

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 112 Session of
2009

INTRODUCED BY GREENLEAF, TARTAGLIONE, FONTANA, ERICKSON, STOUT,
GORDNER, TOMLINSON, BAKER, WILLIAMS, FERLO, BROWNE, M. WHITE,
COSTA, EARLL, O'PAKE, LEACH AND WOZNIAK, JANUARY 29, 2009

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, JUNE 1,
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.

TABLE OF CONTENTS

TITLE 42

JUDICIARY AND JUDICIAL PROCEDURE

PART II. ORGANIZATION

SUBPART A. COURTS AND DISTRICT JUSTICES

ARTICLE E. DISTRICT JUSTICES

CHAPTER 15. DISTRICT JUSTICES

§ 1511. DISTRICT JUSTICES.

§ 1515. JURISDICTION AND VENUE.

§ 1516. LIEN OF JUDGMENT.

§ 1520. ADJUDICATION ALTERNATIVE PROGRAM.

SUBPART B. OTHER STRUCTURAL PROVISIONS

Chapter 21. Judicial Boards and Commissions

Subchapter F. Pennsylvania Commission on Sentencing

§ 2154.4. Adoption of guidelines for resentencing.

§ 2154.5. Adoption of guidelines for parole.

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

PART VIII. CRIMINAL PROCEEDINGS

Chapter 97. Sentencing

Subchapter E. Imposition of Sentence

§ 9755.1. Temporary release from county correctional
institution.

§ 9756. Sentence of total confinement.

Subchapter F. Further Judicial Action

§ 9775. Parole without board supervision.

§ 9776. Judicial power to release inmates.

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

Chapter 99. Other Criminal Provisions

Subchapter A. County Probation Officers

§ 9911. Definitions.

§ 9912. Supervisory relationship to offenders.

§ 9913. Peace officer power for probation officers.

1 TITLE 61
2 PRISONS AND PAROLE
3 PART I. GENERAL PROVISIONS
4 Chapter 1. Preliminary Provisions
5 § 101. Short title of title.
6 § 102. Definitions.
7 PART II. CORRECTIONAL INSTITUTIONS
8 Chapter 11. General Administration
9 Subchapter A. Penal Operations and Procedures
10 § 1101. Benefits to injured employees of State correctional
11 institutions.
12 § 1102. Correctional facility for criminological diagnosis.
13 § 1103. Recording system for identification of criminal
14 offenders.
15 Subchapter B. Inmate Transfers
16 § 1151. General transfer authorization.
17 § 1152. Transfers to CITY department. ←
18 § 1153. Expense of removing certain inmates.
19 § 1154. Law enforcement use of county correctional
20 institutions.
21 Subchapter C. Escaped Inmates
22 § 1161. Return of escaped inmates.
23 § 1162. Escaped inmate costs.
24 § 1163. Maintenance of escaping inmates under new sentence.
25 § 1164. Criminal offense during confinement.
26 Chapter 13. (Reserved)
27 Chapter 15. (Reserved)
28 Chapter 17. County Correctional Institutions
29 Subchapter A. (Reserved)
30 Subchapter B. County Jail Oversight Board in Counties of the

1 Second Class and Second Class A

2 § 1721. Scope of subchapter.

3 § 1722. Definitions.

4 § 1723. County jail oversight board.

5 § 1724. Powers and duties.

6 § 1725. Rules and regulations.

7 § 1726. Warden.

8 § 1727. Board meetings.

9 § 1728. Contracts and purchases.

10 Subchapter C. Other Counties

11 § 1731. Establishment.

12 § 1732. Board meetings.

13 § 1733. Appointment of warden and employees.

14 § 1734. Powers of peace officers.

15 § 1735. Expenditures.

16 § 1736. Bonding requirement.

17 Subchapter D. Alternative Plan for Certain Counties

18 § 1741. Sixth, seventh and eighth class counties.

19 § 1742. Appointment of prison commissioners.

20 Subchapter E. Penal Operations and Procedures

21 § 1751. Costs of confinement.

22 § 1752. Board of inspectors to regulate salaries of wardens and

23 other staff.

24 § 1753. Residence of warden.

25 § 1754. Bonds for county prison staff in fourth class counties.

26 § 1755. Property exempt from taxation.

27 § 1756. Loss of privileges.

28 § 1757. Collection from certain inmates.

29 Subchapter F. Joint Detention Centers

30 § 1761. Establishment by adjoining counties.

1 § 1762. Selection of site.
2 § 1763. Buildings.
3 § 1764. Construction contracts.
4 § 1765. Advisory board.
5 § 1766. Meetings.
6 § 1767. Chief administrator and employees.
7 § 1768. Rules and regulations.
8 § 1769. Initial transfer of inmates.
9 § 1770. Employment of inmates.
10 § 1771. Cost of transporting inmates.
11 § 1772. Financial reporting.
12 § 1773. Allocation of expenses to counties.
13 § 1774. County appropriations.
14 § 1775. Exemption from taxation.
15 Subchapter G. Joint Industrial Farms and Workhouses
16 § 1781. Establishment by counties.
17 § 1782. Selection of site.
18 § 1783. Buildings.
19 § 1784. Construction contracts.
20 § 1785. Advisory board.
21 § 1786. Meetings.
22 § 1787. Chief administrator and employees.
23 § 1788. Rules and regulations.
24 § 1789. Initial transfer of inmates.
25 § 1790. Employment of inmates.
26 § 1791. Cost of transporting inmates.
27 § 1792. Nature of inmate employment.
28 § 1793. Sale of goods and materials.
29 § 1794. Financial reporting.
30 § 1795. Allocation of expenses to counties.

1 § 1796. Borrowing authorized.

2 § 1797. Exemption from taxation.

3 § 1798. Nonapplicability.

4 PART III. INMATE CONFINEMENT

5 Chapter 31. Inmate Labor

6 § 3101. Inmates to be employed.

7 § 3102. Disposition of proceeds of labor.

8 § 3103. Agricultural labor at county correctional institutions.

9 § 3104. Inmate labor in county correctional institutions.

10 § 3105. Inmate labor in counties of the first class.

11 § 3106. Inmate-made goods to be branded.

12 § 3107. Sale of inmate-made goods.

13 Chapter 33. Medical Services

14 § 3301. Short title of chapter.

15 § 3302. Definitions.

16 § 3303. Medical Services Program.

17 § 3304. Powers and duties of department.

18 § 3305. Costs outstanding upon release.

19 § 3306. Report to General Assembly.

20 § 3307. Applicability.

21 Chapter 35. Visitation

22 Subchapter A. General Provisions

23 § 3501. Gubernatorial visitor for philanthropic purposes.

24 § 3502. Official visitors.

25 § 3503. Rights of official visitors.

26 Subchapter B. Official Visitation

27 § 3511. Short title of subchapter.

28 § 3512. Definitions.

29 § 3513. Visitation.

30 § 3514. Employees of official visitor.

1 Chapter 37. Inmate Prerelease Plans
2 § 3701. Establishment of prerelease centers.
3 § 3702. Prerelease plan for inmates.
4 § 3703. Rules and regulations.
5 § 3704. Salaries and wages of inmates.
6 Chapter 39. Motivational Boot Camp
7 § 3901. Scope of chapter.
8 § 3902. Declaration of policy.
9 § 3903. Definitions.
10 § 3904. Selection of inmate participants.
11 § 3905. Motivational boot camp program.
12 § 3906. Procedure for selection of participant in motivational
13 boot camp program.
14 § 3907. Completion of motivational boot camp program.
15 § 3908. Appeals.
16 Chapter 41. State Intermediate Punishment
17 § 4101. Scope of chapter.
18 § 4102. Findings and purpose.
19 § 4103. Definitions.
20 § 4104. Referral to State intermediate punishment program.
21 § 4105. Drug offender treatment program.
22 § 4106. Written guidelines and regulations.
23 § 4107. Reports.
24 § 4108. Construction.
25 § 4109. Evaluation.
26 Chapter 43. Execution Procedure and Method
27 § 4301. Definitions.
28 § 4302. Issuance of warrant.
29 § 4303. Terms of confinement.
30 § 4304. Method of execution.

1 § 4305. Witnesses to execution.
2 § 4306. Certification of chief administrator.
3 § 4307. Postmortem examination.
4 § 4308. Costs of execution and examination.
5 Chapter 45. Recidivism Risk Reduction Incentive
6 § 4501. Scope of chapter.
7 § 4502. Purpose of chapter.
8 § 4503. Definitions.
9 § 4504. Recidivism risk reduction incentive programs.
10 § 4505. Sentencing.
11 § 4506. Recidivism risk reduction incentive minimum.
12 § 4507. Authority of board.
13 § 4508. Written guidelines and regulations.
14 § 4509. Evaluation.
15 § 4510. Reports.
16 § 4511. Construction of chapter.
17 § 4512. Applicability of chapter.
18 Chapter 59. Miscellaneous Provisions
19 § 5901. Physical welfare of inmates.
20 § 5902. Contraband prohibited.
21 § 5903. Inmate uniforms.
22 § 5904. Assessment and collection of costs.

23 PART IV. PROBATION AND PAROLE

24 Chapter 61. Pennsylvania Board of Probation and Parole

25 Subchapter A. Preliminary Provisions

26 § 6101. Definitions.
27 § 6102. Operation of parole system generally.

28 Subchapter B. Administration

29 § 6111. Pennsylvania Board of Probation and Parole.
30 § 6112. Board chairperson.

1 § 6113. Board action.
2 § 6114. Salaries of board members.
3 § 6115. Incompatible offices and removal.
4 § 6116. Meetings.
5 § 6117. Official seal.
6 § 6118. Offices.
7 § 6119. District directors.
8 § 6120. District office employees.
9 § 6121. Disciplinary action.
10 § 6122. Political activities.
11 § 6123. Advisory committee.
12 Subchapter C. Powers and Duties
13 § 6131. General powers of board.
14 § 6132. Specific powers of board involving parolees.
15 § 6133. Probation services.
16 § 6134. Sentencing court to transmit records to board.
17 § 6134.1. General criteria for parole by court.
18 § 6135. Investigation of circumstances of offense.
19 § 6136. Right of access to inmates.
20 § 6137. Parole power.
21 § 6138. Violation of terms of parole.
22 § 6139. Parole procedure.
23 § 6140. Victim statements, testimony and participation in
24 hearing.
25 § 6141. General rules and special regulations.
26 § 6142. INVESTIGATIONS FOR THE BOARD OF PARDONS.
27 Subchapter D. State Parole Agents
28 § 6151. Definitions.
29 § 6152. Status as peace officers.
30 § 6153. Supervisory relationship to offenders.



1 Chapter 63. County Probation Officers' Firearm Education and
2 Training

3 § 6301. Short title of chapter.

4 § 6302. Definitions.

5 § 6303. County Probation Officers' Firearm Education and
6 Training Commission.

7 § 6304. Commission membership.

8 § 6305. Powers and duties of commission.

9 § 6306. Training mandatory.

10 § 6307. Requirements for program participation or waiver.

11 § 6308. County Probation Officers' Firearm Education and
12 Training Fund.

13 § 6309. Applicability.

14 PART V. MISCELLANEOUS PROVISIONS

15 Chapter 71. Interstate Compacts

16 Subchapter A. Interstate Corrections Compact

17 § 7101. Short title of subchapter.

18 § 7102. Interstate Corrections Compact.

19 § 7103. Powers.

20 Subchapter B. Interstate Compact for the Supervision of
21 Adult Offenders

22 § 7111. Short title of subchapter.

23 § 7112. Authority to execute compact.

24 § 7113. When and how compact becomes operative.

25 § 7114. State council and compact administrator.

26 Subchapter C. Administrative Provisions

27 § 7121. Deputization.

28 § 7122. Supervision of persons paroled by other states.

29 § 7123. Penalty.

30 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 SECTION 1. THE DEFINITION OF "PROCESS" IN SECTION 102 OF
3 TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO
4 READ:

5 § 102. Definitions.

6 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
7 PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC
8 PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN
9 USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY
10 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

11 * * *

12 "PROCESS." A DOCUMENT EVIDENCING A COMMAND OF A COURT OR OF
13 A [DISTRICT JUSTICE] MAGISTERIAL DISTRICT JUDGE.

14 * * *

15 SECTION 1.1. PART II, SUBPART A HEADING, ARTICLE E HEADING
16 AND CHAPTER 15 HEADING OF TITLE 42 ARE AMENDED TO READ:

17 PART II

18 ORGANIZATION

19 SUBPART A

20 COURTS AND [DISTRICT JUSTICES] MAGISTERIAL DISTRICT JUDGES

21 * * *

22 ARTICLE E

23 [DISTRICT JUSTICES] MAGISTERIAL DISTRICT JUDGES

24 CHAPTER 15

25 [DISTRICT JUSTICES] MAGISTERIAL DISTRICT JUDGES

26 SECTION 1.2. SECTIONS 1511, 1515(A) (3) AND (5), 1516 AND
27 1520(A) OF TITLE 42 ARE AMENDED TO READ:

28 § 1511. [DISTRICT JUSTICES] MAGISTERIAL DISTRICT JUDGES.

29 THERE SHALL BE ONE [DISTRICT JUSTICE] MAGISTERIAL DISTRICT
30 JUDGE IN EACH MAGISTERIAL DISTRICT.

1 § 1515. JURISDICTION AND VENUE.

2 (A) JURISDICTION.--EXCEPT AS OTHERWISE PRESCRIBED BY GENERAL
3 RULE ADOPTED PURSUANT TO SECTION 503 (RELATING TO REASSIGNMENT
4 OF MATTERS), MAGISTERIAL DISTRICT JUDGES SHALL, UNDER PROCEDURES
5 PRESCRIBED BY GENERAL RULE, HAVE JURISDICTION OF ALL OF THE
6 FOLLOWING MATTERS:

7 * * *

8 (3) CIVIL CLAIMS, EXCEPT CLAIMS AGAINST A COMMONWEALTH
9 PARTY AS DEFINED BY SECTION 8501 (RELATING TO DEFINITIONS),
10 WHEREIN THE SUM DEMANDED DOES NOT EXCEED \$8,000, EXCLUSIVE OF
11 INTEREST AND COSTS, IN THE FOLLOWING CLASSES OF ACTIONS:

12 (I) IN ASSUMPSIT, EXCEPT CASES OF REAL CONTRACT
13 WHERE THE TITLE TO REAL ESTATE MAY BE IN QUESTION.

14 (II) IN TRESPASS, INCLUDING ALL FORMS OF TRESPASS
15 AND TRESPASS ON THE CASE.

16 (III) FOR FINES AND PENALTIES BY ANY GOVERNMENT
17 AGENCY.

18 A PLAINTIFF MAY WAIVE A PORTION OF HIS CLAIM OF MORE THAN
19 \$8,000 SO AS TO BRING THE MATTER WITHIN THE MONETARY
20 JURISDICTION OF A [DISTRICT JUSTICE] MAGISTERIAL DISTRICT
21 JUDGE. SUCH WAIVER SHALL BE REVOKED AUTOMATICALLY IF THE
22 DEFENDANT APPEALS THE FINAL ORDER OF THE MAGISTERIAL DISTRICT
23 JUDGE OR WHEN THE JUDGMENT IS SET ASIDE UPON CERTIORARI.

24 * * *

25 (5) OFFENSES UNDER 75 PA.C.S. § 3802 (RELATING TO
26 DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE),
27 IF THE FOLLOWING CRITERIA ARE MET:

28 (I) THE OFFENSE IS THE FIRST OFFENSE BY THE
29 DEFENDANT UNDER SUCH PROVISION IN THIS COMMONWEALTH.

30 (II) NO PERSONAL INJURY (OTHER THAN TO THE

DEFENDANT) RESULTED FROM THE OFFENSE.

(III) THE DEFENDANT PLEADS GUILTY.

(IV) NO PROPERTY DAMAGE IN EXCESS OF \$500 OTHER THAN TO THE DEFENDANT'S PROPERTY RESULTED FROM THE VIOLATION.

(V) THE DEFENDANT IS NOT SUBJECT TO THE PROVISIONS OF CHAPTER 63 (RELATING TO JUVENILE MATTERS).

(VI) THE ARRESTING AUTHORITY SHALL CAUSE TO BE TRANSMITTED A COPY OF THE CHARGE OF ANY VIOLATION OF 75 PA.C.S. § 3802 TO THE OFFICE OF THE CLERK OF THE COURT OF COMMON PLEAS WITHIN FIVE DAYS AFTER THE PRELIMINARY ARRAIGNMENT.

IN DETERMINING THAT THE ABOVE CRITERIA ARE MET THE MAGISTERIAL DISTRICT JUDGE SHALL RELY ON THE CERTIFICATION OF THE ARRESTING AUTHORITY. CERTIFICATION THAT THE CRITERIA ARE MET NEED NOT BE IN WRITING. WITHIN TEN DAYS AFTER THE DISPOSITION, THE [DISTRICT JUSTICE] MAGISTERIAL DISTRICT JUDGE SHALL CERTIFY THE DISPOSITION TO THE OFFICE OF THE CLERK OF THE COURT OF COMMON PLEAS IN WRITING.

* * *

§ 1516. LIEN OF JUDGMENT.

A JUDGMENT OF A MAGISTERIAL DISTRICT JUDGE SHALL NOT OPERATE AS A LIEN ON REAL PROPERTY UNTIL A TRANSCRIPT OF THE RECORD SHOWING A FINAL JUDGMENT OF A MAGISTERIAL DISTRICT JUDGE HAS BEEN FILED IN THE MANNER PRESCRIBED BY GENERAL RULES IN THE OFFICE OF THE CLERK OF THE COURT OF COMMON PLEAS OF THE COUNTY WHERE THE PROPERTY IS SITUATED, OR IN THE OFFICE OF THE CLERK OF THE BRANCH OF THE COURT OF COMMON PLEAS EMBRACING SUCH COUNTY. AFTER SUCH ENTRY THE JUDGMENT SHALL, FROM THE DATE OF SUCH ENTRY, BE A LIEN UPON REAL PROPERTY TO THE SAME EXTENT THAT JUDGMENT RECOVERED IN THE COURT OF COMMON PLEAS IS A LIEN. NO

1 SUCH TRANSCRIPT SHALL BE FILED UNTIL AFTER 30 DAYS AFTER THE
2 ENTRY OF FINAL JUDGMENT BY THE [DISTRICT JUSTICE] MAGISTERIAL
3 DISTRICT JUDGE. NO EXECUTION AGAINST REAL ESTATE SHALL BE ISSUED
4 BY A MAGISTERIAL DISTRICT JUDGE.

