

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 REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 21, 2010

AN ACT

1 Amending ~~Title 61 (Penal and Correctional Institutions)~~ TITLES ←
2 42 (JUDICIARY AND JUDICIAL PROCEDURE) AND 61 (PRISONS AND
3 PAROLE) of the Pennsylvania Consolidated Statutes, ~~in inmate~~ ←
4 ~~prerelease plans, providing for inmates serving short minimum~~
5 ~~sentences; and, in probation and parole, providing for~~
6 ~~release to group based home providers; and further providing~~
7 ~~for parole power~~ FURTHER PROVIDING FOR ADOPTION OF GUIDELINES ←
8 FOR SENTENCING; PROVIDING FOR ADOPTION OF RISK ASSESSMENT
9 INSTRUMENT; IN GENERAL ADMINISTRATION, PROVIDING FOR POWERS
10 AND DUTIES OF DEPARTMENT; IN COUNTY JAIL OVERSIGHT BOARD IN
11 COUNTIES OF THE SECOND CLASS AND SECOND CLASS A, FURTHER
12 PROVIDING FOR SCOPE OF SUBCHAPTER, FOR DEFINITIONS AND FOR
13 COUNTY JAIL OVERSIGHT BOARD; IN INMATE LABOR, ADDING
14 PROVISIONS RELATING TO STATE CORRECTIONAL INSTITUTIONS AND
15 THE PRISON LABOR COMMISSION; IN INMATE PRERELEASE PLANS,
16 PROVIDING FOR INMATES SERVING SHORT MINIMUM SENTENCES; IN
17 MOTIVATIONAL BOOT CAMP, PROVIDING FOR EVALUATION; IN STATE
18 INTERMEDIATE PUNISHMENT, FURTHER PROVIDING FOR EVALUATION AND
19 FOR REPORTS; IN PROBATION AND PAROLE, PROVIDING FOR RELEASE
20 TO GROUP-BASED HOME PROVIDERS; FURTHER PROVIDING FOR PAROLE
21 POWER; IN INTERSTATE COMPACTS, FURTHER PROVIDING FOR POWERS
22 OF ATTORNEY GENERAL; PROVIDING FOR INTERSTATE COMPACT FOR THE
23 SUPERVISION OF ADULT OFFENDERS FEE; PROVIDING FOR
24 CONFIDENTIALITY OF VICTIM INFORMATION; FURTHER PROVIDING FOR
25 BOARD ACTIONS, FOR GENERAL POWERS OF THE BOARD, FOR PAROLE
26 POWER, FOR VIOLATION OF TERMS OF PAROLE, FOR VICTIM
27 STATEMENTS, TESTIMONY AND PARTICIPATION IN HEARING AND FOR
28 SUPERVISORY RELATIONSHIP TO OFFENDERS; TRANSFERRING SUMS TO
29 THE PENNSYLVANIA COMMISSION ON SENTENCING; PROVIDING FOR
30 ADULT SUPERVISION FEE; AND MAKING EDITORIAL CHANGES AND A
31 RELATED REPEAL.

1 The General Assembly of the Commonwealth of Pennsylvania
2 hereby enacts as follows:

3 ~~Section 1. Title 61 of the Pennsylvania Consolidated~~
4 ~~Statutes is amended by adding sections to read:~~

5 ~~§ 3705. Inmates serving short minimum sentences.~~

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

15 ~~§ 6124. Release to group based home providers.~~

16 ~~(a) Public hearing required.~~

17 ~~(1) Upon release of an individual convicted of an~~
18 ~~offense under 18 Pa.C.S. § 2502 (relating to murder) to a~~
19 ~~group based home provider, the board or, in the case where~~
20 ~~the individual is not subject to the jurisdiction of the~~
21 ~~board, a court of appropriate jurisdiction, shall conduct a~~
22 ~~public hearing within 20 miles of the location of the group~~
23 ~~based home provider.~~

24 ~~(2) At the public hearing the group based home provider~~
25 ~~shall explain the operation of the group based home provider~~
26 ~~and the board or court, as applicable, shall permit public~~
27 ~~comments relating to the site and operation of the group~~
28 ~~based home provider.~~

29 ~~(b) Public notice.~~

30 ~~(1) The board or court, as applicable, shall provide~~

1 ~~notice of the public hearing in a newspaper of general~~
2 ~~circulation on at least two different dates prior to the~~
3 ~~hearing. Each notice shall provide information regarding~~
4 ~~topic, location and time of the public hearing and a contact~~
5 ~~number for interested persons to call for additional~~
6 ~~information.~~

7 ~~(2) The board or court, as applicable, shall send a copy~~
8 ~~of the notice of the public hearing to the governing body of~~
9 ~~the municipality where the group based home provider is~~
10 ~~located.~~

11 ~~(c) Definition. As used in this section, the term "group~~
12 ~~based home provider" means a private residential facility that~~
13 ~~houses inmates with prerelease status or individuals who are on~~
14 ~~probation or parole.~~

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

17 § 6137. Parole power.

18 (a) General criteria for parole.

19 * * *

20 ~~(3.1) (i) If an inmate's minimum term of imprisonment~~
21 ~~is expiring and the primary reason for not paroling the~~
22 ~~inmate is the inmate's inability to access and complete~~
23 ~~prescribed programming within the correctional~~
24 ~~institution, the board may release the inmate on parole~~
25 ~~with the condition that the inmate complete the~~
26 ~~prescribed programming while on parole.~~

27 ~~(ii) This paragraph shall not apply to offenders who~~
28 ~~are serving a term of imprisonment for a crime of~~
29 ~~violence as defined in 42 Pa.C.S. § 9714 (relating to~~
30 ~~sentences for second and subsequent offenses) or for a~~

1 ~~crime requiring registration under 42 Pa.C.S. § 9795.1~~
2 ~~(relating to registration).~~

3 * * *

4 ~~Section 3. This act shall take effect in 60 days.~~

5 SECTION 1. SECTIONS 2154 AND 2154.2 OF TITLE 42 OF THE
6 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:



7 § 2154. ADOPTION OF GUIDELINES FOR SENTENCING.

8 (A) GENERAL RULE.--THE COMMISSION SHALL ADOPT GUIDELINES FOR
9 SENTENCING WITHIN THE LIMITS ESTABLISHED BY LAW WHICH SHALL BE
10 CONSIDERED BY THE SENTENCING COURT IN DETERMINING THE
11 APPROPRIATE SENTENCE FOR DEFENDANTS WHO PLEAD GUILTY OR NOLO
12 CONTENDERE TO, OR WHO WERE FOUND GUILTY OF, FELONIES AND
13 MISDEMEANORS. IN ADOPTING GUIDELINES, THE COMMISSION SHALL
14 RECOMMEND CONFINEMENT THAT IS CONSISTENT WITH THE PROTECTION OF
15 THE PUBLIC, THE GRAVITY OF THE OFFENSE AS IT RELATES TO THE
16 IMPACT ON THE LIFE OF THE VICTIM AND THE COMMUNITY AND THE
17 REHABILITATIVE NEEDS OF THE OFFENDER. THE GUIDELINES SHALL
18 ADDRESS THE FOLLOWING:

19 (1) [SPECIFY] SERIOUSNESS OF THE OFFENSE, BY SPECIFYING
20 THE RANGE OF SENTENCES APPLICABLE TO CRIMES OF A GIVEN DEGREE
21 OF GRAVITY, INCLUDING INCAPACITATION OF SERIOUS VIOLENT
22 OFFENDERS.

23 (2) [SPECIFY] CRIMINAL HISTORY, BY SPECIFYING A RANGE OF
24 SENTENCES OF INCREASED SEVERITY FOR [DEFENDANTS] OFFENDERS
25 PREVIOUSLY CONVICTED OF OR ADJUDICATED DELINQUENT FOR ONE OR
26 MORE MISDEMEANOR OR FELONY OFFENSES COMMITTED PRIOR TO THE
27 CURRENT OFFENSE. [FOR PURPOSES OF THIS SECTION "PREVIOUSLY
28 CONVICTED OR ADJUDICATED DELINQUENT" SHALL INCLUDE ANY
29 FINDING OF GUILT OR ADJUDICATION OF DELINQUENCY WHETHER OR
30 NOT SENTENCE HAS BEEN IMPOSED OR DISPOSITION ORDERED PRIOR TO

1 THE COMMISSION OF THE CURRENT OFFENSE.]

2 (3) [SPECIFY] CRIMINAL BEHAVIOR, BY SPECIFYING A RANGE
3 OF SENTENCES OF INCREASED SEVERITY FOR [DEFENDANTS] OFFENDERS
4 WHO POSE A SUBSTANTIAL RISK TO PUBLIC SAFETY, INCLUDING THOSE
5 WHO POSSESSED OR USED A DEADLY WEAPON DURING THE COMMISSION
6 OF THE CURRENT CONVICTION OFFENSE.

7 (4) [PRESCRIBE] AGGRAVATED AND MITIGATED RANGES, BY
8 SPECIFYING VARIATIONS FROM THE RANGE OF SENTENCES APPLICABLE
9 ON ACCOUNT OF AGGRAVATING OR MITIGATING CIRCUMSTANCES.

10 (5) [CONSIDER THE] THE IMPACT OF ANY AMENDMENTS TO
11 SECTION 9756 (RELATING TO SENTENCE OF TOTAL CONFINEMENT).

12 (B) [DEFINITION.--AS USED IN THIS SECTION THE TERM
13 "POSSESSED" MEANS ON THE DEFENDANT'S PERSON OR WITHIN HIS
14 IMMEDIATE PHYSICAL CONTROL.] DEFINITIONS.--AS USED IN THIS
15 SECTION, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS
16 GIVEN TO THEM IN THIS SUBSECTION UNLESS THE CONTEXT CLEARLY
17 INDICATES OTHERWISE:

18 "POSSESSED." ON A DEFENDANT'S PERSON OR WITHIN THE
19 DEFENDANT'S IMMEDIATE PHYSICAL CONTROL.

20 "PREVIOUSLY CONVICTED OF OR ADJUDICATED DELINQUENT." ANY
21 FINDING OF GUILT OR ADJUDICATION OF DELINQUENCY, WHETHER OR NOT
22 SENTENCE HAS BEEN IMPOSED OR DISPOSITION ORDERED PRIOR TO THE
23 COMMISSION OF THE CURRENT OFFENSE.

24 § 2154.2. ADOPTION OF GUIDELINES FOR STATE INTERMEDIATE
25 PUNISHMENT.

