

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1070 Session of 2018

INTRODUCED BY GREENLEAF, LEACH, VULAKOVICH, HUGHES, SCHWANK, YUDICHAK, BROWNE AND MENSCH, MARCH 12, 2018

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, MARCH 19, 2018

AN ACT

1 Amending the act of November 22, 1978 (P.L.1166, No.274),
2 entitled "An act establishing the Pennsylvania Commission on
3 Crime and Delinquency, providing for its powers and duties
4 establishing several advisory committees within the
5 commission and providing for their powers and duties,"
6 providing for County Adult Probation and Parole Advisory
7 Committee, for justice reinvestment grants, phase 2 and for
8 continuing county probation and parole grants; making an
9 appropriation; and making a related repeal.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The act of November 22, 1978 (P.L.1166, No.274),
13 referred to as the Pennsylvania Commission on Crime and
14 Delinquency Law, is amended by adding sections to read:

15 Section 6.1. County Adult Probation and Parole Advisory
16 Committee.

17 (a) Establishment.--The County Adult Probation and Parole
18 Advisory Committee is established within the commission.

19 (b) Composition.--The committee shall consist of the
20 following members:

21 (1) The Chairperson of the Board of Probation and Parole

1 or a designee, who shall serve as an ex officio and nonvoting
2 member.

3 (2) The Chairperson of the Juvenile Court Judges
4 Commission or a designee, who shall serve as an ex officio
5 and nonvoting member.

6 (3) The Executive Director of the Pennsylvania
7 Commission on Sentencing, or a designee, who shall serve as
8 an ex officio and nonvoting member.

9 (4) The Executive Director of the County Commissioners
10 Association of Pennsylvania or a designee.

11 (5) The President of the County Chief Adult Probation
12 and Parole Officers Association of Pennsylvania or a
13 designee.

14 (6) The Victim Advocate.

15 (7) The Court Administrator of Pennsylvania or a
16 designee.

17 (8) A district attorney and a chief defender appointed
18 by the Chief Justice of Pennsylvania.

19 (9) A county chief probation and parole officer
20 appointed by the Chief Justice of Pennsylvania.

21 (10) A county commissioner or a home rule equivalent
22 appointed by the Governor.

23 (11) Seven judges of the courts of common pleas who
24 serve in the criminal court area and are representative of
25 the geographic and demographic diversity of this
26 Commonwealth, appointed by the Chief Justice of Pennsylvania.

27 (c) Initial appointments to committee.--

28 (1) As designated by the Chief Justice of Pennsylvania
29 at the time of appointment and until successors are
30 appointed, the following shall apply to appointees initially

1 appointed under subsection (b)(8), (9) and (11):

2 (i) Four appointees shall serve an initial term of
3 two years.

4 (ii) Three appointees shall serve an initial term of
5 three years.

6 (iii) Three appointees shall serve an initial term
7 of four years.

8 (2) An appointment to fill a vacancy created by a member
9 appointed in accordance with paragraph (1) shall be for the
10 remainder of the unexpired term.

11 (3) Members appointed under subsection (b)(1), (2), (3),
12 (4), (5), (6) and (7) shall serve by virtue of the member's
13 office, and the member's term shall be concurrent with the
14 member's service in the office.

15 (d) Terms of office.--Upon the expiration of a term of a
16 member appointed under subsection (c)(1), a member may be
17 appointed for no more than one additional consecutive term of
18 four years.

19 (e) Conditions of appointment.--The committee and the
20 committee's members are subject to the same limitations and
21 conditions imposed upon the commission under section 2(d), (e),
22 (h), (i), (m) and (n).

23 (f) Quorum.--A majority of the voting members shall
24 constitute a quorum and a vote of the majority of the voting
25 members present shall be sufficient for all actions.

26 (g) Committee chair.--The chairperson of the commission
27 shall appoint a committee chair from among the judges on the
28 committee, who shall serve at the pleasure of the chairperson. A
29 vice committee chair shall be designated by the committee chair
30 and shall preside at meetings in the chair's absence. The

1 committee shall meet at the call of the committee chair, but not
2 less than four times per year.

3 (h) Powers and duties.--The County Adult Probation and
4 Parole Advisory Committee, with the review and approval of the
5 commission, shall:

6 (1) Review and comment on grant applications for county
7 intermediate punishment programs or discretionary grants.

