting trial, held as material witnesses or sentenced
14 for a period of less than ten days, and such number of other
15 convicted persons as may be required to perform the necessary
16 institutional maintenance work.

17 (d) Clothing and treatment.--All inmates shall be clothed
18 and treated as provided for in this subchapter and in the rules
19 and regulations of the joint industrial farm and workhouse.

20 § 1790. Employment of inmates.

21 (a) General rule.--An inmate committed to a joint industrial
22 farm and workhouse under the provisions of this subchapter,
23 unless disqualified by sickness or otherwise, shall be kept at
24 some useful employment as may be suited to the inmate's age and
25 capacity and as may be most profitable to the joint industrial
26 farm and workhouse and tend to promote the best interest of the
27 inmate. If an inmate refuses to perform the work assigned to the
28 inmate or is guilty of other acts of insubordination, the chief
29 administrator shall punish the inmate in such manner as the
30 rules and regulations provided for may prescribe. The chief

1 administrator shall keep a record of and report to the advisory
2 board all such offenses and punishments.

3 (b) Pay schedule and inmate accounts.--All inmates shall
4 receive compensation for their work.

5 (1) Those inmates employed on institutional maintenance
6 and nonproductive labor shall receive not more than 20¢ per
7 day and not less than 10¢ per day.

8 (2) Those inmates employed on productive work shall
9 receive not more than 50¢ per day and not less than 20¢ per
10 day.

11 (3) The earnings of an inmate shall be credited to the
12 inmate's account, and disbursements made on approval of the
13 chief administrator of the institution and the written order
14 of the inmate, except when an inmate is committed for
15 nonsupport, the court which sentenced the prisoner shall
16 order payment of the earnings. At time of release or
17 discharge, the inmate shall receive all moneys remaining in
18 the inmate's account and give receipt for the same.

19 § 1791. Cost of transporting inmates.

20 (a) General rule.--The cost of transporting inmates
21 committed to the joint industrial farms and workhouses shall be
22 paid by the counties, respectively, from which the inmates are
23 committed. The sheriff of the county for inmates committed by
24 the court and constables for inmates committed by magisterial
25 district judges shall receive for the inmates committed to the
26 joint industrial farm and workhouse no mileage or travel
27 expenses on writs, except the actual cost of transporting the
28 inmates so committed to the joint industrial farm and workhouse,
29 together with any other fees for their services allowed by law.

30 (b) Railroad ticket upon discharge.--When an inmate is

1 discharged from a joint industrial farm and workhouse, the chief
2 administrator thereof shall procure for the inmate a railroad
3 ticket to any point to which the inmate may desire to go, not
4 farther from the joint industrial farm and workhouse than the
5 point from which the inmate was sentenced.

6 § 1792. Nature of inmate employment.

7 A joint industrial farm and workhouse shall employ the
8 inmates committed or transferred thereto in work on or about the
9 buildings and farm and in growing produce, raising stock, etc.,
10 for supplies for its own use, the use of the several city and
11 county or county correctional institutions in the district, any
12 political division thereof or any public or charitable
13 institution owned or managed and directed by the counties
14 constituting the district or any political division thereof.
15 Inmates may also be employed in the preparation of road
16 material, in making brick, tile and concrete or other road
17 building material and in the manufacture of other products and
18 materials as may be found practicable for the use of any of the
19 counties constituting the district and for the proper and
20 healthful employment of the inmates.

21 § 1793. Sale of goods and materials.

22 All road material, brick, tile, concrete and other goods and
23 materials prepared or made at a joint industrial farm and
24 workhouse that are not needed for the purposes of the joint
25 industrial farm and workhouse shall be offered for sale at a
26 price to be fixed by the commissioners of the district. In
27 offering such material for sale, preference shall be given to
28 the counties forming the district of the joint industrial farm
29 and workhouse and to the cities, boroughs and townships in the
30 joint district. All moneys so received shall be applied toward

paying the overhead expenses of the joint industrial farm and workhouse.

§ 1794. Financial reporting.

A detailed statement of the receipts and expenditures by any county constituting a part of the district for a joint industrial farm and workhouse erected under the provisions of this subchapter shall be published by the county commissioners of each county or by the controller in the county. Where the report is published by the controller, it shall be included in the annual statement of the fiscal affairs of the county.

§ 1795. Allocation of expenses to counties.

(a) General rule.--The original cost of the site and buildings of the joint industrial farm and workhouse, the equipment thereof, all additions thereto and all fixed overhead charges in conducting the joint industrial farm and workhouse shall be paid by the counties constituting the districts in the ratio of their population according to the last preceding United States census.

(b) Inmate expense.--The cost of the care and maintenance of the inmates shall be certified monthly to the counties from which inmates have been committed. The cost shall be paid by the counties in proportion to the number of inmates committed from each county. All payments shall be on warrants of the county commissioners, countersigned by the county controller in counties where a county controller exists.

§ 1796. Borrowing authorized.

The county commissioners of each county joining in establishing a joint industrial farm and workhouse, as provided for in this subchapter, may incur or increase the indebtedness of the county, in the manner provided by law, to an amount

sufficient to pay its proportionate part of the cost of
acquiring a site and of erecting, constructing and equipping the
joint industrial farm and workhouse by issuing coupon bonds at a
rate of interest not exceeding 6% and payable within 30 years
from the date of issue. The county commissioners of the county
shall levy an annual tax in an amount necessary to pay interest
and sinking fund charges upon the bonds.

§ 1797. Exemption from taxation.

All the property, real and personal, authorized to be held
under this subchapter shall be exempt from taxation.

§ 1798. Nonapplicability.

This subchapter does not apply to cities and counties of the
first class.

PART III

INMATE CONFINEMENT

Chapter

31. Inmate Labor

33. Medical Services

35. Visitation

37. Inmate Prerelease Plans

39. Motivational Boot Camp

41. State Intermediate Punishment

43. Execution Procedure and Method

59. Miscellaneous Provisions

CHAPTER 31

INMATE LABOR

Sec.

3101. Inmates to be employed.

3102. Disposition of proceeds of labor.

3103. Agricultural labor at county correctional institutions.

1 3104. Inmate labor in county correctional institutions.

2 3105. Inmate labor in counties of the first class.

3 3106. Inmate-made goods to be branded.

4 3107. Sale of inmate-made goods.

5 § 3101. Inmates to be employed.

6 The chief administrators may employ the inmates under their
7 control for and on behalf of the Commonwealth and the inmates
8 for and on behalf of their respective counties.

9 § 3102. Disposition of proceeds of labor.

10 All moneys received under the provisions of this chapter for
11 labor done within county correctional institutions or the
12 products of such labor sold shall be credited on account of the
13 receipts and expenditures paid to and for the maintenance of the
14 respective correctional institutions.

15 § 3103. Agricultural labor at county correctional institutions.

16 (a) General rule.--The chief administrator of a county
17 correctional institution shall permit the employment of such
18 inmates serving sentences therein, as they shall deem advisable,
19 at agricultural labor on any county farm of the county under the
20 direction of any person appointed by the chief administrator,
21 and all inmates so employed shall at all times be amenable to
22 restraint, discipline and punishment in the same manner as if
23 they were confined in the county correctional institution.

24 (b) Liability.--No person appointed by a chief administrator
25 of a county correctional institution or his sureties shall be
26 held liable on any bond conditioned for the safekeeping of
27 persons given into that person's care, in case any inmate so
28 employed shall escape, if due care and diligence has been
29 exercised in the discharge of the duties imposed on that person.

30 § 3104. Inmate labor in county correctional institutions.

1 (a) General rule.--An inmate of a county correctional
2 institution who is physically capable may be employed at labor
3 for not more than eight hours each day, other than Sundays and
4 public holidays. The employment may be in such character of work
5 and the production of such goods as may now be manufactured and
6 produced in county correctional institutions and may also be
7 for:

8 (1) the manufacture and production of supplies for the
9 county correctional institutions;

10 (2) the preparation and manufacture of building material
11 for the construction or repair of the county correctional
12 institution;

13 (3) the manufacture and production of crushed stone,
14 brick, tile and culvert pipe or other material suitable for
15 draining roads; or

16 (4) the preparation of road building and ballasting
17 material.

18 (b) Authority to county commissioners.--The county
19 commissioners or chief administrator of the county correctional
20 institution shall:

21 (1) determine the amount, kind and character of the
22 machinery to be erected and the industries to be carried on
23 in the county correctional institution;

24 (2) arrange for the purchase and installation of such
25 machinery at the expense of the county; and

26 (3) provide for the sale of articles and material
27 produced.

28 (c) Funding.--The county commissioners shall make available
29 the necessary funds to carry out the provisions of this section.

30 (d) Inmate accounts.--

1 (1) The authorities in charge of a county correctional
2 institution shall fix the wages of each inmate to be employed
3 and shall keep an account of all such wages and the amount
4 due each inmate.

5 (2) Three-fourths of the amount credited to each inmate,
6 or the entire amount if the inmate so elects, shall
7 constitute a fund for the relief of any person or persons
8 dependent upon the inmate and shall be paid to such persons,
9 establishing dependency to the satisfaction of the
10 authorities, at such times as they may prescribe.

11 (3) In case an inmate has no person dependent upon him,
12 the inmate's wages shall be deposited for his benefit and
13 shall be paid to him as follows:

- 14 (i) one-third at the time of his discharge;
15 (ii) one-third, three months thereafter; and
16 (iii) one-third, six months thereafter.

17 (e) Special administrative fund.--

18 (1) The authorities in charge of a county correctional
19 institution may establish a fund for the purpose of carrying
20 out this section and may provide for the purchase of
21 machinery and materials and payment of wages from such fund.

22 (2) All revenues received from the sale of articles
23 produced shall be paid into the fund.

24 (f) Nonapplicability.--This section shall not apply to a
25 county of the first class.

26 § 3105. Inmate labor in counties of the first class.

27 (a) General rule.--The board of inspectors of a county
28 correctional institution of a county of the first class may
29 establish, from time to time, a scale of wages that shall not be
30 less than ten cents per day, and may pay, and the inmates may

1 receive compensation for their work according to such scale.

2 (b) Inmate account.--

3 (1) Except as otherwise provided in paragraph (2), the
4 earnings of each inmate shall be credited to his account and
5 disbursements made on approval of the chief administrator of
6 the institution and the written order of the inmate.

7 (2) When an inmate is committed for nonsupport, the
8 court which sentenced the inmate shall order payment of his
9 earnings and, in the case of other inmates, the court which
10 sentenced the inmate may order payments from his earnings to
11 be paid to his dependents.

12 (3) At time of release or discharge, the inmate shall
13 receive all moneys remaining in his account and give receipt
14 for the same.

15 § 3106. Inmate-made goods to be branded.

16 (a) General rule.--All goods, wares, merchandise or other
17 article or thing made by inmate labor in any correctional
18 institution or other establishment in which inmate labor is
19 employed, whether for the direct benefit and maintenance of the
20 correctional institution or other establishment or upon contract
21 by the authorities of the same with any third person,
22 immediately upon the completion of the same, shall be branded as
23 provided in this section and may not be taken into or exposed in
24 any place for sale at wholesale or retail without that brand.

25 (b) Style and place of brand.--

26 (1) The brand required by this section shall be in plain
27 English lettering and shall contain at the head or top of the
28 brand the words "inmate made," followed by the year and name
29 of the correctional institution or other establishment in
30 which made.

1 (2) The brand shall in all cases, when the nature of the
2 article will permit, be placed on the article and only where
3 the branding is impossible may it be placed on the box or
4 other receptacle or covering in which it is contained.

5 (3) The brand shall be affixed to the article by
6 casting, burning, pressing or other such process or means so
7 that the article may not be defaced and in all cases shall be
8 upon the most conspicuous place upon the article or the box,
9 receptacle or covering containing the article.

10 (c) Applicability.--This section shall not apply to goods,
11 wares and merchandise shipped to points outside of this
12 Commonwealth.

13 § 3107. Sale of inmate-made goods.

14 The department may contract to sell or sell the articles
15 manufactured or produced in any correctional institution which
16 cannot be used therein, to the Commonwealth or to any political
17 subdivision thereof, or to any State, municipality or county
18 authority, created by or under any law of this Commonwealth, or
19 to any State correctional institution, or to any educational or
20 charitable institution receiving aid from the Commonwealth, or
21 to the Federal Government or any department, bureau, commission,
22 authority or agency thereof, or to any other state or political
23 subdivision or authority thereof, or to any institution
24 receiving aid from the Federal Government or of any other state.

25 CHAPTER 33

26 MEDICAL SERVICES

27 Sec.

28 3301. Short title of chapter.

29 3302. Definitions.

30 3303. Medical Services Program.

1 3304. Powers and duties of department.

2 3305. Costs outstanding upon release.

3 3306. Report to General Assembly.

4 3307. Applicability.

5 § 3301. Short title of chapter.

6 This chapter shall be known and may be cited as the
7 Correctional Institution Medical Services Act.

8 § 3302. Definitions.

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

12 "Program." The Medical Services Program established for
13 inmates under section 3303 (relating to Medical Services
14 Program).

15 § 3303. Medical Services Program.

16 (a) Establishment.--The Medical Services Program is
17 established in the department which shall include, but not be
18 limited to, the provisions of this chapter. The program shall be
19 a copay program requiring inmates to pay a fee to cover a
20 portion of the actual costs of the medical services provided.

21 (b) Fees.--

22 (1) The department shall develop by regulation a program
23 for inmates which includes fees for certain medical services.
24 The regulations shall provide for consistent medical services
25 guidelines by specifying the medical services which are
26 subject to fees, the fee amounts, payment procedures, medical
27 services which are not subject to fees and fees applicable to
28 medical emergencies, chronic care and preexisting conditions.

29 (2) In addition to other medical services provided to
30 the inmate, an inmate may be required to pay a fee for

medical services provided because of injuries the inmate inflicted upon himself or another inmate.

(c) Explanation of program.--Each inmate shall be advised of the medical services fees and payment procedures at the time of intake. An explanation of the program regulations shall be included in the inmate handbook.

(d) Written notice of changes.--Each inmate shall receive written notice of any changes in medical services fees and payment procedures and an initial written notice of the program's implementation.

(e) Payment for medical services.--

(1) No inmate shall be denied access to medical services because of an inability to pay the required fees.

(2) The department shall devise and implement a program whereby inmates of State correctional institutions who have medical insurance shall pay for their own medical needs through that insurance. This program shall be contained in regulations promulgated by the department.

(f) Fee debits.--An inmate shall acknowledge in writing any debit made to his inmate account for a medical services fee.

(g) Deposits.--Medical services fees collected under this chapter shall be deposited in the General Fund.

§ 3304. Powers and duties of department.

The department shall implement the program by:

(1) Issuing regulations as required under section 3303 (relating to Medical Services Program).

(2) Providing department staff and medical services providers with training relating to the program.

(3) Developing administrative forms for the implementation of the program.

1 (4) Providing for administrative and accounting
2 procedures for the program and an annual audit of the
3 program.

4 (5) Providing written notice to all current inmates
5 regarding implementation of the program.

6 § 3305. Costs outstanding upon release.

7 (a) Right to seek recovery of costs.--The department may
8 seek to recover any amount owed for medical services fees by an
9 inmate upon release from prison through a civil action brought
10 within one year of the inmate's release. The department shall
11 have the burden to prove the amount owed.

12 (b) Defense.--An inmate's inability to pay as determined by
13 the court shall be a defense to the payment of part or all of
14 the fees.

15 § 3306. Report to General Assembly.

16 The department shall submit to the chairmen and minority
17 chairmen of the Appropriations Committee and the Judiciary
18 Committee of the Senate and the chairmen and minority chairmen
19 of the Appropriations Committee and the Judiciary Committee of
20 the House of Representatives an annual report on the program.
21 The report shall provide information on the fees charged and the
22 fees collected under the program and shall include a summary of
23 the annual audit of the program as required under section 3304
24 (relating to powers and duties of department). The report may
25 recommend legislative changes for the program and propose model
26 legislation for counties which may wish to develop similar
27 programs.

28 § 3307. Applicability.

29 The department shall collect fees for medical services
30 provided to an inmate after the effective date of the program

regulations as published in the Pennsylvania Bulletin.

CHAPTER 35

VISITATION

Subchapter

A. General Provisions

B. Official Visitation

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

3501. Gubernatorial visitor for philanthropic purposes.

3502. Official visitors.

3503. Rights of official visitors.

§ 3501. Gubernatorial visitor for philanthropic purposes.

The Governor may appoint a person to visit, for philanthropic purposes, correctional institutions. No expense shall be incurred to the Commonwealth for the implementation of this section.

§ 3502. Official visitors.

(a) General rule.--Subject to the provisions of subsection (b), the active or visiting committee of any society incorporated for the purpose of visiting and instructing inmates are hereby made official visitors of any correctional institution, with the same powers, privileges and functions as are vested in the official visitors of correctional institutions as now prescribed by law.

(b) Notice required.--No active or visiting committee as identified in subsection (a) may visit a correctional institution under this section unless notice of the names of the members of the committee and the terms of their appointment are given by the society, in writing, under its corporate seal, to

1 the chief administrator of the correctional institution.

2 § 3503. Rights of official visitors.

3 (a) Visiting hours.--A person designated by law to be an
4 official visitor of a correctional institution may enter and
5 visit any correctional institution on any and every day,
6 including Sundays, between the hours of 9 a.m. and 5 p.m. and at
7 such other times with the special permission of the chief
8 administrator.

9 (b) Confirmation of role.--All powers, functions and
10 privileges granted to official visitors of correctional
11 institutions under prior law are hereby confirmed. No official
12 visitor shall have the right or power to give or deliver to an
13 inmate during such visit any chattel or object whatsoever,
14 except objects and articles of religious or moral instruction or
15 use.

16 (c) Effect of violation.--

17 (1) If an official visitor violates any provision of
18 this section, a chief administrator may apply to the court of
19 common pleas in the county wherein the correctional
20 institution is situated for a rule upon the official visitor
21 to show cause why he should not be deprived of his office.

22 (2) Upon proof to the satisfaction of the court, the
23 court shall enter a decree against the official visitor
24 depriving him of all rights, privileges and functions of an
25 official visitor.

26 SUBCHAPTER B

27 OFFICIAL VISITATION

28 Sec.

29 3511. Short title of subchapter.

30 3512. Definitions.

1 3513. Visitation.

2 3514. Employees of official visitor.

3 § 3511. Short title of subchapter.

4 This subchapter shall be known and may be cited as the

5 Official Visitation of Correctional Institutions Act.

6 § 3512. Definitions.

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

10 "Official visitor." The Governor, Lieutenant Governor,
11 President pro tempore and members of the Senate, Speaker and
12 members of the House of Representatives, justices and judges of
13 the courts of record, General Counsel, Attorney General and his
14 deputies and authorized members of the Pennsylvania Prison
15 Society who have been designated as official visitors, whose
16 names shall be given to a chief administrator, in writing,
17 together with the terms of their appointment under its corporate
18 seal.

19 § 3513. Visitation.

20 (a) Time.--An official visitor may enter and visit any
21 correctional institution on any and every day, including
22 Sundays, between the hours of 9 a.m. and 5 p.m. Visits at any
23 other time shall be made only with the special permission of the
24 chief administrator.

25 (b) Denial of entry.--

26 (1) If a chief administrator of a State correctional
27 institution is of the opinion that the visit would be
28 dangerous to the discipline or welfare of the correctional
29 institution or the safety of the visitor, the chief
30 administrator may temporarily deny entry to any official

1 visitor if the secretary has previously declared that an
2 emergency situation exists within the correctional
3 institution.

4 (2) If a temporary exclusion under paragraph (1) exceeds
5 72 hours, the official visitor may apply to the Commonwealth
6 Court for a ruling upon the secretary to show cause why the
7 official visitor should not be permitted entry into the State
8 correctional institution.

9 (c) Temporary denial of visitation for county correctional
10 institutions.--

11 (1) If the chief administrator of a county correctional
12 institution has previously determined that an emergency
13 exists at the county correctional institution, the chief
14 administrator may, with the approval of the president judge
15 of the court of common pleas of the county where the county
16 correctional institution is located, temporarily deny entry
17 to an official visitor.

18 (2) If a temporary exclusion under paragraph (1) exceeds
19 72 hours, the official visitor may apply to the Commonwealth
20 Court for a ruling upon the president judge to show cause why
21 the official visitor should not be permitted entry into the
22 county correctional institution.

23 (d) Interviews.--

24 (1) An official visitor may interview privately any
25 inmate confined in any correctional institution and for that
26 purpose may enter the cell, room or apartment wherein any
27 inmates are confined.

28 (2) If the chief administrator at the time of the visit
29 is of the opinion that entry into a cell would be dangerous
30 to the discipline of the correctional institution, then the

1 chief administrator may conduct any inmates with whom the
2 official visitor may desire a private interview into another
3 cell or room as the chief administrator may designate and
4 there permit the private interview between the official
5 visitor and the inmate to take place.

6 (e) Official visitors and employees not exempt from
7 prosecution.--Official visitors and their employees shall not be
8 exempt from prosecution for any criminal offense, including, but
9 not limited to, a violation of 18 Pa.C.S. §§ 5121 (relating to
10 escape), 5122 (relating to weapons or implements for escape) and
11 5123 (relating to contraband).

12 (f) Decree of court.--

13 (1) If an official visitor violates any provision of
14 this section, any chief administrator of a correctional
15 institution may apply to the appropriate court for a ruling
16 upon the official visitor to show cause why the official
17 visitor should not be deprived of his official visitation
18 status.

19 (2) Upon proof to the satisfaction of the court, the
20 court shall enter a decree against the official visitor
21 depriving him of all rights, privileges and functions of an
22 official visitor.

23 § 3514. Employees of official visitor.

24 One employee of an official visitor may accompany the
25 official visitor when visiting any correctional institution and
26 may be present during an interview conducted by the official
27 visitor.

28 CHAPTER 37

29 INMATE PRERELEASE PLANS

30 Sec.

1 3701. Establishment of prerelease centers.

2 3702. Prerelease plan for inmates.

3 3703. Rules and regulations.

4 3704. Salaries and wages of inmates.

5 § 3701. Establishment of prerelease centers.

6 The department shall establish, with the approval of the
7 Governor, prisoner prerelease centers at such locations
8 throughout this Commonwealth as it deems necessary to carry out
9 effective prisoner prerelease programs.

10 § 3702. Prerelease plan for inmates.

11 (a) Transfer authorization.--

12 (1) The secretary may transfer an inmate incarcerated in
13 any prerelease center or in any prerelease center located in
14 any State correctional institution who has not been sentenced
15 to death or life imprisonment to any prerelease center.

16 (2) The transfer of the inmate to the prerelease center
17 shall not occur where the transfer is not appropriate due to
18 a certified terminal illness.

19 (b) Temporary release.--An inmate transferred to and
20 confined in a prerelease center may be released temporarily with
21 or without direct supervision at the discretion of the
22 department, in accordance with rules and regulations as provided
23 in section 3703 (relating to rules and regulations), for the
24 purposes of gainful employment, vocational or technical
25 training, academic education and such other lawful purposes as
26 the department shall consider necessary and appropriate for the
27 furtherance of the inmate's individual prerelease program
28 subject to compliance with subsection (c).

29 (c) Conditions for release of certain inmates.--

30 (1) An inmate who has not served his minimum sentence

1 may not be transferred to a prerelease center unless:

2 (i) more than 20 days have elapsed after written
3 notice of the proposed transfer, describing the inmate's
4 individual prerelease program, has been received by the
5 sentencing judge or, in the event the sentencing judge is
6 unavailable, the sentencing court and the prosecuting
7 district attorney's office and no written objection by
8 the judge containing the reason therefor has been
9 received by the department;

10 (ii) the judge withdraws his objection after
11 consultation with representatives of the department; or

12 (iii) approval of the proposed transfer is given by
13 the Board of Pardons.

14 (2) In the event of a timely objection by the judge,
15 representatives of the department shall meet with the judge
16 and attempt to resolve the disagreement.

17 (3) If, within 20 days of the department's receipt of
18 the objection:

19 (i) the judge does not withdraw his objection;

20 (ii) the department does not withdraw its proposal
21 for transfer; or

22 (iii) the judge and the department do not agree on
23 an alternate proposal for transfer, the matter shall be
24 listed for hearing at the next session of the Board of
25 Pardons to be held in the hearing district in which the
26 judge is located.

27 (4) During the hearing before the Board of Pardons,
28 representatives of the judge, the department, the district
29 attorney of the county where the inmate was prosecuted and
30 any victim involved shall have the opportunity to be heard.

1 (d) Notice of release.--

2 (1) An inmate who has served his minimum sentence may be
3 released by the department only after notice to the judge
4 that the privilege is being granted.

5 (2) Notice of the release of an inmate shall be given to
6 the Pennsylvania State Police, the probation officer and the
7 sheriff or chief of police of the county and the chief of
8 police of the municipality or township of the locality to
9 which the inmate is assigned or of the inmate's authorized
10 destination.

11 § 3703. Rules and regulations.

12 The department shall establish rules and regulations for
13 granting and administering release plans and shall determine
14 those inmates who may participate in any plan. If an inmate
15 violates the rules or regulations prescribed by the department,
16 the inmate's release privileges may be withdrawn. Failure of an
17 inmate to report to or return from the assigned place of
18 employment, training, education or other authorized destination
19 shall be deemed an offense under 18 Pa.C.S. § 5121 (relating to
20 escape).

21 § 3704. Salaries and wages of inmates.

22 (a) General rule.--The salaries or wages of inmates
23 gainfully employed under a plan established under this section
24 shall be collected by the department or its designated agents or
25 employees. The wages shall not be subject to garnishment or
26 attachment for any purpose either in the hands of the employer
27 or the department during the inmate's term of imprisonment and
28 shall be disbursed only as provided in this section, but for tax
29 purposes they shall be income of the inmate.

30 (b) Use of salaries or wages.--The salaries or wages of an

inmate participating in a plan established under this section
shall be disbursed by the department in the following order:

(1) The board of the inmate, including food and
clothing.

(2) Necessary travel expense to and from work and other
incidental expenses of the inmate.

(3) Support of the inmate's dependents, if any.

(4) Payment, either in full or ratably, of the inmate's
obligations acknowledged by him in writing or which have been
reduced to judgment.

(5) The balance, if any, to the inmate upon his
discharge.

CHAPTER 39

MOTIVATIONAL BOOT CAMP

Sec.

3901. Scope of chapter.

3902. Declaration of policy.

3903. Definitions.

3904. Selection of inmate participants.

3905. Motivational boot camp program.

3906. Procedure for selection of participant in motivational
boot camp program.

3907. Completion of motivational boot camp program.

3908. Appeals.

§ 3901. Scope of chapter.

