

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 522 Session of 2017

INTRODUCED BY GREENLEAF, ARGALL, RESCHENTHALER, MENSCH, YUDICHAK, FOLMER AND BROWNE, MARCH 16, 2017

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, MAY 8, 2017

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 61
2 (Prisons and Parole) of the Pennsylvania Consolidated
3 Statutes, in judicial boards and commissions, further
4 providing for definitions and for publication of guidelines;
5 in juvenile matters, further providing for inspection of
6 court files and records; in prisoner litigation, further
7 providing for prisoner filing fees; in particular rights and
8 immunities, further providing for immunity of State parole
9 officers and for immunity of program administrators and
10 supervisors; in sentencing, further providing for
11 dispositions of persons found guilty but mentally ill, for
12 collection of restitution and penalties, for sentencing
13 proceeding and place of confinement, for information required
14 upon commitment and subsequent disposition, for transfer of
15 inmates in need of medical treatment, for applicability, for
16 registry, for initial registration, for duty to inform, for
17 assessments, for administration, for global positioning
18 system technology, for immunity for good faith conduct, for
19 Pennsylvania State Police, for duties of probation and parole
20 officials, for duties of facilities housing sexual offenders,
21 for board and for annual performance audit; in preliminary
22 provisions, further providing for definitions; in general
23 administration, providing for powers of peace officers; in
24 county correctional institutions, further providing for
25 county recording system; in State intermediate punishment,
26 further providing for definitions; in community corrections
27 centers and community corrections facilities, further
28 providing for definitions, for department, for offenders who
29 may be housed, for authority of Commonwealth employees, for
30 authority of chairman and for escape; providing for certain
31 offenders residing in group-based homes and for reporting;
32 further providing for probation and parole; in Pennsylvania
33 Board of Probation and Parole, further providing for

1 definitions, for administration, for Pennsylvania Board of
2 Probation and Parole, for board chairperson, for board
3 action, for meetings, for offices, for district directors,
4 for district office employees, for disciplinary action, for
5 political activities, for advisory committee, for certain
6 offenders residing in group-based homes, for general powers
7 of board, for specific powers of board, for probation
8 services, for sentencing court, for general criteria for
9 parole, for right of access to inmates, for parole power, for
10 violation of terms of parole, for parole procedure, for
11 victim statements, for general rules and special regulations,
12 for early parole of inmates, for definitions, for status as
13 peace officers and for supervisory relationship; providing
14 for supervision of offenders and for agents; in county
15 probation officers' firearm education and training, further
16 providing for definitions, for County Probation Officers'
17 Firearm Education and Training Commission, for commission
18 membership, for powers and duties of commission, for training
19 mandatory, for requirements for program participation and for
20 the County Probation Officers' Firearm Education and Training
21 Fund; in Interstate Compacts, further providing for
22 Interstate Compacts, for deputization and for supervisions of
23 persons paroled by other states; conferring powers and
24 imposing duties on the Department of Criminal Justice;
25 providing for the transfer of functions, powers and duties;
26 and providing for appropriations for the Office of Victim
27 Advocate.

28 The General Assembly of the Commonwealth of Pennsylvania
29 hereby enacts as follows:

30 Section 1. The definitions of "board" and "department" in
31 section 2151.1 of Title 42 of the Pennsylvania Consolidated
32 Statutes are amended to read:

33 § 2151.1. Definitions.

34 The following words and phrases when used in this subchapter
35 shall have the meanings given to them in this section unless the
36 context clearly indicates otherwise:

37 "Board." The Pennsylvania [Board of Probation and] Parole
38 Board.

39 * * *

40 "Department." The Department of [Corrections] Criminal
41 Justice of the Commonwealth.

42 Section 2. Sections 2155(a)(1), 6307(a)(6.2) and (6.5),
43 6602(c), 8332.7, 8340, 9727(a), (b)(1), (c) and (f)(3), 9728(b)

1 (3) and (5) and (b.1), 9762(a), (b)(1) and (2), (e) and (i),
2 9764, 9777(d)(2) and (g), 9799.13(2), (3.1)(i)(C) and (3.2)
3 (iii), 9799.16(d), 9799.19(b), (b.1)(2)(iv), (e.2)(2) and (f),
4 9799.20 introductory paragraph, 9799.24(c), (e)(4) and (g),
5 9799.29, 9799.30, 9799.31, 9799.32(2), (7), (8) and (9),
6 9799.33, 9799.34 introductory paragraph, 9799.35(e) and 9799.38
7 of Title 42 are amended to read:

8 § 2155. Publication of guidelines for sentencing, resentencing
9 and parole, risk assessment instrument and
10 recommitment ranges following revocation.

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

12 (1) Prior to adoption, publish in the Pennsylvania
13 Bulletin all proposed sentencing guidelines, resentencing
14 guidelines following revocation of probation, county
15 intermediate punishment and State intermediate punishment,
16 parole guidelines, risk assessment instrument and
17 recommitment ranges following revocation by the board of
18 paroles granted, and hold public hearings not earlier than 30
19 days and not later than 60 days thereafter to afford an
20 opportunity for the following persons and organizations to
21 testify:

22 (i) Pennsylvania District Attorneys Association.

23 (ii) Chiefs of Police Associations.

24 (iii) Fraternal Order of Police.

25 (iv) Public Defenders Organization.

26 (v) Law school faculty members.

27 (vi) [State Board of Probation and] Pennsylvania
28 Parole Board.

29 (vii) Department of [Corrections] Criminal Justice.

30 (viii) Pennsylvania Bar Association.

1 (ix) Pennsylvania Wardens Association.

2 (x) Pennsylvania Association on Probation, Parole
3 and Corrections.

4 (xi) Pennsylvania Conference of State Trial Judges.

5 (xii) Any other interested person or organization.

6 * * *

7 § 6307. Inspection of court files and records.

8 (a) General rule.--All files and records of the court in a
9 proceeding under this chapter are open to inspection only by:

10 * * *

11 (6.2) Officials of the Department of [Corrections]
12 Criminal Justice or a State Correctional Institution or other
13 penal institution to which an individual who was previously
14 adjudicated delinquent in a proceeding under this chapter has
15 been committed, but the persons in this category shall not be
16 permitted to see reports revealing the names of confidential
17 sources of information contained in social reports, except at
18 the discretion of the court.

19 * * *

20 (6.5) The Department of [Public Welfare] Human Services
21 for use in determining whether an individual named as the
22 perpetrator of an indicated report of child abuse should be
23 expunged from the Statewide database.

24 * * *

25 § 6602. Prisoner filing fees.

26 * * *

27 (c) Payment of filing fees.--Following payment of an initial
28 partial filing fee, the prisoner shall make monthly payments of
29 20% of the preceding month's income credited to the prisoner's
30 account. The prison having custody of the prisoner shall deduct

1 payments from the prisoner's account when the prisoner's account
2 balance exceeds \$10 until the filing fees are paid in full. The
3 prison shall forward to the prothonotary the deducted payments
4 upon deduction, on a monthly basis, or upon complete payment of
5 the full filing fee if the court so directs. The Department of
6 [Corrections] Criminal Justice and county prison systems shall
7 develop written guidelines regarding the priority of payment,
8 which shall be consistent with law.

9 * * *

10 § 8332.7. Immunity of State parole officers.

11 (a) Assistance of law enforcement personnel.--In addition to
12 the provisions of section 27 of the act of August 6, 1941
13 (P.L.861, No.323), referred to as the Pennsylvania Board of
14 Probation and Parole Law, or any other law, any parole officer
15 appointed by the Pennsylvania [Board of Probation and] Parole
16 Board who, after obtaining permission in advance from a person
17 authorized by the Pennsylvania [Board of Probation and] Parole
18 Board, assists Federal, State or local law enforcement officers
19 or agents or county probation officers in the lawful performance
20 of their duties shall be considered to be acting within the
21 scope of his official duty for all purposes of law and shall
22 enjoy any benefit or immunity conferred upon an employee of the
23 Commonwealth.

24 (b) Assistance of criminal victims.--In addition to any
25 other immunity provided by law, any parole officer appointed by
26 the Pennsylvania [Board of Probation and] Parole Board who is
27 entitled to immunity under section 8331.3 (relating to criminal
28 victim aid good Samaritan civil immunity) as a result of
29 providing assistance to a victim of a crime shall be considered
30 to be acting within the scope of his official duty while

1 providing assistance to the victim for all purposes of law and
2 shall enjoy any benefit or immunity conferred upon an employee
3 of the Commonwealth.

4 § 8340. Immunity of program administrators and supervisors.

5 Any probation officer or agent of the Pennsylvania [Board of
6 Probation and] Parole Board and any public service or charitable
7 agency or organization or political subdivision, or any official
8 or employee thereof, supervising or administering any
9 restitution or community service program approved by the court
10 of common pleas or the Pennsylvania [Board of Probation and]
11 Parole Board shall be immune from any civil action for damages
12 brought by or on behalf of any person involved in the program or
13 damages caused by any person involved in the program. Nothing in
14 this section shall be construed to limit or otherwise affect or
15 preclude liability resulting from gross negligence or
16 intentional misconduct or reckless misconduct.

17 § 9727. Disposition of persons found guilty but mentally ill.

18 (a) Imposition of sentence.--A defendant found guilty but
19 mentally ill or whose plea of guilty but mentally ill is
20 accepted under the provisions of 18 Pa.C.S. § 314 (relating to
21 guilty but mentally ill) may have any sentence imposed on him
22 which may lawfully be imposed on any defendant convicted of the
23 same offense. Before imposing sentence, the court shall hear
24 testimony and make a finding on the issue of whether the
25 defendant at the time of sentencing is severely mentally
26 disabled and in need of treatment pursuant to the provisions of
27 the act of July 9, 1976 (P.L.817, No.143), known as the
28 ["Mental] Mental Health Procedures [Act."] Act.

29 (b) Treatment.--

30 (1) An offender who is severely mentally disabled and in

1 need of treatment at the time of sentencing shall, consistent
2 with available resources, be provided such treatment as is
3 psychiatrically or psychologically indicated for his mental
4 illness. Treatment may be provided by the Bureau of
5 Correction, by the county or by the Department of [Public
6 Welfare] Human Services in accordance with the ["Mental]
7 Mental Health Procedures [Act.]" Act.

8 * * *

9 (c) Discharge report.--When a treating facility designated
10 by either the Bureau of Correction or the Department of [Public
11 Welfare] Human Services discharges such a defendant from
12 treatment prior to the expiration of his maximum sentence, that
13 treating facility shall transmit to the Pennsylvania [Board of
14 Probation and] Parole Board, the correctional facility or county
15 jail to which the offender is being returned and the sentencing
16 judge a report on the condition of the offender together with
17 the reasons for its judgments, which describes:

- 18 (1) The defendant's behavior.
- 19 (2) The course of treatment.
- 20 (3) The potential for recurrence of the behavior.
- 21 (4) The potential for danger to himself or the public.
- 22 (5) Recommendations for future treatment.

23 * * *

24 (f) Probation.--

25 * * *

26 (3) Treatment shall be provided by an agency approved by
27 the Department of [Public Welfare] Human Services or, with
28 the approval of the sentencing court and at individual
29 expense, by private agencies, private physicians or other
30 mental health personnel. A mental health status report,

1 containing the information set forth in subsection (c), shall
2 be filed with the probation officer and the sentencing court
3 every three months during the period of probation. If a
4 motion on a petition to discontinue probation is made by the
5 defendant, the probation officer shall request a report as
6 specified from the treating facility.

7 § 9728. Collection of restitution, reparation, fees, costs,
8 fines and penalties.

9 * * *

10 (b) Procedure.--

11 * * *

12 (3) The county clerk of courts shall, upon sentencing,
13 pretrial disposition or other order, transmit to the
14 Department of Probation of the respective county or other
15 agent designated by the county commissioners of the county
16 with the approval of the president judge of the county and to
17 the county correctional facility to which the offender has
18 been sentenced or to the Department of [Corrections] Criminal
19 Justice, whichever is appropriate, copies of all orders for
20 restitution and amendments or alterations thereto,
21 reparation, fees, costs, fines and penalties. This paragraph
22 also applies in the case of costs imposed under section
23 9721(c.1) (relating to sentencing generally).

24 * * *

25 (5) The county correctional facility to which the
26 offender has been sentenced or the Department of
27 [Corrections] Criminal Justice shall be authorized to make
28 monetary deductions from inmate personal accounts for the
29 purpose of collecting restitution or any other court-ordered
30 obligation or costs imposed under section 9721(c.1). Any

1 amount deducted shall be transmitted by the Department of
2 [Corrections] Criminal Justice or the county correctional
3 facility to the probation department of the county or other
4 agent designated by the county commissioners of the county
5 with the approval of the president judge of the county in
6 which the offender was convicted. The Department of
7 [Corrections] Criminal Justice shall develop guidelines
8 relating to its responsibilities under this paragraph.

9 (b.1) Restitution file.--Upon receipt of each order from the
10 clerk of courts as provided in subsection (b) (3), the department
11 of probation of the respective county or other agent designated
12 by the county commissioners of the county with the approval of
13 the president judge of the county shall open a restitution file
14 for the purposes of recording the amounts of restitution
15 deducted by the Department of [Corrections] Criminal Justice or
16 county correctional facility or collected by the department of
17 probation or the agent designated by the county commissioners of
18 the county with the approval of the president judge of the
19 county.

20 * * *

21 § 9762. Sentencing proceeding; place of confinement.

22 (a) Sentences or terms of incarceration imposed before a
23 certain date.--For the three-year period beginning on the
24 effective date of this subsection, all persons sentenced to
25 total or partial confinement for the following terms shall be
26 committed as follows:

27 (1) Maximum terms of five or more years shall be
28 committed to the Department of [Corrections] Criminal Justice
29 for confinement.

30 (2) Maximum terms of two years or more but less than

1 five years may be committed to the Department of
2 [Corrections] Criminal Justice for confinement or may be
3 committed to a county prison within the jurisdiction of the
4 court.

5 (3) Maximum terms of less than two years shall be
6 committed to a county prison within the jurisdiction of the
7 court.

8 (b) Sentences or terms of incarceration imposed after a
9 certain date.--All persons sentenced three or more years after
10 the effective date of this subsection to total or partial
11 confinement shall be committed as follows:

12 (1) Maximum terms of five or more years shall be
13 committed to the Department of [Corrections] Criminal Justice
14 for confinement.

15 (2) Maximum terms of two years or more but less than
16 five years shall be committed to the Department of
17 [Corrections] Criminal Justice for confinement, except upon a
18 finding of all of the following:

19 (i) The chief administrator of the county prison, or
20 the administrator's designee, has certified that the
21 county prison is available for the commitment of persons
22 sentenced to maximum terms of two or more years but less
23 than five years.

24 (ii) The attorney for the Commonwealth has consented
25 to the confinement of the person in the county prison.

26 (iii) The sentencing court has approved the
27 confinement of the person in the county prison within the
28 jurisdiction of the court.

29 * * *

30 (e) Reimbursement.--Beginning three years after the

1 effective date of this subsection:

2 (1) The Department of [Corrections] Criminal Justice
3 shall reimburse to the counties the reasonable cost of
4 confinement of every Level 4 or 5 offender as identified in
5 the Basic Sentencing Matrix promulgated by the Pennsylvania
6 Commission on Sentencing who is participating in an approved
7 work release program. The reimbursement per prisoner shall
8 not exceed the average per-prisoner cost of confinement paid
9 by the Commonwealth for the confinement of prisoners in the
10 Department of [Corrections] Criminal Justice. No more than
11 \$2,500,000 shall be expended annually for this purpose.
12 Reimbursement shall be made on a pro rata basis if the total
13 dollar amount of eligible confinement costs exceeds
14 \$2,500,000. Nothing in this paragraph shall prevent more than
15 \$2,500,000 being appropriated for this purpose. Reimbursement
16 shall be made on a pro rata basis if the total dollar amount
17 of eligible confinement costs exceeds any additional
18 appropriation. A county shall not be reimbursed under this
19 section for any offender participating in an approved work
20 release program for whom the county is being or has been
21 reimbursed from any other State funds regardless of their
22 source.

23 (2) County prisons may require reimbursements from other
24 county prisons or the Department of [Corrections] Criminal
25 Justice for inmates voluntarily accepted for incarceration at
26 mutually agreeable rates. The Department of [Corrections]
27 Criminal Justice shall maintain a list of those counties
28 willing to accept voluntary placement of out-of-county
29 inmates.

30 * * *

1 (i) Prohibition.--Notwithstanding any other provision of
2 law, no person sentenced to total or partial confinement after
3 the effective date of this subsection shall be committed to the
4 Department of [Corrections] Criminal Justice unless:

5 (1) the aggregate sentence consists of a conviction for
6 an offense graded as a misdemeanor of the second degree or
7 higher; or

8 (2) the Secretary of [Corrections] Criminal Justice or
9 the secretary's designee has consented to the commitment.

10 * * *

11 § 9764. Information required upon commitment and subsequent
12 disposition.

13 (a) General rule.--Upon commitment of an inmate to the
14 custody of the Department of [Corrections] Criminal Justice, the
15 sheriff or transporting official shall provide to the
16 institution's records officer or duty officer, in addition to a
17 copy of the court commitment form DC-300B generated from the
18 Common Pleas Criminal Court Case Management System of the
19 unified judicial system, the following information:

20 (1) Record of adjustment in the county correctional
21 facility, including, but not limited to, misconducts and
22 escape history.

23 (2) Any current medical or psychological condition
24 requiring treatment, including, but not limited to, suicide
25 attempts.

26 (3) All medical records of the county correctional
27 institution relating to the inmate to the extent that those
28 records may be disclosed under Federal and State law. The
29 records shall include admission testing performed by the
30 county and the results of those tests and any testing related

1 to hepatitis, HIV/AIDS, tuberculosis or other infectious
2 disease testing.

3 (4) Notice of current or previously administered
4 medications.

5 (5) A 48-hour supply of current medications.

6 (6) A written statement by the county correctional
7 institution relating to any sentencing credit to which the
8 inmate may be entitled.

9 (7) A written statement by the county correctional
10 institution setting forth all of the following:

11 (i) The dates on which the inmate was incarcerated.

12 (ii) The charges pending against the inmate with the
13 offense tracking number.

14 (iii) The date on which the inmate was released on
15 bail, if any, and a copy of the bail order.

16 (8) A copy of the sentencing order and any detainers
17 filed against the inmate which the county has notice.

18 (b) Additional information.--Within ten days from the date
19 sentence is imposed, the court shall provide to the county
20 correctional facility the following information pertaining to
21 the inmate:

22 (1) A copy of the presentence investigation report.

23 Where a presentence investigation report was not ordered by
24 the court, the official version of the crime for which the
25 inmate was convicted or a copy of the guilty plea transcript
26 or preliminary hearing transcript.

27 (2) The criminal complaint or affidavit of probable
28 cause accompanying the arrest warrant.

29 (4) A copy of the completed guideline sentence form.

30 (5) All of the following:

1 (i) A written, sealed sentencing order from the
2 county.

3 (ii) The sentencing colloquy sealed by the court.

4 (iii) Court commitment orders.

5 (iv) The Court Commitment Form DC-300B generated
6 from the Common Pleas Criminal Court Case Management
7 System of the unified judicial system.

8 (v) Any detainers filed against the inmate of which
9 the county has notice.

10 (c) Transmittal of additional inmate documentation.--If a
11 document provided by the court under subsection (b) is received
12 by the county correctional institution after the inmate is
13 transferred to the custody of the Department of [Corrections]
14 Criminal Justice, the document shall be transmitted to the
15 Department of [Corrections] Criminal Justice within 20 calendar
16 days of its receipt.

