

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1161 Session of 2009

INTRODUCED BY GREENLEAF, WASHINGTON, FERLO, TARTAGLIONE, EARLL, LEACH, STOUT AND SMUCKER, DECEMBER 14, 2009

AS AMENDED ON THIRD CONSIDERATION, JUNE 7, 2010

AN ACT

1 Amending Title 61 (Penal and Correctional Institutions) of the
2 Pennsylvania Consolidated Statutes, in inmate prerelease
3 plans, providing for inmates serving short minimum sentences;
4 and, in probation and parole, PROVIDING FOR RELEASE TO GROUP-
5 BASED HOME PROVIDERS; AND further providing for parole power.



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

8 Section 1. Title 61 of the Pennsylvania Consolidated
9 Statutes is amended by adding a section SECTIONS to read:



10 § 3705. Inmates serving short minimum sentences.

11 Subject to the provisions of this chapter on procedures for
12 prerelease, if an inmate is within 18 months of completing his
13 minimum sentence when the inmate is committed to the supervision
14 of the department and the inmate has no outstanding detainers,
15 the inmate may be transferred to and confined in a prerelease
16 center regardless of the length of time that the inmate has been
17 under the supervision of the department. While confined in the
18 prerelease center, the inmate may complete any prescribed
19 programming consistent with the inmate's prerelease plan.



1 § 6124. RELEASE TO GROUP-BASED HOME PROVIDERS.

2 (A) PUBLIC HEARING REQUIRED.--

3 (1) UPON RELEASE OF AN INDIVIDUAL CONVICTED OF AN
4 OFFENSE UNDER 18 PA.C.S. § 2502 (RELATING TO MURDER) TO A
5 GROUP-BASED HOME PROVIDER, THE BOARD OR, IN THE CASE WHERE
6 THE INDIVIDUAL IS NOT SUBJECT TO THE JURISDICTION OF THE
7 BOARD, A COURT OF APPROPRIATE JURISDICTION, SHALL CONDUCT A
8 PUBLIC HEARING WITHIN 20 MILES OF THE LOCATION OF THE GROUP-
9 BASED HOME PROVIDER.

10 (2) AT THE PUBLIC HEARING THE GROUP-BASED HOME PROVIDER
11 SHALL EXPLAIN THE OPERATION OF THE GROUP-BASED HOME PROVIDER
12 AND THE BOARD OR COURT, AS APPLICABLE, SHALL PERMIT PUBLIC
13 COMMENTS RELATING TO THE SITE AND OPERATION OF THE GROUP-
14 BASED HOME PROVIDER.

15 (B) PUBLIC NOTICE.--

16 (1) THE BOARD OR COURT, AS APPLICABLE, SHALL PROVIDE
17 NOTICE OF THE PUBLIC HEARING IN A NEWSPAPER OF GENERAL
18 CIRCULATION ON AT LEAST TWO DIFFERENT DATES PRIOR TO THE
19 HEARING. EACH NOTICE SHALL PROVIDE INFORMATION REGARDING
20 TOPIC, LOCATION AND TIME OF THE PUBLIC HEARING AND A CONTACT
21 NUMBER FOR INTERESTED PERSONS TO CALL FOR ADDITIONAL
22 INFORMATION.

23 (2) THE BOARD OR COURT, AS APPLICABLE, SHALL SEND A COPY
24 OF THE NOTICE OF THE PUBLIC HEARING TO THE GOVERNING BODY OF
25 THE MUNICIPALITY WHERE THE GROUP-BASED HOME PROVIDER IS
26 LOCATED.

27 (C) DEFINITION.--AS USED IN THIS SECTION, THE TERM "GROUP-
28 BASED HOME PROVIDER" MEANS A PRIVATE RESIDENTIAL FACILITY THAT
29 HOUSES INMATES WITH PRERELEASE STATUS OR INDIVIDUALS WHO ARE ON
30 PROBATION OR PAROLE.

1 Section 2. Section 6137(a) of Title 61 is amended by adding
2 a paragraph to read:

3 § 6137. Parole power.

4 (a) General criteria for parole.--

5 * * *

6 (3.1) (i) If an inmate's minimum term of imprisonment
7 is expiring and the primary reason for not paroling the
8 inmate is the inmate's inability to access and complete
9 prescribed programming within the correctional
10 institution, the board may release the inmate on parole
11 with the condition that the inmate complete the
12 prescribed programming while on parole.

13 (ii) This paragraph shall not apply to offenders who
14 are serving a term of imprisonment for a crime of
15 violence as defined in 42 Pa.C.S. § 9714 (relating to
16 sentences for second and subsequent offenses) or for a
17 crime requiring registration under 42 Pa.C.S. § 9795.1
18 (relating to registration).

19 * * *

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