

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1522 Session of 2012

INTRODUCED BY ALLOWAY, SCARNATI, WOZNIAK, ERICKSON, WAUGH,
YUDICHAK, BAKER, ARGALL, SOLOBAY, D. WHITE, BOSCOLA AND WARD,
MAY 21, 2012

REFERRED TO JUDICIARY, MAY 21, 2012

AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania
2 Consolidated Statutes, in Pennsylvania Board of Probation and
3 Parole, providing for early parole of inmates subject to
4 Federal removal order.

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

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

9 § 6143. Early parole of inmates subject to Federal removal
10 order.

11 (a) Eligibility.--Notwithstanding any other provision of
12 law, the board may parole an inmate into the custody of the
13 United States Immigration and Customs Enforcement for
14 deportation prior to the expiration of the inmate's minimum term
15 of imprisonment if all of the following requirements are
16 satisfied:

17 (1) The board has received a final order of removal for
18 the inmate from the United States Immigration and Customs

1 Enforcement.

2 (2) The inmate is at least 18 years of age and is not a
3 native or citizen of the United States.

4 (3) The inmate is a nonviolent offender.

5 (4) The board certifies that removal of the inmate is
6 appropriate and in the best interests of the Commonwealth.

7 (5) The inmate has been advised of all of the following:

8 (i) Unlawful reentry into the United States will
9 result in the inmate's return to the department to serve
10 the remainder of the inmate's maximum term of
11 imprisonment without the possibility of parole.

12 (ii) Reentry into the United States may subject the
13 inmate to prosecution by the United States under section
14 276 of the Immigration and Nationality Act (66 Stat. 229,
15 8 U.S.C. § 1326).

16 (b) Parole discretionary.--

17 (1) The decision to parole an inmate under subsection
18 (a) is within the sole discretion of the board.

19 (2) Nothing in this section shall be construed to confer
20 a legal right upon the inmate to parole under subsection (a).

21 (c) Return of inmate by United States.--In the event that
22 the United States Immigration and Customs Enforcement is unable
23 to or does not deport the inmate, the inmate shall be returned
24 to the custody of the department and the board shall rescind the
25 inmate's parole.

26 (d) Unlawful reentry.--

27 (1) An inmate paroled pursuant to this section who
28 returns unlawfully to the United States shall be given a
29 hearing before the board and recommitted as a parole violator
30 upon a determination that the inmate unlawfully returned to

1 the United States.

2 (2) Upon recommitment, the inmate shall serve the
3 remainder of the inmate's maximum term of imprisonment
4 without the possibility of parole and shall not be entitled
5 to credit for any time on parole under this section.

6 (e) Definition.--As used in this section, the term
7 "nonviolent offender" means a person who has not been convicted
8 of a "crime of violence" as defined in 42 Pa.C.S. § 9714(g)
9 (relating to sentences for second and subsequent offenses).

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