17 (c.1) Implementation.--

18 (1) The Department of [Corrections] Criminal Justice may
19 refuse to accept custody of an inmate for whom the sheriff or
20 transporting official does not provide the information under
21 subsection (a) under the following circumstances:

22 (i) The county correctional facility has a pattern
23 or practice of not providing the information mandated
24 under this section.

25 (ii) The Department of [Corrections] Criminal
26 Justice has previously notified the chief administrator
27 of the county correctional facility, the county
28 commissioners, the county sheriff and the president judge
29 of the county of the specific deficiencies that
30 constitute a pattern or practice.

1 (iii) The Department of [Corrections] Criminal
2 Justice has provided the county with a reasonable period
3 of time to provide the documentation.

4 (iv) The Department of [Corrections] Criminal
5 Justice has notified the officials designated under
6 subparagraph (ii) of the intent to refuse to accept
7 inmates without documentation as of a specified date that
8 shall be no sooner than 30 days after the service of the
9 notification.

10 (2) In cases of a refusal to accept custody of an inmate
11 under this subsection, the sheriff or transporting official
12 shall return the inmate to the sending county correctional
13 institution, which shall accept custody of the inmate. The
14 inmate may be recommitted to the custody of the Department of
15 [Corrections] Criminal Justice upon provision of the
16 documentation required under subsection (a).

17 (3) The Department of [Corrections] Criminal Justice,
18 board and a county correctional facility shall not be liable
19 for compensatory, punitive or other damages for relying in
20 good faith on any sentencing order or court commitment form
21 DC-300B generated from the Common Pleas Criminal Court Case
22 Management System of the unified judicial system or otherwise
23 transmitted to them.

24 (c.2) Effect of electronic transfer of information.--
25 Notwithstanding any electronic transfer of information which may
26 occur, the Department of [Corrections] Criminal Justice, in its
27 discretion, may require actual sealed court orders to the extent
28 that they relate to the commitment, term of sentence or other
29 matter that may affect the fact or duration of confinement.

30 (d) Transfer to county facility.--Upon transfer of an inmate

1 from a State correctional institution to a county correctional
2 facility, the Department of [Corrections] Criminal Justice shall
3 provide to the county facility, unless the facility prior to the
4 time of transfer agrees to accept the inmate without the
5 information, the record of the inmate's institutional
6 adjustment, including, but not limited to, misconducts and/or
7 escape history, and written notice of any current medical or
8 psychological condition requiring treatment, including, but not
9 limited to, suicide attempts, notice of current or previously
10 ordered medication and a 48-hour supply of current medication.

11 (e) Release by Department of [Corrections] Criminal
12 Justice.--Prior to the release of an inmate from the Department
13 of [Corrections] Criminal Justice to State parole supervision,
14 the Department of [Corrections] Criminal Justice shall provide
15 to the [Board of Probation and] Pennsylvania Parole Board the
16 information contained in subsections (a)(1) and (2) and (b).

17 (f) Release from county correctional facility to State
18 probation or parole.--

19 (1) Prior to the release of an inmate from a county
20 correctional facility to State probation or parole
21 supervision, the facility shall provide to the [Board of
22 Probation and] Pennsylvania Parole Board the information
23 contained in subsections (a)(1) through (4) and (b).

24 (2) Prior to the release of an inmate from a county
25 correctional facility to State probation or parole
26 supervision, the facility shall provide to the inmate his
27 current medications as prescribed and any customary and
28 necessary medical supplies as determined by the prescribing
29 physician.

30 (g) Release from county correctional facility to county

1 probation or parole.--

2 (1) Prior to the release of an inmate from a county
3 correctional facility to county probation or parole
4 supervision, the facility shall provide to the county
5 probation department the information contained in subsections
6 (a)(1) through (4) and (b).

7 (2) Prior to the release of an inmate from a county
8 correctional facility to county probation or parole
9 supervision, the facility shall provide to the inmate his
10 current medications as prescribed and any customary and
11 necessary medical supplies as determined by the prescribing
12 physician.

13 (h) Record of inmate moneys.--Prior to the release of an
14 inmate from the Department of [Corrections] Criminal Justice to
15 State parole supervision, the department shall provide to the
16 [Board of Probation and] Pennsylvania Parole Board a record of
17 any moneys paid by the inmate and any balance remaining towards
18 satisfaction of restitution or any other court-ordered financial
19 obligations. Prior to the release of an inmate from a county
20 correctional facility to State parole supervision, the county
21 correctional facility shall provide to the [Board of Probation
22 and] Pennsylvania Parole Board a record of any moneys paid by
23 the inmate and any balance remaining towards the satisfaction of
24 restitution or any other court-ordered financial obligations.
25 Prior to the release of an inmate from a county correctional
26 facility to county parole supervision, the facility shall
27 provide to the county probation department or other agent
28 designated by the county commissioners of the county with the
29 approval of the president judge of the county a record of any
30 moneys paid by the inmate and any remaining balance towards the

1 satisfaction of restitution and any other court-ordered
2 financial obligations.

3 (i) Continuing payments.--The [Board of Probation and]
4 Pennsylvania Parole Board shall require as a condition of parole
5 that any inmate released to their supervision shall make
6 continuing payments on restitution or any other court-ordered
7 financial obligations. The sentencing court shall require as a
8 condition of county parole that any inmate released to the
9 supervision of the county probation department shall make
10 continuing payments of restitution or any other court-ordered
11 financial obligations.

12 (j) Release after maximum sentence.--Upon release of an
13 inmate from the Department of [Corrections] Criminal Justice at
14 the expiration of his maximum sentence, the Department of
15 [Corrections] Criminal Justice shall transmit to the county
16 probation department or other agent designated by the county
17 commissioners of the county with the approval of the president
18 judge of the county in which the inmate was convicted a record
19 of any moneys paid by the inmate and any outstanding amounts
20 owed by the inmate towards satisfaction of restitution or any
21 other court-ordered financial obligations.

22 (k) Procedures.--The Department of [Corrections] Criminal
23 Justice and the Pennsylvania [Board of Probation and] Parole
24 Board shall develop procedures to implement the provisions of
25 this section.

26 (l) Application.--This section shall apply to offenders
27 transferred to or released from a State or county correctional
28 facility after the effective date of this section.

29 § 9777. Transfer of inmates in need of medical treatment.

30 * * *

1 (d) Notice.--

2 * * *

3 (2) The sentencing court shall forward notice of any
4 order entered under this section placing an inmate in a
5 hospital, long-term care nursing facility or hospice care
6 location to the hospital, long-term care nursing facility or
7 hospice care location and to the Department of [Public
8 Welfare] Human Services.

9 * * *

10 (g) Definitions.--As used in this section, the following
11 words and phrases shall have the meanings given to them in this
12 subsection unless the context clearly indicates otherwise:

13 "Chief administrator." As defined under 61 Pa.C.S. § 102
14 (relating to definitions).

15 "Department." The Department of [Corrections] Criminal
16 Justice of the Commonwealth.

17 "Hospice care location." A home, independent living
18 environment or inpatient setting that provides a coordinated
19 program of palliative and supportive services through a licensed
20 hospice care provider.

21 "Hospital." An entity licensed as an acute-care general
22 hospital, a specialty hospital or a rehabilitation hospital
23 under the act of July 19, 1979 (P.L.130, No.48), known as the
24 Health Care Facilities Act.

25 "Licensed hospice care provider." A hospice as defined under
26 section 802.1 of the act of July 19, 1979 (P.L.130, No.48),
27 known as the Health Care Facilities Act.

28 "Long-term care nursing facility." A long-term care nursing
29 facility as defined under section 802.1 of the act of July 19,
30 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

1 "Prosecuting attorney." The Office of Attorney General of
2 the Commonwealth or the office of a district attorney of a
3 county who represented the Commonwealth at the most recent
4 sentencing of an inmate.

5 "Sentencing court." The trial judge who most recently
6 sentenced an inmate or, if the trial judge is no longer serving
7 as a judge of that court, the president judge of the county
8 court of common pleas.

9 § 9799.13. Applicability.

10 The following individuals shall register with the
11 Pennsylvania State Police as provided in sections 9799.15
12 (relating to period of registration), 9799.19 (relating to
13 initial registration) and 9799.25 (relating to verification by
14 sexual offenders and Pennsylvania State Police) and otherwise
15 comply with the provisions of this subchapter:

16 * * *

17 (2) An individual who, on or after the effective date of
18 this section, is, as a result of a conviction for a sexually
19 violent offense, an inmate in a State or county correctional
20 institution of this Commonwealth, including a community
21 corrections center or a community contract facility, is being
22 supervised by the [Pennsylvania Board of Probation and
23 Parole] Department of Criminal Justice or county probation or
24 parole, is subject to a sentence of intermediate punishment
25 or has supervision transferred pursuant to the Interstate
26 Compact for Adult Supervision in accordance with section
27 9799.19(g).

28 * * *

29 (3.1) The following:

30 (i) An individual who between January 23, 2005, and

1 December 19, 2012, was:

2 * * *

3 (C) under the supervision of the Pennsylvania
4 [Board of Probation and] Parole Board or county
5 probation or parole as a result of a conviction for a
6 sexually violent offense.

7 * * *

8 (3.2) An individual who between December 8, 2008, and
9 December 19, 2012, was:

10 * * *

11 (iii) under the supervision of the Pennsylvania
12 [Board of Probation and] Parole Board or county probation
13 or parole as a result of a conviction for conspiracy or
14 solicitation to commit a sexually violent offense as
15 defined in paragraph (3.1).

16 * * *

17 § 9799.16. Registry.

18 * * *

19 (d) Cooperation.--There shall be cooperation between the
20 Pennsylvania State Police, State and county correctional
21 institutions, the Pennsylvania [Board of Probation and] Parole
22 Board, the county office of probation and parole, any court with
23 jurisdiction over a sexual offender, the chief juvenile
24 probation officer of the court, juvenile probation and parole
25 and the Department of [Public Welfare] Human Services to ensure
26 that the information set forth in subsections (b) and (c) is
27 provided and placed in the registry.

28 § 9799.19. Initial registration.

29 * * *

30 (b) Initial registration if incarcerated within Commonwealth

1 or by Federal Court on effective date of section.--The following
2 apply:

3 (1) If the individual is, prior to the effective date of
4 this section, incarcerated in a Federal, State or county
5 correctional facility, the individual shall provide the
6 information set forth in section 9799.16(b) (relating to
7 registry) to the appropriate official of the Federal, State
8 or county correctional facility or the Pennsylvania [Board of
9 Probation and] Parole Board for inclusion in the registry
10 before being released due to:

11 (i) the expiration of sentence, in which case the
12 information shall be collected no later than ten days
13 prior to the maximum expiration date;

14 (ii) parole;

15 (iii) State or county intermediate punishment where
16 the sentence is restrictive and the individual is
17 sentenced to a period of incarceration in a State or
18 county correctional institution or a work release
19 facility; or

20 (iv) special probation supervised by the
21 Pennsylvania [Board of Probation and] Parole Board.

22 (2) For individuals set forth in paragraph (1), the
23 appropriate official of the Federal, State or county
24 correctional facility or the Pennsylvania [Board of Probation
25 and] Parole Board shall collect and forward the information
26 in section 9799.16(b) to the Pennsylvania State Police. The
27 appropriate official shall, in addition, ensure that the
28 information set forth in section 9799.16(c) is collected and
29 forwarded to the Pennsylvania State Police. The information
30 in section 9799.16(b) and (c) shall be included in the

1 registry. With respect to individuals released under
2 paragraph (1)(ii), (iii) or (iv), the State or county
3 correctional facility shall not release the individual until
4 it receives verification from the Pennsylvania State Police
5 that it has received the information set forth in section
6 9799.16(b) and (c). Verification may take place by electronic
7 means. With respect to individuals released under paragraph
8 (1)(i), if the individual refuses to provide the information
9 set forth in section 9799.16(b), the State or county
10 correctional institution shall notify the Pennsylvania State
11 Police or the municipal police department with jurisdiction
12 over the facility of the failure to provide the information
13 and of the expected date, time and location of the release of
14 the individual.

15 (b.1) Initial registration if sentenced to a county or State
16 correctional facility on or after the effective date of
17 section.--If the individual is, on or after the effective date
18 of this section, sentenced to a period of incarceration in a
19 county or State correctional facility, the individual shall
20 provide the information set forth in section 9799.16(b) as
21 follows:

22 * * *

23 (2) If the individual is incarcerated in a State
24 correctional facility or county correctional facility, the
25 correctional facility shall notify the Pennsylvania State
26 Police, not more than 30 days in advance of, but not later
27 than ten days prior to, the individual's release from the
28 correctional facility. The following apply:

29 * * *

30 (iv) In the case of parole, State or county

1 intermediate punishment where the sentence is restrictive
2 and the individual is sentenced to a period of
3 incarceration in a State or county correctional
4 institution or work release facility or special probation
5 supervised by the Pennsylvania [Board of Probation and]
6 Parole Board, the correctional facility may not release
7 the individual until the correctional facility receives
8 verification from the Pennsylvania State Police that the
9 Pennsylvania State Police has received the information
10 set forth in section 9799.16(b) and (c). Verification by
11 the Pennsylvania State Police may occur by electronic
12 means.

13 * * *

14 (e.2) Initial registration for county or State [parolees]
15 offenders on the effective date of this section.--

16 * * *

17 (2) If the individual is, on the effective date of this
18 section, already serving a sentence of State parole, the
19 Pennsylvania [Board of Probation and] Parole Board shall
20 register the individual within 48 hours. The appropriate
21 official of the Pennsylvania [Board of Probation and] Parole
22 Board shall collect the information set forth in section
23 9799.16(b) from the individual and forward the information to
24 the Pennsylvania State Police. The Pennsylvania State Police
25 shall ensure that the information set forth in section
26 9799.16(c) is collected. The information in section
27 9799.16(b) and (c) shall be included in the registry. If the
28 individual fails to comply, the appropriate official of the
29 Pennsylvania [Board of Probation and] Parole Board shall
30 notify the Pennsylvania State Police.

1 (f) Initial registration if being supervised by
2 Commonwealth under Interstate Compact for Adult Offender
3 Supervision.--If an individual is in this Commonwealth and is
4 being supervised by the [State Board of Probation and]
5 Pennsylvania Parole Board or the county office of probation and
6 parole pursuant to the Interstate Compact for Adult Offender
7 Supervision, the following apply:

8 (1) If the individual is being supervised under the
9 compact after the effective date of this section, the
10 individual shall provide the information set forth in section
11 9799.16(b) to the appropriate official of the [State Board of
12 Probation and] Pennsylvania Parole Board or the county office
13 of probation and parole for inclusion in the registry. The
14 appropriate official shall collect the information set forth
15 in section 9799.16(b) and forward the information to the
16 Pennsylvania State Police. The appropriate official shall, in
17 addition, ensure that the information set forth in section
18 9799.16(c) is collected and forwarded to the Pennsylvania
19 State Police. If the individual fails to provide the
20 information in section 9799.16(b), the appropriate official
21 of the [State Board of Probation and] Pennsylvania Parole
22 Board or county office of probation and parole shall notify
23 the Pennsylvania State Police.

24 (2) If the individual is being supervised under the
25 compact on the effective date of this section, the individual
26 shall provide the information set forth in section 9799.16(b)
27 by appearing at an approved registration site within 48 hours
28 of the effective date of this section. The appropriate
29 official of the Pennsylvania [Board of Probation and] Parole
30 Board or the county office of probation and parole shall

1 ensure that the individual has appeared at an approved
2 registration site as set forth in this paragraph. If the
3 individual fails to appear, the appropriate official shall
4 notify the Pennsylvania State Police. The appropriate
5 official shall, in addition, ensure the information set forth
6 in section 9799.16(c) is collected and forwarded to the
7 Pennsylvania State Police.

8 * * *

9 § 9799.20. Duty to inform.

10 In order to implement the provisions of section 9799.19
11 (relating to initial registration), as appropriate, the
12 Pennsylvania State Police, the court having jurisdiction over
13 the sexual offender, the chief juvenile probation officer of the
14 court and the appropriate official of the Pennsylvania [Board of
15 Probation and] Parole Board, county office of probation and
16 parole, the Department of [Public Welfare] Human Services or a
17 State or county correctional institution shall:

18 * * *

19 § 9799.24. Assessments.

20 * * *

21 (c) Release of information.--All State, county and local
22 agencies, offices and entities in this Commonwealth, including
23 juvenile probation officers, shall cooperate by providing copies
24 of records and information as requested by the board in
25 connection with the court-ordered assessment and the assessment
26 requested by the Pennsylvania [Board of Probation and] Parole
27 Board or the assessment of a delinquent child under section 6358
28 (relating to assessment of delinquent children by the State
29 Sexual Offenders Assessment Board). For assessments of
30 delinquent children conducted by the board pursuant to section

1 6358 from January 23, 2005, to December 19, 2012, all State,
2 county and local agencies, offices and entities, including
3 juvenile probation officers, are subject to the release of
4 information requirements set forth in this subsection.

5 * * *

6 (e) Hearing.--

7 * * *

8 (4) A copy of the order containing the determination of
9 the court shall be immediately submitted to the individual,
10 the district attorney, the Pennsylvania [Board of Probation
11 and] Parole Board, the Department of [Corrections] Criminal
12 Justice, the board and the Pennsylvania State Police.

13 * * *

14 (g) Parole assessment.--The Pennsylvania [Board of Probation
15 and] Parole Board may request of the board that an assessment of
16 a sexual offender be conducted and that a report be provided to
17 the Pennsylvania [Board of Probation and] Parole Board prior to
18 considering a sexual offender for parole.

19 * * *

20 § 9799.29. Administration.

21 The Governor shall direct the Pennsylvania State Police, the
22 Pennsylvania [Board of Probation and] Parole Board, the board,
23 the Department of [Corrections] Criminal Justice, the Department
24 of Transportation and any other agency of the Commonwealth that
25 the Governor deems necessary to collaboratively design, develop
26 and implement an integrated and secure system of communication,
27 storage and retrieval of information to assure the timely,
28 accurate and efficient administration of this subchapter.

29 § 9799.30. Global positioning system technology.

30 The [Pennsylvania Board of Probation and Parole] Department

1 of Criminal Justice and the agents of the Department of Criminal
2 Justice and county probation authorities may impose supervision
3 conditions that include tracking through global positioning
4 system technology.

5 § 9799.31. Immunity for good faith conduct.

6 The following entities shall be immune from liability for
7 good faith conduct under this subchapter:

8 (1) Agents and employees of the Pennsylvania State
9 Police and local law enforcement agencies.

10 (2) District attorneys and their agents and employees.

11 (3) Superintendents, administrators, teachers, employees
12 and volunteers engaged in the supervision of children of any
13 public, private or parochial school.

14 (4) Directors and employees of county children and youth
15 agencies.

16 (5) Presidents or similar officers of universities and
17 colleges, including community colleges.

18 (6) The Pennsylvania [Board of Probation and] Parole
19 Board and its agents and employees.

20 (7) County probation and parole offices and their agents
21 and employees.

22 (8) Licensees of certified day-care centers and
23 directors of licensed preschool programs and owners and
24 operators of registered family day-care homes and their
25 agents and employees.

26 (9) The Department of [Corrections] Criminal Justice and
27 its agents and employees.

28 (10) County correctional facilities and their agents and
29 employees.

30 (11) The board and its members, agents and employees.

1 (12) Juvenile probation offices and their agents and
2 employees.

3 (13) The Department of [Public Welfare] Human Services
4 and its agents and employees.