8 (2) Develop a funding plan for county adult probation
9 and parole departments that includes county intermediate
10 punishment programs, discretionary grants and a funding
11 formula. Counties supervising larger numbers of individuals
12 with significant risk and need scores shall receive greater
13 consideration in grant awards. The committee shall consider
14 the following in developing the funding formula:

15 (i) The number of people in the county that were
16 sentenced to probation supervision in the prior year.

17 (ii) The number of people in the county that were
18 under judicial supervision in pretrial status in the
19 community in the prior year.

20 (iii) The number of people in the county that were
21 placed under county probation supervision following
22 county incarceration in the prior year.

23 (iv) The offense gravity and prior record scores of
24 persons in the county under the supervision of county
25 probation in the prior year.

26 (v) The risk and need scores of persons in the
27 county under the supervision of county probation, as
28 determined through the use of a validated and commission-
29 approved instrument.

30 (vi) The county's submission of data to the

1 Pennsylvania Commission on Sentencing, and the
2 commission's certification of the county's compliance
3 with guidelines and the county's current intermediate
4 punishment plan for imposing restrictive conditions.

5 (3) Advise on all matters pertaining to the
6 administration of the county adult probation and parole
7 system.

8 (4) Analyze data to identify trends and to determine the
9 effectiveness of programs and practices to ensure the
10 reasonable and efficient administration of the county adult
11 probation and parole system.

12 (5) Make recommendations and adopt standards for
13 probation and parole personnel, including standards for
14 services, caseload standards, risk assessment, responses to
15 violations and other evidence-based programs and practices.

16 (6) Assist the commission in the implementation of 42
17 Pa.C.S. Ch. 98 (relating to county intermediate punishment).

18 (7) Within one year of the effective date of this
19 section, absorb the funding, powers and duties of the County
20 Probation Officers' Firearm Education and Training Commission
21 established under 61 Pa.C.S. Ch. 63 (relating to county
22 probation officers' firearm education and training), appoint
23 a subcommittee with expertise comparable to that of the
24 current membership of the County Probation Officers' Firearm
25 Education and Training Commission and assume responsibility
26 and oversight for the FIREARM education and training of <--
27 county adult and juvenile probation and parole officers.

28 (8) Report annually to the Governor and General Assembly
29 on the distribution and use of funding under paragraphs (1)
30 and (2).

1 (i) Staff.--Staff support shall be made available to the
2 committee by the executive director in order to adequately
3 perform the duties provided for under this section.

4 (j) Authority not diminished.--This section may not be
5 interpreted to diminish the authority of a president judge in
6 supervising a county's probation and parole department.

7 Section 9.1. Justice reinvestment grants, phase 2.

8 (a) Justice Reinvestment Fund.--The Justice Reinvestment
9 Fund will be utilized to support programs and activities to
10 improve the delivery of criminal justice services within this
11 Commonwealth.

12 (b) Savings assessment.--For fiscal years 2019-2020, 2020-
13 2021, 2021-2022 and 2022-2023, the Office of the Budget shall
14 develop a formula to calculate the amount of savings to the
15 Department of Corrections in the prior fiscal year. The
16 calculation shall include implementation of short sentence <--
17 parole under 42 Pa.C.S. § 9771 (relating to modification or
18 revocation of order of probation). <--
19 FOLLOWING:

20 (1) IMPLEMENTATION OF SHORT SENTENCE PAROLE UNDER 61
21 PA.C.S. § 6137.5 (RELATING TO SHORT SENTENCE PAROLE);

22 (2) INCREASED USE OF THE STATE DRUG TREATMENT PROGRAM
23 UNDER 61 PA.C.S. CH. 41 (RELATING TO STATE DRUG TREATMENT
24 PROGRAM); OR

25 (3) USE OF SANCTIONS FOR TECHNICAL PAROLE VIOLATIONS
26 UNDER 61 PA.C.S. § 6138(C)(8) (RELATING TO VIOLATION OF TERMS
27 OF PAROLE).

28 (c) Deposit.--The following amounts shall be deposited into
29 the Justice Reinvestment Fund:

30 (1) In fiscal year 2018-2019, an amount of \$3,700,000.

1 (2) In fiscal year 2019-2020, an amount not to exceed
2 the greater of \$3,700,000 or 100% of the amount determined to
3 be savings in the prior fiscal year.

4 (3) In fiscal year 2020-2021, an amount not to exceed
5 the greater of \$10,250,000 or 50% of the amount determined to
6 be savings in the prior fiscal year.

