

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 100 Session of
2011

INTRODUCED BY GREENLEAF, TARTAGLIONE, ERICKSON, M. WHITE,
BRUBAKER, EARLL, FERLO, WOZNIAK, YUDICHAK, BROWNE AND BLAKE,
JANUARY 12, 2011

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 5, 2012

AN ACT

1 ~~Amending Titles 18 (Crimes and Offenses), 42 (Judiciary and~~ ←
2 ~~Judicial Procedure) and 61 (Prisons and Parole) of the~~
3 ~~Pennsylvania Consolidated Statutes, in burglary and other~~
4 ~~criminal intrusion, further providing for the offense of~~
5 ~~burglary; in Pennsylvania Commission on sentencing, further~~
6 ~~providing for powers and duties and for publication of~~
7 ~~guidelines; in sentences, further providing for sentences for~~
8 ~~second and subsequent offenses, for sentencing generally and~~
9 ~~for sentence of county intermediate punishment; providing for~~
10 ~~court imposed sanctions for offenders violating probation;~~
11 ~~further providing for county intermediate punishment~~
12 ~~programs; in visitation, further providing for general~~
13 ~~provisions; in inmate prerelease plans, providing for time~~
14 ~~eligibility for prerelease; in motivational boot camp,~~
15 ~~further providing for definitions and for selection of inmate~~
16 ~~participants; in State intermediate punishment, further~~
17 ~~providing for definitions and for referral to State~~
18 ~~intermediate punishment program; in recidivism risk reduction~~
19 ~~incentive, further providing for definitions; establishing~~
20 ~~the Safe Community Reentry Program; and providing for the~~
21 ~~powers and duties of the Pennsylvania Board of Probation and~~
22 ~~Parole and the Department of Corrections.~~

23 AMENDING TITLES 18 (CRIMES AND OFFENSES), 42 (JUDICIARY AND ←
24 JUDICIAL PROCEDURE) AND 61 (PRISONS AND PAROLE) OF THE
25 PENNSYLVANIA CONSOLIDATED STATUTES, IN BURGLARY AND OTHER
26 CRIMINAL INTRUSION, FURTHER PROVIDING FOR THE OFFENSE OF
27 BURGLARY; IN OTHER OFFENSES, FURTHER PROVIDING FOR DRUG
28 TRAFFICKING SENTENCING AND PENALTIES; IN PENNSYLVANIA
29 COMMISSION ON SENTENCING, FURTHER PROVIDING FOR POWERS AND
30 DUTIES AND FOR PUBLICATION OF GUIDELINES; IN SENTENCING,
31 FURTHER PROVIDING FOR SENTENCES FOR SECOND AND SUBSEQUENT

1 OFFENSES; IN SENTENCING, PROVIDING FOR SENTENCING FOR CERTAIN
2 PAROLED OFFENDERS; IN SENTENCING, FURTHER PROVIDING FOR
3 SENTENCING GENERALLY, FOR DISPOSITION UNDER GUILTY BUT
4 MENTALLY ILL, FOR PARTIAL CONFINEMENT, FOR TOTAL CONFINEMENT
5 AND FOR PROCEEDINGS AND LOCATION; IN SENTENCING, PROVIDING
6 FOR COURT-IMPOSED SANCTIONS FOR OFFENDERS VIOLATING
7 PROBATION; IN COUNTY INTERMEDIATE PUNISHMENT, FURTHER
8 PROVIDING FOR DEFINITIONS AND FOR PROGRAMS; IN CORRECTIONAL
9 INSTITUTIONS ADMINISTRATION, FURTHER PROVIDING FOR DRUG
10 DISTRIBUTION DEFINITIONS; IN INMATE CONFINEMENT VISITATION,
11 FURTHER PROVIDING FOR GUBERNATORIAL VISITORS, FOR OFFICIAL
12 VISITORS AND FOR RIGHTS OF OFFICIAL VISITORS; IN INMATE
13 CONFINEMENT PRERELEASE PLANS, FURTHER PROVIDING FOR
14 ESTABLISHMENT OF PRERELEASE CENTERS, FOR PRERELEASE PLAN FOR
15 INMATES, FOR REGULATIONS AND FOR COMPENSATION OF INMATES; IN
16 INMATE CONFINEMENT MOTIVATIONAL BOOT CAMPS, FURTHER PROVIDING
17 FOR DEFINITIONS AND FOR SELECTION OF INMATE PARTICIPANTS; IN
18 INMATE CONFINEMENT STATE INTERMEDIATE PUNISHMENT, FURTHER
19 PROVIDING FOR DEFINITIONS AND FOR REFERRAL TO STATE
20 INTERMEDIATE PUNISHMENT PROGRAM; IN INMATE CONFINEMENT
21 RECIDIVISM RISK REDUCTION INCENTIVE, FURTHER PROVIDING FOR
22 DEFINITIONS; IN INMATE CONFINEMENT COMMUNITY CORRECTIONS
23 FACILITIES, FURTHER PROVIDING FOR DEFINITIONS; IN INMATE
24 CONFINEMENT, PROVIDING FOR SAFE COMMUNITY REENTRY AND FOR
25 COMMUNITY CORRECTIONS CENTERS AND COMMUNITY CORRECTIONS
26 FACILITIES; IN PROBATION AND PAROLE ADMINISTRATION, FURTHER
27 PROVIDING FOR CERTAIN OFFENDERS RESIDING IN GROUP-BASED
28 HOMES, FOR ADMINISTRATIVE POWERS OVER PAROLEES, FOR GENERAL
29 COURT CRITERIA FOR PAROLE, FOR PAROLE POWER, FOR PAROLE
30 VIOLATION AND FOR PAROLE PROCEDURE; IN PROBATION AND PAROLE
31 ADMINISTRATION, PROVIDING FOR EARLY PAROLE SUBJECT TO FEDERAL
32 ORDER; MAKING A RELATED REPEAL; AND ABROGATING REGULATIONS.

33 The General Assembly of the Commonwealth of Pennsylvania
34 hereby enacts as follows:

35 ~~Section 1. Section 3502 of Title 18 of the Pennsylvania~~ ←
36 ~~Consolidated Statutes is amended to read:~~

37 SECTION 1. SECTIONS 3502 AND 7508(C) OF TITLE 18 OF THE ←
38 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

39 § 3502. Burglary.

40 [(a) Offense defined.--A person is guilty of burglary if he
41 enters a building or occupied structure, or separately secured
42 or occupied portion thereof, with intent to commit a crime
43 therein, unless the premises are at the time open to the public
44 or the actor is licensed or privileged to enter.

45 (b) Defense.--It is a defense to prosecution for burglary
46 that the building or structure was abandoned.]

1 (a) Offense defined.--A person commits the offense of
2 burglary if, with the intent to commit a crime therein, the
3 person:

4 (1) enters a building or occupied structure, or
5 separately secured or occupied portion thereof that is
6 adapted for overnight accommodations in which at the time of
7 the offense any person is present;

8 (2) enters a building or occupied structure, or
9 separately secured or occupied portion thereof that is
10 adapted for overnight accommodations in which at the time of
11 the offense no person is present;

12 (3) enters a building or occupied structure, or
13 separately secured or occupied portion thereof that is not
14 adapted for overnight accommodations in which at the time of
15 the offense any person is present; or

16 (4) enters a building or occupied structure, or
17 separately secured or occupied portion thereof that is not
18 adapted for overnight accommodations in which at the time of
19 the offense no person is present.

20 (b) Defense.--It is a defense to prosecution for burglary if
21 any of the following exists at the time of the commission of the
22 offense:

23 (1) The building or structure was abandoned.

24 (2) The premises are open to the public.

25 (3) The actor is licensed or privileged to enter.

26 (c) Grading.--

27 (1) Except as provided in paragraph (2), burglary is a
28 felony of the first degree.

29 (2) [If the building, structure or portion entered is
30 not adapted for overnight accommodation and if no individual

1 is present at the time of entry, burglary is a felony of the
2 second degree.] An offense under subsection (a)(4) is a
3 felony of the second degree.

4 (d) Multiple convictions.--A person may not be [convicted]
5 sentenced both for burglary and for the offense which it was his
6 intent to commit after the burglarious entry or for an attempt
7 to commit that offense, unless the additional offense
8 constitutes a felony of the first or second degree.

9 § 7508. DRUG TRAFFICKING SENTENCING AND PENALTIES. ←

10 * * *

11 (C) MANDATORY SENTENCING.--THERE SHALL BE NO AUTHORITY IN
12 ANY COURT TO IMPOSE ON AN OFFENDER TO WHICH THIS SECTION IS
13 APPLICABLE A LESSER SENTENCE THAN PROVIDED FOR HEREIN OR TO
14 PLACE THE OFFENDER ON PROBATION, PAROLE[,] OR WORK RELEASE [OR
15 PRERELEASE] OR TO SUSPEND SENTENCE. NOTHING IN THIS SECTION
16 SHALL PREVENT THE SENTENCING COURT FROM IMPOSING A SENTENCE
17 GREATER THAN PROVIDED HEREIN. SENTENCING GUIDELINES PROMULGATED
18 BY THE PENNSYLVANIA COMMISSION ON SENTENCING SHALL NOT SUPERSEDE
19 THE MANDATORY SENTENCES PROVIDED HEREIN. DISPOSITION UNDER
20 SECTION 17 OR 18 OF THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND
21 COSMETIC ACT SHALL NOT BE AVAILABLE TO A DEFENDANT TO WHICH THIS
22 SECTION APPLIES.

23 * * *

24 Section 1.1. Sections 2153(a)(14) and (15) and 2155 of Title
25 42 are amended to read:

26 § 2153. Powers and duties.

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

29 * * *

30 (14) Establish a program to systematically monitor

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

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

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

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

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

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

27 * * *

28 § 2155. Publication of guidelines for sentencing, resentencing
29 and parole, risk assessment instrument and
30 recommitment ranges following revocation.

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

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

12 (i) Pennsylvania District Attorneys Association.

13 (ii) Chiefs of Police Associations.

14 (iii) Fraternal Order of Police.

15 (iv) Public Defenders Organization.

16 (v) Law school faculty members.

17 (vi) State Board of Probation and Parole.

18 (vii) Department of Corrections.

19 (viii) Pennsylvania Bar Association.

20 (ix) Pennsylvania Wardens Association.

21 (x) Pennsylvania Association on Probation, Parole
22 and Corrections.

23 (xi) Pennsylvania Conference of State Trial Judges.

24 (xii) Any other interested person or organization.

25 (2) Publish in the Pennsylvania Bulletin sentencing
26 guidelines, resentencing guidelines following revocation of
27 probation, county intermediate punishment and State
28 intermediate punishment, parole guidelines, risk assessment
29 instrument and recommitment ranges following revocation by
30 the board of paroles granted as adopted by the commission.

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

8 (c) Effective date.--

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

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

24 Section 1.2. Section 9714(g) of Title 42, amended July 7,
25 2011 (P.L.220, No.40), is amended to read:

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] as defined in 18 Pa.C.S. § 3502(a)(1)
23 (relating to burglary), robbery as defined in 18 Pa.C.S. §
24 3701(a)(1)(i), (ii) or (iii) (relating to robbery), or robbery
25 of a motor vehicle, drug delivery resulting in death as defined
26 in 18 Pa.C.S. § 2506(a) (relating to drug delivery resulting in
27 death), or criminal attempt, criminal conspiracy or criminal
28 solicitation to commit murder or any of the offenses listed
29 above, or an equivalent crime under the laws of this
30 Commonwealth in effect at the time of the commission of that

1 offense or an equivalent crime in another jurisdiction.

2 SECTION 1.3. TITLE 42 IS AMENDED BY ADDING A SECTION TO
3 READ: ←

4 § 9720.3. SENTENCING FOR CERTAIN PAROLED OFFENDERS.

5 A PERSON UNLAWFULLY PRESENT IN THE UNITED STATES WHO IS
6 CONVICTED IN A COURT OF THIS COMMONWEALTH OF AN OFFENSE
7 COMMITTED SUBSEQUENT TO BEING PAROLED UNDER 61 PA.C.S. § 6143
8 (RELATING TO EARLY PAROLE OF INMATES SUBJECT TO FEDERAL REMOVAL
9 ORDER) MAY BE IMPRISONED FOR A TERM UP TO TWICE THE TERM OF
10 SENTENCE OTHERWISE AUTHORIZED, FINED AN AMOUNT EQUAL TO TWICE
11 THE FINE OTHERWISE AUTHORIZED, OR BOTH.

12 Section ~~1.3.~~ ~~Section 9721(a.1)~~ 2. SECTIONS 9721(A.1), ←
13 9727(D), 9755(G) AND 9756(D) of Title 42 ~~is~~ ARE amended to read: ←
14 § 9721. Sentencing generally.

