

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 100** Session of
2011

INTRODUCED BY GREENLEAF, TARTAGLIONE, ERICKSON AND M. WHITE,
JANUARY 12, 2011

REFERRED TO JUDICIARY, JANUARY 12, 2011

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 61
2 (Prisons and Parole) of the Pennsylvania Consolidated
3 Statutes, in Pennsylvania Commission on sentencing, further
4 providing for powers and duties and for publication of
5 guidelines; in sentences, further providing for sentences for
6 second and subsequent offenses, for sentencing generally and
7 for sentence of county intermediate punishment; providing for
8 court-imposed sanctions for offenders violating probation;
9 further providing for county intermediate punishment
10 programs; in inmate prerelease plans, providing for time
11 eligibility for prerelease; in State intermediate punishment,
12 further providing for definitions and for referral to State
13 intermediate punishment program; in recidivism risk reduction
14 incentive, further providing for definitions; establishing
15 the Safe Community Reentry Program; providing for the powers
16 and duties of the Pennsylvania Board of Probation and Parole
17 and the Department of Corrections; and making appropriations.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Sections 2153(a)(14) and (15), 2155, 9714(g) and
21 9721(a.1) of Title 42 of the Pennsylvania Consolidated Statutes
22 are amended to read:

23 § 2153. Powers and duties.

24 (a) General rule.--The commission, pursuant to rules and
25 regulations, shall have the power to:

1 * * *

2 (14) Establish a program to systematically monitor
3 compliance with the guidelines, with the risk assessment
4 instrument, with recommitment ranges and with mandatory
5 sentencing laws to document eligibility for and releases
6 pursuant to a county reentry plan, to document eligibility
7 for and imposition of recidivism risk reduction incentive
8 minimum sentences and to document all parole and reparole
9 decisions by the board and any other paroling authority by:

10 (i) Promulgating forms which document the
11 application of sentencing, resentencing and parole
12 guidelines, mandatory sentencing laws, risk assessment
13 instrument, releases pursuant to a county reentry plan,
14 recommitment ranges and recidivism risk reduction
15 incentive minimum sentences and collecting information on
16 all parole and reparole decisions by the board and any
17 other paroling authority.

18 (ii) Requiring the timely completion and electronic
19 submission of such forms to the commission.

20 (15) Prior to adoption of changes to guidelines for
21 sentencing, resentencing and parole, risk assessment
22 instrument and recommitment ranges following revocation, use
23 a correctional population simulation model to determine:

24 (i) Resources that are required under current
25 guidelines, risk assessment instrument and ranges.

26 (ii) Resources that would be required to carry out
27 any proposed changes to the guidelines, risk assessment
28 instrument and ranges.

29 * * *

30 § 2155. Publication of guidelines for sentencing, resentencing

1 and parole, risk assessment instrument and
2 recommitment ranges following revocation.

3 (a) General rule.--The commission shall:

4 (1) Prior to adoption, publish in the Pennsylvania
5 Bulletin all proposed sentencing guidelines, resentencing
6 guidelines following revocation of probation, county
7 intermediate punishment and State intermediate punishment,
8 parole guidelines, risk assessment instrument and
9 recommitment ranges following revocation by the board of
10 paroles granted, and hold public hearings not earlier than 30
11 days and not later than 60 days thereafter to afford an
12 opportunity for the following persons and organizations to
13 testify:

14 (i) Pennsylvania District Attorneys Association.

15 (ii) Chiefs of Police Associations.

16 (iii) Fraternal Order of Police.

17 (iv) Public Defenders Organization.

18 (v) Law school faculty members.

19 (vi) State Board of Probation and Parole.

20 (vii) Department of Corrections.

21 (viii) Pennsylvania Bar Association.

22 (ix) Pennsylvania Wardens Association.

23 (x) Pennsylvania Association on Probation, Parole
24 and Corrections.

