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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1574 Session of  
2019

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INTRODUCED BY SCHEMEL, McCLINTON, 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 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 powers and duties, for adoption of guidelines  
5 for sentencing, for adoption of guidelines for county  
6 intermediate punishment, for adoption of guidelines for State  
7 intermediate punishment and for adoption of risk assessment  
8 instrument; in sentencing, further providing for sentencing  
9 generally, for order of probation, for sentence of partial  
10 confinement, for sentence of total confinement, for sentence  
11 of county intermediate punishment, for information required  
12 upon commitment and subsequent disposition, for modification  
13 or revocation of order of probation, for court-imposed  
14 sanctions for offenders violating probation, for modification  
15 or revocation of county intermediate punishment sentence and  
16 for revocation of State intermediate punishment sentence; in  
17 county intermediate punishment, further providing for county  
18 intermediate punishment programs and for continued  
19 eligibility; in motivational boot camp, further providing for  
20 definitions, for selection of inmate participants and for  
21 motivational boot camp program; in State intermediate  
22 punishment, further providing for scope of chapter, for  
23 definitions, for referral to State intermediate punishment  
24 program, for drug offender treatment program and for reports;  
25 in recidivism risk reduction incentive, further providing for  
26 definitions, for evaluation and for reports; in Pennsylvania  
27 Board of Probation and Parole, further providing for  
28 definitions, for advisory committee, for general powers of  
29 board, for probation services and for parole power, providing  
30 for short sentence parole, further providing for violation of  
31 terms of parole and for parole procedure; and making  
32 conforming amendments.

1 The General Assembly of the Commonwealth of Pennsylvania  
2 hereby enacts as follows:

3 Section 1. Section 2153(a) of Title 42 of the Pennsylvania  
4 Consolidated Statutes is amended by adding a paragraph and the  
5 section is amended by adding a subsection to read:

6 § 2153. Powers and duties.

7 (a) General rule.--The commission, pursuant to rules and  
8 regulations, shall have the power to:

9 \* \* \*

10 (16) Report to the General Assembly on:

11 (i) implementation of revisions to the guidelines  
12 under sections 2154 (relating to adoption of guidelines  
13 for sentencing) and 2154.1 (relating to adoption of  
14 guidelines for restrictive conditions);

15 (ii) implementation and outcomes of justice  
16 reinvestment funding to county probation;

17 (iii) use of court-imposed sanctions for violating  
18 probation under section 9771.1 (relating to court-imposed  
19 sanctions for violating probation);

20 (iv) in consultation with the Office of the Budget  
21 and the Department of Corrections, the implementation of  
22 short sentence parole under 61 Pa.C.S. § 6137.1 (relating  
23 to short sentence parole), use of the State drug  
24 treatment program under 61 Pa.C.S. Ch. 41 (relating to  
25 State drug treatment program) and use of sanctions for  
26 technical parole violations under 61 Pa.C.S. § 6138(c)(8)  
27 (relating to violation of terms of parole); and

28 (v) evaluations of the effectiveness of various  
29 criminal justice interventions and programming, including  
30 restrictive conditions of probation, recidivism risk

1 reduction incentive programs, the State drug treatment  
2 program, the State motivational boot camp program,  
3 pretrial diversion programs, prisoner treatment programs  
4 and prisoner reentry programs. For evaluations of the  
5 effectiveness of programs in reducing recidivism, the  
6 commission shall report on:

7 (A) The number of individuals eligible for the  
8 program, the number of individuals participating in  
9 the program and the number of individuals who  
10 successfully completed the program during the period  
11 under study.

12 (B) The recidivism rates for participants of the  
13 program and for a comparison group of individuals who  
14 did not participate in the program.

15 (C) Potential changes in the program that the  
16 commission believes would make the program more  
17 effective.

18 (D) Any other information the commission deems  
19 relevant.

20 \* \* \*

21 (d) Hearings.--The General Assembly shall convene hearings  
22 in the appropriate committees to hear and deliberate upon  
23 reports under subsection (a)(16).

24 Section 2. Sections 2154 and 2154.1 of Title 42 are amended  
25 to read:

26 § 2154. Adoption of guidelines for sentencing.

27 (a) General rule.--The commission shall adopt guidelines for  
28 sentencing within the limits established by law which shall be  
29 considered by the sentencing court in determining the  
30 appropriate sentence for defendants who plead guilty or nolo

1 contendere to, or who were found guilty of, felonies and  
2 misdemeanors. In adopting guidelines, the commission shall  
3 recommend confinement that is consistent with the protection of  
4 the public, the gravity of the offense as it relates to the  
5 impact on the life of the victim and the community and the  
6 rehabilitative needs of the offender. The guidelines shall  
7 address the following retributive factors:

8 (1) Seriousness of the offense, by specifying the range  
9 of sentences applicable to crimes of a given degree of  
10 gravity[, including incapacitation of serious violent  
11 offenders].

12 (2) Criminal history, by specifying a range of sentences  
13 of increased severity or intensity of intervention for  
14 offenders previously convicted of or adjudicated delinquent  
15 for one or more misdemeanor or felony offenses committed  
16 prior to the current offense. The commission may exclude or  
17 reduce the valuation of less serious offenses and increase  
18 the valuation of offenses committed while under supervision  
19 or in a temporal or offense pattern.

20 (3) Criminal behavior, by specifying a range of  
21 sentences of increased severity or intensity of intervention  
22 for offenders [who pose a substantial risk to public safety]  
23 with increased culpability, including those who possessed or  
24 used a deadly weapon or inflicted substantial harm during the  
25 commission of the current conviction offense.

26 (4) Aggravated and mitigated ranges, by specifying  
27 variations from the range of sentences applicable on account  
28 of aggravating or mitigating circumstances.

29 (5) The impact of any amendments to section 9756  
30 (relating to sentence of total confinement).

1 (b) Adjustments.--The guidelines shall include the following  
2 risk-related adjustments:

3 (1) Incapacitation of serious violent offenders.

4 (2) Modifications to criminal history to reflect risk to  
5 reoffend and substantial risk to public safety to adjust the  
6 length of total confinement for more serious criminal  
7 history.

8 (3) Recommendations related to the use of county  
9 intermediate punishment programs as restrictive conditions of  
10 probation.

11 (c) Interactive information.--The guidelines shall include  
12 interactive information to support decisions with risk,  
13 recidivism and cost information.

14 (d) 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 "Possessed." On a defendant's person or within the  
18 defendant's immediate physical control.

19 "Previously convicted of or adjudicated delinquent." Any  
20 finding of guilt or adjudication of delinquency, whether or not  
21 sentence has been imposed or disposition ordered prior to the  
22 commission of the current offense.

23 § 2154.1. Adoption of guidelines for [county intermediate  
24 punishment] restrictive conditions.

25 (a) General rule.--The commission shall adopt guidelines to  
26 identify offenders who would be eligible and appropriate for  
27 [participation in county intermediate punishment programs]  
28 restrictive conditions of probation. These guidelines shall be  
29 considered by the sentencing court in determining whether to  
30 [sentence an offender] impose restrictive conditions pursuant to

1 section 9763 (relating to [sentence of county intermediate  
2 punishment] conditions of probation). The guidelines shall[:

3 (1) Use the description of "eligible offender" provided  
4 in Chapter 98 (relating to county intermediate punishment).

5 (2) Give] give primary consideration to reducing  
6 recidivism for the protection of the public safety.

7 (b) Compliance.--The commission shall certify compliance  
8 with guidelines adopted by the commission for county  
9 intermediate punishment or for imposing restrictive conditions  
10 of probation and with related statutory requirements and report  
11 the results to the Pennsylvania Commission on Crime and  
12 Delinquency.

13 Section 3. Section 2154.2 of Title 42 is repealed:

14 [§ 2154.2. Adoption of guidelines for State intermediate  
15 punishment.