5 § 1520. ADJUDICATION ALTERNATIVE PROGRAM.

6 (A) GENERAL RULE.--EXCEPT FOR CASES CHARGING OFFENSES UNDER
7 TITLES 75 (RELATING TO VEHICLES) AND 34 (RELATING TO GAME), THE
8 MAGISTERIAL DISTRICT JUDGE MAY, UPON HEARING THE FACTS OF A
9 CASE, ADMIT TO AN APPROPRIATE ADJUDICATION ALTERNATIVE
10 AUTHORIZED BY THIS SECTION PERSONS CHARGED WITH SUMMARY
11 OFFENSES. THE DEFENDANT SHALL NOT BE REQUIRED TO PLEAD GUILTY TO
12 BE ACCEPTED BY THE [DISTRICT JUSTICE] MAGISTERIAL DISTRICT JUDGE
13 INTO THE PROGRAM. ACCEPTANCE OF PARTICIPATION IN AN ALTERNATIVE
14 AUTHORIZED BY THIS SECTION SHALL BE CONSIDERED A FIRST
15 CONVICTION FOR THE PURPOSE OF COMPUTING WHETHER A SUBSEQUENT
16 CONVICTION OF AN OFFENSE SHALL BE CONSIDERED A SECOND OR
17 SUBSEQUENT CONVICTION.

18 * * *

19 Section ± 1.3. Sections 2154.4, 2154.5 and 2154.6 of Title
20 ~~42 of the Pennsylvania Consolidated Statutes~~, added September
21 25, 2008 (P.L.1026, No.81), are amended to read:

22 § 2154.4. Adoption of guidelines for resentencing.

23 The commission shall adopt guidelines that shall be
24 considered by the court when resentencing an offender following
25 revocation of probation, county intermediate punishment or State
26 intermediate punishment. The guidelines shall take into account
27 [factors]:

28 (1) Factors considered in adopting the sentencing
29 guidelines[, the].

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

1 (3) The rehabilitative needs of the defendant.

2 § 2154.5. Adoption of guidelines for parole.

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

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

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

13 (3) Be designed to encourage inmates and parolees to
14 conduct themselves in accordance with conditions and rules of
15 conduct set forth by the department or other prison
16 facilities and the board.

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

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

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

28 (b) Discretionary authority.--Notwithstanding any other
29 provision of law, this section shall not remove the
30 discretionary parole authority of the board and any other

1 paroling entity when exercising its power to parole and
2 reparole.

3 § 2154.6. Adoption of recommitment ranges following revocation
4 of parole by board.

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

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

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

27 "Recommitment range." A range of time within which a parole
28 violator may be recommitted to serve an additional part of the
29 term the parole violator would have been compelled to serve had
30 the parole violator not been paroled.

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

2 § 9755.1. Temporary release from county correctional
3 institution.

4 (a) (Reserved).

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

12 (c) Liability for board cost.--

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

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

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

24 (4) If the food in the county correctional institution
25 is furnished directly by the county, the chief administrator
26 of the county correctional institution shall account for and
27 pay over such board payments to the county treasurer.

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

1 (1) The board of the inmate.

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

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

6 (4) Payment of docket costs connected with the
7 commitment of the inmate.

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

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

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

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

22 § 9756. Sentence of total confinement.

23 * * *

24 (b) Minimum sentence.--

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

28 (2) The minimum sentence imposed under this section may
29 not be reduced through parole prior to the expiration of the
30 minimum sentence unless otherwise authorized by this section

1 or other law.

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

24 (b.1) Recidivism risk reduction incentive minimum
25 sentence.--The court shall determine if the defendant is
26 eligible for a recidivism risk reduction incentive minimum
27 sentence under [44 Pa.C.S. Ch. 53] 61 Pa.C.S. Ch. 45 (relating
28 to recidivism risk reduction incentive). If the defendant is
29 eligible, the court shall impose a recidivism risk reduction
30 incentive minimum sentence in addition to a minimum sentence and

1 maximum sentence except, if the defendant was previously
2 sentenced to two or more recidivism risk reduction incentive
3 minimum sentences, the court shall have the discretion to impose
4 a sentence with no recidivism risk reduction incentive minimum.

5 * * *

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

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

12 § 9775. Parole without board supervision.

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

19 § 9776. Judicial power to release inmates.

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

26 (b) Petition required.--No inmate may be paroled under this
27 section except on petition verified by the oath of the inmate or
28 by the inmate's representative and presented and filed in the
29 court in which the inmate was convicted.

30 (c) Hearing.--On presentation of the petition, the court

1 shall fix a day for the hearing. A copy of the petition shall be
2 served on the district attorney and prosecutor in the case at
3 least ten days before the day fixed for the hearing. Proof of
4 service on the district attorney and the prosecutor shall be
5 produced at the hearing.

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

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

17 (f) Limitation.--

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

23 (2) A court may release on parole, on petition to any
24 other court, an inmate committed to a correctional
25 institution by any magisterial district judge and shall have
26 the same power to recommit an inmate paroled under this
27 section.

28 § 9777. Transfer of inmates in need of medical treatment.

29 (a) Inmates committed to custody of department.--If an
30 inmate is committed to the custody of the department, the

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

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

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

17 (ii) The hospital or long-term care nursing facility
18 requested by the petitioner has agreed to accept the
19 placement of the inmate and to provide necessary medical
20 care.

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

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

26 (v) The placement in the hospital or long-term care
27 nursing facility does not pose an undue risk of escape or
28 danger to the community. In making this determination the
29 sentencing court shall consider the inmate's
30 institutional conduct record, whether the inmate was ever

1 convicted of a crime of violence, the length of time that
2 the inmate has been imprisoned and any other factors the
3 sentencing court deems relevant.

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

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

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

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

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

26 (iii) Appropriate medical care and palliative and
27 supportive services will be provided by the licensed
28 hospice care provider at the proposed hospice care
29 location.

30 (iv) The placement of the inmate in the proposed,

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

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

13 (vi) 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 (3) Any order entered pursuant to this subsection
20 temporarily deferring service of an inmate's sentence of
21 confinement shall include a provision that the department or
22 prosecuting attorney may at any time petition the sentencing
23 court for an order directing that the inmate be recommitted
24 to the custody of the department if the circumstances under
25 which the inmate was released change or for any previously
26 unknown circumstances, including a change in the inmate's
27 medical status, the inmate's risk of escape, the inmate's
28 danger to the community or the nature of the medical or other
29 care provided by the hospital, long-term care nursing
30 facility or hospice care provider.

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

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

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

25 (2) There is sufficient proof to establish the
26 requirements for a placement to a hospital or long-term care
27 nursing facility under subsection (a)(1) or a placement to a
28 hospice care location under subsection (a)(2).

29 (3) An entry of an order pursuant to this subsection
30 temporarily deferring service of an inmate's sentence of

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

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

21 (c) Service.--Any petition filed under this section shall be
22 served on each agency representing the Commonwealth at each
23 proceeding which resulted in an order by which the inmate is
24 committed or detained and to the correctional institution or
25 institution responsible for housing the inmate. Each party shall
26 have an opportunity to object and be heard as to the petition
27 for alternative placement, the circumstances of placement, the
28 conditions of return or any other relevant issue. The court
29 shall ensure that any crime victim entitled to notification
30 under section 201(7) or (8) of the act of November 24, 1998

1 (P.L.882, No.111), known as the Crime Victims Act, has been
2 given notice and the opportunity to be heard on the petition.
3 All parties served or notified under this subsection shall
4 receive a copy of the final order adjudicating the petition.

5 (d) Notice.--

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

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

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

26 (1) The name of the hospital, long-term care nursing
27 facility or hospice care location proposed for placement.

28 (2) That the petitioner reasonably believes the named
29 hospital, long-term care nursing facility or hospice care
30 location has agreed to accept the placement of the inmate and

1 the facts upon which that belief is based.

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

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

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

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

16 "Hospice care location." A home, independent living
17 environment or inpatient setting that provides a coordinated
18 program of palliative and supportive services through a licensed
19 hospice care provider.

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

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

27 "Long-term care nursing facility." A long-term care nursing
28 facility as defined under section 802.1 of the act of July 19,
29 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

30 "Prosecuting attorney." The Office of Attorney General of

1 the Commonwealth or the office of a district attorney of a
2 county who represented the Commonwealth at the most recent
3 sentencing of an inmate.

4 "Sentencing court." The trial judge who most recently
5 sentenced an inmate or, if the trial judge is no longer serving
6 as a judge of that court, the president judge of the county
7 court of common pleas.

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

9 [CHAPTER 99

10 STATE INTERMEDIATE PUNISHMENT

11 Sec.

12 9901. Scope of chapter.

13 9902. Findings and purpose.

14 9903. Definitions.

15 9904. Referral to State intermediate punishment program.

16 9905. Drug offender treatment program.

17 9906. Written guidelines and regulations.

18 9907. Reports.

19 9908. Construction.

20 9909. Evaluation.

21 § 9901. Scope of chapter.

22 This chapter relates to State intermediate punishment.

23 § 9902. Findings and purpose.

24 The General Assembly finds as follows:

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

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

30 (3) Many persons commit crimes while under the influence

1 of drugs or alcohol even though they are not addicted to such
2 substances in a clinical sense.

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

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

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

15 § 9903. Definitions.

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

19 "Commission." The Pennsylvania Commission on Sentencing.

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

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

29 "Court." The trial judge exercising sentencing jurisdiction
30 over an eligible offender under this chapter or the president

1 judge if the original trial judge is no longer serving as a
2 judge of the sentencing court.

3 "Defendant." An individual charged with a drug-related
4 offense.

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

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

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

19 "Eligible offender." Subject to section 9721(a.1) (relating
20 to sentencing generally), a defendant designated by the
21 sentencing court as a person convicted of a drug-related offense
22 who:

23 (1) Has undergone an assessment performed by the
24 Department of Corrections, which assessment has concluded
25 that the defendant is in need of drug and alcohol addiction
26 treatment and would benefit from commitment to a drug
27 offender treatment program and that placement in a drug
28 offender treatment program would be appropriate.

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

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

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

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

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

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

25 "Individualized drug offender treatment plan." An
26 individualized addiction treatment plan within the framework of
27 the drug offender treatment program.

28 "Institutional therapeutic community." A residential drug
29 treatment program in a State correctional institution,
30 accredited as a therapeutic community for treatment of drug and

1 alcohol abuse and addiction by the American Correctional
2 Association or other nationally recognized accreditation
3 organization for therapeutic community drug and alcohol
4 addiction treatment.

5 "Outpatient addiction treatment facility." An addiction
6 treatment facility licensed by the Department of Health and
7 designated by the Department of Corrections as qualified to
8 provide addiction treatment to criminal justice offenders.

9 "Participant." An eligible offender actually sentenced to
10 State intermediate punishment pursuant to section 9721(a)(7)
11 (relating to sentencing generally).

12 "Transitional residence." A residence investigated and
13 approved by the Department of Corrections as appropriate for
14 housing a participant in a drug offender treatment program.
15 § 9904. Referral to State intermediate punishment program.

16 (a) Referral for evaluation.--

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

23 (2) Upon committing a defendant to the department, the
24 court shall forward to the department:

25 (i) A summary of the offense for which the defendant
26 has been convicted.

27 (ii) Information relating to the defendant's history
28 of delinquency or criminality, including the information
29 maintained by the court pursuant to Chapter 63 (relating
30 to juvenile matters), when available.

1 (iii) Information relating to the defendant's
2 history of drug or alcohol abuse or addiction, when
3 available.

4 (iv) A presentence investigation report, when
5 available.

6 (v) Any other information the court deems relevant
7 to assist the department with its assessment of the
8 defendant.

9 (b) Assessment of addiction.--

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

23 (2) The department shall conduct risk and other
24 assessments it deems appropriate and shall provide a report
25 of its assessment to the court, the defendant, the attorney
26 for the Commonwealth and the commission within 60 days of the
27 court's commitment of the defendant to the custody of the
28 department.

29 (c) Proposed drug offender treatment program.--If the
30 department in its discretion believes a defendant would benefit

1 from a drug offender treatment program and placement in the drug
2 offender treatment program is appropriate, the department shall
3 provide the court, the defendant, the attorney for the
4 Commonwealth and the commission with a proposed drug offender
5 treatment program detailing the type of treatment proposed.

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

12 (1) The eligible offender is likely to benefit from
13 State intermediate punishment.

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

16 (3) Sentencing the eligible offender to State
17 intermediate punishment would not depreciate the seriousness
18 of the offense.

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

24 (f) Applicability and program limitations.--The court may
25 not modify or alter the terms of the department's proposed
26 individualized drug offender treatment plan without the
27 agreement of the department and the attorney for the
28 Commonwealth.

29 (g) Videoconferencing.--The department shall make
30 videoconferencing facilities available to allow the court to

1 conduct proceedings necessary under this section when the
2 eligible offender has been committed to the custody of the
3 department pursuant to subsection (b).

4 § 9905. Drug offender treatment program.

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

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

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

20 (i) The time during which the defendants are being
21 evaluated by the department under section 9904(b)
22 (relating to referral to State intermediate punishment
23 program).

24 (ii) Following evaluation under subparagraph (i),
25 not less than four months shall be in an institutional
26 therapeutic community.

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

29 (3) A period of at least six months' treatment through
30 an outpatient addiction treatment facility. During the

1 outpatient addiction treatment period of the drug offender
2 treatment program, the participant may be housed in a
3 community corrections center or group home or placed in an
4 approved transitional residence. The participant must comply
5 with any conditions established by the department regardless
6 of where the participant resides during the outpatient
7 addiction treatment portion of the drug offender treatment
8 program.

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

14 (c) Program management.--

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

26 (2) This subsection shall be construed to provide the
27 department with the maximum flexibility to administer the
28 drug offender treatment program both as a whole and for
29 individual participants.

30 (d) Right of refusal to admit.--The administrator of a

1 community-based therapeutic community or outpatient addiction
2 treatment facility may refuse to accept a participant whom the
3 administrator deems to be inappropriate for admission and may
4 immediately discharge to the custody of the department any
5 participant who fails to comply with facility rules and
6 treatment expectations or refuses to constructively engage in
7 the treatment process.

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

13 (f) Expulsion from program.--

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

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

25 (3) The court shall schedule a prompt State intermediate
26 punishment revocation hearing pursuant to section 9774
27 (relating to revocation of State intermediate punishment
28 sentence).

29 § 9906. Written guidelines and regulations.

30 The department shall develop written guidelines for

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

20 § 9907. Reports.

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

25 (b) Evaluation and report to General Assembly.--The
26 department and the commission shall monitor and evaluate the
27 drug offender treatment program to ensure that the programmatic
28 objectives are met. In odd-numbered years, the department shall
29 present a report of its evaluation to the Judiciary Committee of
30 the Senate and the Judiciary Committee of the House of

Representatives no later than February 1. In even-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. The report shall include:

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

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

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

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

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

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

§ 9908. Construction.

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

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

(i) participate in a drug offender treatment program;

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

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

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

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

§ 9909. Evaluation.

The department and the commission shall monitor and evaluate the motivational boot camp program under the act of December 19, 1990 (P.L.1391, No.215), known as the Motivational Boot Camp Act, to ensure that the programmatic objectives are met. In even-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. 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.]

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

CHAPTER 99

OTHER CRIMINAL PROVISIONS

Subchapter

A. County Probation Officers

SUBCHAPTER A

COUNTY PROBATION OFFICERS

Sec.

9911. Definitions.

9912. Supervisory relationship to offenders.

9913. Peace officer power for probation officers.

§ 9911. Definitions.

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

"ARD." Accelerated Rehabilitative Disposition.

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

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

"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." A person released on county probation, intermediate punishment or county parole. The term shall not include any person serving a period of probation pursuant to

Accelerated Rehabilitative Disposition, except as authorized under section 9912(b) (relating to supervisory relationship to offenders).

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

"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 an offender.

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

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

§ 9912. Supervisory relationship to offenders.

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

(b) Searches and seizures authorized.--

(1) Officers and, where they are responsible for the supervision of county offenders, State parole agents may search the person and property of offenders in accordance with the provisions of this section.

(2) (i) Officers may search, in accordance with the

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

8 (ii) The court shall notify each offender so offered
9 ARD, prior to admission to an ARD program, that the
10 offender shall be subject to searches in accordance with
11 this section.

12 (iii) Nothing in this section shall be construed to
13 permit searches or seizures in violation of the
14 Constitution of the United States or section 8 of Article
15 I of the Constitution of Pennsylvania.

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

19 (d) Grounds for personal search.--

20 (1) A personal search of an offender may be conducted by
21 an officer:

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

25 (ii) when an offender is transported or taken into
26 custody; or

27 (iii) upon an offender entering or leaving the
28 securing enclosure of a correctional institution, jail or
29 detention facility.

30 (2) A property search may be conducted by an officer if

1 there is reasonable suspicion to believe that the real or
2 other property in the possession of or under the control of
3 the offender contains contraband or other evidence of
4 violations of the conditions of supervision.

5 (3) Prior approval of a supervisor shall be obtained for
6 a property search absent exigent circumstances. No prior
7 approval shall be required for a personal search.

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

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

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

23 (i) The observations of officers.

24 (ii) Information provided by others.

25 (iii) The activities of the offender.

26 (iv) Information provided by the offender.

27 (v) The experience of the officers with the
28 offender.

29 (vi) The experience of officers in similar
30 circumstances.

1 (vii) The prior criminal and supervisory history of
2 the offender.

3 (viii) The need to verify compliance with the
4 conditions of supervision.

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

13 (f) When authority is effective.--The authority granted to
14 the officers under this section shall be effective upon
15 enactment of this section, without the necessity of any further
16 regulation by the board.

17 § 9913. Peace officer power for probation officers.

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

26 Section 7. The heading of Title 61 is amended and the title
27 is amended by adding parts to read:

28 TITLE 61

29 [PENAL AND CORRECTIONAL INSTITUTIONS]

30 PRISONS AND PAROLE

1 PART I

2 GENERAL PROVISIONS

3 Chapter

4 1. Preliminary Provisions

5 CHAPTER 1

6 PRELIMINARY PROVISIONS

7 Sec.

8 101. Short title of title.