25 (xi) Pennsylvania Conference of State Trial Judges.

26 (xii) Any other interested person or organization.

27 (2) Publish in the Pennsylvania Bulletin sentencing
28 guidelines, resentencing guidelines following revocation of
29 probation, county intermediate punishment and State
30 intermediate punishment, parole guidelines, risk assessment

1 instrument and recommitment ranges following revocation by
2 the board of paroles granted as adopted by the commission.

3 (b) Rejection by General Assembly.--Subject to gubernatorial
4 review pursuant to section 9 of Article III of the Constitution
5 of Pennsylvania, the General Assembly may by concurrent
6 resolution reject in their entirety any guidelines, risk
7 assessment instrument or recommitment ranges adopted by the
8 commission within 90 days of their publication in the
9 Pennsylvania Bulletin pursuant to subsection (a) (2).

10 (c) Effective date.--

11 (1) Sentencing guidelines, resentencing guidelines
12 following revocation of probation, county intermediate
13 punishment and State intermediate punishment, parole
14 guidelines, risk assessment instrument and recommitment
15 ranges following revocation by the board of paroles granted,
16 adopted by the commission shall become effective 90 days
17 after publication in the Pennsylvania Bulletin pursuant to
18 subsection (a) (2) unless disapproved pursuant to subsection
19 (b) and shall apply to sentences and resentences and parole
20 decisions made after the effective date of the guidelines.

21 (2) If not disapproved, the [commissioners] commission
22 shall conduct training and orientation for trial court judges
23 and board members prior to the effective date of the
24 guidelines, risk assessment instrument and recommitment
25 ranges.

26 § 9714. Sentences for second and subsequent offenses.

27 * * *

28 (g) Definition.--As used in this section, the term "crime of
29 violence" means murder of the third degree, voluntary
30 manslaughter, manslaughter of a law enforcement officer as

1 defined in 18 Pa.C.S. § 2507(c) or (d) (relating to criminal
2 homicide of law enforcement officer), murder of the third degree
3 involving an unborn child as defined in 18 Pa.C.S. § 2604(c)
4 (relating to murder of unborn child), aggravated assault of an
5 unborn child as defined in 18 Pa.C.S. § 2606 (relating to
6 aggravated assault of unborn child), aggravated assault as
7 defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to
8 aggravated assault), assault of law enforcement officer as
9 defined in 18 Pa.C.S. § 2702.1 (relating to assault of law
10 enforcement officer), use of weapons of mass destruction as
11 defined in 18 Pa.C.S. § 2716(b) (relating to weapons of mass
12 destruction), terrorism as defined in 18 Pa.C.S. § 2717(b)(2)
13 (relating to terrorism), trafficking of persons when the offense
14 is graded as a felony of the first degree as provided in 18
15 Pa.C.S. § 3002 (relating to trafficking of persons), rape,
16 involuntary deviate sexual intercourse, aggravated indecent
17 assault, incest, sexual assault, arson as defined in 18 Pa.C.S.
18 § 3301(a) (relating to arson and related offenses), ecoterrorism
19 as defined in 18 Pa.C.S. § 3311(b)(2) (relating to
20 ecoterrorism), kidnapping, burglary of a structure adapted for
21 overnight accommodation in which at the time of the offense any
22 person is present, robbery as defined in 18 Pa.C.S. § 3701(a)(1)
23 (i), (ii) or (iii) (relating to robbery), or robbery of a motor
24 vehicle, or criminal attempt, criminal conspiracy or criminal
25 solicitation to commit murder or any of the offenses listed
26 above, or an equivalent crime under the laws of this
27 Commonwealth in effect at the time of the commission of that
28 offense or an equivalent crime in another jurisdiction.
29 § 9721. Sentencing generally.

30 * * *

1 (a.1) Exception.--

2 (1) Unless specifically authorized under section 9763
3 (relating to a sentence of county intermediate punishment) or
4 Chapter 99 (relating to State intermediate punishment),
5 subsection (a) shall not apply where a mandatory minimum
6 sentence is otherwise provided by law.