5 (14) Institutions or facilities set forth in section
6 6352(a)(3) (relating to disposition of delinquent child) and
7 their agents and employees.

8 (15) The unit owners' association of a common interest
9 community and its agents and employees as it relates to
10 distributing information regarding section 9799.27(b)(1)
11 (relating to other notification).

12 § 9799.32. Pennsylvania State Police.

13 The Pennsylvania State Police have the following duties:

14 * * *

15 (2) In consultation with the Department of [Corrections]
16 Criminal Justice, the Office of Attorney General, the
17 Juvenile Court Judges' Commission, the Administrative Office
18 of Pennsylvania Courts, the Pennsylvania [Board of Probation
19 and] Parole Board and the chairman and minority chairman of
20 the Judiciary Committee of the Senate and the chairman and
21 minority chairman of the Judiciary Committee of the House of
22 Representatives, to promulgate guidelines necessary for the
23 general administration of this subchapter. These guidelines
24 shall establish procedures to allow an individual subject to
25 the requirements of this subchapter, including a transient,
26 to fulfill these requirements at approved registration sites
27 throughout this Commonwealth. The Pennsylvania State Police
28 shall publish a list of approved registration sites in the
29 Pennsylvania Bulletin and provide a list of approved
30 registration sites in any notice sent to individuals required

1 to register under this subchapter. An approved registration
2 site shall be capable of submitting fingerprints, palm
3 prints, DNA samples and any other information required
4 electronically to the Pennsylvania State Police. The
5 Pennsylvania State Police shall require that approved
6 registration sites submit fingerprints utilizing the
7 Integrated Automated Fingerprint Identification System or in
8 another manner and in such form as the Pennsylvania State
9 Police shall require. Approved registration sites shall not
10 be limited to sites managed by the Pennsylvania State Police
11 and shall include sites managed by local law enforcement
12 agencies that meet the criteria for approved registration
13 sites set forth in this paragraph.

14 * * *

15 (7) In consultation with the Department of Education
16 [and], the Pennsylvania [Board of Probation and Parole,]
17 Parole Board and the Department of Criminal Justice, to
18 promulgate guidelines directing licensed day-care centers,
19 licensed preschool programs, schools, universities and
20 colleges, including community colleges, on the proper use and
21 administration of information received under section 9799.27.

22 (8) In consultation with the Department of [Corrections]
23 Criminal Justice and the Pennsylvania [Board of Probation
24 and] Parole Board, to promulgate guidelines directing State
25 and county correctional facilities and State and county
26 probation and parole offices regarding the completion of
27 information, including the taking of photographs, required by
28 sexual offenders under this subchapter.

29 (9) In consultation with the Administrative Office of
30 Pennsylvania Courts, the Department of [Public Welfare] Human

1 Services and the Juvenile Court Judges' Commission, to
2 promulgate guidelines regarding the completion of information
3 required by juvenile offenders and sexually violent
4 delinquent children under this subchapter.

5 § 9799.33. Duties of probation and parole officials.

6 (a) Duties.--The Pennsylvania [Board of Probation and
7 Parole,] Parole Board, the Department of Criminal Justice, the
8 county office of probation and parole and the chief juvenile
9 probation officer of the court shall:

10 (1) Perform their respective duties set forth for the
11 Pennsylvania [Board of Probation and Parole,] Parole Board,
12 the Department of Criminal Justice, the county office of
13 probation and parole and the chief juvenile probation officer
14 of the court in accordance with section 9799.19 (relating to
15 initial registration).

16 (2) On a form prescribed by the Pennsylvania State
17 Police, notify the Pennsylvania State Police each time a
18 sexual offender is arrested, recommitted to a State or county
19 correctional institution for a parole violation or
20 incarcerated.

21 (b) Notification form.--The Pennsylvania [Board of Probation
22 and] Parole Board and the Department of Criminal Justice shall
23 create a notification form which will inform [State and] county
24 prison and probation and parole personnel how to inform sexual
25 offenders of their duties under this subchapter. In addition,
26 the [Pennsylvania Board of Probation and Parole] Department of
27 Criminal Justice shall apply for Federal funding as provided in
28 the Adam Walsh Child Protection and Safety Act of 2006 (Public
29 Law 109-248, 120 Stat. 587) to support and enhance programming
30 using global satellite positioning system technology.

1 § 9799.34. Duties of facilities housing sexual offenders.

2 The Department of [Corrections] Criminal Justice, a county
3 correctional facility, an institution or facility set forth in
4 section 6352(a)(3) (relating to disposition of delinquent child)
5 and the separate, State-owned facility or unit established under
6 Chapter 64 (relating to court-ordered involuntary treatment of
7 certain sexually violent persons) shall have the following
8 duties:

9 * * *

10 § 9799.35. Board.

11 * * *

12 (e) Staff.--Support staff for the board shall be provided by
13 the [Pennsylvania Board of Probation and Parole] Department of
14 Criminal Justice.

15 § 9799.38. Annual performance audit.

16 (a) Duties of the Attorney General.--The Attorney General
17 has the following duties:

18 (1) To conduct a performance audit annually to determine
19 compliance with the requirements of this subchapter and any
20 guidelines promulgated under this subchapter. The audit
21 shall, at a minimum, include a review of the practices,
22 procedures and records of the Pennsylvania State Police, the
23 Pennsylvania [Board of Probation and] Parole Board, the
24 Department of [Corrections] Criminal Justice, the board, the
25 Administrative Office of Pennsylvania Courts and any other
26 State or local agency the Attorney General deems necessary in
27 order to conduct a thorough and accurate performance audit.

28 (2) To prepare an annual report of its findings and any
29 action that it recommends be taken by the Pennsylvania State
30 Police, the Pennsylvania [Board of Probation and] Parole

1 Board, the Department of [Corrections] Criminal Justice, the
2 board, the Administrative Office of Pennsylvania Courts,
3 other State or local agencies and the General Assembly to
4 ensure compliance with this subchapter. The first report
5 shall be released to the general public no fewer than 18
6 months following the effective date of this section.

7 (3) To provide a copy of its report to the Pennsylvania
8 State Police, the Pennsylvania [Board of Probation and]
9 Parole Board, the Department of [Corrections] Criminal
10 Justice, the board, the Administrative Office of Pennsylvania
11 Courts, State or local agencies referenced in the report, the
12 chairman and the minority chairman of the Judiciary Committee
13 of the Senate and the chairman and the minority chairman of
14 the Judiciary Committee of the House of Representatives no
15 fewer than 30 days prior to its release to the general
16 public.

17 (b) Cooperation required.--Notwithstanding any other
18 provision of law to the contrary, the Pennsylvania State Police,
19 the Pennsylvania [Board of Probation and] Parole Board, the
20 Department of [Corrections] Criminal Justice, the board, the
21 Administrative Office of Pennsylvania Courts, the Pennsylvania
22 Commission on Sentencing and any other State or local agency
23 requested to do so shall fully cooperate with the Attorney
24 General and assist the Office of Attorney General in satisfying
25 the requirements of this section. For purposes of this
26 subsection, full cooperation shall include, at a minimum,
27 complete access to unredacted records, files, reports and data
28 systems.

29 Section 3. The definitions of "board," "department" and
30 "secretary" in section 102 of Title 61 are amended and the

1 section is amended by adding definitions to read:

2 § 102. Definitions.

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

6 "Board." The Pennsylvania [Board of Probation and] Parole
7 Board.

8 * * *

9 "Department." The Department of [Corrections] Criminal
10 Justice of the Commonwealth.

11 * * *

12 "Offender." An individual that has been convicted or found
13 guilty of a criminal offense by a judge or jury or an individual
14 that pleads guilty or nolo contendere to a criminal offense at
15 any time in a court of record.

16 "Official website." The official Internet website designated
17 by a municipality or county as its primary method of
18 electronically communicating with the public about its official
19 business.

20 "Parole violator center." An area within the secure
21 perimeter or on the grounds of a State correctional institution
22 or contracted county jail that has been designated to house
23 offenders detained or recommitted by the board for a technical
24 parole violation.

25 "Secretary." The Secretary of [Corrections] Criminal Justice
26 of the Commonwealth.

27 * * *

28 Section 4. Title 61 is amended by adding a section to read:
29 § 1106. Powers of peace officers.

30 A chief administrator, deputy superintendent or corrections

1 officer of a State correctional facility may exercise the powers
2 of a peace officer in the performance of that individual's
3 duties generally in:

4 (1) Guarding, protecting and delivering inmates.

5 (2) Protecting the property and interests of the
6 department.

7 (3) Capturing and returning inmates that may have
8 escaped.

9 Section 5. Section 1758(c) of Title 61 is amended to read:

10 § 1758. County recording system for application of restraints
11 to pregnant prisoners or detainees.

12 * * *

13 (c) Definitions.--As used in this section, the following
14 words and phrases shall have the meanings given to them in this
15 subsection unless the context clearly indicates otherwise:

16 "County Extraordinary Occurrence Monthly Report." A
17 collection of statistics and other information by the department
18 on designated report forms or by other available approved
19 methods for the collection of such incident information under
20 this section and in accordance with written local policy
21 providing for the collection of population information
22 prescribed by 37 Pa. Code 95.242 (relating to Statistical/
23 informational reporting).

24 "Department." The Department of [Corrections] Criminal
25 Justice of the Commonwealth.

26 Section 6. (Reserved).

27 Section 7. The definition of "department" in section 4103 of
28 Title 61 is amended to read:

29 § 4103. Definitions.

30 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 * * *

4 ["Department." The Department of Corrections of the
5 Commonwealth.]

6 * * *

7 Section 8. Sections 5001, 5002, 5003, 5004, 5005 and 5006 of
8 Title 61 are amended to read:

9 § 5001. Definitions.

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

13 ["Board." The Pennsylvania Board of Probation and Parole.]

14 "Chairman." The chairman of the Pennsylvania [Board of
15 Probation and] Parole Board.

16 "Community corrections center." A residential program that
17 is supervised and operated by the department in accordance with
18 this chapter.

19 "Community corrections facility." A residential facility
20 operated by a private contractor that:

21 (1) houses offenders pursuant to a contract with the
22 department; and

23 (2) is operated in accordance with this chapter.

24 "Group-based home." Any nonprofit or for-profit entity that
25 maintains a facility that provides housing to individuals on
26 probation or parole or other individuals previously convicted of
27 crimes. The term shall not include a correctional institution or
28 a facility maintained by a domestic violence program.

29 § 5002. Department.

30 The department may do all of the following:

1 (1) Establish community corrections centers at locations
2 throughout this Commonwealth approved by the Governor.

3 (2) Enter into contracts with private vendors to operate
4 community corrections facilities.

5 (3) Establish parole violator centers.

6 § 5003. Offenders who may be housed.

7 The following offenders may be housed in community
8 corrections centers, parole violator centers and community
9 corrections facilities:

10 (1) [A parolee under the jurisdiction of] An offender
11 paroled by the board who is in good standing [with the board]
12 as defined in section 6101 (relating to definitions).

13 (2) [A parolee in accordance with the following] An
14 offender paroled by the board who:

15 (i) Except as provided in subparagraph (ii), [a
16 parolee under the jurisdiction of the board who] is
17 detained or awaiting a hearing or who has been
18 recommitted for a technical violation of the conditions
19 of [parole established by the board] supervision if the
20 [parolee] offender is eligible to be housed in a
21 community corrections center, parole violator center or
22 community corrections facility under section 6138
23 (relating to violation of terms of parole).

24 (ii) Subparagraph (i) shall not apply to [a parolee
25 under the jurisdiction of the board] an offender paroled
26 by the board who is detained or awaiting a hearing or who
27 has been recommitted for a technical violation of the
28 conditions of [parole] supervision established by the
29 board as a result of the commission of a new crime of
30 which the [parolee] offender is convicted or found guilty

1 by a judge or jury or to which the [parolee] offender
2 pleads guilty or nolo contendere in a court of record.

3 (3) An offender who is serving the community-based
4 portion of a sentence of State intermediate punishment may be
5 housed in a community corrections center or a community
6 corrections facility.

7 (4) An offender who has been granted clemency by the
8 Governor may be housed in a community corrections center or a
9 community corrections facility.

10 [(5) Inmates transferred by the department under Chapter
11 37 (relating to inmate prerelease plans). This paragraph
12 shall expire July 1, 2013.]

13 § 5004. Authority of Commonwealth employees.

14 Commonwealth employees of community corrections centers and
15 parole violator centers and other Commonwealth employees[,
16 while] present in community corrections facilities, have the
17 authority to do all of the following:

18 (1) In order to maintain security and to enforce the
19 rules of the community corrections center, parole violator
20 center or community corrections facility:

21 (i) search the person and property of an offender
22 residing in the community corrections center, parole
23 violator center or community corrections facility;

24 (ii) seize property from an offender residing in the
25 community corrections center, parole violator center or
26 community corrections facility; and

27 (iii) if necessary, use reasonable force against an
28 offender residing in the community corrections center or
29 community corrections facility.

30 (2) Detain, by using reasonable force if necessary, an

1 offender residing in the community corrections center, parole
2 violation center or community corrections facility [in order]
3 to maintain control of the offender pending the arrival of a
4 department parole agent, police officer or other appropriate
5 law enforcement officer.

6 § 5005. Authority of chairman.

7 The chairman has the following authority:

8 [(1) Designate community corrections centers or
9 community corrections facilities where parolees are to be
10 housed.

11 (2) Determine whether parolees are to be housed in a
12 secured or unsecured portion of a community corrections
13 center or community corrections facility.]

14 (3) Determine, jointly with the [Secretary of the
15 Department of Corrections] secretary, using evidence-based
16 practices designed to reduce the likelihood of recidivism and
17 improve public safety, the appropriate treatment and
18 programming for [parolees] offenders paroled by the board who
19 are housed at community corrections centers, parole violation
20 centers and community corrections facilities.

21 (4) Audit, jointly with the secretary, the performance
22 of treatment and services provided by community corrections
23 centers, parole violation centers and community corrections
24 facilities.

25 § 5006. Escape.

26 An [individual committed to] offender detained or recommitted
27 to a community corrections center, parole violation center or a
28 community corrections facility as a result of a parole violation
29 shall be deemed to be in official detention under 18 Pa.C.S. §
30 5121 (relating to escape). An offender living in a community

1 corrections center or community corrections facility while in
2 good standing on parole shall not be deemed to be in official
3 detention under 18 Pa.C.S. § 5121.

4 Section 9. Title 61 is amended by adding sections to read:
5 § 5007. Certain offenders residing in group-based homes.

6 (a) Notification requirement.--

7 (1) A group-based home located within a county of the
8 sixth, seventh or eighth class that agrees to provide housing
9 to an individual knowing that the individual has been
10 previously convicted of an offense under 18 Pa.C.S. § 2502
11 (relating to murder) or a substantially similar offense
12 committed in another jurisdiction shall notify the head of
13 the governing body of the municipality and the county in
14 which the group-based home is located that the individual is
15 staying at the group-based home.

16 (2) The notification required under paragraph (1) shall
17 be sent by certified mail within 48 hours of the individual's
18 arrival at the group-based home and shall include the
19 following information:

20 (i) Name of the individual, including all known
21 aliases.

22 (ii) Date of the individual's arrival at the group-
23 based home.

24 (iii) The individual's expected length of stay at
25 the group-based home.

26 (iv) Contact information for the group-based home.

27 (b) Public hearing.--

28 (1) The governing body of a municipality or county
29 receiving notification from a group-based home provider under
30 subsection (a) may conduct a public hearing concerning the

1 group-based home provider, its site and its operations.

2 (2) A governing body conducting a public hearing under
3 this subsection shall provide public notice of the hearing
4 via posting on its official publicly accessible Internet
5 website no less than two weeks prior to the hearing. The
6 notice shall provide information regarding the purpose,
7 location and time of the public hearing and a contact number
8 for interested persons to call in order to obtain additional
9 information about the hearing. Nothing in this paragraph
10 shall be construed to prohibit the governing body from
11 providing public notice via any other means.

12 (3) At a public hearing under this subsection, the
13 group-based home provider shall explain the operation of the
14 group-based home and the governing body conducting the
15 hearing shall permit public questions and comments.

16 § 5008. Reporting.

17 The department shall ensure that any crime committed within a
18 community corrections center, community corrections facility or
19 community contract facility is immediately reported to the
20 appropriate law enforcement agency with jurisdiction over the
21 community corrections center, community corrections facility or
22 community contract facility.

23 Section 10. The heading of Part IV of Title 61 is amended to
24 read:

25 PART IV

26 [PROBATION AND PAROLE] PENNSYLVANIA DEPARTMENT OF CRIMINAL
27 JUSTICE

28 Section 11. Section 6101 of Title 61 is amended to read:

29 § 6101. Definitions.

30 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 ["Board." The Pennsylvania Board of Probation and Parole.]

4 "Agent." A State parole agent appointed by the department.

5 "Community corrections center." A residential program that
6 is supervised and operated by the department in accordance with
7 Chapter 50 (relating to community corrections centers and
8 community corrections facilities).

9 "Community corrections facility." A residential facility
10 operated by a private contractor that:

11 (1) provides housing to offenders pursuant to a contract
12 with the department; and

13 (2) is operated in accordance with Chapter 50.

14 "Conditions of supervision." Any terms or conditions of the
15 offender's supervision, whether imposed by the court, the
16 department or an agent, or promulgated by the board as a
17 regulation, including compliance with all requirements of
18 Federal, State and local law.

19 "Contraband." Any item that the offender is not permitted to
20 possess under the conditions of supervision, including any item
21 whose possession is forbidden by any Federal, State or local
22 law.

23 "Court." A court of common pleas or any judge thereof, the
24 Philadelphia municipal court or any judge thereof, the
25 Pittsburgh magistrates court or any judge thereof or any
26 magisterial district judge.

27 "Crime of violence." The term shall have the same meaning
28 given to it under 42 Pa.C.S. § 9714(g) (relating to sentences
29 for second and subsequent offenses).

30 "Detainee." As follows:

1 (1) an offender housed by the department under 42
2 Pa.C.S. § 9762 (relating to sentencing proceeding; place of
3 confinement);

4 (2) an offender who was being detained by the board on
5 the day prior to the effective date of this paragraph; or

6 (3) an offender who has been detained or recommitted as
7 a convicted parole violator or technical parole violator and
8 being housed by the department.

9 "Department supervised offender." An offender under
10 departmental parole or probationary supervision.

11 "Eligible offender." The term shall have the same meaning
12 given to it under section 4503 (relating to definitions).

13 "Evidence-based practices." Interventions and treatment
14 approaches that have been proven effective through appropriate
15 empirical analysis.

16 "Exigent circumstances." The term includes, but is not
17 limited to, suspicion that contraband or other evidence of
18 violations of the conditions of supervision might be destroyed
19 or suspicion that a weapon might be used. Exigent circumstances
20 always exist with respect to a vehicle.

21 "In good standing." An offender who is on parole or reparole
22 shall be considered in good standing if the offender:

23 (1) is in compliance with all conditions of supervision;

24 (2) has not been arrested for or charged with a crime
25 other than one from which he has been paroled or one for
26 which he has served the sentence imposed and otherwise
27 complied with all the sanctions imposed other than the
28 payment of money;

29 (3) is not subject to an order of protection from abuse;
30 and

1 (4) is in compliance with all legal requirements
2 applicable to the offender, including, but not limited to,
3 maintaining registration in any applicable sex offender
4 registry.

5 "Personal injury crime." The term shall have the meaning
6 given to it under section 103 of the act of November 24, 1998
7 (P.L.882, No.111), known as the Crime Victims Act.