9 102. Definitions.

10 § 101. Short title of title.

11 This title shall be known and may be cited as the Prisons and
12 Parole Code.

13 § 102. Definitions.

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

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

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

20 "CITY DEPARTMENT." THE DEPARTMENT OF HUMAN SERVICES OF A
21 CITY OF THE FIRST CLASS, OR SUCH OTHER AGENCY OF A CITY OF THE
22 FIRST CLASS AS SHALL BE DETERMINED BY A MAYOR OF THE CITY.

23 "Commission." The Pennsylvania Commission on Sentencing.

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

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

29 "County correctional institution." A correctional facility,
30 prison or jail owned or operated by a county.



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

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

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

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

10 PART II

11 CORRECTIONAL INSTITUTIONS

12 Chapter

13 11. General Administration

14 13. (Reserved)

15 15. (Reserved)

16 17. County Correctional Institutions

17 CHAPTER 11

18 GENERAL ADMINISTRATION

19 Subchapter

20 A. Penal Operations and Procedures

21 B. Inmate Transfers

22 C. Escaped Inmates

23 SUBCHAPTER A

24 PENAL OPERATIONS AND PROCEDURES

25 Sec.

26 1101. Benefits to injured employees of State correctional
27 institutions.

28 1102. Correctional facility for criminological diagnosis.

29 1103. Recording system for identification of criminal
30 offenders.

1 § 1101. Benefits to injured employees of State correctional
2 institutions.

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

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

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

27 (d) Survivor benefits.--

28 (1) The surviving spouse and minor dependents of an
29 employee who dies within one year as a result of an injury
30 described in subsection (a) shall be paid benefits equal to

1 50% of the full salary of the deceased employee.

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

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

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

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

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

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

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

28 (e) Effect of injury on leave of absence.--No absence from
29 duty of any State employee to whom this section applies by
30 reason of any injury described in subsection (a) shall in any

1 manner be deducted from any period of leave allowed the employee
2 by law or by regulation.

3 § 1102. Correctional facility for criminological diagnosis.

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

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

13 § 1103. Recording system for identification of criminal
14 offenders.

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

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

25 (c) Fingerprinting and photographing authorized.--

26 (1) The Pennsylvania State Police, chief administrators
27 of correctional facilities and all police officers within the
28 several political subdivisions of this Commonwealth may take
29 or cause to be taken the fingerprints or photographs of any
30 person in custody, charged with the commission of a criminal

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

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

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

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

1 or the United States.

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

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

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

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

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

28 (f) Penalty.--

29 (1) Neglect or refusal of any person mentioned in this
30 section to make the report required in this section, or to do

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

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

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

11 SUBCHAPTER B

12 INMATE TRANSFERS

13 Sec.

14 1151. General transfer authorization.

15 1152. Transfers to CITY department.

16 1153. Expense of removing certain inmates.

17 1154. Law enforcement use of county correctional institutions.

18 § 1151. General transfer authorization.

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (6) The department may require a county to pay the
30 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 CITY 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 CITY
department, where the CITY department has established a
correctional, diagnostic and classification service for persons
convicted of any crime.

(b) Duty of CITY department.--

(1) Every person committed to the custody of the CITY
department under subsection (a) shall be confined, diagnosed
and classified by the CITY 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
CITY 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
inmates, consistent with the security and protection of the

1 county.

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

9 § 1153. Expense of removing certain inmates.

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

14 § 1154. Law enforcement use of county correctional
15 institutions.

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

23 (b) Reimbursement.--

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

29 (2) This subsection does not apply to counties of the
30 second class.

1 SUBCHAPTER C

2 ESCAPED INMATES

3 Sec.

4 1161. Return of escaped inmates.

5 1162. Escaped inmate costs.

6 1163. Maintenance of escaping inmates under new sentence.

7 1164. Criminal offense during confinement.

8 § 1161. Return of escaped inmates.

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

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

24 § 1162. Escaped inmate costs.

25 (a) County jurisdiction.--

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

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

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

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

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

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

11 § 1163. Maintenance of escaping inmates under new sentence.

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

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

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

25 § 1164. Criminal offense during confinement.

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

1724. Powers and duties.

1 1725. Rules and regulations.

2 1726. Warden.

3 1727. Board meetings.

4 1728. Contracts and purchases.

5 § 1721. Scope of subchapter.

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

8 § 1722. Definitions.

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

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

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

15 § 1723. County jail oversight board.

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

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

25 (1) The county chief executive.

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

29 (3) The county sheriff.

30 (4) The county controller.

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

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

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

11 § 1724. Powers and duties.

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

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

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

29 (d) Operations to be consistent with law.--The board shall
30 ensure that the prison is being operated in accordance with its

regulations and the laws and regulations of this Commonwealth
and of the United States.

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

§ 1725. Rules and regulations.

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

§ 1726. Warden.

(a) Appointment.--

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

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

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

(c) Duty to report.--

(1) The warden shall submit an annual written report to
the board which shall contain information on the population,

1 conditions and practices in the prison and other matters as
2 specified by the board. The annual report shall be available
3 for public inspection.

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

6 § 1727. Board meetings.

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

10 § 1728. Contracts and purchases.

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

16 SUBCHAPTER C

17 OTHER COUNTIES

18 Sec.

19 1731. Establishment.

20 1732. Board meetings.

21 1733. Appointment of warden and employees.

22 1734. Powers of peace officers.

23 1735. Expenditures.

24 1736. Bonding requirement.

25 § 1731. Establishment.

26 (a) General rule.--

27 (1) In counties of the third, fourth and fifth class,
28 the persons now holding the following offices and their
29 successors in each county of the third, fourth or fifth class
30 shall compose a board to be known as the board of inspectors

1 of the jail or county prison.

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

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

5 (ii) The district attorney.

6 (iii) The sheriff.

7 (iv) The controller.

8 (v) The county commissioners.

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

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

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

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

29 § 1732. Board meetings.

30 (a) Quorum.--A majority of the members of the board shall

1 constitute a quorum for the transaction of business, and all
2 actions of the board shall be by the approval of a majority of
3 all the members of the board.

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

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

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

14 § 1733. Appointment of warden and employees.

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

22 § 1734. Powers of peace officers.

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

- 27 (1) Guarding, protecting and delivering inmates.
28 (2) Protecting the property and interests of the county.
29 (3) Capturing and returning inmates that may have
30 escaped.

1 § 1735. Expenditures.

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

15 § 1736. Bonding requirement.

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

25 SUBCHAPTER D

26 ALTERNATIVE PLAN FOR CERTAIN COUNTIES

27 Sec.

28 1741. Sixth, seventh and eighth class counties.

29 1742. Appointment of prison commissioners.

30 § 1741. Sixth, seventh and eighth class counties.

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

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

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

17 § 1742. Appointment of prison commissioners.

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

24 SUBCHAPTER E

25 PENAL OPERATIONS AND PROCEDURES

26 Sec.

27 1751. Costs of confinement.

28 1752. Board of inspectors to regulate salaries of wardens and
29 other staff.

30 1753. Residence of warden.

1 1754. Bonds for county prison staff in fourth class counties.

2 1755. Property exempt from taxation.

3 1756. Loss of privileges.

4 1757. Collection from certain inmates.

5 § 1751. Costs of confinement.

6 (a) Liability of cities.--

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

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

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

22 § 1752. Board of inspectors to regulate salaries of wardens and
23 other staff.

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

29 (b) Nonapplicability.--This section shall not apply to
30 counties in which cities are coextensive with the counties.

1 § 1753. Residence of warden.

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

6 § 1754. Bonds for county prison staff in fourth class counties.

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

11 § 1755. Property exempt from taxation.

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

18 § 1756. Loss of privileges.

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

25 § 1757. Collection from certain inmates.

26 The governing body of a county correctional institution, or
27 where applicable, the county commissioners, may, by resolution
28 which shall establish rates and qualifications, authorize the
29 chief administrator to collect a reasonable amount from inmates
30 incarcerated only on weekends or other short periods each week.

1 SUBCHAPTER F

2 JOINT DETENTION CENTERS

3 Sec.

4 1761. Establishment by adjoining counties.

5 1762. Selection of site.

6 1763. Buildings.

7 1764. Construction contracts.

8 1765. Advisory board.

9 1766. Meetings.

10 1767. Chief administrator and employees.

11 1768. Rules and regulations.

12 1769. Initial transfer of inmates.

13 1770. Employment of inmates.

14 1771. Cost of transporting inmates.

15 1772. Financial reporting.

16 1773. Allocation of expenses to counties.

17 1774. County appropriations.

18 1775. Exemption from taxation.

19 § 1761. Establishment by adjoining counties.

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

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

1 detention facilities.

2 § 1762. Selection of site.

3 Whenever the commissioners of any two or more adjoining

4 counties decide and agree to construct a joint detention

5 facility, they shall acquire a suitable site for the facility.

6 The site may be selected from suitable lands already held by any

7 county of the district for county purposes from lands donated

8 for such purposes or any quantity of land within the respective

9 districts. In the selection of a site, there shall be taken into

10 consideration the objects and purposes of the joint detention

11 center. Title to the land shall be approved by the county

12 solicitor of the county in which the land is located, or such

13 other title guarantee corporation or attorney as may be

14 designated by the commissioners of the counties, and shall be

15 taken in the name of the county or counties comprising the

16 district. The site, before purchase, shall be approved by the

17 department.

18 § 1763. Buildings.

19 After the selection and acquisition of sites, the county

20 commissioners of the counties may erect and construct suitable

21 and necessary buildings thereon, repair any buildings already

22 erected and equip the sites for use and occupancy.

23 § 1764. Construction contracts.

24 Joint detention facilities shall be constructed by contract

25 or contracts let by the county commissioners of the counties to

26 the lowest responsible and best bidder after due advertisement

27 in at least one newspaper, published in each of the counties

28 joining in the erection of the joint detention facilities, once

29 a week for two consecutive weeks. When so constructed, the joint

30 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.

(c) Reimbursement of expenses.--The members of the board

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

6 § 1767. Chief administrator and employees.

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

16 § 1768. Rules and regulations.

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

23 § 1769. Initial transfer of inmates.

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

29 § 1770. Employment of inmates.

30 An inmate of a joint detention facility under the provisions

of this subchapter, unless disqualified by sickness or
otherwise, shall be kept at some useful employment as may be
suited to the inmate's age and capacity and as may tend to
promote the best interest of the inmate. If an inmate refuses to
perform the work assigned to the inmate or is guilty of other
acts of insubordination, the chief administrator shall punish
the inmate in such manner as the rules and regulations provided
for may prescribe. The chief administrator shall keep a record
of and report to the advisory board all such offenses and
punishments.

§ 1771. Cost of transporting inmates.

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

§ 1772. Financial reporting.

A detailed statement of the receipt and expenditures by any
county constituting a part of the district for joint detention
facilities 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 such county.

§ 1773. Allocation of expenses to counties.

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

7 (b) Inmate expense.--

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

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

16 § 1774. County appropriations.

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

28 § 1775. Exemption from taxation.

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

1 SUBCHAPTER G

2 JOINT INDUSTRIAL FARMS AND WORKHOUSES

3 Sec.

4 1781. Establishment by counties.

5 1782. Selection of site.

6 1783. Buildings.

7 1784. Construction contracts.

8 1785. Advisory board.

9 1786. Meetings.

10 1787. Chief administrator and employees.

11 1788. Rules and regulations.

12 1789. Initial transfer of inmates.

13 1790. Employment of inmates.

14 1791. Cost of transporting inmates.

15 1792. Nature of inmate employment.

16 1793. Sale of goods and materials.

17 1794. Financial reporting.

18 1795. Allocation of expenses to counties.

19 1796. Borrowing authorized.

20 1797. Exemption from taxation.

21 1798. Nonapplicability.

22 § 1781. Establishment by counties.

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

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

29 (2) Persons who are in default of payment of any fine or
30 penalty, or for nonpayment of costs, or for default in

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

4 § 1782. Selection of site.

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

25 § 1783. Buildings.

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

1 plain and inexpensive in character. The labor in constructing
2 such buildings and improvements and facilities shall be supplied
3 by the persons committed to county correctional institutions in
4 the counties or transferred thereto from any county correctional
5 institution, so far as found practicable.

6 § 1784. Construction contracts.

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

17 § 1785. Advisory board.

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

29 § 1786. Meetings.

30 (a) General rule.--The advisory board shall meet monthly and

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

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

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

21 § 1787. Chief administrator and employees.

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

29 § 1788. Rules and regulations.

30 The county commissioners of the counties shall, before any

inmate may be admitted to the joint industrial farm and workhouse, after consulting with the advisory board, make general rules and regulations for the management of the joint industrial farm and workhouse.

§ 1789. Initial transfer of inmates.

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

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

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

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

(b) Persons eligible to become inmates.--

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

(2) Courts of record and courts not of record of any

1 county in this Commonwealth may commit to the joint
2 industrial farm and workhouse all persons who might be
3 lawfully committed to the county correctional institution on
4 charges of vagrancy, drunkenness or disorderly conduct, for
5 default or nonpayment of any costs, fine or penalty, for
6 default in complying with any order of court entered in any
7 prosecution for desertion or nonsupport or for violations of
8 municipal ordinances, where, in any such case, the commitment
9 will be for a period of ten days or more.

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

16 (d) Clothing and treatment.--All inmates shall be clothed
17 and treated as provided for in this subchapter and in the rules
18 and regulations of the joint industrial farm and workhouse.
19 § 1790. Employment of inmates.

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

1 board all such offenses and punishments.

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

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

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

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

18 \$ 1791. Cost of transporting inmates.

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

29 (b) Railroad ticket upon discharge.--When an inmate is
30 discharged from a joint industrial farm and workhouse, the chief

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

5 § 1792. Nature of inmate employment.

6 A joint industrial farm and workhouse shall employ the
7 inmates committed or transferred thereto in work on or about the
8 buildings and farm and in growing produce, raising stock, etc.,
9 for supplies for its own use, the use of the several city and
10 county or county correctional institutions in the district, any
11 political division thereof or any public or charitable
12 institution owned or managed and directed by the counties
13 constituting the district or any political division thereof.

14 Inmates may also be employed in the preparation of road
15 material, in making brick, tile and concrete or other road
16 building material and in the manufacture of other products and
17 materials as may be found practicable for the use of any of the
18 counties constituting the district and for the proper and
19 healthful employment of the inmates.

20 § 1793. Sale of goods and materials.

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

1 workhouse.

2 § 1794. Financial reporting.

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

10 § 1795. Allocation of expenses to counties.

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

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

25 § 1796. Borrowing authorized.

26 The county commissioners of each county joining in
27 establishing a joint industrial farm and workhouse, as provided
28 for in this subchapter, may incur or increase the indebtedness
29 of the county, in the manner provided by law, to an amount
30 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.

3104. Inmate labor in county correctional institutions.

1 3105. Inmate labor in counties of the first class.

2 3106. Inmate-made goods to be branded.

3 3107. Sale of inmate-made goods.

4 § 3101. Inmates to be employed.

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

8 § 3102. Disposition of proceeds of labor.

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

14 § 3103. Agricultural labor at county correctional institutions.

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

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

29 § 3104. Inmate labor in county correctional institutions.

30 (a) General rule.--An inmate of a county correctional

institution who is physically capable may be employed at labor for not more than eight hours each day, other than Sundays and public holidays. The employment may be in such character of work and the production of such goods as may now be manufactured and produced in county correctional institutions and may also be for:

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

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

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

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

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

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

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

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

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

(d) Inmate accounts.--

(1) The authorities in charge of a county correctional

1 institution shall fix the wages of each inmate to be employed
2 and shall keep an account of all such wages and the amount
3 due each inmate.

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

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

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

16 (e) Special administrative fund.--

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

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

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

25 § 3105. Inmate labor in counties of the first class.

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

1 (b) Inmate account.--

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

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

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

14 § 3106. Inmate-made goods to be branded.

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

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

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

30 (2) The brand shall in all cases, when the nature of the

1 article will permit, be placed on the article and only where
2 the branding is impossible may it be placed on the box or
3 other receptacle or covering in which it is contained.

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

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

12 § 3107. Sale of inmate-made goods.

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

24 CHAPTER 33

25 MEDICAL SERVICES

26 Sec.

27 3301. Short title of chapter.

28 3302. Definitions.

29 3303. Medical Services Program.

30 3304. Powers and duties of department.

1 3305. Costs outstanding upon release.

2 3306. Report to General Assembly.

3 3307. Applicability.

4 § 3301. Short title of chapter.

5 This chapter shall be known and may be cited as the

6 Correctional Institution Medical Services Act.

7 § 3302. Definitions.

8 The following words and phrases when used in this chapter

9 shall have the meanings given to them in this section unless the

10 context clearly indicates otherwise:

11 "Program." The Medical Services Program established for

12 inmates under section 3303 (relating to Medical Services

13 Program).

14 § 3303. Medical Services Program.

15 (a) Establishment.--The Medical Services Program is

16 established in the department which shall include, but not be

17 limited to, the provisions of this chapter. The program shall be

18 a copay program requiring inmates to pay a fee to cover a

19 portion of the actual costs of the medical services provided.

20 (b) Fees.--

21 (1) The department shall develop by regulation a program

22 for inmates which includes fees for certain medical services.

23 The regulations shall provide for consistent medical services

24 guidelines by specifying the medical services which are

25 subject to fees, the fee amounts, payment procedures, medical

26 services which are not subject to fees and fees applicable to

27 medical emergencies, chronic care and preexisting conditions.

28 (2) In addition to other medical services provided to

29 the inmate, an inmate may be required to pay a fee for

30 medical services provided because of injuries the inmate

1 inflicted upon himself or another inmate.

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

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

10 (e) Payment for medical services.--

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

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

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

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

22 § 3304. Powers and duties of department.

23 The department shall implement the program by:

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

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

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

30 (4) Providing for administrative and accounting

1 procedures for the program and an annual audit of the
2 program.

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

5 § 3305. Costs outstanding upon release.

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

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

14 § 3306. Report to General Assembly.

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

27 § 3307. Applicability.

28 The department shall collect fees for medical services
29 provided to an inmate after the effective date of the program
30 regulations as published in the Pennsylvania Bulletin.

1 CHAPTER 35

2 VISITATION

3 Subchapter

4 A. General Provisions

5 B. Official Visitation

6 SUBCHAPTER A

7 GENERAL PROVISIONS

8 Sec.

9 3501. Gubernatorial visitor for philanthropic purposes.