16 The commission shall adopt guidelines to identify offenders  
17 who would be appropriate for participation in State intermediate  
18 punishment programs. These guidelines shall be considered by the  
19 attorney for the Commonwealth and the sentencing court in  
20 determining whether to commit a defendant for evaluation and  
21 whether to sentence an eligible offender pursuant to 61 Pa.C.S.  
22 Ch. 41 (relating to State intermediate punishment). The  
23 guidelines shall:

24 (1) Use the description of "eligible offender" provided  
25 in 61 Pa.C.S. Ch. 41.

26 (2) Give primary consideration to protection of the  
27 public safety.]

28 Section 4. Sections 2154.7(d), 9721(a), (a.1) and (b), 9754,  
29 9755(d) and (h), 9756(c.1), 9763 heading, (a), (b)(14), (16) and  
30 (17), (c) and (d), 9764(f), 9771(a) and (b) and 9771.1 of Title

1 42 are amended to read:

2 § 2154.7. Adoption of risk assessment instrument.

3 \* \* \*

4 (d) Alternative sentencing.--Subject to the eligibility  
5 requirements of each program, the risk assessment instrument may  
6 be an aide to help determine:

7 (1) for persons under supervision, intensity of  
8 intervention, use of restrictive conditions and duration of  
9 supervision; and

10 (2) appropriate candidates for alternative sentencing,  
11 including the recidivism risk reduction incentive, State [and  
12 county intermediate punishment programs] drug treatment  
13 program and State motivational boot camps.

14 \* \* \*

15 § 9721. Sentencing generally.

16 (a) General rule.--In determining the sentence to be imposed  
17 the court shall, except as provided in subsection (a.1),  
18 consider and select one or more of the following alternatives,  
19 and may impose them consecutively or concurrently:

- 20 (1) An order of probation.  
21 (2) A determination of guilt without further penalty.  
22 (3) Partial confinement.  
23 (4) Total confinement.  
24 (5) A fine.  
25 [(6) County intermediate punishment.  
26 (7) State intermediate punishment.]

27 (a.1) Exception.--

28 (1) Unless specifically authorized under section 9763  
29 (relating to [a sentence of county intermediate punishment])  
30 or 61 Pa.C.S. Ch. 41 (relating to State intermediate

1 punishment)] conditions of probation), subsection (a) shall  
2 not apply where a mandatory minimum sentence is otherwise  
3 provided by law.

4 (2) [An eligible offender may be sentenced to State  
5 intermediate punishment pursuant to subsection (a)(7) and as  
6 described in 61 Pa.C.S. Ch. 41 or to] A person may be  
7 eligible for the State drug treatment program or State  
8 motivational boot camp as described in 61 Pa.C.S. Ch. 39  
9 (relating to motivational boot camp), even if a mandatory  
10 minimum sentence would otherwise be provided by law.

11 (3) An eligible [offender] person may be sentenced to  
12 total confinement pursuant to subsection (a)(4) and a  
13 recidivism risk reduction incentive minimum sentence pursuant  
14 to section 9756(b.1) (relating to sentence of total  
15 confinement), even if a mandatory minimum sentence would  
16 otherwise be provided by law.

17 (b) General standards.--In selecting from the alternatives  
18 set forth in subsection (a), the court shall follow the general  
19 principle that the sentence imposed should call for total  
20 confinement that is consistent with section 9725 (relating to  
21 total confinement) and the protection of the public, the gravity  
22 of the offense as it relates to the impact on the life of the  
23 victim and on the community, and the rehabilitative needs of the  
24 defendant. The court shall also consider any guidelines for  
25 sentencing and resentencing adopted by the Pennsylvania  
26 Commission on Sentencing and taking effect under section 2155  
27 (relating to publication of guidelines for sentencing,  
28 resentencing and parole, risk assessment instrument and  
29 recommitment ranges following revocation). In every case in  
30 which the court imposes a sentence for a felony or misdemeanor,



1 modifies a sentence, resentences [an offender] a person  
2 following revocation of probation[, county intermediate  
3 punishment or State intermediate punishment] or resentences  
4 following remand, the court shall make as a part of the record,  
5 and disclose in open court at the time of sentencing, a  
6 statement of the reason or reasons for the sentence imposed. In  
7 every case where the court imposes a sentence or resentence  
8 outside the guidelines adopted by the Pennsylvania Commission on  
9 Sentencing under sections 2154 (relating to adoption of  
10 guidelines for sentencing), 2154.1 (relating to adoption of  
11 guidelines for [county intermediate punishment), 2154.2  
12 (relating to adoption of guidelines for State intermediate  
13 punishment)] restrictive conditions), 2154.3 (relating to  
14 adoption of guidelines for fines), 2154.4 (relating to adoption  
15 of guidelines for resentencing) and 2154.5 (relating to adoption  
16 of guidelines for parole) and made effective under section 2155,  
17 the court shall provide a contemporaneous written statement of  
18 the reason or reasons for the deviation from the guidelines to  
19 the commission, as established under section 2153(a) (14)  
20 (relating to powers and duties). Failure to comply shall be  
21 grounds for vacating the sentence or resentence and resentencing  
22 the defendant.

23 \* \* \*

24 § 9754. Order of probation.

25 (a) General rule.--In imposing an order of probation the  
26 court shall specify at the time of sentencing the length of any  
27 term during which the defendant is to be supervised, which term  
28 may not exceed the maximum term for which the defendant could be  
29 confined, and the authority that shall conduct the supervision.  
30 The court shall consider probation guidelines adopted by the

1 Pennsylvania Commission on Sentencing under sections 2154  
2 (relating to adoption of guidelines for sentencing) and 2154.1  
3 (relating to adoption of guidelines for restrictive conditions).

4 (b) Conditions generally.--The court shall attach [such of  
5 the reasonable conditions authorized by subsection (c) of this  
6 section as it deems necessary to insure or assist the defendant  
7 in leading a law-abiding life.

8 (c) Specific conditions.--The court may as a condition of  
9 its order require the defendant:

10 (1) To meet his family responsibilities.

11 (2) To devote himself to a specific occupation or  
12 employment.

13 (2.1) To participate in a public or nonprofit community  
14 service program unless the defendant was convicted of murder,  
15 rape, aggravated assault, arson, theft by extortion,  
16 terroristic threats, robbery or kidnapping.

17 (3) To undergo available medical or psychiatric  
18 treatment and to enter and remain in a specified institution,  
19 when required for that purpose.

20 (4) To pursue a prescribed secular course of study or  
21 vocational training.

22 (5) To attend or reside in a facility established for  
23 the instruction, recreation, or residence of persons on  
24 probation.

25 (6) To refrain from frequenting unlawful or disreputable  
26 places or consorting with disreputable persons.

27 (7) To have in his possession no firearm or other  
28 dangerous weapon unless granted written permission.

29 (8) To make restitution of the fruits of his crime or to  
30 make reparations, in an amount he can afford to pay, for the

1 loss or damage caused thereby.

2 (9) To remain within the jurisdiction of the court and  
3 to notify the court or the probation officer of any change in  
4 his address or his employment.

5 (10) To report as directed to the court or the probation  
6 officer and to permit the probation officer to visit his  
7 home.

8 (11) To pay such fine as has been imposed.

9 (12) To participate in drug or alcohol treatment  
10 programs.

11 (13) To satisfy any other conditions reasonably related  
12 to the rehabilitation of the defendant and not unduly  
13 restrictive of his liberty or incompatible with his freedom  
14 of conscience.

15 (14) To remain within the premises of his residence  
16 during the hours designated by the court.] reasonable  
17 conditions authorized by section 9763 (relating to conditions  
18 of probation).