15 * * *

16 (a.1) Exception.--

17 (1) Unless specifically authorized under section 9763
18 (relating to a sentence of county intermediate punishment) or
19 **[Chapter 99]** 61 PA.C.S. CH. 41 (relating to State ←
20 intermediate punishment), subsection (a) shall not apply
21 where a mandatory minimum sentence is otherwise provided by
22 law.

23 (2) An eligible offender may be sentenced to State
24 intermediate punishment pursuant to subsection (a)(7) and as
25 described in **[Chapter 99]** 61 PA.C.S. CH. 41 or to State ←
26 motivational boot camp as described in 61 Pa.C.S. Ch. 39
27 (relating to motivational boot camp), even if a mandatory
28 minimum sentence would otherwise be provided by law.

29 (3) An eligible offender may be sentenced to total
30 confinement pursuant to subsection (a)(4) and a recidivism

1 risk reduction incentive minimum sentence pursuant to section
2 9756(b.1) (relating to sentence of total confinement), even
3 if a mandatory minimum sentence would otherwise be provided
4 by law.

5 * * *

6 ~~Section 2. Section 9763(c) heading of Title 42 is amended~~ ←
7 ~~and the section is amended by adding a subsection to read:~~
8 ~~§ 9763. Sentence of county intermediate punishment.~~

9 * * *

10 ~~(c) Restriction for certain Vehicle Code violations.~~

11 * * *

12 ~~(c.1) Restriction for drug trafficking.~~

13 ~~(1) Any person receiving a penalty imposed pursuant to~~
14 ~~18 Pa.C.S. § 7508 (relating to drug trafficking sentencing~~
15 ~~and penalties) where the sentence is imposed pursuant to 18~~
16 ~~Pa.C.S. § 7508(a)(1)(i), (2)(i), (3)(i), (4)(i) or (7)(i) may~~
17 ~~only be sentenced to county intermediate punishment after~~
18 ~~undergoing a diagnostic assessment of dependency on alcohol~~
19 ~~or other drugs.~~

20 ~~(2) If the defendant is determined to be in need of drug~~
21 ~~and alcohol treatment, the defendant may only be sentenced to~~
22 ~~county intermediate punishment which includes participation~~
23 ~~in clinically prescribed drug and alcohol treatment combined~~
24 ~~with one or more of the following programs:~~

25 ~~(i) a residential inpatient program or a residential~~
26 ~~rehabilitative center;~~

27 ~~(ii) house arrest with electronic surveillance; or~~

28 ~~(iii) a partial confinement program, including, but~~
29 ~~not limited to, work release, work camp and halfway~~
30 ~~facility.~~

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

4 ~~(i) house arrest with electronic surveillance;~~

5 ~~(ii) a partial confinement program, including, but~~
6 ~~not limited to, work release, work camp and halfway~~
7 ~~facility; or~~

8 ~~(iii) any combination of the programs specified in~~
9 ~~this paragraph.~~

10 ~~(4) Each day of participation in a restrictive~~
11 ~~intermediate punishment program or combination of programs~~
12 ~~shall be considered the equivalent of and satisfy one day of~~
13 ~~total confinement required pursuant to 18 Pa.C.S. § 7508~~
14 ~~where the sentence is imposed pursuant to 18 Pa.C.S. §~~
15 ~~7508(a)(1)(i), (2)(i), (3)(i), (4)(i) or (7)(i).~~

16 * * *

17 § 9727. DISPOSITION OF PERSONS FOUND GUILTY BUT MENTALLY ILL. ←

18 * * *

19 (D) [PRERELEASE AND PAROLE] PAROLE CONDITIONS.--AN OFFENDER
20 WHO IS DISCHARGED FROM TREATMENT MAY BE PLACED ON [PRERELEASE
21 OR] PAROLE STATUS UNDER THE SAME TERMS AND LAWS APPLICABLE TO
22 ANY OTHER OFFENDER. PSYCHOLOGICAL AND PSYCHIATRIC COUNSELING AND
23 TREATMENT MAY BE REQUIRED AS A CONDITION OF SUCH STATUS. FAILURE
24 TO CONTINUE TREATMENT, EXCEPT BY AGREEMENT OF THE SUPERVISING
25 AUTHORITY, SHALL BE A BASIS FOR [TERMINATING PRERELEASE STATUS
26 OR] INSTITUTING PAROLE VIOLATION HEARINGS.

27 * * *

28 § 9755. SENTENCE OF PARTIAL CONFINEMENT.

29 * * *

30 (G) PRISONER RELEASE PLANS.--THIS SECTION SHALL NOT BE

1 INTERPRETED AS LIMITING [THE AUTHORITY OF THE BUREAU OF
2 CORRECTION AS SET FORTH IN THE ACT OF JULY 16, 1968 (P.L.351,
3 NO.173), AS AMENDED, RELATING TO PRISONER PRE-RELEASE CENTERS
4 AND RELEASE PLANS, OR] THE AUTHORITY OF THE COURT AS SET FORTH
5 IN [THE ACT OF AUGUST 13, 1963 (P.L.774, NO.390), AS AMENDED,
6 RELATING TO PRISONER RELEASE FOR OCCUPATIONAL AND OTHER
7 PURPOSES] SECTION 9755.1 (RELATING TO TEMPORARY RELEASE FROM
8 COUNTY CORRECTIONAL INSTITUTION).

9 * * *

10 § 9756. SENTENCE OF TOTAL CONFINEMENT.

11 * * *

12 (D) PRISONER RELEASE PLANS.--THIS SECTION SHALL NOT BE
13 INTERPRETED AS LIMITING [THE AUTHORITY OF THE BUREAU OF
14 CORRECTION AS SET FORTH IN THE ACT OF JULY 16, 1968 (P.L.351,
15 NO.173), AS AMENDED, RELATING TO PRISONER PRE-RELEASE CENTERS
16 AND RELEASE PLANS, OR] THE AUTHORITY OF THE COURT AS SET FORTH
17 IN [THE ACT OF AUGUST 13, 1963 (P.L.774, NO.390), AS AMENDED,
18 RELATING TO PRISONER RELEASE FOR OCCUPATIONAL AND OTHER
19 PURPOSES] SECTION 9755.1 (RELATING TO TEMPORARY RELEASE FROM
20 COUNTY CORRECTIONAL INSTITUTION).

21 * * *

22 SECTION 3. SECTION 9762 OF TITLE 42 IS AMENDED BY ADDING A
23 SUBSECTION TO READ:

24 § 9762. SENTENCING PROCEEDING; PLACE OF CONFINEMENT.

25 * * *

26 (I) PROHIBITION.--NOTWITHSTANDING ANY OTHER PROVISION OF
27 LAW, NO PERSON SENTENCED TO TOTAL OR PARTIAL CONFINEMENT AFTER
28 THE EFFECTIVE DATE OF THIS SUBSECTION SHALL BE COMMITTED TO THE
29 DEPARTMENT OF CORRECTIONS UNLESS:

30 (1) THE PERSON IS SERVING A SENTENCE WHICH INCLUDES A

1 SENTENCE FOR AN OFFENSE GRADED AS A MISDEMEANOR OF THE SECOND
2 DEGREE OR HIGHER; OR

3 (2) THE SECRETARY OF CORRECTIONS OR THE SECRETARY'S
4 DESIGNEE HAS CONSENTED TO THE COMMITMENT.

5 Section ~~3~~ 3.1. Title 42 is amended by adding a section to
6 read:

7 § 9771.1. Court-imposed sanctions for offenders violating
8 probation.

9 (a) Program.--Notwithstanding the provisions of section 9771
10 (relating to modification or revocation of order of probation),
11 the court of common pleas of a judicial district may establish a
12 program to impose swift, predictable and immediate sanctions on
13 offenders who violate their probation.

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

18 (c) Eligibility.--

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

23 (2) An offender shall be ineligible for the program if
24 the offender ~~was~~ HAS BEEN convicted OR ADJUDICATED DELINQUENT ←
25 of a crime of violence as defined in section 9714 (relating
26 to sentences for second and subsequent offenses) or of a
27 crime requiring registration under ~~section 9795.1~~ SUBCHAPTER ←
28 H (relating to registration OF SEXUAL OFFENDERS). ←

29 (d) Warning hearing.--

30 (1) The court shall hold a warning hearing for each

1 participant in the program to clearly communicate program
2 expectations and consequences and to encourage the
3 participant's compliance and success.

4 (2) The court shall emphasize the expectations that the
5 participant remain drug-free and comply with any treatment or
6 services ordered by the court as a condition of the
7 participant's probation.

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

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

14 (f) Violation hearing.--If a participant commits a probation
15 violation, the participant shall promptly be arrested and a
16 hearing shall be held no later than two business days after the
17 arrest date.

18 (g) Sanctions.--

19 (1) The court shall impose a term of imprisonment of up
20 to:

21 (i) three days for a first violation;

22 (ii) seven days for a second violation;

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

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

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

29 (3) The court may increase the conditions of probation,
30 including additional substance abuse treatment for a

1 participant who has failed one or more drug tests.

2 (h) Exceptions.--If the participant is able to provide a
3 compelling reason for the probation violation, the court may
4 grant an exception to the sanctions authorized under subsection
5 (g).

6 (i) Revocation of probation.--

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

9 (2) Upon revocation, the sentencing alternatives shall
10 be the same as were available at the time of initial
11 sentencing, due consideration being given to the time spent
12 -serving the order of probation.

13 (j) Local rules.--

14 (1) The court may adopt local rules for the
15 administration of this program. Except as provided for under
16 paragraph (2), the local rules may not be inconsistent with
17 this section or any rules adopted by the Supreme Court.

18 (2) The court may adopt local rules that are
19 inconsistent with subsection (g) regarding the terms of
20 imprisonment or other sanctions or conditions provided for
21 under subsection (g).

22 SECTION 3.2. THE DEFINITION OF "ELIGIBLE OFFENDER" IN



23 SECTION 9802 OF TITLE 42 IS AMENDED TO READ:

24 § 9802. DEFINITIONS.

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

28 * * *

29 "ELIGIBLE OFFENDER." SUBJECT TO SECTION 9721(A.1) (RELATING
30 TO SENTENCING GENERALLY), A PERSON CONVICTED OF AN OFFENSE WHO

1 WOULD OTHERWISE BE SENTENCED TO A COUNTY CORRECTIONAL FACILITY,
2 WHO DOES NOT DEMONSTRATE A PRESENT OR PAST PATTERN OF VIOLENT
3 BEHAVIOR AND WHO WOULD OTHERWISE BE SENTENCED TO PARTIAL
4 CONFINEMENT PURSUANT TO SECTION 9724 (RELATING TO PARTIAL
5 CONFINEMENT) OR TOTAL CONFINEMENT PURSUANT TO SECTION 9725
6 (RELATING TO TOTAL CONFINEMENT). THE TERM DOES NOT INCLUDE AN
7 OFFENDER WHO HAS BEEN CONVICTED OR ADJUDICATED DELINQUENT OF A
8 CRIME REQUIRING REGISTRATION UNDER 42 PA.C.S. CH. 97 SUBCH. H
9 (RELATING TO REGISTRATION OF SEXUAL OFFENDERS) OR AN OFFENDER
10 WITH A CURRENT CONVICTION OR A PRIOR CONVICTION WITHIN THE PAST
11 TEN YEARS FOR ANY OF THE FOLLOWING OFFENSES:

12 18 PA.C.S. § 2502 (RELATING TO MURDER) .

13 18 PA.C.S. § 2503 (RELATING TO VOLUNTARY MANSLAUGHTER) .

14 18 PA.C.S. § 2702 (RELATING TO AGGRAVATED ASSAULT) .

15 18 PA.C.S. § 2703 (RELATING TO ASSAULT BY PRISONER) .

16 18 PA.C.S. § 2704 (RELATING TO ASSAULT BY LIFE PRISONER) .

17 18 PA.C.S. § 2901(A) (RELATING TO KIDNAPPING) .

18 [18 PA.C.S. § 3121 (RELATING TO RAPE) .]

19 18 PA.C.S. § 3122.1(A) (1) (RELATING TO STATUTORY SEXUAL
20 ASSAULT) .

21 [18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY DEVIATE
22 SEXUAL INTERCOURSE) .

23 18 PA.C.S. § 3124.1 (RELATING TO SEXUAL ASSAULT) .

24 18 PA.C.S. § 3125 (RELATING TO AGGRAVATED INDECENT
25 ASSAULT) .

26 18 PA.C.S. § 3126 (RELATING TO INDECENT ASSAULT) .]

27 18 PA.C.S. § 3301 (RELATING TO ARSON AND RELATED
28 OFFENSES) .

29 18 PA.C.S. § 3502 (RELATING TO BURGLARY) WHEN GRADED AS A
30 FELONY OF THE FIRST DEGREE .