8 "Personal search." A warrantless search of a department
9 supervised offender's person, including, but not limited to, the
10 department supervised offender's clothing and any personal
11 property which is in the possession, within the reach or under
12 the control of the department supervised offender.

13 "Property search." A warrantless search of real property,
14 vehicle or personal property which is in the possession or under
15 the control of the department supervised offender.

16 "Real property." Any residence or business property of a
17 department supervised offender, including all portions of the
18 property to which the department supervised offender has access.

19 "Supervisor." Any individual acting in a supervisory or
20 administrative capacity.

21 "Victim." The term shall have the meaning given to it under
22 section 103 of the Crime Victims Act. The term shall also
23 include a member of the victim's family if the victim is
24 incapable of communicating or has died.

25 Section 12. (Reserved).

26 Section 13. The heading of Subchapter B of Chapter 61 of
27 Title 61 is amended to read:

28 SUBCHAPTER B

29 ADMINISTRATION OF THE PENNSYLVANIA PAROLE BOARD

30 Section 14. Sections 6111(a), (d) and (e), 6112, 6113, 6116

1 and 6118 of Title 61 are amended to read:

2 § 6111. Pennsylvania [Board of Probation and] Parole Board.

3 (a) Establishment.--The Pennsylvania [Board of Probation
4 and] Parole Board is [an independent administrative board for
5 the administration of the probation and parole laws of this
6 Commonwealth.] established as a departmental administrative
7 board within the department for the purpose of granting and
8 revoking paroles to certain offenders within this Commonwealth.

9 The board shall function independently of the department
10 regarding all of its decision-making functions, as well as any
11 other powers and duties specified in this title.

12 * * *

13 (d) Eligibility.--To be eligible to be appointed by the
14 Governor for membership on the board, an individual shall have
15 at least six years of professional experience in parole,
16 probation, social work or related areas, including one year in a
17 supervisory or administrative capacity, and [a bachelor's
18 degree] an advanced degree beyond a bachelor's degree, such as a
19 master's degree, doctorate degree or juris doctorate degree. Any
20 equivalent combination of experience and training shall be
21 acceptable.

22 (e) General powers.--Subject to the provisions of this
23 chapter, the board shall have [all] the powers and [shall]
24 perform the duties generally vested in and imposed upon
25 [independent] departmental administrative boards and commissions
26 by the act of April 9, 1929 (P.L.177, No.175), known as The
27 Administrative Code of 1929, and shall be subject to all the
28 provisions of that act applicable generally to [independent]
29 departmental administrative boards and commissions.

30 § 6112. Board chairperson.

1 (a) Designation by Governor.--The Governor shall, from time
2 to time, as the occasion may arise, designate one of the members
3 of the board to be its chairperson who shall:

4 [(1) Direct the operations, management and
5 administration of the board and fulfill the functions
6 established by this chapter.

7 (2) Secure the effective application of the probation
8 system in all of the courts of this Commonwealth and the
9 enforcement of the probation laws.]

10 (3) Preside at all meetings of the board.

11 (4) Perform all the duties and functions of chairperson,
12 including organizing[, staffing, controlling, directing] and
13 administering the work of the [staff] board.

14 (5) Administer the proceedings of the board to ensure
15 efficient and timely procedures for parole board decisions,
16 [parole releases,] discharges and recommitments.

17 (b) Alternate chairperson.--The board may designate one of
18 its members to act as alternate chairperson during the absence
19 or incapacity of the chairperson, and, when so acting, the
20 member so designated shall have and perform all the powers and
21 duties of chairperson of the board but shall not receive any
22 additional compensation for acting as chairperson.

23 § 6113. Board action.

24 (a) Quorum.--

25 (1) A majority of the board shall constitute a quorum
26 for transacting business and, except as otherwise provided in
27 this chapter and Chapter 45 (relating to recidivism risk
28 reduction incentive), a majority vote of those present at any
29 meeting shall be sufficient for any official action taken by
30 the board one or more members of the board may attend and

1 participate in any meeting via videoconferencing or similar
2 virtual presence technology.

3 (2) Except as provided in subsections (b), (c), (d) and
4 (e) and Chapter 45, no person shall be paroled or discharged
5 from parole or have his parole revoked, except by a majority
6 of the entire membership of the board.

7 (b) Panel decisions.--The board may make decisions on
8 parole, reparole, return or revocation in panels of two persons.
9 A panel shall consist of one board member and one hearing
10 examiner or of two board members. Panels shall be appointed by
11 the chairperson or the chairperson's designee. A panel may act
12 without meeting. A panel may meet and take action via
13 videoconferencing or similar virtual presence technology, with
14 the exception of in-person testimony under section 502 of the
15 act of November 24, 1998 (P.L.882, No.111), known as the Crime
16 Victims Act.

17 (c) Disagreement within panel.--

18 [(1)] If there is disagreement between the members of a
19 panel on a decision to parole [between the members of a
20 panel], revoke parole or recommit an offender, the matter
21 shall be decided by a board member appointed by the
22 chairperson or the chairperson's designee, who shall concur
23 with one of the original panel members.

24 [(2) If there is disagreement on a revocation decision
25 between the members of the panel, the matter shall be decided
26 by three board members appointed by the chairperson or the
27 chairperson's designee; at least two of these members must
28 not have been on the disagreeing panel, if practicable.]

29 (d) Appeal.--

30 (1) An [interested party] offender may appeal a

1 revocation decision within 30 days of the board's order. The
2 decision shall be reviewed by three board members appointed
3 by the chairperson or the chairperson's designee.

4 (2) If practicable, at least two of the board members
5 reviewing the decision must not have been on the panel whose
6 decision is being appealed. The three board members deciding
7 the appeal may affirm, reverse or remand the decision of the
8 panel or may order the matter be heard de novo.

9 (e) Decision without review.--Subject to the provisions of
10 section 6137(g) (relating to parole power), the board or its
11 designee may issue a decision to parole an eligible offender as
12 defined under section 4503 (relating to definitions) without
13 further review by the board.

14 (f) Decision accountability.--The board shall develop, adopt
15 and periodically update as deemed necessary, a parole decisional
16 instrument that is tested prior to implementation, which
17 incorporates evidence-based practices to assist and inform the
18 board's professional judgment in the parole decision-making
19 process.

20 § 6116. Meetings.

21 (a) General rule.--As soon as may be convenient after their
22 appointment, the members of the board shall meet and organize.

23 (b) Appointment of secretary of board.--The [members of the
24 board] department shall appoint a secretary, who shall:

25 (1) [Shall not] Not be a member of the board.

26 (2) [Shall hold] Hold office at the pleasure of the
27 [board] secretary.

28 (3) [Shall have such powers] Maintain a record of the
29 proceedings of the board and perform such duties not
30 inconsistent with any law of this Commonwealth as the board

1 shall prescribe.

2 (4) [Shall receive] Receive such compensation as the
3 board shall determine in conformity with the rules of the
4 Executive Board.

5 (c) Temporary secretary of board.--In the absence or
6 incapacity of the secretary to act, the [board] department may
7 designate such other person as it may choose to perform
8 temporarily the duties of the secretary of the board.

9 (d) Counsel.--Legal counsel for the board shall be appointed
10 in accordance with the act of October 15, 1980 (P.L.950,
11 No.164), known as Commonwealth Attorneys Act.

12 (e) Hearing examiners.--The board may appoint a sufficient
13 number of individuals to conduct hearings as required or
14 authorized by this title.

15 § 6118. Offices.

16 [(a) Principal office.--The principal office of the board]
17 The department shall [be in Harrisburg, and] provide offices for
18 the board and shall appoint and employ such number and character
19 of officers, agents, clerks, stenographers and employees as may
20 be necessary to carry out the purposes of this chapter. The
21 salaries of persons so appointed and employed by the board shall
22 be fixed by the [board] department.

23 [(b) District offices.--The board, with the approval of the
24 Governor, shall divide the Commonwealth for administrative
25 purposes into a suitable number of districts, not to exceed ten,
26 in each of which shall be a district office which shall have
27 immediate charge of the supervision of cases of probation and
28 parole arising in the courts of the judicial districts embraced
29 within its territorial limits, but, as occasion may require, the
30 supervision of particular parolees may be transferred by the

1 board to other appropriate parole districts.

2 (c) Location of district offices.--

3 (1) The board shall fix and determine the location of
4 the various district offices within their respective
5 districts, having regard to local conditions in each district
6 and to the most convenient and efficient functioning of the
7 office established in each district.

8 (2) At each of the locations so fixed and determined,
9 the board shall provide such office accommodations,
10 furniture, equipment and supplies as may be reasonably
11 suitable and adequate for the proper handling and dispatch of
12 the parole business of the district.

13 (3) The board may enter into contracts on behalf of the
14 Commonwealth for such office accommodations, furniture,
15 equipment and supplies through the Department of General
16 Services.

17 (d) Consideration for fixing compensation.--In fixing
18 compensation for its officers, clerks and employees under the
19 provisions of this chapter, the board shall have regard to the
20 kind, grade or class of service to be rendered, and, whenever
21 any standard compensation has been fixed by the Executive Board
22 for any kind, grade or class of service or employment, the
23 compensation of all persons appointed or employed by the board
24 in the same kind, grade or class shall be fixed by it in
25 accordance with such standard.]

26 Section 15. Sections 6119, 6120 and 6121 of Title 61 are
27 repealed:

28 [§ 6119. District directors.

29 (a) Establishment.--Each district parole office shall have a
30 district director who:

1 (1) Shall be appointed by the board, with the approval
2 of the Governor.

3 (2) Shall receive such annual salary as the board shall
4 determine in conformity with the rules of the Executive
5 Board.

6 (b) Status and role.--The district director shall be the
7 executive head of the district office to which the district
8 supervisor is appointed and shall have the control, management
9 and direction of all employees of the board assigned to the
10 district, subject to the supervision of the board.

11 § 6120. District office employees.

12 (a) Board to appoint.--The board shall appoint in the
13 various district offices a sufficient number of parole officers,
14 clerks, stenographers and other agents and employees to fully
15 and efficiently administer the parole laws of this Commonwealth,
16 but no employee of the board, other than its secretary and
17 district supervisors, shall be appointed by the board except in
18 the manner provided by this chapter.

19 (b) Salaries and qualifications.--The salaries of the
20 appointees in subsection (a) shall be fixed by the board. The
21 board shall from time to time by appropriate rule or regulation
22 prescribe the qualifications to be possessed by its personnel.
23 The qualifications shall be such as will best promote the
24 efficient operation of probation and parole.

25 § 6121. Disciplinary action.

26 (a) General rule.--Except as otherwise provided in
27 subsection (b), an employee of the board, excluding the
28 secretary and district supervisors, may be removed, discharged
29 or reduced in pay or position only for cause and after being
30 given the reasons therefore in writing and afforded an

1 opportunity to be heard in answer thereto.

2 (b) Exception.--An employee may be suspended without pay and
3 without hearing for a period not exceeding 30 days, but the
4 reason or reasons for the suspension must be given to the
5 employee by the board in writing.

6 (c) Successive suspensions.--There shall not be any
7 successive suspensions of the same employee under this section.]

8 Section 16. Section 6122(a)(2) and (c) of Title 61 are
9 amended to read:

10 § 6122. Political activities.

11 (a) General rule.--No member of the board, or [officer]
12 agent, clerk or employee thereof, or any person officially
13 connected with the board:

14 * * *

15 (2) Shall serve as a member of or attend the meetings of
16 any committee of any political party, or take any part in
17 political management or political campaigns, or use that
18 person's office to influence political movements, or to
19 influence the action of any other [officer] agent, clerk or
20 employee of the board.

21 * * *

22 (c) Dismissal required.--The board shall dismiss any
23 [officer] agent, clerk or employee thereof who shall violate
24 this section from that person's office or employment.

25 Section 17. Sections 6123 and 6124 of Title 61 are repealed:
26 [§ 6123. Advisory committee.

27 (a) Establishment.--An advisory committee on probation is
28 reestablished to assist the board.

29 (b) Composition.--The advisory committee shall consist of
30 nine members, seven of whom shall be appointed by the Governor,

1 with the consent of a majority of the members of the Senate. At
2 least two shall be judges of courts of record of this
3 Commonwealth, at least one shall be a county commissioner, at
4 least one shall be a chief county probation officer, and the
5 remaining members shall be qualified in the field of probation
6 and parole either by training or experience. The President pro
7 tempore of the Senate and the Speaker of the House of
8 Representatives shall each appoint a member of their respective
9 houses to serve as members of the committee.

10 (c) Terms.--

11 (1) The term of a member hereafter appointed, except to
12 fill a vacancy, shall be for four years and until their
13 successors have been appointed and qualified, but in no event
14 more than 90 days beyond the expiration of their appointed
15 term.

16 (2) The terms of members of the committee who are
17 appointed by virtue of holding an office as a member of the
18 General Assembly, judge, chief county probation officer or
19 county commissioner shall continue only so long as that
20 person remains in that office.

21 (3) Vacancies occurring in an office of a member of the
22 advisory committee by expiration of term, death, resignation,
23 removal or for any other reason shall be filled in the manner
24 provided by section 8 of Article IV of the Constitution of
25 Pennsylvania for the remainder of the term.

26 (4) Whenever the term of an advisory committee member,
27 other than one who is a member of the General Assembly,
28 expires, that member's position shall be immediately deemed a
29 vacancy, and the Governor shall nominate a person to fill
30 that membership position on the committee within 90 days of

1 the date of expiration, even if the member continues to
2 remain on the committee. The Governor shall designate one of
3 the members of the committee as its chairperson.

4 (d) Reimbursement of expenses.--Each member of the advisory
5 committee shall be paid all reasonable and necessary travel and
6 other expenses incurred by him in the performance of his duties.

7 (e) Assistance to be provided.--The advisory committee shall
8 aid the chairperson and the board in formulating and reviewing
9 standards for probation personnel and probation services in the
10 counties.

11 § 6124. Certain offenders residing in group-based homes.

12 (a) Notification requirement.--

13 (1) A group-based home located within a county of the
14 sixth, seventh or eighth class that agrees to provide housing
15 to an individual knowing that the individual has been
16 previously convicted of an offense under 18 Pa.C.S. § 2502
17 (relating to murder) or a substantially similar offense
18 committed in another jurisdiction shall notify the head of
19 the governing body of the municipality and the county in
20 which the group-based home is located that the individual is
21 staying at the group-based home.

22 (2) The notification required under paragraph (1) shall
23 be sent by certified mail within 48 hours of the individual's
24 arrival at the group-based home and shall include the
25 following information:

26 (i) Name of the individual, including all known
27 aliases.

28 (ii) Date of the individual's arrival at the group-
29 based home.

30 (iii) The individual's expected length of stay at

1 the group-based home.

2 (iv) Contact information for the group-based home.

3 (b) Public hearing.--

4 (1) The governing body of a municipality or county
5 receiving notification from a group-based home provider under
6 subsection (a) may conduct a public hearing concerning the
7 group-based home provider, its site and its operations.

8 (2) A governing body conducting a public hearing under
9 this subsection shall provide public notice of the hearing
10 via posting on its official Internet website no less than two
11 weeks prior to the hearing. The notice shall provide
12 information regarding the purpose, location and time of the
13 public hearing and a contact number for interested persons to
14 call in order to obtain additional information about the
15 hearing. Nothing in this paragraph shall be construed to
16 prohibit the governing body from providing public notice via
17 any other means.

18 (3) At a public hearing under this subsection, the
19 group-based home provider shall explain the operation of the
20 group-based home and the governing body conducting the
21 hearing shall permit public questions and comments.

22 (c) Definition.--The following words and phrases when used
23 in this section shall have the meanings given to them in this
24 subsection unless the context clearly indicates otherwise:

25 "Group-based home." Any nonprofit or for-profit entity that
26 maintains a facility that provides housing to individuals on
27 probation or parole or other individuals previously convicted of
28 crimes. The term shall not include a correctional institution or
29 a facility maintained by a domestic violence program.

30 "Official Internet website." The official Internet location

1 designated by a municipality or county as its primary method of
2 electronically communicating with the public about its official
3 business.]

4 Section 18. Sections 6131 and 6132 of Title 61 are amended
5 to read:

6 § 6131. General powers of board.

7 (a) General rule.--The board shall have the power and its
8 duty shall be:

9 [(1) To supervise and make presentence investigations
10 and reports as provided by law.]

11 (2) To collect and maintain copies of all presentence
12 investigations and reports.

13 [(3) To collect and maintain a record of all persons who
14 are placed on probation and parole.]

15 (4) To collect, compile and publish statistical and
16 other information relating to probation and parole work in
17 all courts. [and such other information the board may deem of
18 value in probation service.

19 (5) To establish, by regulation, uniform Statewide
20 standards for:

21 (i) Presentence investigations.

22 (ii) The supervision of probationers.

23 (iii) The qualifications for probation personnel.

24 (iv) Minimum salaries.

25 (v) Quality of probation service.

26 The standards for the qualifications of probation personnel
27 shall only apply to probation personnel appointed after the
28 date the standards are established. Should any probation
29 personnel appointed prior to the date the standards were
30 established fail to meet the standards, the court having

1 jurisdiction of such personnel may request the board to
2 establish in-service training for them in accordance with the
3 standards.

4 (6) To adopt regulations establishing specific
5 composition, functions and responsibilities for citizens
6 advisory committees and to receive reports, recommendations
7 or other input concerning parole policies and parole-related
8 concerns from the committees on a regular basis.

9 (7) To adopt regulations establishing criteria for board
10 acceptance of cases for supervision and presentence
11 investigations from counties that on December 31, 1985,
12 maintained adult probation offices and parole systems.

13 (8) To enter into contracts for purchasing community
14 services to assist parolees and to supplement existing
15 programs.

16 (9) To pay the cost of preparole drug screening tests
17 for inmates within the parole release jurisdiction of the
18 board, who are confined in a State or local correctional
19 facility, as required under section 6137 (relating to parole
20 power).

21 (10) To enter into contracts which provide for the
22 continuous electronic monitoring of parolees.

23 (11) To establish and provide for intensive supervision
24 units and day reporting centers for the supervision of
25 parolees.]

26 (12) To provide information as required under 42 Pa.C.S.
27 § 2153(a)(14) (relating to powers and duties) as requested by
28 the commission.

29 (13) To incorporate evidence-based practices into parole
30 decision making[, supervision and the supervision of

1 technical violators].

2 [(14) To coordinate the reentry of offenders into the
3 community using evidence-based practices that are effective
4 in reducing recidivism.]

5 (15) To conduct research to identify, to be informed of
6 and to [apply] recommended recognized evidence-based parole
7 practices that promote public safety and reduce recidivism.

8 (16) To conduct outcome and performance analyses on
9 implemented board programs and practices to enhance public
10 safety through reduced recidivism.

11 (b) Court-appointed probation officers to submit information
12 to [board] department.--A court that appoints a probation
13 officer shall require the probation officer to submit to the
14 [board] department such information as the [board] department
15 may require on forms prescribed and furnished by the [board]
16 department.

17 (c) Access to county records.--The department and the board
18 shall have free and ready access to all probation and parole
19 records of any county.

20 [(d) Definitions.--As used in this section, the following
21 words and phrases shall have the meanings given to them in this
22 subsection unless the context clearly indicates otherwise:

23 "Evidence-based practices." Interventions and treatment
24 approaches that have been proven effective through appropriate
25 empirical analysis.]

26 § 6132. Specific powers of board involving [parolees]
27 offenders.

28 (a) General rule.--The board shall have exclusive power:

29 (1) [(i)] To parole and reparole, commit and recommit
30 for violations of parole and to discharge from parole all

1 [persons sentenced] offenders sentenced to definite or
2 flat sentences by any court at any time to imprisonment
3 in a State correctional institution pursuant to 42
4 Pa.C.S. § 9762 (relating to sentencing proceeding; place
5 of confinement).