10 3502. Official visitors.

11 3503. Rights of official visitors.

12 § 3501. Gubernatorial visitor for philanthropic purposes.

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

17 § 3502. Official visitors.

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

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

1 § 3503. Rights of official visitors.

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

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

15 (c) Effect of violation.--

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

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

25 SUBCHAPTER B

26 OFFICIAL VISITATION

27 Sec.

28 3511. Short title of subchapter.

29 3512. Definitions.

30 3513. Visitation.

1 3514. Employees of official visitor.

2 § 3511. Short title of subchapter.

3 This subchapter shall be known and may be cited as the
4 Official Visitation of Correctional Institutions Act.

5 § 3512. Definitions.

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

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

18 § 3513. Visitation.

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

24 (b) Denial of entry.--

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

1 emergency situation exists within the correctional
2 institution.

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

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

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

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

22 (d) Interviews.--

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

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

official visitor may desire a private interview into another cell or room as the chief administrator may designate and there permit the private interview between the official visitor and the inmate to take place.

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

(f) Decree of court.--

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

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

§ 3514. Employees of official visitor.

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

CHAPTER 37

INMATE PRERELEASE PLANS

Sec.

3701. Establishment of prerelease centers.

1 3702. Prerelease plan for inmates.

2 3703. Rules and regulations.

3 3704. Salaries and wages of inmates.

4 § 3701. Establishment of prerelease centers.

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

9 § 3702. Prerelease plan for inmates.

10 (a) Transfer authorization.--

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

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

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

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

29 (1) An inmate who has not served his minimum sentence
30 may not be transferred to a prerelease center unless:

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

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

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

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

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

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

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

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

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

30 (d) Notice of release.--

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

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

10 § 3703. Rules and regulations.

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

20 § 3704. Salaries and wages of inmates.

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

29 (b) Use of salaries or wages.--The salaries or wages of an
30 inmate participating in a plan established under this section

1 shall be disbursed by the department in the following order:

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

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

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

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

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

12 CHAPTER 39

13 MOTIVATIONAL BOOT CAMP

14 Sec.

15 3901. Scope of chapter.

16 3902. Declaration of policy.

17 3903. Definitions.

18 3904. Selection of inmate participants.

19 3905. Motivational boot camp program.

20 3906. Procedure for selection of participant in motivational
21 boot camp program.

22 3907. Completion of motivational boot camp program.

23 3908. Appeals.

24 § 3901. Scope of chapter.

25 This chapter authorizes motivational boot camps.

26 § 3902. Declaration of policy.

27 The General Assembly finds and declares as follows:

28 (1) The Commonwealth recognizes the severe problem of
29 overcrowding in correctional institutions and understands
30 that overcrowding is a causative factor contributing to

1 insurrection and prison rioting.

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

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

11 § 3903. Definitions.

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

15 "Commission." The Pennsylvania Commission on Sentencing.

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

1 18 Pa.C.S. § 2502 (relating to murder).

2 18 Pa.C.S. § 2503 (relating to voluntary manslaughter).

3 18 Pa.C.S. § 2506 (relating to drug delivery resulting in
4 death).

5 18 Pa.C.S. § 2901 (relating to kidnapping).

6 18 Pa.C.S. § 3121 (relating to rape).

7 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual
8 intercourse).

9 18 Pa.C.S. § 3124.1 (relating to sexual assault).

10 18 Pa.C.S. § 3125 (relating to aggravated indecent
11 assault).

12 18 Pa.C.S. § 3301(a)(1)(i) (relating to arson and related
13 offenses).

14 18 Pa.C.S. § 3502 (relating to burglary) in the case of
15 burglary of a structure adapted for overnight accommodation
16 in which at the time of the offense any person is present.

17 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to
18 robbery).

19 18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).

20 18 Pa.C.S. § 7508 (a)(1)(iii), (2)(iii), (3)(iii) or (4)
21 (iii) (relating to drug trafficking sentencing and
22 penalties).

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

1 § 3904. Selection of inmate participants.

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

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

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

21 § 3905. Motivational boot camp program.

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

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

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

29 (2) To divert inmates who ordinarily would be sentenced
30 to traditional forms of confinement under the custody of the

1 department to motivational boot camps.

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

5 (c) Rules and regulations.--

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

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

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

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

22 § 3906. Procedure for selection of participant in motivational
23 boot camp program.

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

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

1 department, the committee shall forward the application to the
2 secretary or his designee for approval or disapproval.

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

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

11 (e) Expulsion from program.--

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

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

17 § 3907. Completion of motivational boot camp program.

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

28 § 3908. Appeals.

29 Nothing in this chapter shall be construed to enlarge or
30 limit the right of an inmate to appeal his or her sentence.

1 CHAPTER 41

2 STATE INTERMEDIATE PUNISHMENT

3 Sec.

4 4101. Scope of chapter.

5 4102. Findings and purpose.

6 4103. Definitions.

7 4104. Referral to State intermediate punishment program.

8 4105. Drug offender treatment program.

9 4106. Written guidelines and regulations.

10 4107. Reports.

11 4108. Construction.

12 4109. Evaluation.

13 § 4101. Scope of chapter.

14 This chapter relates to State intermediate punishment.

15 § 4102. Findings and purpose.

16 The General Assembly finds as follows:

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

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

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

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

28 (5) Many people who commit crimes will be able to become
29 law-abiding, contributing members of society if they are able
30 to obtain treatment for their drug or alcohol addiction or

1 abuse.

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

7 § 4103. Definitions.

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

11 "Commission." The Pennsylvania Commission on Sentencing.

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

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

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

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

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

29 "Drug offender treatment program." An individualized
30 treatment program established by the Department of Corrections

consisting primarily of drug and alcohol addiction treatment
that satisfies the terms and conditions listed in section 4105
(relating to drug offender treatment program).

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

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

(1) Has undergone an assessment performed by the
Department of Corrections, which assessment has concluded
that the defendant is in need of drug and alcohol addiction
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 the drug offender treatment program.

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

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

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

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

8 (a) Referral for evaluation.--

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

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

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

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

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

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

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

1 (b) Assessment of addiction.--

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

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

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

28 (d) Prerequisites for commitment.--Upon receipt of a
29 recommendation for placement in a drug offender treatment
30 program from the department and agreement of the attorney for

1 the Commonwealth and the defendant, the court may sentence an
2 eligible offender to a period of 24 months of State intermediate
3 punishment if the court finds that:

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

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

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

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

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

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

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

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

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

30 (f) Consecutive probation.--Nothing in this chapter shall

1 prohibit the court from sentencing an eligible offender to a
2 consecutive period of probation. The total duration of the
3 sentence may not exceed the maximum term for which the eligible
4 offender could otherwise be sentenced.

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

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

15 § 4105. Drug offender treatment program.

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

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

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

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

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

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

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

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

25 (c) Program management.--

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

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

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

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

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

24 (f) Expulsion from program.--

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

30 (2) The department shall promptly notify the court, the

1 defendant, the attorney for the Commonwealth and the
2 commission of the expulsion of a participant from the drug
3 offender treatment program and the reason for such expulsion.

4 The participant shall be housed in a State correctional
5 institution or county jail pending action by the court.

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

10 § 4106. Written guidelines and regulations.

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

1 § 4107. Reports.

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

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

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

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

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

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

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

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

4 § 4108. Construction.

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

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

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

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

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

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

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

24 § 4109. Evaluation.

25 The department and the commission shall monitor and evaluate
26 the motivational boot camp program under Chapter 39 (relating to
27 motivational boot camp) to ensure that the programmatic
28 objectives are met. In even-numbered years, the department shall
29 present a report of its evaluation to the Judiciary Committee of
30 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
has been issued, the Governor shall, within 90 days, issue a

1 warrant specifying a day for execution which shall be no
2 later than 60 days after the date the warrant is signed.

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

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

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

22 § 4303. Terms of confinement.

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

29 (1) The staff of the department.

30 (2) The inmate's counsel of record or other attorney

1 requested by the inmate.

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

4 § 4304. Method of execution.

5 (a) Injection.--

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

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

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

20 § 4305. Witnesses to execution.

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

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

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

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

29 (4) Not more than six duly accredited representatives of
30 the news media.

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

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

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

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

14 § 4306. Certification of chief administrator.

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

21 § 4307. Postmortem examination.

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

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

4506. Recidivism risk reduction incentive minimum.

4507. Authority of board.

4508. Written guidelines and regulations.

4509. Evaluation.

4510. Reports.

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

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

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

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

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

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

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

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

1 laws of the United States or one of its territories or
2 possessions, another state, the District of Columbia, the
3 Commonwealth of Puerto Rico or a foreign nation.

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

10 18 Pa.C.S. § 4302 (relating to incest).

11 18 Pa.C.S. § 5901 (relating to open lewdness).

12 18 Pa.C.S. § 6312 (relating to sexual abuse of
13 children).

14 18 Pa.C.S. § 6318 (relating to unlawful contact with
15 minor).

16 18 Pa.C.S. § 6320 (relating to sexual exploitation of
17 children).

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

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

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

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

29 (6) Has not been found guilty or previously convicted of
30 violating section 13(a)(14), (30) or (37) of the act of April

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

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

10 § 4504. Recidivism risk reduction incentive programs.

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

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

20 (c) Program requirements.--In accordance with the provisions
21 of this chapter, the department may designate a treatment
22 program or other program as a recidivism risk reduction
23 incentive program if there is appropriate scientific research
24 that demonstrates that the proposed program would likely reduce
25 overall recidivism rates or serious crime rates of program
26 participants. A recidivism risk reduction incentive program
27 designed to provide treatment in the form of a therapeutic
28 community for drug abuse or addiction shall meet the
29 requirements of an institutional therapeutic community as
30 defined under section 4103 (relating to definitions).

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

8 (e) Program approval process.--

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

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

25 § 4505. Sentencing.

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

29 (b) Waiver of eligibility requirements.--The prosecuting
30 attorney, in the prosecuting attorney's sole discretion, may

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

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

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

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

30 (3) Notwithstanding paragraph (2), if the defendant was

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

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

9 § 4506. Recidivism risk reduction incentive minimum.

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

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

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

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

28 (4) The inmate has successfully completed all required
29 recidivism risk reduction incentive programs or other
30 programs designated in the program plan.

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

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

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

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

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

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

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

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

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

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

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

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

15 § 4507. Authority of board.

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

22 § 4508. Written guidelines and regulations.

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

(i) The number of inmates determined by the

1 department to be eligible offenders under this chapter
2 and the offenses for which the eligible offenders were
3 committed to the custody of the department.

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

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

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

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

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

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

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

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

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

29 (iv) Any potential changes to the program that would
30 be likely to reduce the risk of recidivism of inmates and

1 improve public safety.

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

4 (b) Educational plan.--

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

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

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

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

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

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

29 § 4511. Construction of chapter.

30 Notwithstanding any other provision of law, this chapter

1 shall not be construed to do any of the following:

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

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

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

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

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

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

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

22 § 4512. Applicability of chapter.

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

25 CHAPTER 59

26 MISCELLANEOUS PROVISIONS

27 Sec.

28 5901. Physical welfare of inmates.

29 5902. Contraband prohibited.

30 5903. Inmate uniforms.

1 5904. Assessment and collection of costs.

2 § 5901. Physical welfare of inmates.

3 (a) Physical exercise.--

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

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

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

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

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

23 § 5902. Contraband prohibited.

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

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

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

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

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

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

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

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

29 (2) be brought into any correctional institution or any
30 building appurtenant thereto, or on to the land granted to or

1 owned or leased by the Commonwealth for the use and benefit
2 of inmates; or

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

8 (f) Searches.--A chief administrator may search or cause to
9 have searched any person coming to the correctional institution
10 as a visitor, or in any other capacity, who is suspected of
11 having upon his person:

12 (1) any weapon or other implement which may be used to
13 injure an inmate or any other person or in assisting an
14 inmate to escape from imprisonment; or

15 (2) any spirituous or fermented liquor, drug, medicine,
16 poison, opium, morphine or any other kind or character of
17 narcotic.

18 (g) Penalty.--A person who violates any of the provisions of
19 this section commits a felony and shall, upon conviction, be
20 sentenced to pay a fine of not more than \$1,000 or to
21 imprisonment for not more than five years, or both.

22 § 5903. Inmate uniforms.

23 While incarcerated, an inmate of a State correctional
24 institution shall wear identifiable prison uniforms and shall
25 not wear civilian clothing.

26 § 5904. Assessment and collection of costs.

27 (a) Power of department.--When the department determines
28 that there has been a financial loss or cost as a result of a
29 violation of a written rule governing inmate behavior,
30 including, but not limited to, property loss or damage or use of

1 a controlled substance, the department may require the inmate to
2 pay to the department, or to the person whose property has been
3 lost or damaged, the value of the property or the costs incurred
4 in the investigation and administrative review of the behavior.

5 (b) Procedures.--The department shall develop written
6 procedures relating to the determination, assessment and
7 collection of the costs of losses due to inmate misconduct. When
8 the procedures have been adopted by the department, the
9 provisions of 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and
10 procedure of Commonwealth agencies) shall not apply to
11 proceedings conducted by the department under this section.

12 (c) Deduction from inmate's institutional account.--

13 (1) The department may deduct from an inmate's
14 institutional account the amount of any judgment, court-
15 ordered costs or assessments against the inmate under
16 subsection (a).

17 (2) Notice of the deduction shall be provided to the
18 inmate by certified mail or personal notice.

19 PART IV

20 PROBATION AND PAROLE

21 Chapter

22 61. Pennsylvania Board of Probation and Parole

23 63. County Probation Officers' Firearm Education and
24 Training

25 CHAPTER 61

26 PENNSYLVANIA BOARD OF PROBATION AND PAROLE

27 Subchapter

28 A. Preliminary Provisions

29 B. Administration

30 C. Powers and Duties

1 D. State Parole Agents

2 SUBCHAPTER A

3 PRELIMINARY PROVISIONS

4 Sec.

5 6101. Definitions.

6 6102. Operation of parole system generally.

7 § 6101. Definitions.

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

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

12 § 6102. Operation of parole system generally.

13 The parole system shall operate consistently with the
14 following provisions:

15 (1) The parole system provides several benefits to the
16 criminal justice system, including the provision of adequate
17 supervision of the offender while protecting the public, the
18 opportunity for the offender to become a useful member of
19 society and the diversion of appropriate offenders from
20 prison.

21 (2) In providing these benefits to the criminal justice
22 system, the board and any other paroling entity shall first
23 and foremost seek to protect the safety of the public.

24 (3) In addition to this goal, the board and any other
25 paroling entity shall address input by crime victims, assist
26 in the fair administration of justice by ensuring the
27 custody, control and treatment of paroled offenders, shall
28 consider any applicable guidelines established by the
29 commission and shall ensure that parole proceedings, release
30 and recommitment are administered in an efficient and timely

1 manner.

2 SUBCHAPTER B

3 ADMINISTRATION

4 Sec.

5 6111. Pennsylvania Board of Probation and Parole.

6 6112. Board chairperson.

7 6113. Board action.

8 6114. Salaries of board members.

9 6115. Incompatible offices and removal.

10 6116. Meetings.

11 6117. Official seal.

12 6118. Offices.

13 6119. District directors.

14 6120. District office employees.

15 6121. Disciplinary action.

16 6122. Political activities.

17 6123. Advisory committee.

18 § 6111. Pennsylvania Board of Probation and Parole.

19 (a) Establishment.--The Pennsylvania Board of Probation and
20 Parole is ~~reestablished as~~ an independent administrative board ←
21 for the administration of the probation and parole laws of this
22 Commonwealth.

23 (b) Membership.--The board shall consist of nine members who
24 shall be appointed by the Governor, by and with the advice and
25 consent of a majority of the members of the Senate, and each of
26 whom shall hold office for a term of six years or until that
27 person's successor shall have been duly appointed and qualified,
28 but in no event more than 90 days beyond the expiration of that
29 person's appointed term.

30 (c) Vacancies.--

1 (1) Vacancies occurring in an office of a member of the
2 board by expiration of term, death, resignation, removal or
3 for any other reason shall be filled in the manner provided
4 by section 8 of Article IV of the Constitution of
5 Pennsylvania for the remainder of the term.

6 (2) Whenever a board member's term expires, that
7 member's position shall be immediately deemed a vacancy, and
8 the Governor shall nominate a person to fill that membership
9 position on the board within 90 days of the date of
10 expiration, even if the member continues to remain on the
11 board.

12 (d) Eligibility.--To be eligible to be appointed by the
13 Governor for membership on the board, an individual shall have
14 at least six years of professional experience in parole,
15 probation, social work or related areas, including one year in a
16 supervisory or administrative capacity, and a bachelor's degree.
17 Any equivalent combination of experience and training shall be
18 acceptable.

19 (e) General powers.--Subject to the provisions of this
20 chapter, the board shall have all the powers and shall perform
21 the duties generally vested in and imposed upon independent
22 administrative boards and commissions by the act of April 9,
23 1929 (P.L.177, No.175), known as The Administrative Code of
24 1929, and shall be subject to all the provisions of that act
25 applicable generally to independent administrative boards and
26 commissions.

27 § 6112. Board chairperson.

28 (a) Designation by Governor.--The Governor shall, from time
29 to time, as the occasion may arise, designate one of the members
30 of the board to be its chairperson who shall:

1 (1) Direct the operations, management and administration
2 of the board and fulfill the functions established by this
3 chapter.

4 (2) Secure the effective application of the probation
5 system in all of the courts of this Commonwealth and the
6 enforcement of the probation laws.

7 (3) Preside at all meetings of the board.

8 (4) Perform all the duties and functions of chairperson,
9 including organizing, staffing, controlling, directing and
10 administering the work of the staff.

11 (5) Administer the proceedings of the board to ensure
12 efficient and timely procedures for parole board decisions,
13 parole releases, discharges and recommitments.

14 (b) Alternate chairperson.--The board may designate one of
15 its members to act as alternate chairperson during the absence
16 or incapacity of the chairperson and, when so acting, the member
17 so designated shall have and perform all the powers and duties
18 of chairperson of the board, but shall not receive any
19 additional compensation for acting as chairperson.

20 ~~(c) Subject to board policies and procedures. The~~ ←
21 ~~chairperson and alternate chairperson, in performing the duties~~
22 ~~of that office as they relate to parole, reparole and violation~~
23 ~~and revocation proceedings, shall act in accordance with the~~
24 ~~policies and procedures established by the board.~~

25 § 6113. Board action.