26 THE COMMISSION SHALL ADOPT GUIDELINES TO IDENTIFY OFFENDERS
27 WHO WOULD BE APPROPRIATE FOR PARTICIPATION IN STATE INTERMEDIATE
28 PUNISHMENT PROGRAMS. THESE GUIDELINES SHALL BE CONSIDERED BY THE
29 ATTORNEY FOR THE COMMONWEALTH AND THE SENTENCING COURT IN
30 DETERMINING WHETHER TO COMMIT A DEFENDANT FOR EVALUATION AND

1 WHETHER TO SENTENCE AN ELIGIBLE OFFENDER PURSUANT TO [CHAPTER
2 99] 61 PA.C.S. CH. 41 (RELATING TO STATE INTERMEDIATE
3 PUNISHMENT). THE GUIDELINES SHALL:

4 (1) USE THE DESCRIPTION OF "ELIGIBLE OFFENDER" PROVIDED
5 IN [CHAPTER 99] 61 PA.C.S. CH. 41.

6 (2) GIVE PRIMARY CONSIDERATION TO PROTECTION OF THE
7 PUBLIC SAFETY.

8 SECTION 2. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ:
9 § 2154.7. ADOPTION OF RISK ASSESSMENT INSTRUMENT.

10 (A) GENERAL RULE.--THE COMMISSION SHALL ADOPT A SENTENCE
11 RISK ASSESSMENT INSTRUMENT FOR THE SENTENCING COURT TO USE TO
12 HELP DETERMINE THE APPROPRIATE SENTENCE WITHIN THE LIMITS
13 ESTABLISHED BY LAW FOR DEFENDANTS WHO PLEAD GUILTY OR NOLO
14 CONTENDERE TO, OR WHO WERE FOUND GUILTY OF, FELONIES AND
15 MISDEMEANORS. THE RISK ASSESSMENT INSTRUMENT MAY BE USED AS AN
16 AIDE IN EVALUATING THE RELATIVE RISK THAT AN OFFENDER WILL
17 REOFFEND AND BE A THREAT TO PUBLIC SAFETY.

18 (B) SENTENCING GUIDELINES.--THE RISK ASSESSMENT INSTRUMENT
19 MAY BE INCORPORATED INTO THE SENTENCING GUIDELINES UNDER SECTION
20 2154 (RELATING TO ADOPTION OF GUIDELINES FOR SENTENCING).

21 (C) PRESENTENCE INVESTIGATION REPORT.--SUBJECT TO THE
22 PROVISIONS OF THE PENNSYLVANIA RULES OF CRIMINAL PROCEDURE, THE
23 SENTENCING COURT MAY USE THE RISK ASSESSMENT INSTRUMENT TO
24 DETERMINE WHETHER A MORE THOROUGH ASSESSMENT IS NECESSARY AND TO
25 ORDER A PRESENTENCE INVESTIGATION REPORT.

26 (D) ALTERNATIVE SENTENCING.--SUBJECT TO THE ELIGIBILITY
27 REQUIREMENTS OF EACH PROGRAM, THE RISK ASSESSMENT INSTRUMENT MAY
28 BE AN AIDE TO HELP DETERMINE APPROPRIATE CANDIDATES FOR
29 ALTERNATIVE SENTENCING, INCLUDING THE RECIDIVISM RISK REDUCTION
30 INCENTIVE, STATE AND COUNTY INTERMEDIATE PUNISHMENT PROGRAMS AND

1 STATE MOTIVATIONAL BOOT CAMPS.

2 (E) DEFINITION.--AS USED IN THIS SECTION, THE TERM "RISK
3 ASSESSMENT INSTRUMENT" MEANS AN EMPIRICALLY BASED WORKSHEET
4 WHICH USES FACTORS THAT ARE RELEVANT IN PREDICTING RECIDIVISM.

5 SECTION 3. SECTIONS 9721(A.1) AND 9774(A) OF TITLE 42 ARE
6 AMENDED TO READ:

7 § 9721. SENTENCING GENERALLY.

8 * * *

9 (A.1) EXCEPTION.--

10 (1) UNLESS SPECIFICALLY AUTHORIZED UNDER SECTION 9763
11 (RELATING TO A SENTENCE OF COUNTY INTERMEDIATE PUNISHMENT) OR
12 [CHAPTER 99] 61 PA.C.S. CH. 41 (RELATING TO STATE
13 INTERMEDIATE PUNISHMENT), SUBSECTION (A) SHALL NOT APPLY
14 WHERE A MANDATORY MINIMUM SENTENCE IS OTHERWISE PROVIDED BY
15 LAW.

16 (2) AN ELIGIBLE OFFENDER MAY BE SENTENCED TO STATE
17 INTERMEDIATE PUNISHMENT PURSUANT TO SUBSECTION (A) (7) AND AS
18 DESCRIBED IN [CHAPTER 99] 61 PA.C.S. CH. 41, EVEN IF A
19 MANDATORY MINIMUM SENTENCE WOULD OTHERWISE BE PROVIDED BY
20 LAW.

21 * * *

22 § 9774. REVOCATION OF STATE INTERMEDIATE PUNISHMENT SENTENCE.

23 (A) GENERAL RULE.--THE COURT MAY AT ANY TIME TERMINATE A
24 SENTENCE OF STATE INTERMEDIATE PUNISHMENT PURSUANT TO [CHAPTER
25 99] 61 PA.C.S. CH. 41 (RELATING TO STATE INTERMEDIATE
26 PUNISHMENT).

27 * * *

28 SECTION 3.1. TITLE 61 IS AMENDED BY ADDING A SECTION TO
29 READ:

30 § 1105. POWERS AND DUTIES OF DEPARTMENT.

1 (A) GENERAL RULE.--THE DEPARTMENT SHALL HAVE THE POWER AND
2 ITS DUTY SHALL BE:

3 (1) TO ESTABLISH STANDARDS FOR COUNTY CORRECTIONAL
4 INSTITUTIONS, INCLUDING, BUT NOT LIMITED TO, STANDARDS FOR
5 PHYSICAL FACILITIES AND STANDARDS FOR CORRECTIONAL PROGRAMS
6 OF TREATMENT, EDUCATION AND REHABILITATION OF INMATES.

7 (2) TO INSPECT COUNTY CORRECTIONAL INSTITUTIONS AND TO
8 CLASSIFY THEM IN ACCORDANCE WITH STANDARDS ADOPTED UNDER
9 PARAGRAPH (1) AS ELIGIBLE TO RECEIVE INMATES SENTENCED TO
10 MAXIMUM TERMS OF SIX MONTHS OR MORE BUT LESS THAN FIVE YEARS.

11 (B) RULES AND REGULATIONS.--THE DEPARTMENT MAY PRESCRIBE,
12 ADOPT, PROMULGATE AND ENFORCE RULES AND REGULATIONS IN ORDER TO
13 ADMINISTER THE PROVISIONS OF THIS SECTION.

14 SECTION 3.2. SUBCHAPTER B HEADING OF CHAPTER 17 AND SECTIONS
15 1721 AND 1722 OF TITLE 61 ARE AMENDED TO READ:

16 SUBCHAPTER B
17 COUNTY JAIL OVERSIGHT [BOARD IN
18 COUNTIES OF THE SECOND CLASS
19 AND SECOND CLASS A] BOARDS

20 § 1721. SCOPE OF SUBCHAPTER.

21 THIS SUBCHAPTER RELATES TO COUNTY JAIL OVERSIGHT BOARDS [IN
22 COUNTIES OF THE SECOND CLASS AND COUNTIES OF THE SECOND CLASS
23 A].

24 § 1722. DEFINITIONS.

25 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
26 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
27 CONTEXT CLEARLY INDICATES OTHERWISE:

28 "BOARD." THE COUNTY JAIL OVERSIGHT BOARD OF A COUNTY.

29 "COUNTY." A COUNTY OF THE SECOND CLASS OR A COUNTY [OF THE
30 SECOND CLASS A] THAT HAS ELECTED TO BE GOVERNED BY THE

1 PROVISIONS OF THIS SUBCHAPTER UNDER SECTION 1723(D) (RELATING TO
2 COUNTY JAIL OVERSIGHT BOARD).

3 SECTION 3.3. SECTION 1723 OF TITLE 61 IS AMENDED BY ADDING A
4 SUBSECTION TO READ:

5 § 1723. COUNTY JAIL OVERSIGHT BOARD.

6 * * *

7 (D) COUNTIES THAT MAY ELECT TO BE SUBJECT TO SUBCHAPTER.--
8 ANY COUNTY THAT HAS ADOPTED A HOME RULE CHARTER MAY ELECT BY
9 RESOLUTION OF THE GOVERNING BODY OF THE COUNTY TO BE GOVERNED BY
10 THE PROVISIONS OF THIS SUBCHAPTER.

11 SECTION 3.4. SUBCHAPTER C HEADING OF CHAPTER 17 OF TITLE 61
12 IS AMENDED TO READ:

13 SUBCHAPTER C
14 [OTHER COUNTIES] BOARD OF INSPECTORS

15 SECTION 3.5. CHAPTER 31 OF TITLE 61 IS AMENDED BY ADDING A
16 SUBCHAPTER HEADING TO READ:

17 SUBCHAPTER A
18 COUNTY CORRECTIONAL INSTITUTIONS

19 SECTION 3.6. SECTION 3102 OF TITLE 61 IS AMENDED TO READ:
20 § 3102. DISPOSITION OF PROCEEDS OF LABOR.

21 ALL MONEYS RECEIVED UNDER THE PROVISIONS OF THIS [CHAPTER]
22 SUBCHAPTER FOR LABOR DONE WITHIN COUNTY CORRECTIONAL
23 INSTITUTIONS OR THE PRODUCTS OF SUCH LABOR SOLD SHALL BE
24 CREDITED ON ACCOUNT OF THE RECEIPTS AND EXPENDITURES PAID TO AND
25 FOR THE MAINTENANCE OF THE RESPECTIVE CORRECTIONAL INSTITUTIONS.

26 SECTION 3.7. CHAPTER 31 OF TITLE 61 IS AMENDED BY ADDING A
27 SUBCHAPTER TO READ:

28 SUBCHAPTER B
29 STATE CORRECTIONAL INSTITUTIONS

30 SEC.

1 3121. INMATES TO BE EMPLOYED.
2 3122. MANUFACTURING FUND.
3 3123. DEPOSIT OF SALES RECEIPTS.
4 3124. INMATES ACCOUNTS.
5 3125. REMAINDER OF INMATE ACCOUNTS.
6 3126. INMATE-MADE GOODS TO BE BRANDED.
7 3127. SALE OF INMATE-MADE GOODS.
8 § 3121. INMATES TO BE EMPLOYED.