This chapter authorizes motivational boot camps.

§ 3902. Declaration of policy.

The General Assembly finds and declares as follows:

(1) The Commonwealth recognizes the severe problem of
overcrowding in correctional institutions and understands

1 that overcrowding is a causative factor contributing to
2 insurrection and prison rioting.

3 (2) The Commonwealth also recognizes that the frequency
4 of convictions responsible for the dramatic expansion of the
5 population in correctional institutions is attributable in
6 part to the increased use of drugs and alcohol.

7 (3) The Commonwealth, in wishing to salvage the
8 contributions and dedicated work which its displaced citizens
9 may someday offer, is seeking to explore alternative methods
10 of incarceration which might serve as the catalyst for
11 reducing criminal behavior.

12 § 3903. Definitions.

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

16 "Commission." The Pennsylvania Commission on Sentencing.

17 "Eligible inmate." A person sentenced to a term of
18 confinement under the jurisdiction of the Department of
19 Corrections who is serving a term of confinement, the minimum of
20 which is not more than two years and the maximum of which is
21 five years or less, or an inmate who is serving a term of
22 confinement, the minimum of which is not more than three years
23 where that inmate is within two years of completing his minimum
24 term, and who has not reached 35 years of age at the time he is
25 approved for participation in the motivational boot camp
26 program. The term shall not include any inmate who is subject to
27 a sentence the calculation of which included an enhancement for
28 the use of a deadly weapon as defined pursuant to the sentencing
29 guidelines promulgated by the Pennsylvania Commission on
30 Sentencing or any inmate serving a sentence for any violation of

one or more of the following provisions:

18 Pa.C.S. § 2502 (relating to murder).

18 Pa.C.S. § 2503 (relating to voluntary manslaughter).

18 Pa.C.S. § 2506 (relating to drug delivery resulting in death).

18 Pa.C.S. § 2901 (relating to kidnapping).

18 Pa.C.S. § 3121 (relating to rape).

18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

18 Pa.C.S. § 3124.1 (relating to sexual assault).

18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

18 Pa.C.S. § 3301(a)(1)(i) (relating to arson and related offenses).

18 Pa.C.S. § 3502 (relating to burglary) in the case of burglary of a structure adapted for overnight accommodation in which at the time of the offense any person is present.

18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery).

18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).

18 Pa.C.S. § 7508 (a)(1)(iii), (2)(iii), (3)(iii) or (4)(iii) (relating to drug trafficking sentencing and penalties).

"Motivational boot camp." A program in which eligible inmates participate for a period of six months in a humane program for motivational boot camp programs which shall provide for rigorous physical activity, intensive regimentation and discipline, work on public projects, substance abuse treatment services licensed by the Department of Health, continuing education, vocational training, prerelease counseling and

1 community corrections aftercare.

2 § 3904. Selection of inmate participants.

3 (a) Duties of commission.--Through the use of sentencing
4 guidelines, the commission shall employ the definition of
5 "eligible inmate" as provided in this chapter to further
6 identify inmates who would be appropriate for participation in a
7 motivational boot camp.

8 (b) Duties of sentencing judge.--The sentencing judge shall
9 employ the sentencing guidelines to identify those defendants
10 who are eligible for participation in a motivational boot camp.
11 The judge shall have the discretion to exclude a defendant from
12 eligibility if the judge determines that the defendant would be
13 inappropriate for placement in a motivational boot camp. The
14 judge shall note on the sentencing order whether the defendant
15 has been identified as eligible for a motivational boot camp
16 program.

17 (c) Duties of department.--The secretary shall promulgate
18 rules and regulations providing for inmate selection criteria
19 and the establishment of motivational boot camp selection
20 committees within each diagnostic and classification center of
21 the department.

22 § 3905. Motivational boot camp program.

23 (a) Establishment.--There is hereby established in the
24 department a motivational boot camp program.

25 (b) Program objectives.--The objectives of the program are:

26 (1) To protect the health and safety of the Commonwealth
27 by providing a program which will reduce recidivism and
28 promote characteristics of good citizenship among eligible
29 inmates.

30 (2) To divert inmates who ordinarily would be sentenced

1 to traditional forms of confinement under the custody of the
2 department to motivational boot camps.

3 (3) To provide discipline and structure to the lives of
4 eligible inmates and to promote these qualities in the
5 postrelease behavior of eligible inmates.

6 (c) Rules and regulations.--

7 (1) The secretary shall promulgate rules and regulations
8 which shall include, but not be limited to, inmate
9 discipline, selection criteria, programming and supervision
10 and administration.

11 (2) The department shall provide four weeks of intensive
12 training for all staff prior to the start of their
13 involvement with the program.

14 (d) Approval.--Motivational boot camp programs may be
15 established only at correctional institutions classified by the
16 secretary as motivational boot camp institutions.

17 (e) Evaluation.--The department and the commission shall
18 monitor and evaluate the motivational boot camp programs to
19 ensure that the programmatic objectives are met. Both shall
20 present biennial reports of the evaluations to the Judiciary
21 Committee of the Senate and the Judiciary Committee of the House
22 of Representatives no later than February 1 in alternate years.

23 § 3906. Procedure for selection of participant in motivational
24 boot camp program.

25 (a) Application.--An eligible inmate may make an application
26 to the motivational boot camp selection committee for permission
27 to participate in the motivational boot camp program.

28 (b) Selection.--If the selection committee determines that
29 an inmate's participation in the program is consistent with the
30 safety of the community, the welfare of the applicant, the

1 programmatic objectives and the rules and regulations of the
2 department, the committee shall forward the application to the
3 secretary or his designee for approval or disapproval.

4 (c) Conditions.--Applicants may not participate in the
5 motivational boot camp program unless they agree to be bound by
6 all the terms and conditions thereof and indicate their
7 agreement by signing a memorandum of understanding.

8 (d) Qualifications to participate.--Satisfaction of the
9 qualifications set forth in this section to participate does not
10 mean that an inmate will automatically be permitted to
11 participate in the program.

12 (e) Expulsion from program.--

13 (1) An inmate's participation in the motivational boot
14 camp unit may be suspended or revoked for administrative or
15 disciplinary reasons.

16 (2) The department shall develop regulations consistent
17 with this subsection.

18 § 3907. Completion of motivational boot camp program.

19 Upon certification by the department of the inmate's
20 successful completion of the program, the Pennsylvania Board of
21 Probation and Parole shall immediately release the inmate on
22 parole, notwithstanding any minimum sentence imposed in the
23 case. The parolee will be subject to intensive supervision for a
24 period of time determined by the board, after which the parolee
25 will be subject to the usual parole supervision. For all other
26 purposes, the parole of the inmate shall be as provided by
27 Chapter 61 (relating to Pennsylvania Board of Probation and
28 Parole).

29 § 3908. Appeals.

30 Nothing in this chapter shall be construed to enlarge or

1 limit the right of an inmate to appeal his or her sentence.

2 CHAPTER 41

3 STATE INTERMEDIATE PUNISHMENT

4 Sec.

5 4101. Scope of chapter.

6 4102. Findings and purpose.

7 4103. Definitions.

8 4104. Referral to State intermediate punishment program.

9 4105. Drug offender treatment program.

10 4106. Written guidelines and regulations.

11 4107. Reports.

12 4108. Construction.

13 4109. Evaluation.

14 § 4101. Scope of chapter.

15 This chapter relates to State intermediate punishment.

16 § 4102. Findings and purpose.

17 The General Assembly finds as follows:

18 (1) Many crimes are committed by persons who, because of
19 their addiction to drugs or alcohol, are unable to maintain
20 gainful employment.

21 (2) These persons often commit crimes as a means of
22 obtaining the funds necessary to purchase drugs or alcohol.

23 (3) Many persons commit crimes while under the influence
24 of drugs or alcohol even though they are not addicted to such
25 substances in a clinical sense.

26 (4) Punishing persons who commit crimes is an important
27 aspect of recognizing the harm that criminals visit upon
28 their victims.

29 (5) Many people who commit crimes will be able to become
30 law-abiding, contributing members of society if they are able

1 to obtain treatment for their drug or alcohol addiction or
2 abuse.

3 (6) The purpose of this chapter is to create a program
4 that punishes persons who commit crimes, but also provides
5 treatment that offers the opportunity for those persons to
6 address their drug or alcohol addiction or abuse and thereby
7 reduce the incidents of recidivism and enhance public safety.

8 § 4103. Definitions.

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

12 "Commission." The Pennsylvania Commission on Sentencing.

13 "Community-based therapeutic community." A long-term
14 residential addiction treatment program licensed by the
15 Department of Health to provide addiction treatment services
16 using a therapeutic community model and determined by the
17 Department of Corrections to be qualified to provide addiction
18 treatment to eligible offenders.

19 "Community corrections center." A residential program that
20 is supervised and operated by the Department of Corrections for
21 inmates with prerelease status or who are on parole.

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

26 "Defendant." An individual charged with a drug-related
27 offense.

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

30 "Drug offender treatment program." An individualized

1 treatment program established by the Department of Corrections
2 consisting primarily of drug and alcohol addiction treatment
3 that satisfies the terms and conditions listed in section 4105
4 (relating to drug offender treatment program).

5 "Drug-related offense." A criminal offense for which a
6 defendant is convicted and that the court determines was
7 motivated by the defendant's consumption of or addiction to
8 alcohol or a controlled substance, counterfeit, designer drug,
9 drug, immediate precursor or marijuana, as those terms are
10 defined in the act of April 14, 1972 (P.L.233, No.64), known as
11 The Controlled Substance, Drug, Device and Cosmetic Act.

12 "Eligible offender." Subject to 42 Pa.C.S. § 9721(a.1)
13 (relating to sentencing generally), a defendant designated by
14 the sentencing court as a person convicted of a drug-related
15 offense who:

16 (1) Has undergone an assessment performed by the
17 Department of Corrections, which assessment has concluded
18 that the defendant is in need of drug and alcohol addiction
19 treatment and would benefit from commitment to a drug
20 offender treatment program and that placement in a drug
21 offender treatment program would be appropriate.

22 (2) Does not demonstrate a history of present or past
23 violent behavior.

24 (3) Would be placed in the custody of the department if
25 not sentenced to State intermediate punishment.

26 (4) Provides written consent permitting release of
27 information pertaining to the defendant's participation in a
28 drug offender treatment program.

29 The term shall not include a defendant who is subject to a
30 sentence the calculation of which includes an enhancement for

1 the use of a deadly weapon, as defined pursuant to law or the
2 sentencing guidelines promulgated by the Pennsylvania Commission
3 on Sentencing, or a defendant who has been convicted of a
4 personal injury crime as defined in section 103 of the act of
5 November 24, 1998 (P.L.882, No.111), known as the Crime Victims
6 Act, or an attempt or conspiracy to commit such a crime or who
7 has been convicted of violating 18 Pa.C.S. § 4302 (relating to
8 incest), 5901 (relating to open lewdness), 6312 (relating to
9 sexual abuse of children), 6318 (relating to unlawful contact
10 with minor) or 6320 (relating to sexual exploitation of
11 children) or Ch. 76 Subch. C (relating to Internet child
12 pornography).

13 "Expulsion." The permanent removal of a participant from a
14 drug offender treatment program.

15 "Group home." A residential program that is contracted out
16 by the Department of Corrections to a private service provider
17 for inmates with prerelease status or who are on parole.

18 "Individualized drug offender treatment plan." An
19 individualized addiction treatment plan within the framework of
20 the drug offender treatment program.

21 "Institutional therapeutic community." A residential drug
22 treatment program in a State correctional institution,
23 accredited as a therapeutic community for treatment of drug and
24 alcohol abuse and addiction by the American Correctional
25 Association or other nationally recognized accreditation
26 organization for therapeutic community drug and alcohol
27 addiction treatment.

28 "Outpatient addiction treatment facility." An addiction
29 treatment facility licensed by the Department of Health and
30 designated by the Department of Corrections as qualified to

1 provide addiction treatment to criminal justice offenders.

2 "Participant." An eligible offender actually sentenced to
3 State intermediate punishment pursuant to 42 Pa.C.S. § 9721(a)
4 (7) (relating to sentencing generally).

5 "Transitional residence." A residence investigated and
6 approved by the Department of Corrections as appropriate for
7 housing a participant in a drug offender treatment program.
8 § 4104. Referral to State intermediate punishment program.

9 (a) Referral for evaluation.--

10 (1) Prior to imposing a sentence, the court may, upon
11 motion of the Commonwealth and agreement of the defendant,
12 commit a defendant to the custody of the department for the
13 purpose of evaluating whether the defendant would benefit
14 from a drug offender treatment program and whether placement
15 in the drug offender treatment program is appropriate.

16 (2) Upon committing a defendant to the department, the
17 court shall forward to the department:

18 (i) A summary of the offense for which the defendant
19 has been convicted.

20 (ii) Information relating to the defendant's history
21 of delinquency or criminality, including the information
22 maintained by the court under 42 Pa.C.S. Ch. 63 (relating
23 to juvenile matters), when available.

24 (iii) Information relating to the defendant's
25 history of drug or alcohol abuse or addiction, when
26 available.

27 (iv) A presentence investigation report, when
28 available.

29 (v) Any other information the court deems relevant
30 to assist the department with its assessment of the

1 defendant.

2 (b) Assessment of addiction.--

3 (1) The department shall conduct an assessment of the
4 addiction and other treatment needs of a defendant and
5 determine whether the defendant would benefit from a drug
6 offender treatment program. The assessment shall be conducted
7 using a nationally recognized assessment instrument or an
8 instrument that has been normed and validated on the
9 department's inmate population by a recognized expert in such
10 matters. The assessment instrument shall be administered by
11 persons skilled in the treatment of drug and alcohol
12 addiction and trained to conduct assessments. The assessments
13 shall be reviewed and approved by a supervisor with at least
14 three years of experience providing drug and alcohol
15 counseling services.

16 (2) The department shall conduct risk and other
17 assessments it deems appropriate and shall provide a report
18 of its assessments to the court, the defendant, the attorney
19 for the Commonwealth and the commission within 60 days of the
20 court's commitment of the defendant to the custody of the
21 department.

22 (c) Proposed drug offender treatment program.--If the
23 department in its discretion believes a defendant would benefit
24 from a drug offender treatment program and placement in the drug
25 offender treatment program is appropriate, the department shall
26 provide the court, the defendant, the attorney for the
27 Commonwealth and the commission with a proposed drug offender
28 treatment program detailing the type of treatment proposed.

29 (d) Prerequisites for commitment.--Upon receipt of a
30 recommendation for placement in a drug offender treatment

1 program from the department and agreement of the attorney for
2 the Commonwealth and the defendant, the court may sentence an
3 eligible offender to a period of 24 months of State intermediate
4 punishment if the court finds that:

5 (1) The eligible offender is likely to benefit from
6 State intermediate punishment.

7 (2) Public safety would be enhanced by the eligible
8 offender's participation in State intermediate punishment.

9 (3) Sentencing the eligible offender to State
10 intermediate punishment would not depreciate the seriousness
11 of the offense.

12 (e) Resentencing.--The department may make a written request
13 to the sentencing court that an offender who is otherwise
14 eligible but has not been referred for evaluation or originally
15 sentenced to State intermediate punishment be sentenced to State
16 intermediate punishment. The court may resentence the offender
17 to State intermediate punishment if all of the following apply:

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

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

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

24 (4) The resentencing has occurred within 365 days of the
25 date of the defendant's admission to the custody of the
26 department.

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

1 (f) Consecutive probation.--Nothing in this chapter shall
2 prohibit the court from sentencing an eligible offender to a
3 consecutive period of probation. The total duration of the
4 sentence may not exceed the maximum term for which the eligible
5 offender could otherwise be sentenced.

6 (g) Applicability and program limitations.--The court may
7 not modify or alter the terms of the department's proposed
8 individualized drug offender treatment plan without the
9 agreement of the department and the attorney for the
10 Commonwealth.

11 (h) Videoconferencing.--The department shall make
12 videoconferencing facilities available to allow the court to
13 conduct proceedings necessary under this section when the
14 eligible offender has been committed to the custody of the
15 department pursuant to subsection (b).

16 § 4105. Drug offender treatment program.

17 (a) Establishment.--The department shall establish and
18 administer a drug offender treatment program as a State
19 intermediate punishment. The program shall be designed to
20 address the individually assessed drug and alcohol abuse and
21 addiction needs of a participant and shall address other issues
22 essential to the participant's successful reintegration into the
23 community, including, but not limited to, educational and
24 employment issues.

25 (b) Duration and components.--Notwithstanding any credit to
26 which the defendant may be entitled under 42 Pa.C.S. § 9760
27 (relating to credit for time served), the duration of the drug
28 offender treatment program shall be 24 months and shall include
29 the following:

30 (1) A period in a State correctional institution of not

1 less than seven months. This period shall include:

2 (i) The time during which the defendants are being
3 evaluated by the department under section 4104(b)
4 (relating to referral to State intermediate punishment
5 program).

6 (ii) Following evaluation under subparagraph (i),
7 not less than four months shall be in an institutional
8 therapeutic community.

9 (2) A period of treatment in a community-based
10 therapeutic community of at least two months.

11 (3) A period of at least six months' treatment through
12 an outpatient addiction treatment facility. During the
13 outpatient addiction treatment period of the drug offender
14 treatment program, the participant may be housed in a
15 community corrections center or group home or placed in an
16 approved transitional residence. The participant must comply
17 with any conditions established by the department regardless
18 of where the participant resides during the outpatient
19 addiction treatment portion of the drug offender treatment
20 program.

21 (4) A period of supervised reintegration into the
22 community for the balance of the drug offender treatment
23 program, during which the participant shall continue to be
24 supervised by the department and comply with any conditions
25 imposed by the department.

26 (c) Program management.--

27 (1) Consistent with the minimum time requirements set
28 forth in subsection (b), the department may transfer, at its
29 discretion, a participant between a State correctional
30 institution, an institutional therapeutic community, a

1 community-based therapeutic community, an outpatient
2 addiction treatment program and an approved transitional
3 residence. The department may also transfer a participant
4 back and forth between less restrictive and more restrictive
5 settings based upon the participant's progress or regression
6 in treatment or for medical, disciplinary or other
7 administrative reasons.

8 (2) This subsection shall be construed to provide the
9 department with the maximum flexibility to administer the
10 drug offender treatment program both as a whole and for
11 individual participants.

12 (d) Right of refusal to admit.--The administrator of a
13 community-based therapeutic community or outpatient addiction
14 treatment facility may refuse to accept a participant whom the
15 administrator deems to be inappropriate for admission and may
16 immediately discharge to the custody of the department any
17 participant who fails to comply with facility rules and
18 treatment expectations or refuses to constructively engage in
19 the treatment process.

20 (e) Notice to court of completion of program.--When the
21 department determines that a participant has successfully
22 completed the drug offender treatment program, it shall notify
23 the sentencing court, the attorney for the Commonwealth and the
24 commission.

25 (f) Expulsion from program.--

26 (1) A participant may be expelled from the drug offender
27 treatment program at any time in accordance with guidelines
28 established by the department, including failure to comply
29 with administrative or disciplinary procedures or
30 requirements set forth by the department.

1 (2) The department shall promptly notify the court, the
2 defendant, the attorney for the Commonwealth and the
3 commission of the expulsion of a participant from the drug
4 offender treatment program and the reason for such expulsion.
5 The participant shall be housed in a State correctional
6 institution or county jail pending action by the court.

7 (3) The court shall schedule a prompt State intermediate
8 punishment revocation hearing pursuant to 42 Pa.C.S. § 9774
9 (relating to revocation of State intermediate punishment
10 sentence).

11 § 4106. Written guidelines and regulations.

12 The department shall develop written guidelines for
13 participant selection criteria and the establishment of drug
14 offender treatment program selection committees within each
15 diagnostic and classification center of the department and shall
16 address suspensions and expulsions from the drug offender
17 treatment program. The guidelines shall not be subject to the
18 act of June 25, 1982 (P.L.633, No.181), known as the Regulatory
19 Review Act, and shall be effective for a period of two years
20 upon publication in the Pennsylvania Bulletin. The guidelines
21 shall be replaced by regulations promulgated by the department
22 consistent with the Regulatory Review Act within the two-year
23 period during which the guidelines are effective. The
24 regulations shall include a requirement that community-based
25 therapeutic communities utilized in the drug offender treatment
26 program be accredited as a therapeutic community for treatment
27 of drug and alcohol abuse and addiction by the Commission on
28 Accreditation of Rehabilitation Facilities or other nationally
29 recognized accreditation organization for community-based
30 therapeutic communities for drug and alcohol addiction

1 treatment.

2 § 4107. Reports.

3 (a) Final report.--The department shall provide a final
4 report to the court, the defendant, the attorney for the
5 Commonwealth and the commission on a participant's progress in
6 the drug offender treatment program.

7 (b) Evaluation and report to General Assembly.--The
8 department and the commission shall monitor and evaluate the
9 drug offender treatment program to ensure that the programmatic
10 objectives are met. In odd-numbered years, the department shall
11 present a report of its evaluation to the Judiciary Committee of
12 the Senate and the Judiciary Committee of the House of
13 Representatives no later than February 1. In even-numbered
14 years, the commission shall present a report of its evaluation
15 to the Judiciary Committee of the Senate and the Judiciary
16 Committee of the House of Representatives no later than February
17 1. The report shall include:

18 (1) The number of offenders evaluated for the drug
19 offender treatment program.

20 (2) The number of offenders sentenced to the drug
21 offender treatment program.

22 (3) The number of offenders sentenced to a State
23 correctional institution who may have been eligible for the
24 drug offender treatment program.

25 (4) The number of offenders successfully completing the
26 drug offender treatment program.

27 (5) The six-month, one-year, three-year and five-year
28 recidivism rates for offenders who have completed the drug
29 offender treatment program and for a comparison group of
30 offenders who were not placed in the drug offender treatment

1 program.

2 (6) Any changes the department or the commission
3 believes will make the drug offender treatment program more
4 effective.

5 § 4108. Construction.

6 Notwithstanding any other provision of law to the contrary,
7 this chapter shall not be construed to:

8 (1) Confer any legal right upon any individual,
9 including an individual participating in the drug offender
10 treatment program, to:

11 (i) participate in a drug offender treatment
12 program;

13 (ii) continue participation in a drug offender
14 treatment program;

15 (iii) modify the contents of the drug offender
16 treatment program; or

17 (iv) file any cause of action in any court
18 challenging the department's determination that a
19 participant is to be suspended or expelled from or that a
20 participant has successfully completed or failed to
21 successfully complete treatment to be provided during any
22 portion of a drug offender treatment program.

23 (2) Enlarge or limit the right of a participant to
24 appeal the participant's sentence.

25 § 4109. Evaluation.

26 The department and the commission shall monitor and evaluate
27 the motivational boot camp program under Chapter 39 (relating to
28 motivational boot camp) to ensure that the programmatic
29 objectives are met. In even-numbered years, the department shall
30 present a report of its evaluation to the Judiciary Committee of

the Senate and the Judiciary Committee of the House of Representatives no later than February 1. In odd-numbered years, the commission shall present a report of its evaluation to the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives no later than February 1.

CHAPTER 43

EXECUTION PROCEDURE AND METHOD

Sec.

4301. Definitions.

4302. Issuance of warrant.

4303. Terms of confinement.

4304. Method of execution.

4305. Witnesses to execution.

4306. Certification of chief administrator.

4307. Postmortem examination.

4308. Costs of execution and examination.

§ 4301. Definitions.

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

"Victim." The term shall have the same meaning given to it in section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.

"Victim advocate." The victim advocate within the Pennsylvania Board of Probation and Parole.

§ 4302. Issuance of warrant.

(a) Time.--

(1) After the receipt of the record pursuant to 42 Pa.C.S. § 9711(i) (relating to sentencing procedure for murder of the first degree), unless a pardon or commutation

1 has been issued, the Governor shall, within 90 days, issue a
2 warrant specifying a day for execution which shall be no
3 later than 60 days after the date the warrant is signed.

4 (2) If, because of a reprieve or a judicial stay of the
5 execution, the date of execution passes without imposition of
6 the death penalty, unless a pardon or commutation has been
7 issued, the Governor shall, within 30 days after receiving
8 notice of the termination of the reprieve or the judicial
9 stay, reissue a warrant specifying a day for execution which
10 shall be no later than 60 days after the date of reissuance
11 of the warrant.

12 (b) Secretary.--The warrant shall be directed to the
13 secretary commanding that the subject of the warrant be executed
14 on the day named in the warrant and in the manner prescribed by
15 law.

16 (c) Failure to timely comply.--If the Governor fails to
17 timely comply with the provisions of this section and a pardon
18 or commutation has not been issued, the secretary shall, within
19 30 days following the Governor's failure to comply, schedule and
20 carry out the execution no later than 60 days from the date by
21 which the Governor was required to sign the warrant under
22 subsection (a).

23 § 4303. Terms of confinement.

24 Upon receipt of the warrant, the secretary shall, until
25 infliction of the death penalty or until lawful discharge from
26 custody, keep the inmate in solitary confinement. During the
27 confinement, no person shall be allowed to have access to the
28 inmate without an order of the sentencing court, except the
29 following:

30 (1) The staff of the department.

1 (2) The inmate's counsel of record or other attorney
2 requested by the inmate.

3 (3) A spiritual adviser selected by the inmate or the
4 members of the immediate family of the inmate.

5 § 4304. Method of execution.

6 (a) Injection.--

7 (1) The death penalty shall be inflicted by injecting
8 the convict with a continuous intravenous administration of a
9 lethal quantity of an ultrashort-acting barbiturate in
10 combination with chemical paralytic agents approved by the
11 department until death is pronounced by the coroner. The
12 coroner shall issue the death certificate.

13 (2) The execution shall be supervised by the chief
14 administrator or his designee of the State correctional
15 institution designated by the department for the execution.

16 (b) Injection agents.--Notwithstanding section 13 of the act
17 of April 14, 1972 (P.L.233, No.64), known as The Controlled
18 Substance, Drug, Device and Cosmetic Act, the secretary or his
19 designee may obtain the injection agents directly from a
20 pharmacist or manufacturer.

21 § 4305. Witnesses to execution.

22 (a) List of witnesses.--No person except the following shall
23 witness any execution under the provisions of this chapter:

24 (1) The chief administrator or his designee of the State
25 correctional institution where the execution takes place.

26 (2) Six reputable adult citizens selected by the
27 secretary.

28 (3) One spiritual adviser, when requested and selected
29 by the inmate.

