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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1573 Session of  
2019

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INTRODUCED BY McCLINTON, SCHEMEL, FRANKEL, SOLOMON, T. DAVIS,  
SCHLOSSBERG, JOHNSON-HARRELL, A. DAVIS, DeLUCA AND DAWKINS,  
JUNE 4, 2019

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REFERRED TO COMMITTEE ON JUDICIARY, JUNE 4, 2019

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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, for  
8 continuing county probation and parole grants and for county  
9 intermediate punishment funding; making an appropriation; and  
10 making a related repeal.

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

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

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

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

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

1           (1) The chairman of the Pennsylvania Board of Probation  
2 and Parole or a designee, who shall serve as an ex officio  
3 and nonvoting member.

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

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

10           (4) The President of the County Commissioners  
11 Association of Pennsylvania or a designee.

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

15           (6) The Victim Advocate.

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

18           (8) The President of the Pennsylvania District  
19 Attorneys' Association or a designee.

20           (8.1) The President of the Pennsylvania Association of  
21 Criminal Defense Lawyers or a designee.

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

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

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

30           (c) Initial appointments to committee.--

1       (1) As designated by the Chief Justice of Pennsylvania  
2 at the time of appointment and until successors are  
3 appointed, the following shall apply to appointees initially  
4 appointed under subsection (b) (9) and (11):

5           (i) Three appointees shall serve an initial term of  
6 two years.

7           (ii) Three appointees shall serve an initial term of  
8 three years.

9           (iii) Two appointees shall serve an initial term of  
10 four years.

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

14       (3) Members appointed under subsection (b) (1), (2), (3),  
15 (4), (5), (6), (7), (8), (8.1) and (10) shall serve by virtue  
16 of the member's office, and the member's term shall be  
17 concurrent with the member's service in the office.

18       (d) Terms of office.-- Except as provided in subsection (c)  
19 (1), the term of office of a member appointed under subsection  
20 (b) (9) or (11) shall be four years. No member shall be appointed  
21 for more than two consecutive terms.

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

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

29       (g) Committee chair.--The chairperson of the commission  
30 shall appoint a committee chair from among the judges on the

1 committee, who shall serve at the pleasure of the chairperson. A  
2 vice committee chair shall be designated by the committee chair  
3 and shall preside at meetings in the chair's absence. The  
4 committee shall meet at the call of the committee chair, but not  
5 less than four times per year.

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

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

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

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

20 (ii) The number of people in the county that were  
21 under judicial supervision in pretrial status in the  
22 community in the prior year.

23 (iii) The number of people in the county that were  
24 placed under county probation supervision following  
25 county incarceration in the prior year.

26 (iv) The offense gravity score and prior record  
27 score of persons in the county under the supervision of  
28 county probation in the prior year.

29 (v) The risk and need score of persons in the county  
30 under the supervision of county probation, as determined

1 through the use of a validated and commission-approved  
2 instrument.

3 (vi) The county's submission of data to the  
4 Pennsylvania Commission on Sentencing, and the  
5 commission's certification of the county's compliance  
6 with guidelines and the county's current intermediate  
7 punishment plan for imposing restrictive conditions.

8 (3) Advise on all matters pertaining to the  
9 administration of the county adult probation and parole  
10 system.

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

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

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

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

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

4           (i) Staff.--Staff support shall be made available to the  
5           committee by the executive director of the commission in order  
6           to adequately perform the duties provided for under this  
7           section.

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

11           Section 9.1. Justice reinvestment grants, phase 2.

12           (a) Justice Reinvestment Fund.--The Justice Reinvestment  
13           Fund will be utilized to support programs and activities to  
14           improve the delivery of criminal justice services within this  
15           Commonwealth.

16           (b) Savings assessment.--For fiscal years 2020-2021, 2021-  
17           2022, 2022-2023 and 2023-2024, the Office of the Budget shall  
18           develop a formula to calculate the amount of savings to the  
19           Department of Corrections in the prior fiscal year. The  
20           calculation shall include all of the following:

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

23                   (2) increased use of the State drug treatment program  
24                   under 61 Pa.C.S. Ch. 41 (relating to State intermediate  
25                   punishment); or

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

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

1           (1) In fiscal year 2020-2021, an amount not to exceed  
2 100% of the amount determined to be savings in the prior  
3 fiscal year.

4           (2) In fiscal year 2021-2022, an amount not to exceed  
5 50% of the amount determined to be savings in the prior  
6 fiscal year.

7           (3) In fiscal years 2022-2023 and 2023-2024, an amount  
8 in each year not to exceed 50% of the amount determined to be  
9 savings in the prior fiscal year.

10          (d) Distributions.--For fiscal years 2019-2020, 2020-2021,  
11 2021-2022, 2022-2023 and 2023-2024, the sum of \$250,000 shall be  
12 distributed to the commission for the purpose of crime victim  
13 compensation and the sum of \$400,000 shall be distributed to the  
14 Pennsylvania Commission on Sentencing to implement risk  
15 assessment and justice reinvestment sentencing features. The  
16 remaining deposits in subsection (c) shall be distributed to the  
17 commission for formula funding to county probation and parole  
18 departments, as advised by the County Adult Probation and Parole  
19 Advisory Committee under section 6.1.

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

24          (f) Expiration.--This section shall expire July 15, 2024.  
25 Section 10.1. Continuing county probation and parole grants.

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

1 (b) Appropriation.--

2 (1) For fiscal years 2018-2019, 2019-2020, 2020-2021,  
3 2021-2022, 2022-2023 and 2023-2024, the sum of \$16,222,000  
4 shall be appropriated to the commission for the purpose of  
5 formula funding to county probation and parole departments,  
6 as advised by the County Adult Probation and Parole Advisory  
7 Committee under section 6.1.

8 (2) For fiscal year 2024-2025, the sum of \$16,222,000  
9 plus 90% of the amount determined to be savings in the prior  
10 fiscal year shall be appropriated to the commission for the  
11 purpose of formula funding to county probation and parole  
12 departments, as advised by the County Adult Probation and  
13 Parole Advisory Committee under section 6.1.

14 (3) Beginning in fiscal year 2025-2026 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 10.2. County intermediate punishment funding.

24 The State appropriation for county intermediate punishment  
25 shall continue to be utilized to support programs under 42  
26 Pa.C.S. Ch. 98 (relating to county intermediate punishment).

27 Section 2. Repeals are as follows:

28 (1) The General Assembly declares that the repeal under  
29 paragraph (2) is necessary to effectuate the addition of  
30 section 6.1 of the act.



1 (2) 61 Pa.C.S. Ch. 63 is repealed.

2 Section 3. Transfers shall be effectuated as follows:

3 (1) The functions, personnel, allocations,  
4 appropriations, equipment, supplies, records, contracts,  
5 rights and obligations of the County Probation Officers'  
6 Firearm Education and Training Commission are transferred to  
7 the County Adult Probation and Parole Advisory Committee. The  
8 transfer under this paragraph has the same effect as if the  
9 subjects of transfer had originally been those of the County  
10 Adult Probation and Parole Advisory Committee.

11 (2) Personnel transferred under paragraph (1) shall  
12 retain the same employment status held prior to transfer.  
13 This paragraph includes:

14 (i) Civil service classification.

15 (ii) Seniority.

16 (iii) Benefits.

17 (iv) Perquisites.

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

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

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

29 Section 4. A reference in a statute or regulation to the  
30 County Probation Officers' Firearm Education and Training

1 Commission shall be deemed a reference to the County Adult  
2 Probation and Parole Advisory Committee.  
3 Section 5. This act shall take effect in 60 days.