1 18 PA.C.S. § 3701 (RELATING TO ROBBERY).

2 18 PA.C.S. § 3923 (RELATING TO THEFT BY EXTORTION).

3 18 PA.C.S. § 4302(A) (RELATING TO INCEST).

4 18 PA.C.S. § 5121 (RELATING TO ESCAPE).

5 * * *

6 Section 4. Section 9804(b)(1) of Title 42 is amended and the ←
7 subsection is amended by adding a paragraph to read:

8 § 9804. County intermediate punishment programs.

9 * * *

10 (b) Eligibility.--

11 (1) (i) No person other than the eligible offender
12 shall be sentenced to a county intermediate punishment
13 program.

14 (ii) The prosecuting attorney, in the prosecuting
15 attorney's sole discretion, may advise the court that the
16 Commonwealth has elected to waive the eligibility
17 requirements of this chapter if the victim has been given
18 notice of the prosecuting attorney's intent to waive the
19 eligibility requirements and an opportunity to be heard
20 on the issue.

21 (iii) The court, after considering victim input, may
22 refuse to accept the prosecuting attorney's waiver of the
23 eligibility requirements.

24 * * *

25 ~~(6) (i) Any person receiving a penalty imposed pursuant ←~~
26 ~~to 18 Pa.C.S. § 7508 (relating to drug trafficking~~
27 ~~sentencing and penalties) where the sentence is imposed~~
28 ~~pursuant to 18 Pa.C.S. § 7508(a)(1)(i), (2)(i), (3)(i),~~
29 ~~(4)(i) or (7)(i) may only be sentenced to county~~
30 ~~intermediate punishment after undergoing a diagnostic~~

1 ~~assessment of dependency on alcohol or other drugs.~~

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

8 ~~(A) a residential inpatient program or a~~
9 ~~residential rehabilitative center;~~

10 ~~(B) house arrest with electronic surveillance;~~

11 ~~or~~

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

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

18 ~~(A) house arrest with electronic surveillance;~~

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

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

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

1 SECTION 5. THE DEFINITION OF "CORRECTIONAL FACILITY" IN



2 SECTION 1172 OF TITLE 61 IS AMENDED TO READ:

3 § 1172. DEFINITIONS.

4 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
5 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
6 CONTEXT CLEARLY INDICATES OTHERWISE:

7 "CORRECTIONAL FACILITY." A CORRECTIONAL INSTITUTION, GROUP
8 HOME, [PRERELEASE CENTER,] COMMUNITY CORRECTIONS CENTER, PAROLE
9 CENTER OR ANY FACILITY THAT HOUSES A PERSON CONVICTED OF A
10 CRIMINAL OFFENSE, OR AWAITING TRIAL, SENTENCING OR EXTRADITION
11 IN A CRIMINAL PROCEEDING. THE TERM DOES NOT INCLUDE ANY FACILITY
12 OR INSTITUTION OPERATED, SUPERVISED OR LICENSED UNDER THE ACT OF
13 JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE CODE.

14 * * *

15 Section § 5.1. Subchapter A heading of Chapter 35 of Title
16 61 is amended to read:



17 SUBCHAPTER A
18 [GENERAL PROVISIONS]
19 (Reserved)

20 Section 6. Sections 3501, 3502 ~~and~~, 3503, 3701, 3702, 3703
21 AND 3704 of Title 61 are amended to read:



22 § 3501. [Gubernatorial visitor for philanthropic purposes.

23 The Governor may appoint a person to visit, for philanthropic
24 purposes, correctional institutions. No expense shall be
25 incurred to the Commonwealth for the implementation of this
26 section.] (Reserved).

27 § 3502. [Official visitors.

28 (a) General rule.--Subject to the provisions of subsection

29 (b), the active or visiting committee of any society

30 incorporated for the purpose of visiting and instructing inmates

1 are hereby made official visitors of any correctional
2 institution, with the same powers, privileges and functions as
3 are vested in the official visitors of correctional institutions
4 as now prescribed by law.

5 (b) Notice required.--No active or visiting committee as
6 identified in subsection (a) may visit a correctional
7 institution under this section unless notice of the names of the
8 members of the committee and the terms of their appointment are
9 given by the society, in writing, under its corporate seal, to
10 the chief administrator of the correctional institution.]

11 (Reserved).

12 § 3503. [Rights of official visitors.

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

19 (b) Confirmation of role.--All powers, functions and
20 privileges granted to official visitors of correctional
21 institutions under prior law are hereby confirmed. No official
22 visitor shall have the right or power to give or deliver to an
23 inmate during such visit any chattel or object whatsoever,
24 except objects and articles of religious or moral instruction or
25 use.

26 (c) Effect of violation.--

27 (1) If an official visitor violates any provision of
28 this section, a chief administrator may apply to the court of
29 common pleas in the county wherein the correctional
30 institution is situated for a rule upon the official visitor

1 to show cause why he should not be deprived of his office.

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

6 Section 7. ~~Title 61 is amended by adding a section to read:~~ ←

7 ~~§ 3705. Time eligibility for prerelease.~~

8 ~~(a) General rule. To be time eligible for placement in a~~
9 ~~prerelease center, an inmate must:~~

10 ~~(1) have completed at least one half of the inmate's~~
11 ~~minimum sentence;~~

12 ~~(2) be within one year of completing the inmate's~~
13 ~~minimum sentence;~~

14 ~~(3) have no outstanding detainers; and~~

15 ~~(4) have continuously served for a total of at least~~
16 ~~nine months in a county jail or in a State correctional~~
17 ~~institution for that sentence.~~

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

22 ~~(1) a crime of violence as defined in 42 Pa.C.S. §9714~~
23 ~~(relating to sentences for second and subsequent offenses);~~

24 ~~or~~

25 ~~(2) a crime requiring registration under 42 Pa.C.S.~~
26 ~~§9795.1 (relating to registration).~~

27 [§ 3701. ESTABLISHMENT OF PRERELEASE CENTERS. ←

28 THE DEPARTMENT SHALL ESTABLISH, WITH THE APPROVAL OF THE
29 GOVERNOR, PRISONER PRERELEASE CENTERS AT SUCH LOCATIONS
30 THROUGHOUT THIS COMMONWEALTH AS IT DEEMS NECESSARY TO CARRY OUT

1 EFFECTIVE PRISONER PRERELEASE PROGRAMS.

2 § 3702. PRERELEASE PLAN FOR INMATES.

3 (A) TRANSFER AUTHORIZATION.--

4 (1) THE SECRETARY MAY TRANSFER AN INMATE INCARCERATED IN
5 ANY PRERELEASE CENTER OR IN ANY PRERELEASE CENTER LOCATED IN
6 ANY STATE CORRECTIONAL INSTITUTION WHO HAS NOT BEEN SENTENCED
7 TO DEATH OR LIFE IMPRISONMENT TO ANY PRERELEASE CENTER.

8 (2) THE TRANSFER OF THE INMATE TO THE PRERELEASE CENTER
9 SHALL NOT OCCUR WHERE THE TRANSFER IS NOT APPROPRIATE DUE TO
10 A CERTIFIED TERMINAL ILLNESS.

11 (B) TEMPORARY RELEASE.--AN INMATE TRANSFERRED TO AND
12 CONFINED IN A PRERELEASE CENTER MAY BE RELEASED TEMPORARILY WITH
13 OR WITHOUT DIRECT SUPERVISION AT THE DISCRETION OF THE
14 DEPARTMENT, IN ACCORDANCE WITH RULES AND REGULATIONS AS PROVIDED
15 IN SECTION 3703 (RELATING TO RULES AND REGULATIONS), FOR THE
16 PURPOSES OF GAINFUL EMPLOYMENT, VOCATIONAL OR TECHNICAL
17 TRAINING, ACADEMIC EDUCATION AND SUCH OTHER LAWFUL PURPOSES AS
18 THE DEPARTMENT SHALL CONSIDER NECESSARY AND APPROPRIATE FOR THE
19 FURTHERANCE OF THE INMATE'S INDIVIDUAL PRERELEASE PROGRAM
20 SUBJECT TO COMPLIANCE WITH SUBSECTION (C).

21 (C) CONDITIONS FOR RELEASE OF CERTAIN INMATES.--

22 (1) AN INMATE WHO HAS NOT SERVED HIS MINIMUM SENTENCE
23 MAY NOT BE TRANSFERRED TO A PRERELEASE CENTER UNLESS:

24 (I) MORE THAN 20 DAYS HAVE ELAPSED AFTER WRITTEN
25 NOTICE OF THE PROPOSED TRANSFER, DESCRIBING THE INMATE'S
26 INDIVIDUAL PRERELEASE PROGRAM, HAS BEEN RECEIVED BY THE
27 SENTENCING JUDGE OR, IN THE EVENT THE SENTENCING JUDGE IS
28 UNAVAILABLE, THE SENTENCING COURT AND THE PROSECUTING
29 DISTRICT ATTORNEY'S OFFICE AND NO WRITTEN OBJECTION BY
30 THE JUDGE CONTAINING THE REASON THEREFOR HAS BEEN

1 RECEIVED BY THE DEPARTMENT;

2 (II) THE JUDGE WITHDRAWS HIS OBJECTION AFTER
3 CONSULTATION WITH REPRESENTATIVES OF THE DEPARTMENT; OR

4 (III) APPROVAL OF THE PROPOSED TRANSFER IS GIVEN BY
5 THE BOARD OF PARDONS.

6 (2) IN THE EVENT OF A TIMELY OBJECTION BY THE JUDGE,
7 REPRESENTATIVES OF THE DEPARTMENT SHALL MEET WITH THE JUDGE
8 AND ATTEMPT TO RESOLVE THE DISAGREEMENT.

9 (3) IF, WITHIN 20 DAYS OF THE DEPARTMENT'S RECEIPT OF
10 THE OBJECTION:

11 (I) THE JUDGE DOES NOT WITHDRAW HIS OBJECTION;

12 (II) THE DEPARTMENT DOES NOT WITHDRAW ITS PROPOSAL
13 FOR TRANSFER; OR

14 (III) THE JUDGE AND THE DEPARTMENT DO NOT AGREE ON
15 AN ALTERNATE PROPOSAL FOR TRANSFER, THE MATTER SHALL BE
16 LISTED FOR HEARING AT THE NEXT SESSION OF THE BOARD OF
17 PARDONS TO BE HELD IN THE HEARING DISTRICT IN WHICH THE
18 JUDGE IS LOCATED.

19 (4) DURING THE HEARING BEFORE THE BOARD OF PARDONS,
20 REPRESENTATIVES OF THE JUDGE, THE DEPARTMENT, THE DISTRICT
21 ATTORNEY OF THE COUNTY WHERE THE INMATE WAS PROSECUTED AND
22 ANY VICTIM INVOLVED SHALL HAVE THE OPPORTUNITY TO BE HEARD.

23 (D) NOTICE OF RELEASE.--

24 (1) AN INMATE WHO HAS SERVED HIS MINIMUM SENTENCE MAY BE
25 RELEASED BY THE DEPARTMENT ONLY AFTER NOTICE TO THE JUDGE
26 THAT THE PRIVILEGE IS BEING GRANTED.

27 (2) NOTICE OF THE RELEASE OF AN INMATE SHALL BE GIVEN TO
28 THE PENNSYLVANIA STATE POLICE, THE PROBATION OFFICER AND THE
29 SHERIFF OR CHIEF OF POLICE OF THE COUNTY AND THE CHIEF OF
30 POLICE OF THE MUNICIPALITY OR TOWNSHIP OF THE LOCALITY TO

1 WHICH THE INMATE IS ASSIGNED OR OF THE INMATE'S AUTHORIZED
2 DESTINATION.

3 § 3703. RULES AND REGULATIONS.

4 THE DEPARTMENT SHALL ESTABLISH RULES AND REGULATIONS FOR
5 GRANTING AND ADMINISTERING RELEASE PLANS AND SHALL DETERMINE
6 THOSE INMATES WHO MAY PARTICIPATE IN ANY PLAN. IF AN INMATE
7 VIOLATES THE RULES OR REGULATIONS PRESCRIBED BY THE DEPARTMENT,
8 THE INMATE'S RELEASE PRIVILEGES MAY BE WITHDRAWN. FAILURE OF AN
9 INMATE TO REPORT TO OR RETURN FROM THE ASSIGNED PLACE OF
10 EMPLOYMENT, TRAINING, EDUCATION OR OTHER AUTHORIZED DESTINATION
11 SHALL BE DEEMED AN OFFENSE UNDER 18 PA.C.S. § 5121 (RELATING TO
12 ESCAPE).

13 § 3704. SALARIES AND WAGES OF INMATES.