26 (a) Quorum.--

27 (1) A majority of the board shall constitute a quorum
28 for transacting business and, except as otherwise provided in
29 this chapter and Chapter 45 (relating to recidivism risk
30 reduction incentive), a majority vote of those present at any

1 meeting shall be sufficient for any official action taken by
2 the board.

3 (2) Except as provided in subsections (b), (c), (d) and
4 (e) and Chapter 45, no person shall be paroled or discharged
5 from parole or have his parole revoked, except by a majority
6 of the entire membership of the board.

7 (b) Panel decisions.--The board may make decisions on
8 parole, reparole, return or revocation in panels of two persons.
9 A panel shall consist of one board member and one hearing
10 examiner or of two board members. Panels shall be appointed by
11 the chairperson or the chairperson's designee.

12 (c) Disagreement within panel.--

13 (1) If there is disagreement on a decision to parole
14 between the members of a panel, the matter shall be decided
15 by a board member appointed by the chairperson or the
16 chairperson's designee, who shall concur with one of the
17 original panel members.

18 (2) If there is disagreement on a revocation decision
19 between the members of the panel, the matter shall be decided
20 by three board members appointed by the chairperson or the
21 chairperson's designee; at least two of these members must
22 not have been on the disagreeing panel, if practicable.

23 (d) Appeal.--

24 (1) An interested party may appeal a revocation decision
25 within 30 days of the board's order. The decision shall be
26 reviewed by three board members appointed by the chairperson
27 or the chairperson's designee.

28 (2) If practicable, at least two of the board members
29 reviewing the decision must not have been on the panel whose
30 decision is being appealed. The three board members deciding

1 the appeal may affirm, reverse or remand the decision of the
2 panel or may order the matter be heard de novo.

3 (e) Decision without review.--Subject to the provisions of
4 section 6137(g) (relating to parole power), the board or its
5 designee may issue a decision to parole an eligible offender as
6 defined under section 4503 (relating to definitions) without
7 further review by the board.

8 § 6114. Salaries of board members.

9 The Executive Board shall determine the salaries to be paid
10 to the members of the board.

11 § 6115. Incompatible offices and removal.

12 (a) General rule.--The members of the board shall not hold
13 any other public office or employment nor engage in any
14 business, profession or employment during their terms of service
15 as members thereof and shall hold their offices during the terms
16 for which they shall have been appointed.

17 (b) Procedure for removal.--

18 (1) A member of the board may be removed FOR CAUSE by
19 the Governor, by and with the advice and consent of two-
20 thirds of the members of the Senate.

21 (2) During a recess of the Senate, the Governor may
22 suspend a member of the board for cause, and before
23 suspension, the Governor shall furnish to the member a
24 statement in writing of the reasons for the proposed
25 suspension of the member. The suspension shall operate and be
26 effective only until the adjournment of the next session of
27 the Senate following the suspension.

28 § 6116. Meetings.

29 (a) General rule.--As soon as may be convenient after their
30 appointment, the members of the board shall meet and organize.



1 (b) Appointment of secretary.--The members of the board
2 shall appoint a secretary, who:

3 (1) Shall not be a member of the board.

4 (2) Shall hold office at the pleasure of the board.

5 (3) Shall have such powers and perform such duties not
6 inconsistent with any law of this Commonwealth as the board
7 shall prescribe.

8 (4) Shall receive such compensation as the board shall
9 determine in conformity with the rules of the Executive
10 Board.

11 (c) Temporary secretary.--In the absence or incapacity of
12 the secretary to act, the board may designate such other person
13 as it may choose to perform temporarily the duties of secretary.
14 § 6117. Official seal.

15 The board shall adopt an official seal by which its acts and
16 proceedings shall be authenticated and of which the courts shall
17 take judicial notice. The certificate of the chairperson of the
18 board, under the seal of the board and attested by the
19 secretary, shall be accepted in evidence in any judicial
20 proceeding in any court of this Commonwealth as adequate and
21 sufficient proof of the acts and proceedings of the board
22 referenced in the certificate.

23 § 6118. Offices.

24 (a) Principal office.--The principal office of the board
25 shall be in Harrisburg, and the board shall appoint and employ
26 such number and character of officers, agents, clerks,
27 stenographers and employees as may be necessary to carry out the
28 purposes of this chapter. The salaries of persons so appointed
29 and employed by the board shall be fixed by the board.

30 (b) District offices.--The board, with the approval of the

1 Governor, shall divide the Commonwealth for administrative
2 purposes into a suitable number of districts, not to exceed ten,
3 in each of which shall be a district office which shall have
4 immediate charge of the supervision of cases of probation and
5 parole arising in the courts of the judicial districts embraced
6 within its territorial limits, but, as occasion may require, the
7 supervision of particular parolees may be transferred by the
8 board to other appropriate parole districts.

9 (c) Location of district offices.--

10 (1) The board shall fix and determine the location of
11 the various district offices within their respective
12 districts, having regard to local conditions in each district
13 and to the most convenient and efficient functioning of the
14 office established in each district.

15 (2) At each of the locations so fixed and determined,
16 the board shall provide such office accommodations,
17 furniture, equipment and supplies as may be reasonably
18 suitable and adequate for the proper handling and dispatch of
19 the parole business of the district.

20 (3) The board may enter into contracts on behalf of the
21 Commonwealth for such office accommodations, furniture,
22 equipment and supplies through the Department of General
23 Services.

24 (d) Consideration for fixing compensation.--In fixing
25 compensation for its officers, clerks and employees under the
26 provisions of this chapter, the board shall have regard to the
27 kind, grade or class of service to be rendered, and whenever any
28 standard compensation has been fixed by the Executive Board for
29 any kind, grade or class of service or employment, the
30 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 HAVE 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.

§ 6121. Disciplinary action.

1 (a) General rule.--Except as otherwise provided in
2 subsection (b), an employee of the board, excluding the
3 secretary and district supervisors, may be removed, discharged
4 or reduced in pay or position only for cause and after being
5 given the reasons therefore in writing and afforded an
6 opportunity to be heard in answer thereto.

7 (b) Exception.--An employee may be suspended without pay and
8 without hearing for a period not exceeding 30 days, but the
9 reason or reasons for the suspension must be given to the
10 employee by the board in writing.

11 (c) Successive suspensions.--There shall not be any
12 successive suspensions of the same employee under this section.
13 § 6122. Political activities.

14 (a) General rule.--No member of the board, or officer, clerk
15 or employee thereof, or any person officially connected with the
16 board:

17 (1) Shall take any active part in politics or be a
18 member of or delegate or alternate to any political
19 convention or be present at such convention, except in the
20 performance of that person's official duties under this
21 chapter.

22 (2) Shall serve as a member of or attend the meetings of
23 any committee of any political party, or take any part in
24 political management or political campaigns, or use that
25 person's office to influence political movements, or to
26 influence the action of any other officer, clerk or employee
27 of the board.

28 (3) Shall in any way or manner interfere with or
29 participate in the conduct of any election or the preparation
30 therefore at the polling place, or with the election officers

1 while counting the votes or returning the ballot boxes,
2 books, papers, election paraphernalia and machinery to the
3 place provided by law, or be within any polling place, except
4 for the purpose of voting as speedily as it reasonably can be
5 done or be otherwise within 50 feet or any polling place,
6 except for purposes of ordinary travel or residence during
7 the period of time beginning with one hour preceding the
8 opening of the polls for holding the election and ending with
9 the time when the election officers shall have finished
10 counting the votes and have left the polling place.

11 (4) Shall directly or indirectly make or give, demand or
12 solicit or be in any manner concerned in making, giving,
13 demanding, soliciting or receiving any assessments,
14 subscriptions or contributions, whether voluntary or
15 involuntary, to any political party or for any political
16 purpose whatsoever.

17 (b) Penalty.--Any person who violates any of the provisions
18 of this section:

19 (1) Commits a misdemeanor of the third degree, and, upon
20 conviction thereof, shall be punished by a fine not exceeding
21 \$500 and imprisonment not exceeding one year, or both.

22 (2) Shall forfeit that person's office or employment, as
23 the case may be.

24 (3) Shall not thereafter be appointed or employed by the
25 board in any position or capacity whatsoever.

26 (c) Dismissal required.--The board shall dismiss any
27 officer, clerk or employee thereof who shall violate this
28 section from that person's office or employment.

29 § 6123. Advisory committee.

30 (a) Establishment.--An advisory committee on probation is

1 reestablished to assist the board.

2 (b) Composition.--The advisory committee shall consist of
3 nine members, seven of whom shall be appointed by the Governor,
4 with the consent of a majority of the members of the Senate. At
5 least two shall be judges of courts of record of this
6 Commonwealth, at least one shall be a county commissioner, at
7 least one shall be a chief county probation officer, and the
8 remaining members shall be qualified in the field of probation
9 and parole either by training or experience. The President pro
10 tempore of the Senate and the Speaker of the House of
11 Representatives shall each appoint a member of their respective
12 houses to serve as members of the committee.

13 (c) Terms.--

14 (1) The term of a member hereafter appointed, except to
15 fill a vacancy, shall be for four years and until their
16 successors have been appointed and qualified, but in no event
17 more than 90 days beyond the expiration of their appointed
18 term.

19 (2) The terms of members of the committee who are
20 appointed by virtue of holding an office as a member of the
21 General Assembly, judge, CHIEF COUNTY PROBATION OFFICER or
22 county commissioner shall continue only so long as that
23 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,



expires, that member's position shall be immediately deemed a
vacancy, and the Governor shall nominate a person to fill
that membership position on the committee within 90 days of
the date of expiration, even if the member continues to
remain on the committee. The Governor shall designate one of
the members of the committee as its chairperson.

(d) Reimbursement of expenses.--Each member of the advisory
committee shall be paid all reasonable and necessary travel and
other expenses incurred by him in the performance of his duties.

(e) Assistance to be provided.--The advisory committee shall
aid the chairperson and the board in formulating and reviewing
standards for probation personnel and probation services in the
counties.

SUBCHAPTER C

POWERS AND DUTIES

Sec.

6131. General powers of board.

6132. Specific powers of board involving parolees.

6133. Probation services.

6134. Sentencing court to transmit records to board.

6134.1. General criteria for parole by court.

6135. Investigation of circumstances of offense.

6136. Right of access to inmates.

6137. Parole power.

6138. Violation of terms of parole.

6139. Parole procedure.

6140. Victim statements, testimony and participation in
hearing.

6141. General rules and special regulations.

6142. INVESTIGATIONS FOR THE BOARD OF PARDONS.



1 § 6131. General powers of board.

2 (a) General rule.--The board shall have the power and its
3 duty shall be:

4 (1) To supervise and make presentence investigations and
5 reports as provided by law.

6 (2) To collect and maintain copies of all presentence
7 investigations and reports.

8 (3) To collect and maintain a record of all persons who
9 are placed on probation and parole.

10 (4) To collect, compile and publish statistical and
11 other information relating to probation and parole work in
12 all courts and such other information the board may deem of
13 value in probation service.

14 (5) To establish, by regulation, uniform Statewide
15 standards for:

16 (i) Presentence investigations.

17 (ii) The supervision of probationers.

18 (iii) The qualifications for probation personnel.

19 (iv) Minimum salaries.

20 (v) Quality of probation service.

21 The standards for the qualifications of probation personnel
22 shall only apply to probation personnel appointed after the
23 date the standards are established. Should any probation
24 personnel appointed prior to the date the standards were
25 established fail to meet the standards, the court having
26 jurisdiction of such personnel may request the board to
27 establish in-service training for them in accordance with the
28 standards.

29 (6) To adopt regulations establishing specific
30 composition, functions and responsibilities for citizens

1 advisory committees and to receive reports, recommendations
2 or other input concerning parole policies and parole-related
3 concerns from the committees on a regular basis.

4 (7) To adopt regulations establishing criteria for board
5 acceptance of cases for supervision and presentence
6 investigations from counties that on December 31, 1985,
7 maintained adult probation offices and parole systems.

8 (8) To enter into contracts for purchasing community
9 services to assist parolees and to supplement existing
10 programs.

11 (9) To pay the cost of preparole drug screening tests
12 for inmates within the parole release jurisdiction of the
13 board, who are confined in a State or local correctional
14 facility, as required under section 6137 (relating to parole
15 power).

16 (10) To enter into contracts which provide for the
17 continuous electronic monitoring of parolees.

18 (11) To establish and provide for intensive supervision
19 units and day reporting centers for the supervision of
20 parolees.

21 (12) To provide information as required under 42 Pa.C.S.
22 § 2153(a)(14) (relating to powers and duties) as requested by
23 the commission.

24 (b) Court-appointed probation officers to submit information
25 to board.--A court that appoints a probation officer shall
26 require the probation officer to submit to the board such
27 information as the board may require on forms prescribed and
28 furnished by the board.

29 (c) Access to county records.--The board shall have free and
30 ready access to all probation and parole records of any county.

1 § 6132. Specific powers of board involving parolees.

2 (a) General rule.--The board shall have exclusive power:

3 (1) (i) To parole and reparole, commit and recommit for
4 violations of parole and to discharge from parole all
5 persons sentenced by any court at any time to
6 imprisonment in a correctional facility INSTITUTION. ←

7 (ii) This paragraph applies to inmates sentenced to
8 definite or ~~terms of imprisonment~~ FLAT SENTENCES. ←

9 (2) (i) To supervise any person placed on parole, when
10 sentenced to a maximum period of less than two years, by
11 any judge of a court having criminal jurisdiction, when
12 the court may by special order direct supervision by the
13 board, in which case the parole case shall be known as a
14 special case and the authority of the board with regard
15 thereto shall be the same as provided in this chapter
16 with regard to parole cases within one of the
17 classifications set forth in this chapter.

18 (ii) Except for such special cases, the powers and
19 duties conferred by this section shall not extend to
20 persons sentenced for a maximum period of less than two
21 years and shall not extend to those persons committed to
22 county confinement within the jurisdiction of the court
23 pursuant to 42 Pa.C.S. § 9762(b)(2) (relating to
24 sentencing proceeding; place of confinement).

25 (b) Construction.--Nothing contained in this section shall
26 be construed to prevent a court from paroling any person
27 sentenced by it for a maximum period of less than two years or
28 from paroling a person committed to county confinement within
29 the jurisdiction of the court pursuant to 42 Pa.C.S. § 9762(b)
30 (2).

1 (c) Definition.--As used in this section, "period of two
2 years" means the entire continuous term of sentence to which a
3 person is subject, whether for one or more sentences, either to
4 simple imprisonment or to an indeterminate imprisonment as
5 authorized by law to be imposed for criminal offenses.

6 § 6133. Probation services.

7 (a) General rule.--The board shall have exclusive power to
8 supervise any person placed on probation by any judge of a court
9 having criminal jurisdiction, when the court by special order
10 directs supervision by the board.

11 (b) Presentence investigations.--The board shall make
12 presentence investigations when requested to do so by the court.

13 (c) Grant-in-aid.--

14 (1) A county that provides additional probation staff
15 for presentence investigations and improved probation
16 supervision and program shall receive a grant-in-aid from the
17 Commonwealth through the board for additional cost incurred
18 thereby but only to the extent that the additional staff and
19 program meet the qualifications and standards established by
20 the board.

21 (2) The grant-in-aid shall provide 80% of the personnel
22 salary costs incurred by a county to administer these
23 additional services and programs.

24 (3) If insufficient funds are appropriated, each county
25 shall receive a prorated reduction in the grant-in-aid.

26 (4) The board shall establish rules and regulations for
27 the allocation of funds available for such grants-in-aid.

28 (d) In-service training.--The board shall provide in-service
29 training for personnel of county probation offices when
30 requested to do so by the court having jurisdiction of the

1 probation office.

2 § 6134. Sentencing court to transmit records to board.

3 (a) Duty to transmit.--A court sentencing any person for a
4 term as to which power to parole is given to the board in this
5 chapter shall transmit to the board, within 30 days after the
6 imposition of the sentence:

7 (1) A copy of the notes of testimony of the sentencing
8 hearing that may have been filed of record in the case.

9 (2) Copies of any criminal identification records
10 secured from the Federal Bureau of Investigation.

11 (3) Copies of presentence investigation reports and
12 behavior clinic reports, if any were submitted to the court,
13 the last two of which records, being confidential records of
14 the court, shall be treated confidentially by the members of
15 the board, who shall not permit examination of the records by
16 anyone other than its duly appointed agents or
17 representatives except upon court order.

18 (b) Recommendations from judge.--

19 (1) A judge may make at any time a recommendation to the
20 board respecting the person sentenced and the term of
21 imprisonment the judge believes that person should be
22 required to serve before a parole is granted to that person.

23 (2) A recommendation made by a judge under paragraph (1)
24 respecting the parole or terms of parole of a person shall be
25 advisory only. No order in respect to the recommendation made
26 or attempted to be made as a part of a sentence shall be
27 binding upon the board in performing the duties and functions
28 conferred on it by this chapter.

29 § 6134.1. General criteria for parole by court.

30 (a) Guidelines.--The court may parole or reparole subject to

1 consideration of guidelines established under 42 Pa.C.S. §
2 2154.5 (relating to adoption of guidelines for parole).

3 (b) Report of decision to commission.--If a court paroles or
4 reparoles a person, the court shall report the parole or
5 reparole decision and shall provide a contemporaneous written
6 statement for any deviation from the guidelines established
7 under 42 Pa.C.S. § 2154.5, to the commission under 42 Pa.C.S. §
8 2153(a)(14) (relating to powers and duties).

9 (c) Procedure.--

10 (1) Prior to making a decision to parole a person
11 committed to county confinement within the jurisdiction of
12 the court pursuant to 42 Pa.C.S. § 9762(b)(2) (relating to
13 sentencing procedure; place of confinement) from a sentence
14 of imprisonment imposed following conviction for a personal
15 injury crime, each victim who has registered to receive
16 victim services in connection with the personal injury crime
17 shall be given an opportunity by the court to submit a
18 preparole statement to the court expressing concerns or
19 recommendations regarding the parole or parole supervision of
20 the person.

21 (2) The district attorney shall, immediately following
22 sentence in cases where a sentence of confinement has been
23 imposed and the sentenced person remains within the
24 jurisdiction of the court pursuant to 42 Pa.C.S. § 9762(b)
25 (2), notify all registered victims that they shall have the
26 opportunity to submit a parole statement to the court.