30 (4) Not more than six duly accredited representatives of

1 the news media.

2 (5) Such staff of the department as may be selected by
3 the secretary.

4 (6) Not more than four victims registered with and
5 selected by the victim advocate.

6 (b) Witnesses.--The secretary may refuse participation by a
7 witness for safety or security reasons. The department shall
8 make reasonable efforts to provide victims with a viewing area
9 separate and apart from the area to which other witnesses are
10 admitted.

11 (c) Confidentiality.--The identity of department employees,
12 department contractors or victims who participate in the
13 administration of an execution pursuant to this section shall be
14 confidential.

15 § 4306. Certification of chief administrator.

16 After the execution, the chief administrator or his designee
17 shall certify in writing, under oath or affirmation, to the
18 court of the county where the inmate was sentenced to death that
19 the inmate was duly executed in accordance with this chapter.
20 The certificate shall be filed in the office of the clerk of
21 such court.

22 § 4307. Postmortem examination.

23 (a) General rule.--Immediately after execution, a postmortem
24 examination of the body of the inmate shall be made at the
25 discretion of the coroner of the county in which the execution
26 is performed. The coroner shall report the nature of any
27 examination made. This report shall be annexed to and filed with
28 the certificate required under section 4306 (relating to
29 certification of chief administrator).

30 (b) Disposition of body.--After the postmortem examination,

unless claimed by a relative or relatives, the department shall
be responsible for disposition of the body.

§ 4308. Costs of execution and examination.

The actual and necessary costs of the execution and the
postmortem examination shall be paid by the department.

CHAPTER 45

RECIDIVISM RISK REDUCTION INCENTIVE

Sec.

4501. Scope of chapter.

4502. Purpose of chapter.

4503. Definitions.

4504. Recidivism risk reduction incentive programs.

4505. Sentencing.

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4509. Evaluation.

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4511. Construction of chapter.

4512. Applicability of chapter.

§ 4501. Scope of chapter.

This chapter relates to recidivism risk reduction incentive.

§ 4502. Purpose of chapter.

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

§ 4503. Definitions.

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

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

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

"Eligible offender." A defendant or inmate convicted of a criminal offense who will be committed to the custody of the department and who meets all of the following eligibility requirements:

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

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

(3) Has not been found guilty or previously convicted or adjudicated delinquent for or an attempt or conspiracy to commit a personal injury crime as defined under section 103 of the act of November 24, 1998 (P.L.882, No.111), known as

1 the Crime Victims Act, or an equivalent offense under the
2 laws of the United States or one of its territories or
3 possessions, another state, the District of Columbia, the
4 Commonwealth of Puerto Rico or a foreign nation.

5 (4) Has not been found guilty or previously convicted or
6 adjudicated delinquent for violating any of the following
7 provisions or an equivalent offense under the laws of the
8 United States or one of its territories or possessions,
9 another state, the District of Columbia, the Commonwealth of
10 Puerto Rico or a foreign nation:

11 18 Pa.C.S. § 4302 (relating to incest).

12 18 Pa.C.S. § 5901 (relating to open lewdness).

13 18 Pa.C.S. § 6312 (relating to sexual abuse of
14 children).

15 18 Pa.C.S. § 6318 (relating to unlawful contact with
16 minor).

17 18 Pa.C.S. § 6320 (relating to sexual exploitation of
18 children).

19 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet
20 child pornography).

21 Received a criminal sentence pursuant to 42 Pa.C.S. §
22 9712.1 (relating to sentences for certain drug offenses
23 committed with firearms).

24 Any offense listed under 42 Pa.C.S. § 9795.1
25 (relating to registration).

26 (5) Is not awaiting trial or sentencing for additional
27 criminal charges, if a conviction or sentence on the
28 additional charges would cause the defendant to become
29 ineligible under this definition.

30 (6) Has not been found guilty or previously convicted of

1 violating section 13(a)(14), (30) or (37) of the act of April
2 14, 1972 (P.L.233, No.64), known as The Controlled Substance,
3 Drug, Device and Cosmetic Act, where the sentence was imposed
4 pursuant to 18 Pa.C.S. § 7508(a)(1)(iii), (2)(iii), (3)(iii),
5 (4)(iii), (7)(iii) or (8)(iii) (relating to drug trafficking
6 sentencing and penalties).

7 "Program plan." An individualized plan recommended by the
8 department that contains approved treatment and other approved
9 programs designed to reduce recidivism risk of a specific
10 inmate.

11 § 4504. Recidivism risk reduction incentive programs.

12 (a) Authorization.--Subject to the provisions of this
13 chapter, the department may create or otherwise designate
14 treatment or other programs as recidivism risk reduction
15 incentive programs.

16 (b) Intent.--This chapter is intended to encourage eligible
17 offenders committed to the custody of the department to
18 participate in and successfully complete evidence-based programs
19 under this chapter that reduce the likelihood of recidivism and
20 improve public safety.

21 (c) Program requirements.--In accordance with the provisions
22 of this chapter, the department may designate a treatment
23 program or other program as a recidivism risk reduction
24 incentive program if there is appropriate scientific research
25 that demonstrates that the proposed program would likely reduce
26 overall recidivism rates or serious crime rates of program
27 participants. A recidivism risk reduction incentive program
28 designed to provide treatment in the form of a therapeutic
29 community for drug abuse or addiction shall meet the
30 requirements of an institutional therapeutic community as

1 defined under section 4103 (relating to definitions).

2 (d) Consultation.--The department shall consult with
3 appropriate research and technical assistance organizations,
4 such as the National Institute of Justice, the National
5 Institute of Corrections and the American Correctional
6 Association concerning evidence-based programs that reduce
7 recidivism risks of inmates and the scientific research relating
8 to those programs.

9 (e) Program approval process.--

10 (1) The department shall publish, in a manner reasonably
11 calculated to inform, a detailed description of the program,
12 the types of inmates who will be eligible to participate in
13 the program, the name and citation of research reports that
14 demonstrate the effectiveness of the proposed program and the
15 name and address of a department contact person responsible
16 for receiving public comments. On the same date as
17 publication, the department shall also deliver a copy of the
18 list to the Judiciary Committee of the Senate, the Judiciary
19 Committee of the House of Representatives, the board, the
20 commission and the victim advocate.

21 (2) Upon consideration of the public comments and the
22 expiration of at least 60 days from the date of publication
23 required under paragraph (1), the department may designate
24 any program published as approved for inclusion in the
25 recidivism risk reduction incentive program.

26 § 4505. Sentencing.

27 (a) Generally.--At the time of sentencing, the court shall
28 make a determination whether the defendant is an eligible
29 offender.

30 (b) Waiver of eligibility requirements.--The prosecuting

1 attorney, in the prosecuting attorney's sole discretion, may
2 advise the court that the Commonwealth has elected to waive the
3 eligibility requirements of this chapter if the victim has been
4 given notice of the prosecuting attorney's intent to waive the
5 eligibility requirements and an opportunity to be heard on the
6 issue. The court, after considering victim input, may refuse to
7 accept the prosecuting attorney's waiver of the eligibility
8 requirements.

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

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

17 (2) Imposes the recidivism risk reduction incentive
18 minimum sentence. The recidivism risk reduction incentive
19 minimum shall be equal to three-fourths of the minimum
20 sentence imposed when the minimum sentence is three years or
21 less. The recidivism risk reduction incentive minimum shall
22 be equal to five-sixths of the minimum sentence if the
23 minimum sentence is greater than three years. For purposes of
24 these calculations, partial days shall be rounded to the
25 nearest whole day. In determining the recidivism risk
26 reduction incentive minimum sentence, the aggregation
27 provisions of 42 Pa.C.S. §§ 9757 (relating to consecutive
28 sentences of total confinement for multiple offenses) and
29 9762(f) (relating to sentencing proceeding; place of
30 confinement) shall apply.

1 (3) Notwithstanding paragraph (2), if the defendant was
2 previously sentenced to two or more recidivism risk reduction
3 incentive minimum sentences, the court may, in its
4 discretion, with the approval of the prosecuting attorney,
5 impose the recidivism risk reduction incentive minimum
6 sentence as provided for in paragraph (2).

7 (4) Complies with all other applicable sentencing
8 provisions, including provisions relating to victim
9 notification and the opportunity to be heard.

10 § 4506. Recidivism risk reduction incentive minimum.

11 (a) Generally.--The board or its designee shall issue a
12 decision to parole, without further review by the board, an
13 inmate who has been sentenced to a recidivism risk reduction
14 incentive minimum sentence at the expiration of that recidivism
15 risk reduction incentive minimum sentence upon a determination
16 that all of the following apply:

17 (1) The department certified that it has conducted an
18 appropriate assessment of the treatment needs and risks of
19 the inmate using nationally recognized assessment tools that
20 have been normed and validated.

21 (2) The department has certified that it developed a
22 program plan based on the assessment conducted under
23 paragraph (1) that is designed to reduce the risk of
24 recidivism through the use of recidivism risk reduction
25 incentive programs authorized and approved under this chapter
26 that are appropriate for that particular inmate.

27 (3) The department advised the inmate that the inmate is
28 required to successfully complete the program plan.

29 (4) The inmate has successfully completed all required
30 recidivism risk reduction incentive programs or other

1 programs designated in the program plan.

2 (5) The inmate has maintained a good conduct record
3 following the imposition of the recidivism risk reduction
4 incentive minimum sentence.

5 (6) The reentry plan for the inmate is adequate.

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

8 (8) Notice and opportunity to be heard was provided by
9 the board to the sentencing court and the prosecuting
10 attorney in a manner consistent with section 6137(g)(2)
11 (relating to parole power).

12 (9) The department has certified that the inmate
13 continues to be an eligible offender. In the event that a
14 recidivism risk reduction minimum sentence was imposed under
15 section 4505(b) (relating to sentencing), the department
16 certifies that it has not received additional information
17 demonstrating a history of past or present violent behavior
18 which was not available at the time of sentencing and the
19 prosecuting attorney was unaware of that information at the
20 time of sentencing.

21 (10) There is no reasonable indication that the inmate
22 poses a risk to public safety.

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

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

28 (1) Require the department to include recidivism risk
29 reduction programs in an individual program plan where the
30 risk assessment indicates that such a program is unlikely to

1 reduce recidivism for that particular inmate.

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

5 (3) Prohibit the department from making modifications to
6 the program plan at any time in order to ensure appropriate
7 treatment and recidivism risk reduction incentive program
8 placement.

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

16 § 4507. Authority of board.

17 If an inmate has been sentenced by a court to a recidivism
18 risk reduction incentive minimum sentence and the inmate is not
19 paroled under this chapter, the board may grant parole. Except
20 as otherwise provided under this chapter, the board shall retain
21 its power and authority to parole, commit and reparole inmates
22 committed to the department.

23 § 4508. Written guidelines and regulations.

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

guidelines shall be replaced by regulations promulgated by the department consistent with the Regulatory Review Act on or before the date of expiration of the interim guidelines.

§ 4509. Evaluation.

(a) General rule.--The department, the board and the commission shall monitor and evaluate the recidivism risk reduction incentive programs. Evaluations under this section should be scientifically rigorous and seek to determine the effectiveness of the programs, including whether specific recidivism risk reduction incentive programs have reduced the recidivism rates of the program participants as compared to previously incarcerated and similarly situated inmates.

(b) Publication.--The department, the board and the commission shall make evaluations conducted under this section and underlying data available to the public. The publicly available data and evaluations shall comply with generally accepted practices of the research community, including expectations relating to subject privacy and identifying information.

§ 4510. Reports.

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

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

1 (i) The number of inmates determined by the
2 department to be eligible offenders under this chapter
3 and the offenses for which the eligible offenders were
4 committed to the custody of the department.

5 (ii) The number of inmates committed to the custody
6 of the department who were subject to a recidivism risk
7 reduction incentive minimum sentence.

8 (iii) The number of inmates paroled at the
9 recidivism risk reduction incentive minimum date.

10 (iv) Any potential changes that would make the
11 program more effective.

12 (v) The six-month, one-year, three-year and five-
13 year recidivism rates for inmates released at the
14 recidivism risk reduction incentive minimum sentence.

15 (vi) Any other information the department deems
16 relevant.

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

22 (i) Whether the goals of this chapter could be
23 achieved through amendments to parole or sentencing
24 guidelines.

25 (ii) The various options for parole or sentencing
26 guidelines under subparagraph (i).

27 (iii) The status of any proposed or implemented
28 guidelines designed to implement the provisions of this
29 chapter.

30 (iv) Any potential changes to the program that would

1 be likely to reduce the risk of recidivism of inmates and
2 improve public safety.

3 (v) Any other information the commission deems
4 relevant.

5 (b) Educational plan.--

6 (1) The Pennsylvania Commission on Crime and Delinquency
7 shall publish a report of a proposed educational program plan
8 within one year of the effective date of this section. The
9 proposed educational program plan shall be developed in
10 consultation with the department, the commission, the board,
11 the Pennsylvania District Attorneys Association, the victim
12 advocate and representatives of the judiciary and the
13 criminal defense bar and other criminal justice stakeholders.

14 (2) The plan shall seek to provide cost-effective
15 training or information through electronic means,
16 publications or continuing educational programs that address
17 the following topics:

18 (i) The treatment programs available through the
19 board and the department.

20 (ii) The availability of programs and eligibility
21 requirements that can reduce recidivism risk, including
22 State intermediate punishment, motivational boot camp and
23 recidivism risk reduction incentives programs.

24 (iii) The calculation of sentencing credit and
25 practices that could inadvertently prevent an inmate from
26 receiving sentence credit.

27 (iv) Recent statutory changes relating to
28 sentencing, place of confinement, medical releases,
29 transfer of inmates and parole.

30 § 4511. Construction of chapter.

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

3 (1) Confer any legal right upon any individual,
4 including an individual participating in or seeking to
5 participate in a recidivism risk reduction incentive program,
6 to do any of the following:

7 (i) Participate in a recidivism risk reduction
8 incentive program.

9 (ii) Continue participation in a recidivism risk
10 reduction incentive program.

11 (iii) Modify the contents of the recidivism risk
12 reduction incentive program.

13 (iv) File any cause of action in any Federal or
14 State court challenging the department's determination
15 that a participant is to be suspended or expelled from or
16 that a participant has successfully completed or failed
17 to successfully complete any recidivism risk reduction
18 incentive program.

19 (2) Confer any legal right on any individual to be
20 released on parole under this chapter.

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

23 § 4512. Applicability of chapter.

24 This chapter shall apply to persons incarcerated under the
25 supervision of the department.

26 CHAPTER 59

27 MISCELLANEOUS PROVISIONS

28 Sec.

29 5901. Physical welfare of inmates.

30 5902. Contraband prohibited.

1 5903. Inmate uniforms.

2 5904. Assessment and collection of costs.

3 § 5901. Physical welfare of inmates.

4 (a) Physical exercise.--

5 (1) A chief administrator who may or shall have in
6 charge any inmate, whether the inmate has been tried or not,
7 shall provide the inmate with at least two hours of daily
8 physical exercise in the open, weather permitting, and upon
9 such days on which the weather is inclement, with two hours
10 of daily physical exercise inside of the correctional
11 institution.

12 (2) The physical exercise must be safe and practical,
13 and the judges of several courts are to be the judges
14 thereof.

15 (3) Inmates in segregation or disciplinary status shall
16 receive a minimum of at least one hour of daily exercise five
17 days per week.

18 (b) Limitation.--The physical exercise required by
19 subsection (a) shall not be taken by an inmate within the
20 confines of his cell or room in which the inmate is confined.

21 (c) Applicability.--This section shall not apply to inmates
22 who are confined and not physically able to take the required
23 physical exercise.

24 § 5902. Contraband prohibited.

25 (a) Alcohol and drugs.--No spirituous or fermented liquor,
26 drug, medicine, poison, opium, morphine or any other kind or
27 character of narcotic shall, on any pretense whatever:

28 (1) be sold or given away in a correctional institution
29 or in any building appurtenant thereto, or on the land
30 granted to or owned or leased by the Commonwealth for the use

1 and benefit of inmates; or

2 (2) be brought into a correctional institution or any
3 building appurtenant thereto, or on to the land granted to or
4 owned or leased by the Commonwealth for the use of and
5 benefit of inmates, without a written permit signed by the
6 physician of the correctional institution specifying the
7 quantity and quality of the liquor or narcotic which may be
8 furnished to the inmate or employee in the prison and the
9 name of the inmate or employee for whom and the time when the
10 liquor or narcotic may be furnished, except the ordinary
11 hospital supply of the prisons.

12 (b) Permit.--The permit shall be delivered to and kept by
13 the chief administrator.

14 (c) No secured storage.--No spirituous or fermented liquor,
15 drug, medicine, poison, opium, morphine or any other kind or
16 character of narcotic shall be sold, given away or furnished,
17 either directly or indirectly, to an inmate, either in or
18 anywhere outside of the correctional institution, or be disposed
19 of in such manner or in such a place that it may be secured by
20 an inmate or employee of the prison.

21 (d) Tobacco.--Tobacco may be supplied and used, subject to
22 such regulations as may be adopted by the chief administrator.

23 (e) Weapons.--No weapon or other implement which may be used
24 to injure an inmate or person or in assisting an inmate to
25 escape from imprisonment shall:

26 (1) be sold, given away or furnished to an inmate in any
27 correctional institution or any building appurtenant thereto
28 or on the land granted to or owned or leased by the
29 Commonwealth for the use and benefit of inmates;

30 (2) be brought into any correctional institution or any

1 building appurtenant thereto, or on to the land granted to or
2 owned or leased by the Commonwealth for the use and benefit
3 of inmates; or

4 (3) be sold, given away or furnished, either directly or
5 indirectly, to an inmate, either in or anywhere outside of
6 the correctional institution, or be disposed of in such a
7 manner or in such a place that it may be secured by an inmate
8 in the correctional institution.

9 (f) Searches.--A chief administrator may search or cause to
10 have searched any person coming to the correctional institution
11 as a visitor, or in any other capacity, who is suspected of
12 having upon his person:

13 (1) any weapon or other implement which may be used to
14 injure an inmate or any other person or in assisting an
15 inmate to escape from imprisonment; or

16 (2) any spirituous or fermented liquor, drug, medicine,
17 poison, opium, morphine or any other kind or character of
18 narcotic.

19 (g) Penalty.--A person who violates any of the provisions of
20 this section commits a felony and shall, upon conviction, be
21 sentenced to pay a fine of not more than \$1,000 or to
22 imprisonment for not more than five years, or both.

23 § 5903. Inmate uniforms.

24 While incarcerated, an inmate of a State correctional
25 institution shall wear identifiable prison uniforms and shall
26 not wear civilian clothing.

27 § 5904. Assessment and collection of costs.

28 (a) Power of department.--When the department determines
29 that there has been a financial loss or cost as a result of a
30 violation of a written rule governing inmate behavior,

1 including, but not limited to, property loss or damage or use of
2 a controlled substance, the department may require the inmate to
3 pay to the department, or to the person whose property has been
4 lost or damaged, the value of the property or the costs incurred
5 in the investigation and administrative review of the behavior.

6 (b) Procedures.--The department shall develop written
7 procedures relating to the determination, assessment and
8 collection of the costs of losses due to inmate misconduct. When
9 the procedures have been adopted by the department, the
10 provisions of 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and
11 procedure of Commonwealth agencies) shall not apply to
12 proceedings conducted by the department under this section.

13 (c) Deduction from inmate's institutional account.--

14 (1) The department may deduct from an inmate's
15 institutional account the amount of any judgment, court-
16 ordered costs or assessments against the inmate under
17 subsection (a).

18 (2) Notice of the deduction shall be provided to the
19 inmate by certified mail or personal notice.

20 PART IV

21 PROBATION AND PAROLE

22 Chapter

23 61. Pennsylvania Board of Probation and Parole

24 63. County Probation Officers' Firearm Education and
25 Training

26 CHAPTER 61

27 PENNSYLVANIA BOARD OF PROBATION AND PAROLE

28 Subchapter

29 A. Preliminary Provisions

30 B. Administration

1 C. Powers and Duties

2 D. State Parole Agents

3 SUBCHAPTER A

4 PRELIMINARY PROVISIONS

5 Sec.

6 6101. Definitions.

7 6102. Operation of parole system generally.

8 § 6101. Definitions.

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

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

13 § 6102. Operation of parole system generally.

14 The parole system shall operate consistently with the
15 following provisions:

16 (1) The parole system provides several benefits to the
17 criminal justice system, including the provision of adequate
18 supervision of the offender while protecting the public, the
19 opportunity for the offender to become a useful member of
20 society and the diversion of appropriate offenders from
21 prison.

22 (2) In providing these benefits to the criminal justice
23 system, the board and any other paroling entity shall first
24 and foremost seek to protect the safety of the public.

25 (3) In addition to this goal, the board and any other
26 paroling entity shall address input by crime victims, assist
27 in the fair administration of justice by ensuring the
28 custody, control and treatment of paroled offenders, shall
29 consider any applicable guidelines established by the
30 commission and shall ensure that parole proceedings, release

1 and recommitment are administered in an efficient and timely
2 manner.

3 SUBCHAPTER B

4 ADMINISTRATION

5 Sec.

6 6111. Pennsylvania Board of Probation and Parole.

7 6112. Board chairperson.

8 6113. Board action.

9 6114. Salaries of board members.

10 6115. Incompatible offices and removal.

11 6116. Meetings.

12 6117. Official seal.

13 6118. Offices.

14 6119. District directors.

15 6120. District office employees.

16 6121. Disciplinary action.

17 6122. Political activities.

18 6123. Advisory committee.

19 § 6111. Pennsylvania Board of Probation and Parole.

20 (a) Establishment.--The Pennsylvania Board of Probation and
21 Parole is reestablished as an independent administrative board
22 for the administration of the probation and parole laws of this
23 Commonwealth.

24 (b) Membership.--The board shall consist of nine members who
25 shall be appointed by the Governor, by and with the advice and
26 consent of a majority of the members of the Senate, and each of
27 whom shall hold office for a term of six years or until that
28 person's successor shall have been duly appointed and qualified,
29 but in no event more than 90 days beyond the expiration of that
30 person's appointed term.

1 (c) Vacancies.--

2 (1) Vacancies occurring in an office of a member of the
3 board by expiration of term, death, resignation, removal or
4 for any other reason shall be filled in the manner provided
5 by section 8 of Article IV of the Constitution of
6 Pennsylvania for the remainder of the term.

7 (2) Whenever a board member's term expires, that
8 member's position shall be immediately deemed a vacancy, and
9 the Governor shall nominate a person to fill that membership
10 position on the board within 90 days of the date of
11 expiration, even if the member continues to remain on the
12 board.

13 (d) Eligibility.--To be eligible to be appointed by the
14 Governor for membership on the board, an individual shall have
15 at least six years of professional experience in parole,
16 probation, social work or related areas, including one year in a
17 supervisory or administrative capacity, and a bachelor's degree.
18 Any equivalent combination of experience and training shall be
19 acceptable.

20 (e) General powers.--Subject to the provisions of this
21 chapter, the board shall have all the powers and shall perform
22 the duties generally vested in and imposed upon independent
23 administrative boards and commissions by the act of April 9,
24 1929 (P.L.177, No.175), known as The Administrative Code of
25 1929, and shall be subject to all the provisions of that act
26 applicable generally to independent administrative boards and
27 commissions.

28 § 6112. Board chairperson.

29 (a) Designation by Governor.--The Governor shall, from time
30 to time, as the occasion may arise, designate one of the members

1 of the board to be its chairperson who shall:

2 (1) Direct the operations, management and administration
3 of the board and fulfill the functions established by this
4 chapter.

5 (2) Secure the effective application of the probation
6 system in all of the courts of this Commonwealth and the
7 enforcement of the probation laws.

8 (3) Preside at all meetings of the board.

9 (4) Perform all the duties and functions of chairperson,
10 including organizing, staffing, controlling, directing and
11 administering the work of the staff.

12 (5) Administer the proceedings of the board to ensure
13 efficient and timely procedures for parole board decisions,
14 parole releases, discharges and recommitments.

15 (b) Alternate chairperson.--The board may designate one of
16 its members to act as alternate chairperson during the absence
17 or incapacity of the chairperson and, when so acting, the member
18 so designated shall have and perform all the powers and duties
19 of chairperson of the board, but shall not receive any
20 additional compensation for acting as chairperson.

21 (c) Subject to board policies and procedures.--The
22 chairperson and alternate chairperson, in performing the duties
23 of that office as they relate to parole, reparole and violation
24 and revocation proceedings, shall act in accordance with the
25 policies and procedures established by the board.

26 § 6113. Board action.

27 (a) Quorum.--

28 (1) A majority of the board shall constitute a quorum
29 for transacting business and, except as otherwise provided in
30 this chapter and Chapter 45 (relating to recidivism risk

1 reduction incentive), a majority vote of those present at any
2 meeting shall be sufficient for any official action taken by
3 the board.

4 (2) Except as provided in subsections (b), (c), (d) and
5 (e) and Chapter 45, no person shall be paroled or discharged
6 from parole or have his parole revoked, except by a majority
7 of the entire membership of the board.

8 (b) Panel decisions.--The board may make decisions on
9 parole, reparole, return or revocation in panels of two persons.
10 A panel shall consist of one board member and one hearing
11 examiner or of two board members. Panels shall be appointed by
12 the chairperson or the chairperson's designee.

13 (c) Disagreement within panel.--

14 (1) If there is disagreement on a decision to parole
15 between the members of a panel, the matter shall be decided
16 by a board member appointed by the chairperson or the
17 chairperson's designee, who shall concur with one of the
18 original panel members.

19 (2) If there is disagreement on a revocation decision
20 between the members of the panel, the matter shall be decided
21 by three board members appointed by the chairperson or the
22 chairperson's designee; at least two of these members must
23 not have been on the disagreeing panel, if practicable.

24 (d) Appeal.--

25 (1) An interested party may appeal a revocation decision
26 within 30 days of the board's order. The decision shall be
27 reviewed by three board members appointed by the chairperson
28 or the chairperson's designee.

29 (2) If practicable, at least two of the board members
30 reviewing the decision must not have been on the panel whose

decision is being appealed. The three board members deciding the appeal may affirm, reverse or remand the decision of the panel or may order the matter be heard de novo.

(e) Decision without review.--Subject to the provisions of section 6137(g) (relating to parole power), the board or its designee may issue a decision to parole an eligible offender as defined under section 4503 (relating to definitions) without further review by the board.

§ 6114. Salaries of board members.

The Executive Board shall determine the salaries to be paid to the members of the board.

§ 6115. Incompatible offices and removal.