19 (d) Sentence following violation of probation.--The sentence  
20 to be imposed in the event of the violation of a condition shall  
21 not be fixed prior to a finding on the record that a violation  
22 has occurred.

23 § 9755. Sentence of partial confinement.

24 \* \* \*

25 (d) Conditions to release.--The court may in addition  
26 include in its order such of the conditions as are enumerated in  
27 section [9754 (relating to order of probation)] 9763 (relating  
28 to conditions of probation) as may be reasonably related to the  
29 sentence.

30 \* \* \*

1 (h) Sentence of partial confinement combined with [sentence  
2 of county intermediate punishment] probation.--The court may  
3 impose a sentence of partial confinement without parole under  
4 this subsection only when:

5 (1) the period of partial confinement is followed  
6 immediately by [a sentence] restrictive conditions of  
7 probation imposed pursuant to section 9763 (relating to  
8 [sentence of county intermediate punishment]) conditions of  
9 probation) in which case the sentence of partial confinement  
10 shall specify the number of days of partial confinement to be  
11 served; and

12 (2) the maximum sentence of partial confinement imposed  
13 on one or more indictments to run consecutively or  
14 concurrently total 90 days or less.

15 § 9756. Sentence of total confinement.

16 \* \* \*

17 (c.1) Sentence of total confinement combined with [sentence  
18 of county intermediate punishment] probation.--The court may  
19 impose a sentence of imprisonment without parole under this  
20 subsection only when:

21 (1) the period of total confinement is followed  
22 immediately by [a sentence] restrictive conditions of  
23 probation imposed pursuant to section 9763(c) or (d)  
24 (relating to [sentence of county intermediate punishment])  
25 conditions of probation) in which case the sentence of total  
26 confinement shall specify the number of days of total  
27 confinement also to be served; and

28 (2) the maximum sentence of total confinement imposed on  
29 one or more indictments to run consecutively or concurrently  
30 total 90 days or less.

1 \* \* \*

2 § 9763. [Sentence of county intermediate punishment] Conditions  
3 of probation.

4 (a) General rule.--In imposing [a sentence of county  
5 intermediate punishment] probation, the court shall consider  
6 guidelines adopted by the Pennsylvania Commission on Sentencing  
7 under section 2154 (relating to adoption of guidelines for  
8 sentencing) or 2154.1 (relating to adoption of guidelines for  
9 restrictive conditions) and specify at the time of sentencing  
10 the conditions of probation, including the length of the term  
11 [for which the defendant is to be in a county intermediate  
12 punishment program established under Chapter 98 (relating to  
13 county intermediate punishment) or a combination of county  
14 intermediate punishment programs. The term may not exceed the  
15 maximum term for which the defendant could be confined and the  
16 program to which the defendant is sentenced. The court may order  
17 a defendant to serve a portion of the sentence under section  
18 9755 (relating to sentence of partial confinement) or 9756  
19 (relating to sentence of total confinement) and to serve a  
20 portion in a county intermediate punishment program or a  
21 combination of county intermediate punishment programs.] of  
22 restrictive conditions under subsection (c) or (d). The term of  
23 restrictive conditions under subsection (c) shall be equal to or  
24 greater than the mandatory minimum term of imprisonment required  
25 by statute.

26 (b) Conditions generally.--The court may attach any of the  
27 following conditions upon the defendant as it deems necessary:

28 \* \* \*

29 (14) To participate in drug or alcohol screening and  
30 treatment programs, including outpatient [and inpatient]

1 programs.

2 \* \* \*

3 [(16) To remain within the premises of the defendant's  
4 residence during the hours designated by the court.]

5 (17) To be subject to electronic monitoring.]

6 (c) [Restriction] Restrictive DUI probation conditions.--

7 (1) Any person receiving a penalty imposed pursuant to  
8 75 Pa.C.S. § 1543(b) (relating to driving while operating  
9 privilege is suspended or revoked), former 75 Pa.C.S. § 3731  
10 (relating to driving under influence of alcohol or controlled  
11 substance) or 75 Pa.C.S. § 3804 (relating to penalties) for a  
12 first, second or third offense under 75 Pa.C.S. Ch. 38  
13 (relating to driving after imbibing alcohol or utilizing  
14 drugs) may only [be sentenced to county intermediate  
15 punishment] have probation imposed after undergoing an  
16 assessment under 75 Pa.C.S. § 3814 (relating to drug and  
17 alcohol assessments).

18 (2) If the defendant is determined to be in need of drug  
19 and alcohol treatment, the defendant may only [be sentenced  
20 to county intermediate punishment which] have probation that  
21 includes participation in drug and alcohol treatment under 75  
22 Pa.C.S. § 3815(c) (relating to mandatory sentencing). The  
23 defendant [may only be sentenced to county intermediate  
24 punishment in] shall have restrictive DUI probation  
25 conditions of:

26 (i) a residential inpatient program or a residential  
27 rehabilitative center;

28 (ii) house arrest with electronic surveillance;

29 (iii) a partial confinement program such as work  
30 release, work camp and halfway facility; or

1 (iv) any combination of the programs set forth in  
2 this paragraph.

3 (3) If the defendant is determined not to be in need of  
4 drug and alcohol treatment, the defendant [may only be  
5 sentenced to county intermediate punishment in] shall have  
6 restrictive DUI probation conditions of:

7 (i) house arrest with electronic surveillance;

8 (ii) partial confinement programs such as work  
9 release, work camps and halfway facilities; or

10 (iii) any combination of the programs set forth in  
11 this paragraph.

12 (4) If the defendant is determined to be in need of  
13 additional treatment under 75 Pa.C.S. § 3814(2), the judge  
14 shall impose a minimum sentence as provided by law and a  
15 maximum sentence equal to the statutorily available maximum.  
16 A sentence to the statutorily available maximum imposed under  
17 this subsection may, in the discretion of the sentencing  
18 court, be ordered to be served in a county prison,  
19 notwithstanding the provisions of section 9762 (relating to  
20 sentencing proceeding; place of confinement).

21 (d) [Sentence following violation of condition.--The  
22 sentence to be imposed in the event of the violation of a  
23 condition under subsection (b) shall not be imposed prior to a  
24 finding on the record that a violation has occurred.  
25 Notwithstanding any other provision of law requiring notice  
26 prior to sentencing, in the event of a violation of a condition  
27 under subsection (b), the attorney for the Commonwealth may file  
28 notice at any time prior to resentencing of the Commonwealth's  
29 intention to proceed under an applicable provision of law  
30 requiring a mandatory minimum sentence.] Restrictive conditions

1 of probation.--Probation may include restrictive conditions  
2 that:

3 (1) house the person full time or part time, including  
4 inpatient treatment; or

5 (2) significantly restrict the person's movement and  
6 monitor the person's compliance with the program, including  
7 electronic monitoring or home confinement.

8 § 9764. Information required upon commitment and subsequent  
9 disposition.

10 \* \* \*

11 (f) Release from county correctional facility to State  
12 probation or parole.--

13 (1) Prior to the release of an inmate from a county  
14 correctional facility to State probation or parole  
15 supervision, the facility shall provide to the Department of  
16 Corrections and the Pennsylvania Board of Probation and  
17 Parole the information contained in subsections [(a) (1)  
18 through (4)] (a) and (b) with the exception of subsection (a)  
19 (5).

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

26 \* \* \*

27 § 9771. Modification or revocation of order of probation.

28 (a) General rule.--The court [may] has inherent power to at  
29 any time terminate continued supervision or lessen [or increase]  
30 the conditions upon which an order of probation has been



1 imposed.