14 (A) GENERAL RULE.--THE SALARIES OR WAGES OF INMATES
15 GAINFULLY EMPLOYED UNDER A PLAN ESTABLISHED UNDER THIS CHAPTER
16 SHALL BE COLLECTED BY THE DEPARTMENT OR ITS DESIGNATED AGENTS OR
17 EMPLOYEES. THE WAGES SHALL NOT BE SUBJECT TO GARNISHMENT OR
18 ATTACHMENT FOR ANY PURPOSE EITHER IN THE HANDS OF THE EMPLOYER
19 OR THE DEPARTMENT DURING THE INMATE'S TERM OF IMPRISONMENT AND
20 SHALL BE DISBURSED ONLY AS PROVIDED IN THIS SECTION, BUT FOR TAX
21 PURPOSES THEY SHALL BE INCOME OF THE INMATE.

22 (B) USE OF SALARIES OR WAGES.--THE SALARIES OR WAGES OF AN
23 INMATE PARTICIPATING IN A PLAN ESTABLISHED UNDER THIS CHAPTER
24 SHALL BE DISBURSED BY THE DEPARTMENT IN THE FOLLOWING ORDER:

25 (1) THE BOARD OF THE INMATE, INCLUDING FOOD AND
26 CLOTHING.

27 (2) NECESSARY TRAVEL EXPENSE TO AND FROM WORK AND OTHER
28 INCIDENTAL EXPENSES OF THE INMATE.

29 (3) SUPPORT OF THE INMATE'S DEPENDENTS, IF ANY.

30 (4) PAYMENT, EITHER IN FULL OR RATABLY, OF THE INMATE'S

1 OBLIGATIONS ACKNOWLEDGED BY HIM IN WRITING OR WHICH HAVE BEEN
2 REDUCED TO JUDGMENT.

3 (5) THE BALANCE, IF ANY, TO THE INMATE UPON HIS
4 DISCHARGE.]

5 SECTION 7. (RESERVED).

6 Section 8. The definition of "eligible inmate" in section
7 3903 of Title 61 is amended to read:

8 § 3903. Definitions.

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

12 * * *

13 "Eligible inmate." A person sentenced to a term of
14 confinement under the jurisdiction of the Department of
15 Corrections who is serving a term of confinement, the minimum of
16 which is not more than two years and the maximum of which is
17 five years or less, or an inmate who is serving a term of
18 confinement, the minimum of which is not more than three years
19 where that inmate is within two years of completing his minimum
20 term, and who has not reached [35] 40 years of age at the time
21 he is approved for participation in the motivational boot camp
22 program. The term shall not include any inmate who is subject to
23 a sentence the calculation of which included an enhancement for
24 the use of a deadly weapon as defined pursuant to the sentencing
25 guidelines promulgated by the Pennsylvania Commission on
26 Sentencing [~~or any inmate {serving a sentence for any violation~~ ←
27 of one or more of the following provisions], ANY INMATE WHO HAS ←
28 BEEN CONVICTED OR ADJUDICATED DELINQUENT OF ANY CRIME REQUIRING
29 REGISTRATION UNDER 42 PA.C.S. CH. 97 SUBCH. H (RELATING TO
30 REGISTRATION OF SEXUAL OFFENDERS) OR ANY INMATE with a current

1 conviction or a prior conviction within the past ten years for
2 any of the following offenses:

3 18 Pa.C.S. § 2502 (relating to murder).

4 18 Pa.C.S. § 2503 (relating to voluntary manslaughter).

5 18 Pa.C.S. § 2506 (relating to drug delivery resulting in
6 death).

7 18 Pa.C.S. § [2901] 2901(A) (relating to kidnapping). ←

8 [18 Pa.C.S. § 3121 (relating to rape). ←

9 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual
10 intercourse).

11 18 Pa.C.S. § 3124.1 (relating to sexual assault).

12 18 Pa.C.S. § 3125 (relating to aggravated indecent
13 assault).] ←

14 18 Pa.C.S. § 3301(a)(1)(i) (relating to arson and related
15 offenses).

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

19 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to
20 robbery).

21 18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).

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

25 * * *

26 Section 9. Section 3904 of Title 61 is amended by adding a
27 subsection to read:

28 § 3904. Selection of inmate participants.

29 * * *

30 (d) Waiver of eligibility requirements.--

1 (1) The prosecuting attorney, in the prosecuting
2 attorney's sole discretion, may advise the court that the
3 Commonwealth has elected to waive the eligibility
4 requirements of this chapter if the victim has been given
5 notice of the prosecuting attorney's intent to waive the
6 eligibility requirements and an opportunity to be heard on
7 the issue.

8 (2) The court, after considering victim input, may
9 refuse to accept the prosecuting attorney's waiver of the
10 eligibility requirements.

11 Section 10. The definitions of "~~defendant~~" and "~~eligible~~" ←
12 ~~offender~~" "COMMUNITY CORRECTIONS CENTER," "DEFENDANT," "ELIGIBLE ←
13 OFFENDER" AND "GROUP HOME" in section 4103 of Title 61 are
14 amended to read:

15 § 4103. Definitions.

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

19 * * *

20 "~~Defendant.~~" ~~An individual charged with a drug related~~ ←
21 ~~offense, including an individual convicted of violating section~~
22 ~~13(a)(14), (30) or (37) of the act of April 14, 1972 (P.L.233,~~
23 ~~No.64), known as The Controlled Substance, Drug, Device and~~
24 ~~Cosmetic Act, where the sentence was imposed pursuant 18 Pa.C.S.~~
25 ~~§ 7508(a)(1)(i), (2)(i), (3)(i), (4)(i) or (7)(i) (relating to~~
26 ~~drug trafficking sentencing and penalties).~~

27 * * *

28 "~~Eligible offender.~~" ~~Subject to 42 Pa.C.S. § 9721(a.1)~~
29 ~~(relating to sentencing generally), a defendant designated by~~
30 ~~the sentencing court as a person convicted of a drug related~~

1 ~~offense who:~~

2 ~~(1) Has undergone an assessment performed by the~~
3 ~~Department of Corrections, which assessment has concluded~~
4 ~~that the defendant is in need of drug and alcohol addiction~~
5 ~~treatment and would benefit from commitment to a drug~~
6 ~~offender treatment program and that placement in a drug~~
7 ~~offender treatment program would be appropriate.~~

8 ~~(2) Does not demonstrate a history of present or past~~
9 ~~violent behavior.~~

10 ~~(3) Would be placed in the custody of the department if~~
11 ~~not sentenced to State intermediate punishment.~~

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

15 ~~The term shall not include a defendant who is subject to a~~
16 ~~sentence the calculation of which includes an enhancement for~~
17 ~~the use of a deadly weapon, as defined pursuant to law or the~~
18 ~~sentencing guidelines promulgated by the Pennsylvania Commission~~
19 ~~on Sentencing, or a defendant [who has been convicted of a~~
20 ~~personal injury crime as defined in section 103 of the act of~~
21 ~~November 24, 1998 (P.L.882, No.111), known as the Crime Victims~~
22 ~~Act, or an attempt or conspiracy to commit such a crime or who~~
23 ~~has been convicted of violating 18 Pa.C.S. § 4302 (relating to~~
24 ~~incest), 5901 (relating to open lewdness), 6312 (relating to~~
25 ~~sexual abuse of children), 6318 (relating to unlawful contact~~
26 ~~with minor) or 6320 (relating to sexual exploitation of~~
27 ~~children) or Ch. 76 Subch. C (relating to Internet child~~
28 ~~pornography)] with a current conviction or a prior conviction~~
29 ~~within the past ten years for any of the following offenses:~~

30 ~~18 Pa.C.S. § 2502 (relating to murder).~~

1 ~~18 Pa.C.S. § 2503 (relating to voluntary manslaughter).~~

2 ~~18 Pa.C.S. § 2506 (relating to drug delivery resulting in~~
3 ~~death).~~

4 ~~18 Pa.C.S. § 2901 (relating to kidnapping).~~

5 ~~18 Pa.C.S. § 3121 (relating to rape).~~

6 ~~18 Pa.C.S. § 3123 (relating to involuntary deviate sexual~~
7 ~~intercourse).~~

8 ~~18 Pa.C.S. § 3124.1 (relating to sexual assault).~~

9 ~~18 Pa.C.S. § 3125 (relating to aggravated indecent~~
10 ~~assault).~~

11 ~~18 Pa.C.S. § 3301(a)(1)(i) (relating to arson and related~~
12 ~~offenses).~~

13 ~~18 Pa.C.S. § 3502 (relating to burglary), in the case of~~
14 ~~burglary of a structure adapted for overnight accommodation~~
15 ~~in which at the time of the offense any person is present.~~

16 ~~18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to~~
17 ~~robbery).~~

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

19 ~~18 Pa.C.S. § 7508 (a)(1)(iii), (2)(iii), (3)(iii) or (4)~~
20 ~~(iii) (relating to drug trafficking sentencing and~~
21 ~~penalties).~~

22 * * *

23 Section 11. Section 4104(a)(1) of Title 61 is amended and
24 the subsection is amended by adding a paragraph to read:

25 "COMMUNITY CORRECTIONS CENTER." A RESIDENTIAL PROGRAM THAT ←
26 IS SUPERVISED AND OPERATED BY THE DEPARTMENT OF CORRECTIONS [FOR
27 INMATES WITH PRERELEASE STATUS OR WHO ARE ON PAROLE] IN
28 ACCORDANCE WITH CHAPTER 50 (RELATING TO COMMUNITY CORRECTIONS
29 CENTERS AND COMMUNITY CORRECTIONS FACILITIES).

30 * * *

1 "DEFENDANT." AN INDIVIDUAL CHARGED WITH A DRUG-RELATED
2 OFFENSE, INCLUDING AN INDIVIDUAL CONVICTED OF VIOLATING SECTION
3 13(A) (14), (30) OR (37) OF THE ACT OF APRIL 14, 1972 (P.L.233,
4 NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND
5 COSMETIC ACT, WHERE THE SENTENCE WAS IMPOSED PURSUANT 18 PA.C.S.
6 § 7508(A) (1) (I), (2) (I), (3) (I), (4) (I) OR (7) (I) (RELATING TO
7 DRUG TRAFFICKING SENTENCING AND PENALTIES).

8 * * *

9 "ELIGIBLE OFFENDER." SUBJECT TO 42 PA.C.S. § 9721(A.1)
10 (RELATING TO SENTENCING GENERALLY), A DEFENDANT DESIGNATED BY
11 THE SENTENCING COURT AS A PERSON CONVICTED OF A DRUG-RELATED
12 OFFENSE WHO:

13 (1) HAS UNDERGONE AN ASSESSMENT PERFORMED BY THE
14 DEPARTMENT OF CORRECTIONS, WHICH ASSESSMENT HAS CONCLUDED
15 THAT THE DEFENDANT IS IN NEED OF DRUG AND ALCOHOL ADDICTION
16 TREATMENT AND WOULD BENEFIT FROM COMMITMENT TO A DRUG
17 OFFENDER TREATMENT PROGRAM AND THAT PLACEMENT IN A DRUG
18 OFFENDER TREATMENT PROGRAM WOULD BE APPROPRIATE.

19 (2) DOES NOT DEMONSTRATE A HISTORY OF PRESENT OR PAST
20 VIOLENT BEHAVIOR.

21 (3) WOULD BE PLACED IN THE CUSTODY OF THE DEPARTMENT IF
22 NOT SENTENCED TO STATE INTERMEDIATE PUNISHMENT.

23 (4) PROVIDES WRITTEN CONSENT PERMITTING RELEASE OF
24 INFORMATION PERTAINING TO THE DEFENDANT'S PARTICIPATION IN A
25 DRUG OFFENDER TREATMENT PROGRAM.

26 THE TERM SHALL NOT INCLUDE A DEFENDANT WHO IS SUBJECT TO A
27 SENTENCE THE CALCULATION OF WHICH INCLUDES AN ENHANCEMENT FOR
28 THE USE OF A DEADLY WEAPON, AS DEFINED PURSUANT TO LAW OR THE
29 SENTENCING GUIDELINES PROMULGATED BY THE PENNSYLVANIA COMMISSION
30 ON SENTENCING, A DEFENDANT WHO HAS BEEN CONVICTED OR ADJUDICATED

1 DELINQUENT OF ANY CRIME REQUIRING REGISTRATION UNDER 42 PA.C.S.
2 CH. 97 SUBCH. H (RELATING TO REGISTRATION OF SEXUAL OFFENDERS)
3 OR A DEFENDANT [WHO HAS BEEN CONVICTED OF A PERSONAL INJURY
4 CRIME AS DEFINED IN SECTION 103 OF THE ACT OF NOVEMBER 24, 1998
5 (P.L.882, NO.111), KNOWN AS THE CRIME VICTIMS ACT, OR AN ATTEMPT
6 OR CONSPIRACY TO COMMIT SUCH A CRIME OR WHO HAS BEEN CONVICTED
7 OF VIOLATING 18 PA.C.S. § 4302 (RELATING TO INCEST), 5901
8 (RELATING TO OPEN LEWDNESS), 6312 (RELATING TO SEXUAL ABUSE OF
9 CHILDREN), 6318 (RELATING TO UNLAWFUL CONTACT WITH MINOR) OR
10 6320 (RELATING TO SEXUAL EXPLOITATION OF CHILDREN) OR CH. 76
11 SUBCH. C (RELATING TO INTERNET CHILD PORNOGRAPHY)] WITH A
12 CURRENT CONVICTION OR A PRIOR CONVICTION WITHIN THE PAST TEN
13 YEARS FOR ANY OF THE FOLLOWING OFFENSES:

14 18 PA.C.S. § 2502 (RELATING TO MURDER).