6 [(ii) This paragraph applies to inmates sentenced to
7 definite or flat sentences.

8 (2) (i) To supervise any person placed on parole, when
9 sentenced to a maximum period of less than two years, by
10 any judge of a court having criminal jurisdiction, when
11 the court may by special order direct supervision by the
12 board, in which case the parole case shall be known as a
13 special case and the authority of the board with regard
14 thereto shall be the same as provided in this chapter
15 with regard to parole cases within one of the
16 classifications set forth in this chapter.

17 (ii) Except for such special cases, the powers and
18 duties conferred by this section shall not extend to
19 persons sentenced for a maximum period of less than two
20 years and shall not extend to those persons committed to
21 county confinement within the jurisdiction of the court
22 pursuant to 42 Pa.C.S. § 9762 (relating to sentencing
23 proceeding; place of confinement).]

24 (3) To establish special conditions of supervision for
25 paroled offenders. Conditions of supervision must be based on
26 the risk presented by and the rehabilitative needs of the
27 offender. Conditions may be modified pursuant to section 6161
28 (relating to powers and duties of department) or if the board
29 or its designee consents to such modification.

30 (4) To promulgate regulations establishing general

1 conditions of supervision applicable to every paroled
2 offender.

3 (b) Construction.--Nothing contained in this section shall
4 be construed to prevent a court from paroling any person
5 sentenced by it for a maximum period of less than two years and
6 housed in a county correctional facility or from paroling [a
7 person] an offender committed to county confinement [within the
8 jurisdiction of the court] pursuant to 42 Pa.C.S. § 9762.

9 [(c) Definition.--As used in this section, "period of two
10 years" means the entire continuous term of sentence to which a
11 person is subject, whether for one or more sentences, either to
12 simple imprisonment or to an indeterminate imprisonment as
13 authorized by law to be imposed for criminal offenses.]

14 Section 19. Section 6133 of Title 61 is repealed:
15 [§ 6133. Probation services.

16 (a) General rule.--The board shall have exclusive power to
17 supervise any person placed on probation by any judge of a court
18 having criminal jurisdiction, when the court by special order
19 directs supervision by the board.

20 (b) Presentence investigations.--The board shall make
21 presentence investigations when requested to do so by the court.

22 (c) Grant-in-aid.--

23 (1) A county that provides additional probation staff
24 for presentence investigations and improved probation
25 supervision and programs shall receive a grant-in-aid from
26 the Commonwealth through the board for additional costs
27 incurred thereby but only to the extent that the additional
28 staff and program meet the qualifications and standards
29 established by the board.

30 (2) The grant-in-aid shall provide 80% of the personnel

1 salary costs incurred by a county to administer these
2 additional services and programs.

3 (3) If insufficient funds are appropriated, each county
4 shall receive a prorated reduction in the grant-in-aid.

5 (4) The board shall establish rules and regulations for
6 the allocation of funds available for such grants-in-aid.

7 (d) In-service training.--The board shall provide in-service
8 training for personnel of county probation offices when
9 requested to do so by the court having jurisdiction of the
10 probation office.]

11 Section 20. Sections 6134, 6134.1, 6136, 6137, 6138, 6139,
12 6140, 6141 and 6143 of Title 61 are amended to read:

13 § 6134. Sentencing court [to transmit records to board]
14 recommendation.

15 [(a) Duty to transmit.--A court sentencing any person for a
16 term as to which power to parole is given to the board in this
17 chapter shall transmit to the board, within 30 days after the
18 imposition of the sentence:

19 (1) A copy of the notes of testimony of the sentencing
20 hearing that may have been filed of record in the case.

21 (2) Copies of any criminal identification records
22 secured from the Federal Bureau of Investigation.

23 (3) Copies of presentence investigation reports and
24 behavior clinic reports, if any were submitted to the court,
25 the last two of which records, being confidential records of
26 the court, shall be treated confidentially by the members of
27 the board, who shall not permit examination of the records by
28 anyone other than its duly appointed agents or
29 representatives except upon court order.

30 (b) Recommendations from judge.--] The following shall

1 apply:

2 (1) A judge may make at any time a recommendation to the
3 board respecting the [person] offender sentenced and the term
4 of imprisonment the judge believes that [person] offender
5 should be required to serve before [a] parole is granted to
6 that [person] offender.

7 (2) A recommendation made by a judge under paragraph (1)
8 respecting the parole or terms of parole of [a person] an
9 offender shall be advisory only. No order in respect to the
10 recommendation made or attempted to be made as a part of a
11 sentence shall be binding upon the board or the department in
12 performing the duties and functions conferred on it by this
13 chapter.

14 § 6134.1. General criteria for parole by court.

15 (a) Guidelines.--The court may parole or reparole subject to
16 consideration of guidelines established under 42 Pa.C.S. §
17 2154.5 (relating to adoption of guidelines for parole).

18 (b) Report of decision to commission.--If a court paroles or
19 reparaes [a person] an offender, the court shall report the
20 parole or reparole decision and shall provide a contemporaneous
21 written statement for any deviation from the guidelines
22 established under 42 Pa.C.S. § 2154.5, to the commission under
23 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties).

24 (c) Procedure.--

25 (1) Prior to making a decision to parole [a person] an
26 offender committed to county confinement within the
27 jurisdiction of the court pursuant to 42 Pa.C.S. § 9762
28 (relating to sentencing proceeding; place of confinement)
29 from a sentence of imprisonment imposed following conviction
30 for a personal injury crime, each victim who has registered

1 to receive victim services in connection with the personal
2 injury crime shall be given an opportunity by the court to
3 submit a preparole statement to the court expressing concerns
4 or recommendations regarding the parole or parole supervision
5 of the [person] offender.

6 (2) The district attorney shall, immediately following
7 sentence in cases where a sentence of confinement has been
8 imposed and the sentenced [person] offender remains within
9 the jurisdiction of the court pursuant to 42 Pa.C.S. § 9762,
10 notify all registered victims that they shall have the
11 opportunity to submit a preparole statement to the court.

12 (3) Victims shall notify the court of their intention to
13 submit a preparole statement and shall provide and keep
14 current an appropriate mailing address.

15 (4) Preparole statements submitted pursuant to this
16 subsection shall be subject to the confidentiality provisions
17 contained in section 6140 (relating to victim statements,
18 testimony and participation in hearing) applicable to
19 preparole statements submitted to the board and shall be
20 considered by the court prior to any parole decision, and
21 each victim submitting a preparole statement shall be given
22 notice of the court's parole decision.

23 [(d) Definitions.--As used in this section, the following
24 words and phrases shall have the meanings given to them in this
25 subsection:

26 "Personal injury crime." The term shall have the meaning set
27 forth in section 103 of the act of November 24, 1998 (P.L.882,
28 No.111), known as the Crime Victims Act.

29 "Victim." The term shall mean, in addition to the meaning
30 set forth in section 103 of the act of November 24, 1998 (P.L.

1 882, No.111), known as the Crime Victims Act, a member of the
2 victim's family if the victim is incapable of communicating or
3 has died.]

4 § 6136. Right of access to [inmates] offenders.

5 All prison officials shall:

6 (1) At all reasonable times grant access to any [inmate]
7 offender whom the board has power to parole to the members of
8 the board or its properly accredited representatives.

9 (2) At all reasonable times provide for the board or its
10 properly accredited representative facilities for
11 communicating with and observing an [inmate] detainee while
12 imprisoned. Such facilities may, at the discretion of the
13 prison officials, be provided via videoconferencing or
14 similar virtual presence technology.

15 (3) Furnish to the board [from time to time such], no
16 fewer than 90 days prior to a scheduled parole interview or
17 if an interview is scheduled to be held within less than 90
18 days, as quickly as possible after such public officials are
19 informed of such interview, reports concerning the conduct of
20 [inmates] offenders in their custody [as the board shall by
21 general rule or special order require,] together with any
22 other facts deemed pertinent in aiding the board to determine
23 whether such [inmates] offenders shall be paroled.

24 § 6137. Parole power.

25 (a) General criteria for parole.--

26 (1) The board may parole subject to consideration of
27 guidelines established under 42 Pa.C.S. § 2154.5 (relating to
28 adoption of guidelines for parole) and such information
29 developed by or furnished to the board under section 6164
30 (relating to investigation of circumstances of offense), or

1 both, and may release on parole any [inmate] offender to whom
2 the power to parole is granted to the board by this chapter,
3 except an [inmate] offender condemned to death or serving
4 life imprisonment, whenever in its opinion:

5 (i) The best interests of the [inmate] offender
6 justify or require that the [inmate] offender be paroled.

7 (ii) It does not appear that the interests of the
8 Commonwealth will be injured by the [inmate's] offender's
9 parole.

10 (2) Parole shall be subject in every instance to the
11 Commonwealth's right to immediately retake and hold in
12 custody without further proceedings any [parolee] offender
13 charged after his parole with an additional offense until a
14 determination can be made whether to continue his parole
15 status.

16 (3) The power to parole granted under this section to
17 the board may not be exercised in the board's discretion at
18 any time before, but only after, the expiration of the
19 minimum term of imprisonment fixed by the court in its
20 sentence or by the Board of Pardons in a sentence which has
21 been reduced by commutation.

22 (3.1) (i) Following the expiration of the [inmate's]
23 offender's minimum term of imprisonment, if the primary
24 reason for not paroling the [inmate] offender is the
25 [inmate's] offender's inability to access and complete
26 prescribed programming within the correctional
27 institution, the board may release the [inmate] offender
28 on parole with the [condition] recommendation that the
29 [inmate] offender complete the prescribed programming
30 while on parole.

1 (ii) This paragraph shall not apply to offenders who
2 are currently serving a term of imprisonment for a crime
3 of violence as defined in 42 Pa.C.S. § 9714 (relating to
4 sentences for second and subsequent offenses) or for a
5 crime requiring registration under 42 Pa.C.S. Ch. 97
6 Subch. H (relating to registration of sexual offenders).

7 (iii) For those [inmates] offenders to whom
8 subparagraph (ii) is applicable, the board may release
9 the [inmate] offender on parole if the [inmate] offender
10 is subject to another jurisdiction's detainer, warrant or
11 equivalent writ.

12 (4) Unless the [inmate] offender has served at least one
13 year in a community corrections center or community
14 corrections facility, the board shall not act upon an
15 application of an [inmate] offender who is granted clemency
16 by the Governor, is subject to parole supervision and:

17 (i) whose term of imprisonment was commuted from
18 life to life on parole;

19 (ii) who was serving a term of imprisonment for a
20 crime of violence; or

21 (iii) who is serving a sentence under 42 Pa.C.S. §
22 9712 (relating to sentences for offenses committed with
23 firearms).

24 (5) Upon parole, [a parolee] an offender subject to
25 paragraph (4) shall:

26 (i) be subject to weekly supervision for the first
27 six months of parole; and

28 (ii) have any violations of a condition of parole
29 immediately made known to the Board of Pardons. This
30 subparagraph shall apply to all [parolees] offenders

1 under supervision by other jurisdictions under Subchapter
2 B of Chapter 71 (relating to interstate compact for the
3 supervision of adult offenders).

4 (b) Cases involving deviations from guidelines.--In each
5 case in which the board deviates from the guidelines established
6 under 42 Pa.C.S. § 2154.5, the board shall provide a
7 contemporaneous written statement of the reason for the
8 deviation from the guidelines to the commission as established
9 under 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties).
10 The board may develop and use internal decisional instruments.
11 This subsection shall not be construed to prevent the board from
12 also developing forms or other documents, policies and
13 procedures consistent with this chapter, including internal
14 decisional instruments.

15 (c) Administrative parole.--

16 (1) An eligible offender shall be placed on
17 administrative parole one year after release on parole and
18 until the maximum sentence date if the [board's] department's
19 supervision staff determines that:

20 (i) (A) the eligible offender has not violated the
21 terms and conditions of the eligible offender's
22 parole; or

23 (B) the eligible offender has not been subject
24 to the extensive use of sanctions prior to the
25 completion of one year from the date of release on
26 parole; and

27 (ii) there is no substantial information indicating
28 dangerousness or that placement on administrative parole
29 would compromise public safety.

30 (2) An eligible offender placed on administrative parole

1 shall continue to be subject to recommitment at the board's
2 discretion and shall be subject to the board's power to
3 recommit and reparole, recommit and review or otherwise
4 impose sanctions at its discretion until the eligible
5 offender's maximum sentence date.

6 (3) An eligible offender placed on administrative parole
7 shall do all of the following:

8 (i) Make supervision contact at least one time per
9 year.

10 (ii) Provide updated contact information upon a
11 change in residence or employment.

12 (iii) Continue to pay any restitution owed.

13 (iv) Comply with other requirements imposed by the
14 board or the department.

15 (d) Recidivism risk reduction incentive minimum.--The board
16 shall have the power and its duty shall be to comply with the
17 requirements of section 4506 (relating to recidivism risk
18 reduction incentive minimum).

19 (e) Drug screening tests.--

20 (1) The [board] department may not release [a person] an
21 offender on parole unless the [person] offender achieves a
22 negative result within 45 days prior to the date of release
23 in a screening test approved by the Department of Health for
24 the detection of the presence of controlled substances or
25 designer drugs under the act of April 14, 1972 (P.L.233,
26 No.64), known as The Controlled Substance, Drug, Device and
27 Cosmetic Act.

28 [(2) The cost of these preparole drug screening tests
29 for inmates subject to the parole release jurisdiction of the
30 board, whether confined in a correctional institution or

1 county prison, shall be paid by the board. The board shall
2 establish rules and regulations for the payment of these
3 costs and may limit the types and cost of these screening
4 tests that would be subject to payment by the board.]

5 (3) [(i) The board shall establish, as a condition of
6 continued parole for a parolee] Every offender who is
7 released on parole who, as an [inmate] detainee, tested
8 positive for the presence of a controlled substance or a
9 designer drug or who was paroled from a sentence arising
10 from a conviction under The Controlled Substance, Drug,
11 Device and Cosmetic Act or from a drug-related crime,
12 [the parolee's achievement of] shall, without further
13 action of the board, be subject to an ongoing condition
14 that the offender achieve negative results in [such] drug
15 screening tests randomly applied.

16 [(ii) The random screening tests shall be performed
17 at the discretion of the board, and the parolee
18 undergoing the tests shall be responsible for the costs
19 of the tests.

20 (iii) The funds collected for the tests shall be
21 applied against the contract for such testing.]

22 (4) For [a parolee] an offender who was not paroled from
23 a sentence arising from a conviction under The Controlled
24 Substance, Drug, Device and Cosmetic Act or from a drug-
25 related crime, the board may [establish] recommend to the
26 department, as a condition of [parole] supervision, that the
27 [parolee] offender achieve negative results in drug screening
28 tests randomly conducted. The [parolee] offender shall be
29 responsible for testing costs.

30 (f) Crimes of violence.--The board may not order the release

1 [on parole a person] of an offender on parole who is sentenced
2 after February 19, 1999, and is serving a sentence for a crime
3 of violence unless the [person] offender has received
4 instruction from the [Department of Corrections] department on
5 the impact of crime on victims and the community.

6 (g) Procedure.--

7 (1) The department shall identify all [inmates]
8 detainees committed to the custody of the department that
9 meet the definition of an eligible offender.

10 (2) Upon identification of an [inmate] detainee as an
11 eligible offender, the department shall send notice to the
12 board. The [board] department shall send notice to the
13 prosecuting attorney and the court no [less] fewer than six
14 months before the expiration of the [inmate's] detainee's
15 minimum sentence indicating that the department has
16 preliminarily identified the inmate as an eligible offender.
17 The notice shall be sent by United States mail unless the
18 [board] department, the court and the prosecutor have
19 consented to receipt of notice via electronic means. For
20 [inmates] detainees committed to the department whose
21 expiration of the minimum sentence is six months or less from
22 the date of admission, the department shall give prompt
23 notice.

24 (3) Within 30 days of receipt of notice under paragraph
25 (2), the court or prosecuting attorney may file with the
26 board a written objection to the department's preliminary
27 identification of the [inmate] detainee as an eligible
28 offender. Notice of the objection shall be provided to the
29 department [and the board].

30 (4) If no notice of objection has been filed under

1 paragraph (3), the [board or its designee shall approve for
2 parole] eligible offender shall be released on parole at the
3 expiration of the eligible offender's recidivism risk
4 reduction minimum [date] sentence upon a determination by the
5 board that all of the following apply:

6 (i) The department certified that the [inmate]
7 detainee has maintained a good conduct record and
8 continues to remain an eligible offender.

9 (ii) The reentry plan for the [inmate] detainee is
10 adequate.

11 (iii) Individual conditions and requirements for
12 parole have been established for the offender.

13 (iv) There is no reasonable indication that the
14 [inmate] detainee poses a risk to public safety.

15 (5) If the court or prosecuting attorney files a timely
16 objection under paragraph (3), the board shall make a
17 determination as to whether the [inmate] detainee is an
18 eligible offender. The board shall notify the department,
19 prosecuting attorney and court of its determination no later
20 than 30 days prior to the minimum parole date. If the board
21 determines that the [inmate] detainee is an eligible offender
22 under this chapter, the board shall follow the provisions
23 under paragraph (4). If the board determines that the
24 [inmate] detainee is not an eligible offender under section
25 4503 (relating to definitions), the board shall retain
26 exclusive jurisdiction to grant parole and shall determine
27 whether the [inmate] detainee should be:

28 (i) paroled at the minimum [date,] sentence, as set
29 forth in 42 Pa.C.S. § 9752 (relating to sentencing
30 proceeding generally);

1 (ii) paroled at a later date; or

2 (iii) denied parole.

3 (6) Nothing in this subsection shall be construed as
4 granting a right to be paroled to any person, and any
5 decision by the board and its designees or the department,
6 under this section shall not be considered an adjudication
7 under 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and
8 procedure of Commonwealth agencies) and Ch. 7 Subch. A
9 (relating to judicial review of Commonwealth agency action).

10 [(7) Except as provided under this subsection, nothing
11 in this chapter shall otherwise affect the powers and duties
12 of the board or the department.]

13 (h) Power to recommit.--

14 (1) The board may, during the period for which an
15 [inmate] offender shall have been sentenced, recommit the
16 [inmate] offender, if paroled, for violation of the terms and
17 conditions of his parole and from time to time to reparole
18 and recommit in the same manner and with the same procedure
19 as in the case of an original parol or recommitment if, in
20 the judgment of the board:

21 (i) There is a reasonable probability that the
22 [inmate] offender will be benefited by paroling the
23 [inmate] offender again.

24 (ii) It does not appear that the interests of the
25 Commonwealth will be injured by paroling the [inmate]
26 offender again.

27 (2) In exercising these powers, the board shall consider
28 any applicable recommitment ranges established by the
29 commission under 42 Pa.C.S. § 2154.6 (relating to adoption of
30 recommitment ranges following revocation of parole by board).

1 (i) Cases involving deviations from guidelines.--In each
2 case in which the board deviates from the recommitment ranges
3 established under 42 Pa.C.S. § 2154.6, the board shall provide a
4 contemporaneous written statement of the reason for the
5 deviation from the recommitment ranges to the commission, as
6 established under 42 Pa.C.S. § 2153(a)(14).

7 (j) Notice to county probation department.--When the board
8 releases [a parolee] an offender from a correctional facility,
9 the board shall provide written notice to the probation
10 department located in the county where the sentencing order was
11 imposed of the release and new address of the [parolee]
12 offender.