2 (b) Revocation.--The court may increase the conditions,  
3 impose a brief sanction under section 9771.1 (relating to court-  
4 imposed sanctions for violating probation) or revoke an order of  
5 probation upon proof of the violation of specified conditions of  
6 the probation. Upon revocation the sentencing alternatives  
7 available to the court shall be the same as were available at  
8 the time of initial sentencing, due consideration being given to  
9 the time spent serving the order of probation. The attorney for  
10 the Commonwealth may file notice at any time prior to  
11 resentencing of the Commonwealth's intention to proceed under an  
12 applicable provision of law requiring a mandatory minimum  
13 sentence.

14 \* \* \*

15 § 9771.1. Court-imposed sanctions for [offenders] violating  
16 probation.

17 (a) Program.--Notwithstanding the provisions of section 9771  
18 (relating to modification or revocation of order of probation),  
19 the court of common pleas of a judicial district may establish a  
20 program to impose swift, predictable and [immediate] brief  
21 sanctions on [offenders] persons who violate their probation.

22 [(b) Coordination with other officials.--The court shall  
23 work with probation administrators and officers, jail  
24 administrators, prosecutors, public defenders and law  
25 enforcement in the judicial district to develop and implement  
26 the program.]

27 (c) Eligibility.--

28 (1) The court shall determine which offenders are  
29 eligible for and admitted into the program. The program shall  
30 focus on, but not be limited to, offenders who have committed

1 drug-related crimes.

2 (2) An offender shall be ineligible for the program if  
3 the offender has been convicted or adjudicated delinquent of  
4 a crime of violence as defined in section 9714 (relating to  
5 sentences for second and subsequent offenses) or of a crime  
6 requiring registration under Subchapter H (relating to  
7 registration of sexual offenders).

8 (d) Warning hearing.--

9 (1) At the time of sentencing, the court shall hold a  
10 warning hearing for each participant in the program to  
11 clearly communicate program expectations and consequences and  
12 to encourage the participant's compliance and success.

13 (2) The court shall emphasize the expectations that the  
14 participant remain drug free and comply with any treatment or  
15 services ordered by the court as a condition of the  
16 participant's probation.

17 (3) The court shall put the participant on notice that  
18 each probation violation, including missed appointments and  
19 positive drug tests, will result in jail time as provided for  
20 under subsection (g).

21 (e) Drug testing.--The program shall require, when  
22 applicable, randomized drug testing.]

23 (f) Violation hearing.--If a participant commits a probation  
24 violation, the participant shall promptly be arrested, and a  
25 hearing shall be held no later than two business days after the  
26 arrest date.

27 (g) Sanctions.--

28 (1) The court shall impose a term of imprisonment of up  
29 to:

30 (i) three days for a first violation;

1 (ii) seven days for a second violation;  
2 (iii) fourteen days for a third violation; and  
3 (iv) twenty-one days for a fourth or subsequent  
4 violation of probation.

5 (2) The court may allow the term of imprisonment to be  
6 served on weekends or other nonwork days for employed  
7 probationers who have committed a first or second violation.

8 (3) The court may increase the conditions of probation,  
9 including additional substance abuse treatment for a  
10 participant who has failed one or more drug tests.

11 (h) Exceptions.--If the participant is able to provide a  
12 compelling reason for the probation violation, the court may  
13 grant an exception to the sanctions authorized under subsection  
14 (g).

15 (i) Revocation of probation.--

16 (1) After a third violation, the court may revoke the  
17 order of probation.

18 (2) Upon revocation, the sentencing alternatives shall  
19 be the same as were available at the time of initial  
20 sentencing, due consideration being given to the time spent  
21 serving the order of probation.

22 (j) Local rules.--

23 (1) The court may adopt local rules for the  
24 administration of this program. Except as provided for under  
25 paragraph (2), the local rules may not be inconsistent with  
26 this section or any rules adopted by the Supreme Court.

27 (2) The court may adopt local rules that are  
28 inconsistent with subsection (g) regarding the terms of  
29 imprisonment or other sanctions or conditions provided for  
30 under subsection (g).

1 Section 5. Sections 9773 and 9774 of Title 42 are repealed:

2 [§ 9773. Modification or revocation of county intermediate  
3 punishment sentence.

4 (a) General rule.--The court may at any time terminate a  
5 sentence of county intermediate punishment or increase or  
6 decrease the conditions of a sentence pursuant to section 9763  
7 (relating to sentence of county intermediate punishment).

8 (b) Revocation.--The court may revoke a sentence of county  
9 intermediate punishment upon proof of a violation of specific  
10 conditions of the sentence. Upon revocation and subject to  
11 section 9763(d), the sentencing alternatives available to the  
12 court shall be the same as the alternatives available at the  
13 time of initial sentencing. Upon a revocation of county  
14 intermediate punishment for any reason specified by law, the  
15 attorney for the Commonwealth may file notice, at any time prior  
16 to resentencing, of the Commonwealth's intention to proceed  
17 under an applicable provision of law requiring a mandatory  
18 minimum sentence. Consideration shall be given to the time  
19 served in the county intermediate punishment program.

20 (c) Hearing required.--A court shall not revoke or increase  
21 the conditions of a sentence of county intermediate punishment  
22 without a hearing at which the court shall consider the record  
23 of the initial sentencing proceeding as well as the conduct of  
24 the defendant while serving a sentence of county intermediate  
25 punishment. A hearing is not required to decrease the conditions  
26 of the sentence.

27 § 9774. Revocation of State intermediate punishment sentence.

28 (a) General rule.--The court may at any time terminate a  
29 sentence of State intermediate punishment pursuant to 61 Pa.C.S.  
30 Ch. 41 (relating to State intermediate punishment).

1 (b) Revocation.--The court shall revoke a sentence of State  
2 intermediate punishment if after a hearing it determines that  
3 the participant was expelled from or failed to complete the  
4 program.

5 (c) Proceedings upon revocation.--Upon revocation of a State  
6 intermediate punishment sentence, the sentencing alternatives  
7 available to the court shall be the same as the alternatives  
8 available at the time of initial sentencing. The attorney for  
9 the Commonwealth must file notice, at any time prior to  
10 resentencing, of the Commonwealth's intention to proceed under  
11 an applicable provision of law requiring a mandatory minimum  
12 sentence.]

13 Section 6. Sections 9804 and 9810(a) of Title 42 are amended  
14 to read:

15 § 9804. County intermediate punishment programs.

16 (a) Description.--County intermediate punishment [program  
17 options shall include the following:

18 (1) Restrictive intermediate punishments providing for  
19 the strict supervision of the offender, including programs  
20 that:

21 (i) house the offender full or part time;

22 (ii) significantly restrict the offender's movement  
23 and monitor the offender's compliance with the program;

24 or

25 (iii) involve a combination of programs that meet  
26 the standards set forth under subparagraphs (i) and (ii).

27 (2) When utilized in combination with restrictive  
28 intermediate punishments, restorative sanctions providing for  
29 nonconfinement sentencing options that:

30 (i) Are the least restrictive in terms of the

1 constraint of the offender's liberties.

2 (ii) Do not involve the housing of the offender,  
3 either full or part time.

4 (iii) Focus on restoring the victim to pre-offense  
5 status.] programs are restrictive conditions of probation  
6 imposed under section 9763(c) or (d) (relating to  
7 conditions of probation), which may be subject to  
8 guidelines adopted under section 2154.1 (relating to  
9 adoption of guidelines for restrictive conditions).

10 (b) Eligibility.--

11 (1) (i) [No person other than the eligible offender  
12 shall be sentenced to a county intermediate punishment  
13 program.] Upon adoption of guidelines for imposing  
14 restrictive conditions adopted by the Pennsylvania  
15 Commission on Sentencing under section 2154.1, only  
16 eligible persons may have restrictive conditions imposed.

17 (ii) The prosecuting attorney, in the prosecuting  
18 attorney's sole discretion, may advise the court that the  
19 Commonwealth has elected to waive the eligibility  
20 requirements [of this chapter] if the victim has been  
21 given notice of the prosecuting attorney's intent to  
22 waive the eligibility requirements and an opportunity to  
23 be heard on the issue.