27 (3) Victims shall notify the court of their intention to
28 submit a parole statement and shall provide and keep
29 current an appropriate mailing address.

30 (4) Parole statements submitted pursuant to this

1 subsection shall be subject to the confidentiality provisions
2 contained in section 6140 (relating to victim statements,
3 testimony and participation in hearing) applicable to
4 preparole statements submitted to the board and shall be
5 considered by the court prior to any parole decision, and
6 each victim submitting a parole statement shall be given
7 notice of the court's parole decision.

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

11 "Personal injury crime." The term shall have the meaning set
12 forth in section 103 of the act of November 24, 1998 (P.L.882,
13 No.111), known as the Crime Victims Act.

14 "Victim." The term shall mean, in addition to the meaning
15 set forth in section 103 of the act of November 24, 1998 (P.L.
16 882, No.111), known as the Crime Victims Act, a member of the
17 victim's family if the victim is incapable of communicating or
18 has died.

19 § 6135. Investigation of circumstances of offense.

20 (a) Duty to investigate.--The board, on the commitment to a
21 correctional facility of any person whom the board is given the
22 power to parole under this chapter, shall consider:

23 (1) The nature and circumstances of the offense
24 committed.

25 (2) Any recommendations made by the trial judge and
26 prosecuting attorney.

27 (3) The general character and background of the inmate.

28 (4) Participation by an inmate sentenced after February
29 19, 1999, and who is serving a sentence for a crime of
30 violence as defined in 42 Pa.C.S. § 9714(g) (relating to

1 sentences for second and subsequent offenses) in a victim
2 impact education program offered by the Department of
3 Corrections.

4 (5) The written or personal statement of the testimony
5 of the victim or the victim's family submitted under section
6 6140 (relating to victim statements, testimony and
7 participation in hearing).

8 (6) The notes of testimony of the sentencing hearing, if
9 any, together with such additional information regarding the
10 nature and circumstances of the offense committed for which
11 sentence was imposed as may be available.

12 (7) The conduct of the person while in prison and his
13 physical, mental and behavioral condition and history, his
14 history of family violence and his complete criminal record.

15 (b) Cooperation of public officials.--A public official who
16 possesses such records or information shall furnish the records
17 or information to the board upon its request and without charge
18 so far as may be practicable while the case is recent.

19 § 6136. Right of access to inmates.

20 All prison officials shall:

21 (1) At all reasonable times grant access to any inmate
22 whom the board has power to parole to the members of the
23 board or its properly accredited representatives.

24 (2) At all reasonable times provide for the board or its
25 properly accredited representative facilities for
26 communicating with and observing an inmate while imprisoned.

27 (3) Furnish to the board from time to time such reports
28 concerning the conduct of inmates in their custody as the
29 board shall by general rule or special order require,
30 together with any other facts deemed pertinent in aiding the

1 board to determine whether such inmates shall be paroled.

2 § 6137. Parole power.

3 (a) General criteria for parole.--

4 (1) The board may parole subject to consideration of
5 guidelines established under 42 Pa.C.S. § 2154.5 (relating to
6 adoption of guidelines for parole) and may release on parole
7 any inmate to whom the power to parole is granted to the
8 board by this chapter, except an inmate condemned to death or
9 serving life imprisonment, whenever in its opinion:

10 (i) The best interests of the inmate justify or
11 require that the inmate be paroled.

12 (ii) It does not appear that the interests of the
13 Commonwealth will be injured by the inmate's parole.

14 (2) Parole shall be subject in every instance to the
15 Commonwealth's right to immediately retake and hold in
16 custody without further proceedings any parolee charged after
17 his parole with an additional offense until a determination
18 can be made whether to continue his parole status.

19 (3) The power to parole granted under this section to
20 the board may not be exercised in the board's discretion at
21 any time before, but only after, the expiration of the
22 minimum term of imprisonment fixed by the court in its
23 sentence or by the Board of Pardons in a sentence which has
24 been reduced by commutation.

25 (4) ~~In no case shall the board~~ UNLESS THE INMATE HAS ←
26 SERVED AT LEAST ONE YEAR IN A PRERELEASE CENTER, THE BOARD
27 SHALL NOT act upon an application of an inmate WHO IS GRANTED ←
28 CLEMENCY BY THE GOVERNOR, IS SUBJECT TO PAROLE SUPERVISION
29 AND:

30 (i) whose term of imprisonment was commuted from

life to life on parole;

(ii) who was serving a term of imprisonment for a
crime of violence; or

(iii) who is serving a sentence under 42 Pa.C.S. §
9712 (relating to sentences for offenses committed with
firearms) unless the inmate has served at least one year
in a prerelease center.

~~(5) Upon parole, a parolee subject to paragraph (3)
shall be subject to weekly supervision for the first six
months of parole.~~

(5) UPON PAROLE, A PAROLEE SUBJECT TO PARAGRAPH (4)
SHALL:

(I) BE SUBJECT TO WEEKLY SUPERVISION FOR THE FIRST
SIX MONTHS OF PAROLE; AND

(II) HAVE ANY VIOLATIONS OF A CONDITION OF PAROLE
IMMEDIATELY MADE KNOWN TO THE BOARD. THIS SUBPARAGRAPH
SHALL APPLY TO ALL PAROLEES UNDER SUPERVISION BY OTHER
JURISDICTIONS UNDER SUBCHAPTER B OF CHAPTER 71 (RELATING
TO INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT
OFFENDERS).

(b) Cases involving deviations from guidelines.--In each
case in which the board deviates from the guidelines established
under 42 Pa.C.S. § 2154.5, the board shall provide a
contemporaneous written statement of the reason for the
deviation from the guidelines to the commission as established
under 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties).
The board may develop and use internal decisional instruments.
This subsection shall not be construed to prevent the board from
also developing forms or other documents, policies and
procedures consistent with this chapter, including internal

1 decisional instruments.

2 (c) Administrative parole.--

3 (1) An eligible offender shall be placed on
4 administrative parole one year after release on parole and
5 until the maximum sentence date if the board's supervision
6 staff determines that:

7 (i) (A) the eligible offender has not violated the
8 terms and conditions of the eligible offender's
9 parole; or

10 (B) the eligible offender has not been subject
11 to the extensive use of sanctions prior to the
12 completion of one year from the date of release on
13 parole; and

14 (ii) there is no substantial information indicating
15 dangerousness or that placement on administrative parole
16 would compromise public safety.

17 (2) An eligible offender placed on administrative parole
18 shall continue to be subject to recommitment at the board's
19 discretion and shall be subject to the board's power to
20 recommit and reparole, recommit and review or otherwise
21 impose sanctions at its discretion until the eligible
22 offender's maximum sentence date.

23 (3) An eligible offender placed on administrative parole
24 shall do all of the following:

25 (i) Make supervision contact at least one time per
26 year.

27 (ii) Provide updated contact information upon a
28 change in residence or employment.

29 (iii) Continue to pay any restitution owed.

30 (iv) Comply with other requirements imposed by the

1 board.

2 (d) Recidivism risk reduction incentive minimum.--The board
3 shall have the power and its duty shall be to comply with the
4 requirements of section 4506 (relating to recidivism risk
5 reduction incentive minimum).

6 (e) Parole drug screening tests.--

7 (1) The board may not release a person on parole unless
8 the person achieves a negative result within 45 days prior to
9 the date of release in a screening test approved by the
10 Department of Health for the detection of the presence of
11 controlled substances or designer drugs under the act of
12 April 14, 1972 (P.L.233, No.64), known as The Controlled
13 Substance, Drug, Device and Cosmetic Act.

14 (2) The cost of these parole drug screening tests for
15 inmates subject to the parole release jurisdiction of the
16 board, whether confined in a correctional institution or
17 county prison, shall be paid by the board. The board shall
18 establish rules and regulations for the payment of these
19 costs and may limit the types and cost of these screening
20 tests that would be subject to payment by the board.

21 (3) (i) The board shall establish, as a condition of
22 continued parole for a parolee who, as an inmate, tested
23 positive for the presence of a controlled substance or a
24 designer drug or who was paroled from a sentence arising
25 from a conviction under The Controlled Substance, Drug,
26 Device and Cosmetic Act or from a drug-related crime, the
27 parolee's achievement of negative results in such
28 screening tests randomly applied.

29 (ii) The random screening tests shall be performed
30 at the discretion of the board, and the parolee

1 undergoing the tests shall be responsible for the costs
2 of the tests.

3 (iii) The funds collected for the tests shall be
4 applied against the contract for such testing between the
5 board and a testing laboratory approved by the Department
6 of Health.

7 (f) Crimes of violence.--The board may not release ON PAROLE ←
8 a person who is sentenced after February 19, 1999, and is
9 serving a sentence for a crime of violence as defined in 42 ←
10 Pa.C.S. § 9714(g) (relating to sentences for second and
11 subsequent offenses) on parole unless the person has received
12 instruction from the Department of Corrections on the impact of
13 crime on victims and the community.

14 (g) Procedure.--

15 (1) The department shall identify all inmates committed
16 to the custody of the department that meet the definition of
17 an eligible offender.

18 (2) Upon identification of an inmate as an eligible
19 offender, the department shall send notice to the board. The
20 board shall send notice to the prosecuting attorney and the
21 court no less than six months before the expiration of the
22 inmate's minimum sentence indicating that the department has
23 preliminarily identified the inmate as an eligible offender.
24 The notice shall be sent by United States mail unless the
25 board, the court and the prosecutor have consented to receipt
26 of notice via electronic means. For inmates committed to the
27 department whose expiration of the minimum sentence is six
28 months or less from the date of admission, the department
29 shall give prompt notice.

30 (3) Within 60 days of receipt of notice under paragraph

1 (2), the court or prosecuting attorney may file a written
2 objection to the department's preliminary identification of
3 the inmate as an eligible offender. Notice of the objection
4 shall be provided to the department and the board.

5 (4) If no notice of objection has been filed under
6 paragraph (3), the board or its designee shall approve for
7 parole at the expiration of the eligible offender's minimum
8 date upon a determination that all of the following apply:

9 (i) The department certified that the inmate has
10 maintained a good conduct record and continues to remain
11 an eligible offender.

12 (ii) The reentry plan for the inmate is adequate.

13 (iii) Individual conditions and requirements for
14 parole have been established.

15 (iv) There is no reasonable indication that the
16 inmate poses a risk to public safety.

17 (5) If the court or prosecuting attorney files a timely
18 objection under paragraph (3), the board shall make a
19 determination as to whether the inmate is an eligible
20 offender. The board shall notify the department, prosecuting
21 attorney and court of its determination no later than 60 days
22 prior to the minimum parole date. If the board determines
23 that the inmate is an eligible offender under this chapter,
24 the board shall follow the provisions under paragraph (4). If
25 the board determines that the inmate is not an eligible
26 offender under section 4503 (relating to definitions), the
27 board shall retain exclusive jurisdiction to grant parole and
28 shall determine whether the inmate should be paroled at the
29 minimum date, paroled at a later date or denied parole.

30 (6) Nothing in this subsection shall be construed as

1 granting a right to be paroled to any person, and any
2 decision by the board and its designees or the department,
3 under this section shall not be considered an adjudication
4 under 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and
5 procedure of Commonwealth agencies) and Ch. 7 Subch. A
6 (relating to judicial review of Commonwealth agency action).

7 (7) Except as provided under this subsection, nothing in
8 this chapter shall otherwise affect the powers and duties of
9 the board or the department.

10 (h) Power to recommit.--

11 (1) The board may, during the period for which an inmate
12 shall have been sentenced, recommit the inmate, if paroled,
13 for violation of the terms and conditions of his parole and
14 from time to time to reparole and recommit in the same manner
15 and with the same procedure as in the case of an original
16 parole or recommitment if, in the judgment of the board:

17 (i) There is a reasonable probability that the
18 inmate will be benefited by paroling the inmate again.

19 (ii) It does not appear that the interests of the
20 Commonwealth will be injured by paroling the inmate
21 again.

22 (2) In exercising these powers, the board shall consider
23 any applicable recommitment ranges established by the
24 commission under 42 Pa.C.S. § 2154.6 (relating to adoption of
25 recommitment ranges following revocation of parole by board).

26 (i) Cases involving deviations from guidelines.--In each
27 case in which the board deviates from the recommitment ranges
28 established under 42 Pa.C.S. § 2154.6, the board shall provide a
29 contemporaneous written statement of the reason for the
30 deviation from the recommitment ranges to the commission, as

1 established under 42 Pa.C.S. § 2153(a)(14).

2 (j) Notice to county probation department.--When the board
3 releases a parolee from a correctional facility, the board shall
4 provide written notice to the probation department located in
5 the county where the sentencing order was imposed of the release
6 and new address of the parolee.

7 ~~(k) Definition. For the purposes of this section, the term~~ ←
8 ~~"eligible offender" shall have the same meaning as the term is~~
9 ~~given under section 4503 (relating to definitions).~~

10 (K) DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES SHALL HAVE ←
11 THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION UNLESS THE CONTEXT
12 CLEARLY INDICATES OTHERWISE:

13 "CRIME OF VIOLENCE." AS DEFINED IN 42 PA.C.S. § 9714(G)
14 (RELATING TO SENTENCES FOR SECOND AND SUBSEQUENT OFFENSES).

15 "ELIGIBLE OFFENDER." AS DEFINED IN SECTION 4503 (RELATING TO
16 DEFINITIONS).

17 § 6138. Violation of terms of parole.

18 (a) Convicted violators.--

19 (1) A parolee under the jurisdiction of the board
20 released from a correctional facility who, during the period
21 of parole or while delinquent on parole, commits a crime
22 punishable by imprisonment, for which the parolee is
23 convicted or found guilty by a judge or jury or to which the
24 parolee pleads guilty or nolo contendere at any time
25 thereafter in a court of record, may at the discretion of the
26 board be recommitted as a parole violator.

27 (2) If the parolee's recommitment is so ordered, the
28 parolee shall be reentered to serve the remainder of the term
29 which the parolee would have been compelled to serve had the
30 parole not been granted and shall be given no credit for the

1 time at liberty on parole.

2 (3) The board may, in its discretion, reparole whenever,
3 in its opinion, the best interests of the inmate justify or
4 require the inmate's release on parole and it does not appear
5 that the interests of the Commonwealth will be injured
6 thereby.

7 (4) The period of time for which the parole violator is
8 required to serve shall be computed from and begin on the
9 date that the parole violator is taken into custody to be
10 returned to the institution as a parole violator.

11 (5) If a new sentence is imposed on the parolee, the
12 service of the balance of the term originally imposed shall
13 precede the commencement of the new term imposed in the
14 following cases:

15 (i) If a person is paroled from a State correctional
16 institution and the new sentence imposed on the person is
17 to be served in the State correctional institution.

18 (ii) If a person is paroled from a county prison and
19 the new sentence imposed upon him is to be served in the
20 same county prison.

21 (iii) In all other cases, the service of the new
22 term for the latter crime shall precede commencement of
23 the balance of the term originally imposed.

24 (6) Where the new term is to be served last or the
25 balance of the term originally imposed is to be served last,
26 and the service is, in either case, in any correctional
27 facility:

28 (i) Any person upon recommitment shall be sent to
29 the institution as shall be designated by the Secretary
30 of Corrections or his designee.

1 (ii) Any female person shall be recommitted to the
2 State Correctional Institution at Muncy.

3 (b) Subsequent arrest.--

4 (1) The formal filing of a charge after parole against a
5 parolee within this Commonwealth for any violation of the
6 laws of this Commonwealth shall constitute an automatic
7 detainer and permit the parolee to be taken into and held in
8 custody.

9 (2) The automatic detainer shall dissolve 15 days after
10 the parolee is taken into custody unless sooner waived or
11 otherwise superseded by direction of the supervising parole
12 office.

13 (3) The automatic detainer shall be in addition to and
14 not in lieu of any other detainer that prior to the effective
15 date of this chapter may have been lodged in such
16 circumstances.

17 (c) Technical violators.--

18 (1) A parolee under the jurisdiction of the board who is
19 released from a correctional facility and who, during the
20 period of parole, violates the terms and conditions of his
21 parole, other than by the commission of a new crime of which
22 the parolee is convicted or found guilty by a judge or jury
23 or to which the parolee pleads guilty or nolo contendere in a
24 court of record, may be recommitted after a hearing before
25 the board.

26 (2) If the parolee is so recommitted, the parolee shall
27 be given credit for the time served on parole in good
28 standing but with no credit for delinquent time and may be
29 reentered to serve the remainder of the original sentence or
30 sentences.

1 (3) The remainder shall be computed by the board from
2 the time the parolee's delinquent conduct occurred for the
3 unexpired period of the maximum sentence imposed by the court
4 without credit for the period the parolee was delinquent on
5 parole. The parolee shall serve the remainder so computed
6 from the date the parolee is taken into custody on the
7 warrant of the board.

8 (4) The parolee shall be subject to reparole by the
9 board whenever in its opinion the best interests of the
10 inmate justify or require the parolee being repared and it
11 does not appear that the interests of the Commonwealth will
12 be injured reparing the parolee.

13 (d) Recommitment.--A technical violator under subsection (c)
14 shall be recommitted to a correctional facility as follows:

15 (1) If paroled from a county prison, to the same
16 institution or to any other institution to which the violator
17 may be legally transferred.

18 (2) If paroled from a State correctional institution,
19 any male person upon recommitment shall be sent to the
20 nearest State correctional institution for service of the
21 remainder of the original term at the institution as shall be
22 designated by the department. Any female person shall be
23 recommitted to the State Correctional Institution at Muncy or
24 other State correctional institution as designated by the
25 department.

26 § 6139. Parole procedure.

27 (a) Specific requirements.--

28 (1) The board may, subject to the provisions and
29 limitations set forth in section 6138 (relating to violation
30 of terms of parole), grant paroles of its own motion whenever

1 in its judgment the interests of justice require the granting
2 of these paroles.

3 (2) The board shall consider applications for parole by
4 an inmate or the inmate's attorney.

5 (3) Notwithstanding the provisions of paragraph (2), the
6 board shall not be required to consider nor dispose of an
7 application by an inmate or an inmate's attorney where a
8 parole decision has been issued by the board on that case
9 within one year of the date of the current application for
10 parole.

