
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1275 Session of
2010

INTRODUCED BY GREENLEAF, WOZNIAK, TARTAGLIONE, ERICKSON, BROWNE
AND WASHINGTON, MARCH 15, 2010

REFERRED TO JUDICIARY, MARCH 15, 2010

AN ACT

1 Amending Title 61 (Penal and Correctional Institutions) of the
2 Pennsylvania Consolidated Statutes, in Pennsylvania Board of
3 Probation and Parole, further providing for violation of
4 terms of parole.

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

7 Section 1. Section 6138 of Title 61 of the Pennsylvania
8 Consolidated Statutes is amended by adding subsections to read:
9 § 6138. Violation of terms of parole.

10 * * *

11 (e) Alternative sanctions for technical violators.--

12 (1) As an alternative to recommitting a technical
13 violator under subsections (c) and (d) and to encourage
14 successful completion of parole, the board shall establish a
15 tiered sanctioning process that may be imposed on a parolee
16 who violates the terms and conditions of his parole.
17 Responses to parole violations shall use available resources
18 to correct and redirect parolee behavior in order to reduce
19 the risk to public safety and to enhance the likelihood of

1 the parolee's successful reintegration into the community.
2 Sanctions shall be employed that are timely, progressive and
3 proportional to the parolee's behavior until the parole
4 supervision staff can no longer safely manage the parolee in
5 the community.

6 (2) The board shall develop a violation sanctioning grid
7 to assist parole supervision staff in responding to parole
8 violations. Every violation of parole shall be met with a
9 swift and certain response. Parole violations shall be
10 assessed with respect to the:

11 (i) Severity of the violation.

12 (ii) Risk level of the parolee.

13 (iii) Needs of the parolee.

14 (iv) Imminent risk of violence or harm.

15 (3) In developing a violation sanctioning grid, the
16 board shall provide for a low violation range, medium
17 violation range and high violation range. In addition, the
18 board shall provide for a corresponding low sanction range,
19 medium sanction range and high sanction range.

20 (4) A written warning of parole violation shall be
21 provided by parole supervision staff to notify a parolee when
22 the parolee is in violation of any condition of parole and to
23 warn the parolee that a further violation may lead to
24 additional sanctions or recommitment. The parolee and parole
25 supervision staff shall sign a form acknowledging that the
26 warning was provided. When a parolee's negative behavior
27 warrants more than the issuance of a warning, a conference
28 may be held with the parolee.

29 (5) If the parolee fails to agree to the alternative
30 sanction, the board may recommit the parolee to a

1 correctional institution.

2 (6) If the parolee violates one or more alternative
3 sanctions, the board may recommit the parolee to a
4 correctional institution.

5 (7) The tiered sanctioning process shall also define
6 positive reinforcements that parolees may receive for
7 compliance with conditions of supervision. Positive
8 reinforcements may include, but need not be limited to,
9 awarding certificates of achievement, reducing reporting
10 requirements, removing supervision conditions or asking the
11 parolee to mentor others.

12 (8) The board shall review the sanctions imposed by
13 parole supervision staff on a quarterly basis to assess any
14 disparities that may exist among staff, evaluate the
15 effectiveness of the sanction as measured by the parolee's
16 subsequent conduct and monitor the impact on the number and
17 type of violations of the conditions of supervision.

18 (f) Definitions.--The following words and phrases when used
19 in this section shall have the meanings given to them in this
20 subsection:

21 "High sanction range." The term includes: placement in drug
22 and alcohol detoxification facility; imposition of global
23 positioning; placement in community correction center halfway
24 back program; placement in inpatient drug and alcohol treatment;
25 placement in a mental health facility; placement in violation
26 center contract facility; and placement in short-term shock
27 incarceration.

28 "High violation range." The term includes: changing
29 residence without permission; associating with crime victims;
30 having positive urinalysis, use of alcohol (previous history);

1 having pending criminal charges; failure to abide by board-
2 imposed special conditions; failure to report upon release;
3 removal from treatment or community corrections center failure;
4 exhibiting assaultive behavior; absconding; possessing an
5 offensive weapon; possessing a firearm and having positive
6 urinalysis; and use of drugs (previous history).

7 "Low sanction range." The term includes: issuance of written
8 warning; imposition of documented job search; imposition of
9 written travel restrictions; imposition of increased reporting
10 requirements; obtaining treatment evaluation; referral to
11 assessment sanctioning community resource agent group; and
12 imposition of curfew.

13 "Low violation range." The term includes: failure to
14 participate in community service; having positive urinalysis,
15 use of alcohol (previous history); failure to pay supervision
16 fees; failure to pay urinalysis fees; failure to support
17 dependents; failure to pay restitution or court-ordered fee;
18 changing employment without supervision staff notification or
19 permission; and use of drugs (no history).

20 "Medium sanction range." The term includes: imposition of
21 deadline for securing employment; imposition of increased
22 urinalysis testing; imposition of increased curfew; referral to
23 violence prevention booster; imposition of community service;
24 placement in outpatient drug and alcohol treatment; referral to
25 reentry court; imposition of electronic monitoring; and short-
26 term shock incarceration.

27 "Medium violation range." The term includes: failure to
28 notify agent of changes in status; failure to report as
29 instructed; positive urinalysis, use of drugs (no history);
30 violating written travel restrictions; possession of

1 unauthorized contraband, cell phone or beeper; failure to take
2 prescribed medications as prescribed by a medical doctor;
3 failure to maintain employment; failure to participate or attend
4 treatment; entering prohibited establishments; associating with
5 known felons, gangs or codefendants; failure to abide by written
6 instructions; failure to abide by field-imposed special
7 conditions; conviction of summary offenses; having positive
8 urinalysis; use of alcohol (previous history); violating curfew;
9 violating electronic monitoring; failure to provide urine;
10 failure to complete treatment; failure to notify agent of arrest
11 within 72 hours; and conviction of a misdemeanor offense.

12 Section 2. This act shall take effect in 60 days.