(a) General rule.--The members of the board shall not hold any other public office or employment nor engage in any business, profession or employment during their terms of service as members thereof and shall hold their offices during the terms for which they shall have been appointed.

(b) Procedure for removal.--

(1) A member of the board may be removed by the Governor, by and with the advice and consent of two-thirds of the members of the Senate.

(2) During a recess of the Senate, the Governor may suspend a member of the board for cause, and before suspension, the Governor shall furnish to the member a statement in writing of the reasons for the proposed suspension of the member. The suspension shall operate and be effective only until the adjournment of the next session of the Senate following the suspension.

§ 6116. Meetings.

(a) General rule.--As soon as may be convenient after their

1 appointment, the members of the board shall meet and organize.

2 (b) Appointment of secretary.--The members of the board
3 shall appoint a secretary, who:

4 (1) Shall not be a member of the board.

5 (2) Shall hold office at the pleasure of the board.

6 (3) Shall have such powers and perform such duties not
7 inconsistent with any law of this Commonwealth as the board
8 shall prescribe.

9 (4) Shall receive such compensation as the board shall
10 determine in conformity with the rules of the Executive
11 Board.

12 (c) Temporary secretary.--In the absence or incapacity of
13 the secretary to act, the board may designate such other person
14 as it may choose to perform temporarily the duties of secretary.
15 § 6117. Official seal.

16 The board shall adopt an official seal by which its acts and
17 proceedings shall be authenticated and of which the courts shall
18 take judicial notice. The certificate of the chairperson of the
19 board, under the seal of the board and attested by the
20 secretary, shall be accepted in evidence in any judicial
21 proceeding in any court of this Commonwealth as adequate and
22 sufficient proof of the acts and proceedings of the board
23 referenced in the certificate.

24 § 6118. Offices.

25 (a) Principal office.--The principal office of the board
26 shall be in Harrisburg, and the board shall appoint and employ
27 such number and character of officers, agents, clerks,
28 stenographers and employees as may be necessary to carry out the
29 purposes of this chapter. The salaries of persons so appointed
30 and employed by the board shall be fixed by the board.

1 (b) District offices.--The board, with the approval of the
2 Governor, shall divide the Commonwealth for administrative
3 purposes into a suitable number of districts, not to exceed ten,
4 in each of which shall be a district office which shall have
5 immediate charge of the supervision of cases of probation and
6 parole arising in the courts of the judicial districts embraced
7 within its territorial limits, but, as occasion may require, the
8 supervision of particular parolees may be transferred by the
9 board to other appropriate parole districts.

10 (c) Location of district offices.--

11 (1) The board shall fix and determine the location of
12 the various district offices within their respective
13 districts, having regard to local conditions in each district
14 and to the most convenient and efficient functioning of the
15 office established in each district.

16 (2) At each of the locations so fixed and determined,
17 the board shall provide such office accommodations,
18 furniture, equipment and supplies as may be reasonably
19 suitable and adequate for the proper handling and dispatch of
20 the parole business of the district.

21 (3) The board may enter into contracts on behalf of the
22 Commonwealth for such office accommodations, furniture,
23 equipment and supplies through the Department of General
24 Services.

25 (d) Consideration for fixing compensation.--In fixing
26 compensation for its officers, clerks and employees under the
27 provisions of this chapter, the board shall have regard to the
28 kind, grade or class of service to be rendered, and whenever any
29 standard compensation has been fixed by the Executive Board for
30 any kind, grade or class of service or employment, the

compensation of all persons appointed or employed by the board in the same kind, grade or class shall be fixed by it in accordance with such standard.

§ 6119. District directors.

(a) Establishment.--Each district parole office shall be in charge of a district director who:

(1) Shall be appointed by the board, with the approval of the Governor.

(2) Shall receive such annual salary as the board shall determine in conformity with the rules of the Executive Board.

(b) Status and role.--The district director shall be the executive head of the district office to which the district supervisor is appointed and shall have the control, management and direction of all employees of the board assigned to the district, subject to the supervision of the board.

§ 6120. District office employees.

(a) Board to appoint.--The board shall appoint in the various district offices a sufficient number of parole officers, clerks, stenographers and other agents and employees to fully and efficiently administer the parole laws of this Commonwealth, but no employee of the board, other than its secretary and district supervisors, shall be appointed by the board except in the manner provided by this chapter.

(b) Salaries and qualifications.--The salaries of the appointees in subsection (a) shall be fixed by the board. The board shall from time to time by appropriate rule or regulation prescribe the qualifications to be possessed by its personnel. The qualifications shall be such as will best promote the efficient operation of probation and parole.

1 § 6121. Disciplinary action.

2 (a) General rule.--Except as otherwise provided in
3 subsection (b), an employee of the board, excluding the
4 secretary and district supervisors, may be removed, discharged
5 or reduced in pay or position only for cause and after being
6 given the reasons therefore in writing and afforded an
7 opportunity to be heard in answer thereto.

8 (b) Exception.--An employee may be suspended without pay and
9 without hearing for a period not exceeding 30 days, but the
10 reason or reasons for the suspension must be given to the
11 employee by the board in writing.

12 (c) Successive suspensions.--There shall not be any
13 successive suspensions of the same employee under this section.

14 § 6122. Political activities.

15 (a) General rule.--No member of the board, or officer, clerk
16 or employee thereof, or any person officially connected with the
17 board:

18 (1) Shall take any active part in politics or be a
19 member of or delegate or alternate to any political
20 convention or be present at such convention, except in the
21 performance of that person's official duties under this
22 chapter.

23 (2) Shall serve as a member of or attend the meetings of
24 any committee of any political party, or take any part in
25 political management or political campaigns, or use that
26 person's office to influence political movements, or to
27 influence the action of any other officer, clerk or employee
28 of the board.

29 (3) Shall in any way or manner interfere with or
30 participate in the conduct of any election or the preparation

1 therefore at the polling place, or with the election officers
2 while counting the votes or returning the ballot boxes,
3 books, papers, election paraphernalia and machinery to the
4 place provided by law, or be within any polling place, except
5 for the purpose of voting as speedily as it reasonably can be
6 done or be otherwise within 50 feet or any polling place,
7 except for purposes of ordinary travel or residence during
8 the period of time beginning with one hour preceding the
9 opening of the polls for holding the election and ending with
10 the time when the election officers shall have finished
11 counting the votes and have left the polling place.

12 (4) Shall directly or indirectly make or give, demand or
13 solicit or be in any manner concerned in making, giving,
14 demanding, soliciting or receiving any assessments,
15 subscriptions or contributions, whether voluntary or
16 involuntary, to any political party or for any political
17 purpose whatsoever.

18 (b) Penalty.--Any person who violates any of the provisions
19 of this section:

20 (1) Commits a misdemeanor of the third degree, and, upon
21 conviction thereof, shall be punished by a fine not exceeding
22 \$500 and imprisonment not exceeding one year, or both.

23 (2) Shall forfeit that person's office or employment, as
24 the case may be.

25 (3) Shall not thereafter be appointed or employed by the
26 board in any position or capacity whatsoever.

27 (c) Dismissal required.--The board shall dismiss any
28 officer, clerk or employee thereof who shall violate this
29 section from that person's office or employment.

30 § 6123. Advisory committee.

1 (a) Establishment.--An advisory committee on probation is
2 reestablished to assist the board.

3 (b) Composition.--The advisory committee shall consist of
4 nine members, seven of whom shall be appointed by the Governor,
5 with the consent of a majority of the members of the Senate. At
6 least two shall be judges of courts of record of this
7 Commonwealth, at least one shall be a county commissioner, at
8 least one shall be a chief county probation officer, and the
9 remaining members shall be qualified in the field of probation
10 and parole either by training or experience. The President pro
11 tempore of the Senate and the Speaker of the House of
12 Representatives shall each appoint a member of their respective
13 houses to serve as members of the committee.

14 (c) Terms.--

15 (1) The term of a member hereafter appointed, except to
16 fill a vacancy, shall be for four years and until their
17 successors have been appointed and qualified, but in no event
18 more than 90 days beyond the expiration of their appointed
19 term.

20 (2) The terms of members of the committee who are
21 appointed by virtue of holding an office as a member of the
22 General Assembly, judge or county commissioner shall continue
23 only so long as that person remains in that office.

24 (3) Vacancies occurring in an office of a member of the
25 advisory committee by expiration of term, death, resignation,
26 removal or for any other reason shall be filled in the manner
27 provided by section 8 of Article IV of the Constitution of
28 Pennsylvania for the remainder of the term.

29 (4) Whenever the term of an advisory committee member,
30 other than one who is a member of the General Assembly,

1 expires, that member's position shall be immediately deemed a
2 vacancy, and the Governor shall nominate a person to fill
3 that membership position on the committee within 90 days of
4 the date of expiration, even if the member continues to
5 remain on the committee. The Governor shall designate one of
6 the members of the committee as its chairperson.

7 (d) Reimbursement of expenses.--Each member of the advisory
8 committee shall be paid all reasonable and necessary travel and
9 other expenses incurred by him in the performance of his duties.

10 (e) Assistance to be provided.--The advisory committee shall
11 aid the chairperson and the board in formulating and reviewing
12 standards for probation personnel and probation services in the
13 counties.

14 SUBCHAPTER C

15 POWERS AND DUTIES

16 Sec.

17 6131. General powers of board.

18 6132. Specific powers of board involving parolees.

19 6133. Probation services.

20 6134. Sentencing court to transmit records to board.

21 6134.1. General criteria for parole by court.

22 6135. Investigation of circumstances of offense.

23 6136. Right of access to inmates.

24 6137. Parole power.

25 6138. Violation of terms of parole.

26 6139. Parole procedure.

27 6140. Victim statements, testimony and participation in
28 hearing.

29 6141. General rules and special regulations.

30 § 6131. General powers of board.

1 (a) General rule.--The board shall have the power and its
2 duty shall be:

3 (1) To supervise and make presentence investigations and
4 reports as provided by law.

5 (2) To collect and maintain copies of all presentence
6 investigations and reports.

7 (3) To collect and maintain a record of all persons who
8 are placed on probation and parole.

9 (4) To collect, compile and publish statistical and
10 other information relating to probation and parole work in
11 all courts and such other information the board may deem of
12 value in probation service.

13 (5) To establish, by regulation, uniform Statewide
14 standards for:

15 (i) Presentence investigations.

16 (ii) The supervision of probationers.

17 (iii) The qualifications for probation personnel.

18 (iv) Minimum salaries.

19 (v) Quality of probation service.

20 The standards for the qualifications of probation personnel
21 shall only apply to probation personnel appointed after the
22 date the standards are established. Should any probation
23 personnel appointed prior to the date the standards were
24 established fail to meet the standards, the court having
25 jurisdiction of such personnel may request the board to
26 establish in-service training for them in accordance with the
27 standards.

28 (6) To adopt regulations establishing specific
29 composition, functions and responsibilities for citizens
30 advisory committees and to receive reports, recommendations

1 or other input concerning parole policies and parole-related
2 concerns from the committees on a regular basis.

3 (7) To adopt regulations establishing criteria for board
4 acceptance of cases for supervision and presentence
5 investigations from counties that on December 31, 1985,
6 maintained adult probation offices and parole systems.

7 (8) To enter into contracts for purchasing community
8 services to assist parolees and to supplement existing
9 programs.

10 (9) To pay the cost of preparole drug screening tests
11 for inmates within the parole release jurisdiction of the
12 board, who are confined in a State or local correctional
13 facility, as required under section 6137 (relating to parole
14 power).

15 (10) To enter into contracts which provide for the
16 continuous electronic monitoring of parolees.

17 (11) To establish and provide for intensive supervision
18 units and day reporting centers for the supervision of
19 parolees.

20 (12) To provide information as required under 42 Pa.C.S.
21 § 2153(a)(14) (relating to powers and duties) as requested by
22 the commission.

23 (b) Court-appointed probation officers to submit information
24 to board.--A court that appoints a probation officer shall
25 require the probation officer to submit to the board such
26 information as the board may require on forms prescribed and
27 furnished by the board.

28 (c) Access to county records.--The board shall have free and
29 ready access to all probation and parole records of any county.
30 § 6132. Specific powers of board involving parolees.

1 (a) General rule.--The board shall have exclusive power:

2 (1) (i) To parole and reparole, commit and recommit for
3 violations of parole and to discharge from parole all
4 persons sentenced by any court at any time to
5 imprisonment in a correctional facility.

6 (ii) This paragraph applies to inmates sentenced to
7 definite or terms of imprisonment.

8 (2) (i) To supervise any person placed on parole, when
9 sentenced to a maximum period of less than two years, by
10 any judge of a court having criminal jurisdiction, when
11 the court may by special order direct supervision by the
12 board, in which case the parole case shall be known as a
13 special case and the authority of the board with regard
14 thereto shall be the same as provided in this chapter
15 with regard to parole cases within one of the
16 classifications set forth in this chapter.

17 (ii) Except for such special cases, the powers and
18 duties conferred by this section shall not extend to
19 persons sentenced for a maximum period of less than two
20 years and shall not extend to those persons committed to
21 county confinement within the jurisdiction of the court
22 pursuant to 42 Pa.C.S. § 9762(b)(2) (relating to
23 sentencing proceeding; place of confinement).

24 (b) Construction.--Nothing contained in this section shall
25 be construed to prevent a court from paroling any person
26 sentenced by it for a maximum period of less than two years or
27 from paroling a person committed to county confinement within
28 the jurisdiction of the court pursuant to 42 Pa.C.S. § 9762(b)
29 (2).

30 (c) Definition.--As used in this section, "period of two

years" means the entire continuous term of sentence to which a person is subject, whether for one or more sentences, either to simple imprisonment or to an indeterminate imprisonment as authorized by law to be imposed for criminal offenses.

§ 6133. Probation services.

(a) General rule.--The board shall have exclusive power to supervise any person placed on probation by any judge of a court having criminal jurisdiction, when the court by special order directs supervision by the board.

(b) Presentence investigations.--The board shall make presentence investigations when requested to do so by the court.

(c) Grant-in-aid.--

(1) A county that provides additional probation staff for presentence investigations and improved probation supervision and program shall receive a grant-in-aid from the Commonwealth through the board for additional cost incurred thereby but only to the extent that the additional staff and program meet the qualifications and standards established by the board.

(2) The grant-in-aid shall provide 80% of the personnel salary costs incurred by a county to administer these additional services and programs.

(3) If insufficient funds are appropriated, each county shall receive a prorated reduction in the grant-in-aid.

(4) The board shall establish rules and regulations for the allocation of funds available for such grants-in-aid.

(d) In-service training.--The board shall provide in-service training for personnel of county probation offices when requested to do so by the court having jurisdiction of the probation office.

1 § 6134. Sentencing court to transmit records to board.

2 (a) Duty to transmit.--A court sentencing any person for a
3 term as to which power to parole is given to the board in this
4 chapter shall transmit to the board, within 30 days after the
5 imposition of the sentence:

6 (1) A copy of the notes of testimony of the sentencing
7 hearing that may have been filed of record in the case.

8 (2) Copies of any criminal identification records
9 secured from the Federal Bureau of Investigation.

10 (3) Copies of presentence investigation reports and
11 behavior clinic reports, if any were submitted to the court,
12 the last two of which records, being confidential records of
13 the court, shall be treated confidentially by the members of
14 the board, who shall not permit examination of the records by
15 anyone other than its duly appointed agents or
16 representatives except upon court order.

17 (b) Recommendations from judge.--

18 (1) A judge may make at any time a recommendation to the
19 board respecting the person sentenced and the term of
20 imprisonment the judge believes that person should be
21 required to serve before a parole is granted to that person.

22 (2) A recommendation made by a judge under paragraph (1)
23 respecting the parole or terms of parole of a person shall be
24 advisory only. No order in respect to the recommendation made
25 or attempted to be made as a part of a sentence shall be
26 binding upon the board in performing the duties and functions
27 conferred on it by this chapter.

28 § 6134.1. General criteria for parole by court.

29 (a) Guidelines.--The court may parole or reparole subject to
30 consideration of guidelines established under 42 Pa.C.S. §

1 2154.5 (relating to adoption of guidelines for parole).

2 (b) Report of decision to commission.--If a court paroles or
3 reparoles a person, the court shall report the parole or
4 reparole decision and shall provide a contemporaneous written
5 statement for any deviation from the guidelines established
6 under 42 Pa.C.S. § 2154.5, to the commission under 42 Pa.C.S. §
7 2153(a)(14) (relating to powers and duties).

8 (c) Procedure.--

9 (1) Prior to making a decision to parole a person
10 committed to county confinement within the jurisdiction of
11 the court pursuant to 42 Pa.C.S. § 9762(b)(2) (relating to
12 sentencing procedure; place of confinement) from a sentence
13 of imprisonment imposed following conviction for a personal
14 injury crime, each victim who has registered to receive
15 victim services in connection with the personal injury crime
16 shall be given an opportunity by the court to submit a
17 preparole statement to the court expressing concerns or
18 recommendations regarding the parole or parole supervision of
19 the person.

20 (2) The district attorney shall, immediately following
21 sentence in cases where a sentence of confinement has been
22 imposed and the sentenced person remains within the
23 jurisdiction of the court pursuant to 42 Pa.C.S. § 9762(b)
24 (2), notify all registered victims that they shall have the
25 opportunity to submit a parole statement to the court.

26 (3) Victims shall notify the court of their intention to
27 submit a parole statement and shall provide and keep
28 current an appropriate mailing address.

29 (4) Parole statements submitted pursuant to this
30 subsection shall be subject to the confidentiality provisions

1 contained in section 6140 (relating to victim statements,
2 testimony and participation in hearing) applicable to
3 preparole statements submitted to the board and shall be
4 considered by the court prior to any parole decision, and
5 each victim submitting a preparole statement shall be given
6 notice of the court's parole decision.

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

10 "Personal injury crime." The term shall have the meaning set
11 forth in section 103 of the act of November 24, 1998 (P.L.882,
12 No.111), known as the Crime Victims Act.

13 "Victim." The term shall mean, in addition to the meaning
14 set forth in section 103 of the act of November 24, 1998
15 (P.L.882, No.111), known as the Crime Victims Act, a member of
16 the victim's family if the victim is incapable of communicating
17 or has died.

18 § 6135. Investigation of circumstances of offense.

19 (a) Duty to investigate.--The board, on the commitment to a
20 correctional facility of any person whom the board is given the
21 power to parole under this chapter, shall consider:

22 (1) The nature and circumstances of the offense
23 committed.

24 (2) Any recommendations made by the trial judge and
25 prosecuting attorney.

26 (3) The general character and background of the inmate.

27 (4) Participation by an inmate sentenced after February
28 19, 1999, and who is serving a sentence for a crime of
29 violence as defined in 42 Pa.C.S. § 9714(g) (relating to
30 sentences for second and subsequent offenses) in a victim

1 impact education program offered by the Department of
2 Corrections.

3 (5) The written or personal statement of the testimony
4 of the victim or the victim's family submitted under section
5 6140 (relating to victim statements, testimony and
6 participation in hearing).

7 (6) The notes of testimony of the sentencing hearing, if
8 any, together with such additional information regarding the
9 nature and circumstances of the offense committed for which
10 sentence was imposed as may be available.

11 (7) The conduct of the person while in prison and his
12 physical, mental and behavioral condition and history, his
13 history of family violence and his complete criminal record.

14 (b) Cooperation of public officials.--A public official who
15 possesses such records or information shall furnish the records
16 or information to the board upon its request and without charge
17 so far as may be practicable while the case is recent.

18 § 6136. Right of access to inmates.

19 All prison officials shall:

20 (1) At all reasonable times grant access to any inmate
21 whom the board has power to parole to the members of the
22 board or its properly accredited representatives.

23 (2) At all reasonable times provide for the board or its
24 properly accredited representative facilities for
25 communicating with and observing an inmate while imprisoned.

26 (3) Furnish to the board from time to time such reports
27 concerning the conduct of inmates in their custody as the
28 board shall by general rule or special order require,
29 together with any other facts deemed pertinent in aiding the
30 board to determine whether such inmates shall be paroled.

1 § 6137. Parole power.

2 (a) General criteria for parole.--

3 (1) The board may parole subject to consideration of
4 guidelines established under 42 Pa.C.S. § 2154.5 (relating to
5 adoption of guidelines for parole) and may release on parole
6 any inmate to whom the power to parole is granted to the
7 board by this chapter, except an inmate condemned to death or
8 serving life imprisonment, whenever in its opinion:

9 (i) The best interests of the inmate justify or
10 require that the inmate be paroled.

11 (ii) It does not appear that the interests of the
12 Commonwealth will be injured by the inmate's parole.

13 (2) Parole shall be subject in every instance to the
14 Commonwealth's right to immediately retake and hold in
15 custody without further proceedings any parolee charged after
16 his parole with an additional offense until a determination
17 can be made whether to continue his parole status.

18 (3) The power to parole granted under this section to
19 the board may not be exercised in the board's discretion at
20 any time before, but only after, the expiration of the
21 minimum term of imprisonment fixed by the court in its
22 sentence or by the Board of Pardons in a sentence which has
23 been reduced by commutation.

24 (4) In no case shall the board act upon an application
25 of an inmate:

26 (i) whose term of imprisonment was commuted from
27 life to life on parole;

28 (ii) who was serving a term of imprisonment for a
29 crime of violence; or

30 (iii) who is serving a sentence under 42 Pa.C.S. §

1 9712 (relating to sentences for offenses committed with
2 firearms) unless the inmate has served at least one year
3 in a prerelease center.

4 (5) Upon parole, a parolee subject to paragraph (3)
5 shall be subject to weekly supervision for the first six
6 months of parole.

7 (b) Cases involving deviations from guidelines.--In each
8 case in which the board deviates from the guidelines established
9 under 42 Pa.C.S. § 2154.5, the board shall provide a
10 contemporaneous written statement of the reason for the
11 deviation from the guidelines to the commission as established
12 under 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties).
13 The board may develop and use internal decisional instruments.
14 This subsection shall not be construed to prevent the board from
15 also developing forms or other documents, policies and
16 procedures consistent with this chapter, including internal
17 decisional instruments.

18 (c) Administrative parole.--

19 (1) An eligible offender shall be placed on
20 administrative parole one year after release on parole and
21 until the maximum sentence date if the board's supervision
22 staff determines that:

23 (i) (A) the eligible offender has not violated the
24 terms and conditions of the eligible offender's
25 parole; or

26 (B) the eligible offender has not been subject
27 to the extensive use of sanctions prior to the
28 completion of one year from the date of release on
29 parole; and

30 (ii) there is no substantial information indicating

1 dangerousness or that placement on administrative parole
2 would compromise public safety.

3 (2) An eligible offender placed on administrative parole
4 shall continue to be subject to recommitment at the board's
5 discretion and shall be subject to the board's power to
6 recommit and reparole, recommit and review or otherwise
7 impose sanctions at its discretion until the eligible
8 offender's maximum sentence date.

9 (3) An eligible offender placed on administrative parole
10 shall do all of the following:

11 (i) Make supervision contact at least one time per
12 year.

13 (ii) Provide updated contact information upon a
14 change in residence or employment.

15 (iii) Continue to pay any restitution owed.

16 (iv) Comply with other requirements imposed by the
17 board.

18 (d) Recidivism risk reduction incentive minimum.--The board
19 shall have the power and its duty shall be to comply with the
20 requirements of section 4506 (relating to recidivism risk
21 reduction incentive minimum).

22 (e) Preparole drug screening tests.--

23 (1) The board may not release a person on parole unless
24 the person achieves a negative result within 45 days prior to
25 the date of release in a screening test approved by the
26 Department of Health for the detection of the presence of
27 controlled substances or designer drugs under the act of
28 April 14, 1972 (P.L.233, No.64), known as The Controlled
29 Substance, Drug, Device and Cosmetic Act.

30 (2) The cost of these parole drug screening tests for

1 inmates subject to the parole release jurisdiction of the
2 board, whether confined in a correctional institution or
3 county prison, shall be paid by the board. The board shall
4 establish rules and regulations for the payment of these
5 costs and may limit the types and cost of these screening
6 tests that would be subject to payment by the board.

7 (3) (i) The board shall establish, as a condition of
8 continued parole for a parolee who, as an inmate, tested
9 positive for the presence of a controlled substance or a
10 designer drug or who was paroled from a sentence arising
11 from a conviction under The Controlled Substance, Drug,
12 Device and Cosmetic Act or from a drug-related crime, the
13 parolee's achievement of negative results in such
14 screening tests randomly applied.

15 (ii) The random screening tests shall be performed
16 at the discretion of the board, and the parolee
17 undergoing the tests shall be responsible for the costs
18 of the tests.

19 (iii) The funds collected for the tests shall be
20 applied against the contract for such testing between the
21 board and a testing laboratory approved by the Department
22 of Health.

23 (f) Crimes of violence.--The board may not release a person
24 who is sentenced after February 19, 1999, and is serving a
25 sentence for a crime of violence as defined in 42 Pa.C.S. §
26 9714(g) (relating to sentences for second and subsequent
27 offenses) on parole unless the person has received instruction
28 from the Department of Corrections on the impact of crime on
29 victims and the community.

30 (g) Procedure.--

1 (1) The department shall identify all inmates committed
2 to the custody of the department that meet the definition of
3 an eligible offender.

4 (2) Upon identification of an inmate as an eligible
5 offender, the department shall send notice to the board. The
6 board shall send notice to the prosecuting attorney and the
7 court no less than six months before the expiration of the
8 inmate's minimum sentence indicating that the department has
9 preliminarily identified the inmate as an eligible offender.
10 The notice shall be sent by United States mail unless the
11 board, the court and the prosecutor have consented to receipt
12 of notice via electronic means. For inmates committed to the
13 department whose expiration of the minimum sentence is six
14 months or less from the date of admission, the department
15 shall give prompt notice.

16 (3) Within 60 days of receipt of notice under paragraph
17 (2), the court or prosecuting attorney may file a written
18 objection to the department's preliminary identification of
19 the inmate as an eligible offender. Notice of the objection
20 shall be provided to the department and the board.

21 (4) If no notice of objection has been filed under
22 paragraph (3), the board or its designee shall approve for
23 parole at the expiration of the eligible offender's minimum
24 date upon a determination that all of the following apply:

25 (i) The department certified that the inmate has
26 maintained a good conduct record and continues to remain
27 an eligible offender.

28 (ii) The reentry plan for the inmate is adequate.

29 (iii) Individual conditions and requirements for
30 parole have been established.

1 (iv) There is no reasonable indication that the
2 inmate poses a risk to public safety.