13 [(k) Definitions.--The following words and phrases shall
14 have the meanings given to them in this subsection unless the
15 context clearly indicates otherwise:

16 "Crime of violence." As defined in 42 Pa.C.S. § 9714(g)
17 (relating to sentences for second and subsequent offenses).

18 "Eligible offender." As defined in section 4503 (relating to
19 definitions).]

20 § 6138. Violation of terms of parole.

21 (a) Convicted violators.--

22 (1) [A parolee under the jurisdiction of the board
23 released from a correctional facility who,] The board may, at
24 its discretion, revoke the parole of a paroled offender if
25 the offender, during the period of parole or while delinquent
26 on parole, commits a crime punishable by imprisonment, for
27 which the [parolee] offender is convicted or found guilty by
28 a judge or jury or to which the [parolee] offender pleads
29 guilty or nolo contendere at any time thereafter in a court
30 of record[, may at the discretion of the board be recommitted

1 as a parole violator].

2 (2) If the [parolee's recommitment is so ordered, the
3 parolee shall be reentered] offender's parole is revoked, the
4 offender shall be recommitted to serve the remainder of the
5 term which the [parolee] offender would have been compelled
6 to serve had the parole not been granted and, except as
7 provided under paragraph (2.1), shall be given no credit for
8 the time at liberty on parole.

9 (2.1) The board may, in its discretion, award credit to
10 [a parolee] an offender recommitted under paragraph (2) for
11 the time spent at liberty on parole, unless any of the
12 following apply:

13 (i) The crime committed during the period of parole
14 or while delinquent on parole is a crime of violence [as
15 defined in 42 Pa.C.S. § 9714(g) (relating to sentences
16 for second and subsequent offenses)] or a crime requiring
17 registration under 42 Pa.C.S. Ch. 97 Subch. H (relating
18 to registration of sexual offenders).

19 (ii) The [parolee] offender was recommitted under
20 section 6143 (relating to early parole of [inmates]
21 offenders subject to Federal removal order).

22 (3) The board may, in its discretion, reparole whenever,
23 in its opinion, the best interests of the [inmate] offender
24 justify or require the [inmate's] offender's release on
25 parole and it does not appear that the interests of the
26 Commonwealth will be injured thereby.

27 (4) The period [of time] for which the [parole violator]
28 offender is required to serve shall be [from and] computed by
29 the department and shall begin on the date that the parole
30 violator is taken into custody to be returned to the

1 institution as [a parole violator] an offender.

2 (5) If a new sentence is imposed on the [parolee]
3 offender, the service of the balance of the term originally
4 imposed by a Pennsylvania court shall precede the
5 commencement of the new term imposed in the following cases:

6 (i) If a person is paroled from a State correctional
7 institution and the new sentence imposed on the person is
8 to be served in the State correctional institution.

9 (ii) If a person is paroled from a county prison and
10 the new sentence imposed upon him is to be served in the
11 same county prison.

12 (iii) In all other cases, the service of the new
13 term for the latter crime shall precede commencement of
14 the balance of the term originally imposed.

15 (5.1) If the [parolee] offender is sentenced to serve a
16 new term of total confinement by a Federal court or by a
17 court of another jurisdiction because of a verdict or plea
18 under paragraph (1), the [parolee] offender shall serve the
19 balance of the original term before serving the new term.

20 (6) [Where the new term is to be served last or the
21 balance of the term originally imposed by a Pennsylvania
22 court is to be served last, and the service is, in either
23 case, in any correctional facility:

24 (i)] Any [person] offender upon recommitment shall
25 be sent to the institution [as shall be] designated by
26 the [Secretary of Corrections or his] secretary or a
27 designee.

28 [(ii) Any female person shall be recommitted to the
29 State Correctional Institution at Muncy.]

30 (b) Subsequent arrest.--

1 (1) The formal filing of a charge after parole against
2 [a parolee] an offender within this Commonwealth for any
3 violation of the laws of this Commonwealth shall constitute
4 an automatic detainer and permit the [parolee] offender to be
5 taken into and held in custody.

6 (2) The automatic detainer shall dissolve 15 days after
7 the [parolee] offender is taken into custody unless sooner
8 waived or otherwise superseded by direction of the
9 [supervising parole office] department or its designee.

10 (3) The automatic detainer shall be in addition to and
11 not in lieu of any other detainer that prior to the effective
12 date of this chapter may have been lodged in such
13 circumstances.

14 (c) Technical violators.--

15 (1) [A parolee] An offender under the jurisdiction of
16 the board who violates the terms and conditions of his
17 parole, other than by the commission of a new crime of which
18 the [parolee] offender is convicted or found guilty by a
19 judge or jury or to which the [parolee] offender pleads
20 guilty or nolo contendere in a court of record, may be
21 detained pending a hearing before the board or waiver of the
22 hearing or recommitted after a hearing before the board or a
23 waiver of the hearing. Detention and recommitment under this
24 paragraph shall be in a community corrections center [or],
25 community corrections facility or parole violator center,
26 unless the board determines that one of the following
27 conditions is present:

28 (i) The violation was sexual in nature.

29 (ii) The violation involved assaultive behavior.

30 (iii) The violation involved possession or control

1 of a weapon.

2 (iv) The [parolee] offender has absconded[, and the
3 parolee] and cannot be safely [diverted to] housed in a
4 community corrections center [or], community corrections
5 facility or parole violator center.

6 (v) There exists an identifiable threat to public
7 safety, and the [parolee] offender cannot be safely
8 diverted to a community corrections center [or], community corrections facility[.]
9 or a parole violator
10 center because:

11 (A) the offender has threatened harm to a member
12 of the public or a Commonwealth employee;

13 (B) the offender has been recommitted as a
14 technical parole violator because of a conviction for
15 a summary offense in a court;

16 (C) the offender has been previously recommitted
17 to a community corrections center, community
18 corrections facility or parole violator center and
19 served 61 days or more in disciplinary custody
20 following the previous recommitment; or

21 (D) the department does not have an available
22 bed in a community corrections center or parole
23 violator center or an entity with whom the department
24 contracts does not have an available bed in a
25 community corrections facility because of a
26 restriction imposed by the provisions of a Federal,
27 State or local statute.

28 (1.1) If the board determines that a condition under
29 paragraph (1) applies, the [parolee] offender shall be
30 detained [in or recommitted to] or housed in a State

1 correctional institution or contracted county jail.

2 (1.2) Every offender's recommitment to a community
3 corrections center, community corrections facility or parole
4 violator center shall be subject to a condition that the
5 offender comply with the rules of conduct applicable to the
6 place where the offender is housed. The department may, at
7 its discretion, place an offender accused of violating the
8 rules of conduct in a State correctional institution or
9 contracted county jail, pending an investigation or
10 disciplinary hearing, or serve a disciplinary sanction under
11 the department's procedures, or both.

12 (2) If the [parolee] offender is recommitted under this
13 subsection, the [parolee] offender shall be given credit for
14 the time served on parole in good standing but with no credit
15 for delinquent time and may be reentered to serve the
16 remainder of the original sentence or sentences.

17 (3) The remainder shall be computed by the [board]
18 department from the time the [parolee's] offender's
19 delinquent conduct occurred for the unexpired period of the
20 maximum sentence imposed by the court without credit for the
21 period the [parolee] offender was delinquent on parole. The
22 [parolee] offender shall serve the remainder so computed from
23 the date the [parolee] offender is taken into custody [on the
24 warrant of the board] by the department's agent.

25 (4) Subject to subsection (e), the [parolee] offender
26 shall be subject to reparole by the board whenever in its
27 opinion the best interests of the [inmate] offender justify
28 or require the [parolee] offender being reparoled and it does
29 not appear that the interests of the Commonwealth will be
30 injured reparing the [parolee] offender.

1 (5) Parole violators shall be supervised in accordance
2 with evidence-based practices that may include:

3 (i) Consideration of whether the offender poses a
4 risk of safety to the community or himself.

5 (ii) The [board's] department's capacity to deliver
6 programs that address criminal thinking behavior and
7 related crime- producing factors.

8 (iii) Use of community-based sanctioning
9 alternatives to incarceration.

10 (iv) Use of a graduated violation sanctioning
11 process.

12 (v) Recommitment to:

13 (A) a State correctional institution;

14 (B) a contracted county jail;

15 (C) a community corrections center; [or]

16 (D) a community corrections facility[.]; or

17 (E) a parole violator center.

18 [(7) A parolee detained or recommitted to a community
19 corrections center or community corrections facility under
20 paragraph (1) shall be segregated from other offenders
21 located at the facility.]

22 (8) An offender released from a county correctional
23 facility by a parole order issued by a sentencing court, but
24 supervised by the department who violates the conditions of
25 parole other than by the commission of a new crime of which
26 the offender is convicted or found guilty by a judge or jury
27 or to which the offender pleads guilty or nolo contendere in
28 a court of record, may be detained pending a hearing before
29 the sentencing court or a waiver of the hearing. Detention
30 and recommitment under this paragraph shall be to the county

1 correctional facility from which the offender was released.

2 (9) Notwithstanding any other provision of law, an
3 offender under the department's supervision who is alleged to
4 have committed a technical parole violation may be arrested
5 and detained for a period not to exceed 15 days, provided
6 that the offender is brought before a hearing examiner within
7 48 hours for a determination whether the offender shall be
8 released as quickly as reasonably possible or held for the
9 remainder of the 15 days. The appearance before the hearing
10 examiner may be conducted via videoconferencing or similar
11 virtual presence technology.

12 (d) Recommitment to correctional facility.--[A] Except as
13 provided in paragraph (1.3) or (4), a technical violator
14 recommitted to a State correctional institution or a contracted
15 county jail under subsection (c) shall be recommitted [as
16 follows:

17 (1) If paroled from a county prison, to the same
18 institution or to any other institution to which the violator
19 may be legally transferred.

20 (2) If paroled from a State correctional institution, to
21 any State correctional institution or contracted county jail
22 designated by the department.

23 (3) Except as set forth in paragraph (4) or (5), the
24 parolee shall be recommitted] for one of the following
25 periods, at which time the [parolee] offender shall
26 automatically be reparaoled without further action by the
27 board:

28 [(i)] (1.1) For the first recommitment under this
29 subsection, a maximum period of six months.

30 [(ii)] (1.2) For the second recommitment under this

1 subsection for the same sentence, a maximum of nine
2 months.

3 [(iii)] (1.3) For the third or subsequent
4 recommitment under this subsection for the same sentence,
5 a maximum of one year.

6 (4) The [parolee] offender may be reparaoled by the board
7 prior to expiration of the time [period under paragraph (3)]
8 periods under paragraph (1.1), (1.2) or (1.3) if the board
9 determines that it is in the best interest of the
10 Commonwealth and the [parolee] offender.

11 (5) The time [limit under paragraph (3)] limits under
12 paragraph (1.1), (1.2) or (1.3) shall not be applicable to [a
13 parolee] an offender who:

14 (i) committed a disciplinary infraction involving
15 assaultive behavior, sexual assault, a weapon or
16 controlled substances;

17 (ii) spent more than 90 days in segregated housing
18 due to one or more disciplinary infractions; or

19 (iii) refused programming or a work assignment.

20 (e) Recommitment to community corrections center [or],
21 community corrections facility or parole violator center.--

22 (1) A technical violator recommitment to a community
23 corrections center [or], community corrections facility or
24 parole violator center under subsection (c) shall be
25 recommitment for a maximum period of six months, after which
26 the [parolee] offender shall automatically be reparaoled
27 without further action by the board.

28 (2) [A parolee] An offender under paragraph (1) may be
29 reparaoled by the board prior to expiration of the six-month
30 period if the board determines that it is in the best

1 interest of the Commonwealth and the [parolee] offender.

2 (3) This subsection shall not apply to [a parolee who is
3 not in good standing with the board.] an offender who:

4 (i) commits a disciplinary infraction involving
5 assaultive behavior, sexual assault, a weapon or
6 controlled substances;

7 (ii) spends more than 61 days in segregated housing
8 due to one or more disciplinary infractions;

9 (iii) refuses programming or a work assignment; or

10 (iv) is not in compliance with all legal
11 requirements applicable to the offender, including, but
12 not limited to, maintaining registration in any
13 applicable sex offender registry.

14 [(f) Definitions.--As used in this section, the following
15 words and phrases shall have the meanings given to them in this
16 subsection unless the context clearly indicates otherwise:

17 "Community corrections center." A residential program that
18 is supervised and operated by the department in accordance with
19 Chapter 50 (relating to community corrections centers and
20 community corrections facilities).

21 "Community corrections facility." A residential facility
22 operated by a private contractor that:

23 (1) houses offenders pursuant to a contract with the
24 department; and

25 (2) is operated in accordance with Chapter 50.

26 "Contracted county jail." A county correctional facility
27 which has contracted with the department to provide correctional
28 or other services.

29 "State correctional institution." Any of the following owned
30 and operated by the Commonwealth:

1 (1) A correctional facility.

2 (2) A prison.

3 (3) A jail.]

4 § 6139. Parole procedure.

5 (a) Specific requirements.--

6 (1) The board may, subject to the provisions and
7 limitations set forth in section 6138 (relating to violation
8 of terms of parole), grant [paroles of] parole on its own
9 motion whenever in its judgment the interests of justice
10 require the granting of [these paroles] parole.

11 (2) The board shall consider applications for parole by
12 an [inmate] offender or the [inmate's] offender's attorney.

13 (3) Notwithstanding the provisions of paragraph (2), the
14 board shall not be required to consider nor dispose of an
15 application by an [inmate] offender or an [inmate's]
16 offender's attorney where a parole decision has been issued
17 by the board on that case within one year of the date of the
18 current application for parole.

19 (3.1) Notwithstanding paragraphs (2) and (3), the board
20 shall not be required to consider nor to dispose of an
21 application by an [inmate] offender or an [inmate's]
22 offender's attorney in the case of an [inmate] offender
23 sentenced under 18 Pa.C.S. § 1102.1 (relating to sentence of
24 persons under the age of 18 for murder, murder of an unborn
25 child and murder of a law enforcement officer) if a parole
26 decision has been issued by the board within five years of
27 the date of the current application.

28 (3.2) Nothing under this section shall be interpreted as
29 granting a right to be paroled to any [person] offender, and
30 a decision by the board and its designees relating to [a

1 person] an offender sentenced under 18 Pa.C.S. § 1102.1 may
2 not be considered an adjudication under 2 Pa.C.S. Chs. 5
3 Subch. A (relating to practice and procedure of Commonwealth
4 agencies) and 7 Subch. A (relating to judicial review of
5 Commonwealth agency action).

6 (4) Hearings of applications [shall] may be held by the
7 board whenever in its judgment hearings are necessary.
8 Reasonable rules and regulations shall be adopted by the
9 board for the presentation and hearing of applications for
10 parole.

11 (5) Whenever an [inmate] offender is paroled by the
12 board, [whether of its own motion or after hearing of an
13 application for parole,] or whenever [an application for]
14 parole is refused by the board, a brief statement of the
15 reasons for the board's action shall be filed of record in
16 the offices of the board and shall be at all reasonable times
17 open to public inspection.

18 (6) In no case shall a parole be granted[, or an
19 application for parole be dismissed,] unless a board member,
20 hearing examiner or other person so designated by the board
21 shall have [seen and heard] interviewed the [parolee]
22 offender in person in regard thereto within six months prior
23 to the granting or dismissal thereof. Such in-person
24 interviews may be conducted via videoconferencing or similar
25 virtual presence technology.

26 (7) The board shall dispose of [the] an application
27 within six months of its filing.

28 (b) Reliance on reports.--In granting and revoking paroles
29 and in discharging from parole, the members of the board acting
30 thereon shall not be required to personally hear or see all the

1 witnesses and evidence submitted to them for their action, but
2 they may act on the report submitted to them by [their] the
3 department's agents and employees, together with any pertinent
4 and adequate information furnished to them by fellow members of
5 the board or by others.

6 (c) Notice to district attorney.--At least ten days before
7 paroling an [inmate] offender on its own motion, the board shall
8 give written notice of the contemplated parole to the district
9 attorney of the county in which the [inmate] offender was
10 sentenced, and, in cases of hearings on applications for parole
11 as provided for in this section, at least ten days' written
12 notice of the time and place fixed for such hearing shall be
13 given either by the board or by the [applicant] offender or the
14 offender's attorney, as the board shall direct, to the court and
15 district attorney of the county in which the [applicant]
16 offender was sentenced.

17 § 6140. Victim statements, testimony and participation in
18 hearing.

19 (a) Duty of district attorney to provide notice.--

20 (1) The victim of the offense for which an [inmate]
21 offender is sentenced shall be notified by the district
22 attorney immediately following sentencing, in cases where the
23 defendant has been sentenced to a term of imprisonment, that
24 the victim or family member shall have the opportunity to
25 present a statement for the parole report to be considered at
26 the parole hearing or to testify to the [parole] board
27 expressing his opinion concerning the release of the [inmate]
28 detainee.

29 (2) The district attorney shall provide notice to a
30 member of the immediate family of the victim if the victim:

1 (i) is a juvenile;
2 (ii) is incapable of testifying; or
3 (iii) died as a result of the [defendant's]
4 offender's conduct.

5 (b) Notice of intent to submit statement.--In order to
6 submit a statement under subsection (a), a victim or family
7 member must notify the board of his intention to do so and
8 provide and keep current an appropriate mailing address with the
9 board.

10 (c) Contents of parole [report] statement.--The parole
11 [report] statement may include [a statement] discussion
12 concerning:

13 (1) The continuing nature and extent of any physical
14 harm or psychological or emotional harm or trauma suffered by
15 the victim.

16 (2) The extent of any loss of earnings or ability to
17 work suffered by the victim.

18 (3) The continuing effect of the crime upon the victim's
19 family.

20 (d) Notice to persons who previously contacted the [board]
21 Office of Victim Advocate.--

22 (1) At the time public notice is given that an [inmate]
23 offender is being considered for parole pursuant to this
24 section, the [board] Office of Victim Advocate shall also
25 notify any victim or nearest relative who has previously
26 contacted the [board] Office of Victim Advocate of the
27 [availability] opportunity to provide a statement for
28 inclusion in the parole report or to present testimony for
29 inclusion at the parole hearing.

30 (2) The [board] Office of Victim Advocate shall notify

1 the [person] victim or family member identified under
2 paragraph (1) at [the] that person's last known mailing
3 address. The notification required by this section shall be
4 given by the [board] Office of Victim Advocate in the case of
5 a parole to be granted pursuant to section 6139 (relating to
6 parole procedure) or by the court in the case of a parole to
7 be granted pursuant to section 6133 (relating to probation
8 services).

9 (e) Notice of intent to present testimony.--The victim or
10 family member shall notify the [board] Office of Victim Advocate
11 which shall notify within 30 days from the date of the notice of
12 his intent to present testimony at the parole hearing. This time
13 period may be waived by the [board] Office of Victim Advocate
14 for good cause.

15 (f) Referral to hearing officer.--If the victim or family
16 member submits a written statement to the board through the
17 Office of Victim Advocate subsequent to notice, the statement
18 shall be made a part of the board's file on the [inmate]
19 offender, and the [inmate's] offender's case shall be referred
20 to a hearing officer designated to conduct parole release
21 hearings.

22 (g) Assignment to hearing examiner.--If the victim or family
23 member informs the board through the Office of Victim Advocate
24 subsequent to notice being provided that [the person intends]
25 they intend to testify, the chairperson shall assign the
26 [inmate's] offender's case to a hearing examiner for the purpose
27 of receiving the person's testimony.

28 (h) Hearing procedure.--

29 (1) The assigned hearing examiner shall conduct a
30 hearing within 30 days from the date the board received

1 notification of the intent to offer testimony.