7 (2) An eligible offender may be sentenced to State
8 intermediate punishment pursuant to subsection (a)(7) and as
9 described in Chapter 99 or to State motivational boot camp as
10 described in 61 Pa.C.S. Ch. 39 (relating to motivational boot
11 camp), even if a mandatory minimum sentence would otherwise
12 be provided by law.

13 (3) An eligible offender may be sentenced to total
14 confinement pursuant to subsection (a)(4) and a recidivism
15 risk reduction incentive minimum sentence pursuant to section
16 9756(b.1) (relating to sentence of total confinement), even
17 if a mandatory minimum sentence would otherwise be provided
18 by law.

19 * * *

20 Section 2. Section 9763(c) heading of Title 42 is amended
21 and the section is amended by adding a subsection to read:
22 § 9763. Sentence of county intermediate punishment.

23 * * *

24 (c) Restriction for certain Vehicle Code violations.--

25 * * *

26 (c.1) Restriction for drug trafficking.--

27 (1) Any person receiving a penalty imposed pursuant to
28 18 Pa.C.S. § 7508 (relating to drug trafficking sentencing
29 and penalties) where the sentence is imposed pursuant to 18
30 Pa.C.S. § 7508(a)(1)(i), (2)(i), (3)(i), (4)(i) or (7)(i) may

1 only be sentenced to county intermediate punishment after
2 undergoing a diagnostic assessment of dependency on alcohol
3 or other drugs.

4 (2) If the defendant is determined to be in need of drug
5 and alcohol treatment, the defendant may only be sentenced to
6 county intermediate punishment which includes participation
7 in clinically prescribed drug and alcohol treatment combined
8 with one or more of the following programs:

9 (i) a residential inpatient program or a residential
10 rehabilitative center;

11 (ii) house arrest with electronic surveillance; or

12 (iii) a partial confinement program, including, but
13 not limited to, work release, work camp and halfway
14 facility.

15 (3) If the defendant is determined not to be in need of
16 drug and alcohol treatment, the defendant may only be
17 sentenced to county intermediate punishment in:

18 (i) house arrest with electronic surveillance;

19 (ii) a partial confinement program, including, but
20 not limited to, work release, work camp and halfway
21 facility; or

22 (iii) any combination of the programs specified in
23 this paragraph.

24 (4) Each day of participation in a restrictive
25 intermediate punishment program or combination of programs
26 shall be considered the equivalent of and satisfy one day of
27 total confinement required pursuant to 18 Pa.C.S. § 7508
28 where the sentence is imposed pursuant to 18 Pa.C.S. §
29 7508(a)(1)(i), (2)(i), (3)(i), (4)(i) or (7)(i).

30 * * *

1 Section 3. Title 42 is amended by adding a section to read:
2 § 9771.1. Court-imposed sanctions for offenders violating
3 probation.

4 (a) Program.--Notwithstanding the provisions of section 9771
5 (relating to modification or revocation of order of probation),
6 the court of common pleas of a judicial district may establish a
7 program to impose swift, predictable and immediate sanctions on
8 offenders who violate their probation.

9 (b) Coordination with other officials.--The court shall work
10 with probation administrators and officers, jail administrators,
11 prosecutors, public defenders and law enforcement in the
12 judicial district to develop and implement the program.

13 (c) Eligibility.--

14 (1) The court shall determine which offenders are
15 eligible for and admitted into the program. The program shall
16 focus on, but not be limited to, offenders who have committed
17 drug-related crimes.

18 (2) An offender shall be ineligible for the program if
19 the offender was convicted of a crime of violence as defined
20 in section 9714 (relating to sentences for second and
21 subsequent offenses) or of a crime requiring registration
22 under section 9795.1 (relating to registration).