9 THE CHIEF ADMINISTRATORS AT ANY CORRECTIONAL INSTITUTION
10 ESTABLISHED BY THE COMMONWEALTH MAY EMPLOY INMATES UNDER THEIR
11 CONTROL FOR AND ON BEHALF OF THE COMMONWEALTH, ANY COUNTY, CITY,
12 BOROUGH OR TOWNSHIP OR FOR ANY PUBLIC INSTITUTION OWNED, MANAGED
13 AND CONTROLLED BY THE COMMONWEALTH.

14 § 3122. MANUFACTURING FUND.

15 FOR THE PURCHASE OF MATERIAL, EQUIPMENT AND MACHINERY TO BE
16 USED IN THE DESIGNATED STATE CORRECTIONAL INSTITUTIONS, SPECIAL
17 APPROPRIATIONS SHALL BE MADE, FROM TIME TO TIME, TO THE
18 MANUFACTURING FUND.

19 § 3123. DEPOSIT OF SALES RECEIPTS.

20 (A) GENERAL RULE.--THE RECEIPTS FROM THE SALES OF
21 MANUFACTURED ARTICLES, SOLD AS AUTHORIZED IN THIS SUBCHAPTER,
22 SHALL BE DEPOSITED INTO THE MANUFACTURING FUND AND USED FOR THE
23 PURCHASE OF FURTHER MATERIAL, EQUIPMENT, MACHINERY, SUPPLIES,
24 STAFF COMPENSATION AND INMATE PAY.

25 (B) MONTHLY REPORTING.--THE DEPARTMENT SHALL MAKE A FULL
26 MONTHLY REPORT OF THE PRODUCTS, SALES, RECEIPTS AND
27 DISBURSEMENTS OF THE INDUSTRIES AUTHORIZED UNDER THIS SUBCHAPTER
28 TO THE AUDITOR GENERAL.

29 § 3124. INMATES ACCOUNTS.

30 (A) DUTY TO MAINTAIN.--THE DEPARTMENT SHALL MAINTAIN AN

1 ACCOUNT OF THE LABOR PERFORMED BY ALL INMATES UNDER SENTENCE IN
2 THE INSTITUTION.

3 (B) CONTENTS OF ACCOUNTS.--IN THE ACCOUNT, THE DEPARTMENT
4 SHALL CREDIT THE INMATE WITH:

5 (1) WAGES FOR THE TIME THE INMATE IS ACTUALLY ENGAGED IN
6 WORK;

7 (2) THE RATE OF THE WAGE; AND

8 (3) THE AMOUNT CREDITED TO EACH INMATE

9 TO BE REGULATED AT THE DISCRETION OF THE COMMISSION OR SUCH
10 PERSONS AS THE COMMISSION MAY DESIGNATE.

11 § 3125. REMAINDER OF INMATE ACCOUNTS.

12 (A) PAYMENT ON DISCHARGE.--ALL SUMS CREDITED TO AN INMATE
13 SHALL BE FOR THE BENEFIT OF THE INMATE AND PAID TO THE INMATE ON
14 THE INMATE'S DISCHARGE.

15 (B) USE FOR PRESENT NEEDS.--AN INMATE WHO HAS SUMS TO THE
16 INMATE'S CREDIT MAY, SUBJECT TO THE RULES AND REGULATIONS OF THE
17 DEPARTMENT, DRAW UPON THE BALANCE OF THE WAGES FOR PRESENT
18 NEEDS.

19 § 3126. INMATE-MADE GOODS TO BE BRANDED.

20 (A) GENERAL RULE.--ALL GOODS, WARES, MERCHANDISE OR OTHER
21 ARTICLE OR THING MADE BY INMATE LABOR IN ANY CORRECTIONAL
22 INSTITUTION OR OTHER ESTABLISHMENT IN WHICH INMATE LABOR IS
23 EMPLOYED, WHETHER FOR THE DIRECT BENEFIT AND MAINTENANCE OF THE
24 CORRECTIONAL INSTITUTION OR OTHER ESTABLISHMENT OR UPON CONTRACT
25 BY THE AUTHORITIES OF THE SAME WITH ANY THIRD PERSON,
26 IMMEDIATELY UPON THE COMPLETION OF THE SAME, SHALL BE BRANDED AS
27 PROVIDED IN THIS SECTION AND MAY NOT BE TAKEN INTO OR EXPOSED IN
28 ANY PLACE FOR SALE AT WHOLESALE OR RETAIL WITHOUT THAT BRAND.

29 (B) STYLE AND PLACE OF BRAND.--

30 (1) THE BRAND REQUIRED BY THIS SECTION SHALL BE IN PLAIN

1 ENGLISH LETTERING AND SHALL CONTAIN AT THE HEAD OR TOP OF THE
2 BRAND THE WORDS "INMATE MADE," FOLLOWED BY THE YEAR AND NAME
3 OF THE DEPARTMENT, CORRECTIONAL INSTITUTION OR OTHER
4 ESTABLISHMENT IN WHICH MADE.

5 (2) THE BRAND SHALL IN ALL CASES, WHEN THE NATURE OF THE
6 ARTICLE WILL PERMIT, BE PLACED ON THE ARTICLE AND ONLY WHERE
7 THE BRANDING IS IMPOSSIBLE MAY IT BE ON THE BOX OR OTHER
8 RECEPTACLE OR COVERING IN WHICH IT IS CONTAINED.

9 (3) THE BRAND SHALL BE AFFIXED TO THE ARTICLE BY
10 CASTING, BURNING, PRESSING OR OTHER SUCH PROCESS OR MEANS SO
11 THAT THE ARTICLE MAY NOT BE DEFACED AND IN ALL CASES SHALL BE
12 UPON THE MOST CONSPICUOUS PLACE UPON THE ARTICLE OR THE BOX,
13 RECEPTACLE OR COVERING CONTAINING THE ARTICLE.

14 (C) APPLICABILITY.--THIS SECTION SHALL NOT APPLY TO GOODS,
15 WARES AND MERCHANDISE SHIPPED TO POINTS OUTSIDE THIS
16 COMMONWEALTH.

17 § 3127. SALE OF INMATE-MADE GOODS.

18 THE DEPARTMENT MAY CONTRACT TO SELL OR SELL THE ARTICLES
19 MANUFACTURED OR PRODUCED IN ANY CORRECTIONAL INSTITUTION WHICH
20 CANNOT BE USED THEREIN TO THE COMMONWEALTH OR TO ANY POLITICAL
21 SUBDIVISION THEREOF, OR TO ANY STATE, MUNICIPALITY OR COUNTY
22 AUTHORITY CREATED BY OR UNDER ANY LAW OF THIS COMMONWEALTH OR TO
23 ANY STATE CORRECTIONAL INSTITUTION OR TO ANY EDUCATIONAL OR
24 CHARITABLE INSTITUTION RECEIVING AID FROM THE COMMONWEALTH, OR
25 TO THE FEDERAL GOVERNMENT OR ANY DEPARTMENT, BUREAU, COMMISSION,
26 AUTHORITY OR AGENCY THEREOF, OR TO ANY OTHER STATE OR POLITICAL
27 SUBDIVISION OR AUTHORITY THEREOF, OR TO ANY INSTITUTION
28 RECEIVING AID FROM THE FEDERAL GOVERNMENT OR OF ANY OTHER STATE.

29 SECTION 3.8 TITLE 61 IS AMENDED BY ADDING A SECTION TO READ:
30 § 3909. EVALUATION.

1 THE DEPARTMENT AND THE COMMISSION SHALL MONITOR AND EVALUATE
2 THE MOTIVATIONAL BOOT CAMP PROGRAM UNDER THIS CHAPTER TO ENSURE
3 THAT THE PROGRAMMATIC OBJECTIVES ARE MET. IN EVEN-NUMBERED
4 YEARS, THE DEPARTMENT SHALL PRESENT A REPORT OF ITS EVALUATION
5 TO THE JUDICIARY COMMITTEE OF THE SENATE AND THE JUDICIARY
6 COMMITTEE OF THE HOUSE OF REPRESENTATIVES NO LATER THAN FEBRUARY
7 1. IN ODD-NUMBERED YEARS, THE COMMISSION SHALL PRESENT A REPORT
8 OF ITS EVALUATION TO THE JUDICIARY COMMITTEE OF THE SENATE AND
9 THE JUDICIARY COMMITTEE OF THE HOUSE OF REPRESENTATIVES NO LATER
10 THAN FEBRUARY 1.

11 SECTION 3.9 SECTIONS 4109 AND 4510(A) (1) AND (2) OF TITLE 61
12 ARE AMENDED TO READ:

13 § 4109. EVALUATION.

14 THE DEPARTMENT AND THE COMMISSION SHALL MONITOR AND EVALUATE
15 THE MOTIVATIONAL BOOT CAMP PROGRAM UNDER CHAPTER 39 (RELATING TO
16 MOTIVATIONAL BOOT CAMP) TO ENSURE THAT THE PROGRAMMATIC
17 OBJECTIVES ARE MET. [IN EVEN-NUMBERED YEARS, THE DEPARTMENT
18 SHALL PRESENT A REPORT OF ITS EVALUATION TO THE JUDICIARY
19 COMMITTEE OF THE SENATE AND THE JUDICIARY COMMITTEE OF THE HOUSE
20 OF REPRESENTATIVES NO LATER THAN FEBRUARY 1. IN ODD-NUMBERED
21 YEARS, THE COMMISSION SHALL PRESENT A REPORT OF ITS EVALUATION
22 TO THE JUDICIARY COMMITTEE OF THE SENATE AND THE JUDICIARY
23 COMMITTEE OF THE HOUSE OF REPRESENTATIVES NO LATER THAN FEBRUARY
24 1.]

25 § 4510. REPORTS.