2 (2) The hearing shall be conducted at a time and place
3 and on a date determined by the chairperson or designee.
4 Notice of the time, place and date of the hearing shall be
5 provided by the Office of Victim Advocate to the victim or
6 family member, in writing, and shall be [mailed] provided at
7 least ten days prior to the hearing date.

8 (3) The hearing shall be recorded by an electronic
9 recording device.

10 (4) The hearing examiner shall prepare a written
11 [report] statement within a reasonable [amount of] time prior
12 to the hearing date. A copy of the [report] statement shall
13 be forwarded to the person offering testimony. A copy of the
14 report shall be made a part of the board's file on the
15 [inmate] offender.

16 (5) Upon completion of the written [report] statement,
17 the [inmate's] offender's case shall be referred to a hearing
18 examiner designated to conduct parole release hearings.

19 (6) (i) The hearing scheduled pursuant to this section
20 shall be conducted, when possible, prior to a parole
21 release hearing and prior to the board rendering a
22 decision.

23 (ii) Nothing in this section shall be construed to
24 preclude the board from conducting a timely parole
25 release hearing.

26 (7) After submission of the [report] statement, the
27 board shall within a reasonable [amount of] time:

28 (i) Evaluate the information provided.

29 (ii) Determine whether the decision shall be
30 affirmed or modified.

1 (iii) Determine whether a rescission hearing shall
2 be conducted.

3 (iv) Notify the [inmate] offender in writing of its
4 decision.

5 (8) Notwithstanding any other provision of law, any and
6 all statements or testimony of the victim or family member
7 submitted to the board or the Office of Victim Advocate
8 pertaining to:

9 (i) the continuing nature and extent of any physical
10 harm or psychological or emotional harm or trauma
11 suffered by the victim;

12 (ii) the extent of any loss of earnings or ability
13 to work suffered by the victim; and

14 (iii) the continuing effect of the crime upon the
15 victim's family:

16 (A) Shall be deemed confidential and privileged.

17 (B) Shall not be subject to subpoena or
18 discovery.

19 (C) Shall not be introduced into evidence in any
20 judicial or administrative proceeding.

21 (D) Shall not be released to the [inmate]
22 offender.

23 (9) All records maintained by the board or the Office of
24 Victim Advocate pertaining to victims shall be kept separate.
25 Current address, telephone numbers and any other personal
26 information of the victim and family members shall be deemed
27 confidential.

28 (10) Notwithstanding any other provision of law, no
29 person who has had access to a report, record or any other
30 information under this section shall disclose the content of

1 the report, record or other information or testify in a
2 judicial or administrative proceeding without the written
3 consent of the victim.

4 (11) A victim or the family member who has submitted a
5 written statement for the parole report or testified at a
6 hearing pursuant to this section shall be notified by the
7 board through the Office of Victim Advocate of the final
8 decision rendered in the [inmate's] offender's case.

9 (12) If the final decision is to not release the
10 [inmate] offender and if, subsequent to that decision,
11 additional parole release hearings are conducted for that
12 same [inmate] offender, then the victim or family member who
13 has submitted a written statement for the parole report or
14 who has testified at a hearing pursuant to this section shall
15 be notified by the board through the Office of Victim
16 Advocate at the last known address if and when additional
17 parole hearings are scheduled by the board.

18 § 6141. General rules and special regulations.

19 The board may make general rules for the conduct and
20 supervision of [persons placed on parole] offenders and may, in
21 particular cases, as it deems necessary to effectuate the
22 purpose of parole, prescribe special regulations for particular
23 persons.

24 § 6143. Early parole of [inmates] offenders subject to Federal
25 removal order.

26 (a) Eligibility.--Notwithstanding any other provision of
27 law, the board may parole an [inmate] offender into the custody
28 of the United States Immigration and Customs Enforcement for
29 deportation prior to the expiration of the [inmate's] offender's
30 minimum term of imprisonment if all of the following

1 requirements are satisfied:

2 (1) The board has received [a final] an order of removal
3 for the [inmate] offender from the United States Immigration
4 and Customs Enforcement.

5 (2) The [inmate] offender is at least 18 years of age
6 and is not a native or citizen of the United States.

7 (3) The offender has never been convicted or adjudicated
8 delinquent of a crime of violence or a crime requiring
9 registration under 42 Pa.C.S. Ch. 97 Subch. H (relating to
10 registration of sexual offenders).

11 (4) The board certifies that removal of the [inmate]
12 offender is appropriate and in the best interests of the
13 Commonwealth.

14 (5) The [inmate] offender has been advised of all of the
15 following:

16 (i) Unlawful reentry into the United States will
17 result in the [inmate's] offender's return to the
18 department to serve the remainder of the [inmate's]
19 offender's maximum term of imprisonment without the
20 possibility of parole.

21 (ii) If the [inmate] offender reenters the United
22 States and commits a criminal offense, upon conviction
23 the [inmate] offender shall be subject to 42 Pa.C.S. §
24 9720.3 (relating to sentencing for certain paroled
25 offenders).

26 (iii) Reentry into the United States may subject the
27 [inmate] offender to prosecution by the United States
28 under 8 U.S.C. § 1326 (relating to reentry of removed
29 aliens).

30 (b) Parole discretionary.--The decision to parole an

1 [inmate] offender under subsection (a) shall be within the sole
2 discretion of the board. Nothing under this section shall be
3 construed to confer a legal right upon the [inmate] offender to
4 parole under subsection (a).

5 (c) Return of [inmate] offender by United States.--If the
6 United States Immigration and Customs Enforcement is unable to
7 or does not deport the [inmate] offender, the [inmate] offender
8 shall be returned to the custody of the department and the board
9 shall rescind the [inmate's] offender's parole.

10 (d) Unlawful reentry.--An [inmate] offender paroled under
11 this section who returns unlawfully to the United States shall
12 be given a hearing before the board and recommitted as a parole
13 violator upon a determination by the board that the [inmate]
14 offender did unlawfully return to the United States. Upon
15 recommitment, the [inmate] offender shall be required to serve
16 the remainder of the [inmate's] offender's maximum term of
17 imprisonment without the possibility of parole. The [inmate]
18 offender shall not be entitled to credit for any time on parole
19 under this section.

20 [(e) Definition.--As used in this section, the term "crime
21 of violence" shall be defined as provided in 42 Pa.C.S. §
22 9714(g) (relating to sentences for second and subsequent
23 offenses).]

24 Section 21. Subchapter D of Chapter 61 of Title 61 is
25 repealed:

26 [SUBCHAPTER D

27 STATE PAROLE AGENTS

28 Sec.

29 6151. Definitions.

30 6152. Status as peace officers.

1 6153. Supervisory relationship to offenders.

2 § 6151. Definitions.

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

6 "Agent." A State parole agent appointed by the board.

7 "Conditions of supervision." Any terms or conditions of the
8 offender's supervision, whether imposed by the court, the board
9 or an agent, including compliance with all requirements of
10 Federal, State and local law.

11 "Contraband." Any item that the offender is not permitted to
12 possess under the conditions of supervision, including any item
13 whose possession is forbidden by any Federal, State or local
14 law.

15 "Court." The court of common pleas or any judge thereof, the
16 Philadelphia Municipal Court or any judge thereof, the
17 Pittsburgh Magistrates Court or any judge thereof or any
18 magisterial district judge.

19 "Exigent circumstances." The term includes, but is not
20 limited to, suspicion that contraband or other evidence of
21 violations of the conditions of supervision might be destroyed
22 or suspicion that a weapon might be used. Exigent circumstances
23 always exist with respect to a vehicle.

24 "Offender." Any person subject to the parole or probationary
25 supervision of the board.

26 "Personal search." A warrantless search of an offender's
27 person, including, but not limited to, the offender's clothing
28 and any personal property which is in the possession, within the
29 reach or under the control of the offender.

30 "Property search." A warrantless search of real property,

1 vehicle or personal property which is in the possession or under
2 the control of the offender.

3 "Real property." Any residence or business property of an
4 offender, including all portions of the property to which the
5 offender has access.

6 "Supervisor." Any individual acting in a supervisory or
7 administrative capacity.

8 § 6152. Status as peace officers.

9 An agent is declared to be a peace officer and is given
10 police power and authority throughout this Commonwealth to
11 arrest without warrant, writ, rule or process any parolee or
12 probationer under the supervision of the board for failing to
13 report as required by the terms of his probation or parole or
14 for any other violation of the probation or parole.

15 § 6153. Supervisory relationship to offenders.

16 (a) General rule.--Agents are in a supervisory relationship
17 with their offenders. The purpose of this supervision is to
18 assist the offenders in their rehabilitation and reassimilation
19 into the community and to protect the public. Supervision
20 practices shall reflect the balance of enforcement of the
21 conditions of parole and case management techniques to maximize
22 successful parole completion through effective reentry to
23 society.

24 (b) Searches and seizures authorized.--

25 (1) Agents may search the person and property of
26 offenders in accordance with the provisions of this section.

27 (2) Nothing in this section shall be construed to permit
28 searches or seizures in violation of the Constitution of the
29 United States or section 8 of Article I of the Constitution
30 of Pennsylvania.

1 (c) Effect of violation.--No violation of this section shall
2 constitute an independent ground for suppression of evidence in
3 any probation or parole proceeding or criminal proceeding.

4 (d) Grounds for personal search of offender.--

5 (1) A personal search of an offender may be conducted by
6 an agent:

7 (i) if there is a reasonable suspicion to believe
8 that the offender possesses contraband or other evidence
9 of violations of the conditions of supervision;

10 (ii) when an offender is transported or taken into
11 custody; or

12 (iii) upon an offender entering or leaving the
13 securing enclosure of a correctional institution, jail or
14 detention facility.

15 (2) A property search may be conducted by an agent if
16 there is reasonable suspicion to believe that the real or
17 other property in the possession of or under the control of
18 the offender contains contraband or other evidence of
19 violations of the conditions of supervision.

20 (3) Prior approval of a supervisor shall be obtained for
21 a property search absent exigent circumstances. No prior
22 approval shall be required for a personal search.

23 (4) A written report of every property search conducted
24 without prior approval shall be prepared by the agent who
25 conducted the search and filed in the offender's case record.
26 The exigent circumstances shall be stated in the report.

27 (5) The offender may be detained if he is present during
28 a property search. If the offender is not present during a
29 property search, the agent in charge of the search shall make
30 a reasonable effort to provide the offender with notice of

1 the search, including a list of the items seized, after the
2 search is completed.

3 (6) The existence of reasonable suspicion to search
4 shall be determined in accordance with constitutional search
5 and seizure provisions as applied by judicial decision. In
6 accordance with such case law, the following factors, where
7 applicable, may be taken into account:

8 (i) The observations of agents.

9 (ii) Information provided by others.

10 (iii) The activities of the offender.

11 (iv) Information provided by the offender.

12 (v) The experience of agents with the offender.

13 (vi) The experience of agents in similar
14 circumstances.

15 (vii) The prior criminal and supervisory history of
16 the offender.

17 (viii) The need to verify compliance with the
18 conditions of supervision.

19 (e) Nonresident offenders.--No agent shall conduct a
20 personal or property search of an offender who is residing in a
21 foreign state except for the limited purposes permitted under
22 the Interstate Compact for the Supervision of Offenders and
23 Probationers. The offender is held accountable to the rules of
24 both the sending state and the receiving state. Any personal or
25 property search of an offender residing in another state shall
26 be conducted by an agent of the receiving state.

27 (f) When authority is effective.--The authority granted to
28 agents under this section shall be effective upon enactment of
29 this section, without the necessity of any further regulation by
30 the board.]

1 Section 22. Chapter 61 of Title 61 is amended by adding
2 subchapters to read:

3 SUBCHAPTER E

4 SUPERVISION OF OFFENDERS

5 Sec.

6 6161. Powers and duties of department.

7 6162. Probation services.

8 6163. Probation services committee.

9 6164. Investigation of circumstances of offense.

10 6165. Right of access to offenders.

11 6166. Investigations for the board of pardons.

12 § 6161. Powers and duties of department.

13 (a) Powers and duties.--The department shall have the
14 following powers and duties:

15 (1) To supervise any offender released on parole by
16 order of the board and to arrest, detain in a department
17 facility, and to report to the board for a determination
18 whether to revoke parole and recommit an offender who fails
19 to comply with the conditions of supervision, including, but
20 not limited to, the alleged commission of a new crime.

21 (2) To enforce the conditions of supervision established
22 by the board as well as the power to impose and enforce
23 additional conditions of supervision on an offender and the
24 power to, with the consent of the board, amend or terminate
25 conditions of supervision established by the board and to
26 enforce conditions of supervision established by the board.

27 (3) With the consent of the board, to amend or terminate
28 conditions of supervision after an offender has served at
29 least six months on parole. The imposition, modification or
30 termination of a condition of supervision must be based on

1 the risk presented by and the rehabilitative needs of the
2 offender and the impact the termination or modification will
3 have on public safety.

4 (4) To supervise any offender placed on parole, when
5 sentenced to a maximum period of less than two years, by any
6 judge of a court having criminal jurisdiction, when the court
7 may by special order direct supervision by the department, in
8 which case the parole case shall be known as a special case
9 and the authority of the department with regard thereto shall
10 be the same as provided in this chapter with regard to parole
11 cases within one of the classifications set forth in this
12 chapter.

13 (5) To furnish to the board no fewer than 90 days prior
14 to a scheduled parole interview, or if such interview is
15 scheduled to be held within fewer than 90 days, as quickly as
16 possible after the department is informed of such interview,
17 reports concerning the conduct of offenders under the
18 department's supervision or in its custody together with any
19 other facts deemed pertinent in aiding the board to determine
20 whether such offenders shall be paroled.

21 (6) To pay the costs of preparole drug screening test
22 for offenders subject to the parole release jurisdiction of
23 the board. The department shall establish rules and
24 regulations for the payment of these costs and may limit the
25 types and costs of these screening tests that would be
26 subject to payment by the department.

27 (7) To determine when an offender subject to random drug
28 screening tests as a condition of supervision shall be
29 tested. The offender undergoing the tests shall be
30 responsible for the costs of the tests. The money collected

1 for the tests shall be applied against the contract for such
2 testing.

3 (8) To supervise and make presentence investigations and
4 reports as provided by law.

5 (9) To collect and maintain copies of all presentence
6 investigations and reports.

7 (10) To collect, compile and publish statistical and
8 other information relating to probation and parole work in
9 all courts and such other information the department may deem
10 of value in probation service.

11 (11) To establish, by regulation, uniform Statewide
12 standards for:

13 (i) Presentence investigations.

14 (ii) The supervision of probationers.

15 (iii) The qualifications for probation personnel.

16 (iv) Minimum salaries.

17 (v) Quality of probation service.

18 (vi) The standards for the qualifications of
19 probation personnel shall only apply to probation
20 personnel appointed after the date the standards are
21 established. Should any probation personnel appointed
22 prior to the date the standards were established fail to
23 meet the standards, the court having jurisdiction of such
24 personnel may request the department to establish in-
25 service training for them in accordance with the
26 standards.

27 (12) To adopt regulations establishing criteria for
28 department acceptance of cases for supervision and
29 presentence investigations from counties that on December 31,
30 1985, maintained adult probation offices and parole systems.

1 (13) To enter into contracts which provide for the
2 continuous electronic monitoring of offenders.

3 (14) To establish and provide for intensive supervision
4 units and day reporting centers for the supervision of
5 offenders.

6 (15) To provide information as required under 42 Pa.C.S.
7 § 2153(a)(14) (relating to powers and duties) as requested by
8 the commission.

9 (16) To incorporate evidence-based practices into the
10 supervision of offenders.

11 (17) To coordinate the reentry of offenders into the
12 community using evidence-based practices that are effective
13 in reducing recidivism.

14 (18) To conduct research to identify, to be informed of
15 and to apply recognized evidence-based parole supervision
16 practices that promote public safety and reduce recidivism.

17 (19) To conduct outcome and performance analyses on
18 implemented department programs and practices to enhance
19 public safety through reduced recidivism.

20 (20) To administer administrative parole.

21 (b) Administrative parole.--

22 (1) An eligible offender shall be placed on
23 administrative parole one year after release on parole and
24 until the maximum sentence date if the department's
25 supervision staff determines that there is no substantial
26 information indicating dangerousness or that placement on
27 administrative parole would compromise public safety or that
28 continued supervision would otherwise benefit the offender
29 and:

30 (i) the eligible offender has not violated the terms

1 and conditions of the eligible offender's parole; or
2 (ii) the eligible offender has not been subject to
3 the extensive use of sanctions prior to the completion of
4 one year from the date of release on parole.

5 (2) An eligible offender placed on administrative parole
6 shall continue to be subject to recommitment at the board's
7 discretion and shall be subject to the board's power to
8 recommit and reparole, recommit and review or otherwise
9 impose sanctions at its discretion until the eligible
10 offender's maximum sentence date.

11 (3) An eligible offender placed on administrative parole
12 shall do all of the following:

13 (i) Make supervision contact at least one time per
14 year.

15 (ii) Provide updated contact information upon a
16 change in residence or employment.

17 (iii) Continue to pay any restitution owed.

18 (iv) Comply with other requirements imposed by the
19 department.

20 (c) Exception.--Except in special cases, the powers and
21 duties conferred under this section shall not extend to
22 offenders confined in a county correctional facility under 42
23 Pa.C.S. § 9762 (relating to sentencing proceeding; place of
24 confinement).

25 § 6162. Probation services.

26 (a) General rule.--The department shall have exclusive power
27 to supervise any offender placed on probation by any judge of a
28 court having criminal jurisdiction, when the court by special
29 order, consistent with the regulations of the department,
30 directs supervision by the department.

1 (b) Presentence investigations.--The department shall make
2 presentence investigations when requested to do so by the court
3 in accordance with the regulations of the department.

4 (c) Grant-in-aid.--

5 (1) A county that provides additional probation staff
6 for presentence investigations and improved probation
7 supervision and programs shall receive a grant-in-aid from
8 the Commonwealth through the department for additional costs
9 incurred thereby but only to the extent that the additional
10 staff and program meet the qualifications and standards
11 established by the department.

12 (2) The grant-in-aid shall provide 80% of the personnel
13 salary costs incurred by a county to administer these
14 additional services and programs.

15 (3) If insufficient money is appropriated, each county
16 shall receive a prorated reduction in the grant-in-aid.

17 (4) The department shall establish rules and regulations
18 for the allocation of funds available for a grants-in-aid.

19 (d) In-service training.--The department shall provide in-
20 service training for personnel of county probation offices when
21 requested to do so by the court having jurisdiction of the
22 probation office.

23 § 6163. Probation services committee.

24 (a) Establishment.--A probation services committee is
25 established to inform the department of current issues and
26 trends in county probation.

27 (b) Composition.--The committee shall consist of nine
28 members, seven of whom shall be appointed by the Governor, with
29 the consent of a majority of the members of the Senate. At least
30 two shall be judges of courts of record in this Commonwealth, at

1 least one shall be a county commissioner, at least one shall be
2 a chief county probation officer and the remaining members shall
3 be qualified in the field of probation and parole either by
4 training or experience. The President pro tempore of the Senate
5 and the Speaker of the House of Representatives shall each
6 appoint a member of their respective houses to serve as members
7 of the committee.

8 (c) Terms.--

9 (1) The term of a member appointed after the effective
10 date of this subsection, except to fill a vacancy, shall be
11 for four years and until their successors have been appointed
12 and qualified, but in no event more than 90 days beyond the
13 expiration of their appointed term.