3 (5) If the court or prosecuting attorney files a timely
4 objection under paragraph (3), the board shall make a
5 determination as to whether the inmate is an eligible
6 offender. The board shall notify the department, prosecuting
7 attorney and court of its determination no later than 60 days
8 prior to the minimum parole date. If the board determines
9 that the inmate is an eligible offender under this chapter,
10 the board shall follow the provisions under paragraph (4). If
11 the board determines that the inmate is not an eligible
12 offender under section 4503 (relating to definitions), the
13 board shall retain exclusive jurisdiction to grant parole and
14 shall determine whether the inmate should be paroled at the
15 minimum date, paroled at a later date or denied parole.

16 (6) Nothing in this subsection shall be construed as
17 granting a right to be paroled to any person, and any
18 decision by the board and its designees or the department,
19 under this section shall not be considered an adjudication
20 under 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and
21 procedure of Commonwealth agencies) and Ch. 7 Subch. A
22 (relating to judicial review of Commonwealth agency action).

23 (7) Except as provided under this subsection, nothing in
24 this chapter shall otherwise affect the powers and duties of
25 the board or the department.

26 (h) Power to recommit.--

27 (1) The board may, during the period for which an inmate
28 shall have been sentenced, recommit the inmate, if paroled,
29 for violation of the terms and conditions of his parole and
30 from time to time to reparole and recommit in the same manner

1 and with the same procedure as in the case of an original
2 parole or recommitment if, in the judgment of the board:

3 (i) There is a reasonable probability that the
4 inmate will be benefited by paroling the inmate again.

5 (ii) It does not appear that the interests of the
6 Commonwealth will be injured by paroling the inmate
7 again.

8 (2) In exercising these powers, the board shall consider
9 any applicable recommitment ranges established by the
10 commission under 42 Pa.C.S. § 2154.6 (relating to adoption of
11 recommitment ranges following revocation of parole by board).

12 (i) Cases involving deviations from guidelines.--In each
13 case in which the board deviates from the recommitment ranges
14 established under 42 Pa.C.S. § 2154.6, the board shall provide a
15 contemporaneous written statement of the reason for the
16 deviation from the recommitment ranges to the commission, as
17 established under 42 Pa.C.S. § 2153(a)(14).

18 (j) Notice to county probation department.--When the board
19 releases a parolee from a correctional facility, the board shall
20 provide written notice to the probation department located in
21 the county where the sentencing order was imposed of the release
22 and new address of the parolee.

23 (k) Definition.--For the purposes of this section, the term
24 "eligible offender" shall have the same meaning as the term is
25 given under section 4503 (relating to definitions).

26 § 6138. Violation of terms of parole.

27 (a) Convicted violators.--

28 (1) A parolee under the jurisdiction of the board
29 released from a correctional facility who, during the period
30 of parole or while delinquent on parole, commits a crime

1 punishable by imprisonment, for which the parolee is
2 convicted or found guilty by a judge or jury or to which the
3 parolee pleads guilty or nolo contendere at any time
4 thereafter in a court of record, may at the discretion of the
5 board be recommitted as a parole violator.

6 (2) If the parolee's recommitment is so ordered, the
7 parolee shall be reentered to serve the remainder of the term
8 which the parolee would have been compelled to serve had the
9 parole not been granted and shall be given no credit for the
10 time at liberty on parole.

11 (3) The board may, in its discretion, reparole whenever,
12 in its opinion, the best interests of the inmate justify or
13 require the inmate's release on parole and it does not appear
14 that the interests of the Commonwealth will be injured
15 thereby.

16 (4) The period of time for which the parole violator is
17 required to serve shall be computed from and begin on the
18 date that the parole violator is taken into custody to be
19 returned to the institution as a parole violator.

20 (5) If a new sentence is imposed on the parolee, the
21 service of the balance of the term originally imposed shall
22 precede the commencement of the new term imposed in the
23 following cases:

24 (i) If a person is paroled from a State correctional
25 institution and the new sentence imposed on the person is
26 to be served in the State correctional institution.

27 (ii) If a person is paroled from a county prison and
28 the new sentence imposed upon him is to be served in the
29 same county prison.

30 (iii) In all other cases, the service of the new

1 term for the latter crime shall precede commencement of
2 the balance of the term originally imposed.

3 (6) Where the new term is to be served last or the
4 balance of the term originally imposed is to be served last,
5 and the service is, in either case, in any correctional
6 facility:

7 (i) Any person upon recommitment shall be sent to
8 the institution as shall be designated by the Secretary
9 of Corrections or his designee.

10 (ii) Any female person shall be recommitted to the
11 State Correctional Institution at Muncy.

12 (b) Subsequent arrest.--

13 (1) The formal filing of a charge after parole against a
14 parolee within this Commonwealth for any violation of the
15 laws of this Commonwealth shall constitute an automatic
16 detainer and permit the parolee to be taken into and held in
17 custody.

18 (2) The automatic detainer shall dissolve 15 days after
19 the parolee is taken into custody unless sooner waived or
20 otherwise superseded by direction of the supervising parole
21 office.

22 (3) The automatic detainer shall be in addition to and
23 not in lieu of any other detainer that prior to the effective
24 date of this chapter may have been lodged in such
25 circumstances.

26 (c) Technical violators.--

27 (1) A parolee under the jurisdiction of the board who is
28 released from a correctional facility and who, during the
29 period of parole, violates the terms and conditions of his
30 parole, other than by the commission of a new crime of which

1 the parolee is convicted or found guilty by a judge or jury
2 or to which the parolee pleads guilty or nolo contendere in a
3 court of record, may be recommitted after a hearing before
4 the board.

5 (2) If the parolee is so recommitted, the parolee shall
6 be given credit for the time served on parole in good
7 standing but with no credit for delinquent time and may be
8 reentered to serve the remainder of the original sentence or
9 sentences.

10 (3) The remainder shall be computed by the board from
11 the time the parolee's delinquent conduct occurred for the
12 unexpired period of the maximum sentence imposed by the court
13 without credit for the period the parolee was delinquent on
14 parole. The parolee shall serve the remainder so computed
15 from the date the parolee is taken into custody on the
16 warrant of the board.

17 (4) The parolee shall be subject to reparole by the
18 board whenever in its opinion the best interests of the
19 inmate justify or require the parolee being repared and it
20 does not appear that the interests of the Commonwealth will
21 be injured reparing the parolee.

22 (d) Recommitment.--A technical violator under subsection (c)
23 shall be recommitted to a correctional facility as follows:

24 (1) If paroled from a county prison, to the same
25 institution or to any other institution to which the violator
26 may be legally transferred.

27 (2) If paroled from a State correctional institution,
28 any male person upon recommitment shall be sent to the
29 nearest State correctional institution for service of the
30 remainder of the original term at the institution as shall be

1 designated by the department. Any female person shall be
2 recommitted to the State Correctional Institution at Muncy or
3 other State correctional institution as designated by the
4 department.

5 § 6139. Parole procedure.

6 (a) Specific requirements.--

7 (1) The board may, subject to the provisions and
8 limitations set forth in section 6138 (relating to violation
9 of terms of parole), grant paroles of its own motion whenever
10 in its judgment the interests of justice require the granting
11 of these paroles.

12 (2) The board shall consider applications for parole by
13 an inmate or the inmate's attorney.

14 (3) Notwithstanding the provisions of paragraph (2), the
15 board shall not be required to consider nor dispose of an
16 application by an inmate or an inmate's attorney where a
17 parole decision has been issued by the board on that case
18 within one year of the date of the current application for
19 parole.

20 (4) Hearings of applications shall be held by the board
21 whenever in its judgment hearings are necessary. Reasonable
22 rules and regulations shall be adopted by the board for the
23 presentation and hearing of applications for parole.

24 (5) Whenever an inmate is paroled by the board, whether
25 of its own motion or after hearing of an application for
26 parole, or whenever an application for parole is refused by
27 the board, a brief statement of the reasons for the board's
28 action shall be filed of record in the offices of the board
29 and shall be at all reasonable times open to public
30 inspection.

1 (6) In no case shall a parole be granted, or an
2 application for parole be dismissed, unless a board member,
3 hearing examiner or other person so designated by the board
4 shall have seen and heard the parolee in person in regard
5 thereto within six months prior to the granting or dismissal
6 thereof.

7 (7) The board shall dispose of the application within
8 six months of its filing.

9 (b) Reliance on reports.--In granting and revoking paroles,
10 and in discharging from parole, the members of the board acting
11 thereon shall not be required to personally hear or see all the
12 witnesses and evidence submitted to them for their action, but
13 they may act on the report submitted to them by their agents and
14 employees, together with any pertinent and adequate information
15 furnished to them by fellow members of the board or by others.

16 (c) Notice to district attorney.--At least ten days before
17 paroling an inmate on its own motion, the board shall give
18 written notice of the contemplated parole to the district
19 attorney of the county in which the inmate was sentenced, and,
20 in cases of hearings on applications for parole as provided for
21 in this section, at least ten days' written notice of the time
22 and place fixed for such hearing shall be given either by the
23 board or by the applicant, as the board shall direct, to the
24 court and district attorney of the county in which the applicant
25 was sentenced.

26 § 6140. Victim statements, testimony and participation in
27 hearing.

28 (a) Duty of district attorney to provide notice.--

29 (1) The victim of the offense for which an inmate is
30 sentenced shall be notified by the district attorney

1 immediately following sentencing, in cases where the
2 defendant has been sentenced to a term of imprisonment, that
3 the victim or family member shall have the opportunity to
4 present a statement for the parole report to be considered at
5 the parole hearing or to testify to the parole board
6 expressing his opinion concerning the release of the inmate.

7 (2) The district attorney shall provide notice to a
8 member of the immediate family of the victim if the victim:

9 (i) is a juvenile;

10 (ii) is incapable of testifying; or

11 (iii) died as a result of the defendant's conduct.

12 (b) Notice of intent to submit statement.--In order to
13 submit a statement under subsection (a), a victim or family
14 member must notify the board of his intention to do so and
15 provide and keep current an appropriate mailing address with the
16 board.

17 (c) Contents of parole report.--The parole report may
18 include a statement concerning:

19 (1) The continuing nature and extent of any physical
20 harm or psychological or emotional harm or trauma suffered by
21 the victim.

22 (2) The extent of any loss of earnings or ability to
23 work suffered by the victim.

24 (3) The continuing effect of the crime upon the victim's
25 family.

26 (d) Notice to persons who previously contacted the board.--

27 (1) At the time public notice is given that an inmate is
28 being considered for parole pursuant to this section, the
29 board shall also notify any victim or nearest relative who
30 has previously contacted the board of the availability to

1 provide a statement for inclusion in the parole report or to
2 present testimony for inclusion at the parole hearing.

3 (2) The board shall notify the person identified under
4 paragraph (1) at the person's last known mailing address. The
5 notification required by this section shall be given by the
6 board in the case of a parole to be granted pursuant to
7 section 6139 (relating to parole procedure) or by the court
8 in the case of a parole to be granted pursuant to section
9 6133 (relating to probation services).

10 (e) Notice of intent to present testimony.--The victim or
11 family member shall notify the board within 30 days from the
12 date of the notice of his intent to present testimony at the
13 parole hearing. This time period may be waived by the board for
14 good cause.

15 (f) Referral to hearing officer.--If the victim or family
16 member submits a written statement to the board subsequent to
17 notice, the statement shall be made a part of the board's file
18 on the inmate, and the inmate's case shall be referred to a
19 hearing officer designated to conduct parole release hearings.

20 (g) Assignment to hearing examiner.--If the victim or family
21 member informs the board subsequent to notice being provided
22 that the person intends to testify, the chairperson shall assign
23 the inmate's case to a hearing examiner for the purpose of
24 receiving the person's testimony.

25 (h) Hearing procedure.--

26 (1) The assigned hearing examiner shall conduct a
27 hearing within 30 days from the date the board received
28 notification of the intent to offer testimony.

29 (2) The hearing shall be conducted at a time and place
30 and on a date determined by the chairperson or designee.

1 Notice of the time, place and date of the hearing shall be
2 provided to the victim or family member, in writing, and
3 shall be mailed at least ten days prior to the hearing date.

4 (3) The hearing shall be recorded by an electronic
5 recording device.

6 (4) The hearing examiner shall prepare a written report
7 within a reasonable amount of time prior to the hearing date.
8 A copy of the report shall be forwarded to the person
9 offering testimony. A copy of the report shall be made a part
10 of the board's file on the inmate.

11 (5) Upon completion of the written report, the inmate's
12 case shall be referred to a hearing examiner designated to
13 conduct parole release hearings.

14 (6) (i) The hearing scheduled pursuant to this section
15 shall be conducted, when possible, prior to a parole
16 release hearing and prior to the board rendering a
17 decision.

18 (ii) Nothing in this section shall be construed to
19 preclude the board from conducting a timely parole
20 release hearing.

21 (7) After submission of the report, the board shall
22 within a reasonable amount of time:

23 (i) Evaluate the information provided.

24 (ii) Determine whether the decision shall be
25 affirmed or modified.

26 (iii) Determine whether a rescission hearing shall
27 be conducted.

28 (iv) Notify the inmate in writing of its decision.

29 (8) Except as otherwise provided by law or this section,
30 any and all statements or testimony of the victim or family

1 member submitted to the board pertaining to:

2 (i) the continuing nature and extent of any physical
3 harm or psychological or emotional harm or trauma
4 suffered by the victim;

5 (ii) the extent of any loss of earnings or ability
6 to work suffered by the victim; and

7 (iii) the continuing effect of the crime upon the
8 victim's family shall not:

9 (A) Be deemed confidential and privileged.

10 (B) Be subject to subpoena or discovery.

11 (C) Be introduced into evidence in any judicial
12 or administrative proceeding.

13 (D) Be released to the inmate.

14 (9) All records maintained by the board pertaining to
15 victims shall be kept separate. Current address, telephone
16 numbers and any other personal information of the victim and
17 family members shall be deemed confidential.

18 (10) Except as otherwise provided by law, no person who
19 has had access to a report, record or any other information
20 under this section shall disclose the content of the report,
21 record or other information or testify in a judicial or
22 administrative proceeding without the written consent of the
23 victim.

24 (11) A victim or the family member who has submitted a
25 written statement for the parole report or testified at a
26 hearing pursuant to this section shall be notified by the
27 board of the final decision rendered in the inmate's case.

28 (12) If the final decision is to not release the inmate
29 and if, subsequent to that decision, additional parole
30 release hearings are conducted for that same inmate, then the

1 victim or family member who has submitted a written statement
2 for the parole report or who has testified at a hearing
3 pursuant to this section shall be notified by the board at
4 the last known address if and when additional parole hearings
5 are scheduled by the board.

6 § 6141. General rules and special regulations.

7 The board may make general rules for the conduct and
8 supervision of persons placed on parole and may, in particular
9 cases, as it deems necessary to effectuate the purpose of
10 parole, prescribe special regulations for particular persons.

11 SUBCHAPTER D

12 STATE PAROLE AGENTS

13 Sec.

14 6151. Definitions.

15 6152. Status as peace officers.

16 6153. Supervisory relationship to offenders.

17 § 6151. Definitions.

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

21 "Agent." A State parole agent appointed by the board.

22 "Conditions of supervision." Any terms or conditions of the
23 offender's supervision, whether imposed by the court, the board
24 or an agent, including compliance with all requirements of
25 Federal, State and local law.

26 "Contraband." Any item that the offender is not permitted to
27 possess under the conditions of supervision, including any item
28 whose possession is forbidden by any Federal, State or local
29 law.

30 "Court." The court of common pleas or any judge thereof, the

Philadelphia Municipal Court or any judge thereof, the
Pittsburgh Magistrates Court or any judge thereof or any
magisterial district judge.

"Exigent circumstances." The term includes, but is not
limited to, suspicion that contraband or other evidence of
violations of the conditions of supervision might be destroyed
or suspicion that a weapon might be used. Exigent circumstances
always exist with respect to a vehicle.

"Offender." Any person subject to the parole or probationary
supervision of the board.

"Personal search." A warrantless search of an offender's
person, including, but not limited to, the offender's clothing
and any personal property which is in the possession, within the
reach or under the control of the offender.

"Property search." A warrantless search of real property,
vehicle or personal property which is in the possession or under
the control of the offender.

"Real property." Any residence or business property of an
offender, including all portions of the property to which the
offender has access.

"Supervisor." Any individual acting in a supervisory or
administrative capacity.

§ 6152. Status as peace officers.

An agent is declared to be a peace officer and is given
police power and authority throughout this Commonwealth to
arrest without warrant, writ, rule or process any parolee or
probationer under the supervision of the board for failing to
report as required by the terms of his probation or parole or
for any other violation of the probation or parole.

§ 6153. Supervisory relationship to offenders.

1 (a) General rule.--Agents in a supervisory relationship with
2 their offenders. The purpose of this supervision is to assist
3 the offenders in their rehabilitation and reassimilation into
4 the community and to protect the public.

5 (b) Searches and seizures authorized.--

6 (1) Agents may search the person and property of
7 offenders in accordance with the provisions of this section.

8 (2) Nothing in this section shall be construed to permit
9 searches or seizures in violation of the Constitution of the
10 United States or section 8 of Article I of the Constitution
11 of Pennsylvania.

12 (c) Effect of violation.--No violation of this section shall
13 constitute an independent ground for suppression of evidence in
14 any probation or parole proceeding or criminal proceeding.

15 (d) Grounds for personal search of offender.--

16 (1) A personal search of an offender may be conducted by
17 an agent:

18 (i) if there is a reasonable suspicion to believe
19 that the offender possesses contraband or other evidence
20 of violations of the conditions of supervision;

21 (ii) when an offender is transported or taken into
22 custody; or

23 (iii) upon an offender entering or leaving the
24 securing enclosure of a correctional institution, jail or
25 detention facility.

26 (2) A property search may be conducted by an agent if
27 there is reasonable suspicion to believe that the real or
28 other property in the possession of or under the control of
29 the offender contains contraband or other evidence of
30 violations of the conditions of supervision.

1 (3) Prior approval of a supervisor shall be obtained for
2 a property search absent exigent circumstances. No prior
3 approval shall be required for a personal search.

4 (4) A written report of every property search conducted
5 without prior approval shall be prepared by the agent who
6 conducted the search and filed in the offender's case record.
7 The exigent circumstances shall be stated in the report.

8 (5) The offender may be detained if he is present during
9 a property search. If the offender is not present during a
10 property search, the agent in charge of the search shall make
11 a reasonable effort to provide the offender with notice of
12 the search, including a list of the items seized, after the
13 search is completed.

14 (6) The existence of reasonable suspicion to search
15 shall be determined in accordance with constitutional search
16 and seizure provisions as applied by judicial decision. In
17 accordance with such case law, the following factors, where
18 applicable, may be taken into account:

19 (i) The observations of agents.

20 (ii) Information provided by others.

21 (iii) The activities of the offender.

22 (iv) Information provided by the offender.

23 (v) The experience of agents with the offender.

24 (vi) The experience of agents in similar
25 circumstances.

26 (vii) The prior criminal and supervisory history of
27 the offender.

28 (viii) The need to verify compliance with the
29 conditions of supervision.

30 (e) Nonresident offenders.--No agent shall conduct a

personal or property search of an offender who is residing in a
foreign state except for the limited purposes permitted under
the Interstate Compact for the Supervision of Offenders and
Probationers. The offender is held accountable to the rules of
both the sending state and the receiving state. Any personal or
property search of an offender residing in another state shall
be conducted by an agent of the receiving state.

(f) When authority is effective.--The authority granted to
agents under this section shall be effective upon enactment of
this section, without the necessity of any further regulation by
the board.

CHAPTER 63

COUNTY PROBATION OFFICERS'

FIREARM EDUCATION AND TRAINING

Sec.

6301. Short title of chapter.

6302. Definitions.

6303. County Probation Officers' Firearm Education and Training
Commission.

6304. Commission membership.

6305. Powers and duties of commission.

6306. Training mandatory.

6307. Requirements for program participation or waiver.

6308. County Probation Officers' Firearm Education and Training
Fund.

6309. Applicability.

§ 6301. Short title of chapter.

This chapter shall be known and may be cited as the County
Probation Officers' Firearm Education and Training Law.

§ 6302. Definitions.

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

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

"Certification." The assignment of a certification number to a probation or parole officer after successful completion of a mandatory basic training course or receipt of a waiver of basic training from the County Probation Officers' Firearm Education and Training Commission and successful completion of mandatory training.

"Commission." The County Probation Officers' Firearm Education and Training Commission.

"Fund." The County Probation Officers' Firearm Education and Training Fund established under section 6308 (relating to County Probation Officers' Firearm Education and Training Fund).

"Officer." A county probation or parole officer of this Commonwealth.

"Program8." The County Probation Officers' Firearm Education and Training Program established in this chapter.

"School." A school currently approved by the Municipal Police Officers' Education and Training Commission under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

"Weapon-carrying officer." A county probation or parole officer who is authorized to carry a weapon in connection with performance of the duties of the officer's employment.

§ 6303. County Probation Officers' Firearm Education and Training Commission.

The County Probation Officers' Firearm Education and Training Commission is established under the Pennsylvania Board of

Probation and Parole. The commission shall establish within six months following the appointment of commission members a County Probation Officers' Firearm Education and Training Program to provide firearm education and training in accordance with the provisions of this chapter.

§ 6304. Commission membership.

(a) Composition.--The commission shall be composed of the chairman of the board and eight other members to be appointed by the Governor:

(1) Three county adult probation officers who are full members of the County Chief Adult Probation and Parole Officers' Association of Pennsylvania, one of whom is a chief adult probation officer from a county authorized to carry firearms and two of whom are firearms instructors certified as such by the National Rifle Association, the Pennsylvania State Police or the Federal Bureau of Investigation.

(2) One member of the Pennsylvania Council of Chief Juvenile Probation Officers.

(3) One representative of the Juvenile Court Judges' Commission.

(4) One judge of a court of common pleas of a county that employs officers who carry firearms.

(5) One director qualified under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

(6) One county commissioner from a county which employs officers who carry firearms.

(b) Terms.--Terms of the members initially appointed shall be three members for one year, three members for two years and three members for three years, as designated by the Governor at

1 the time of appointment. Thereafter, terms shall be for three
2 years. Each member shall hold office until the expiration of the
3 term for which the member was selected or until the member's
4 earlier death, resignation or removal or until the member's
5 successor has been selected and qualified but in no event more
6 than six months beyond the expiration of the member's appointed
7 term.

8 (c) Vacancies.--A person appointed to fill a vacancy created
9 by other than expiration of a term shall be appointed for the
10 unexpired term of the member who that person is to succeed in
11 the same manner as the original appointment.

12 (d) Compensation.--The members of the commission shall serve
13 without compensation but shall be reimbursed the necessary and
14 actual expenses incurred in attending the meetings of the
15 commission and in the performance of their duties under this
16 chapter.

17 (e) Organization.--The commission shall elect from among its
18 members a chairperson and other officers who shall hold office
19 at the pleasure of the commission. The commission shall act only
20 with the concurrence of the majority.

21 (f) Meetings and quorum.--The commission shall meet at least
22 four times each year until the program is implemented.
23 Thereafter, the commission shall meet as may be necessary, but
24 at least once annually. Special meetings may be called by the
25 chairperson of the commission or upon written request of three
26 members. A quorum shall consist of four members of the
27 commission.

28 § 6305. Powers and duties of commission.

29 The powers and duties of the commission shall be as follows:

30 (1) To develop, establish and administer the minimum

1 courses of study and training and competency standards for
2 firearm training for county probation officers, including an
3 initial curriculum of at least 40 hours and including the
4 firing of a qualification course.

5 (2) To revoke an officer's certification for failing to
6 comply with educational and training requirements established
7 by the commission.

8 (3) To approve or revoke the approval for the purposes
9 of this chapter of any school that may be utilized to comply
10 with the educational and training requirements as established
11 by the commission.

12 (4) To establish the minimum qualifications for
13 instructors, to approve or revoke the approval of any
14 instructor and to develop the requirements for continued
15 certification.

16 (5) To promote the most efficient and economical program
17 for training by utilizing existing facilities, programs and
18 qualified Federal, State and local police personnel.

19 (6) To make an annual report to the Governor and to the
20 General Assembly concerning:

21 (i) The administration of the program.

22 (ii) The activities of the commission, together with
23 any recommendations for executive or legislative actions.

24 (7) To require in accordance with this chapter county
25 probation officers to attend a minimum number of hours in in-
26 service training as provided for by regulation, unless the
27 officer's employer files a show-cause document with the
28 commission, requesting additional time for the officer to
29 comply with the in-service training requirements. Approval of
30 the request shall be made by the commission on a case-by-case

1 basis.

2 (8) To appoint an administrative officer who shall serve
3 and be directly responsible to the commission.

4 (9) To consult and cooperate with universities,
5 colleges, community colleges and institutes for the
6 development of specialized courses for county probation and
7 parole officers.

8 (10) To consult and cooperate with departments and
9 agencies of this Commonwealth and other states and the
10 Federal Government concerned with county probation officer
11 training.

12 (11) To certify officers who have satisfactorily
13 completed basic educational and training requirements as
14 established by the commission and to issue appropriate
15 certificates to these officers.

16 (12) To visit and inspect approved schools at least once
17 every two years. This inspection requirement does not apply
18 where training is conducted locally at a satellite center
19 consisting of a classroom and shooting range.

20 (13) To make rules and regulations and to perform other
21 duties as may be reasonably necessary or appropriate to
22 implement the training program for county probation officers.

23 (14) To consider granting waivers of mandatory basic
24 training to county probation officers who have successfully
25 completed previous equivalent training.

26 (15) To maintain certifications and other records as
27 necessary.

28 (16) To issue reports to the president judges of the
29 courts of common pleas relating to compliance with this
30 chapter.

1 § 6306. Training mandatory.

2 Within two years of the establishment of the County Probation
3 Officers' Firearm Education and Training Program and in
4 accordance with the provisions of this chapter, a county shall
5 provide for the training of any officer in its county probation
6 and parole department who carries a firearm. Following this two-
7 year period, a county shall provide that training and
8 certification requirements of this chapter are met prior to a
9 county probation officer being authorized to carry a firearm.

10 § 6307. Requirements for program participation or waiver.

11 In order to participate in the training program or be granted
12 a waiver of training requirements, at a minimum, the officer
13 must:

14 (1) Be employed as a full-time county probation officer.

15 (2) Be a United States citizen.

16 (3) Not have been convicted of an offense graded a
17 misdemeanor of the first degree or greater or punishable by a
18 term of imprisonment of more than two years, unless in
19 possession of a waiver from the Bureau of Alcohol, Tobacco
20 and Firearms of the Department of the Treasury.