24 (iii) The court, after considering victim input, may  
25 refuse to accept the prosecuting attorney's waiver of the  
26 eligibility requirements.

27 (2) [The Pennsylvania Commission on Sentencing shall  
28 employ the term "eligible offender" to further identify  
29 offenders who would be appropriate for participation in  
30 county intermediate punishment programs. In developing the

1 guidelines, the commission shall give primary consideration  
2 to protection of the public safety.] Only programs that meet  
3 the requirements of restrictive conditions of probation under  
4 section 9763(c) or (d) and are certified in accordance with  
5 section 2154.1(b) shall be eligible for county intermediate  
6 punishment program funding.

7 [(4) (i) Any person receiving a penalty imposed  
8 pursuant to 75 Pa.C.S. § 1543(b) (relating to driving  
9 while operating privilege is suspended or revoked), 3804  
10 (relating to penalties) or 3808(a)(2) (relating to  
11 illegally operating a motor vehicle not equipped with  
12 ignition interlock) shall undergo an assessment under 75  
13 Pa.C.S. § 3814 (relating to drug and alcohol  
14 assessments).

15 (ii) If the defendant is determined to be in need of  
16 drug and alcohol treatment, a sentence to county  
17 intermediate punishment shall include participation in  
18 drug and alcohol treatment under 75 Pa.C.S. § 3815(c)  
19 (relating to mandatory sentencing). The defendant may  
20 only be sentenced to county intermediate punishment in:

21 (A) a residential inpatient program or a  
22 residential rehabilitative center;

23 (B) house arrest with electronic surveillance;

24 (C) a partial confinement program such as work  
25 release, work camp and halfway facility; or

26 (D) any combination of the programs set forth in  
27 this subparagraph.

28 (iii) If the defendant is determined not to be in  
29 need of drug and alcohol treatment or if the defendant  
30 receives a penalty imposed under 30 Pa.C.S. § 5502(c.1)

1 (relating to operating watercraft under influence of  
2 alcohol or controlled substance), the defendant may only  
3 be sentenced to a county intermediate punishment program  
4 in:

5 (A) house arrest with electronic surveillance;

6 (B) partial confinement programs such as work  
7 release, work camps and halfway facilities; or

8 (C) any combination of the programs set forth in  
9 this paragraph.

10 (5) A defendant subject to 75 Pa.C.S. § 3804 (relating  
11 to penalties) or 30 Pa.C.S. § 5502(c.1) may only be sentenced  
12 to county intermediate punishment for a first, second or  
13 third offense under 75 Pa.C.S. Ch. 38 (relating to driving  
14 after imbibing alcohol or utilizing drugs) or 30 Pa.C.S. §  
15 5502.]

16 § 9810. Continued eligibility.

17 (a) Evaluation.--In order to remain eligible for [continued  
18 grant] county intermediate punishment funding, a county shall  
19 comply with commission standards and regulations and participate  
20 in an evaluation to determine program effectiveness. The form of  
21 the evaluation shall be determined by the commission[.] and  
22 shall include certification by the Pennsylvania Commission on  
23 Sentencing under section 2154.1(b) (relating to adoption of  
24 guidelines for restrictive conditions).

25 \* \* \*

26 Section 7. The definition of "eligible inmate" in section  
27 3903 of Title 61 is amended to read:

28 § 3903. Definitions.

29 The following words and phrases when used in this chapter  
30 shall have the meanings given to them in this section unless the



1 context clearly indicates otherwise:

2 \* \* \*

3 "Eligible inmate." A person sentenced to a term of  
4 confinement under the jurisdiction of the Department of  
5 Corrections who is serving a term of confinement, the minimum of  
6 which is not more than two years and the maximum of which is  
7 five years or less, or an inmate who is serving a term of  
8 confinement, the minimum of which is not more than three years  
9 where that inmate is within two years of completing his minimum  
10 term, and who has not reached 40 years of age at the time he is  
11 approved for participation in the motivational boot camp  
12 program. The term shall not include any inmate who is subject to  
13 a sentence the calculation of which included an enhancement for  
14 the use of a deadly weapon as defined pursuant to the sentencing  
15 guidelines promulgated by the Pennsylvania Commission on  
16 Sentencing, any inmate who has been convicted or adjudicated  
17 delinquent of any crime requiring registration under 42 Pa.C.S.  
18 Ch. 97 Subch. H (relating to registration of sexual offenders)  
19 or I (relating to continued registration of sexual offenders) or  
20 any inmate with a current conviction or a prior conviction  
21 within the past ten years for [any of the following offenses:

22 18 Pa.C.S. § 2502 (relating to murder).

23 18 Pa.C.S. § 2503 (relating to voluntary manslaughter).

24 18 Pa.C.S. § 2506 (relating to drug delivery resulting in  
25 death).

26 18 Pa.C.S. § 2901(a) (relating to kidnapping).

27 18 Pa.C.S. § 3301(a)(1)(i) (relating to arson and related  
28 offenses).

29 18 Pa.C.S. § 3502 (relating to burglary) in the case of  
30 burglary of a structure adapted for overnight accommodation

1 in which at the time of the offense any person is present.

2 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to  
3 robbery).

4 18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).

5 18 Pa.C.S. § 7508 (a)(1)(iii), (2)(iii), (3)(iii) or (4)  
6 (iii) (relating to drug trafficking sentencing and

7 penalties).] drug trafficking as defined in section 4103

8 (relating to definitions) or a crime of violence as defined

9 in 42 Pa.C.S. § 9714(g) (relating to sentences for second or  
10 subsequent offenses).

11 \* \* \*

12 Section 8. Sections 3904(b) and 3905(e) of Title 61 are  
13 amended to read:

14 § 3904. Selection of inmate participants.

15 \* \* \*

16 (b) Duties of sentencing judge.--The sentencing judge shall  
17 employ the sentencing guidelines to identify those defendants  
18 who are eligible for participation in a motivational boot camp.  
19 The judge shall have the discretion to exclude a defendant from  
20 eligibility if the judge determines that the defendant would be  
21 inappropriate for placement in a motivational boot camp. The  
22 judge shall note on the sentencing order whether the defendant  
23 has been [identified as eligible] excluded from eligibility for  
24 a motivational boot camp program.

25 \* \* \*

26 § 3905. Motivational boot camp program.

27 \* \* \*

28 [(e) Evaluation.--The department and the commission shall  
29 monitor and evaluate the motivational boot camp programs to  
30 ensure that the programmatic objectives are met. Both shall

1 present biennial reports of the evaluations to the Judiciary  
2 Committee of the Senate and the Judiciary Committee of the House  
3 of Representatives no later than February 1 in alternate years.]

4 Section 9. The heading of Chapter 41 of Title 61 is amended  
5 to read:

6 CHAPTER 41

7 STATE [INTERMEDIATE PUNISHMENT] DRUG TREATMENT PROGRAM

8 Section 10. Section 4101 of Title 61 is amended to read:

9 § 4101. Scope of chapter.

10 This chapter relates to the State [intermediate punishment]  
11 drug treatment program.

12 Section 11. The definitions of "eligible offender" and  
13 "participant" in section 4103 of Title 61 are amended and the  
14 section is amended by adding a definition to read:

15 § 4103. Definitions.

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

19 \* \* \*

20 "Drug trafficking." A violation of section 13(a)(14), (30)  
21 or (37) of the act of April 14, 1972 (P.L.233, No.64), known as  
22 The Controlled Substance, Drug, Device and Cosmetic Act, where  
23 the controlled substance is:

24 (1) Marijuana, if the amount of marijuana involved is at  
25 least 50 pounds or at least 51 live plants.