26 (A) RECIDIVISM RISK REDUCTION.--THE DEPARTMENT, THE BOARD
27 AND THE COMMISSION SHALL MONITOR AND EVALUATE THE RECIDIVISM
28 RISK REDUCTION INCENTIVE PROGRAMS TO ENSURE THAT THE GOALS AND
29 OBJECTIVES OF THIS CHAPTER ARE MET AND SHALL REPORT TO THE
30 GENERAL ASSEMBLY AS FOLLOWS:

1 (1) IN [ODD-NUMBERED] EVEN-NUMBERED YEARS, THE
2 DEPARTMENT SHALL PRESENT A REPORT OF ITS EVALUATION TO THE
3 JUDICIARY COMMITTEE OF THE SENATE AND THE JUDICIARY COMMITTEE
4 OF THE HOUSE OF REPRESENTATIVES NO LATER THAN FEBRUARY 1. THE
5 REPORT SHALL INCLUDE ALL OF THE FOLLOWING:

6 (I) THE NUMBER OF INMATES DETERMINED BY THE
7 DEPARTMENT TO BE ELIGIBLE OFFENDERS UNDER THIS CHAPTER
8 AND THE OFFENSES FOR WHICH THE ELIGIBLE OFFENDERS WERE
9 COMMITTED TO THE CUSTODY OF THE DEPARTMENT.

10 (II) THE NUMBER OF INMATES COMMITTED TO THE CUSTODY
11 OF THE DEPARTMENT WHO WERE SUBJECT TO A RECIDIVISM RISK
12 REDUCTION INCENTIVE MINIMUM SENTENCE.

13 (III) THE NUMBER OF INMATES PAROLED AT THE
14 RECIDIVISM RISK REDUCTION INCENTIVE MINIMUM DATE.

15 (IV) ANY POTENTIAL CHANGES THAT WOULD MAKE THE
16 PROGRAM MORE EFFECTIVE.

17 (V) THE SIX-MONTH, ONE-YEAR, THREE-YEAR AND FIVE-
18 YEAR RECIDIVISM RATES FOR INMATES RELEASED AT THE
19 RECIDIVISM RISK REDUCTION INCENTIVE MINIMUM SENTENCE.

20 (VI) ANY OTHER INFORMATION THE DEPARTMENT DEEMS
21 RELEVANT.

22 (2) IN [EVEN-NUMBERED] ODD-NUMBERED YEARS, THE
23 COMMISSION SHALL PRESENT A REPORT OF ITS EVALUATION TO THE
24 JUDICIARY COMMITTEE OF THE SENATE AND THE JUDICIARY COMMITTEE
25 OF THE HOUSE OF REPRESENTATIVES NO LATER THAN FEBRUARY 1. THE
26 REPORT SHALL INCLUDE ALL OF THE FOLLOWING:

27 (I) WHETHER THE GOALS OF THIS CHAPTER COULD BE
28 ACHIEVED THROUGH AMENDMENTS TO PAROLE OR SENTENCING
29 GUIDELINES.

30 (II) THE VARIOUS OPTIONS FOR PAROLE OR SENTENCING

1 GUIDELINES UNDER SUBPARAGRAPH (I) .

2 (III) THE STATUS OF ANY PROPOSED OR IMPLEMENTED
3 GUIDELINES DESIGNED TO IMPLEMENT THE PROVISIONS OF THIS
4 CHAPTER.

5 (IV) ANY POTENTIAL CHANGES TO THE PROGRAM THAT WOULD
6 BE LIKELY TO REDUCE THE RISK OF RECIDIVISM OF INMATES AND
7 IMPROVE PUBLIC SAFETY.

8 (V) ANY OTHER INFORMATION THE COMMISSION DEEMS
9 RELEVANT.

10 * * *

11 SECTION 3.10. TITLE 61 IS AMENDED BY ADDING A SECTION TO
12 READ:

13 § 5906. CONFIDENTIALITY OF VICTIM INFORMATION.

14 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED BY LAW OR
15 THIS SECTION, ANY AND ALL STATEMENTS OR TESTIMONY OF THE VICTIM
16 OR FAMILY MEMBER SUBMITTED TO THE DEPARTMENT SHALL BE:

17 (1) DEEMED CONFIDENTIAL AND PRIVILEGED.

18 (2) NOT BE SUBJECT TO SUBPOENA OR DISCOVERY.

19 (3) NOT BE INTRODUCED INTO EVIDENCE IN ANY JUDICIAL OR
20 ADMINISTRATIVE PROCEEDING.

21 (4) NOT BE RELEASED TO THE INMATE.

22 (B) RECORDS.--ALL RECORDS MAINTAINED BY THE DEPARTMENT
23 PERTAINING TO VICTIMS SHALL BE KEPT SEPARATE. CURRENT ADDRESS,
24 TELEPHONE NUMBERS AND ANY OTHER PERSONAL INFORMATION OF THE
25 VICTIM AND FAMILY MEMBERS SHALL BE DEEMED CONFIDENTIAL.

26 (C) DISCLOSURE PROHIBITED.--NOTWITHSTANDING ANY OTHER
27 PROVISION OF LAW, NO PERSON WHO HAS HAD ACCESS TO A REPORT,
28 RECORD OR ANY OTHER INFORMATION UNDER THIS SECTION SHALL
29 DISCLOSE THE CONTENT OF THE REPORT, RECORD OR OTHER INFORMATION
30 OR TESTIFY IN A JUDICIAL OR ADMINISTRATIVE PROCEEDING WITHOUT

1 THE WRITTEN CONSENT OF THE VICTIM.

2 SECTION 4. SECTION 6113 OF TITLE 61 IS AMENDED BY ADDING A
3 SUBSECTION TO READ:

4 § 6113. BOARD ACTION.

5 * * *

6 (F) DECISION ACCOUNTABILITY.--THE BOARD SHALL DEVELOP, ADOPT
7 AND PERIODICALLY UPDATE AS DEEMED NECESSARY A PAROLE DECISIONAL
8 INSTRUMENT THAT IS TESTED PRIOR TO IMPLEMENTATION, WHICH
9 INCORPORATES EVIDENCE-BASED PRACTICES TO ASSIST AND INFORM THE
10 BOARD'S PROFESSIONAL JUDGMENT IN THE PAROLE DECISION-MAKING
11 PROCESS.

12 SECTION 5. SECTION 6131(A) OF TITLE 61 IS AMENDED BY ADDING
13 PARAGRAPHS AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO
14 READ:

15 § 6131. GENERAL POWERS OF BOARD.

16 (A) GENERAL RULE.--THE BOARD SHALL HAVE THE POWER AND ITS
17 DUTY SHALL BE:

18 * * *

19 (13) TO INCORPORATE EVIDENCE-BASED PRACTICES INTO PAROLE
20 DECISION MAKING, SUPERVISION AND THE SUPERVISION OF TECHNICAL
21 VIOLATORS.

22 (14) TO COORDINATE THE REENTRY OF OFFENDERS INTO THE
23 COMMUNITY USING EVIDENCE-BASED PRACTICES THAT ARE EFFECTIVE
24 IN REDUCING RECIDIVISM.

25 (15) TO CONDUCT RESEARCH TO IDENTIFY, TO BE INFORMED OF
26 AND TO APPLY RECOGNIZED EVIDENCE-BASED PAROLE PRACTICES THAT
27 PROMOTE PUBLIC SAFETY AND REDUCE RECIDIVISM.

28 (16) TO CONDUCT OUTCOME AND PERFORMANCE ANALYSES ON
29 IMPLEMENTED BOARD PROGRAMS AND PRACTICES TO ENHANCE PUBLIC
30 SAFETY THROUGH REDUCED RECIDIVISM.

1 * * *

2 (D) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
3 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
4 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

5 "EVIDENCE-BASED PRACTICES." INTERVENTIONS AND TREATMENT
6 APPROACHES THAT HAVE BEEN PROVEN EFFECTIVE THROUGH APPROPRIATE
7 EMPIRICAL ANALYSIS.

8 SECTION 6. SECTIONS 6137(A), (E) AND (G), 6138(A), (C) AND
9 (D), 6140(H) (8) AND 6153(A) OF TITLE 61 ARE AMENDED TO READ:

10 § 6137. PAROLE POWER.

11 (A) GENERAL CRITERIA FOR PAROLE.--

12 (1) THE BOARD MAY PAROLE SUBJECT TO CONSIDERATION OF
13 GUIDELINES ESTABLISHED UNDER 42 PA.C.S. § 2154.5 (RELATING TO
14 ADOPTION OF GUIDELINES FOR PAROLE) AND MAY RELEASE ON PAROLE
15 ANY INMATE TO WHOM THE POWER TO PAROLE IS GRANTED TO THE
16 BOARD BY THIS CHAPTER, EXCEPT AN INMATE CONDEMNED TO DEATH OR
17 SERVING LIFE IMPRISONMENT, WHENEVER IN ITS OPINION:

18 (I) THE BEST INTERESTS OF THE INMATE JUSTIFY OR
19 REQUIRE THAT THE INMATE BE PAROLED.

20 (II) IT DOES NOT APPEAR THAT THE INTERESTS OF THE
21 COMMONWEALTH WILL BE INJURED BY THE INMATE'S PAROLE.

22 (2) PAROLE SHALL BE SUBJECT IN EVERY INSTANCE TO THE
23 COMMONWEALTH'S RIGHT TO IMMEDIATELY RETAKE AND HOLD IN
24 CUSTODY WITHOUT FURTHER PROCEEDINGS ANY PAROLEE CHARGED AFTER
25 HIS PAROLE WITH AN ADDITIONAL OFFENSE UNTIL A DETERMINATION
26 CAN BE MADE WHETHER TO CONTINUE HIS PAROLE STATUS.

27 (3) THE POWER TO PAROLE GRANTED UNDER THIS SECTION TO
28 THE BOARD MAY NOT BE EXERCISED IN THE BOARD'S DISCRETION AT
29 ANY TIME BEFORE, BUT ONLY AFTER, THE EXPIRATION OF THE
30 MINIMUM TERM OF IMPRISONMENT FIXED BY THE COURT IN ITS

1 SENTENCE OR BY THE BOARD OF PARDONS IN A SENTENCE WHICH HAS
2 BEEN REDUCED BY COMMUTATION.

3 (3.1) (I) FOLLOWING THE EXPIRATION OF THE INMATE'S
4 MINIMUM TERM OF IMPRISONMENT, IF THE PRIMARY REASON FOR
5 NOT PAROLING THE INMATE IS THE INMATE'S INABILITY TO
6 ACCESS AND COMPLETE PRESCRIBED PROGRAMMING WITHIN THE
7 CORRECTIONAL INSTITUTION, THE BOARD MAY RELEASE THE
8 INMATE ON PAROLE WITH THE CONDITION THAT THE INMATE
9 COMPLETE THE PRESCRIBED PROGRAMMING WHILE ON PAROLE.