21 (4) Have had the officer's fingerprints submitted by the
22 officer's employer to the Pennsylvania State Police for the
23 purposes of a background investigation. The officer shall
24 have results of the investigation which indicate that the
25 requirements of paragraph (3) are met.

26 § 6308. County Probation Officers' Firearm Education and
27 Training Fund.

28 (a) Fund established.--The County Probation Officers'
29 Firearm Education and Training Fund is established as a
30 restricted receipts account within the General Fund. Moneys from

1 the fund shall be used exclusively for the purposes described
2 under this section.

3 (b) Costs imposed.--

4 (1) A person who accepts Accelerated Rehabilitative
5 Disposition or pleads guilty or nolo contendere or is
6 convicted of a felony or misdemeanor shall, in addition to
7 any other court costs imposed under the laws of this
8 Commonwealth, be sentenced to pay costs of \$5. Costs
9 collected by the clerk of courts under this subsection shall
10 be paid into the fund.

11 (2) Moneys in the fund shall be used to offset or pay
12 for:

13 (i) Training expenses.

14 (ii) Commission expenses.

15 (3) Disbursement and allocation of fund moneys shall be
16 at the discretion of the commission.

17 (c) Other moneys to be used.--In addition to payment of
18 training expenses as prescribed under subsection (b), training
19 expenses may also be paid out of the county offender supervision
20 fund under section 1102 of the act of November 24, 1998
21 (P.L.882, No.111), known as the Crime Victims Act, or any other
22 county fund.

23 (d) Juvenile probation officer participation.--In the event
24 that sufficient funds are not generated under the provisions of
25 subsection (b) to fully fund the costs of providing training to
26 juvenile probation officers, a training fee representing the
27 prorated share of the additional actual cost thereof shall be
28 payable by a participating juvenile probation officer's county
29 of employment.

30 § 6309. Applicability.

This chapter shall apply to county juvenile probation, adult probation officers only, and only such officers shall be eligible for training under this chapter.

PART V

MISCELLANEOUS PROVISIONS

Chapter

71. Interstate Compacts

CHAPTER 71

INTERSTATE COMPACTS

Subchapter

A. Interstate Corrections Compact

B. Interstate Compact for the Supervision of Adult Offenders

C. Administrative Provisions

SUBCHAPTER A

INTERSTATE CORRECTIONS COMPACT

Sec.

7101. Short title of subchapter.

7102. Interstate Corrections Compact.

7103. Powers.

§ 7101. Short title of subchapter.

This subchapter may be cited as the Interstate Corrections Compact Act.

§ 7102. Interstate Corrections Compact.

The Interstate Corrections Compact is hereby enacted into law and entered into by this State with any other states legally joining therein in the form substantially as follows:

INTERSTATE CORRECTIONS COMPACT

ARTICLE I

Purpose and Policy

The party states, desiring by common action to fully utilize

1 and improve their institutional facilities and provide adequate
2 programs for the confinement, treatment and rehabilitation of
3 various types of offenders, declare that it is the policy of
4 each of the party states to provide such facilities and programs
5 on a basis of cooperation with one another, thereby serving the
6 best interests of such offenders and of society and effecting
7 economies in capital expenditures and operational costs. The
8 purpose of this compact is to provide for the mutual development
9 and execution of such programs of cooperation for the
10 confinement, treatment and rehabilitation of offenders with the
11 most economical use of human and material resources.

12 ARTICLE II

13 Definitions

14 As used in this compact, unless the context clearly requires
15 otherwise:

16 (a) "State" means a state of the United States; the United
17 States of America; a territory or possession of the United
18 States; the District of Columbia; the Commonwealth of Puerto
19 Rico.

20 (b) "Sending state" means a state party to this compact in
21 which conviction or court commitment was had.

22 (c) "Receiving state" means a state party to this compact to
23 which an inmate is sent for confinement other than a state in
24 which conviction or court commitment was had.

25 (d) "Inmate" means a male or female offender who is
26 committed, under sentence to or confined in a penal or
27 correctional institution.

28 (e) "Institution" means any penal or correctional facility,
29 including, but not limited to, a facility for the mentally ill
30 or mentally defective, in which inmates as defined in (d) above

1 may lawfully be confined.

2 ARTICLE III

3 Contracts

4 (a) Each party state may make one or more contracts with any
5 one or more of the other party states for the confinement of
6 inmates on behalf of a sending state in institutions situated
7 within receiving states. Any such contract shall provide for:

8 1. Its duration.

9 2. Payments to be made to the receiving state by the sending
10 state for inmate maintenance, extraordinary medical and dental
11 expenses, and any participation in or receipt by inmates of
12 rehabilitative or correctional services, facilities, programs or
13 treatment not reasonably included as part of normal maintenance.

14 3. Participation in programs of inmate employment, if any,
15 the disposition or crediting of any payments received by inmates
16 on account thereof; and the crediting of proceeds from or
17 disposal of any products resulting therefrom.

18 4. Delivery and retaking of inmates.

19 5. Such other matters as may be necessary and appropriate to
20 fix the obligations, responsibilities and rights of the sending
21 and receiving states.

22 (b) The terms and provisions of this compact shall be a part
23 of any contract entered into by the authority of or pursuant
24 thereto, and nothing in any such contract shall be inconsistent
25 therewith.

26 ARTICLE IV

27 Procedures and Rights

28 (a) Whenever the duly constituted authorities in a state
29 party to this compact, and which has entered into a contract
30 pursuant to Article III, shall decide that confinement in, or

1 transfer of an inmate to, an institution within the territory of
2 another party state is necessary or desirable in order to
3 provide adequate quarters and care or an appropriate program of
4 rehabilitation or treatment, said officials may direct that the
5 confinement be within an institution within the territory of
6 said other party state, the receiving state to act in that
7 regard solely as agent for the sending state.

8 (b) The appropriate officials of any state party to this
9 compact shall have access, at all reasonable times, to any
10 institution in which it has a contractual right to confine
11 inmates for the purpose of inspecting the facilities thereof and
12 visiting such of its inmates as may be confined in the
13 institution.

14 (c) Inmates confined in an institution pursuant to the terms
15 of this compact shall at all times be subject to the
16 jurisdiction of the sending state and may at any time be removed
17 therefrom for transfer to a prison or other institution within
18 the sending state, for transfer to another institution in which
19 the sending state may have a contractual or other right to
20 confine inmates, for release on probation or parole, for
21 discharge, or for any other purpose permitted by the laws of the
22 sending state; provided that the sending state shall continue to
23 be obligated to such payments as may be required pursuant to the
24 terms of any contract entered into under the terms of Article
25 III.

26 (d) Each receiving state shall provide regular reports to
27 each sending state on the inmates of that sending state in
28 institutions pursuant to this compact including a conduct record
29 of each inmate and certify said record to the official
30 designated by the sending state, in order that each inmate may

1 have official review of his or her record in determining and
2 altering the disposition of said inmate in accordance with the
3 law which may obtain in the sending state and in order that the
4 same may be a source of information for the sending state.

5 (e) All inmates who may be confined in an institution
6 pursuant to the provisions of this compact shall be treated in a
7 reasonable and humane manner and shall be treated equally with
8 such similar inmates of the receiving state as may be confined
9 in the same institution. The fact of confinement in a receiving
10 state shall not deprive any inmate so confined of any legal
11 rights which said inmate would have had if confined in an
12 appropriate institution of the sending state.

13 (f) Any hearing or hearings to which an inmate confined
14 pursuant to this compact may be entitled by the laws of the
15 sending state may be had before the appropriate authorities of
16 the sending state, or of the receiving state if authorized by
17 the sending state. The receiving state shall provide adequate
18 facilities for such hearings as may be conducted by the
19 appropriate officials of a sending state. In the event such
20 hearing or hearings are had before officials of the receiving
21 state, the governing law shall be that of the sending state and
22 a record of the hearing or hearings as prescribed by the sending
23 state shall be made. Said record together with any
24 recommendations of the hearing officials shall be transmitted
25 forthwith to the official or officials before whom the hearing
26 would have been had if it had taken place in the sending state.
27 In any and all proceedings had pursuant to the provisions of
28 this subdivision, the officials of the receiving state shall act
29 solely as agents of the sending state and no final determination
30 shall be made in any matter except by the appropriate officials

1 of the sending state.

2 (g) Any inmate confined pursuant to this compact shall be
3 released within the territory of the sending state unless the
4 inmate, and the sending and receiving states, shall agree upon
5 release in some other place. The sending state shall bear the
6 cost of such return to its territory.

7 (h) Any inmate confined pursuant to the terms of this
8 compact shall have any and all rights to participate in and
9 derive any benefits or incur or be relieved of any obligations
10 or have such obligations modified or his status changed on
11 account of any action or proceeding in which he could have
12 participated if confined in any appropriate institution of the
13 sending state located within such state.

14 (i) The parent, guardian, trustee, or other person or
15 persons entitled under the laws of the sending state to act for,
16 advise, or otherwise function with respect to any inmate shall
17 not be deprived of or restricted in his exercise of any power in
18 respect of any inmate confined pursuant to the terms of this
19 compact.

20 ARTICLE V

21 Acts Not Reviewable in Receiving State: Extradition

22 (a) Any decision of the sending state in respect of any
23 matter over which it retains jurisdiction pursuant to this
24 compact shall be conclusive upon and not reviewable within the
25 receiving state, but if at the time the sending state seeks to
26 remove an inmate from an institution in the receiving state
27 there is pending against the inmate within such state any
28 criminal charge or if the inmate is formally accused of having
29 committed within such state a criminal offense, the inmate shall
30 not be returned without the consent of the receiving state until

1 discharged from prosecution or other form of proceeding,
2 imprisonment or detention for such offense. The duly accredited
3 officers of the sending state shall be permitted to transport
4 inmates pursuant to this compact through any and all states
5 party to this compact without interference.

6 (b) An inmate who escapes from an institution in which he is
7 confined pursuant to this compact shall be deemed a fugitive
8 from the sending state and from the state in which the
9 institution is situated. In the case of an escape to a
10 jurisdiction other than the sending or receiving state, the
11 responsibility for institution of extradition or rendition
12 proceedings shall be that of the sending state, but nothing
13 contained herein shall be construed to prevent or affect the
14 activities of officers and agencies of any jurisdiction directed
15 toward the apprehension and return of an escapee.

16 ARTICLE VI

17 Federal Aid

18 Any state party to this compact may accept Federal aid for
19 use in connection with any institution or program, the use of
20 which is or may be affected by this compact or any contract
21 pursuant hereto and any inmate in a receiving state pursuant to
22 this compact may participate in any such Federally aided program
23 or activity for which the sending and receiving states have made
24 contractual provisions, provided that if such program or
25 activity is not part of the customary correctional regimen, the
26 express consent of the appropriate official of the sending state
27 shall be required therefor.

28 ARTICLE VII

29 Entry into Force

30 This compact shall enter into force and become effective and

1 binding upon the states so acting when it has been enacted into
2 law by any two states. Thereafter, this compact shall enter into
3 force and become effective and binding as to any other of said
4 states upon similar action by such state.

5 ARTICLE VIII

6 Withdrawal and Termination

7 This compact shall continue in force and remain binding upon
8 a party state until it shall have enacted a statute repealing
9 the same and providing for the sending of formal written notice
10 of withdrawal from the compact to the appropriate officials of
11 all other party states. An actual withdrawal shall not take
12 effect until one year after the notices provided in said statute
13 have been sent. Such withdrawal shall not relieve the
14 withdrawing state from its obligations assumed hereunder prior
15 to the effective date of withdrawal. Before the effective date
16 of withdrawal, a withdrawing state shall remove to its
17 territory, at its own expense, such inmates as it may have
18 confined pursuant to the provisions of this compact.

19 ARTICLE IX

20 Other Arrangements Unaffected

21 Nothing contained in this compact shall be construed to
22 abrogate or impair any agreement or other arrangement which a
23 party state may have with a non-party state for the confinement,
24 rehabilitation or treatment of inmates nor to repeal any other
25 laws of a party state authorizing the making of cooperative
26 institutional arrangements.

27 ARTICLE X

28 Construction and Severability

29 The provisions of this compact shall be liberally construed
30 and shall be severable. If any phrase, clause, sentence or

provision of this compact is declared to be contrary to the
Constitution of any participating state or of the United States
or the applicability thereof to any government, agency, person
or circumstance is held invalid, the validity of the remainder
of this compact and the applicability thereof to any government,
agency, person or circumstance shall not be affected thereby. If
this compact shall be held contrary to the Constitution of any
state participating therein, the compact shall remain in full
force and effect as to the remaining states and in full force
and effect as to the state affected as to all severable matters.
§ 7103. Powers.

The Attorney General or his designee is hereby authorized and
directed to do all things necessary or incidental to the
carrying out of the compact in every particular except that no
contract for the confinement of inmates in the institutions of
this State shall be entered into unless the Attorney General or
the Secretary of Corrections has first determined that the
inmates are acceptable, notwithstanding the provisions of
Article IX-B of the act of April 9, 1929 (P.L.177, No.175),
known as the Administrative Code of 1929. The Attorney General
or his designee shall not enter into a contract pursuant to
Article III of the compact relating to inmates who are mentally
ill or mentally retarded without consultation with the Secretary
of Public Welfare.

SUBCHAPTER B

INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS
Sec.
7111. Short title of subchapter.
7112. Authority to execute compact.
7113. When and how compact becomes operative.

1 7114. State council and compact administrator.

2 § 7111. Short title of subchapter.

3 This subchapter shall be known and may be cited as the
4 Interstate Compact for the Supervision of Adult Offenders Act.

5 § 7112. Authority to execute compact.

6 The Governor of Pennsylvania, on behalf of this State, is
7 hereby authorized to execute a compact in substantially the
8 following form with any one or more of the states of the United
9 States, and the General Assembly hereby signifies in advance its
10 approval and ratification of such compact:

11 ARTICLE I

12 PURPOSE

13 The compacting states to this Interstate Compact recognize
14 that each state is responsible for the supervision of adult
15 offenders in the community who are authorized pursuant to the
16 Bylaws and Rules of this compact to travel across state lines
17 both to and from each compacting state in such a manner as to
18 track the location of offenders, transfer supervision authority
19 in an orderly and efficient manner, and when necessary return
20 offenders to the originating jurisdictions. The compacting
21 states also recognize that Congress, by enacting the Crime
22 Control Act, 4 U.S.C. § 112 (relating to compacts between States
23 for cooperation in prevention of crime; consent of Congress),
24 has authorized and encouraged compacts for cooperative efforts
25 and mutual assistance in the prevention of crime. It is the
26 purpose of this compact and the Interstate Commission created
27 hereunder, through means of joint and cooperative action among
28 the compacting states: to provide the framework for the
29 promotion of public safety and protect the rights of victims
30 through the control and regulation of the interstate movement of

1 offenders in the community; to provide for the effective
2 tracking, supervision, and rehabilitation of these offenders by
3 the sending and receiving states; and to equitably distribute
4 the costs, benefits and obligations of the compact among the
5 compacting states. In addition, this compact will: create an
6 Interstate Commission which will establish uniform procedures to
7 manage the movement between states of adults placed under
8 community supervision and released to the community under the
9 jurisdiction of courts, paroling authorities, corrections or
10 other criminal justice agencies which will promulgate rules to
11 achieve the purpose of this compact; ensure an opportunity for
12 input and timely notice to victims and to jurisdictions where
13 defined offenders are authorized to travel or to relocate across
14 state lines; establish a system of uniform data collection,
15 access to information on active cases by authorized criminal
16 justice officials, and regular reporting of Compact activities
17 to heads of state councils, state executive, judicial, and
18 legislative branches and criminal justice administrators;
19 monitor compliance with rules governing interstate movement of
20 offenders and initiate interventions to address and correct non-
21 compliance; and coordinate training and education regarding
22 regulations of interstate movement of offenders for officials
23 involved in such activity. The compacting states recognize that
24 there is no "right" of any offender to live in another state and
25 that duly accredited officers of a sending state may at all
26 times enter a receiving state and there apprehend and retake any
27 offender under supervision subject to the provisions of this
28 compact and Bylaws and Rules promulgated hereunder. It is the
29 policy of the compacting states that the activities conducted by
30 the Interstate Commission created herein are the formation of

1 public policies and are therefore public business.

2 ARTICLE II

3 DEFINITIONS

4 As used in this compact, unless the context clearly requires
5 a different construction:

6 "Adult" means both individuals legally classified as adults
7 and juveniles treated as adults by court order, statute, or
8 operation of law.

9 "Bylaws" means those Bylaws established by the Interstate
10 Commission for its governance, or for directing or controlling
11 the Interstate Commission's actions or conduct.

12 "Compact Administrator" means the individual in each
13 compacting state appointed pursuant to the terms of this compact
14 responsible for the administration and management of the state's
15 supervision and transfer of offenders subject to the terms of
16 this compact, the rules adopted by the Interstate Commission and
17 policies adopted by the State Council under this compact.

18 "Compacting state" means any state which has enacted the
19 enabling legislation for this compact.

20 "Commissioner" means the voting representative of each
21 compacting state appointed pursuant to Article III of this
22 compact.

23 "Interstate Commission" means the Interstate Commission for
24 Adult Offender Supervision established by this compact.

25 "Member" means the commissioner of a compacting state or
26 designee, who shall be a person officially connected with the
27 commissioner.

28 "Non-compacting state" means any state which has not enacted
29 the enabling legislation for this compact.

30 "Offender" means an adult placed under, or subject to,

1 supervision as the result of the commission of a criminal
2 offense and released to the community under the jurisdiction of
3 courts, paroling authorities, corrections, or other criminal
4 justice agencies.

5 "Person" means any individual, corporation, business
6 enterprise, or other legal entity, either public or private.

7 "Rules" means acts of the Interstate Commission, duly
8 promulgated pursuant to Article VIII of this compact,
9 substantially affecting interested parties in addition to the
10 Interstate Commission, which shall have the force and effect of
11 law in the compacting states.

12 "State" means a state of the United States, the District of
13 Columbia and any other territorial possessions of the United
14 States.

15 "State Council" means the resident members of the State
16 Council for Interstate Adult Offender Supervision created by
17 each state under Article III of this compact.

18 ARTICLE III

19 THE COMPACT COMMISSION

20 The compacting states hereby create the "Interstate
21 Commission for Adult Offender Supervision." The Interstate
22 Commission shall be a body corporate and joint agency of the
23 compacting states. The Interstate Commission shall have all the
24 responsibilities, powers and duties set forth herein, including
25 the power to sue and be sued, and such additional powers as may
26 be conferred upon it by subsequent action of the respective
27 legislatures of the compacting states in accordance with the
28 terms of this compact. The Interstate Commission shall consist
29 of Commissioners selected and appointed by resident members of a
30 State Council for Interstate Adult Offender Supervision for each

1 state.

2 In addition to the Commissioners who are the voting
3 representatives of each state, the Interstate Commission shall
4 include individuals who are not commissioners but who are
5 members of interested organizations; such non-commissioner
6 members must include a member of the national organizations of
7 governors, legislators, state chief justices, attorneys general
8 and crime victims. All non-commissioner members of the
9 Interstate Commission shall be ex-officio (non-voting) members.
10 The Interstate Commission may provide in its Bylaws for such
11 additional, ex-officio, non-voting members as it deems
12 necessary.

13 Each compacting state represented at any meeting of the
14 Interstate Commission is entitled to one vote. A majority of the
15 compacting states shall constitute a quorum for the transaction
16 of business, unless a larger quorum is required by the Bylaws of
17 the Interstate Commission.

18 The Interstate Commission shall meet at least once each
19 calendar year. The chairperson may call additional meetings and,
20 upon the request of 27 or more compacting states, shall call
21 additional meetings. Public notice shall be given of all
22 meetings and meetings shall be open to the public.

23 The Interstate Commission shall establish an Executive
24 Committee which shall include commission officers, members and
25 others as shall be determined by the Bylaws. The Executive
26 Committee shall have the power to act on behalf of the
27 Interstate Commission during periods when the Interstate
28 Commission is not in session, with the exception of rulemaking
29 and/or amendment to the Compact. The Executive Committee
30 oversees the day-to-day activities managed by the Executive

1 Director and Interstate Commission staff; administers
2 enforcement and compliance with the provisions of the compact,
3 its Bylaws and as directed by the Interstate Commission and
4 performs other duties as directed by Commission or set forth in
5 the Bylaws.

6 ARTICLE IV

7 THE STATE COUNCIL

8 Each member state shall create a State Council for Interstate
9 Adult Offender Supervision which shall be responsible for the
10 appointment of the commissioner who shall serve on the
11 Interstate Commission from that state. Each state council shall
12 appoint as its commissioner the Compact Administrator from that
13 state to serve on the Interstate Commission in such capacity
14 under or pursuant to applicable law of the member state. While
15 each member state may determine the membership of its own state
16 council, its membership must include at least one representative
17 from the legislative, judicial, and executive branches of
18 government, victims groups and compact administrators. Each
19 compacting state retains the right to determine the
20 qualifications of the Compact Administrator who shall be
21 appointed by the Governor in consultation with the Legislature
22 and the Judiciary. In addition to appointment of its
23 commissioner to the National Interstate Commission, each state
24 council shall exercise oversight and advocacy concerning its
25 participation in Interstate Commission activities and other
26 duties as may be determined by each member state, including, but
27 not limited to, development of policy concerning operations and
28 procedures of the compact within that state.

29 ARTICLE V

30 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

1 The Interstate Commission shall have the following powers:

2 To adopt a seal and suitable Bylaws governing the management
3 and operation of the Interstate Commission.

4 To promulgate rules which shall have the force and effect of
5 statutory law and shall be binding in the compacting states to
6 the extent and in the manner provided in this compact.

7 To oversee, supervise and coordinate the interstate movement
8 of offenders subject to the terms of this compact and any Bylaws
9 adopted and rules promulgated by the compact commission.

10 To enforce compliance with compact provisions, Interstate
11 Commission rules, and Bylaws, using all necessary and proper
12 means, including, but not limited to, the use of judicial
13 process.

14 To establish and maintain offices.

15 To purchase and maintain insurance and bonds.

16 To borrow, accept, or contract for services of personnel,
17 including, but not limited to, members and their staffs.

18 To establish and appoint committees and hire staff which it
19 deems necessary for the carrying out of its functions including,
20 but not limited to, an executive committee as required by
21 Article III which shall have the power to act on behalf of the
22 Interstate Commission in carrying out its powers and duties
23 hereunder.

24 To elect or appoint such officers, attorneys, employees,
25 agents, or consultants, and to fix their compensation, define
26 their duties and determine their qualifications; and to
27 establish the Interstate Commission's personnel policies and
28 programs relating to, among other things, conflicts of interest,
29 rates of compensation, and qualifications of personnel.

30 To accept any and all donations and grants of money,

equipment, supplies, materials, and services, and to receive,
utilize, and dispose of same.

To lease, purchase, accept contributions or donations of, or
otherwise to own, hold, improve or use any property, real,
personal, or mixed.

To sell, convey, mortgage, pledge, lease, exchange, abandon,
or otherwise dispose of any property, real, personal or mixed.

To establish a budget and make expenditures and levy dues as
provided in Article X of this compact.

To sue and be sued.

To provide for dispute resolution among Compacting States.

To perform such functions as may be necessary or appropriate
to achieve the purposes of this compact.

To report annually to the legislatures, governors, judiciary,
and state councils of the compacting states concerning the
activities of the Interstate Commission during the preceding
year. Such reports shall also include any recommendations that
may have been adopted by the Interstate Commission.

To coordinate education, training and public awareness
regarding the interstate movement of offenders for officials
involved in such activity.

To establish uniform standards for the reporting, collecting,
and exchanging of data.

ARTICLE VI

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

Section A. Bylaws

The Interstate Commission shall, by a majority of the
Members, within twelve months of the first Interstate Commission
meeting, adopt Bylaws to govern its conduct as may be necessary
or appropriate to carry out the purposes of the Compact,

1 including, but not limited to: establishing the fiscal year of
2 the Interstate Commission; establishing an executive committee
3 and such other committees as may be necessary; providing
4 reasonable standards and procedures:

5 (i) for the establishment of committees, and
6 (ii) governing any general or specific delegation of any
7 authority or function of the Interstate Commission;
8 providing reasonable procedures for calling and conducting
9 meetings of the Interstate Commission, and ensuring reasonable
10 notice of each such meeting; establishing the titles and
11 responsibilities of the officers of the Interstate Commission;
12 providing reasonable standards and procedures for the
13 establishment of the personnel policies and programs of the
14 Interstate Commission. Notwithstanding any civil service or
15 other similar laws of any Compacting State, the Bylaws shall
16 exclusively govern the personnel policies and programs of the
17 Interstate Commission; and providing a mechanism for winding up
18 the operations of the Interstate Commission and the equitable
19 return of any surplus funds that may exist upon the termination
20 of the Compact after the payment and/or reserving of all of its
21 debts and obligations; providing transition rules for "start up"
22 administration of the Compact; establishing standards and
23 procedures for compliance and technical assistance in carrying
24 out the Compact.

25 Section B. Officers and Staff

26 The Interstate Commission shall, by a majority of the
27 Members, elect from among its Members a chairperson and a vice
28 chairperson, each of whom shall have such authorities and duties
29 as may be specified in the Bylaws. The chairperson or, in his or
30 her absence or disability, the vice chairperson, shall preside

1 at all meetings of the Interstate Commission. The Officers so
2 elected shall serve without compensation or remuneration from
3 the Interstate Commission; PROVIDED THAT, subject to the
4 availability of budgeted funds, the officers shall be reimbursed
5 for any actual and necessary costs and expenses incurred by them
6 in the performance of their duties and responsibilities as
7 officers of the Interstate Commission.

8 The Interstate Commission shall, through its executive
9 committee, appoint or retain an executive director for such
10 period, upon such terms and conditions and for such compensation
11 as the Interstate Commission may deem appropriate. The executive
12 director shall serve as secretary to the Interstate Commission,
13 and hire and supervise such other staff as may be authorized by
14 the Interstate Commission, but shall not be a Member.

15 Section C. Corporate Records of the Interstate Commission

16 The Interstate Commission shall maintain its corporate books
17 and records in accordance with the Bylaws.

18 Section D. Qualified Immunity, Defense and Indemnification

19 The Members, officers, executive director and employees of
20 the Interstate Commission shall be immune from suit and
21 liability, either personally or in their official capacity, for
22 any claim for damage to or loss of property or personal injury
23 or other civil liability caused or arising out of any actual or
24 alleged act, error or omission that occurred within the scope of
25 Interstate Commission employment, duties or responsibilities;
26 PROVIDED, that nothing in this paragraph shall be construed to
27 protect any such person from suit and/or liability for any
28 damage, loss injury or liability caused by the intentional or
29 willful and wanton misconduct of any such person.