23 (d) Warning hearing.--

24 (1) The court shall hold a warning hearing for each
25 participant in the program to clearly communicate program
26 expectations and consequences and to encourage the
27 participant's compliance and success.

28 (2) The court shall emphasize the expectations that the
29 participant remain drug-free and comply with any treatment or
30 services ordered by the court as a condition of the

1 participant's probation.

2 (3) The court shall put the participant on notice that
3 each probation violation, including missed appointments and
4 positive drug tests, will result in jail time as provided for
5 under subsection (g).

6 (e) Drug testing.--The program shall require, when
7 applicable, randomized drug testing.

8 (f) Violation hearing.--If a participant commits a probation
9 violation, the participant shall promptly be arrested and a
10 hearing shall be held no later than two business days after the
11 arrest date.

12 (g) Sanctions.--

13 (1) The court shall impose a term of imprisonment of up
14 to:

15 (i) three days for a first violation;

16 (ii) seven days for a second violation;

17 (iii) fourteen days for a third violation; and

18 (iv) twenty-one days for a fourth or subsequent
19 violation of probation.

20 (2) The court may allow the term of imprisonment to be
21 served on weekends or other nonwork days for employed
22 probationers who have committed a first or second violation.

23 (3) The court may increase the conditions of probation,
24 including additional substance abuse treatment for a
25 participant who has failed one or more drug tests.

26 (h) Exceptions.--If the participant is able to provide a
27 compelling reason for the probation violation, the court may
28 grant an exception to the sanctions authorized under subsection
29 (g).

30 (i) Revocation of probation.--

1 (1) After a third violation, the court may revoke the
2 order of probation.

3 (2) Upon revocation, the sentencing alternatives shall
4 be the same as were available at the time of initial
5 sentencing, due consideration being given to the time spent
6 -serving the order of probation.

7 (j) Local rules.--The court may adopt local rules for the
8 administration of this program. The local rules may not be
9 inconsistent with this section or any rules adopted by the
10 Supreme Court.

11 Section 4. Section 9804(b) of Title 42 is amended by adding
12 a paragraph to read:

13 § 9804. County intermediate punishment programs.

14 * * *

15 (b) Eligibility.--

16 * * *

17 (6) (i) Any person receiving a penalty imposed pursuant
18 to 18 Pa.C.S. § 7508 (relating to drug trafficking
19 sentencing and penalties) where the sentence is imposed
20 pursuant to 18 Pa.C.S. § 7508(a)(1)(i), (2)(i), (3)(i),
21 (4)(i) or (7)(i) may only be sentenced to county
22 intermediate punishment after undergoing a diagnostic
23 assessment of dependency on alcohol or other drugs.

24 (ii) If the defendant is determined to be in need of
25 drug and alcohol treatment, the defendant may only be
26 sentenced to county intermediate punishment which
27 includes participation in clinically prescribed drug and
28 alcohol treatment combined with one or more of the
29 following programs:

30 (A) a residential inpatient program or a

1 residential rehabilitative center;

2 (B) house arrest with electronic surveillance;

3 or

4 (C) a partial confinement program, including,

5 but not limited to, work release, work camp and

6 halfway facility.

7 (iii) If the defendant is determined not to be in
8 need of drug and alcohol treatment, the defendant may
9 only be sentenced to county intermediate punishment in:

10 (A) house arrest with electronic surveillance;

11 (B) a partial confinement program, including,

12 but not limited to, work release, work camp and

13 halfway facility; or

14 (C) any combination of the programs specified in
15 this paragraph.

16 (iv) Each day of participation in a restrictive
17 intermediate punishment program or combination of
18 programs shall be considered the equivalent of and
19 satisfy one day of total confinement required pursuant to
20 18 Pa.C.S. § 7508 where the sentence is imposed pursuant
21 to 18 Pa.C.S. § 7508(a)(1)(i), (2)(i), (3)(i), (4)(i) or
22 (7)(i).