10 (II) THIS PARAGRAPH SHALL NOT APPLY TO OFFENDERS WHO
11 ARE CURRENTLY SERVING A TERM OF IMPRISONMENT FOR A CRIME
12 OF VIOLENCE AS DEFINED IN 42 PA.C.S. § 9714 (RELATING TO
13 SENTENCES FOR SECOND AND SUBSEQUENT OFFENSES) OR FOR A
14 CRIME REQUIRING REGISTRATION UNDER 42 PA.C.S. § 9795.1
15 (RELATING TO REGISTRATION).

16 (III) FOR THOSE INMATES TO WHOM SUBPARAGRAPH (II) IS
17 APPLICABLE, THE BOARD MAY RELEASE THE INMATE ON PAROLE IF
18 THE INMATE IS SUBJECT TO ANOTHER JURISDICTION'S DETAINER,
19 WARRANT OR EQUIVALENT WRIT.

20 (4) UNLESS THE INMATE HAS SERVED AT LEAST ONE YEAR IN A
21 PRERELEASE CENTER, THE BOARD SHALL NOT ACT UPON AN
22 APPLICATION OF AN INMATE WHO IS GRANTED CLEMENCY BY THE
23 GOVERNOR, IS SUBJECT TO PAROLE SUPERVISION AND:

24 (I) WHOSE TERM OF IMPRISONMENT WAS COMMUTED FROM
25 LIFE TO LIFE ON PAROLE;

26 (II) WHO WAS SERVING A TERM OF IMPRISONMENT FOR A
27 CRIME OF VIOLENCE; OR

28 (III) WHO IS SERVING A SENTENCE UNDER 42 PA.C.S. §
29 9712 (RELATING TO SENTENCES FOR OFFENSES COMMITTED WITH
30 FIREARMS).

1 (5) UPON PAROLE, A PAROLEE SUBJECT TO PARAGRAPH (4)
2 SHALL:

3 (I) BE SUBJECT TO WEEKLY SUPERVISION FOR THE FIRST
4 SIX MONTHS OF PAROLE; AND

5 (II) HAVE ANY VIOLATIONS OF A CONDITION OF PAROLE
6 IMMEDIATELY MADE KNOWN TO THE BOARD OF PARDONS. THIS
7 SUBPARAGRAPH SHALL APPLY TO ALL PAROLEES UNDER
8 SUPERVISION BY OTHER JURISDICTIONS UNDER SUBCHAPTER B OF
9 CHAPTER 71 (RELATING TO INTERSTATE COMPACT FOR THE
10 SUPERVISION OF ADULT OFFENDERS).

11 (6) FOR PURPOSES OF THIS SUBSECTION, THE TERM
12 "PRESCRIBED PROGRAMMING" SHALL MEAN AN INDIVIDUALIZED
13 TREATMENT PLAN THAT IS PART OF THE CORRECTIONAL PLAN JOINTLY
14 DEVELOPED BY THE DEPARTMENT AND THE BOARD FOLLOWING A
15 DIAGNOSTIC EVALUATION AND RISK AND NEEDS ASSESSMENT THAT
16 INCLUDES A STRUCTURED SET OF EVIDENCE-BASED TREATMENT
17 CURRICULA DESIGNED TO REDUCE THE RISK OF REOFFENSE BY THE
18 OFFENDER. THE ULTIMATE GOAL OF THESE CURRICULA IS TO INCREASE
19 THE PROBABILITY THAT OFFENDERS WILL LEAD LAW-ABIDING LIVES IN
20 THE COMMUNITY UPON RELEASE.

21 * * *

22 (E) [PREPAROLE DRUG] DRUG SCREENING TESTS.--

23 (1) THE BOARD MAY NOT RELEASE A PERSON ON PAROLE UNLESS
24 THE PERSON ACHIEVES A NEGATIVE RESULT WITHIN 45 DAYS PRIOR TO
25 THE DATE OF RELEASE IN A SCREENING TEST APPROVED BY THE
26 DEPARTMENT OF HEALTH FOR THE DETECTION OF THE PRESENCE OF
27 CONTROLLED SUBSTANCES OR DESIGNER DRUGS UNDER THE ACT OF
28 APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE CONTROLLED
29 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT.

30 (2) THE COST OF THESE PREPAROLE DRUG SCREENING TESTS FOR

1 INMATES SUBJECT TO THE PAROLE RELEASE JURISDICTION OF THE
2 BOARD, WHETHER CONFINED IN A CORRECTIONAL INSTITUTION OR
3 COUNTY PRISON, SHALL BE PAID BY THE BOARD. THE BOARD SHALL
4 ESTABLISH RULES AND REGULATIONS FOR THE PAYMENT OF THESE
5 COSTS AND MAY LIMIT THE TYPES AND COST OF THESE SCREENING
6 TESTS THAT WOULD BE SUBJECT TO PAYMENT BY THE BOARD.

7 (3) (I) THE BOARD SHALL ESTABLISH, AS A CONDITION OF
8 CONTINUED PAROLE FOR A PAROLEE WHO, AS AN INMATE, TESTED
9 POSITIVE FOR THE PRESENCE OF A CONTROLLED SUBSTANCE OR A
10 DESIGNER DRUG OR WHO WAS PAROLED FROM A SENTENCE ARISING
11 FROM A CONVICTION UNDER THE CONTROLLED SUBSTANCE, DRUG,
12 DEVICE AND COSMETIC ACT OR FROM A DRUG-RELATED CRIME, THE
13 PAROLEE'S ACHIEVEMENT OF NEGATIVE RESULTS IN SUCH
14 SCREENING TESTS RANDOMLY APPLIED.

15 (II) THE RANDOM SCREENING TESTS SHALL BE PERFORMED
16 AT THE DISCRETION OF THE BOARD, AND THE PAROLEE
17 UNDERGOING THE TESTS SHALL BE RESPONSIBLE FOR THE COSTS
18 OF THE TESTS.

19 (III) THE FUNDS COLLECTED FOR THE TESTS SHALL BE
20 APPLIED AGAINST THE CONTRACT FOR SUCH TESTING [BETWEEN
21 THE BOARD AND A TESTING LABORATORY APPROVED BY THE
22 DEPARTMENT OF HEALTH].

23 (4) FOR A PAROLEE WHO WAS NOT PAROLED FROM A SENTENCE
24 ARISING FROM A CONVICTION UNDER THE CONTROLLED SUBSTANCE,
25 DRUG, DEVICE AND COSMETIC ACT OR FOR A DRUG-RELATED CRIME,
26 THE BOARD MAY ESTABLISH, AS A CONDITION OF PAROLE, THAT THE
27 PAROLEE ACHIEVE NEGATIVE RESULTS IN SCREENING TESTS RANDOMLY
28 CONDUCTED. THE PAROLEE SHALL BE RESPONSIBLE FOR TESTING
29 COSTS.

30 * * *

1 (G) PROCEDURE.--

2 (1) THE DEPARTMENT SHALL IDENTIFY ALL INMATES COMMITTED
3 TO THE CUSTODY OF THE DEPARTMENT THAT MEET THE DEFINITION OF
4 AN ELIGIBLE OFFENDER.

5 (2) UPON IDENTIFICATION OF AN INMATE AS AN ELIGIBLE
6 OFFENDER, THE DEPARTMENT SHALL SEND NOTICE TO THE BOARD. THE
7 BOARD SHALL SEND NOTICE TO THE PROSECUTING ATTORNEY AND THE
8 COURT NO LESS THAN SIX MONTHS BEFORE THE EXPIRATION OF THE
9 INMATE'S MINIMUM SENTENCE INDICATING THAT THE DEPARTMENT HAS
10 PRELIMINARILY IDENTIFIED THE INMATE AS AN ELIGIBLE OFFENDER.
11 THE NOTICE SHALL BE SENT BY UNITED STATES MAIL UNLESS THE
12 BOARD, THE COURT AND THE PROSECUTOR HAVE CONSENTED TO RECEIPT
13 OF NOTICE VIA ELECTRONIC MEANS. FOR INMATES COMMITTED TO THE
14 DEPARTMENT WHOSE EXPIRATION OF THE MINIMUM SENTENCE IS SIX
15 MONTHS OR LESS FROM THE DATE OF ADMISSION, THE DEPARTMENT
16 SHALL GIVE PROMPT NOTICE.

17 (3) WITHIN [60] 30 DAYS OF RECEIPT OF NOTICE UNDER
18 PARAGRAPH (2), THE COURT OR PROSECUTING ATTORNEY MAY FILE A
19 WRITTEN OBJECTION TO THE DEPARTMENT'S PRELIMINARY
20 IDENTIFICATION OF THE INMATE AS AN ELIGIBLE OFFENDER. NOTICE
21 OF THE OBJECTION SHALL BE PROVIDED TO THE DEPARTMENT AND THE
22 BOARD.

23 (4) IF NO NOTICE OF OBJECTION HAS BEEN FILED UNDER
24 PARAGRAPH (3), THE BOARD OR ITS DESIGNEE SHALL APPROVE FOR
25 PAROLE AT THE EXPIRATION OF THE ELIGIBLE OFFENDER'S MINIMUM
26 DATE UPON A DETERMINATION THAT ALL OF THE FOLLOWING APPLY:

27 (I) THE DEPARTMENT CERTIFIED THAT THE INMATE HAS
28 MAINTAINED A GOOD CONDUCT RECORD AND CONTINUES TO REMAIN
29 AN ELIGIBLE OFFENDER.

30 (II) THE REENTRY PLAN FOR THE INMATE IS ADEQUATE.

1 (III) INDIVIDUAL CONDITIONS AND REQUIREMENTS FOR
2 PAROLE HAVE BEEN ESTABLISHED.

3 (IV) THERE IS NO REASONABLE INDICATION THAT THE
4 INMATE POSES A RISK TO PUBLIC SAFETY.

5 (5) IF THE COURT OR PROSECUTING ATTORNEY FILES A TIMELY
6 OBJECTION UNDER PARAGRAPH (3), THE BOARD SHALL MAKE A
7 DETERMINATION AS TO WHETHER THE INMATE IS AN ELIGIBLE
8 OFFENDER. THE BOARD SHALL NOTIFY THE DEPARTMENT, PROSECUTING
9 ATTORNEY AND COURT OF ITS DETERMINATION NO LATER THAN [60] 30
10 DAYS PRIOR TO THE MINIMUM PAROLE DATE. IF THE BOARD
11 DETERMINES THAT THE INMATE IS AN ELIGIBLE OFFENDER UNDER THIS
12 CHAPTER, THE BOARD SHALL FOLLOW THE PROVISIONS UNDER
13 PARAGRAPH (4). IF THE BOARD DETERMINES THAT THE INMATE IS NOT
14 AN ELIGIBLE OFFENDER UNDER SECTION 4503 (RELATING TO
15 DEFINITIONS), THE BOARD SHALL RETAIN EXCLUSIVE JURISDICTION
16 TO GRANT PAROLE AND SHALL DETERMINE WHETHER THE INMATE SHOULD
17 BE PAROLED AT THE MINIMUM DATE, PAROLED AT A LATER DATE OR
18 DENIED PAROLE.