26 (2) A narcotic drug classified in Schedule I or Schedule  
27 II under section 4 of The Controlled Substance, Drug, Device  
28 and Cosmetic Act, if the aggregate weight of the compound or  
29 mixture containing the substance involved is at least 100  
30 grams.

1           (3) Any of the following, if the aggregate weight of the  
2 compound or mixture of the substance involved is at least 100  
3 grams:

4           (i) Coca leaves.

5           (ii) A salt, compound, derivative or preparation of  
6 coca leaves.

7           (iii) A salt, compound, derivative or preparation  
8 which is chemically equivalent or identical with any of  
9 the substances under subparagraphs (i) and (ii).

10           (iv) A mixture containing any of the substances  
11 under subparagraphs (i) and (ii), except decocainized  
12 coca leaves or extracts of coca leaves which do not  
13 contain cocaine or ecgonine.

14           (4) Any of the following, if the aggregate weight of the  
15 compound or mixture of the substance involved is at least 100  
16 grams:

17           (i) Methamphetamine.

18           (ii) Phencyclidine.

19           (iii) A salt, isomer or salt of an isomer of  
20 methamphetamine or phencyclidine.

21           (iv) A mixture containing:

22                   (A) Methamphetamine or phencyclidine.

23                   (B) A salt of methamphetamine or phencyclidine.

24                   (C) An isomer of methamphetamine or  
25 phencyclidine.

26                   (D) A salt of an isomer of methamphetamine or  
27 phencyclidine.

28           (5) Heroin or a mixture containing heroin, if the  
29 aggregate weight of the compound or mixture containing the  
30 heroin is 50 grams or greater.

1           (6) Fentanyl or a mixture containing fentanyl, if the  
2 aggregate weight of the compound or mixture containing the  
3 fentanyl is 50 grams or greater.

4           (7) A mixture containing 3, 4-methylenedioxyamphetamine  
5 (MDA); 3,4-methylenedioxymethamphetamine (MDMA); 5-methoxy-  
6 3,4methylenedioxyamphetamine (MMDA); 3,4-methylenedioxy-N-  
7 ethylamphetamine; N-hydroxy-3,4-methylenedioxyamphetamine.

8           "Eligible [offender." Subject to 42 Pa.C.S. § 9721(a.1)  
9 (relating to sentencing generally), a defendant] person."

10           (1) A person who has not been designated by the  
11 sentencing court as ineligible and is a person convicted of a  
12 drug-related offense who:

13           [(1)] (i) Has undergone an assessment performed by  
14 the Department of Corrections, which assessment has  
15 concluded that the [defendant] person is in need of drug  
16 and alcohol addiction treatment and would benefit from  
17 commitment to [a drug offender] the State drug treatment  
18 program and that placement in [a drug offender] the State  
19 drug treatment program would be appropriate.

20           [(2)] (ii) Does not demonstrate a history of present  
21 or past violent behavior.

22           [(3) Would be placed in the custody of the  
23 department if not sentenced to State intermediate  
24 punishment.] (iii) Is a person sentenced to a term of  
25 confinement under the jurisdiction of the department, the  
26 minimum of which is not more than two years, or a person  
27 who is serving a term of confinement, the minimum of  
28 which is not more than five years where the person is  
29 within two years of completing the person's minimum term.

30           [(4)] (iv) Provides written consent permitting

1 release of information pertaining to the [defendant's]  
2 person's participation in [a drug offender] the State  
3 drug treatment program.

4 (2) The term shall not include a [defendant] person who  
5 is subject to a sentence the calculation of which includes an  
6 enhancement for the use of a deadly weapon, as defined  
7 pursuant to law or the sentencing guidelines promulgated by  
8 the Pennsylvania Commission on Sentencing, a [defendant]  
9 person who has been convicted or adjudicated delinquent of  
10 any crime requiring registration under 42 Pa.C.S. Ch. 97  
11 Subch. H (relating to registration of sexual offenders) or I  
12 (relating to continued registration of sexual offenders) or a  
13 [defendant] person with a current conviction or a prior  
14 conviction within the past ten years for [any of the  
15 following offenses:

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

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

18 18 Pa.C.S. § 2506 (relating to drug delivery resulting in  
19 death).

20 18 Pa.C.S. § 2901(a) (relating to kidnapping).

21 18 Pa.C.S. § 3301(a)(1)(i) (relating to arson and related  
22 offenses).

23 18 Pa.C.S. § 3502 (relating to burglary), in the case of  
24 burglary of a structure adapted for overnight accommodation  
25 in which at the time of the offense any person is present.

26 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to  
27 robbery).

28 18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).

29 18 Pa.C.S. § 7508 (a)(1)(iii), (2)(iii), (3)(iii) or (4)  
30 (iii) (relating to drug trafficking sentencing and

1 penalties).] drug trafficking as defined in this section or a  
2 crime of violence as defined in 42 Pa.C.S. § 9714(g)  
3 (relating to sentences for second or subsequent offenses).

4 \* \* \*

5 "Participant." An eligible [offender actually sentenced to  
6 State intermediate punishment pursuant to 42 Pa.C.S. § 9721(a)  
7 (7) (relating to sentencing generally).] person placed in the  
8 State drug treatment program.

9 \* \* \*

10 Section 12. Sections 4104, 4105 and 4107 of Title 61 are  
11 amended to read:

12 § 4104. [Referral to State intermediate punishment] Selection  
13 for the State drug treatment program.

14 (a) [Referral for evaluation.--

15 (1) Prior to imposing a sentence, the court may, upon  
16 motion of the Commonwealth, commit a defendant to the custody  
17 of the department for the purpose of evaluating whether the  
18 defendant would benefit from a drug offender treatment  
19 program and whether placement in the drug offender treatment  
20 program is appropriate.

21 (1.1)] Duties of commission and sentencing judge.--

22 (1) Through the use of sentencing guidelines, the  
23 commission shall employ the term "eligible person" as defined  
24 in this chapter to further identify persons who would be  
25 potentially appropriate for participation in the State drug  
26 treatment program. The sentencing judge shall employ the  
27 sentencing guidelines to identify persons who are eligible  
28 for participation in the State drug treatment program. The  
29 judge shall consider the position of a victim of the crime,  
30 as advised by the prosecuting attorney, on whether to exclude

1 the person from eligibility for placement in the State drug  
2 treatment program. The judge shall exclude the person from  
3 eligibility if the prosecuting attorney opposes eligibility.  
4 The judge shall note on the sentencing order if a person has  
5 been excluded from eligibility for the State drug treatment  
6 program. If the person is not excluded from eligibility, the  
7 minimum sentence imposed shall operate as the minimum for  
8 parole eligibility purposes if the person is not placed in  
9 the program by the department under subsection (c) or if the  
10 person is expelled from the program under section 4105(f)  
11 (relating to State drug treatment program).

12 (2) (i) The prosecuting attorney shall advise the court  
13 if the prosecuting attorney or a victim of the crime opposes  
14 eligibility and, in the prosecuting attorney's sole  
15 discretion, may advise the court that the Commonwealth has  
16 elected to waive the eligibility requirements of this chapter  
17 if the victim has been given notice of the prosecuting  
18 attorney's intent to waive the eligibility requirements and  
19 an opportunity to be heard on the issue.

20 (ii) The court, after considering victim input, may  
21 refuse to accept the prosecuting attorney's waiver of the  
22 eligibility requirements.

23 [(2) Upon committing a defendant to the department, the  
24 court shall forward to the department:

25 (i) A summary of the offense for which the defendant  
26 has been convicted.

27 (ii) Information relating to the defendant's history  
28 of delinquency or criminality, including the information  
29 maintained by the court under 42 Pa.C.S. Ch. 63 (relating  
30 to juvenile matters), when available.



1 (iii) Information relating to the defendant's  
2 history of drug or alcohol abuse or addiction, when  
3 available.