23 Section 5. Title 61 is amended by adding a section to read:
24 § 3705. Time eligibility for prerelease.

25 (a) General rule.--To be time-eligible for placement in a
26 prerelease center, an inmate must:

27 (1) have completed at least one-half of the inmate's
28 minimum sentence;

29 (2) be within one year of completing the inmate's
30 minimum sentence;

1 (3) have no outstanding detainers; and

2 (4) satisfy the additional condition, as applicable, in
3 subsection (b).

4 (b) Additional condition.--If, at the time the inmate is
5 committed to the supervision of the department the inmate has:

6 (1) less than 12 months to serve until the inmate
7 completes the inmate's minimum sentence, the inmate must
8 serve at least three months in a State correctional
9 institution;

10 (2) at least 12 months to serve until the inmate
11 completes the inmate's minimum sentence but has less than 18
12 months to serve until the inmate completes the inmate's
13 minimum sentence, the inmate must serve at least six months
14 in a State correction institution; or

15 (3) at least 18 months to serve until the inmate
16 completes the inmate's minimum sentence, the inmate must
17 serve at least nine months in a State correctional
18 institution.

19 (c) Exception.--Notwithstanding the provisions of
20 subsections (a) and (b), no inmate shall be eligible for
21 placement in a prerelease center prior to the completion of the
22 inmate's minimum sentence if the inmate is serving a term of
23 imprisonment for:

24 (1) a crime of violence as defined in 42 Pa.C.S. §9714
25 (relating to sentences for second and subsequent offenses);
26 or

27 (2) a crime requiring registration under 42 Pa.C.S.
28 §9795.1 (relating to registration).

29 Section 6. The definitions of "defendant" and "eligible
30 offender" in section 4103 of Title 61 are amended to read:

1 § 4103. Definitions.

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

5 * * *

6 "Defendant." An individual charged with a drug-related
7 offense, including an individual convicted of violating section
8 13(a)(14), (30) or (37) of the act of April 14, 1972 (P.L.233,
9 No.64), known as The Controlled Substance, Drug, Device and
10 Cosmetic Act, where the sentence was imposed pursuant 18 Pa.C.S.
11 § 7508(a)(1)(i), (2)(i), (3)(i), (4)(i) or (7)(i) (relating to
12 drug trafficking sentencing and penalties).

13 * * *

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

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

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

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

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

1 The term shall not include a defendant who is subject to a
2 sentence the calculation of which includes an enhancement for
3 the use of a deadly weapon, as defined pursuant to law or the
4 sentencing guidelines promulgated by the Pennsylvania Commission
5 on Sentencing, or a defendant who has been convicted of a
6 [personal injury crime as defined in section 103 of the act of
7 November 24, 1998 (P.L.882, No.111), known as the Crime Victims
8 Act, or an attempt or conspiracy to commit such a crime or who
9 has been convicted of violating 18 Pa.C.S. § 4302 (relating to
10 incest), 5901] crime of violence as defined in 42 Pa.C.S. §
11 9714(g) (relating to sentences for second and subsequent
12 offenses) or a violation of 18 Pa.C.S. § 5901 (relating to open
13 lewdness), 6312 (relating to sexual abuse of children), 6318
14 (relating to unlawful contact with minor) or 6320 (relating to
15 sexual exploitation of children) or Ch. 76 Subch. C (relating to
16 Internet child pornography).

17 * * *

18 Section 7. Section 4104(a)(1), (d) and (e) of Title 61 are
19 amended to read:

20 § 4104. Referral to State intermediate punishment program.

21 (a) Referral for evaluation.--

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

28 * * *

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

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

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

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

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

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

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

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

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

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

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

1 * * *

2 Section 8. The definition of "eligible offender" in section
3 4503 of Title 61 is amended to read:

4 § 4503. Definitions.