14 (2) The terms of members of the committee who are
15 appointed by virtue of holding an office as a member of the
16 General Assembly, judge, chief county probation officer or
17 county commissioner shall continue only so long as that
18 person remains in that office.

19 (3) Vacancies occurring in an office of a member of the
20 committee by expiration of term, death, resignation, removal
21 or for any other reason shall be filled in the manner
22 provided by Section 8 of Article IV of the Constitution of
23 Pennsylvania for the remainder of the term.

24 (4) Whenever the term of a committee member, other than
25 one who is a member of the General Assembly, expires, that
26 member's position shall be immediately deemed a vacancy and
27 the Governor shall nominate a person to fill that membership
28 position on the committee within 90 days of the date of
29 expiration, even if the member continues to remain on the
30 committee. The Governor shall designate one of the members of

1 the committee as its chairperson.

2 (d) Reimbursement of expenses.--Each member of the committee
3 shall be paid all reasonable and necessary travel and other
4 expenses incurred in the performance of the member's duties.

5 (e) Assistance to be provided.--The committee shall inform
6 the secretary of issues and trends in county probation.

7 § 6164. Investigation of circumstances of offense.

8 (a) Duty to investigate.--The department, upon the
9 commitment to a correctional facility of any offender whom the
10 board is given the power to parole shall investigate and include
11 in its report to the board:

12 (1) The nature and circumstances of the offense
13 committed.

14 (2) Any recommendations made by the trial judge and
15 prosecuting attorney.

16 (3) The general character and background of the
17 offender.

18 (4) Participation by an offender sentenced after
19 February 19, 1999, and who is serving a sentence for a crime
20 of violence in a victim impact education program offered by
21 the department.

22 (5) The written or personal statement of the testimony
23 of the victim or the victim's family submitted under section
24 6140 (relating to victim statements, testimony and
25 participation in hearing).

26 (6) The notes of testimony of the sentencing hearing, if
27 any, together with such additional information regarding the
28 nature and circumstances of the offense committed for which
29 sentence was imposed as may be available.

30 (7) The conduct of the offender while in prison and the

1 offender's physical, mental and behavioral condition and
2 history, in addition to history of family violence and
3 complete criminal record.

4 (b) Cooperation of public officials.--A public official who
5 possesses offender records or information shall furnish the
6 records or information to the department upon request and
7 without charge so far as may be practicable while the case is
8 recent.

9 (c) Duty to transmit.--A court sentencing any offender to a
10 term as to which power to parole is given to the board in this
11 chapter shall transmit to the department, within 30 days after
12 the imposition of the sentence:

13 (1) A copy of the notes of testimony of the sentencing
14 hearing that may have been filed or recorded in the case.

15 (2) Copies of any criminal identification records
16 secured from the Federal Bureau of Investigation.

17 (3) Copies of presentence investigation reports and
18 behavior clinic reports, if any were submitted to the court,
19 the last two of which records, being confidential records of
20 the court, shall be treated confidentially by the department,
21 who shall not permit examination of the records by anyone
22 other than its duly appointed officers and employees and the
23 board and its officers and employees, except upon court
24 order.

25 § 6165. Right of access to offenders.

26 All prison officials shall:

27 (1) At all reasonable times grant to the properly
28 accredited representatives of the department access to any
29 detainee whom the board has power to parole.

30 (2) At all reasonable times provide for the board or its

1 properly accredited representative facilities for
2 communicating with and observing a detainee while imprisoned.
3 § 6166. Investigations for the board of pardons.

4 The department shall make an investigation for the board of
5 pardons in cases coming before it and upon its request. The
6 investigation shall include all information set forth under
7 section 6135 (relating to investigation of circumstances of
8 offense), including a risk assessment if the applicant is
9 incarcerated.

10 SUBCHAPTER F

11 AGENTS

12 Sec.

13 6171. Status as peace officers.

14 6172. Supervisory relationship to offenders.

15 § 6171. Status as peace officers.

16 An agent is declared to be a peace officer and is given
17 police power and authority throughout this Commonwealth to
18 arrest without warrant, writ, rule or process any department
19 supervised offender for failing to report as required or for any
20 other violation of his conditions of supervision.

21 § 6172. Supervisory relationship to offenders.

22 (a) General rule.--Agents are in a supervisory relationship
23 with department supervised offenders. The purpose of supervision
24 is to assist department supervised offenders in their
25 rehabilitation and reassimilation into the community and to
26 protect the public. Supervision practices shall reflect the
27 balance of enforcement of the conditions of supervision and case
28 management techniques to maximize successful parole completion
29 through effective reentry to society.

30 (b) Qualifications.--

1 (1) To be eligible to be appointed by the secretary as a
2 supervising agent, an individual must have at least a
3 bachelor's degree in social work, criminology, psychology,
4 psychiatry, criminal justice, or equivalent education and
5 experience and shall undergo annual training in social work
6 and rehabilitation as prescribed by the secretary.

7 (2) Existing parole agents who lack the mandatory level
8 of education or professional experience shall undergo annual
9 training in social work and rehabilitation as prescribed by
10 the secretary.

11 (c) Searches and seizures authorized.--

12 (1) Agents may search the person and property of
13 department supervised offenders in accordance with the
14 provisions of this section.

15 (2) Nothing in this section shall be construed to permit
16 searches or seizures in violation of the Constitution of the
17 United States or Section 8 of Article I of the Constitution
18 of Pennsylvania.

19 (d) Effect of violation.--No violation of this section shall
20 constitute an independent ground for suppression of evidence in
21 any probation, parole or criminal proceeding.

22 (e) Grounds for personal search of a department supervised
23 offender.--

24 (1) A personal search of an offender may be conducted by
25 an agent:

26 (i) if there is a reasonable suspicion to believe
27 that the department supervised offender possesses
28 contraband or other evidence of violations of the
29 conditions of supervision;

30 (ii) when a department supervised offender is

1 transported or taken into custody; or

2 (iii) upon a department supervised offender entering
3 or leaving the secure enclosure of a correctional
4 institution, jail or detention facility.

5 (2) A property search may be conducted by an agent if
6 there is reasonable suspicion to believe that the real or
7 other property in the possession of or under the control of
8 the department supervised offender contains contraband or
9 other evidence of violations of the conditions of
10 supervision.

11 (3) The department supervised offender may be detained
12 if the department supervised offender is present during a
13 property search. If the department supervised offender is not
14 present during a property search, the agent in charge of the
15 search shall make a reasonable effort to provide the
16 department supervised offender with notice of the search,
17 including a list of the items seized, after the search is
18 completed.

19 (4) The existence of reasonable suspicion to search
20 shall be determined in accordance with constitutional search
21 and seizure provisions as applied by judicial decision. In
22 accordance with such case law, the following factors, where
23 applicable, may be taken into account:

24 (i) The observations of agents.

25 (ii) Information provided by others.

26 (iii) The activities of the department supervised
27 offender.

28 (iv) Information provided by the department
29 supervised offender.

30 (v) The experience of agents with the department

1 supervised offender.

2 (vi) The experience of agents in similar
3 circumstances.

4 (vii) The prior criminal and supervisory history of
5 the department supervised offender.

6 (viii) The need to verify compliance with the
7 conditions of supervision.

8 (f) Nonresident department supervised offenders.--No agent
9 shall conduct a personal or property search of a department
10 supervised offender who is residing in a foreign state except
11 for the limited purposes permitted under the Interstate Compact
12 for the supervision of offenders and probationers. The
13 department supervised offender is held accountable to the rules
14 of both the sending state and the receiving state. Any personal
15 or property search of a department supervised offender residing
16 in another state shall be conducted by an agent of the receiving
17 state.

18 (g) When authority is effective.--The authority granted to
19 agents under this section shall be effective upon enactment of
20 this section, without the necessity of any further regulation by
21 the department.

22 Section 23. The definition of "board" in section 6302 of
23 Title 61 is amended to read:

24 § 6302. 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 ["Board." The Pennsylvania Board of Probation and Parole.]

29 * * *

30 Section 24. Sections 6303, 6304(a) introductory paragraph

1 and (f), 6305(3), (5) and (7), 6306, 6307, 6308, 7115(a)(2) and
2 (d), 7121 and 7122(a), (b), (c) and (e) of Title 61 are amended
3 to read:

4 § 6303. County Probation Officers' Firearm Education and
5 Training Commission.

6 The County Probation Officers' Firearm Education and Training
7 Commission is established under the [Pennsylvania Board of
8 Probation and Parole. The commission shall establish within six
9 months following the appointment of commission members a County
10 Probation Officers' Firearm Education and Training Program to
11 provide firearm education and training in accordance with the
12 provisions of this chapter.] department.

13 § 6304. Commission membership.

14 (a) Composition.--The commission shall be composed of the
15 [chairman of the board] secretary or a designee and eight other
16 members to be appointed by the Governor:

17 * * *

18 (f) Meetings and quorum.--The [commission shall meet at
19 least four times each year until the program is implemented.
20 Thereafter, the] commission shall meet as may be necessary, but
21 at least once annually. Special meetings may be called by the
22 chairperson of the commission or upon written request of three
23 members. A quorum shall consist of four members of the
24 commission.

25 § 6305. Powers and duties of commission.

26 The powers and duties of the commission shall be as follows:

27 * * *

28 (3) To approve or revoke the approval for the purposes
29 of this chapter of any school that may be [utilized] used to
30 comply with the educational and training requirements as

1 established by the commission.

2 * * *

3 (5) To promote the most efficient and economical program
4 for training by [utilizing] using existing facilities,
5 programs and qualified Federal, State and local police
6 personnel.

7 * * *

8 (7) To require in accordance with this chapter county
9 probation officers to attend a minimum number of hours [in]
10 of in-service training as provided for by regulation, unless
11 the officer's employer files a show-cause document with the
12 commission, requesting additional time for the officer to
13 comply with the in-service training requirements. Approval of
14 the request shall be made by the commission on a case-by-case
15 basis.

16 * * *

17 § 6306. Training mandatory.

18 [Within two years of the establishment of the County
19 Probation Officers' Firearm Education and Training Program and
20 in accordance with the provisions of this chapter, a county
21 shall provide for the training of any officer in its county
22 probation and parole department who carries a firearm. Following
23 this two-year period, a] A county shall [provide] ensure that
24 training and certification requirements of this chapter are met
25 prior to a county probation officer being authorized to carry a
26 firearm.

27 § 6307. Requirements for program participation or waiver.

28 In order to participate in the training program or be granted
29 a waiver of training requirements, at a minimum, the officer
30 must:

1 (1) Be employed as a full-time county probation officer.

2 (2) Be a United States citizen.

3 (3) Not have been convicted of an offense graded a
4 misdemeanor of the first degree or greater or punishable by a
5 term of imprisonment of more than two years, unless in
6 possession of a waiver from the Bureau of Alcohol, Tobacco
7 [and], Firearms and Explosives of the Department of [the
8 Treasury] Justice.

9 (4) Have had the officer's fingerprints submitted by the
10 officer's employer to the Pennsylvania State Police for the
11 purposes of a background investigation[. The officer shall
12 have results of the investigation which indicate that the
13 requirements of paragraph (3) are met] and been found by the
14 Pennsylvania State Police to have met the requirements of
15 paragraph (3).

16 § 6308. County Probation Officers' Firearm Education and
17 Training Fund.

18 (a) Fund established.--The County Probation Officers'
19 Firearm Education and Training Fund is established as a
20 restricted receipts account within the General Fund. [Moneys]
21 Money from the fund shall be used exclusively for the purposes
22 described under this section.

23 (b) Costs imposed.--

24 (1) A person who accepts Accelerated Rehabilitative
25 Disposition or pleads guilty or nolo contendere or is
26 convicted of a felony or misdemeanor shall, in addition to
27 any other court costs imposed under the laws of this
28 Commonwealth, be sentenced to pay costs of \$5. Costs
29 collected by the clerk of courts under this subsection shall
30 be paid into the fund.

1 (2) [Moneys] Money in the fund shall be used to offset
2 or pay for:

3 (i) Training expenses.

4 (ii) Commission expenses.

5 (3) Disbursement and allocation of fund [moneys] money
6 shall be at the discretion of the commission.

7 (c) Other [moneys] money to be used.--In addition to payment
8 of training expenses as prescribed under subsection (b),
9 training expenses may also be paid out of the county offender
10 supervision fund under section 1102 of the act of November 24,
11 1998 (P.L.882, No.111), known as the Crime Victims Act, or any
12 other county fund.

13 (d) Juvenile probation officer participation.--In the event
14 that sufficient funds are not generated under the provisions of
15 subsection (b) to fully fund the costs of providing training to
16 juvenile probation officers, a training fee representing the
17 prorated share of the additional actual cost thereof shall be
18 payable by a participating juvenile probation officer's county
19 of employment.

20 § 7115. Interstate Compact for the Supervision of Adult
21 Offenders application fee.

22 (a) Duty to pay.--

23 * * *

24 (2) A person on State probation or parole who applies
25 for a transfer to another state through the [interstate
26 compact] Interstate Compact shall be required to pay an
27 application fee to the [board] department with each
28 application for transfer, unless the board finds that the
29 application fee should be reduced, waived or deferred based
30 upon the person's inability to pay.

1 * * *

2 (d) Disposition.--Money received from the collection of the
3 application fee shall be paid into the State Treasury and shall
4 be credited to the general government operations of the [board]
5 department for expenses incurred in the administration of the
6 [interstate compact] Interstate Compact.

7 * * *

8 § 7121. Deputization.

9 (a) General rule.--The [chairperson of the Pennsylvania
10 Board of Probation and Parole] secretary may deputize any person
11 to act as an officer and agent of the Commonwealth in effecting
12 the return of any person who has violated the terms and
13 conditions of parole or probation as granted by the
14 Commonwealth. In any matter relating to the return of such
15 person, an agent so deputized has all the powers of a police
16 officer of this Commonwealth.

17 (b) Evidence of deputization.--A deputization under this
18 section must be in writing and a person authorized to act as an
19 agent of the Commonwealth under that authority shall carry
20 formal evidence of the deputization and shall produce it on
21 demand.

22 (c) Interstate contracts.--

23 (1) The [chairperson of the Pennsylvania Board of
24 Probation and Parole] secretary or a designee may, subject to
25 the approval of the Auditor General, enter into contracts
26 with similar officials of any other state for the purpose of
27 sharing an equitable portion of the cost of effecting the
28 return of any person who has violated the terms and
29 conditions of parole or probation as granted by the
30 Commonwealth.

1 (2) All interstate contracts entered into prior to the
2 effective date of this paragraph are ratified and shall
3 continue in effect according to their respective terms.

4 § 7122. Supervision of persons paroled by other states.

5 (a) General rule.--In compliance with the Federal interstate
6 compact laws and the provisions of this section, the [board]
7 department may supervise persons who are paroled by other states
8 and reside in this Commonwealth, where such other states agree
9 to perform similar services for the [board] department.

10 (b) Witness Protection Program.--The [board] department may
11 relinquish jurisdiction over [a parolee] an offender to the
12 proper Federal authorities where the [parolee] offender is
13 placed into the Witness Protection Program of the United States
14 Department of Justice.

15 (c) Applicability.--The provisions of this section shall
16 apply only to those persons under the supervision of the [board]
17 department.

18 * * *

19 (e) Definitions.--As used in this section, the following
20 words and phrases shall have the meaning given to them in this
21 subsection unless the context clearly indicates otherwise:

22 ["Board." The Pennsylvania Board of Probation and Parole.]

23 "Sexual offense."

24 (1) Any of the following offenses or an equivalent
25 offense that is classified as a felony and involves a victim
26 who is a minor:

27 18 Pa.C.S. § 2901 (relating to kidnapping).

28 18 Pa.C.S. § 5902(a) (relating to prostitution and
29 related offenses).

30 18 Pa.C.S. § 5903(a) (3), (4), (5) or (6) (relating to

1 obscene and other sexual materials and performances).

2 (2) Any of the following offenses or an equivalent
3 offense that is classified as a felony and involves a victim
4 who is younger than 13 years of age:

5 18 Pa.C.S. § 3126 (relating to indecent assault).

6 (3) Any of the following offenses or an equivalent
7 offense, regardless of the victim's age:

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

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

11 18 Pa.C.S. § 3125 (relating to aggravated indecent
12 assault).

13 "Violent offense."

14 (1) Any of the following offenses or an equivalent
15 offense:

16 18 Pa.C.S. § 2502 (relating to murder).

17 18 Pa.C.S. § 2503 (relating to voluntary
18 manslaughter).

19 18 Pa.C.S. § 2702 (relating to aggravated assault).

20 18 Pa.C.S. § 2703 (relating to assault by prisoner).

21 18 Pa.C.S. § 2704 (relating to assault by life
22 prisoner).

23 18 Pa.C.S. § 2901 (relating to kidnapping) where the
24 victim is a minor.

25 18 Pa.C.S. § 3121 (relating to rape).

26 18 Pa.C.S. § 3123 (relating to involuntary deviate
27 sexual intercourse).

28 18 Pa.C.S. § 3301 (relating to arson and related
29 offenses).

30 18 Pa.C.S. § 3502 (relating to burglary).

1 18 Pa.C.S. § 3701 (relating to robbery).

2 18 Pa.C.S. § 3923 (relating to theft by extortion)

3 where a threat of violence is made.

4 (2) A criminal attempt, criminal solicitation or
5 criminal conspiracy to commit any offenses set forth in this
6 definition.

7 "Other verifiable means of support." The term includes, but
8 is not limited to, support by parent, grandparent, sibling,
9 spouse or adult child. The term does not include public
10 assistance.

11 Section 25. The following shall apply to transfers:

12 (1) The Pennsylvania Board of Probation and Parole and
13 the functions, powers and duties of the Pennsylvania Board of
14 Probation and Parole are transferred to the Department of
15 Criminal Justice.

16 (2) Upon approval of the Governor, the following are
17 transferred to the Department of Criminal Justice, to be
18 used, employed and expended in connection with the functions,
19 powers and duties transferred under paragraph (1):

20 (i) Personnel, contract obligations, records, files,
21 property, supplies and equipment being used or held on
22 the effective date of this section in connection with
23 the functions, powers and duties transferred under
24 paragraph (1).

25 (ii) Unexpended balances of appropriations,
26 allocations and other funds available or to be made
27 available for use in connection with the functions,
28 powers and duties transferred under paragraph (1).

29 Section 26. Any reference in law to a parole agent or
30 supervision staff shall be deemed a reference to an agent as

1 defined herein.

2 Section 27. The following shall apply:

3 (1) The appropriation for the Office of Victim Advocate
4 must be in a separate line item and shall be under the
5 jurisdiction of the victim advocate appointed under section
6 301(b) of the act of November 24, 1998 (P.L.882, No.111),
7 known as the Crime Victims Act.

8 (2) The appropriation for the Pennsylvania Parole Board
9 must be in a separate line item.

10 Section 28. Within one year of the effective date of this
11 section, the Pennsylvania Commission on Crime and Delinquency
12 shall conduct and complete a study to analyze and determine
13 which community correction centers, community corrections
14 facilities or community contract facilities have been successful
15 in reducing recidivism and to identify which individual and
16 program level characteristics, if any, are significantly more
17 likely to produce reductions in recidivism. The study shall
18 further include data regarding the number and percentage of
19 offenders who recidivate by facility and the types of crimes
20 committed following release or absconding. The commission shall
21 also determine to what extent recommendations from its prior
22 study, Community Corrections Centers, Parolees, and Recidivism:
23 An Investigation into the Characteristics of Effective Reentry
24 Programs in Pennsylvania, have been implemented and the effect
25 of the implementation in reducing recidivism.

26 Section 29. This act shall take effect ~~in one year~~
27 IMMEDIATELY.

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