19 (6) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED AS
20 GRANTING A RIGHT TO BE PAROLED TO ANY PERSON, AND ANY
21 DECISION BY THE BOARD AND ITS DESIGNEES OR THE DEPARTMENT,
22 UNDER THIS SECTION SHALL NOT BE CONSIDERED AN ADJUDICATION
23 UNDER 2 PA.C.S. CH. 5 SUBCH. A (RELATING TO PRACTICE AND
24 PROCEDURE OF COMMONWEALTH AGENCIES) AND CH. 7 SUBCH. A
25 (RELATING TO JUDICIAL REVIEW OF COMMONWEALTH AGENCY ACTION).

26 (7) EXCEPT AS PROVIDED UNDER THIS SUBSECTION, NOTHING IN
27 THIS CHAPTER SHALL OTHERWISE AFFECT THE POWERS AND DUTIES OF
28 THE BOARD OR THE DEPARTMENT.

29 * * *

30 § 6138. VIOLATION OF TERMS OF PAROLE.

1 (A) CONVICTED VIOLATORS.--

2 (1) A PAROLEE UNDER THE JURISDICTION OF THE BOARD
3 RELEASED FROM A CORRECTIONAL FACILITY WHO, DURING THE PERIOD
4 OF PAROLE OR WHILE DELINQUENT ON PAROLE, COMMITS A CRIME
5 PUNISHABLE BY IMPRISONMENT, FOR WHICH THE PAROLEE IS
6 CONVICTED OR FOUND GUILTY BY A JUDGE OR JURY OR TO WHICH THE
7 PAROLEE PLEADS GUILTY OR NOLO CONTENDERE AT ANY TIME
8 THEREAFTER IN A COURT OF RECORD, MAY AT THE DISCRETION OF THE
9 BOARD BE RECOMMITTED AS A PAROLE VIOLATOR.

10 (2) IF THE PAROLEE'S RECOMMITMENT IS SO ORDERED, THE
11 PAROLEE SHALL BE REENTERED TO SERVE THE REMAINDER OF THE TERM
12 WHICH THE PAROLEE WOULD HAVE BEEN COMPELLED TO SERVE HAD THE
13 PAROLE NOT BEEN GRANTED AND SHALL BE GIVEN NO CREDIT FOR THE
14 TIME AT LIBERTY ON PAROLE.

15 (3) THE BOARD MAY, IN ITS DISCRETION, REPAROLE WHENEVER,
16 IN ITS OPINION, THE BEST INTERESTS OF THE INMATE JUSTIFY OR
17 REQUIRE THE INMATE'S RELEASE ON PAROLE AND IT DOES NOT APPEAR
18 THAT THE INTERESTS OF THE COMMONWEALTH WILL BE INJURED
19 THEREBY.

20 (4) THE PERIOD OF TIME FOR WHICH THE PAROLE VIOLATOR IS
21 REQUIRED TO SERVE SHALL BE COMPUTED FROM AND BEGIN ON THE
22 DATE THAT THE PAROLE VIOLATOR IS TAKEN INTO CUSTODY TO BE
23 RETURNED TO THE INSTITUTION AS A PAROLE VIOLATOR.

24 (5) IF A NEW SENTENCE IS IMPOSED ON THE PAROLEE, THE
25 SERVICE OF THE BALANCE OF THE TERM ORIGINALLY IMPOSED SHALL
26 PRECEDE THE COMMENCEMENT OF THE NEW TERM IMPOSED IN THE
27 FOLLOWING CASES:

28 (I) IF A PERSON IS PAROLED FROM A STATE CORRECTIONAL
29 INSTITUTION AND THE NEW SENTENCE IMPOSED ON THE PERSON IS
30 TO BE SERVED IN THE STATE CORRECTIONAL INSTITUTION.

1 (II) IF A PERSON IS PAROLED FROM A COUNTY PRISON AND
2 THE NEW SENTENCE IMPOSED UPON HIM IS TO BE SERVED IN THE
3 SAME COUNTY PRISON.

4 (III) IN ALL OTHER CASES, THE SERVICE OF THE NEW
5 TERM FOR THE LATTER CRIME SHALL PRECEDE COMMENCEMENT OF
6 THE BALANCE OF THE TERM ORIGINALLY IMPOSED.

7 (5.1) IF THE PAROLEE IS SENTENCED TO SERVE A NEW TERM OF
8 TOTAL CONFINEMENT BY A FEDERAL COURT OR BY A COURT OF ANOTHER
9 JURISDICTION BECAUSE OF A VERDICT OR PLEA UNDER PARAGRAPH
10 (1), THE PAROLEE SHALL SERVE THE BALANCE OF THE ORIGINAL TERM
11 BEFORE SERVING THE NEW TERM.

12 (6) WHERE THE NEW TERM IS TO BE SERVED LAST OR THE
13 BALANCE OF THE TERM ORIGINALLY IMPOSED IS TO BE SERVED LAST,
14 AND THE SERVICE IS, IN EITHER CASE, IN ANY CORRECTIONAL
15 FACILITY:

16 (I) ANY PERSON UPON RECOMMITMENT SHALL BE SENT TO
17 THE INSTITUTION AS SHALL BE DESIGNATED BY THE SECRETARY
18 OF CORRECTIONS OR HIS DESIGNEE.

19 (II) ANY FEMALE PERSON SHALL BE RECOMMITTED TO THE
20 STATE CORRECTIONAL INSTITUTION AT MUNCY.

21 * * *

22 (C) TECHNICAL VIOLATORS.--

23 (1) A PAROLEE UNDER THE JURISDICTION OF THE BOARD WHO IS
24 RELEASED FROM A CORRECTIONAL FACILITY AND WHO, DURING THE
25 PERIOD OF PAROLE, VIOLATES THE TERMS AND CONDITIONS OF HIS
26 PAROLE, OTHER THAN BY THE COMMISSION OF A NEW CRIME OF WHICH
27 THE PAROLEE IS CONVICTED OR FOUND GUILTY BY A JUDGE OR JURY
28 OR TO WHICH THE PAROLEE PLEADS GUILTY OR NOLO CONTENDERE IN A
29 COURT OF RECORD, MAY BE RECOMMITTED AFTER A HEARING BEFORE
30 THE BOARD.

1 (2) IF THE PAROLEE IS SO RECOMMITTED, THE PAROLEE SHALL
2 BE GIVEN CREDIT FOR THE TIME SERVED ON PAROLE IN GOOD
3 STANDING BUT WITH NO CREDIT FOR DELINQUENT TIME AND MAY BE
4 REENTERED TO SERVE THE REMAINDER OF THE ORIGINAL SENTENCE OR
5 SENTENCES.

6 (3) THE REMAINDER SHALL BE COMPUTED BY THE BOARD FROM
7 THE TIME THE PAROLEE'S DELINQUENT CONDUCT OCCURRED FOR THE
8 UNEXPIRED PERIOD OF THE MAXIMUM SENTENCE IMPOSED BY THE COURT
9 WITHOUT CREDIT FOR THE PERIOD THE PAROLEE WAS DELINQUENT ON
10 PAROLE. THE PAROLEE SHALL SERVE THE REMAINDER SO COMPUTED
11 FROM THE DATE THE PAROLEE IS TAKEN INTO CUSTODY ON THE
12 WARRANT OF THE BOARD.

13 (4) THE PAROLEE SHALL BE SUBJECT TO REPAROLE BY THE
14 BOARD WHENEVER IN ITS OPINION THE BEST INTERESTS OF THE
15 INMATE JUSTIFY OR REQUIRE THE PAROLEE BEING REPAROLED AND IT
16 DOES NOT APPEAR THAT THE INTERESTS OF THE COMMONWEALTH WILL
17 BE INJURED REPAROLING THE PAROLEE.

18 (5) PAROLE VIOLATORS SHALL BE SUPERVISED IN ACCORDANCE
19 WITH EVIDENCE-BASED PRACTICES THAT MAY INCLUDE:

20 (I) CONSIDERATION OF WHETHER THE OFFENDER POSES A
21 RISK OF SAFETY TO THE COMMUNITY OR HIMSELF.

22 (II) THE BOARD'S CAPACITY TO DELIVER PROGRAMS THAT
23 ADDRESS CRIMINAL THINKING BEHAVIOR AND RELATED CRIME
24 PRODUCING FACTORS.

25 (III) USE OF COMMUNITY-BASED SANCTIONING
26 ALTERNATIVES TO INCARCERATION.

27 (IV) USE OF A GRADUATED VIOLATION SANCTIONING
28 PROCESS.

29 (V) RECOMMITMENT TO A CORRECTIONAL FACILITY.

30 (6) THE BOARD SHALL DIVERT TECHNICAL PAROLE VIOLATORS

1 FROM CONFINEMENT IN A STATE CORRECTIONAL INSTITUTION UNLESS
2 THE PAROLEE'S DIVERSION POSES AN UNDUE RISK TO PUBLIC SAFETY.

3 (D) RECOMMITMENT.--A TECHNICAL VIOLATOR UNDER SUBSECTION (C)
4 SHALL BE RECOMMITTED TO A CORRECTIONAL FACILITY, UNLESS PLACED
5 AT A PAROLE VIOLATOR CENTER, AS FOLLOWS:

6 (1) IF PAROLED FROM A COUNTY PRISON, TO THE SAME
7 INSTITUTION OR TO ANY OTHER INSTITUTION TO WHICH THE VIOLATOR
8 MAY BE LEGALLY TRANSFERRED.

9 (2) IF PAROLED FROM A STATE CORRECTIONAL INSTITUTION,
10 ANY MALE PERSON UPON RECOMMITMENT SHALL BE SENT TO THE
11 NEAREST STATE CORRECTIONAL INSTITUTION FOR SERVICE OF THE
12 REMAINDER OF THE ORIGINAL TERM AT THE INSTITUTION AS SHALL BE
13 DESIGNATED BY THE DEPARTMENT. ANY FEMALE PERSON SHALL BE
14 RECOMMITTED TO THE STATE CORRECTIONAL INSTITUTION AT MUNCY OR
15 OTHER STATE CORRECTIONAL INSTITUTION AS DESIGNATED BY THE
16 DEPARTMENT.