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

8 * * *

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

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

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

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

1 as the Crime Victims Act] crime of violence as defined in 42
2 Pa.C.S. § 9714(g) (relating to sentences for second and
3 subsequent offenses), or an equivalent offense under the laws
4 of the United States or one of its territories or
5 possessions, another state, the District of Columbia, the
6 Commonwealth of Puerto Rico or a foreign nation.

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

13 [18 Pa.C.S. § 4302 (relating to incest).]

14 18 Pa.C.S. § 5901 (relating to open lewdness).

15 18 Pa.C.S. § 6312 (relating to sexual abuse of
16 children).

17 18 Pa.C.S. § 6318 (relating to unlawful contact with
18 minor).

19 18 Pa.C.S. § 6320 (relating to sexual exploitation of
20 children).

21 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet
22 child pornography).

23 Received a criminal sentence pursuant to 42 Pa.C.S. §
24 9712.1 (relating to sentences for certain drug offenses
25 committed with firearms).

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

28 (5) Is not awaiting trial or sentencing for additional
29 criminal charges, if a conviction or sentence on the
30 additional charges would cause the defendant to become

1 ineligible under this definition.

2 (6) Has not been found guilty or previously convicted of
3 violating section 13(a)(14), (30) or (37) of the act of April
4 14, 1972 (P.L.233, No.64), known as The Controlled Substance,
5 Drug, Device and Cosmetic Act, where the sentence was imposed
6 pursuant to 18 Pa.C.S. § 7508(a)(1)(iii), (2)(iii), (3)(iii),
7 (4)(iii), (7)(iii) or (8)(iii) (relating to drug trafficking
8 sentencing and penalties).

9 * * *

10 Section 9. Title 61 is amended by adding a chapter to read:

11 CHAPTER 49

12 SAFE COMMUNITY REENTRY

13 Sec.

14 4901. Scope of chapter.

15 4902. Definitions.

16 4903. Safe Community Reentry Program.

17 4904. Contract for services.

18 4905. Rules and regulations.

19 4906. Study and report.

20 § 4901. Scope of chapter.

21 This chapter relates to the Safe Community Reentry Program.

22 § 4902. Definitions.

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

26 "Community-based programs." Programs which are administered
27 and operated outside of a correctional institution.

28 "Community organization." A community, faith-based or other
29 private charitable organization which is organized as a
30 nonprofit corporation or nonprofit unincorporated association

1 under the laws of the United States or this Commonwealth which
2 is authorized to do business in this Commonwealth as a nonprofit
3 corporation or unincorporated association under the laws of this
4 Commonwealth.

5 "Institutional-based programs." Programs which are
6 administered and operated within a correctional institution.

7 "Offender." An inmate in a correctional institution or a
8 person released from incarceration.

9 "Program." The Safe Community Reentry Program established in
10 this chapter.

11 § 4903. Safe Community Reentry Program.

12 (a) Program established.--The department, in cooperation and
13 coordination with the board, shall establish a comprehensive
14 program to reduce recidivism and ensure the successful reentry
15 of offenders into the community. The program shall provide
16 offenders with access to a full continuum of services during
17 incarceration and upon release during their transition and
18 reintegration into the community.

19 (b) Assessment and plan.--

20 (1) The department shall assess each offender entering
21 into the State correctional system to determine which
22 treatment services, programs and skills the offender needs to
23 develop to be successful in the community following the
24 offender's release.

25 (2) The department shall assist each offender in
26 developing a reentry plan for the offender. The reentry plan
27 shall include the offender's educational, employment, housing
28 and treatment needs as appropriate and necessary to encourage
29 the successful transition and reintegration of the offender
30 into the community.

1 (3) The department shall coordinate the specifics of the
2 offender's reentry plan with the educational, vocational
3 training and treatment services that will be provided to the
4 offender during the offender's incarceration.

5 (c) Transition and reintegration programs.--The department
6 shall identify a comprehensive network of transition and
7 reintegration programs to address the needs of offenders
8 released from incarceration.