15 18 PA.C.S. § 2503 (RELATING TO VOLUNTARY MANSLAUGHTER).

16 18 PA.C.S. § 2506 (RELATING TO DRUG DELIVERY RESULTING IN
17 DEATH).

18 18 PA.C.S. § 2901(A) (RELATING TO KIDNAPPING).

19 18 PA.C.S. § 3301(A)(1)(I) (RELATING TO ARSON AND RELATED
20 OFFENSES).

21 18 PA.C.S. § 3502 (RELATING TO BURGLARY), IN THE CASE OF
22 BURGLARY OF A STRUCTURE ADAPTED FOR OVERNIGHT ACCOMMODATION
23 IN WHICH AT THE TIME OF THE OFFENSE ANY PERSON IS PRESENT.

24 18 PA.C.S. § 3701(A)(1)(I), (II) OR (III) (RELATING TO
25 ROBBERY).

26 18 PA.C.S. § 3702 (RELATING TO ROBBERY OF MOTOR VEHICLE).

27 18 PA.C.S. § 7508 (A)(1)(III), (2)(III), (3)(III) OR (4)
28 (III) (RELATING TO DRUG TRAFFICKING SENTENCING AND
29 PENALTIES).

30 * * *

1 "GROUP HOME." A RESIDENTIAL PROGRAM THAT IS CONTRACTED OUT
2 BY THE DEPARTMENT OF CORRECTIONS TO A PRIVATE SERVICE PROVIDER
3 FOR INMATES [WITH PRERELEASE STATUS OR] WHO ARE ON PAROLE.

4 * * *

5 SECTION 11. SECTION 4104(A)(1) AND (D) OF TITLE 61 ARE
6 AMENDED, SUBSECTION (A) IS AMENDED BY ADDING A PARAGRAPH AND THE
7 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

8 § 4104. Referral to State intermediate punishment program.

9 (a) Referral for evaluation.--

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

16 (1.1) (i) The prosecuting attorney, in the prosecuting
17 attorney's sole discretion, may advise the court that the
18 Commonwealth has elected to waive the eligibility
19 requirements of this chapter, if the victim has been
20 given notice of the prosecuting attorney's intent to
21 wave the eligibility requirements and an opportunity to
22 be heard on the issue.

23 (ii) The court, after considering victim input, may
24 refuse to accept the prosecuting attorney's waiver of the
25 eligibility requirements.

26 * * *

27 (D) PREREQUISITES FOR COMMITMENT.--UPON RECEIPT OF A ←
28 RECOMMENDATION FOR PLACEMENT IN A DRUG OFFENDER TREATMENT
29 PROGRAM FROM THE DEPARTMENT AND AGREEMENT OF THE ATTORNEY FOR
30 THE COMMONWEALTH [AND THE DEFENDANT], THE COURT MAY SENTENCE AN

1 ELIGIBLE OFFENDER TO A PERIOD OF 24 MONTHS OF STATE INTERMEDIATE
2 PUNISHMENT IF THE COURT FINDS THAT:

3 (1) THE ELIGIBLE OFFENDER IS LIKELY TO BENEFIT FROM
4 STATE INTERMEDIATE PUNISHMENT.

5 (2) PUBLIC SAFETY WOULD BE ENHANCED BY THE ELIGIBLE
6 OFFENDER'S PARTICIPATION IN STATE INTERMEDIATE PUNISHMENT.

7 (3) SENTENCING THE ELIGIBLE OFFENDER TO STATE
8 INTERMEDIATE PUNISHMENT WOULD NOT DEPRECIATE THE SERIOUSNESS
9 OF THE OFFENSE.

10 * * *

11 (I) VICTIMS.--VICTIMS OF PERSONAL INJURY CRIMES SHALL BE
12 GIVEN THE OPPORTUNITY TO RECEIVE NOTICE OF AND TO PROVIDE PRIOR
13 COMMENT ON ANY RECOMMENDATION BY THE DEPARTMENT UNDER SUBSECTION
14 (B) OR (D) THAT THE OFFENDER PARTICIPATE IN THE STATE
15 INTERMEDIATE PUNISHMENT PROGRAM.

16 (J) DEFINITIONS.--AS USED IN THIS SECTION, THE TERM
17 "PERSONAL INJURY CRIME" SHALL BE DEFINED AS IN SECTION 103 OF
18 THE ACT OF NOVEMBER 24, 1998 (P.L.882, NO.111), KNOWN AS THE
19 CRIME VICTIMS ACT.

20 Section 12. The definition of "eligible offender" in section
21 4503 of Title 61, AMENDED DECEMBER 20, 2011 (P.L.446, NO.111),
22 is amended to read:

23 § 4503. Definitions.

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

27 * * *

28 "Eligible offender." A defendant or inmate convicted of a
29 criminal offense who will be committed to the custody of the
30 department and who meets all of the following eligibility

1 requirements:

2 (1) Does not demonstrate a history of present or past
3 violent behavior.

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

16 (3) Has not been found guilty of or previously convicted
17 of or adjudicated delinquent for or an attempt or conspiracy
18 to commit a personal injury crime as defined under section
19 103 of the act of November 24, 1998 (P.L.882, No.111), known
20 as the Crime Victims Act, except for an offense under 18
21 Pa.C.S. § 2701 (relating to simple assault) when the offense
22 is a misdemeanor of the third degree, or an equivalent
23 offense under the laws of the United States or one of its
24 territories or possessions, another state, the District of
25 Columbia, the Commonwealth of Puerto Rico or a foreign
26 nation.

27 (4) Has not been found guilty or previously convicted or
28 adjudicated delinquent for violating any of the following
29 provisions or an equivalent offense under the laws of the
30 United States or one of its territories or possessions,

1 another state, the District of Columbia, the Commonwealth of
2 Puerto Rico or a foreign nation:

3 ~~18 Pa.C.S. § [4302] 4302(A) (relating to incest).~~ ←

4 18 Pa.C.S. § 5901 (relating to open lewdness).

5 [18 Pa.C.S. § 6312 (relating to sexual abuse of
6 children).

7 18 Pa.C.S. § 6318 (relating to unlawful contact with
8 minor).

9 18 Pa.C.S. § 6320 (relating to sexual exploitation of
10 children).] ←

11 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet
12 child pornography).

13 Received a criminal sentence pursuant to 42 Pa.C.S. §
14 9712.1 (relating to sentences for certain drug offenses
15 committed with firearms).

16 ~~Any offense listed under 42 Pa.C.S. § 9795.1~~ ←
17 ~~(relating to registration).~~

18 ANY [SEXUALLY VIOLENT OFFENSE AS DEFINED IN] OFFENSE ←
19 FOR WHICH REGISTRATION IS REQUIRED UNDER 42 PA.C.S. CH.
20 97 SUBCH. H (RELATING TO REGISTRATION OF SEXUAL
21 OFFENDERS).

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

26 (6) Has not been found guilty or previously convicted of
27 violating section 13(a)(14), (30) or (37) of the act of April
28 14, 1972 (P.L.233, No.64), known as The Controlled Substance,
29 Drug, Device and Cosmetic Act, where the sentence was imposed
30 pursuant to 18 Pa.C.S. § 7508(a)(1)(iii), (2)(iii), (3)(iii),

1 (4) (iii), (7) (iii) or (8) (iii) (relating to drug trafficking
2 sentencing and penalties).

3 * * *

4 SECTION 12.1. SECTION 4701 OF TITLE 61 IS AMENDED TO READ: ←
5 § 4701. DEFINITIONS.

6 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
7 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
8 CONTEXT CLEARLY INDICATES OTHERWISE:

9 "COMMUNITY CORRECTIONS FACILITY." A RESIDENTIAL FACILITY
10 OPERATED BY A PRIVATE [VENDOR] CONTRACTOR THAT:

11 (1) HOUSES [INMATES WITH PRERELEASE STATUS OR
12 INDIVIDUALS WHO ARE ON PAROLE] OFFENDERS PURSUANT TO A
13 CONTRACT [ENTERED INTO BETWEEN] WITH THE DEPARTMENT OF
14 CORRECTIONS [AND THE PRIVATE VENDOR]; AND

15 (2) IS OPERATED IN ACCORDANCE WITH CHAPTER 50 (RELATING
16 TO COMMUNITY CORRECTIONS CENTERS AND COMMUNITY CORRECTIONS
17 FACILITIES).

18 Section 13. Title 61 is amended by adding ~~a chapter~~ CHAPTERS ←
19 to read:

20 CHAPTER 49

21 SAFE COMMUNITY REENTRY

22 Sec.

23 4901. Scope of chapter.

24 4902. Definitions.

25 4903. Safe Community Reentry Program.

26 4904. Contract for services.

27 4905. Rules and regulations.

28 ~~4906. Study and report.~~ ←

29 § 4901. Scope of chapter.

30 This chapter relates to the Safe Community Reentry Program.

1 § 4902. 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 "Community-based programs." Programs which are administered
6 and operated outside of a correctional institution.

7 "Community organization." A community, faith-based or other
8 private charitable organization which is organized as a
9 nonprofit corporation or nonprofit unincorporated association
10 under the laws of the United States or this Commonwealth which
11 is authorized to do business in this Commonwealth as a nonprofit
12 corporation or unincorporated association under the laws of this
13 Commonwealth.

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

16 "Offender." An inmate in a correctional institution or a
17 person released from incarceration. THE TERM SHALL NOT INCLUDE ←
18 AN INMATE SERVING A SENTENCE OF LIFE IMPRISONMENT OR DEATH.

19 "Program." The Safe Community Reentry Program established in
20 this chapter.

21 § 4903. Safe Community Reentry Program.

22 ~~(a) Program established. The department, in cooperation and~~ ←
23 ~~coordination with the board, shall establish a comprehensive~~
24 ~~program to reduce recidivism and ensure the successful reentry~~
25 ~~of offenders into the community. The program shall provide~~
26 ~~offenders with access to a full continuum of services during~~
27 ~~incarceration and upon release during their transition and~~
28 ~~reintegration into the community.~~

29 (A) PROGRAM ESTABLISHED.--THE DEPARTMENT AND THE BOARD SHALL ←
30 JOINTLY ESTABLISH A SAFE COMMUNITY REENTRY PROGRAM TO REDUCE

1 RECIDIVISM AND ENSURE THE SUCCESSFUL REENTRY OF OFFENDERS INTO
2 THE COMMUNITY.

3 (b) Assessment and plan.--

4 (1) The department shall assess each offender entering
5 into the State correctional system to determine which
6 treatment services, programs and skills the offender needs to
7 develop to be successful in the community following the
8 offender's release.

9 (2) The department OR THE BOARD shall assist each ←
10 offender in developing a reentry plan for the offender. The
11 reentry plan shall include the offender's educational,
12 employment, housing and treatment needs as appropriate and
13 necessary to encourage the successful transition and
14 reintegration of the offender into the community.

15 (3) The department OR THE BOARD shall ENDEAVOR TO ←
16 coordinate the specifics of the offender's reentry plan with
17 the educational, vocational training and treatment services
18 that will be provided to the offender during the offender's
19 incarceration.

20 (c) Transition and reintegration programs.--The department
21 ~~shall~~ MAY identify a comprehensive network of transition and ←
22 reintegration programs to address the needs of offenders
23 released from incarceration.

24 (d) Community organizations.--

25 (1) The department and the board ~~shall~~ MAY use community ←
26 organizations AND OTHER NONPROFIT AND FOR-PROFIT ENTITIES to ←
27 assist the department and the board in meeting the needs of
28 offenders reentering the community.

29 (2) The department and the board ~~shall~~ MAY develop and ←
30 maintain a list of community organizations AND OTHER ←

1 NONPROFIT AND FOR-PROFIT ENTITIES available to provide ←
2 services.

3 ~~(3) Community organizations may provide services PROVIDE~~ ←
4 SERVICES. COMMUNITY ORGANIZATIONS AND OTHER NONPROFIT AND
5 FOR-PROFIT ENTITIES MAY PROVIDE SERVICES, including
6 education, vocational training, follow up treatment services, ←
7 support with finding housing and employment and may help with
8 family issues and other elements of life after incarceration.

