

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1070 Session of 2018

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

AS AMENDED ON THIRD CONSIDERATION, APRIL 24, 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) AND (10) shall serve by virtue of the <--  
13 member's office, and the member's term shall be concurrent  
14 with the 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 all of the following:

17 (1) implementation of short sentence parole under 61  
18 Pa.C.S. § 6137.5 (relating to short sentence parole);

19 (2) increased use of the State drug treatment program  
20 under 61 Pa.C.S. Ch. 41 (relating to State drug treatment  
21 program); or

22 (3) use of sanctions for technical parole violations  
23 under 61 Pa.C.S. § 6138(c) (8) (relating to violation of terms  
24 of parole).

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

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

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

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

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

8           (d) Distributions.--For fiscal years 2018-2019, 2019-2020,  
9 2020-2021, 2021-2022 and 2022-2023, the sum of \$250,000 shall be  
10 distributed to the commission for the purpose of crime victim  
11 compensation and the sum of \$500,000 shall be distributed to the  
12 Pennsylvania Commission on Sentencing to implement risk  
13 assessment and justice reinvestment sentencing features. The  
14 remaining deposits in subsection (c) shall be distributed to the  
15 commission for formula funding to county probation and parole  
16 departments, as advised by the County Adult Probation and Parole  
17 Advisory Committee under section 6.1.

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

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

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

29           (b) Appropriation.--

30           (1) For fiscal years 2017-2018, 2018-2019, 2019-2020,

1 2020-2021, 2021-2022 and 2022-2023, the sum of \$16,222,000  
2 shall be appropriated to the commission for the purpose of  
3 formula funding to county probation and parole departments,  
4 as advised by the County Adult Probation and Parole Advisory  
5 Committee under section 6.1.

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

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

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

20 Section 2. Repeals are as follows:

21 (1) The General Assembly declares that the repeal under  
22 paragraph (2) is necessary to effectuate the addition of  
23 section 6.1 of the act.

24 (2) 61 Pa.C.S. Ch. 63 is repealed.

25 Section 3. Transfers shall be effectuated as follows:

26 (1) The functions, personnel, allocations,  
27 appropriations, equipment, supplies, records, contracts,  
28 rights and obligations of the County Probation Officers'  
29 Firearm Education and Training Commission are transferred to  
30 the County Adult Probation and Parole Advisory Committee. The



1 transfer under this paragraph has the same effect as if the  
2 subjects of transfer had originally been those of the County  
3 Adult Probation and Parole Advisory Committee.

4 (2) Personnel transferred under paragraph (1) shall  
5 retain the same employment status held prior to transfer.

6 This paragraph includes:

7 (i) Civil Service classification.

8 (ii) Seniority.

9 (iii) Benefits.

10 (iv) Perquisites.

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

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

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

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

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