4 (iv) A presentence investigation report, when  
5 available.

6 (v) Any other information the court deems relevant  
7 to assist the department with its assessment of the  
8 defendant.]

9 (b) Assessment of [addiction.--

10 (1) The] addiction.--The department shall conduct an  
11 assessment of the addiction and other treatment needs of [a  
12 defendant] an eligible person and determine whether the  
13 [defendant] person would benefit from [a drug offender] the  
14 State drug treatment program. The assessment shall be  
15 conducted using a nationally recognized assessment instrument  
16 or an instrument that has been normed and validated on the  
17 department's inmate population by a recognized expert in such  
18 matters. The assessment instrument shall be administered by  
19 persons skilled in the treatment of drug and alcohol  
20 addiction and trained to conduct assessments. The assessments  
21 shall be reviewed and approved by a supervisor with at least  
22 three years of experience providing drug and alcohol  
23 counseling services.

24 [(2) The department shall conduct risk and other  
25 assessments it deems appropriate and shall provide a report  
26 of its assessments to the court, the defendant, the attorney  
27 for the Commonwealth and the commission within 60 days of the  
28 court's commitment of the defendant to the custody of the  
29 department.]

30 (c) [Proposed drug offender] Placement in the State drug

1 treatment program.--If the department in its discretion believes  
2 [a defendant] an eligible person would benefit from [a drug  
3 offender] the State drug treatment program and placement in the  
4 [drug offender treatment] program is appropriate, the department  
5 shall [provide] make the placement and notify the court, [the  
6 defendant,] the eligible person, the commission and the attorney  
7 for the Commonwealth [and the commission with a proposed drug  
8 offender treatment program detailing the type of treatment  
9 proposed] of the placement.

10 [(d) Prerequisites for commitment.--Upon receipt of a  
11 recommendation for placement in a drug offender treatment  
12 program from the department and agreement of the attorney for  
13 the Commonwealth, the court may sentence an eligible offender to  
14 a period of 24 months of State intermediate punishment if the  
15 court finds that:

16 (1) The eligible offender is likely to benefit from  
17 State intermediate punishment.

18 (2) Public safety would be enhanced by the eligible  
19 offender's participation in State intermediate punishment.

20 (3) Sentencing the eligible offender to State  
21 intermediate punishment would not depreciate the seriousness  
22 of the offense.

23 (e) Resentencing.--The department may make a written request  
24 to the sentencing court that an offender who is otherwise  
25 eligible but has not been referred for evaluation or originally  
26 sentenced to State intermediate punishment be sentenced to State  
27 intermediate punishment. The court may resentence the offender  
28 to State intermediate punishment if all of the following apply:

29 (1) The department has recommended placement in a drug  
30 offender treatment program.

1 (2) The attorney for the Commonwealth and the offender  
2 have agreed to the placement and modification of sentence.

3 (3) The court makes the findings set forth under  
4 subsection (d).

5 (4) The resentencing has occurred within 365 days of the  
6 date of the defendant's admission to the custody of the  
7 department.

8 (5) The court has otherwise complied with all other  
9 requirements for the imposition of sentence including victim  
10 notification under the act of November 24, 1998 (P.L.882,  
11 No.111), known as the Crime Victims Act.]

12 (f) Consecutive probation.--Nothing in this chapter shall  
13 prohibit the court from sentencing an eligible [offender] person  
14 to a consecutive period of probation. The total duration of the  
15 sentence may not exceed the maximum term for which the eligible  
16 [offender] person could otherwise be sentenced.

17 [(g) Applicability and program limitations.--The court may  
18 not modify or alter the terms of the department's proposed  
19 individualized drug offender treatment plan without the  
20 agreement of the department and the attorney for the  
21 Commonwealth.

22 (h) Videoconferencing.--The department shall make  
23 videoconferencing facilities available to allow the court to  
24 conduct proceedings necessary under this section when the  
25 eligible offender has been committed to the custody of the  
26 department pursuant to subsection (b).

27 (i) Victims.--Victims of personal injury crimes shall be  
28 given the opportunity to receive notice of and to provide prior  
29 comment on any recommendation by the department under subsection  
30 (b) or (d) that the offender participate in the State

1 Intermediate Punishment Program.

2 (j) Definitions.--As used in this section, the term  
3 "personal injury crime" shall be defined as in section 103 of  
4 the act of November 24, 1998 (P.L.882, No.111), known as the  
5 Crime Victims Act.]

6 § 4105. [Drug offender] State drug treatment program.

7 (a) Establishment.--The department shall establish and  
8 administer [a drug offender] the State drug treatment program  
9 [as a State intermediate punishment]. The program shall be  
10 designed to address the individually assessed drug and alcohol  
11 abuse and addiction needs of a participant and shall address  
12 other issues essential to the participant's successful  
13 reintegration into the community, including, but not limited to,  
14 educational and employment issues.

15 (b) Duration and components.--Notwithstanding any credit to  
16 which the defendant may be entitled under 42 Pa.C.S. § 9760  
17 (relating to credit for time served), the duration of the State  
18 drug [offender] treatment program [shall be] is 24 months [and],  
19 but if the participant is unable to complete the program within  
20 24 months and is otherwise compliant with the program, subject  
21 to the discretion of the department, the program duration may be  
22 extended up to 30 months total in order for the participant to  
23 successfully complete the program. The program shall include the  
24 following:

25 (1) A period in a State correctional institution of not  
26 less than seven months. This period shall include:

27 (i) The time during which the [defendants are]  
28 eligible person is being evaluated by the department  
29 under section 4104(b) (relating to [referral to State  
30 intermediate punishment] selection for the State drug

1           treatment program).

2           (ii) Following evaluation under subparagraph (i),  
3           not less than four months shall be in an institutional  
4           therapeutic community.

5           (2) A period of treatment in a community-based  
6           therapeutic community of at least two months.

7           (3) A period of at least six-months' treatment through  
8           an outpatient addiction treatment facility. During the  
9           outpatient addiction treatment period of the [drug offender  
10          treatment] program, the participant may be housed in a  
11          community corrections center or group home or placed in an  
12          approved transitional residence. The participant must comply  
13          with any conditions established by the department regardless  
14          of where the participant resides during the outpatient  
15          addiction treatment portion of the [drug offender treatment]  
16          program.

17          (4) A period of supervised reintegration into the  
18          community for the balance of the [drug offender treatment]  
19          program, during which the participant shall continue to be  
20          supervised by the department and comply with any conditions  
21          imposed by the department.

22          (5) Upon certification by the department of the  
23          participant's successful completion of the program, the  
24          entire term of confinement that rendered the participant  
25          eligible to participate in the State drug treatment program  
26          shall be deemed to have been served.

27          (c) Program management.--

28                 (1) Consistent with the minimum time requirements set  
29                 forth in subsection (b), the department may transfer, at its  
30                 discretion, a participant between a State correctional

1 institution, an institutional therapeutic community, a  
2 community-based therapeutic community, an outpatient  
3 addiction treatment program and an approved transitional  
4 residence. The department may also transfer a participant  
5 back and forth between less restrictive and more restrictive  
6 settings based upon the participant's progress or regression  
7 in treatment or for medical, disciplinary or other  
8 administrative reasons.

9 (1.1) A police officer commissioned under the act of  
10 May 21, 1943 (P.L.469, No.210), entitled "An act providing  
11 for commissioning as police officers certain employes of  
12 institutions maintained in whole or in part by the  
13 Commonwealth; conferring upon them the powers of constables  
14 in certain cases; and imposing duties on wardens and keepers  
15 of jails, police stations and lock-ups," shall have and may  
16 exercise the authority to issue a warrant for the return of a  
17 participant who is not in compliance with the terms of the  
18 program to the custody of the department.