9 ~~(4) (3) The department and the board may refer offenders~~ ←
10 to community organizations AND OTHER NONPROFIT AND FOR-PROFIT ←
11 ENTITIES on the list.

12 ~~(e) Sharing of information.~~ ←

13 ~~(1) The department and the board may share information~~
14 (E) SHARING OF INFORMATION.--THE DEPARTMENT AND THE BOARD ←
15 MAY SHARE INFORMATION about offenders with the entities the
16 department and the board contract with under section 4704
17 (relating to contract for services) and other agencies and
18 providers of services as necessary to adequately assess and
19 address the needs of each offender.

20 ~~(2) This subsection shall not apply to the disclosure of~~ ←
21 an offender's personal health information unless the offender
22 consents to the disclosure.

23 ~~(3) This subsection shall not be construed to permit~~
24 disclosure of personal health information if the disclosure
25 violates the Health Insurance Portability and Accountability
26 Act of 1996 (Public Law 104 191, 110 Stat. 1936) or other
27 Federal or State law. THE FOLLOWING SHALL APPLY: ←

28 (1) NO PERSON HAVING ACCESS TO ANY REPORT, RECORD OR
29 OTHER INFORMATION PREPARED OR ASSEMBLED UNDER THIS CHAPTER
30 SHALL DISCLOSE THE REPORT, RECORD OR INFORMATION WITHOUT THE

1 PERMISSION OF THE DEPARTMENT OR THE BOARD.

2 (2) NOTHING UNDER THIS SUBSECTION SHALL BE CONSTRUED TO
3 PERMIT THE DEPARTMENT OR THE BOARD TO DISCLOSE INFORMATION
4 WHERE DISCLOSURE IS PROHIBITED UNDER FEDERAL OR STATE LAW OR
5 REGULATIONS.

6 § 4904. Contract for services.

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

14 (A) AUTHORITY.--THE DEPARTMENT AND THE BOARD MAY CONTRACT ←
15 WITH COMMUNITY ORGANIZATIONS AND OTHER NONPROFIT OR FOR-PROFIT
16 ENTITIES TO PROVIDE PROGRAMS AND SERVICES UNDER THIS CHAPTER.
17 THE PROGRAMS AND SERVICES PROVIDED UNDER THESE CONTRACTS MAY
18 INCLUDE:

19 (1) Assisting in the development of each offender's
20 reentry plan.

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

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

1 institution to the community.

2 (4) Involving county agencies whose programs and
3 initiatives strengthen inmate reentry services for offenders
4 who have been returned to the county of their jurisdiction.

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

10 (6) Assisting offenders in securing permanent housing
11 upon release or following a stay in post-release or
12 transitional housing.

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

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

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

27 (i) Promote, where appropriate, the employment of
28 offenders released from correctional institutions and
29 facilitate the creation of job opportunities, including
30 transitional jobs, for such offenders that will also

1 benefit communities.

2 (ii) Connect offenders to employment, including
3 supportive employment and employment services, before
4 their release from correctional institutions.

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

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

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

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

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

29 (14) Creating mentoring programs designed to assist
30 offenders in changing the offenders' pattern of behavior so

1 that the offenders will not revictimize their victims or have
2 new victims. Mentoring may occur inside the correctional
3 institution and in the community once the offender is
4 released. The mentor shall:

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

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

9 (iii) Encourage positive self-concept.

10 (iv) Teach and aid in goal setting.

11 (v) Support other positive relationships within the
12 community.

13 (vi) Assist in linking the offender to community-
14 based services.

15 (vii) Promote appropriate, positive family
16 relationships.

17 (viii) Help develop personal accountability and
18 personal responsibility.

19 (15) Facilitating and encouraging timely and complete
20 payment of restitution and fines by offenders to victims and
21 the community.

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

26 § 4905. Rules and regulations.

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

29 ~~§ 4906. Study and report.~~

30 ~~(a) Study. The department shall conduct and coordinate~~



1 ~~research to determine whether the program established under~~
2 ~~section 4903 (relating to Safe Community Reentry Program)~~
3 ~~reduces recidivism rates.~~

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

10 Section 14. This act shall take effect as follows:

11 (1) ~~The addition of 61 Pa.C.S. § 3705 shall take effect~~
12 ~~in one year.~~

13 (2) ~~This section shall take effect immediately.~~

14 (3) ~~The remainder of this act shall take effect in 60~~
15 ~~days.~~

16 CHAPTER 50 ←

17 COMMUNITY CORRECTIONS CENTERS AND COMMUNITY
18 CORRECTIONS FACILITIES

19 SEC.

20 5001. DEFINITIONS.

21 5002. DEPARTMENT.

22 5003. OFFENDERS WHO MAY BE HOUSED.

23 5004. AUTHORITY OF COMMONWEALTH EMPLOYEES.

24 5005. AUTHORITY OF CHAIRMAN.

25 5006. ESCAPE.

26 § 5001. DEFINITIONS.

27 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
28 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
29 CONTEXT CLEARLY INDICATES OTHERWISE:

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

1 "CHAIRMAN." THE CHAIRMAN OF THE BOARD.

2 "COMMUNITY CORRECTIONS CENTER." A RESIDENTIAL PROGRAM THAT
3 IS SUPERVISED AND OPERATED BY THE DEPARTMENT IN ACCORDANCE WITH
4 THIS CHAPTER.

5 "COMMUNITY CORRECTIONS FACILITY." A RESIDENTIAL FACILITY
6 OPERATED BY A PRIVATE CONTRACTOR THAT:

7 (1) HOUSES OFFENDERS PURSUANT TO A CONTRACT WITH THE
8 DEPARTMENT; AND

9 (2) IS OPERATED IN ACCORDANCE WITH THIS CHAPTER.

10 § 5002. DEPARTMENT.

11 THE DEPARTMENT MAY DO ALL OF THE FOLLOWING:

12 (1) ESTABLISH COMMUNITY CORRECTIONS CENTERS AT LOCATIONS
13 THROUGHOUT THIS COMMONWEALTH APPROVED BY THE GOVERNOR.

14 (2) ENTER INTO CONTRACTS WITH PRIVATE VENDORS TO OPERATE
15 COMMUNITY CORRECTIONS FACILITIES.

16 § 5003. OFFENDERS WHO MAY BE HOUSED.

17 THE FOLLOWING OFFENDERS MAY BE HOUSED IN COMMUNITY
18 CORRECTIONS CENTERS AND COMMUNITY CORRECTIONS FACILITIES:

19 (1) A PAROLEE UNDER THE JURISDICTION OF THE BOARD WHO IS
20 IN GOOD STANDING WITH THE BOARD.

21 (2) A PAROLEE IN ACCORDANCE WITH THE FOLLOWING:

22 (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II), A
23 PAROLEE UNDER THE JURISDICTION OF THE BOARD WHO IS
24 DETAINED OR AWAITING A HEARING OR WHO HAS BEEN
25 RECOMMITTED FOR A TECHNICAL VIOLATION OF THE CONDITIONS
26 OF PAROLE ESTABLISHED BY THE BOARD IF THE PAROLEE IS
27 ELIGIBLE TO BE HOUSED IN A COMMUNITY CORRECTIONS CENTER
28 OR COMMUNITY CORRECTIONS FACILITY UNDER SECTION 6138
29 (RELATING TO VIOLATION OF TERMS OF PAROLE).

30 (II) SUBPARAGRAPH (I) SHALL NOT APPLY TO A PAROLEE

1 UNDER THE JURISDICTION OF THE BOARD WHO IS DETAINED OR
2 AWAITING A HEARING OR WHO HAS BEEN RECOMMITTED FOR A
3 TECHNICAL VIOLATION OF THE CONDITIONS OF PAROLE
4 ESTABLISHED BY THE BOARD AS A RESULT OF THE COMMISSION OF
5 A NEW CRIME OF WHICH THE PAROLEE IS CONVICTED OR FOUND
6 GUILTY BY A JUDGE OR JURY OR TO WHICH THE PAROLEE PLEADS
7 GUILTY OR NOLO CONTENDERE IN A COURT OF RECORD.

8 (3) AN OFFENDER WHO IS SERVING THE COMMUNITY-BASED
9 PORTION OF A SENTENCE OF STATE INTERMEDIATE PUNISHMENT.

10 (4) AN OFFENDER WHO HAS BEEN GRANTED CLEMENCY BY THE
11 GOVERNOR.

12 (5) INMATES TRANSFERRED BY THE DEPARTMENT UNDER CHAPTER
13 37 (RELATING TO INMATE PRERELEASE PLANS). THIS PARAGRAPH
14 SHALL EXPIRE JULY 1, 2013.

15 § 5004. AUTHORITY OF COMMONWEALTH EMPLOYEES.

16 COMMONWEALTH EMPLOYEES OF COMMUNITY CORRECTIONS CENTERS AND
17 COMMONWEALTH EMPLOYEES, WHILE PRESENT IN COMMUNITY CORRECTIONS
18 FACILITIES, HAVE THE AUTHORITY TO DO ALL OF THE FOLLOWING:

19 (1) IN ORDER TO MAINTAIN SECURITY AND TO ENFORCE THE
20 RULES OF THE COMMUNITY CORRECTIONS CENTER OR COMMUNITY
21 CORRECTIONS FACILITY:

22 (I) SEARCH THE PERSON AND PROPERTY OF AN OFFENDER
23 RESIDING IN THE COMMUNITY CORRECTIONS CENTER OR COMMUNITY
24 CORRECTION FACILITY;

25 (II) SEIZE PROPERTY FROM AN OFFENDER RESIDING IN THE
26 COMMUNITY CORRECTIONS CENTER OR COMMUNITY CORRECTIONS
27 FACILITY; AND

28 (III) IF NECESSARY, USE REASONABLE FORCE AGAINST AN
29 OFFENDER RESIDING IN THE COMMUNITY CORRECTIONS CENTER OR
30 COMMUNITY CORRECTIONS FACILITY.

1 (2) DETAIN, BY USING REASONABLE FORCE IF NECESSARY, AN
2 OFFENDER RESIDING IN THE COMMUNITY CORRECTIONS CENTER OR
3 COMMUNITY CORRECTIONS FACILITY IN ORDER TO MAINTAIN CONTROL
4 OF THE OFFENDER PENDING THE ARRIVAL OF A PAROLE AGENT, POLICE
5 OFFICER OR OTHER APPROPRIATE LAW ENFORCEMENT OFFICER.

6 § 5005. AUTHORITY OF CHAIRMAN.

7 THE CHAIRMAN HAS THE FOLLOWING AUTHORITY:

8 (1) DESIGNATE COMMUNITY CORRECTIONS CENTERS OR COMMUNITY
9 CORRECTIONS FACILITIES WHERE PAROLEES ARE TO BE HOUSED.

10 (2) DETERMINE WHETHER PAROLEES ARE TO BE HOUSED IN A
11 SECURED OR UNSECURED PORTION OF A COMMUNITY CORRECTIONS
12 CENTER OR COMMUNITY CORRECTIONS FACILITY.

13 (3) DETERMINE, JOINTLY WITH THE SECRETARY OF THE
14 DEPARTMENT OF CORRECTIONS, USING EVIDENCE-BASED PRACTICES
15 DESIGNED TO REDUCE THE LIKELIHOOD OF RECIDIVISM AND IMPROVE
16 PUBLIC SAFETY, THE APPROPRIATE TREATMENT AND PROGRAMMING FOR
17 PAROLEES WHO ARE HOUSED AT COMMUNITY CORRECTIONS CENTERS AND
18 COMMUNITY CORRECTIONS FACILITIES.

19 (4) AUDIT, JOINTLY WITH THE SECRETARY, THE PERFORMANCE
20 OF TREATMENT AND SERVICES PROVIDED BY COMMUNITY CORRECTIONS
21 CENTERS AND COMMUNITY CORRECTIONS FACILITIES.

22 § 5006. ESCAPE.

23 AN INDIVIDUAL COMMITTED TO A COMMUNITY CORRECTIONS CENTER OR
24 A COMMUNITY CORRECTIONS FACILITY SHALL BE DEEMED TO BE IN
25 OFFICIAL DETENTION UNDER 18 PA.C.S. § 5121 (RELATING TO ESCAPE).

26 SECTION 14. SECTIONS 6124(C), 6132(A)(2)(II) AND (B),
27 6134.1(C)(1) AND (2) AND 6137(A)(4) OF TITLE 61 ARE AMENDED TO
28 READ:

29 § 6124. CERTAIN OFFENDERS RESIDING IN GROUP-BASED HOMES.