17 § 6140. VICTIM STATEMENTS, TESTIMONY AND PARTICIPATION IN
18 HEARING.

19 * * *

20 (H) HEARING PROCEDURE.--

21 * * *

22 (8) [EXCEPT AS OTHERWISE PROVIDED BY LAW OR THIS
23 SECTION] NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY AND
24 ALL STATEMENTS OR TESTIMONY OF THE VICTIM OR FAMILY MEMBER
25 SUBMITTED TO THE BOARD PERTAINING TO:

26 (I) THE CONTINUING NATURE AND EXTENT OF ANY PHYSICAL
27 HARM OR PSYCHOLOGICAL OR EMOTIONAL HARM OR TRAUMA
28 SUFFERED BY THE VICTIM;

29 (II) THE EXTENT OF ANY LOSS OF EARNINGS OR ABILITY
30 TO WORK SUFFERED BY THE VICTIM; AND

1 (III) THE CONTINUING EFFECT OF THE CRIME UPON THE
2 VICTIM'S FAMILY:

3 (A) SHALL BE DEEMED CONFIDENTIAL AND PRIVILEGED.

4 (B) SHALL NOT BE SUBJECT TO SUBPOENA OR
5 DISCOVERY.

6 (C) SHALL NOT BE INTRODUCED INTO EVIDENCE IN ANY
7 JUDICIAL OR ADMINISTRATIVE PROCEEDING.

8 (D) SHALL NOT BE RELEASED TO THE INMATE.

9 * * *

10 § 6153. SUPERVISORY RELATIONSHIP TO OFFENDERS.

11 (A) GENERAL RULE.--AGENTS ARE IN A SUPERVISORY RELATIONSHIP
12 WITH THEIR OFFENDERS. THE PURPOSE OF THIS SUPERVISION IS TO
13 ASSIST THE OFFENDERS IN THEIR REHABILITATION AND REASSIMILATION
14 INTO THE COMMUNITY AND TO PROTECT THE PUBLIC. SUPERVISION
15 PRACTICES SHALL REFLECT THE BALANCE OF ENFORCEMENT OF THE
16 CONDITIONS OF PAROLE AND CASE MANAGEMENT TECHNIQUES TO MAXIMIZE
17 SUCCESSFUL PAROLE COMPLETION THROUGH EFFECTIVE REENTRY TO
18 SOCIETY.

19 * * *

20 SECTION 6.1. PART V OF TITLE 61 IS AMENDED BY ADDING A
21 CHAPTER TO READ:

22 CHAPTER 70

23 ADULT SUPERVISION FEE

24 SEC.

25 7001. DEFINITIONS.

26 7002. INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS

27 FEE.

28 7003. APPLICABILITY.

29 § 7001. DEFINITIONS.

30 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 "BOARD." THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE.

4 "INTERSTATE COMMISSION." THE INTERSTATE COMMISSION FOR ADULT
5 OFFENDER SUPERVISION.

6 "INTERSTATE COMPACT." THE INTERSTATE COMPACT FOR THE
7 SUPERVISION OF ADULT OFFENDERS.

8 "STATE." A STATE OF THE UNITED STATES, THE DISTRICT OF
9 COLUMBIA AND ANY OTHER TERRITORIAL POSSESSIONS OF THE UNITED
10 STATES.

11 "STATE COUNCIL." THE STATE COUNCIL FOR INTERSTATE ADULT
12 OFFENDER SUPERVISION.

13 § 7002. INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT
14 OFFENDERS FEE.

15 (A) APPLICATION FEE.--

16 (1) A PERSON ON COUNTY PROBATION OR PAROLE WHO APPLIES
17 FOR A TRANSFER OF SUPERVISION TO ANOTHER STATE THROUGH THE
18 INTERSTATE COMPACT SHALL BE REQUIRED TO PAY AN APPLICATION
19 FEE WITH EACH APPLICATION FOR TRANSFER, UNLESS THE COURT
20 FINDS THAT THE APPLICATION FEE SHOULD BE REDUCED, WAIVED OR
21 DEFERRED BASED UPON THE PERSON'S INABILITY TO PAY. THE
22 APPLICATION FEES SHALL BE COLLECTED BY THE COUNTY PROBATION
23 DEPARTMENT OR OTHER AGENT DESIGNATED BY THE COUNTY
24 COMMISSIONERS OF THE COUNTY WITH THE APPROVAL OF THE
25 PRESIDENT JUDGE.

26 (2) A PERSON ON STATE PROBATION OR PAROLE WHO APPLIES
27 FOR A TRANSFER TO ANOTHER STATE THROUGH THE INTERSTATE
28 COMPACT SHALL BE REQUIRED TO PAY AN APPLICATION FEE TO THE
29 BOARD WITH EACH APPLICATION FOR TRANSFER, UNLESS THE BOARD
30 FINDS THAT THE APPLICATION FEE SHOULD BE REDUCED, WAIVED OR

1 DEFERRED BASED UPON THE PERSON'S INABILITY TO PAY.

2 (B) AMOUNT OF APPLICATION FEE.--THE STATE COUNCIL SHALL
3 ESTABLISH THE AMOUNT OF THE APPLICATION FEE WHICH SHALL NOT
4 EXCEED \$150. THE APPLICATION FEE SHALL BE NONREFUNDABLE AND
5 SHALL BE ASSESSED FOR EACH APPLICATION FOR TRANSFER TO ANOTHER
6 STATE.

7 (C) APPLICATION FEE COLLECTED BY COUNTY.--FOR ADMINISTRATIVE
8 EXPENSES, THE COUNTY SHALL BE ENTITLED TO RETAIN A PERCENTAGE OF
9 EACH APPLICATION FEE COLLECTED UNDER THIS SECTION WHICH SHALL BE
10 DEPOSITED IN THE COUNTY'S GENERAL FUND. THE PERCENTAGE OF THE
11 APPLICATION FEE THAT MAY BE RETAINED SHALL BE DETERMINED BY THE
12 STATE COUNCIL 60 DAYS PRIOR TO THE BEGINNING OF EACH
13 COMMONWEALTH FISCAL YEAR COMMENCING ON JULY 1 AND ENDING ON JUNE
14 30. THE REMAINING PORTION OF EACH APPLICATION FEE COLLECTED BY
15 THE COUNTY SHALL BE TRANSMITTED TO THE COMMONWEALTH UNDER
16 SUBSECTION (D).

17 (D) DISPOSITION.--MONEY RECEIVED FROM THE COLLECTION OF THE
18 APPLICATION FEE SHALL BE PAID INTO THE STATE TREASURY AND SHALL
19 BE CREDITED TO THE GENERAL GOVERNMENT OPERATIONS OF THE BOARD
20 FOR EXPENSES INCURRED IN THE ADMINISTRATION OF THE COMPACT.
21 § 7003. APPLICABILITY.

22 THIS CHAPTER SHALL APPLY TO A PERSON WHO APPLIES ON OR AFTER
23 THE EFFECTIVE DATE OF THIS CHAPTER FOR A TRANSFER OF SUPERVISION
24 TO ANOTHER STATE.

25 SECTION 6.2. SECTION 7103 OF TITLE 61 IS AMENDED TO READ:
26 § 7103. POWERS.

27 THE [ATTORNEY GENERAL] SECRETARY OR HIS DESIGNEE IS HEREBY
28 AUTHORIZED AND DIRECTED TO DO ALL THINGS NECESSARY OR INCIDENTAL
29 TO THE CARRYING OUT OF THE COMPACT IN EVERY PARTICULAR EXCEPT
30 THAT NO CONTRACT FOR THE CONFINEMENT OF INMATES IN THE

1 INSTITUTIONS OF THIS STATE SHALL BE ENTERED INTO UNLESS THE
2 [ATTORNEY GENERAL OR THE SECRETARY OF CORRECTIONS] SECRETARY HAS
3 FIRST DETERMINED THAT THE INMATES ARE ACCEPTABLE,
4 NOTWITHSTANDING THE PROVISIONS OF ARTICLE IX-B OF THE ACT OF
5 APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE
6 CODE OF 1929. THE [ATTORNEY GENERAL] SECRETARY OR HIS DESIGNEE
7 SHALL NOT ENTER INTO A CONTRACT PURSUANT TO ARTICLE III OF THE
8 COMPACT RELATING TO INMATES WHO ARE MENTALLY ILL OR MENTALLY
9 RETARDED WITHOUT CONSULTATION WITH THE SECRETARY OF PUBLIC
10 WELFARE.

11 SECTION 6.3. TITLE 61 IS AMENDED BY ADDING A SECTION TO
12 READ:

13 § 7115. INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT
14 OFFENDERS FEE.

15 (A) DUTY TO PAY.--

16 (1) A PERSON ON COUNTY PROBATION OR PAROLE WHO APPLIES
17 FOR A TRANSFER OF SUPERVISION TO ANOTHER STATE THROUGH THE
18 INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS
19 SHALL BE REQUIRED TO PAY AN APPLICATION FEE WITH EACH
20 APPLICATION FOR TRANSFER, UNLESS THE COURT FINDS THAT THE
21 APPLICATION FEE SHOULD BE REDUCED, WAIVED OR DEFERRED BASED
22 UPON THE PERSON'S INABILITY TO PAY. THE APPLICATION FEES
23 SHALL BE COLLECTED BY THE COUNTY PROBATION DEPARTMENT OR
24 OTHER AGENT DESIGNATED BY THE COUNTY COMMISSIONERS OF THE
25 COUNTY WITH THE APPROVAL OF THE PRESIDENT JUDGE.

26 (2) A PERSON ON STATE PROBATION OR PAROLE WHO APPLIES
27 FOR A TRANSFER TO ANOTHER STATE THROUGH THE INTERSTATE
28 COMPACT SHALL BE REQUIRED TO PAY AN APPLICATION FEE TO THE
29 BOARD WITH EACH APPLICATION FOR TRANSFER, UNLESS THE BOARD
30 FINDS THAT THE APPLICATION FEE SHOULD BE REDUCED, WAIVED OR

1 DEFERRED BASED UPON THE PERSON'S INABILITY TO PAY.

2 (B) AMOUNT OF APPLICATION FEE.--THE STATE COUNCIL SHALL
3 ESTABLISH THE AMOUNT OF THE APPLICATION FEE WHICH SHALL NOT
4 EXCEED \$150. THE APPLICATION FEE SHALL BE NONREFUNDABLE AND
5 SHALL BE ASSESSED FOR EACH APPLICATION FOR TRANSFER TO ANOTHER
6 STATE.