11 (4) Hearings of applications shall be held by the board
12 whenever in its judgment hearings are necessary. Reasonable
13 rules and regulations shall be adopted by the board for the
14 presentation and hearing of applications for parole.

15 (5) Whenever an inmate is paroled by the board, whether
16 of its own motion or after hearing of an application for
17 parole, or whenever an application for parole is refused by
18 the board, a brief statement of the reasons for the board's
19 action shall be filed of record in the offices of the board
20 and shall be at all reasonable times open to public
21 inspection.

22 (6) In no case shall a parole be granted, or an
23 application for parole be dismissed, unless a board member,
24 hearing examiner or other person so designated by the board
25 shall have seen and heard the parolee in person in regard
26 thereto within six months prior to the granting or dismissal
27 thereof.

28 (7) The board shall dispose of the application within
29 six months of its filing.

30 (b) Reliance on reports.--In granting and revoking paroles,

1 and in discharging from parole, the members of the board acting
2 thereon shall not be required to personally hear or see all the
3 witnesses and evidence submitted to them for their action, but
4 they may act on the report submitted to them by their agents and
5 employees, together with any pertinent and adequate information
6 furnished to them by fellow members of the board or by others.

7 (c) Notice to district attorney.--At least ten days before
8 paroling an inmate on its own motion, the board shall give
9 written notice of the contemplated parole to the district
10 attorney of the county in which the inmate was sentenced, and,
11 in cases of hearings on applications for parole as provided for
12 in this section, at least ten days' written notice of the time
13 and place fixed for such hearing shall be given either by the
14 board or by the applicant, as the board shall direct, to the
15 court and district attorney of the county in which the applicant
16 was sentenced.

17 § 6140. Victim statements, testimony and participation in
18 hearing.

19 (a) Duty of district attorney to provide notice.--

20 (1) The victim of the offense for which an inmate is
21 sentenced shall be notified by the district attorney
22 immediately following sentencing, in cases where the
23 defendant has been sentenced to a term of imprisonment, that
24 the victim or family member shall have the opportunity to
25 present a statement for the parole report to be considered at
26 the parole hearing or to testify to the parole board
27 expressing his opinion concerning the release of the inmate.

28 (2) The district attorney shall provide notice to a
29 member of the immediate family of the victim if the victim:

30 (i) is a juvenile;

1 (ii) is incapable of testifying; or

2 (iii) died as a result of the defendant's conduct.

3 (b) Notice of intent to submit statement.--In order to
4 submit a statement under subsection (a), a victim or family
5 member must notify the board of his intention to do so and
6 provide and keep current an appropriate mailing address with the
7 board.

8 (c) Contents of parole report.--The parole report may
9 include a statement concerning:

10 (1) The continuing nature and extent of any physical
11 harm or psychological or emotional harm or trauma suffered by
12 the victim.

13 (2) The extent of any loss of earnings or ability to
14 work suffered by the victim.

15 (3) The continuing effect of the crime upon the victim's
16 family.

17 (d) Notice to persons who previously contacted the board.--

18 (1) At the time public notice is given that an inmate is
19 being considered for parole pursuant to this section, the
20 board shall also notify any victim or nearest relative who
21 has previously contacted the board of the availability to
22 provide a statement for inclusion in the parole report or to
23 present testimony for inclusion at the parole hearing.

24 (2) The board shall notify the person identified under
25 paragraph (1) at the person's last known mailing address. The
26 notification required by this section shall be given by the
27 board in the case of a parole to be granted pursuant to
28 section 6139 (relating to parole procedure) or by the court
29 in the case of a parole to be granted pursuant to section
30 6133 (relating to probation services).

1 (e) Notice of intent to present testimony.--The victim or
2 family member shall notify the board within 30 days from the
3 date of the notice of his intent to present testimony at the
4 parole hearing. This time period may be waived by the board for
5 good cause.

6 (f) Referral to hearing officer.--If the victim or family
7 member submits a written statement to the board subsequent to
8 notice, the statement shall be made a part of the board's file
9 on the inmate, and the inmate's case shall be referred to a
10 hearing officer designated to conduct parole release hearings.

11 (g) Assignment to hearing examiner.--If the victim or family
12 member informs the board subsequent to notice being provided
13 that the person intends to testify, the chairperson shall assign
14 the inmate's case to a hearing examiner for the purpose of
15 receiving the person's testimony.

16 (h) Hearing procedure.--

17 (1) The assigned hearing examiner shall conduct a
18 hearing within 30 days from the date the board received
19 notification of the intent to offer testimony.

20 (2) The hearing shall be conducted at a time and place
21 and on a date determined by the chairperson or designee.
22 Notice of the time, place and date of the hearing shall be
23 provided to the victim or family member, in writing, and
24 shall be mailed at least ten days prior to the hearing date.

25 (3) The hearing shall be recorded by an electronic
26 recording device.

27 (4) The hearing examiner shall prepare a written report
28 within a reasonable amount of time prior to the hearing date.
29 A copy of the report shall be forwarded to the person
30 offering testimony. A copy of the report shall be made a part

1 of the board's file on the inmate.

2 (5) Upon completion of the written report, the inmate's
3 case shall be referred to a hearing examiner designated to
4 conduct parole release hearings.

5 (6) (i) The hearing scheduled pursuant to this section
6 shall be conducted, when possible, prior to a parole
7 release hearing and prior to the board rendering a
8 decision.

9 (ii) Nothing in this section shall be construed to
10 preclude the board from conducting a timely parole
11 release hearing.

12 (7) After submission of the report, the board shall
13 within a reasonable amount of time:

14 (i) Evaluate the information provided.

15 (ii) Determine whether the decision shall be
16 affirmed or modified.

17 (iii) Determine whether a rescission hearing shall
18 be conducted.

19 (iv) Notify the inmate in writing of its decision.

20 (8) Except as otherwise provided by law or this section,
21 any and all statements or testimony of the victim or family
22 member submitted to the board pertaining to:

23 (i) the continuing nature and extent of any physical
24 harm or psychological or emotional harm or trauma
25 suffered by the victim;

26 (ii) the extent of any loss of earnings or ability
27 to work suffered by the victim; and

28 (iii) the continuing effect of the crime upon the
29 victim's family shall not:

30 (A) ~~Be~~ SHALL BE deemed confidential and



1 privileged.

2 (B) Be SHALL NOT BE subject to subpoena or
3 discovery.

4 (C) Be SHALL NOT BE introduced into evidence in
5 any judicial or administrative proceeding.

6 (D) Be SHALL NOT BE released to the inmate.

7 (9) All records maintained by the board pertaining to
8 victims shall be kept separate. Current address, telephone
9 numbers and any other personal information of the victim and
10 family members shall be deemed confidential.

11 (10) Except as otherwise provided by law, no person who
12 has had access to a report, record or any other information
13 under this section shall disclose the content of the report,
14 record or other information or testify in a judicial or
15 administrative proceeding without the written consent of the
16 victim.

17 (11) A victim or the family member who has submitted a
18 written statement for the parole report or testified at a
19 hearing pursuant to this section shall be notified by the
20 board of the final decision rendered in the inmate's case.

21 (12) If the final decision is to not release the inmate
22 and if, subsequent to that decision, additional parole
23 release hearings are conducted for that same inmate, then the
24 victim or family member who has submitted a written statement
25 for the parole report or who has testified at a hearing
26 pursuant to this section shall be notified by the board at
27 the last known address if and when additional parole hearings
28 are scheduled by the board.

29 § 6141. General rules and special regulations.

30 The board may make general rules for the conduct and

1 supervision of persons placed on parole and may, in particular
2 cases, as it deems necessary to effectuate the purpose of
3 parole, prescribe special regulations for particular persons.
4 § 6142. INVESTIGATIONS FOR THE BOARD OF PARDONS.

5 THE BOARD SHALL MAKE AN INVESTIGATION FOR THE BOARD OF
6 PARDONS IN CASES COMING BEFORE IT AND UPON ITS REQUEST. THE
7 INVESTIGATION SHALL INCLUDE ALL INFORMATION SET FORTH UNDER
8 SECTION 6135 (RELATING TO INVESTIGATION OF CIRCUMSTANCES OF
9 OFFENSE), INCLUDING A RISK ASSESSMENT IF THE APPLICANT IS
10 INCARCERATED.

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 (P.L.
21 882, 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 MARCH 29, 1819 (P.L.232, NO.146), ENTITLED "AN ACT TO
5 PREVENT THE CORONER OF PHILADELPHIA COUNTY FROM HOLDING INQUESTS
6 IN CERTAIN CASES, AND FOR OTHER PURPOSES." ←

7 Act of January 17, 1831 (P.L.12, No.12), entitled "A further
8 supplement to an act, entitled, An act to reform the penal laws
9 of this Commonwealth."

10 ACT OF APRIL 14, 1835 (P.L.232, NO.140), ENTITLED "A
11 SUPPLEMENT TO THE ACT ENTITLED 'AN ACT TO PROVIDE FOR THE
12 ERECTION OF A NEW PRISON AND A DEBTORS' APARTMENT WITHIN THE
13 CITY AND COUNTY OF PHILADELPHIA, AND FOR THE SALE OF THE COUNTY
14 PRISON IN WALNUT STREET IN SAID CITY.'" ←

15 Section 11 of the act of February 8, 1842 (P.L.12, No.10),
16 entitled "A supplement to an act entitled 'An act relating to
17 the prison of the county of Chester,' approved February first,
18 one thousand eight hundred and thirty-nine, and relative to the
19 Dauphin county prison."


20 The act of January 4, 1856 (P.L.711, No.661), entitled "A
21 further supplement to an act, entitled 'An Act to provide for
22 the erection of a new prison and debtors' apartment within the
23 city and county of Philadelphia, and for the sale of the county
24 prison in Walnut street in the said city, approved April
25 fourteenth, one thousand eight hundred thirty-five.'"

26 ACT OF APRIL 18, 1857 (P.L.253, NO.295), ENTITLED "A FURTHER
27 SUPPLEMENT TO AN ACT TO REFORM THE PENAL LAWS OF THIS
28 COMMONWEALTH, APPROVED THE SEVENTEENTH DAY OF JANUARY, ANNO
29 DOMINI ONE THOUSAND EIGHT HUNDRED AND THIRTY-ONE." ←

30 ACT OF MAY 1, 1861 (P.L.528, NO.491), ENTITLED "AN ACT

1 GRANTING FURTHER POWERS TO THE INSPECTORS OF THE PHILADELPHIA
2 COUNTY PRISON."

3 Act of April 13, 1868 (P.L.917, No.860), entitled "An act
4 relative to the Luzerne county prison, and to discharged
5 convicts."

6 ~~Sections 8, 12 and 14 of the~~ THE act of June 2, 1871 
7 (P.L.1301, No.1209), entitled "An act to establish and maintain
8 for the city of Philadelphia, a house of correction, employment
9 and reformation for adults and minors."

10 Act of June 6, 1871 (P.L.1354, No.1259), entitled "A
11 supplement to an act relative to the Luzerne county prison and
12 to discharged convicts, approved thirteenth April, Anno Domini
13 one thousand eight hundred and sixty-eight."

14 Act of June 8, 1874 (P.L.278, No.163), entitled "An act
15 relating to prison inspectors and regulating prisons."

16 Sections 2 and 4 of the act of June 13, 1883 (P.L.112, No.
17 99), entitled "An act to abolish the contract system in the
18 prisons and reformatory institutions of the State of
19 Pennsylvania, and to regulate the wages of the inmates."

20 Act of June 22, 1897 (P.L.182, No.150), entitled "A
21 supplement to an act entitled 'An act for the punishment of
22 cruelty to animals in this Commonwealth,' approved the twenty-
23 ninth day of March, one thousand eight hundred and sixty-nine,
24 requiring the keepers or persons in charge of all jails, lock-
25 ups and station-houses within the Commonwealth to receive all
26 persons arrested for any violation of the provisions of said
27 act."

28 Act of May 25, 1907 (P.L.247, No.191), entitled "An act
29 authorizing the employment of male prisoners of the jails, and
30 workhouses of this Commonwealth upon the public highways of the

1 several counties, and regulating the same; and providing for the
2 establishment of Prison Boards, the purchase of material and
3 tools, and employment of deputies, at the expense of the proper
4 county, and a penalty for the escape of prisoners while employed
5 outside of said jails, workhouses."

6 Act of May 28, 1913 (P.L.363, No.247), entitled "An act
7 regulating the discharge of prisoners on parole, from the penal
8 institutions of the Commonwealth."

9 Section 9 of the act of July 25, 1913 (P.L.1311, No.816),
10 entitled "An act providing for the establishment of a State
11 Industrial Home for Women; authorizing the purchase of a site,
12 and the erection thereon and equipment of necessary buildings;
13 providing for the commitment to said State Industrial Home for
14 Women of females between the ages of sixteen and thirty years,
15 convicted of, or pleading guilty to, the commission of any
16 criminal offense; and providing for the government and
17 management of said institution; and making an appropriation to
18 carry out the purposes of this act."

19 Act of July 19, 1917 (P.L.1117, No.378), entitled "An act
20 providing for the establishment, in cities of the first class,
21 of a house or houses of detention for witnesses and untried
22 prisoners; for the commitment of such prisoners and witnesses
23 thereto; and for the payment of the cost of establishing and
24 maintaining the same by the county wherein said cities are
25 situated."

26 Act of May 1, 1929 (P.L.1184, No.416), entitled "An act
27 conferring and imposing certain powers and duties upon the State
28 Board of Pardons with respect to inmates of State penal and
29 correctional institutions released on parole."

30 Act of June 22, 1931 (P.L.864, No.280), entitled "An act

1 making a convict whose minimum sentence exceeds one-half of the
2 maximum sentence eligible to apply for release on parole when
3 said convict has served or will have served one-half his maximum
4 sentence."

5 Sections 25, 31, 32, 33, 33.1 and 34.1 of the act of August
6 6, 1941 (P.L.861, No.323), entitled, as amended, "An act to
7 create a uniform and exclusive system for the administration of
8 parole in this Commonwealth; providing state probation services;
9 establishing the 'Pennsylvania Board of Probation and Parole';
10 conferring and defining its jurisdiction, duties, powers and
11 functions; including the supervision of persons placed upon
12 probation and parole in certain designated cases; providing for
13 the method of appointment of its members; regulating the
14 appointment, removal and discharge of its officers, clerks and
15 employes; dividing the Commonwealth into administrative
16 districts for purposes of probation and parole; fixing the
17 salaries of members of the board and of certain other officers
18 and employes thereof; making violations of certain provisions of
19 this act misdemeanors; providing penalties therefor; and for
20 other cognate purposes, and making an appropriation."

21 Act of December 27, 1965 (P.L.1237, No.502), entitled "An act
22 establishing regional correctional facilities administered by
23 the Bureau of Correction as part of the State correctional
24 system; establishing standards for county jails, and providing
25 for inspection and classification of county jails and for
26 commitment to State correctional facilities and county jails."

27 Act of March 21, 1986 (P.L.64, No.19), known as the Private
28 Prison Moratorium and Study Act.

29 Chapters 3, 5, 9 and 11 of the act of July 1, 1990 (P.L.315,
30 No.71), known as the Prison Facilities Improvement Act.

1 Section 10. The following shall apply:

2 (1) Except as otherwise provided in 61 Pa.C.S. Pts. I,
3 II, III, IV and V, all activities initiated under any of the
4 acts identified in section 8 of this act shall continue and
5 remain in full force and effect and may be completed under 61
6 Pa.C.S. Pts. I, II, III, IV and V. Resolutions, orders,
7 regulations, rules and decisions which were made under any of
8 the acts identified in section 8 of this act and which are in
9 effect on the effective date of this section shall remain in
10 full force and effect until revoked, vacated or modified
11 under 61 Pa.C.S. Pts. I, II, III, IV and V. Contracts,
12 obligations and agreements entered into under any of the acts
13 identified in section 8 of this act are not affected nor
14 impaired by the continuation of the acts and parts of acts
15 identified in section 8.

16 (2) Any difference in language between 61 Pa.C.S. Pts.
17 I, II, III, IV and V and the acts identified in section 8 of
18 this act is intended only to conform to the style of the
19 Pennsylvania Consolidated Statutes and is not intended to
20 change or affect the legislative intent, judicial
21 construction or administrative interpretation and
22 implementation of those acts, except as follows:

23 61 Pa.C.S. Part I.

24 61 Pa.C.S. § 3104(f).

25 The definition of "motivational boot camp" in 61
26 Pa.C.S. § 3903, by deleting an obsolete reference to
27 ventilation therapy.

28 61 Pa.C.S. § 5903, by adding a reference to civilian
29 clothing to conform to Department of Corrections policy.

30 61 Pa.C.S. § 6112(a)(5).

1 61 Pa.C.S. § 6138(a)(5)(ii) and (d) to conform to
2 Department of Corrections policy.

3 Section 11. (a) The repeals in this section are necessary
4 to effectuate this act.

5 (b) The following acts and parts of acts are repealed:

6 ACT OF MARCH 29, 1819 (P.L.232, NO.146), ENTITLED "AN ACT TO
7 PREVENT THE CORONER OF PHILADELPHIA COUNTY FROM HOLDING INQUESTS
8 IN CERTAIN CASES, AND FOR OTHER PURPOSES." ←

9 Act of January 17, 1831 (P.L.12, No.12), entitled "A further
10 supplement to an act, entitled, An act to reform the penal laws
11 of this Commonwealth."

12 ACT OF APRIL 14, 1835 (P.L.232, NO.140), ENTITLED "A
13 SUPPLEMENT TO THE ACT ENTITLED 'AN ACT TO PROVIDE FOR THE
14 ERECTION OF A NEW PRISON AND A DEBTORS' APARTMENT WITHIN THE
15 CITY AND COUNTY OF PHILADELPHIA, AND FOR THE SALE OF THE COUNTY
16 PRISON IN WALNUT STREET IN SAID CITY.'" ←

17 Act of February 8, 1842 (P.L.12, No.10), entitled "A
18 supplement to an act entitled 'An act relating to the prison of
19 the county of Chester,' approved February first, one thousand
20 eight hundred and thirty-nine, and relative to the Dauphin
21 county prison."

22 Section 5 of the act of April 16, 1845 (P.L.507, No.342),
23 entitled "An act to provide for the ordinary expenses of the
24 government, repair of the canals and railroads of the state, and
25 other claims upon the commonwealth."