30 * * *

1 (C) DEFINITION.--THE FOLLOWING WORDS AND PHRASES WHEN USED
2 IN THIS SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
3 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

4 "GROUP-BASED HOME." ANY NONPROFIT OR FOR-PROFIT ENTITY THAT
5 MAINTAINS A FACILITY THAT PROVIDES HOUSING TO [INMATES WITH
6 PRERELEASE STATUS,] INDIVIDUALS ON PROBATION OR PAROLE OR OTHER
7 INDIVIDUALS PREVIOUSLY CONVICTED OF CRIMES. THE TERM SHALL NOT
8 INCLUDE A CORRECTIONAL INSTITUTION OR A FACILITY MAINTAINED BY A
9 DOMESTIC VIOLENCE PROGRAM.

10 "OFFICIAL INTERNET WEBSITE." THE OFFICIAL INTERNET LOCATION
11 DESIGNATED BY A MUNICIPALITY OR COUNTY AS ITS PRIMARY METHOD OF
12 ELECTRONICALLY COMMUNICATING WITH THE PUBLIC ABOUT ITS OFFICIAL
13 BUSINESS.

14 § 6132. SPECIFIC POWERS OF BOARD INVOLVING PAROLEES.

15 (A) GENERAL RULE.--THE BOARD SHALL HAVE EXCLUSIVE POWER:

16 * * *

17 (2) * * *

18 (II) EXCEPT FOR SUCH SPECIAL CASES, THE POWERS AND
19 DUTIES CONFERRED BY THIS SECTION SHALL NOT EXTEND TO
20 PERSONS SENTENCED FOR A MAXIMUM PERIOD OF LESS THAN TWO
21 YEARS AND SHALL NOT EXTEND TO THOSE PERSONS COMMITTED TO
22 COUNTY CONFINEMENT WITHIN THE JURISDICTION OF THE COURT
23 PURSUANT TO 42 PA.C.S. § [9762(B)(2)] 9762 (RELATING TO
24 SENTENCING PROCEEDING; PLACE OF CONFINEMENT).

25 (B) CONSTRUCTION.--NOTHING CONTAINED IN THIS SECTION SHALL
26 BE CONSTRUED TO PREVENT A COURT FROM PAROLING ANY PERSON
27 SENTENCED BY IT FOR A MAXIMUM PERIOD OF LESS THAN TWO YEARS OR
28 FROM PAROLING A PERSON COMMITTED TO COUNTY CONFINEMENT WITHIN
29 THE JURISDICTION OF THE COURT PURSUANT TO 42 PA.C.S. § [9762(B)
30 (2)] 9762.

1 * * *

2 § 6134.1. GENERAL CRITERIA FOR PAROLE BY COURT.

3 * * *

4 (C) PROCEDURE.--

5 (1) PRIOR TO MAKING A DECISION TO PAROLE A PERSON
6 COMMITTED TO COUNTY CONFINEMENT WITHIN THE JURISDICTION OF
7 THE COURT PURSUANT TO 42 PA.C.S. § [9762(B)(2)] 9762
8 (RELATING TO SENTENCING [PROCEDURE] PROCEEDING; PLACE OF
9 CONFINEMENT) FROM A SENTENCE OF IMPRISONMENT IMPOSED
10 FOLLOWING CONVICTION FOR A PERSONAL INJURY CRIME, EACH VICTIM
11 WHO HAS REGISTERED TO RECEIVE VICTIM SERVICES IN CONNECTION
12 WITH THE PERSONAL INJURY CRIME SHALL BE GIVEN AN OPPORTUNITY
13 BY THE COURT TO SUBMIT A PREPAROLE STATEMENT TO THE COURT
14 EXPRESSING CONCERNS OR RECOMMENDATIONS REGARDING THE PAROLE
15 OR PAROLE SUPERVISION OF THE PERSON.

16 (2) THE DISTRICT ATTORNEY SHALL, IMMEDIATELY FOLLOWING
17 SENTENCE IN CASES WHERE A SENTENCE OF CONFINEMENT HAS BEEN
18 IMPOSED AND THE SENTENCED PERSON REMAINS WITHIN THE
19 JURISDICTION OF THE COURT PURSUANT TO 42 PA.C.S. § [9762(B)
20 (2)] 9762, NOTIFY ALL REGISTERED VICTIMS THAT THEY SHALL HAVE
21 THE OPPORTUNITY TO SUBMIT A PREPAROLE STATEMENT TO THE COURT.

22 * * *

23 § 6137. PAROLE POWER.

24 (A) GENERAL CRITERIA FOR PAROLE.--

25 * * *

26 (4) UNLESS THE INMATE HAS SERVED AT LEAST ONE YEAR IN A
27 [PRERELEASE CENTER] COMMUNITY CORRECTIONS CENTER OR COMMUNITY
28 CORRECTIONS FACILITY, THE BOARD SHALL NOT ACT UPON AN
29 APPLICATION OF AN INMATE WHO IS GRANTED CLEMENCY BY THE
30 GOVERNOR, IS SUBJECT TO PAROLE SUPERVISION AND:

1 (I) WHOSE TERM OF IMPRISONMENT WAS COMMUTED FROM
2 LIFE TO LIFE ON PAROLE;

3 (II) WHO WAS SERVING A TERM OF IMPRISONMENT FOR A
4 CRIME OF VIOLENCE; OR

5 (III) WHO IS SERVING A SENTENCE UNDER 42 PA.C.S. §
6 9712 (RELATING TO SENTENCES FOR OFFENSES COMMITTED WITH
7 FIREARMS).

8 * * *

9 SECTION 15. SECTION 6138(A)(2), (C)(1), (2), (4), (5)(V) AND
10 (6) AND (D) INTRODUCTORY PARAGRAPH AND (2) OF TITLE 61 ARE
11 AMENDED, SUBSECTIONS (A), (C) AND (D) ARE AMENDED BY ADDING
12 PARAGRAPHS AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO
13 READ:

14 § 6138. VIOLATION OF TERMS OF PAROLE.

15 (A) CONVICTED VIOLATORS.--

16 * * *

17 (2) IF THE PAROLEE'S RECOMMITMENT IS SO ORDERED, THE
18 PAROLEE SHALL BE REENTERED TO SERVE THE REMAINDER OF THE TERM
19 WHICH THE PAROLEE WOULD HAVE BEEN COMPELLED TO SERVE HAD THE
20 PAROLE NOT BEEN GRANTED AND, EXCEPT AS PROVIDED UNDER
21 PARAGRAPH (2.1), SHALL BE GIVEN NO CREDIT FOR THE TIME AT
22 LIBERTY ON PAROLE.

23 (2.1) THE BOARD MAY, IN ITS DISCRETION, AWARD CREDIT TO
24 A PAROLEE RECOMMITTED UNDER PARAGRAPH (2) FOR THE TIME SPENT
25 AT LIBERTY ON PAROLE, UNLESS ANY OF THE FOLLOWING APPLY:

26 (I) THE CRIME COMMITTED DURING THE PERIOD OF PAROLE
27 OR WHILE DELINQUENT ON PAROLE IS A CRIME OF VIOLENCE AS
28 DEFINED IN 42 PA.C.S. § 9714(G) (RELATING TO SENTENCES

1 FOR SECOND AND SUBSEQUENT OFFENSES) OR A CRIME REQUIRING
2 REGISTRATION UNDER 42 PA.C.S. CH. 97 SUBCH. H (RELATING
3 TO REGISTRATION OF SEXUAL OFFENDERS).

4 (II) THE PAROLEE WAS RECOMMITTED UNDER SECTION 6143
5 (RELATING TO EARLY PAROLE OF INMATES SUBJECT TO FEDERAL
6 REMOVAL ORDER).

7 * * *

8 (C) TECHNICAL VIOLATORS.--

9 (1) A PAROLEE UNDER THE JURISDICTION OF THE BOARD WHO
10 [IS RELEASED FROM A CORRECTIONAL FACILITY AND WHO, DURING THE
11 PERIOD OF PAROLE,] VIOLATES THE TERMS AND CONDITIONS OF HIS
12 PAROLE, OTHER THAN BY THE COMMISSION OF A NEW CRIME OF WHICH
13 THE PAROLEE IS CONVICTED OR FOUND GUILTY BY A JUDGE OR JURY
14 OR TO WHICH THE PAROLEE PLEADS GUILTY OR NOLO CONTENDERE IN A
15 COURT OF RECORD, MAY BE DETAINED PENDING A HEARING BEFORE THE
16 BOARD OR WAIVER OF THE HEARING OR RECOMMITTED AFTER A HEARING
17 BEFORE THE BOARD[.] OR A WAIVER OF THE HEARING. DETENTION AND
18 RECOMMITMENT UNDER THIS PARAGRAPH SHALL BE IN A COMMUNITY
19 CORRECTIONS CENTER OR COMMUNITY CORRECTIONS FACILITY, UNLESS
20 THE BOARD DETERMINES THAT ONE OF THE FOLLOWING CONDITIONS IS
21 PRESENT:

22 (I) THE VIOLATION WAS SEXUAL IN NATURE.

23 (II) THE VIOLATION INVOLVED ASSAULTIVE BEHAVIOR.

24 (III) THE VIOLATION INVOLVED POSSESSION OR CONTROL
25 OF A WEAPON.

26 (IV) THE PAROLEE HAS ABSCONDED, AND THE PAROLEE

1 CANNOT BE SAFELY DIVERTED TO A COMMUNITY CORRECTIONS
2 CENTER OR COMMUNITY CORRECTIONS FACILITY.

3 (V) THERE EXISTS AN IDENTIFIABLE THREAT TO PUBLIC
4 SAFETY, AND THE PAROLEE CANNOT BE SAFELY DIVERTED TO A
5 COMMUNITY CORRECTIONS CENTER OR COMMUNITY CORRECTIONS
6 FACILITY.

7 (1.1) IF THE BOARD DETERMINES THAT A CONDITION UNDER
8 PARAGRAPH (1) APPLIES, THE PAROLEE SHALL BE DETAINED IN OR
9 RECOMMITTED TO A STATE CORRECTIONAL INSTITUTION OR CONTRACTED
10 COUNTY JAIL.

11 (2) IF THE PAROLEE IS [SO] RECOMMITTED UNDER THIS
12 SUBSECTION, THE PAROLEE SHALL BE GIVEN CREDIT FOR THE TIME
13 SERVED ON PAROLE IN GOOD STANDING BUT WITH NO CREDIT FOR
14 DELINQUENT TIME AND MAY BE REENTERED TO SERVE THE REMAINDER
15 OF THE ORIGINAL SENTENCE OR SENTENCES.

16 * * *

17 (4) [THE] SUBJECT TO SUBSECTION (E), THE PAROLEE SHALL
18 BE SUBJECT TO REPAROLE BY THE BOARD WHENEVER IN ITS OPINION
19 THE BEST INTERESTS OF THE INMATE JUSTIFY OR REQUIRE THE
20 PAROLEE BEING REPAROLED AND IT DOES NOT APPEAR THAT THE
21 INTERESTS OF THE COMMONWEALTH WILL BE INJURED REPAROLING THE
22 PAROLEE.

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

25 * * *

26 (V) RECOMMITMENT TO:

27 (A) A STATE CORRECTIONAL [FACILITY] INSTITUTION;

28 (B) A CONTRACTED COUNTY JAIL;

29 (C) A COMMUNITY CORRECTIONS CENTER; OR

30 (D) A COMMUNITY CORRECTIONS FACILITY.

1 [(6) THE BOARD SHALL DIVERT TECHNICAL PAROLE VIOLATORS
2 FROM CONFINEMENT IN A STATE CORRECTIONAL INSTITUTION UNLESS
3 THE PAROLEE'S DIVERSION POSES AN UNDUE RISK TO PUBLIC
4 SAFETY.]

5 (7) A PAROLEE DETAINED OR RECOMMITTED TO A COMMUNITY
6 CORRECTIONS CENTER OR COMMUNITY CORRECTIONS FACILITY UNDER
7 PARAGRAPH (1) SHALL BE SEGREGATED FROM OTHER OFFENDERS
8 LOCATED AT THE FACILITY.

9 (D) RECOMMITMENT TO CORRECTIONAL FACILITY.--A TECHNICAL
10 VIOLATOR [UNDER SUBSECTION (C) SHALL BE RECOMMITTED TO A
11 CORRECTIONAL FACILITY, UNLESS PLACED AT A PAROLE VIOLATOR
12 CENTER,] RECOMMITTED TO A STATE CORRECTIONAL INSTITUTION OR A
13 CONTRACTED COUNTY JAIL UNDER SUBSECTION (C) SHALL BE RECOMMITTED
14 AS FOLLOWS:

15 * * *

16 (2) IF PAROLED FROM A STATE CORRECTIONAL INSTITUTION, TO
17 ANY [MALE PERSON UPON RECOMMITMENT SHALL BE SENT TO THE
18 NEAREST STATE CORRECTIONAL INSTITUTION FOR SERVICE OF THE
19 REMAINDER OF THE ORIGINAL TERM AT THE INSTITUTION AS SHALL BE
20 DESIGNATED BY THE DEPARTMENT. ANY FEMALE PERSON SHALL BE
21 RECOMMITTED TO THE STATE CORRECTIONAL INSTITUTION AT MUNCY OR
22 OTHER] STATE CORRECTIONAL INSTITUTION [AS] OR CONTRACTED
23 COUNTY JAIL DESIGNATED BY THE DEPARTMENT.