7 (4) In fiscal years 2021-2022 and 2022-2023, an amount
8 in each year not to exceed the greater of \$20,250,000 or 50%
9 of the amount determined to be savings in the prior fiscal
10 year.

11 (d) Distributions.--For fiscal years 2018-2019, 2019-2020,
12 2020-2021, 2021-2022 and 2022-2023, the sum of \$250,000 shall be
13 distributed to the commission for the purpose of crime victim
14 compensation and the sum of \$500,000 shall be distributed to the
15 Pennsylvania Commission on Sentencing to implement risk
16 assessment and justice reinvestment sentencing features. The
17 remaining deposits in subsection (c) shall be distributed to the
18 commission for formula funding to county probation and parole
19 departments, as advised by the County Adult Probation and Parole
20 Advisory Committee under section 6.1.

21 (e) Restriction.--Grants awarded under this section shall be
22 annual grants and shall be used to supplement and not supplant
23 existing funding, including funding provided by county
24 governments.

25 (f) Expiration.--This section shall expire July 15, 2023.
26 Section 10.1. Continuing county probation and parole grants.

27 (a) General rule.--A county that provides adult probation
28 staff shall receive grant funding from the Commonwealth through
29 the commission for costs incurred by the county but only to the
30 extent that the staff and program meet the qualifications and

1 standards established by the commission.

2 (b) Appropriation.--

3 (1) For fiscal years 2017-2018, 2018-2019, 2019-2020,
4 2020-2021, 2021-2022 and 2022-2023, the sum of \$16,222,000
5 shall be appropriated to the commission for the purpose of
6 formula funding to county probation and parole departments,
7 as advised by the County Adult Probation and Parole Advisory
8 Committee under section 6.1.

9 (2) For fiscal year 2023-2024, the sum of \$35,722,000
10 shall be appropriated to the commission for the purpose of
11 formula funding to county probation and parole departments,
12 as advised by the County Adult Probation and Parole Advisory
13 Committee under section 6.1.

14 (3) Beginning in fiscal year 2024-2025 and annually
15 thereafter, the Commonwealth shall adjust the appropriation
16 to reflect the annual percentage change in the Consumer Price
17 Index for All Urban Consumers, published by the United States
18 Department of Commerce, Bureau of Labor Statistics, occurring
19 in the one-year period ending on January 1 immediately
20 preceding July 1.

21 (4) If insufficient funds are appropriated, each county
22 shall receive a prorated reduction in funding.

23 Section 2. Repeals are as follows:

24 (1) The General Assembly declares that the repeal under
25 paragraph (2) is necessary to effectuate the addition of
26 section 6.1 of the act.

27 (2) 61 Pa.C.S. Ch. 63 is repealed.

28 Section 3. Transfers shall be effectuated as follows:

29 (1) The functions, personnel, allocations,
30 appropriations, equipment, supplies, records, contracts,

1 rights and obligations of the County Probation Officers'
2 Firearm Education and Training Commission are transferred to
3 the County Adult Probation and Parole Advisory Committee. The
4 transfer under this paragraph has the same effect as if the
5 subjects of transfer had originally been those of the County
6 Adult Probation and Parole Advisory Committee.

7 (2) Personnel transferred under paragraph (1) shall
8 retain the same employment status held prior to transfer.
9 This paragraph includes:

- 10 (i) Civil Service classification.
- 11 (ii) Seniority.
- 12 (iii) Benefits.
- 13 (iv) Perquisites.

14 (3) Activities initiated under 61 Pa.C.S. Ch. 63 shall
15 continue and remain in full force and effect and may be
16 completed under section 6.1 of the act.

17 (4) Orders, regulations, rules and decisions which were
18 made under 61 Pa.C.S. Ch. 63 and which are in effect on the
19 effective date of section 2(2) of this act shall remain in
20 full force and effect until revoked, vacated or modified
21 under section 6.1 of the act.

22 (5) Contracts, obligations and collective bargaining
23 agreements entered into under 61 Pa.C.S. Ch. 63 are not
24 affected nor impaired by repeals under this act.

25 Section 4. A reference in a statute or regulation to the
26 County Probation Officers' Firearm Education and Training
27 Commission shall be deemed a reference to the County Adult
28 Probation and Parole Advisory Committee.

29 Section 5. This act shall take effect in 60 days.