26 Act of January 4, 1856 (P.L.711, No.661), entitled "A further
27 supplement to an act, entitled 'An act to provide for the
28 erection of a new prison and debtors' apartment within the city
29 and county of Philadelphia, and for the sale of the county
30 prison in Walnut street in the said city,' approved April

1 fourteenth, one thousand eight hundred thirty-five."

2 ACT OF APRIL 18, 1857 (P.L.253, NO.295), ENTITLED "A FURTHER
3 SUPPLEMENT TO AN ACT TO REFORM THE PENAL LAWS OF THIS
4 COMMONWEALTH, APPROVED THE SEVENTEENTH DAY OF JANUARY, ANNO
5 DOMINI ONE THOUSAND EIGHT HUNDRED AND THIRTY-ONE."

6 ACT OF MAY 1, 1861 (P.L.528, NO.491), ENTITLED "AN ACT
7 GRANTING FURTHER POWERS TO THE INSPECTORS OF THE PHILADELPHIA
8 COUNTY PRISON."

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 2, 1871 (P.L.1301, NO.1209), ENTITLED "AN ACT TO
16 ESTABLISH AND MAINTAIN FOR THE CITY OF PHILADELPHIA, A HOUSE OF
17 CORRECTION, EMPLOYMENT AND REFORMATION FOR ADULTS AND MINORS."

18 Act of June 6, 1871 (P.L.1354, No.1259), entitled "A
19 supplement to an act relative to the Luzerne county prison and
20 to discharged convicts, approved thirteenth April, Anno Domini
21 one thousand eight hundred and sixty-eight."

22 Act of June 8, 1874 (P.L.278, No.163), entitled "An act
23 relating to prison inspectors and regulating prisons."

24 Act of June 13, 1883 (P.L.112, No.99), entitled "An act to
25 abolish the contract system in the prisons and reformatory
26 institutions of the State of Pennsylvania, and to regulate the
27 wages of the inmates."

28 Act of June 20, 1883 (P.L.125, No.110), entitled "An act to
29 require a brand upon all goods, wares, merchandise or other
30 article or thing made for sale by convict labor in any

1 penitentiary, reformatory prison, school or other establishment
2 in which convict labor is employed."

3 Act of May 9, 1889 (P.L.154, No.170), entitled "An act
4 authorizing and empowering boards of prison inspectors, in
5 counties where such boards exist, to fix the salaries of deputy
6 wardens, keepers and other persons employed in and about the
7 jails of such counties."

8 Act of June 26, 1895 (P.L.377, No.269), entitled "An act
9 authorizing the erection of work-houses in the several counties
10 of this Commonwealth."

11 Act of May 11, 1897 (P.L.49, No.41), entitled "An act
12 relating to appointment of Prison Commissioners in counties of
13 the Commonwealth having over one hundred and fifty thousand
14 population."

15 Act of June 22, 1897 (P.L.182, No.150), entitled "A
16 supplement to an act, entitled 'An act for the punishment of
17 cruelty to animals in this Commonwealth,' approved the twenty-
18 ninth day of March, one thousand eight hundred and sixty-nine,
19 requiring the keepers or persons in charge of all jails, lock-
20 ups and station-houses within the Commonwealth to receive all
21 persons arrested for any violation of the provisions of said
22 act."

23 Act of April 28, 1899 (P.L.89, No.75), entitled "An act
24 authorizing the employment of male prisoners of the jails and
25 workhouses of this Commonwealth, and regulating the same, and
26 providing a penalty for an escape of prisoners while employed
27 outside of said jails or workhouses."

28 Act of March 20, 1903 (P.L.45, No.48), entitled "An act to
29 make active or visiting committees, of societies incorporated
30 for the purpose of visiting and instructing prisoners, official

1 visitors of penal and reformatory institutions."

2 Act of May 25, 1907 (P.L.247, No.191), entitled "An act
3 authorizing the employment of male prisoners of the jails, and
4 workhouses of this Commonwealth upon the public highways of the
5 several counties, and regulating the same; and providing for the
6 establishment of Prison Boards, the purchase of material and
7 tools, and employment of deputies, at the expense of the proper
8 county, and a penalty for the escape of prisoners while employed
9 outside of said jails, workhouses."

10 Act of April 23, 1909 (P.L.141, No.92), entitled "An act
11 providing for the use of borough and township lockups and city
12 or county prisons, for the detention of prisoners arrested by
13 sheriffs, constables, members of the State constabulary, or
14 other persons authorized by the laws of the Commonwealth to make
15 arrests, and entitling boroughs, townships, and cities to
16 receive remuneration for the same."

17 Act of May 14, 1909 (P.L.838, No.656), entitled "An act to
18 define the rights and functions of official visitors of jails,
19 penitentiaries, and other penal or reformatory institutions, and
20 providing for their removal."

21 Act of May 11, 1911 (P.L.274, No.176), entitled "An act to
22 prohibit the bringing into prisons of all weapons or other
23 implements which may be used to injure any convict or person, or
24 in assisting any convict to escape punishment, or the selling or
25 furnishing of same to convicts; to prohibit the bringing into
26 prisons of all spirituous or fermented liquors, drugs,
27 medicines, poisons, opium, morphine, or any other kind or
28 character of narcotics; or the giving, selling or furnishing of
29 spirituous or fermented liquor, drugs, medicine, poison, opium,
30 morphine, or any other kind or character of narcotics; or

1 bringing into or taking out letters, notes, money, or contraband
2 goods of any kind, whatsoever; and providing a penalty for the
3 violation thereof."

4 Act of June 7, 1911 (P.L.677, No.268), entitled "An act
5 providing for the payment of the costs of proceedings and the
6 expenses of maintaining prisoners committed to county prisons,
7 either for non-payment of fines or penalties imposed for, or
8 while awaiting a hearing upon, any charge for the violation of
9 any city or borough ordinance, or any ordinance of townships of
10 the first class, by the city, borough, or township of the first
11 class whose ordinances are alleged to have been violated, or to
12 which any such fines or penalties are payable."

13 Act of June 19, 1911 (P.L.1059, No.813), referred to as the
14 County Jail and Workhouse Parole Law.

15 Act of May 28, 1913 (P.L.363, No.247), entitled "An act
16 regulating the discharge of prisoners on parole, from the penal
17 institutions of the Commonwealth."

18 Act of June 19, 1913 (P.L.532, No.340), entitled "A
19 supplement to an act approved the nineteenth day of June, one
20 thousand nine hundred eleven, entitled 'An act authorizing the
21 release on probation of certain convicts, instead of imposing
22 sentences; the appointment of probation and parole officers, and
23 the payment of their salaries and expenses; regulating the
24 manner of sentencing convicts in certain cases, and providing
25 for their release on parole; their conviction of crime during
26 parole, and their re-arrest and reconviction for breach of
27 parole; and extending the powers and duties of boards of prison
28 inspectors of penitentiaries.'"

29 Act of July 22, 1913 (P.L.912, No.437), entitled "An act
30 providing for the payment of the costs incurred in the trial of

1 convicts and prisoners escaping, or attempting to escape, from
2 the several penitentiaries and reformatories of the Commonwealth
3 of Pennsylvania, by the respective counties from whose courts
4 the said escaping convicts or prisoners have been committed; and
5 providing for the maintenance of such convicts under sentence
6 for escape, et cetera."

7 Section 9 of the act of July 25, 1913 (P.L.1311, No.816),
8 entitled "An act providing for the establishment of a State
9 Industrial Home for Women; authorizing the purchase of a site,
10 and the erection thereon and equipment of necessary buildings;
11 providing for the commitment to said State Industrial Home for
12 Women of females between the ages of sixteen and thirty years,
13 convicted of, or pleading guilty to, the commission of any
14 criminal offense; and providing for the government and
15 management of said institution; and making an appropriation to
16 carry out the purposes of this act."

17 Act of May 24, 1917 (P.L.283, No.150), entitled "An act
18 fixing the residence of the warden of the county jail or prison,
19 in counties of this Commonwealth where the government of such
20 jail or prison is or may hereafter be vested in a prison board."

21 Act of July 17, 1917 (P.L.1036, No.337), entitled "A Joint
22 Resolution authorizing the authorities having control and
23 supervision of county jails and prisons to permit the employment
24 of inmates thereof on county or almshouse farms; exempting
25 wardens and keepers from liability in certain cases for
26 escapes."

27 Act of July 19, 1917 (P.L.1117, No.378), entitled "An act
28 providing for the establishment, in cities of the first class,
29 of a house or houses of detention for witnesses and untried
30 prisoners; for the commitment of such prisoners and witnesses

1 thereto; and for the payment of the cost of establishing and
2 maintaining the same by the county wherein said cities are
3 situated."

4 Act of May 31, 1919 (P.L.356, No.170), entitled, as amended,
5 "An act authorizing courts of record to remove convicts and
6 persons confined in jails, workhouses, reformatories, reform or
7 industrial schools, penitentiaries, prisons, houses of
8 correction or any other penal institutions, who are seriously
9 ill, to other institutions; and providing penalties for breach
10 of prison."

11 Act of May 10, 1921 (P.L.433, No.209), entitled "An act
12 providing for the sentencing of certain criminals to
13 reformatories or houses of correction in counties of the first
14 class."

15 Act of May 16, 1921 (P.L.579, No.262), referred to as the
16 County Prison Board Law.

17 Act of May 19, 1923 (P.L.271, No.172), entitled "An act
18 providing a system of employment and compensation for the
19 inmates of county jails and prisons."

20 Act of June 14, 1923 (P.L.775, No.306), entitled "An act to
21 provide for the physical welfare of all persons confined
22 (whether such persons be tried or untried prisoners) in any
23 penitentiary or county prison in this Commonwealth."

24 Act of July 11, 1923 (P.L.1044, No.425), referred to as the
25 Prisoner Transfer Law.

26 Act of April 27, 1927 (P.L.414, No.270), entitled, as
27 amended, "An act providing for a system of recording the
28 identification of persons convicted of crime, and of fugitives
29 from justice, and habitual criminals; conferring powers and
30 imposing duties upon the Pennsylvania State Police, district

1 attorneys, police officers, wardens or keepers of jails,
2 prisons, workhouses, or other penal institutions, and sheriffs;
3 providing for the payment of certain expenses by the counties;
4 and imposing penalties."

5 Sections 903-B and 904-B of the act of April 9, 1929 (P.L.
6 177, No.175), known as The Administrative Code of 1929.

7 Act of May 1, 1929 (P.L.1182, No.414), entitled "An act
8 providing the procedure and the powers of the State Board of
9 Pardons and boards of trustees of penitentiaries where prisoners
10 released on parole violate the terms of such parole; and fixing
11 the penalty for such violation."

12 Act of May 1, 1929 (P.L.1184, No.416), entitled "An act
13 conferring and imposing certain powers and duties upon the State
14 Board of Pardons with respect to inmates of State penal and
15 correctional institutions released on parole."

16 Act of May 20, 1931 (P.L.138, No.99), entitled "An act
17 permitting the sale of prison made goods, in counties of the
18 first class, to such counties and to cities and school districts
19 and to political subdivisions of such counties and to certain
20 institutions therein; permitting contracts for such sales and
21 purchases, without advertising or competitive bidding;
22 permitting payment of compensation to inmates; and repealing
23 inconsistent laws."

24 Act of June 12, 1931 (P.L.512, No.166), referred to as the
25 Industrial Farms and Workhouses Law.

26 Act of June 22, 1931 (P.L.864, No.280), entitled "An act
27 making a convict whose minimum sentence exceeds one-half of the
28 maximum sentence eligible to apply for release on parole when
29 said convict has served or will have served one-half his maximum
30 sentence."

1 Act of June 21, 1939 (P.L.660, No.307), entitled, as amended,
2 "An act providing for the return of escaped prisoners and
3 convicts after apprehension, to the penitentiary or state
4 institution from which they escape, by the agents of the
5 Department of Justice or the Pennsylvania State Police, and
6 requiring the penitentiary or state institution to defray the
7 expenses thereof."

8 Act of August 6, 1941 (P.L.861, No.323), referred to as the
9 Pennsylvania Board of Probation and Parole Law.

10 Act of May 17, 1945 (P.L.628, No.268), entitled "An act
11 requiring boards of prison inspectors in counties of the fourth
12 class to pay the premiums on all bonds required of employes
13 appointed by the board."

14 Act of May 11, 1949 (P.L.1191, No.359), entitled "An act for
15 the government, management and control of county jails and
16 prisons in counties of sixth, seventh and eighth classes."

17 Article XXX-A of the act of July 28, 1953 (P.L.723, No.230),
18 known as the Second Class County Code.

19 Act of December 13, 1955 (P.L.829, No.240), entitled "An act
20 authorizing the commitment to the Department of Public Welfare
21 in any city of the first class persons convicted of crimes and
22 sentences by courts situate within such city to a city or county
23 penal institution, where such Department has established a
24 correctional, diagnostic and classification service, and
25 authorizing the transfer of prisoners between such institutions
26 by the Department."

27 Act of December 13, 1955 (P.L.841, No.246), entitled "An act
28 authorizing cooperative return of parole and probation violators
29 and the making of contracts or deputization of persons pursuant
30 thereto."

1 Act of August 6, 1963 (P.L.521, No.277), entitled "An act
2 providing that probation officers shall have the power of peace
3 officers in the performance of their duties."

4 Act of August 13, 1963 (P.L.774, No.390), entitled "An act
5 authorizing courts to permit certain prisoners to leave jail
6 during reasonable and necessary hours for occupational,
7 scholastic or medical purposes; conferring powers and imposing
8 duties upon courts, county commissioners and sheriffs and other
9 persons in charge of a jail or workhouse."

10 Act of December 22, 1965 (P.L.1189, No.472), entitled "An act
11 establishing a correctional facility for criminological
12 diagnosis, classification, social and psychological treatment
13 and research, medical treatment and staff training."

14 Act of December 27, 1965 (P.L.1237, No.502), entitled "An act
15 establishing regional correctional facilities administered by
16 the Bureau of Correction as part of the State correctional
17 system; establishing standards for county jails, and providing
18 for inspection and classification of county jails and for
19 commitment to State correctional facilities and county jails."

20 Act of July 16, 1968 (P.L.351, No.173), referred to as the
21 Prisoner Pre-release Plan Law.

22 Act of December 22, 1969 (P.L.394, No.175), entitled "An act
23 providing for the establishment, operation and maintenance of
24 detention facilities for certain persons by adjoining counties
25 on approval by the Bureau of Correction."

26 Act of October 16, 1972 (P.L.913, No.218), entitled "An act
27 establishing regional community treatment centers for women
28 administered by the Bureau of Correction of the Department of
29 Justice as part of the State Correctional System, providing for
30 the commitment of females to such centers and their temporary

1 release therefrom for certain purposes, restricting confinement
2 of females in county jails and conferring powers and duties upon
3 the Department of Justice and the Bureau of Correction."

4 Act of December 30, 1974 (P.L.1075, No.348), known as the
5 Interstate Corrections Compact.

6 Act of March 21, 1986 (P.L.64, No.19), known as the Private
7 Prison Moratorium and Study Act.

8 Chapters 3, 5, 9 and 11 of the act of July 1, 1990 (P.L.315,
9 No.71), known as the Prison Facilities Improvement Act.

10 Act of December 7, 1990 (P.L.615, No.156), known as the
11 Official Visitation of Prisons Act.

12 Act of December 19, 1990 (P.L.1391, No.215), known as the
13 Motivational Boot Camp Act.

14 Act of December 27, 1994 (P.L.1354, No.158), known as the
15 County Probation and Parole Officers' Firearm Education and
16 Training Law.

17 Act of May 16, 1996 (P.L.220, No.40), known as the Prison
18 Medical Services Act.

19 Act of June 18, 1998 (P.L.622, No.80), entitled "An act
20 providing for a procedure and method of execution; and making
21 repeals."

22 Act of December 3, 1998 (P.L.932, No.120), entitled "An act
23 requiring all prison inmates to wear identifiable prison
24 uniforms while incarcerated."

25 Act of June 19, 2002 (P.L.377, No.56), known as the
26 Interstate Compact for the Supervision of Adult Offenders Act.

27 (c) The following acts are also repealed:

28 Act of June 25, 1937 (P.L.2086, No.415), entitled "An act
29 providing for the making of compacts by the Commonwealth with
30 other states for mutual helpfulness in relation to persons on

1 probation or parole; and imposing certain powers and duties on
2 the Governor and the Board of Pardons."

3 Act of July 20, 1968 (P.L.441, No.207), entitled "An act
4 providing for the incarceration of probationers or parolees in
5 certain other states under certain circumstances."

6 (d) The act of December 8, 1959 (P.L.1718, No.632),
7 entitled, as amended, "An act providing for the payment of the
8 salary, medical and hospital expenses of employes of State penal
9 and correctional institutions, State mental hospitals, Youth
10 Development Centers, County Boards of Assistance, and under
11 certain conditions other employes of the Department of Public
12 Welfare, who are injured in the performance of their duties; and
13 providing benefit to their widows and dependents in certain
14 cases," is repealed insofar as it relates to employees of State
15 correctional institutions as that term is defined in 61 Pa.C.S.
16 § 102 (relating to definitions).

17 Section 12. A reference in any act or part of an act to:

18 (1) A parole agent of a county shall be deemed a
19 reference to a probation officer.

20 (2) A parole officer of the State shall be deemed a
21 reference to a parole agent.

22 (3) The County Probation and Parole Officers' Firearm
23 Education and Training Program shall be deemed a reference to
24 the County Probation Officers' Firearm Education and Training
25 Program.

26 (4) The County Probation and Parole Officers' Firearm
27 Education and Training Fund shall be deemed a reference to
28 the County Probation Officers' Firearm Education and Training
29 Fund.

30 Section 13. The County Probation Officers' Firearm Education

1 and Training Commission is a continuation of the County
2 Probation and Parole Officers' Firearm Education and Training
3 Commission.

4 Section 14. The County Probation Officers' Firearm Education
5 and Training Fund is a continuation of the County Probation and
6 Parole Officers' Firearm Education and Training Fund.

7 Section 15. This act shall take effect as follows:

8 (1) Section 11(c) of this act shall take effect on the
9 date that the Interstate Compact for the Supervision of Adult
10 Offenders becomes effective and operative between this State
11 and any other state or states in accordance with 61 Pa.C.S. §
12 7113.

13 (2) The remainder of this act shall take effect in 60
14 days.