24 (3) EXCEPT AS SET FORTH IN PARAGRAPH (4) OR (5), THE
25 PAROLEE SHALL BE RECOMMITTED FOR ONE OF THE FOLLOWING
26 PERIODS, AT WHICH TIME THE PAROLEE SHALL AUTOMATICALLY BE
27 REPAROLED WITHOUT FURTHER ACTION BY THE BOARD:

28 (I) FOR THE FIRST RECOMMITMENT UNDER THIS
29 SUBSECTION, A MAXIMUM PERIOD OF SIX MONTHS.

30 (II) FOR THE SECOND RECOMMITMENT UNDER THIS

1 SUBSECTION FOR THE SAME SENTENCE, A MAXIMUM OF NINE
2 MONTHS.

3 (III) FOR THE THIRD OR SUBSEQUENT RECOMMITMENT UNDER
4 THIS SUBSECTION FOR THE SAME SENTENCE, A MAXIMUM OF ONE
5 YEAR.

6 (4) THE PAROLEE MAY BE REPAROLED BY THE BOARD PRIOR TO
7 EXPIRATION OF THE TIME PERIOD UNDER PARAGRAPH (3) IF THE
8 BOARD DETERMINES THAT IT IS IN THE BEST INTEREST OF THE
9 COMMONWEALTH AND THE PAROLEE.

10 (5) THE TIME LIMIT UNDER PARAGRAPH (3) SHALL NOT BE
11 APPLICABLE TO A PAROLEE WHO:

12 (I) COMMITTED A DISCIPLINARY INFRACTION INVOLVING
13 ASSAULTIVE BEHAVIOR, SEXUAL ASSAULT, A WEAPON OR
14 CONTROLLED SUBSTANCES;

15 (II) SPENT MORE THAN 90 DAYS IN SEGREGATED HOUSING
16 DUE TO ONE OR MORE DISCIPLINARY INFRACTIONS; OR

17 (III) REFUSED PROGRAMMING OR A WORK ASSIGNMENT.

18 (E) RECOMMITMENT TO COMMUNITY CORRECTIONS CENTER OR
19 COMMUNITY CORRECTIONS FACILITY.--

20 (1) A TECHNICAL VIOLATOR RECOMMITTED TO A COMMUNITY
21 CORRECTIONS CENTER OR COMMUNITY CORRECTIONS FACILITY UNDER
22 SUBSECTION (C) SHALL BE RECOMMITTED FOR A MAXIMUM PERIOD OF
23 SIX MONTHS, AFTER WHICH THE PAROLEE SHALL AUTOMATICALLY BE
24 REPAROLED WITHOUT FURTHER ACTION BY THE BOARD.

25 (2) A PAROLEE UNDER PARAGRAPH (1) MAY BE REPAROLED BY
26 THE BOARD PRIOR TO EXPIRATION OF THE SIX-MONTH PERIOD IF THE
27 BOARD DETERMINES THAT IT IS IN THE BEST INTEREST OF THE
28 COMMONWEALTH AND THE PAROLEE.

29 (3) THIS SUBSECTION SHALL NOT APPLY TO A PAROLEE WHO IS
30 NOT IN GOOD STANDING WITH THE BOARD.

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

4 "COMMUNITY CORRECTIONS CENTER." A RESIDENTIAL PROGRAM THAT
5 IS SUPERVISED AND OPERATED BY THE DEPARTMENT IN ACCORDANCE WITH
6 CHAPTER 50 (RELATING TO COMMUNITY CORRECTIONS CENTERS AND
7 COMMUNITY CORRECTIONS FACILITIES).

8 "COMMUNITY CORRECTIONS FACILITY." A RESIDENTIAL FACILITY
9 OPERATED BY A PRIVATE CONTRACTOR THAT:

10 (1) HOUSES OFFENDERS PURSUANT TO A CONTRACT WITH THE
11 DEPARTMENT; AND

12 (2) IS OPERATED IN ACCORDANCE WITH CHAPTER 50.

13 "CONTRACTED COUNTY JAIL." A COUNTY CORRECTIONAL FACILITY
14 WHICH HAS CONTRACTED WITH THE DEPARTMENT TO PROVIDE CORRECTIONAL
15 OR OTHER SERVICES.

16 "STATE CORRECTIONAL INSTITUTION." ANY OF THE FOLLOWING OWNED
17 AND OPERATED BY THE COMMONWEALTH:

18 (1) A CORRECTIONAL FACILITY.

19 (2) A PRISON.

20 (3) A JAIL.

21 SECTION 16. TITLE 61 IS AMENDED BY ADDING A SECTION TO READ:

22 § 6143. EARLY PAROLE OF INMATES SUBJECT TO FEDERAL REMOVAL
23 ORDER.

24 (A) ELIGIBILITY.--NOTWITHSTANDING ANY OTHER PROVISION OF
25 LAW, THE BOARD MAY PAROLE AN INMATE INTO THE CUSTODY OF THE
26 UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT FOR
27 DEPORTATION PRIOR TO THE EXPIRATION OF THE INMATE'S MINIMUM TERM
28 OF IMPRISONMENT IF ALL OF THE FOLLOWING REQUIREMENTS ARE
29 SATISFIED:

30 (1) THE BOARD HAS RECEIVED A FINAL ORDER OF REMOVAL FOR

1 THE INMATE FROM THE UNITED STATES IMMIGRATION AND CUSTOMS
2 ENFORCEMENT.

3 (2) THE INMATE IS AT LEAST 18 YEARS OF AGE AND IS NOT A
4 NATIVE OR CITIZEN OF THE UNITED STATES.

5 (3) THE OFFENDER HAS NEVER BEEN CONVICTED OR ADJUDICATED
6 DELINQUENT OF A CRIME OF VIOLENCE OR A CRIME REQUIRING
7 REGISTRATION UNDER 42 PA.C.S. CH. 97 SUBCH. H (RELATING TO
8 REGISTRATION OF SEXUAL OFFENDERS).

9 (4) THE BOARD CERTIFIES THAT REMOVAL OF THE INMATE IS
10 APPROPRIATE AND IN THE BEST INTERESTS OF THE COMMONWEALTH.

11 (5) THE INMATE HAS BEEN ADVISED OF ALL OF THE FOLLOWING:

12 (I) UNLAWFUL REENTRY INTO THE UNITED STATES WILL
13 RESULT IN THE INMATE'S RETURN TO THE DEPARTMENT TO SERVE
14 THE REMAINDER OF THE INMATE'S MAXIMUM TERM OF
15 IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE.

16 (II) IF THE INMATE REENTERS THE UNITED STATES AND
17 COMMITTS A CRIMINAL OFFENSE, UPON CONVICTION THE INMATE
18 SHALL BE SUBJECT TO 42 PA.C.S. § 9720.3 (RELATING TO
19 SENTENCING FOR CERTAIN PAROLED OFFENDERS).

20 (III) REENTRY INTO THE UNITED STATES MAY SUBJECT THE
21 INMATE TO PROSECUTION BY THE UNITED STATES UNDER 8 U.S.C.
22 § 1326 (RELATING TO REENTRY OF REMOVED ALIENS).

23 (B) PAROLE DISCRETIONARY.--THE DECISION TO PAROLE AN INMATE
24 UNDER SUBSECTION (A) SHALL BE WITHIN THE SOLE DISCRETION OF THE
25 BOARD. NOTHING UNDER THIS SECTION SHALL BE CONSTRUED TO CONFER A
26 LEGAL RIGHT UPON THE INMATE TO PAROLE UNDER SUBSECTION (A).

27 (C) RETURN OF INMATE BY UNITED STATES.--IF THE UNITED STATES
28 IMMIGRATION AND CUSTOMS ENFORCEMENT IS UNABLE TO OR DOES NOT
29 DEPORT THE INMATE, THE INMATE SHALL BE RETURNED TO THE CUSTODY
30 OF THE DEPARTMENT AND THE BOARD SHALL RESCIND THE INMATE'S

1 PAROLE.

2 (D) UNLAWFUL REENTRY.--AN INMATE PAROLED UNDER THIS SECTION
3 WHO RETURNS UNLAWFULLY TO THE UNITED STATES SHALL BE GIVEN A
4 HEARING BEFORE THE BOARD AND RECOMMITTED AS A PAROLE VIOLATOR
5 UPON A DETERMINATION BY THE BOARD THAT THE INMATE DID UNLAWFULLY
6 RETURN TO THE UNITED STATES. UPON RECOMMITMENT, THE INMATE SHALL
7 BE REQUIRED TO SERVE THE REMAINDER OF THE INMATE'S MAXIMUM TERM
8 OF IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE. THE INMATE
9 SHALL NOT BE ENTITLED TO CREDIT FOR ANY TIME ON PAROLE UNDER
10 THIS SECTION.

11 (E) DEFINITION.--AS USED IN THIS SECTION, THE TERM "CRIME OF
12 VIOLENCE" SHALL BE DEFINED AS PROVIDED IN 42 PA.C.S. § 9714(G)
13 (RELATING TO SENTENCES FOR SECOND AND SUBSEQUENT OFFENSES).

14 SECTION 17. REPEALS ARE AS FOLLOWS:

15 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
16 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE REPEAL OF 61
17 PA.C.S. §§ 3701, 3702, 3703 AND 3704.

18 (2) THE FOLLOWING ACTS OR PARTS OF ACTS ARE REPEALED:

19 (I) SECTION 909(F) AND (G) OF THE ACT OF APRIL 9,
20 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE
21 OF 1929.

22 (II) SECTION 441.1(B) AND THE DEFINITION OF
23 "CORRECTIONAL INSTITUTION" IN SECTION 1401-A OF THE ACT
24 OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC
25 WELFARE CODE.

26 SECTION 18. THE REGULATIONS AT 37 PA. CODE CH. 94 ARE
27 ABROGATED INsofar AS THEY ARE INCONSISTENT WITH THE REPEAL OF 61
28 PA.C.S. §§ 3701, 3702, 3703 AND 3704.

29 SECTION 19. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

30 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT

1 IMMEDIATELY:

2 (I) (RESERVED).

3 (II) THE AMENDMENT OF 61 PA.C.S. § 6132(A)(2)(II)

4 AND (B).

5 (III) THE AMENDMENT OF 61 PA.C.S. § 6134.1(C)(1) AND

6 (2).

7 (IV) (RESERVED).

8 (V) THIS SECTION.

9 (1.1) THE ADDITION OF 42 PA.C.S. § 9762(I) SHALL TAKE
10 EFFECT IN 30 DAYS.

11 (2) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT IN 180
12 DAYS:

13 (I) THE ADDITION OF 61 PA.C.S. CH. 50.

14 (II) THE AMENDMENT OR ADDITION OF 61 PA.C.S. §
15 6138(C)(1), (1.1), (2), (4), (5)(V), (6) AND (7), (D)
16 INTRODUCTORY PARAGRAPH, (2), (3), (4) AND (5), (E) AND
17 (F).

18 (3) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT JULY 1,
19 2013:

20 (I) THE AMENDMENT OF 18 PA.C.S. § 7508(C).

21 (II) THE AMENDMENT OF 42 PA.C.S. §§:

22 (A) 9727(D);

23 (B) 9755(G); AND

24 (C) 9756(D).

25 (III) THE AMENDMENT OF THE DEFINITION OF
26 "CORRECTIONAL FACILITY" IN 61 PA.C.S. § 1172.

27 (IV) THE REPEAL OF 61 PA.C.S. §§:

28 (A) 3701;

29 (B) 3702;

30 (C) 3703; AND

1 (D) 3704.

2 (V) THE AMENDMENT OF THE DEFINITIONS OF "COMMUNITY
3 CORRECTIONS CENTER," "DEFENDANT," "ELIGIBLE OFFENDER" AND
4 "GROUP HOME" IN 61 PA.C.S. § 4103.

5 (VI) (RESERVED).

6 (VII) THE AMENDMENT OF 61 PA.C.S. § 4701.

7 (VIII) THE AMENDMENT OF 61 PA.C.S. § 6124(C).

8 (IX) THE AMENDMENT OF 61 PA.C.S. § 6137(A)(4).

9 (X) SECTION 17 OF THIS ACT.

10 (XI) SECTION 18 OF THIS ACT.

11 (4) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
12 DAYS.