9 (d) Community organizations.--

10 (1) The department and the board shall use community
11 organizations to assist the department and the board in
12 meeting the needs of offenders reentering the community.

13 (2) The department and the board shall develop and
14 maintain a list of community organizations available to
15 provide services.

16 (3) Community organizations may provide services
17 including education, vocational training, follow-up treatment
18 services, support with finding housing and employment and may
19 help with family issues and other elements of life after
20 incarceration.

21 (4) The department and the board may refer offenders to
22 community organizations on the list.

23 (e) Sharing of information.--

24 (1) The department and the board may share information
25 about offenders with the entities the department and the
26 board contract with under section 4704 (relating to contract
27 for services) and other agencies and providers of services as
28 necessary to adequately assess and address the needs of each
29 offender.

30 (2) This subsection shall not apply to the disclosure of

1 an offender's personal health information unless the offender
2 consents to the disclosure.

3 (3) This subsection shall not be construed to permit
4 disclosure of personal health information if the disclosure
5 violates the Health Insurance Portability and Accountability
6 Act of 1996 (Public Law 104-191, 110 Stat. 1936) or other
7 Federal or State law.

8 § 4904. Contract for services.

9 (a) Duty of department and board.--As part of the program,
10 the department and the board may contract with private vendors,
11 including community organizations, units of local government and
12 other entities to provide for reintegration and transitional
13 programs and services, which may include institutional-based and
14 community-based programs. The programs and services provided
15 under these contracts may include:

16 (1) Assisting in the development of each offender's
17 reentry plan.

18 (2) Coordinating the supervision and services provided
19 to offenders in correctional institutions with any
20 supervision and services provided to offenders who have been
21 released from incarceration.

22 (3) Providing offenders awaiting release with documents
23 that are necessary after release, including identification
24 papers, referrals to services, medical prescriptions, job
25 training certificates, apprenticeship papers, information on
26 obtaining public assistance and other documents useful in
27 achieving a successful transition from a correctional
28 institution to the community.

29 (4) Involving county agencies whose programs and
30 initiatives strengthen inmate reentry services for offenders

1 who have been returned to the county of their jurisdiction.

2 (5) Providing structured programs, post-release housing
3 and transitional housing, including group homes for
4 recovering substance abusers, through which offenders are
5 provided supervision and services immediately following
6 reentry into the community.

7 (6) Assisting offenders in securing permanent housing
8 upon release or following a stay in post-release or
9 transitional housing.

10 (7) Continuing to link offenders with health resources
11 for health services that were provided to them when they were
12 under the jurisdiction of the department, including mental
13 health, substance abuse treatment, aftercare and treatment
14 services for contagious diseases.

15 (8) Providing education, job training, English as a
16 second language programs, work experience programs, self-
17 respect and life skills training and other skills needed to
18 achieve self-sufficiency for a successful transition from
19 incarceration.

20 (9) Facilitating collaboration among corrections
21 administrators, technical schools, community colleges and the
22 work force development and employment service sectors so that
23 there are efforts to:

24 (i) Promote, where appropriate, the employment of
25 offenders released from correctional institutions and
26 facilitate the creation of job opportunities, including
27 transitional jobs, for such offenders that will also
28 benefit communities.

29 (ii) Connect offenders to employment, including
30 supportive employment and employment services, before

1 their release from correctional institutions.

2 (iii) Address barriers to employment, including
3 obtaining a driver's license.

4 (10) Assessing the literacy and educational needs of
5 offenders and providing appropriate services to meet those
6 needs, including follow-up assessments and long-term
7 services.

8 (11) Addressing systems under which family members of
9 offenders are involved with facilitating the successful
10 reentry of those offenders into the community, including
11 removing obstacles to the maintenance of family relationships
12 while the offender is in custody, strengthening the family's
13 capacity to establish and maintain a stable living situation
14 during the reentry process where appropriate and involving
15 family members in the planning and implementation of the
16 reentry process.