7 (C) APPLICATION FEE COLLECTED BY COUNTY.--FOR ADMINISTRATIVE
8 EXPENSES, THE COUNTY SHALL BE ENTITLED TO RETAIN A PERCENTAGE OF
9 EACH APPLICATION FEE COLLECTED UNDER THIS SECTION WHICH SHALL BE
10 DEPOSITED IN THE COUNTY'S GENERAL FUND. THE PERCENTAGE OF THE
11 APPLICATION FEE THAT MAY BE RETAINED SHALL BE DETERMINED BY THE
12 STATE COUNCIL 60 DAYS PRIOR TO THE BEGINNING OF EACH
13 COMMONWEALTH FISCAL YEAR COMMENCING ON JULY 1 AND ENDING ON JUNE
14 30. THE REMAINING PORTION OF EACH APPLICATION FEE COLLECTED BY
15 THE COUNTY SHALL BE TRANSMITTED TO THE COMMONWEALTH UNDER
16 SUBSECTION (D).

17 (D) DISPOSITION.--MONEY RECEIVED FROM THE COLLECTION OF THE
18 APPLICATION FEE SHALL BE PAID INTO THE STATE TREASURY AND SHALL
19 BE CREDITED TO THE GENERAL GOVERNMENT OPERATIONS OF THE BOARD
20 FOR EXPENSES INCURRED IN THE ADMINISTRATION OF THE INTERSTATE
21 COMPACT.

22 (E) APPLICATION FEE.--THE APPLICATION FEE AS OF THE
23 EFFECTIVE DATE OF THIS SUBSECTION SHALL BE \$100, AND THE
24 COUNTIES SHALL RETAIN 100% OF THE FEE COLLECTED UNTIL THE
25 APPLICATION FEE AND COUNTY PERCENTAGE ARE DETERMINED PRIOR TO
26 THE BEGINNING OF THE NEXT COMMONWEALTH FISCAL YEAR IN ACCORDANCE
27 WITH SUBSECTIONS (B) AND (C).

28 SECTION 7. THE FOLLOWING SHALL APPLY:

29 (1) ON JULY 1, 2011, THE STATE TREASURER SHALL TRANSFER
30 THE SUM OF \$1,150,000 FROM THE STATE OFFENDER SUPERVISION

1 FUND TO THE PENNSYLVANIA COMMISSION ON SENTENCING TO
2 SUPPLEMENT OTHER SUMS APPROPRIATED TO AND FOR THE USE OF THE
3 COMMISSION TO IMPLEMENT THE REQUIREMENTS OF THIS ACT AND
4 THEIR DUTIES AS DEFINED IN 42 PA.C.S. THE TRANSFERRED SUM IS
5 APPROPRIATED TO THE PENNSYLVANIA COMMISSION ON SENTENCING ON
6 A CONTINUING ANNUAL BASIS FOR THAT PURPOSE.

7 (2) ON JULY 1, 2011, THE STATE TREASURER SHALL TRANSFER
8 THE SUM OF \$1,150,000 FROM THE DEPARTMENT OF CORRECTIONS TO
9 THE PENNSYLVANIA COMMISSION ON SENTENCING TO SUPPLEMENT OTHER
10 SUMS APPROPRIATED TO AND FOR THE USE OF THE COMMISSION TO
11 IMPLEMENT THE REQUIREMENTS OF THIS ACT AND THEIR DUTIES AS
12 DEFINED UNDER 42 PA.C.S. THE TRANSFERRED SUM IS APPROPRIATED
13 TO THE PENNSYLVANIA COMMISSION ON SENTENCING ON A CONTINUING
14 ANNUAL BASIS FOR THAT PURPOSE.

15 SECTION 8. THE REGULATIONS ADOPTED UNDER THE FORMER ACT OF
16 DECEMBER 27, 1965 (P.L.1237, NO.502), ENTITLED "AN ACT
17 ESTABLISHING REGIONAL CORRECTIONAL FACILITIES ADMINISTERED BY
18 THE BUREAU OF CORRECTION AS PART OF THE STATE CORRECTIONAL
19 SYSTEM; ESTABLISHING STANDARDS FOR COUNTY JAILS, AND PROVIDING
20 FOR INSPECTION AND CLASSIFICATION OF COUNTY JAILS AND FOR
21 COMMITMENT TO STATE CORRECTIONAL FACILITIES AND COUNTY JAILS,"
22 AND THE FORMER ACT OF OCTOBER 16, 1972 (P.L.913, NO.218),
23 ENTITLED "AN ACT ESTABLISHING REGIONAL COMMUNITY TREATMENT
24 CENTERS FOR WOMEN ADMINISTERED BY THE BUREAU OF CORRECTION OF
25 THE DEPARTMENT OF JUSTICE AS PART OF THE STATE CORRECTIONAL
26 SYSTEM, PROVIDING FOR THE COMMITMENT OF FEMALES TO SUCH CENTERS
27 AND THEIR TEMPORARY RELEASE THEREFROM FOR CERTAIN PURPOSES,
28 RESTRICTING CONFINEMENT OF FEMALES IN COUNTY JAILS AND
29 CONFERRING POWERS AND DUTIES UPON THE DEPARTMENT OF JUSTICE AND
30 THE BUREAU OF CORRECTION," PRIOR TO THE EFFECTIVE DATE OF THIS

1 SECTION SHALL CONTINUE TO HAVE THE FORCE AND EFFECT OF LAW AND
2 SHALL BE CONSTRUED TO BE CONSISTENT WITH THE PROVISIONS OF 61
3 PA.C.S. § 1105.

4 SECTION 9. THE ADDITION OF 61 PA.C.S. CH. 31 SUBCH. B IS A
5 CONTINUATION OF THE ACT OF JUNE 1, 1915 (P.L.656, NO.289),
6 ENTITLED "AN ACT PROVIDING A SYSTEM OF EMPLOYMENT AND
7 COMPENSATION FOR THE INMATES OF THE EASTERN PENITENTIARY,
8 WESTERN PENITENTIARY, AND THE PENNSYLVANIA INDUSTRIAL
9 REFORMATORY AT HUNTINGDON, AND FOR SUCH OTHER CORRECTIONAL
10 INSTITUTIONS AS SHALL BE HEREAFTER ESTABLISHED BY THE
11 COMMONWEALTH, AND MAKING AN APPROPRIATION THEREFOR." THE
12 FOLLOWING APPLY:

13 (1) EXCEPT AS OTHERWISE PROVIDED IN 61 PA.C.S. CH. 31
14 SUBCH. B, ALL ACTIVITIES INITIATED UNDER THE ACT OF JUNE 1,
15 1915 (P.L.656, NO.289) SHALL CONTINUE AND REMAIN IN FULL
16 FORCE AND EFFECT AND MAY BE COMPLETED UNDER 61 PA.C.S. CH. 31
17 SUBCH. B. RESOLUTIONS, ORDERS, REGULATIONS, RULES AND
18 DECISIONS WHICH WERE MADE UNDER THE ACT OF JUNE 1, 1915
19 (P.L.656, NO.289) AND WHICH ARE IN EFFECT ON THE EFFECTIVE
20 DATE OF THIS SECTION SHALL REMAIN IN FULL FORCE AND EFFECT
21 UNTIL REVOKED, VACATED OR MODIFIED UNDER 61 PA.C.S. CH. 31
22 SUBCH. B. CONTRACTS, OBLIGATIONS AND AGREEMENTS ENTERED INTO
23 UNDER THE ACT OF JUNE 1, 1915 (P.L.656, NO.289) ARE NOT
24 AFFECTED NOR IMPAIRED BY THE REPEAL OF THE ACT OF JUNE 1,
25 1915 (P.L.656, NO.289).

26 (2) ANY DIFFERENCE IN LANGUAGE BETWEEN 61 PA.C.S. CH. 31
27 SUBCH. B AND THE ACT OF JUNE 1, 1915 (P.L.656, NO.289) IS
28 INTENDED ONLY TO CONFORM TO THE STYLE OF THE PENNSYLVANIA
29 CONSOLIDATED STATUTES AND IS NOT INTENDED TO CHANGE OR AFFECT
30 THE LEGISLATIVE INTENT, JUDICIAL CONSTRUCTION OR

1 ADMINISTRATIVE INTERPRETATION AND IMPLEMENTATION OF THE ACT
2 OF JUNE 1, 1915 (P.L.656, NO.289).

3 SECTION 10. THE FOLLOWING ACT IS REPEALED:

4 (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE
5 REPEAL UNDER PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE
6 ADDITION OF 61 PA.C.S. CH. 31 SUBCH. B.

7 (2) THE ACT OF JUNE 1, 1915 (P.L.656, NO.289), ENTITLED
8 "AN ACT PROVIDING A SYSTEM OF EMPLOYMENT AND COMPENSATION FOR
9 THE INMATES OF THE EASTERN PENITENTIARY, WESTERN
10 PENITENTIARY, AND THE PENNSYLVANIA INDUSTRIAL REFORMATORY AT
11 HUNTINGDON, AND FOR SUCH OTHER CORRECTIONAL INSTITUTIONS AS
12 SHALL BE HEREAFTER ESTABLISHED BY THE COMMONWEALTH, AND
13 MAKING AN APPROPRIATION THEREFOR," IS REPEALED.

14 SECTION 11. THE FOLLOWING PROVISIONS SHALL APPLY
15 RETROACTIVELY TO NOVEMBER 9, 2009:

16 (1) THE ADDITION OF 61 PA.C.S. §§ 1105 AND 7115.

17 (2) SECTION 8 OF THIS ACT.

18 SECTION 12. THE FOLLOWING SHALL APPLY RETROACTIVELY TO
19 OCTOBER 12, 2009:

20 (1) THE AMENDMENT OF 61 PA.C.S. §§ 1721, 1722, AND 1723.

21 (2) THE AMENDMENT OF THE HEADINGS OF SUBCHAPTERS B AND C
22 OF CHAPTER 17.

23 SECTION 13. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

24 (1) THE ADDITION OF 61 PA.C.S. § 3705 SHALL TAKE EFFECT
25 IN 30 DAYS.

26 (2) THE ADDITION OF 61 PA.C.S. CH. 70 SHALL TAKE EFFECT
27 IN 60 DAYS.

28 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
29 IMMEDIATELY.