30 The Interstate Commission shall defend the Commissioner of a

1 Compacting State, or his or her representatives or employees, or
2 the Interstate Commission's representatives or employees, in any
3 civil action seeking to impose liability, arising out of any
4 actual or alleged act, error or omission that occurred within
5 the scope of Interstate Commission employment, duties or
6 responsibilities, or that the defendant had a reasonable basis
7 for believing occurred within the scope of Interstate Commission
8 employment, duties or responsibilities; PROVIDED, that the
9 actual or alleged act, error or omission did not result from
10 intentional wrongdoing on the part of such person.

11 The Interstate Commission shall indemnify and hold the
12 Commissioner of a Compacting State, the appointed designee or
13 employees, or the Interstate Commission's representatives or
14 employees, harmless in the amount of any settlement or judgment
15 obtained against such persons arising out of any actual or
16 alleged act, error or omission that occurred within the scope of
17 Interstate Commission employment, duties or responsibilities, or
18 that such persons had a reasonable basis for believing occurred
19 within the scope of Interstate Commission employment, duties or
20 responsibilities, PROVIDED, that the actual or alleged act,
21 error or omission did not result from gross negligence or
22 intentional wrongdoing on the part of such person.

23 ARTICLE VII

24 ACTIVITIES OF THE INTERSTATE COMMISSION

25 The Interstate Commission shall meet and take such actions as
26 are consistent with the provisions of this Compact.

27 Except as otherwise provided in this Compact and unless a
28 greater percentage is required by the Bylaws, in order to
29 constitute an act of the Interstate Commission, such act shall
30 have been taken at a meeting of the Interstate Commission and

1 shall have received an affirmative vote of a majority of the
2 Members present.

3 Each Member of the Interstate Commission shall have the right
4 and power to cast a vote to which that Compacting State is
5 entitled and to participate in the business and affairs of the
6 Interstate Commission. A Member shall vote in person on behalf
7 of the state and shall not delegate a vote to another member
8 state. However, a State Council shall appoint another authorized
9 representative, in the absence of the commissioner from that
10 state, to cast a vote on behalf of the member state at a
11 specified meeting. The Bylaws may provide for Members'
12 participation in meetings by telephone or other means of
13 telecommunication or electronic communication. Any voting
14 conducted by telephone, or other means of telecommunication or
15 electronic communication shall be subject to the same quorum
16 requirements of meetings where members are present in person.

17 The Interstate Commission shall meet at least once during
18 each calendar year. The chairperson of the Interstate Commission
19 may call additional meetings at any time and, upon the request
20 of a majority of the Members, shall call additional meetings.

21 The Interstate Commission's Bylaws shall establish conditions
22 and procedures under which the Interstate Commission shall make
23 its information and official records available to the public for
24 inspection or copying. The Interstate Commission may exempt from
25 disclosure any information or official records to the extent
26 they would adversely affect personal privacy rights or
27 proprietary interests. In promulgating such Rules, the
28 Interstate Commission may make available to law enforcement
29 agencies records and information otherwise exempt from
30 disclosure, and may enter into agreements with law enforcement

agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the Rules or as otherwise provided in the Compact. The Interstate Commission shall promulgate Rules consistent with the principles contained in the "Government in Sunshine Act," 5 U.S.C. Section 552(b), as may be amended. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

relate solely to the Interstate Commission's internal personnel practices and procedures;

disclose matters specifically exempted from disclosure by statute;

disclose trade secrets or commercial or financial information which is privileged or confidential;

involve accusing any person of a crime, or formally censuring any person;

disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

disclose investigatory records compiled for law enforcement purposes;

disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a regulated entity for the purpose of regulation or supervision of such entity;

disclose information, the premature disclosure of which would significantly endanger the life of a person or the stability of

1 a regulated entity;

2 specifically relate to the Interstate Commission's issuance
3 of a subpoena, or its participation in a civil action or
4 proceeding.

5 For every meeting closed pursuant to this provision, the
6 Interstate Commission's chief legal officer shall publicly
7 certify that, in his or her opinion, the meeting may be closed
8 to the public, and shall reference each relevant exemptive
9 provision. The Interstate Commission shall keep minutes which
10 shall fully and clearly describe all matters discussed in any
11 meeting and shall provide a full and accurate summary of any
12 actions taken, and the reasons therefor, including a description
13 of each of the views expressed on any item and the record of any
14 roll call vote (reflected in the vote of each Member on the
15 question). All documents considered in connection with any
16 action shall be identified in such minutes.

17 The Interstate Commission shall collect standardized data
18 concerning the interstate movement of offenders as directed
19 through its Bylaws and Rules which shall specify the data to be
20 collected and the means of collection and data exchange and
21 reporting requirements.

22 ARTICLE VIII

23 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

24 The Interstate Commission shall promulgate Rules in order to
25 effectively and efficiently achieve the purposes of the Compact
26 including transition rules governing administration of the
27 Compact during the period in which it is being considered and
28 enacted by the states.

29 Rulemaking shall occur pursuant to the criteria set forth in
30 this Article and the Bylaws and Rules adopted pursuant thereto.

1 Such rulemaking shall substantially conform to the principles of
2 the Federal Administrative Procedure Act, 5 U.S.C. Ch. 5 Subchs.
3 II (relating to administrative procedure) and III (relating to
4 negotiated rulemaking procedure), and the Federal Advisory
5 Committee Act, 5 U.S.C.S. app. 2, section 1 et seq., as may be
6 amended (hereinafter "APA").

7 All Rules and amendments shall become binding as of the date
8 specified in each Rule or amendment.

9 If a majority of the legislatures of the Compacting States
10 rejects a Rule, by enactment of a statute or resolution in the
11 same manner used to adopt the compact, then such Rule shall have
12 no further force and effect in any Compacting State.

13 When promulgating a Rule, the Interstate Commission shall:
14 publish the proposed Rule stating with particularity the text
15 of the Rule which is proposed and the reason for the proposed
16 Rule;

17 allow persons to submit written data, facts, opinions and
18 arguments, which information shall be publicly available;

19 provide an opportunity for an informal hearing; and

20 promulgate a final Rule and its effective date, if
21 appropriate, based on the rulemaking record.

22 Not later than sixty days after a Rule is promulgated, any
23 interested person may file a petition in the United States
24 District Court for the District of Columbia or in the Federal
25 District Court where the Interstate Commission's principal
26 office is located for judicial review of such Rule. If the court
27 finds that the Interstate Commission's action is not supported
28 by substantial evidence, (as defined in the APA), in the
29 rulemaking record, the court shall hold the Rule unlawful and
30 set it aside.

Subjects to be addressed within 12 months after the first
meeting must at a minimum include:
notice to victims and opportunity to be heard;
offender registration and compliance;
violations/ returns;
transfer procedures and forms;
eligibility for transfer;
collection of restitution and fees from offenders;
data collection and reporting;
the level of supervision to be provided by the receiving
state;
transition rules governing the operation of the compact and
the Interstate Commission during all or part of the period
between the effective date of the compact and the date on which
the last eligible state adopts the compact;
mediation, arbitration and dispute resolution.
The existing rules governing the operation of the previous
compact superseded by this Act shall be null and void twelve
(12) months after the first meeting of the Interstate Commission
created hereunder.
Upon determination by the Interstate Commission that an
emergency exists, it may promulgate an emergency rule which
shall become effective immediately upon adoption, provided that
the usual rulemaking procedures provided hereunder shall be
retroactively applied to said rule as soon as reasonably
possible, in no event later than 90 days after the effective
date of the rule.

ARTICLE IX

OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

BY THE INTERSTATE COMMISSION

1 Section A. Oversight

2 The Interstate Commission shall oversee the interstate
3 movement of adult offenders in the compacting states and shall
4 monitor such activities being administered in Non-compacting
5 States which may significantly affect Compacting States.

6 The courts and executive agencies in each Compacting State
7 shall enforce this Compact and shall take all actions necessary
8 and appropriate to effectuate the Compact's purposes and intent.
9 In any judicial or administrative proceeding in a Compacting
10 State pertaining to the subject matter of this Compact which may
11 affect the powers, responsibilities or actions of the Interstate
12 Commission, the Interstate Commission shall be entitled to
13 receive all service of process in any such proceeding, and shall
14 have standing to intervene in the proceeding for all purposes.

15 Section B. Dispute Resolution

16 The Compacting States shall report to the Interstate
17 Commission on issues or activities of concern to them, and
18 cooperate with and support the Interstate Commission in the
19 discharge of its duties and responsibilities.

20 The Interstate Commission shall attempt to resolve any
21 disputes or other issues which are subject to the compact and
22 which may arise among Compacting States and Non-compacting
23 States.

24 The Interstate Commission shall enact a Bylaw or promulgate a
25 Rule providing for both mediation and binding dispute resolution
26 for disputes among the Compacting States.

27 Section C. Enforcement

28 The Interstate Commission, in the reasonable exercise of its
29 discretion, shall enforce the provisions of this compact using
30 any or all means set forth in Article XII, Section B, of this

1 compact.

2 Section D. Extradition

3 The duly accredited officers of a sending state may at all
4 times enter a receiving state, and there apprehend and retake
5 any person on probation or parole. For that purpose, no
6 formalities will be required other than establishing the
7 authority of the officer and the identity of the person to be
8 retaken. All legal requirements to obtain extradition of
9 fugitives from justice are hereby expressly waived on the part
10 of states party hereto as to such persons. The decision of the
11 sending state to retake a person on probation or parole shall be
12 conclusive upon and not reviewable within the receiving state.
13 If at the time when a state seeks to retake a probationer or
14 parolee, there should be pending against him within the
15 receiving state any criminal charge, or he is suspected of
16 having committed within such state a criminal offense, he shall
17 not be retaken without the consent of the receiving state until
18 discharged from prosecution or from imprisonment for such
19 offense. The duly accredited officers of the sending state will
20 be permitted to transport prisoners being retaken through any
21 and all states parties to this compact without interference.

22 ARTICLE X

23 FINANCE

24 The Interstate Commission shall pay or provide for the
25 payment of the reasonable expenses of its establishment,
26 organization and ongoing activities.

27 The Interstate Commission shall levy on and collect an annual
28 assessment from each Compacting State to cover the cost of the
29 internal operations and activities of the Interstate Commission
30 and its staff which must be in a total amount sufficient to

1 cover the Interstate Commission's annual budget as approved each
2 year. The aggregate annual assessment amount shall be allocated
3 based upon a formula to be determined by the Interstate
4 Commission, taking into consideration the population of the
5 state and the volume of interstate movement of offenders in each
6 Compacting State and shall promulgate a Rule binding upon all
7 Compacting States which governs said assessment.

8 The Interstate Commission shall not incur any obligations of
9 any kind prior to securing the funds adequate to meet the same;
10 nor shall the Interstate Commission pledge the credit of any of
11 the Compacting States, except by and with the authority of the
12 Compacting State.

13 The Interstate Commission shall keep accurate accounts of all
14 receipts and disbursements. The receipts and disbursements of
15 the Interstate Commission shall be subject to the audit and
16 accounting procedures established under its Bylaws. However, all
17 receipts and disbursements of funds handled by the Interstate
18 Commission shall be audited yearly by a certified or licensed
19 public accountant and the report of the audit shall be included
20 in and become part of the annual report of the Interstate
21 Commission.

22 ARTICLE XI

23 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

24 Any state, as defined in Article II of this Compact, is
25 eligible to become a Compacting State. The Compact shall become
26 effective and binding upon legislative enactment of the Compact
27 into law by no less than 35 of the States. The initial effective
28 date shall be the later of July 1, 2001, or upon enactment into
29 law by the 35th jurisdiction. Thereafter it shall become
30 effective and binding, as to any other Compacting State, upon

1 enactment of the Compact into law by that State. The governors
2 of Non-member states or their designees will be invited to
3 participate in Interstate Commission activities on a non-voting
4 basis prior to adoption of the Compact by all states and
5 territories of the United States.

6 Amendments to the Compact may be proposed by the Interstate
7 Commission for enactment by the Compacting States. No amendment
8 shall become effective and binding upon the Interstate
9 Commission and the Compacting States unless and until it is
10 enacted into law by unanimous consent of the Compacting States.

11 ARTICLE XII

12 WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

13 Section A. Withdrawal

14 Once effective, the Compact shall continue in force and
15 remain binding upon each and every Compacting State; PROVIDED,
16 that a Compacting State may withdraw from the Compact
17 ("Withdrawing State") by enacting a statute specifically
18 repealing the statute which enacted the Compact into law. The
19 effective date of withdrawal is the effective date of the
20 repeal.

21 The Withdrawing State shall immediately notify the
22 chairperson of the Interstate Commission in writing upon the
23 introduction of legislation repealing this Compact in the
24 Withdrawing State.

25 The Interstate Commission shall notify the other Compacting
26 States of the Withdrawing State's intent to withdraw within
27 sixty days of its receipt thereof.

28 The Withdrawing State is responsible for all assessments,
29 obligations and liabilities incurred through the effective date
30 of withdrawal, including any obligations, the performance of

1 which extend beyond the effective date of withdrawal.

2 Reinstatement following withdrawal of any Compacting State
3 shall occur upon the Withdrawing State reenacting the Compact or
4 upon such later date as determined by the Interstate Commission.

5 Section B. Default

6 If the Interstate Commission determines that any Compacting
7 State has at any time defaulted ("Defaulting State") in the
8 performance of any of its obligations or responsibilities under
9 this Compact, the Bylaws or any duly promulgated Rules the
10 Interstate Commission may impose any or all of the following
11 penalties:

12 Fines, fees and costs in such amounts as are deemed to be
13 reasonable as fixed by the Interstate Commission;

14 Remedial training and technical assistance as directed by the
15 Interstate Commission;

16 Suspension and termination of membership in the Compact.

17 Suspension shall be imposed only after all other reasonable
18 means of securing compliance under the Bylaws and Rules have
19 been exhausted. Immediate notice of suspension shall be given by
20 the Interstate Commission to the Governor, the Chief Justice or
21 Chief Judicial Officer of the state; the majority and minority
22 leaders of the defaulting state's legislature, and the State
23 Council.

24 The grounds for default include, but are not limited to,
25 failure of a Compacting State to perform such obligations or
26 responsibilities imposed upon it by this compact, Interstate
27 Commission Bylaws, or duly promulgated Rules. The Interstate
28 Commission shall immediately notify the Defaulting State in
29 writing of the penalty imposed by the Interstate Commission on
30 the Defaulting State pending a cure of the default. The

1 Interstate Commission shall stipulate the conditions and the
2 time period within which the Defaulting State must cure its
3 default. If the Defaulting State fails to cure the default
4 within the time period specified by the Interstate Commission,
5 in addition to any other penalties imposed herein, the
6 Defaulting State may be terminated from the Compact upon an
7 affirmative vote of a majority of the Compacting States and all
8 rights, privileges and benefits conferred by this Compact shall
9 be terminated from the effective date of suspension. Within
10 sixty days of the effective date of termination of a Defaulting
11 State, the Interstate Commission shall notify the Governor, the
12 Chief Justice or Chief Judicial Officer and the Majority and
13 Minority Leaders of the Defaulting State's legislature and the
14 state council of such termination.

15 The Defaulting State is responsible for all assessments,
16 obligations and liabilities incurred through the effective date
17 of termination including any obligations, the performance of
18 which extends beyond the effective date of termination.

19 The Interstate Commission shall not bear any costs relating
20 to the Defaulting State unless otherwise mutually agreed upon
21 between the Interstate Commission and the Defaulting State.

22 Reinstatement following termination of any Compacting State
23 requires both a reenactment of the Compact by the Defaulting
24 State and the approval of the Interstate Commission pursuant to
25 the Rules.

26 Section C. Judicial Enforcement

27 The Interstate Commission may, by majority vote of the
28 Members, initiate legal action in the United States District
29 Court for the District of Columbia or, at the discretion of the
30 Interstate Commission, in the Federal District where the

Interstate Commission has its offices to enforce compliance with the provisions of the Compact, its duly promulgated Rules and Bylaws, against any Compacting State in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys fees.

Section D. Dissolution of Compact

The Compact dissolves effective upon the date of the withdrawal or default of the Compacting State which reduces membership in the Compact to one Compacting State.

Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be wound up and any surplus funds shall be distributed in accordance with the Bylaws.

ARTICLE XIII

SEVERABILITY AND CONSTRUCTION

The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable. The provisions of this Compact shall be liberally constructed to effectuate its purposes.

ARTICLE XIV

BINDING EFFECT OF COMPACT AND OTHER LAWS

Section A. Other Laws

Nothing herein prevents the enforcement of any other law of a Compacting State that is not inconsistent with this Compact. All Compacting States' laws conflicting with this Compact are superseded to the extent of the conflict.

Section B. Binding Effect of the Compact

1 All lawful actions of the Interstate Commission, including
2 all Rules and Bylaws promulgated by the Interstate Commission,
3 are binding upon the Compacting States.

4 All agreements between the Interstate Commission and the
5 Compacting States are binding in accordance with their terms.

6 Upon the request of a party to a conflict over meaning or
7 interpretation of Interstate Commission actions, and upon a
8 majority vote of the Compacting States, the Interstate
9 Commission may issue advisory opinions regarding such meaning or
10 interpretation.

11 In the event any provision of this Compact exceeds the
12 constitutional limits imposed on the legislature of any
13 Compacting State, the obligations, duties, powers or
14 jurisdiction sought to be conferred by such provision upon the
15 Interstate Commission shall be ineffective and such obligations,
16 duties, powers or jurisdiction shall remain in the Compacting
17 State and shall be exercised by the agency thereof to which such
18 obligations, duties, powers or jurisdiction are delegated by law
19 in effect at the time this Compact becomes effective.

20 § 7113. When and how compact becomes operative.

21 (a) General rule.--When the Governor executes the Interstate
22 Compact for the Supervision of Adult Offenders on behalf of this
23 State and files a verified copy thereof with the Secretary of
24 the Commonwealth and when the compact is ratified by one or more
25 other states, then the compact shall become operative and
26 effective between this State and such other state or states. The
27 Governor is hereby authorized and directed to take such action
28 as may be necessary to complete the exchange of official
29 documents between this State and any other state ratifying the
30 compact.

1 (b) Notice in Pennsylvania Bulletin.--The Secretary of the
2 Commonwealth shall publish a notice in the Pennsylvania Bulletin
3 when the conditions set forth in subsection (a) are satisfied
4 and shall include in the notice the date on which the compact
5 became effective and operative between this State and any other
6 state or states in accordance with this subchapter.
7 § 7114. State council and compact administrator.

8 (a) State council.--Consistent with Article IV of the
9 Interstate Compact for the Supervision of Adult Offenders, there
10 is hereby established the State Council for Interstate Adult
11 Offender Supervision. The council shall consist of nine members,
12 seven of whom shall be appointed by the Governor. At least two
13 members shall be judges of courts of record of this Commonwealth
14 and at least one shall be a county chief probation officer, a
15 representative from the executive branch of government, a
16 representative of victims groups and the compact administrator.
17 The President pro tempore of the Senate and the Speaker of the
18 House of Representatives shall each appoint a member of the
19 General Assembly to serve as a member of the council. The term
20 of a member of the council hereafter appointed, except to fill a
21 vacancy, shall be for four years and until a successor has been
22 appointed, but in no event more than 90 days beyond the
23 expiration of the appointed term. The term of a member of the
24 council who is appointed by virtue of serving as a member of the
25 General Assembly, as a judge or as a county chief probation
26 officer shall continue only as long as the individual remains in
27 that office. A vacancy occurring in an office of a member of the
28 council by expiration of term or for any other reason shall be
29 filled by the appointing authority for the remainder of the
30 term.

1 (b) Appointment of administrator.--The compact administrator
2 shall be appointed by the Governor and shall serve as a member
3 of the State Council for the Supervision of Adult Offenders and
4 shall serve on the Interstate Commission for Adult Offender
5 Supervision established pursuant to the Interstate Compact for
6 the Supervision of Adult Offenders.

7 (c) Compensation and expenses of administrator.--The compact
8 administrator who represents this State, as provided for in
9 Article IV of the Interstate Compact for the Supervision of
10 Adult Offenders, shall not be entitled to any additional
11 compensation for his duties and responsibilities as compact
12 administrator but shall be entitled to reimbursement for
13 reasonable expenses actually incurred in connection with his
14 duties and responsibilities as compact administrator in the same
15 manner as for expenses incurred in connection with other duties
16 and responsibilities of his office or employment.

17 SUBCHAPTER C

18 ADMINISTRATIVE PROVISIONS

19 Sec.

20 7121. Deputization.

21 7122. Supervision of persons paroled by other states.

22 7123. Penalty.

23 § 7121. Deputization.

24 (a) General rule.--The chairperson of the Pennsylvania Board
25 of Probation and Parole may deputize any person to act as an
26 officer and agent of the Commonwealth in effecting the return of
27 any person who has violated the terms and conditions of parole
28 or probation as granted by the Commonwealth. In any matter
29 relating to the return of such person, an agent so deputized has
30 all the powers of a police officer of this Commonwealth.

1 (b) Evidence of deputization.--A deputization under this
2 section must be in writing and a person authorized to act as an
3 agent of the Commonwealth under that authority shall carry
4 formal evidence of the deputization and shall produce it on
5 demand.

6 (c) Interstate contracts.--The chairperson of the
7 Pennsylvania Board of Probation and Parole may, subject to the
8 approval of the Auditor General, enter into contracts with
9 similar officials of any other state for the purpose of sharing
10 an equitable portion of the cost of effecting the return of any
11 person who has violated the terms and conditions of parole or
12 probation as granted by the Commonwealth.

13 § 7122. Supervision of persons paroled by other states.

14 (a) General rule.--In compliance with the Federal interstate
15 compact laws and the provisions of this section, the board may
16 supervise persons who are paroled by other states and reside in
17 this Commonwealth, where such other states agree to perform
18 similar services for the board.

19 (b) Witness Protection Program.--The board may relinquish
20 jurisdiction over a parolee to the proper Federal authorities
21 where the parolee is placed into the Witness Protection Program
22 of the United States Department of Justice.

23 (c) Applicability.--The provisions of this section shall
24 apply only to those persons under the supervision of the board.

25 (d) Contracting state obligations.--The contracting state
26 must adhere to this Commonwealth's laws regarding the interstate
27 compact, which are as follows:

28 (1) The contracting state solemnly agrees that it is
29 competent for the duly constituted judicial and
30 administrative authorities of a state party to the compact,

1 referred to as the "sending state," to permit any person
2 convicted of an offense within such state and placed on
3 probation or released on parole to reside in any other state,
4 referred to as the "receiving state," while on probation or
5 parole if:

6 (i) A confirmed offer of viable employment or other
7 verifiable means of support exists.

8 (ii) A residence approved by the sending state shall
9 be available.

10 (2) The following information must be made available to
11 the receiving state from the sending state at the time the
12 application for acceptance to the receiving state shall be
13 filed:

14 (i) Institutional adjustment information on parolees
15 or probationers.

16 (ii) Current supervision history on parolees or
17 probationers.

18 (iii) A psychological report or psychological
19 update, completed no more than one year prior to the
20 receiving state's consideration, for persons convicted of
21 a violent offense.

22 (iv) The following information must be made
23 available to the receiving state for those cases defined
24 as a sexual offense:

25 (A) A summary of any type of treatment received
26 and dates of completion.

27 (B) A description of behavioral characteristics
28 that may have contributed to the parolee or
29 probationer's conduct.

30 (3) Any parolee or probationer convicted of a sexual

1 offense shall be required to:

2 (i) Submit to mandatory registration and public
3 notification of all current addresses with the
4 Pennsylvania State Police.

5 (ii) Provide a signed copy of the "Pennsylvania
6 State Police Sexual Offender Registration Notification"
7 form and the "Pennsylvania State Police Sexual Offender
8 Registration" form to the receiving state.

9 (iii) Provide a signed copy of "Addendum to
10 Application for Compact Services/Agreement to Return"
11 form to the receiving state.

12 (4) Except as provided in this subsection, the receiving
13 state shall not consider the acceptance of supervision if the
14 parolee is already physically present in this Commonwealth.
15 Investigation and consideration of a case shall occur only
16 after the parolee returns to the sending state and proper
17 application is filed. The receiving state may consider the
18 acceptance of supervision if the probationer is already
19 physically present in this Commonwealth, where the
20 probationer has established domicile in the receiving state
21 before adjudication on the criminal offense.

22 (5) Electronic monitoring or other special conditions,
23 or both, of supervision shall be imposed as deemed necessary
24 by the receiving state.

25 (6) At the request of the receiving state, the sending
26 state shall agree to retake the parolee or probationer if
27 that individual violates any condition of probation or
28 parole.

29 (e) Definitions.--As used in this section the following
30 words and phrases shall have the meaning given to them in this

1 subsection unless the context clearly indicates otherwise:

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

3 "Sexual offense."

4 (1) Any of the following offenses or an equivalent
5 offense that is classified as a felony and involves a victim
6 who is a minor:

7 18 Pa.C.S. § 2901 (relating to kidnapping).

8 18 Pa.C.S. § 5902(a) (relating to prostitution and
9 related offenses).

10 18 Pa.C.S. § 5903(a)(3), (4), (5) or (6) (relating to
11 obscene and other sexual materials and performances).

12 (2) Any of the following offenses or an equivalent
13 offense that is classified as a felony and involves a victim
14 who is younger than 13 years of age:

15 18 Pa.C.S. § 3126 (relating to indecent assault).

16 (3) Any of the following offenses or an equivalent
17 offense, regardless of the victim's age:

18 18 Pa.C.S. § 3121 (relating to rape).

19 18 Pa.C.S. § 3123 (relating to involuntary deviate
20 sexual intercourse).

21 18 Pa.C.S. § 3125 (relating to aggravated indecent
22 assault).

23 "Violent offense."

24 (1) Any of the following offenses or an equivalent
25 offense:

26 18 Pa.C.S. § 2502 (relating to murder).

27 18 Pa.C.S. § 2503 (relating to voluntary
28 manslaughter).

29 18 Pa.C.S. § 2702 (relating to aggravated assault).

30 18 Pa.C.S. § 2703 (relating to assault by prisoner).

1 18 Pa.C.S. § 2704 (relating to assault by life
2 prisoner).

3 18 Pa.C.S. § 2901 (relating to kidnapping) where the
4 victim is a minor.

5 18 Pa.C.S. § 3121 (relating to rape).