17 (12) Facilitating visitation and maintenance of family
18 relationships with respect to offenders by addressing
19 obstacles such as travel, telephone costs, mail restrictions
20 and restrictive visitation policies.

21 (13) Addressing barriers to the visitation of children
22 with an incarcerated parent and maintenance of the parent-
23 child relationship, including, but not limited to, the
24 location of facilities in remote areas, telephone costs, mail
25 restrictions and visitation policies.

26 (14) Creating mentoring programs designed to assist
27 offenders in changing the offenders' pattern of behavior so
28 that the offenders will not revictimize their victims or have
29 new victims. Mentoring may occur inside the correctional
30 institution and in the community once the offender is

1 released. The mentor shall:

2 (i) Act as a role model for the offender.

3 (ii) Foster a caring and supportive relationship by
4 creating an independence from and not a dependence upon
5 the mentor or the system as a whole.

6 (iii) Encourage positive self-concept.

7 (iv) Teach and aid in goal setting.

8 (v) Support other positive relationships within the
9 community.

10 (vi) Assist in linking the offender to community-
11 based services.

12 (vii) Promote appropriate, positive family
13 relationships.

14 (viii) Help develop personal accountability and
15 personal responsibility.

16 (15) Facilitating and encouraging timely and complete
17 payment of restitution and fines by offenders to victims and
18 the community.

19 (b) Accountability.--To ensure accountability, any contract
20 entered under this section shall contain specific performance
21 measures that the department and the board shall use to evaluate
22 compliance with the terms of the contract.

23 § 4905. Rules and regulations.

24 The department and board may promulgate rules and regulations
25 as deemed necessary to implement this chapter.

26 § 4906. Study and report.

27 (a) Study.--The department shall conduct and coordinate
28 research to determine whether the program established under
29 section 4903 (relating to Safe Community Reentry Program)
30 reduces recidivism rates.

1 (b) Report.--Not later than February 1 of each even-numbered
2 year, the department shall present a report of the research
3 conducted or coordinated under subsection (a) to the Judiciary
4 Committee of the Senate and the Judiciary Committee of the House
5 of Representatives. The report shall evaluate the program and,
6 if appropriate, make recommendations for legislation.

7 Section 10. The sums set forth in this section, or as much
8 thereof as may be necessary, are hereby specifically
9 appropriated from the General Fund to the several hereinafter
10 named agencies of the Executive Department, Legislative
11 Department and Judicial Department of the Commonwealth for the
12 fiscal year beginning July 1, 2011, and ending June 30, 2012:

13 (1) The following amounts are
14 appropriated to the Pennsylvania
15 Commission on Crime and Delinquency:

16 For payments for grants-in-aid
17 to counties for providing
18 intermediate punishment programs.

19 State appropriation..... 7,000,000

20 For intermediate punishment
21 grants for drug and alcohol
22 treatment.

23 State appropriation..... 43,000,000

24 (2) The following amount is
25 appropriated to the Pennsylvania Board
26 of Probation and Parole:

27 For parole and reentry services.

28 State appropriation..... 15,000,000

29 (3) The following amount is
30 appropriated to the Pennsylvania

1 Commission on Sentencing:

2 For the Pennsylvania Commission
3 on Sentencing.

4 State appropriation..... 2,300,000

5 (4) The following amount is
6 appropriated to the Administrative
7 Office of Pennsylvania Courts:

8 For reimbursement grants for
9 problem-solving courts in counties
10 for start-up costs.

11 State appropriation..... 2,000,000

12 Section 11. This act shall take effect as follows:

13 (1) Section 10 of this act shall take effect July 1,
14 2011, or immediately, whichever is later.

15 (2) This section shall take effect immediately.

16 (3) The remainder of this act shall take effect in 60
17 days.