6 18 Pa.C.S. § 3123 (relating to involuntary deviate
7 sexual intercourse).

8 18 Pa.C.S. § 3301 (relating to arson and related
9 offenses).

10 18 Pa.C.S. § 3502 (relating to burglary).

11 18 Pa.C.S. § 3701 (relating to robbery).

12 18 Pa.C.S. § 3923 (relating to theft by extortion)
13 where a threat of violence is made.

14 (2) A criminal attempt, criminal solicitation or
15 criminal conspiracy to commit any offenses set forth in this
16 definition.

17 "Other verifiable means of support." The term includes, but
18 is not limited to, support by parent, grandparent, sibling,
19 spouse or adult child. The term does not include public
20 assistance.

21 § 7123. Penalty.

22 A person who is on parole or probation in another state and
23 who resides in this Commonwealth in violation of section 7122
24 (relating to supervision of persons paroled by other states)
25 commits a misdemeanor of the first degree and shall be sentenced
26 to pay a fine of not more than \$10,000 or to imprisonment for
27 not more than five years, or both.

28 Section 8. Except as set forth in section 9 of this act, the
29 addition of 61 Pa.C.S. Pts. I, II, III, IV and V is a
30 continuation of the acts and parts of acts listed in section 11

1 of this act.

2 Section 9. Section 8 of this act does not apply to any of
3 the following act and parts of acts:

4 Act of January 17, 1831 (P.L.12, No.12), entitled "A further
5 supplement to an act, entitled, An act to reform the penal laws
6 of this Commonwealth."

7 Section 11 of the act of February 8, 1842 (P.L.12, No.10),
8 entitled "A supplement to an act entitled 'An act relating to
9 the prison of the county of Chester,' approved February first,
10 one thousand eight hundred and thirty-nine, and relative to the
11 Dauphin county prison."

12 The act of January 4, 1856 (P.L.711, No.661), entitled "A
13 further supplement to an act, entitled 'An Act to provide for
14 the erection of a new prison and debtors' apartment within the
15 city and county of Philadelphia, and for the sale of the county
16 prison in Walnut street in the said city, approved April
17 fourteenth, one thousand eight hundred thirty-five.'"

18 Act of April 13, 1868 (P.L.917, No.860), entitled "An act
19 relative to the Luzerne county prison, and to discharged
20 convicts."

21 Sections 8, 12 and 14 of the act of June 2, 1871 (P.L.1301,
22 No.1209), entitled "An act to establish and maintain for the
23 city of Philadelphia, a house of correction, employment and
24 reformation for adults and minors."

25 Act of June 6, 1871 (P.L.1354, No.1259), entitled "A
26 supplement to an act relative to the Luzerne county prison and
27 to discharged convicts, approved thirteenth April, Anno Domini
28 one thousand eight hundred and sixty-eight."

29 Act of June 8, 1874 (P.L.278, No.163), entitled "An act
30 relating to prison inspectors and regulating prisons."

1 Sections 2 and 4 of the act of June 13, 1883 (P.L.112,
2 No.99), entitled "An act to abolish the contract system in the
3 prisons and reformatory institutions of the State of
4 Pennsylvania, and to regulate the wages of the inmates."

5 Act of June 22, 1897 (P.L.182, No.150), entitled "A
6 supplement to an act entitled 'An act for the punishment of
7 cruelty to animals in this Commonwealth,' approved the twenty-
8 ninth day of March, one thousand eight hundred and sixty-nine,
9 requiring the keepers or persons in charge of all jails, lock-
10 ups and station-houses within the Commonwealth to receive all
11 persons arrested for any violation of the provisions of said
12 act."

13 Act of May 25, 1907 (P.L.247, No.191), entitled "An act
14 authorizing the employment of male prisoners of the jails, and
15 workhouses of this Commonwealth upon the public highways of the
16 several counties, and regulating the same; and providing for the
17 establishment of Prison Boards, the purchase of material and
18 tools, and employment of deputies, at the expense of the proper
19 county, and a penalty for the escape of prisoners while employed
20 outside of said jails, workhouses."

21 Act of May 28, 1913 (P.L.363, No.247), entitled "An act
22 regulating the discharge of prisoners on parole, from the penal
23 institutions of the Commonwealth."

24 Section 9 of the act of July 25, 1913 (P.L.1311, No.816),
25 entitled "An act providing for the establishment of a State
26 Industrial Home for Women; authorizing the purchase of a site,
27 and the erection thereon and equipment of necessary buildings;
28 providing for the commitment to said State Industrial Home for
29 Women of females between the ages of sixteen and thirty years,
30 convicted of, or pleading guilty to, the commission of any

1 criminal offense; and providing for the government and
2 management of said institution; and making an appropriation to
3 carry out the purposes of this act."

4 Act of July 19, 1917 (P.L.1117, No.378), entitled "An act
5 providing for the establishment, in cities of the first class,
6 of a house or houses of detention for witnesses and untried
7 prisoners; for the commitment of such prisoners and witnesses
8 thereto; and for the payment of the cost of establishing and
9 maintaining the same by the county wherein said cities are
10 situated."

11 Act of May 1, 1929 (P.L.1184, No.416), entitled "An act
12 conferring and imposing certain powers and duties upon the State
13 Board of Pardons with respect to inmates of State penal and
14 correctional institutions released on parole."

15 Act of June 22, 1931 (P.L.864, No.280), entitled "An act
16 making a convict whose minimum sentence exceeds one-half of the
17 maximum sentence eligible to apply for release on parole when
18 said convict has served or will have served one-half his maximum
19 sentence."

20 Sections 25, 31, 32, 33, 33.1 and 34.1 of the act of August
21 6, 1941 (P.L.861, No.323), entitled, as amended, "An act to
22 create a uniform and exclusive system for the administration of
23 parole in this Commonwealth; providing state probation services;
24 establishing the 'Pennsylvania Board of Probation and Parole';
25 conferring and defining its jurisdiction, duties, powers and
26 functions; including the supervision of persons placed upon
27 probation and parole in certain designated cases; providing for
28 the method of appointment of its members; regulating the
29 appointment, removal and discharge of its officers, clerks and
30 employes; dividing the Commonwealth into administrative

1 districts for purposes of probation and parole; fixing the
2 salaries of members of the board and of certain other officers
3 and employes thereof; making violations of certain provisions of
4 this act misdemeanors; providing penalties therefor; and for
5 other cognate purposes, and making an appropriation."

6 Act of December 27, 1965 (P.L.1237, No.502), entitled "An act
7 establishing regional correctional facilities administered by
8 the Bureau of Correction as part of the State correctional
9 system; establishing standards for county jails, and providing
10 for inspection and classification of county jails and for
11 commitment to State correctional facilities and county jails."

12 Act of March 21, 1986 (P.L.64, No.19), known as the Private
13 Prison Moratorium and Study Act.

14 Chapters 3, 5, 9 and 11 of the act of July 1, 1990 (P.L.315,
15 No.71), known as the Prison Facilities Improvement Act.

16 Section 10. The following shall apply:

17 (1) Except as otherwise provided in 61 Pa.C.S. Pts. I,
18 II, III, IV and V, all activities initiated under any of the
19 acts identified in section 8 of this act shall continue and
20 remain in full force and effect and may be completed under 61
21 Pa.C.S. Pts. I, II, III, IV and V. Resolutions, orders,
22 regulations, rules and decisions which were made under any of
23 the acts identified in section 8 of this act and which are in
24 effect on the effective date of this section shall remain in
25 full force and effect until revoked, vacated or modified
26 under 61 Pa.C.S. Pts. I, II, III, IV and V. Contracts,
27 obligations and agreements entered into under any of the acts
28 identified in section 8 of this act are not affected nor
29 impaired by the continuation of the acts and parts of acts
30 identified in section 8.

(2) Any difference in language between 61 Pa.C.S. Pts. I, II, III, IV and V and the acts identified in section 8 of this act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administrative interpretation and implementation of those acts, except as follows:

61 Pa.C.S. Part I.

61 Pa.C.S. § 3104(f).

The definition of "motivational boot camp" in 61 Pa.C.S. § 3903, by deleting an obsolete reference to ventilation therapy.

61 Pa.C.S. § 5903, by adding a reference to civilian clothing to conform to Department of Corrections policy.

61 Pa.C.S. § 6112(a)(5).

61 Pa.C.S. § 6138(a)(5)(ii) and (d) to conform to Department of Corrections policy.

Section 11. (a) The repeals in this section are necessary to effectuate this act.

(b) The following acts and parts of acts are repealed:

Act of January 17, 1831 (P.L.12, No.12), entitled "A further supplement to an act, entitled, An act to reform the penal laws of this Commonwealth."

Act of February 8, 1842 (P.L.12, No.10), entitled "A supplement to an act entitled 'An act relating to the prison of the county of Chester,' approved February first, one thousand eight hundred and thirty-nine, and relative to the Dauphin county prison."

Section 5 of the act of April 16, 1845 (P.L.507, No.342), entitled "An act to provide for the ordinary expenses of the

1 government, repair of the canals and railroads of the state, and
2 other claims upon the commonwealth."

3 Act of January 4, 1856 (P.L.711, No.661), entitled "A further
4 supplement to an act, entitled 'An act to provide for the
5 erection of a new prison and debtors' apartment within the city
6 and county of Philadelphia, and for the sale of the county
7 prison in Walnut street in the said city,' approved April
8 fourteenth, one thousand eight hundred thirty-five."

9 Act of April 17, 1867 (P.L.87, No.68), entitled "An act to
10 authorize the Governor to appoint a person to visit prisons and
11 almshouses."

12 Act of April 13, 1868 (P.L.917, No.860), entitled "An act
13 relative to the Luzerne county prison, and to discharged
14 convicts."

15 Act of June 6, 1871 (P.L.1354, No.1259), entitled "A
16 supplement to an act relative to the Luzerne county prison and
17 to discharged convicts, approved thirteenth April, Anno Domini
18 one thousand eight hundred and sixty-eight."

19 Act of June 8, 1874 (P.L.278, No.163), entitled "An act
20 relating to prison inspectors and regulating prisons."

21 Act of June 13, 1883 (P.L.112, No.99), entitled "An act to
22 abolish the contract system in the prisons and reformatory
23 institutions of the State of Pennsylvania, and to regulate the
24 wages of the inmates."

25 Act of June 20, 1883 (P.L.125, No.110), entitled "An act to
26 require a brand upon all goods, wares, merchandise or other
27 article or thing made for sale by convict labor in any
28 penitentiary, reformatory prison, school or other establishment
29 in which convict labor is employed."

30 Act of May 9, 1889 (P.L.154, No.170), entitled "An act

1 authorizing and empowering boards of prison inspectors, in
2 counties where such boards exist, to fix the salaries of deputy
3 wardens, keepers and other persons employed in and about the
4 jails of such counties."

5 Act of June 26, 1895 (P.L.377, No.269), entitled "An act
6 authorizing the erection of work-houses in the several counties
7 of this Commonwealth."

8 Act of May 11, 1897 (P.L.49, No.41), entitled "An act
9 relating to appointment of Prison Commissioners in counties of
10 the Commonwealth having over one hundred and fifty thousand
11 population."

12 Act of June 22, 1897 (P.L.182, No.150), entitled "A
13 supplement to an act, entitled 'An act for the punishment of
14 cruelty to animals in this Commonwealth,' approved the twenty-
15 ninth day of March, one thousand eight hundred and sixty-nine,
16 requiring the keepers or persons in charge of all jails, lock-
17 ups and station-houses within the Commonwealth to receive all
18 persons arrested for any violation of the provisions of said
19 act."

20 Act of April 28, 1899 (P.L.89, No.75), entitled "An act
21 authorizing the employment of male prisoners of the jails and
22 workhouses of this Commonwealth, and regulating the same, and
23 providing a penalty for an escape of prisoners while employed
24 outside of said jails or workhouses."

25 Act of March 20, 1903 (P.L.45, No.48), entitled "An act to
26 make active or visiting committees, of societies incorporated
27 for the purpose of visiting and instructing prisoners, official
28 visitors of penal and reformatory institutions."

29 Act of May 25, 1907 (P.L.247, No.191), entitled "An act
30 authorizing the employment of male prisoners of the jails, and

1 workhouses of this Commonwealth upon the public highways of the
2 several counties, and regulating the same; and providing for the
3 establishment of Prison Boards, the purchase of material and
4 tools, and employment of deputies, at the expense of the proper
5 county, and a penalty for the escape of prisoners while employed
6 outside of said jails, workhouses."

7 Act of April 23, 1909 (P.L.141, No.92), entitled "An act
8 providing for the use of borough and township lockups and city
9 or county prisons, for the detention of prisoners arrested by
10 sheriffs, constables, members of the State constabulary, or
11 other persons authorized by the laws of the Commonwealth to make
12 arrests, and entitling boroughs, townships, and cities to
13 receive remuneration for the same."

14 Act of May 14, 1909 (P.L.838, No.656), entitled "An act to
15 define the rights and functions of official visitors of jails,
16 penitentiaries, and other penal or reformatory institutions, and
17 providing for their removal."

18 Act of May 11, 1911 (P.L.274, No.176), entitled "An act to
19 prohibit the bringing into prisons of all weapons or other
20 implements which may be used to injure any convict or person, or
21 in assisting any convict to escape punishment, or the selling or
22 furnishing of same to convicts; to prohibit the bringing into
23 prisons of all spirituous or fermented liquors, drugs,
24 medicines, poisons, opium, morphine, or any other kind or
25 character of narcotics; or the giving, selling or furnishing of
26 spirituous or fermented liquor, drugs, medicine, poison, opium,
27 morphine, or any other kind or character of narcotics; or
28 bringing into or taking out letters, notes, money, or contraband
29 goods of any kind, whatsoever; and providing a penalty for the
30 violation thereof."

1 Act of June 7, 1911 (P.L.677, No.268), entitled "An act
2 providing for the payment of the costs of proceedings and the
3 expenses of maintaining prisoners committed to county prisons,
4 either for non-payment of fines or penalties imposed for, or
5 while awaiting a hearing upon, any charge for the violation of
6 any city or borough ordinance, or any ordinance of townships of
7 the first class, by the city, borough, or township of the first
8 class whose ordinances are alleged to have been violated, or to
9 which any such fines or penalties are payable."

10 Act of June 19, 1911 (P.L.1059, No.813), referred to as the
11 County Jail and Workhouse Parole Law.

12 Act of May 28, 1913 (P.L.363, No.247), entitled "An act
13 regulating the discharge of prisoners on parole, from the penal
14 institutions of the Commonwealth."

15 Act of June 19, 1913 (P.L.532, No.340), entitled "A
16 supplement to an act approved the nineteenth day of June, one
17 thousand nine hundred eleven, entitled 'An act authorizing the
18 release on probation of certain convicts, instead of imposing
19 sentences; the appointment of probation and parole officers, and
20 the payment of their salaries and expenses; regulating the
21 manner of sentencing convicts in certain cases, and providing
22 for their release on parole; their conviction of crime during
23 parole, and their re-arrest and reconviction for breach of
24 parole; and extending the powers and duties of boards of prison
25 inspectors of penitentiaries.'"

26 Act of July 22, 1913 (P.L.912, No.437), entitled "An act
27 providing for the payment of the costs incurred in the trial of
28 convicts and prisoners escaping, or attempting to escape, from
29 the several penitentiaries and reformatories of the Commonwealth
30 of Pennsylvania, by the respective counties from whose courts

1 the said escaping convicts or prisoners have been committed; and
2 providing for the maintenance of such convicts under sentence
3 for escape, et cetera."

4 Section 9 of the act of July 25, 1913 (P.L.1311, No.816),
5 entitled "An act providing for the establishment of a State
6 Industrial Home for Women; authorizing the purchase of a site,
7 and the erection thereon and equipment of necessary buildings;
8 providing for the commitment to said State Industrial Home for
9 Women of females between the ages of sixteen and thirty years,
10 convicted of, or pleading guilty to, the commission of any
11 criminal offense; and providing for the government and
12 management of said institution; and making an appropriation to
13 carry out the purposes of this act."

14 Act of May 24, 1917 (P.L.283, No.150), entitled "An act
15 fixing the residence of the warden of the county jail or prison,
16 in counties of this Commonwealth where the government of such
17 jail or prison is or may hereafter be vested in a prison board."

18 Act of July 17, 1917 (P.L.1036, No.337), entitled "A Joint
19 Resolution authorizing the authorities having control and
20 supervision of county jails and prisons to permit the employment
21 of inmates thereof on county or almshouse farms; exempting
22 wardens and keepers from liability in certain cases for
23 escapes."

24 Act of July 19, 1917 (P.L.1117, No.378), entitled "An act
25 providing for the establishment, in cities of the first class,
26 of a house or houses of detention for witnesses and untried
27 prisoners; for the commitment of such prisoners and witnesses
28 thereto; and for the payment of the cost of establishing and
29 maintaining the same by the county wherein said cities are
30 situated."

1 Act of May 31, 1919 (P.L.356, No.170), entitled, as amended,
2 "An act authorizing courts of record to remove convicts and
3 persons confined in jails, workhouses, reformatories, reform or
4 industrial schools, penitentiaries, prisons, houses of
5 correction or any other penal institutions, who are seriously
6 ill, to other institutions; and providing penalties for breach
7 of prison."

8 Act of May 10, 1921 (P.L.433, No.209), entitled "An act
9 providing for the sentencing of certain criminals to
10 reformatories or houses of correction in counties of the first
11 class."

12 Act of May 16, 1921 (P.L.579, No.262), referred to as the
13 County Prison Board Law.

14 Act of May 19, 1923 (P.L.271, No.172), entitled "An act
15 providing a system of employment and compensation for the
16 inmates of county jails and prisons."

17 Act of June 14, 1923 (P.L.775, No.306), entitled "An act to
18 provide for the physical welfare of all persons confined
19 (whether such persons be tried or untried prisoners) in any
20 penitentiary or county prison in this Commonwealth."

21 Act of July 11, 1923 (P.L.1044, No.425), referred to as the
22 Prisoner Transfer Law.

23 Act of April 27, 1927 (P.L.414, No.270), entitled, as
24 amended, "An act providing for a system of recording the
25 identification of persons convicted of crime, and of fugitives
26 from justice, and habitual criminals; conferring powers and
27 imposing duties upon the Pennsylvania State Police, district
28 attorneys, police officers, wardens or keepers of jails,
29 prisons, workhouses, or other penal institutions, and sheriffs;
30 providing for the payment of certain expenses by the counties;

1 and imposing penalties."

2 Sections 903-B and 904-B of the act of April 9, 1929
3 (P.L.177, No.175), known as The Administrative Code of 1929.

4 Act of May 1, 1929 (P.L.1182, No.414), entitled "An act
5 providing the procedure and the powers of the State Board of
6 Pardons and boards of trustees of penitentiaries where prisoners
7 released on parole violate the terms of such parole; and fixing
8 the penalty for such violation."

9 Act of May 1, 1929 (P.L.1184, No.416), entitled "An act
10 conferring and imposing certain powers and duties upon the State
11 Board of Pardons with respect to inmates of State penal and
12 correctional institutions released on parole."

13 Act of May 20, 1931 (P.L.138, No.99), entitled "An act
14 permitting the sale of prison made goods, in counties of the
15 first class, to such counties and to cities and school districts
16 and to political subdivisions of such counties and to certain
17 institutions therein; permitting contracts for such sales and
18 purchases, without advertising or competitive bidding;
19 permitting payment of compensation to inmates; and repealing
20 inconsistent laws."

21 Act of June 12, 1931 (P.L.512, No.166), referred to as the
22 Industrial Farms and Workhouses Law.

23 Act of June 22, 1931 (P.L.864, No.280), entitled "An act
24 making a convict whose minimum sentence exceeds one-half of the
25 maximum sentence eligible to apply for release on parole when
26 said convict has served or will have served one-half his maximum
27 sentence."

28 Act of June 21, 1939 (P.L.660, No.307), entitled, as amended,
29 "An act providing for the return of escaped prisoners and
30 convicts after apprehension, to the penitentiary or state

1 institution from which they escape, by the agents of the
2 Department of Justice or the Pennsylvania State Police, and
3 requiring the penitentiary or state institution to defray the
4 expenses thereof."

5 Act of August 6, 1941 (P.L.861, No.323), referred to as the
6 Pennsylvania Board of Probation and Parole Law.

7 Act of May 17, 1945 (P.L.628, No.268), entitled "An act
8 requiring boards of prison inspectors in counties of the fourth
9 class to pay the premiums on all bonds required of employes
10 appointed by the board."

11 Act of May 11, 1949 (P.L.1191, No.359), entitled "An act for
12 the government, management and control of county jails and
13 prisons in counties of sixth, seventh and eighth classes."

14 Article XXX-A of the act of July 28, 1953 (P.L.723, No.230),
15 known as the Second Class County Code.

16 Act of December 13, 1955 (P.L.829, No.240), entitled "An act
17 authorizing the commitment to the Department of Public Welfare
18 in any city of the first class persons convicted of crimes and
19 sentences by courts situate within such city to a city or county
20 penal institution, where such Department has established a
21 correctional, diagnostic and classification service, and
22 authorizing the transfer of prisoners between such institutions
23 by the Department."

24 Act of December 13, 1955 (P.L.841, No.246), entitled "An act
25 authorizing cooperative return of parole and probation violators
26 and the making of contracts or deputization of persons pursuant
27 thereto."

28 Act of August 6, 1963 (P.L.521, No.277), entitled "An act
29 providing that probation officers shall have the power of peace
30 officers in the performance of their duties."

1 Act of August 13, 1963 (P.L.774, No.390), entitled "An act
2 authorizing courts to permit certain prisoners to leave jail
3 during reasonable and necessary hours for occupational,
4 scholastic or medical purposes; conferring powers and imposing
5 duties upon courts, county commissioners and sheriffs and other
6 persons in charge of a jail or workhouse."

7 Act of December 22, 1965 (P.L.1189, No.472), entitled "An act
8 establishing a correctional facility for criminological
9 diagnosis, classification, social and psychological treatment
10 and research, medical treatment and staff training."

11 Act of December 27, 1965 (P.L.1237, No.502), entitled "An act
12 establishing regional correctional facilities administered by
13 the Bureau of Correction as part of the State correctional
14 system; establishing standards for county jails, and providing
15 for inspection and classification of county jails and for
16 commitment to State correctional facilities and county jails."

17 Act of July 16, 1968 (P.L.351, No.173), referred to as the
18 Prisoner Pre-release Plan Law.

19 Act of December 22, 1969 (P.L.394, No.175), entitled "An act
20 providing for the establishment, operation and maintenance of
21 detention facilities for certain persons by adjoining counties
22 on approval by the Bureau of Correction."

23 Act of October 16, 1972 (P.L.913, No.218), entitled "An act
24 establishing regional community treatment centers for women
25 administered by the Bureau of Correction of the Department of
26 Justice as part of the State Correctional System, providing for
27 the commitment of females to such centers and their temporary
28 release therefrom for certain purposes, restricting confinement
29 of females in county jails and conferring powers and duties upon
30 the Department of Justice and the Bureau of Correction."

1 Act of December 30, 1974 (P.L.1075, No.348), known as the
2 Interstate Corrections Compact.

3 Act of March 21, 1986 (P.L.64, No.19), known as the Private
4 Prison Moratorium and Study Act.

5 Chapters 3, 5, 9 and 11 of the act of July 1, 1990 (P.L.315,
6 No.71), known as the Prison Facilities Improvement Act.

7 Act of December 7, 1990 (P.L.615, No.156), known as the
8 Official Visitation of Prisons Act.

9 Act of December 19, 1990 (P.L.1391, No.215), known as the
10 Motivational Boot Camp Act.

11 Act of December 27, 1994 (P.L.1354, No.158), known as the
12 County Probation and Parole Officers' Firearm Education and
13 Training Law.

14 Act of May 16, 1996 (P.L.220, No.40), known as the Prison
15 Medical Services Act.

16 Act of June 18, 1998 (P.L.622, No.80), entitled "An act
17 providing for a procedure and method of execution; and making
18 repeals."

19 Act of December 3, 1998 (P.L.932, No.120), entitled "An act
20 requiring all prison inmates to wear identifiable prison
21 uniforms while incarcerated."

22 Act of June 19, 2002 (P.L.377, No.56), known as the
23 Interstate Compact for the Supervision of Adult Offenders Act.

24 (c) The following acts are also repealed:

25 Act of June 25, 1937 (P.L.2086, No.415), entitled "An act
26 providing for the making of compacts by the Commonwealth with
27 other states for mutual helpfulness in relation to persons on
28 probation or parole; and imposing certain powers and duties on
29 the Governor and the Board of Pardons."

30 Act of July 20, 1968 (P.L.441, No.207), entitled "An act

1 providing for the incarceration of probationers or parolees in
2 certain other states under certain circumstances."

3 (d) The act of December 8, 1959 (P.L.1718, No.632),
4 entitled, as amended, "An act providing for the payment of the
5 salary, medical and hospital expenses of employes of State penal
6 and correctional institutions, State mental hospitals, Youth
7 Development Centers, County Boards of Assistance, and under
8 certain conditions other employes of the Department of Public
9 Welfare, who are injured in the performance of their duties; and
10 providing benefit to their widows and dependents in certain
11 cases," is repealed insofar as it relates to employees of State
12 correctional institutions as that term is defined in 61 Pa.C.S.
13 § 102 (relating to definitions).

14 Section 12. A reference in any act or part of an act to:

15 (1) A parole agent of a county shall be deemed a
16 reference to a probation officer.

17 (2) A parole officer of the State shall be deemed a
18 reference to a parole agent.

19 (3) The County Probation and Parole Officers' Firearm
20 Education and Training Program shall be deemed a reference to
21 the County Probation Officers' Firearm Education and Training
22 Program.

23 (4) The County Probation and Parole Officers' Firearm
24 Education and Training Fund shall be deemed a reference to
25 the County Probation Officers' Firearm Education and Training
26 Fund.

27 Section 13. The County Probation Officers' Firearm Education
28 and Training Commission is a continuation of the County
29 Probation and Parole Officers' Firearm Education and Training
30 Commission.

1 Section 14. The County Probation Officers' Firearm Education
2 and Training Fund is a continuation of the County Probation and
3 Parole Officers' Firearm Education and Training Fund.

4 Section 15. This act shall take effect as follows:

5 (1) Section 11(c) of this act shall take effect on the
6 date that the Interstate Compact for the Supervision of Adult
7 Offenders becomes effective and operative between this State
8 and any other state or states in accordance with 61 Pa.C.S. §
9 7113.

10 (2) The remainder of this act shall take effect in 60
11 days.