19 (2) This subsection shall be construed to provide the  
20 department with the maximum flexibility to administer the  
21 State drug [offender] treatment program both as a whole and  
22 for individual participants.

23 (d) Right of refusal to admit.--The administrator of a  
24 community-based therapeutic community or outpatient addiction  
25 treatment facility may refuse to accept a participant whom the  
26 administrator deems to be inappropriate for admission and may  
27 immediately discharge to the custody of the department any  
28 participant who fails to comply with facility rules and  
29 treatment expectations or refuses to constructively engage in  
30 the treatment process.

1 (e) Notice to court of completion of program.--When the  
2 department determines that a participant has successfully  
3 completed the State drug [offender] treatment program, it shall  
4 notify the sentencing court, the attorney for the Commonwealth  
5 and the commission.

6 (f) Expulsion from program.--

7 (1) A participant may be expelled from the State drug  
8 [offender] treatment program at any time in accordance with  
9 guidelines established by the department, including failure  
10 to comply with administrative or disciplinary procedures or  
11 requirements set forth by the department. An expelled  
12 participant shall be housed in a State correctional  
13 institution to serve the remainder of the participant's  
14 sentence. The expelled participant shall be eligible for  
15 parole at the minimum sentence but may not be eligible for  
16 short sentence parole under section 6137.1 (relating to short  
17 sentence parole).

18 (2) The department shall promptly notify the court, the  
19 [defendant] participant, the attorney for the Commonwealth  
20 and the commission of the expulsion of a participant from the  
21 State drug [offender] treatment program and the reason for  
22 such expulsion. [The participant shall be housed in a State  
23 correctional institution or county jail pending action by the  
24 court.]

25 (3) The court shall schedule a prompt State intermediate  
26 punishment revocation hearing pursuant to 42 Pa.C.S. § 9774  
27 (relating to revocation of State intermediate punishment  
28 sentence).]

29 § 4107. [Reports] Evaluation.

30 [(a) Final report.--The department shall provide a final

1 report to the court, the defendant, the attorney for the  
2 Commonwealth and the commission on a participant's progress in  
3 the drug offender treatment program.]

4 (b) Evaluation and report to General Assembly.--The  
5 department [and the commission] shall monitor and evaluate the  
6 State drug [offender] treatment program to ensure that the  
7 programmatic objectives are met. [In odd-numbered years, the]  
8 Every three years, the department shall present a report of its  
9 evaluation to the Judiciary Committee of the Senate and the  
10 Judiciary Committee of the House of Representatives no later  
11 than February 1. [In even-numbered years, the commission shall  
12 present a report of its evaluation to the Judiciary Committee of  
13 the Senate and the Judiciary Committee of the House of  
14 Representatives no later than February 1.] The General Assembly  
15 shall convene hearings in the appropriate committees to hear and  
16 deliberate upon reports under this section. The report shall  
17 include:

18 (1) The number of [offenders] persons evaluated for the  
19 State drug [offender] treatment program.

20 (2) The number of [offenders sentenced to] persons  
21 placed into the State drug [offender] treatment program.

22 (3) The number of [offenders] persons sentenced to a  
23 State correctional institution who may have been eligible for  
24 the State drug [offender] treatment program.

25 (4) The number of [offenders] persons successfully  
26 completing the State drug [offender] treatment program.

27 (5) The six-month, one-year, three-year and five-year  
28 recidivism rates for [offenders] persons who have completed  
29 the State drug [offender] treatment program and for a  
30 comparison group of [offenders] persons who were not placed



1 in the State drug [offender] treatment program.

2 (6) Any changes the department [or the commission]  
3 believes will make the State drug [offender] treatment  
4 program more effective.

5 Section 13. The definition of "eligible offender" in section  
6 4503 of Title 61 is amended to read:

7 § 4503. Definitions.

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

11 \* \* \*

12 "Eligible [offender] person." A defendant or inmate  
13 convicted of a criminal offense who will be committed to the  
14 custody of the department and who meets all of the following  
15 eligibility requirements:

16 (1) Does not demonstrate a history of present or past  
17 violent behavior.

18 (2) Has not been subject to a sentence the calculation  
19 of which includes an enhancement for the use of a deadly  
20 weapon as defined under law or the sentencing guidelines  
21 promulgated by the Pennsylvania Commission on Sentencing or  
22 the attorney for the Commonwealth has not demonstrated that  
23 the defendant has been found guilty of or was convicted of an  
24 offense involving a deadly weapon or offense under 18 Pa.C.S.  
25 Ch. 61 (relating to firearms and other dangerous articles) or  
26 the equivalent offense under the laws of the United States or  
27 one of its territories or possessions, another state, the  
28 District of Columbia, the Commonwealth of Puerto Rico or a  
29 foreign nation.

30 (3) Has not been found guilty of or previously convicted

1 of or adjudicated delinquent for or an attempt or conspiracy  
2 to commit a personal injury crime as defined under section  
3 103 of the act of November 24, 1998 (P.L.882, No.111), known  
4 as the Crime Victims Act, except for an offense under 18  
5 Pa.C.S. § 2701 (relating to simple assault) when the offense  
6 is a misdemeanor of the third degree, or an equivalent  
7 offense under the laws of the United States or one of its  
8 territories or possessions, another state, the District of  
9 Columbia, the Commonwealth of Puerto Rico or a foreign  
10 nation.

11 (4) Has not been found guilty or previously convicted or  
12 adjudicated delinquent for violating any of the following  
13 provisions or an equivalent offense under the laws of the  
14 United States or one of its territories or possessions,  
15 another state, the District of Columbia, the Commonwealth of  
16 Puerto Rico or a foreign nation:

17 18 Pa.C.S. § 4302(a) (relating to incest).

18 18 Pa.C.S. § 5901 (relating to open lewdness).

19 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet  
20 child pornography).

21 Received a criminal sentence pursuant to 42 Pa.C.S. §  
22 9712.1 (relating to sentences for certain drug offenses  
23 committed with firearms).

24 Any offense for which registration is required under  
25 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of  
26 sexual offenders) [.] or I (relating to continued  
27 registration of sexual offenders).

28 Drug trafficking as defined in section 4103 (relating  
29 to definitions).

30 (5) Is not awaiting trial or sentencing for additional

1 criminal charges, if a conviction or sentence on the  
2 additional charges would cause the defendant to become  
3 ineligible under this definition.

4 [(6) Has not been found guilty or previously convicted  
5 of violating section 13(a)(14), (30) or (37) of the act of  
6 April 14, 1972 (P.L.233, No.64), known as The Controlled  
7 Substance, Drug, Device and Cosmetic Act, where the sentence  
8 was imposed pursuant to 18 Pa.C.S. § 7508(a)(1)(iii), (2)  
9 (iii), (3)(iii), (4)(iii), (7)(iii) or (8)(iii) (relating to  
10 drug trafficking sentencing and penalties).]

11 \* \* \*

12 Section 14. Sections 4509 and 4510 of Title 61 are repealed:

13 [§ 4509. Evaluation.

14 (a) General rule.--The department, the board and the  
15 commission shall monitor and evaluate the recidivism risk  
16 reduction incentive programs. Evaluations under this section  
17 should be scientifically rigorous and seek to determine the  
18 effectiveness of the programs, including whether specific  
19 recidivism risk reduction incentive programs have reduced the  
20 recidivism rates of the program participants as compared to  
21 previously incarcerated and similarly situated inmates.

22 (b) Publication.--The department, the board and the  
23 commission shall make evaluations conducted under this section  
24 and underlying data available to the public. The publicly  
25 available data and evaluations shall comply with generally  
26 accepted practices of the research community, including  
27 expectations relating to subject privacy and identifying  
28 information.

29 § 4510. Reports.

30 (a) Recidivism risk reduction.--The department, the board

1 and the commission shall monitor and evaluate the recidivism  
2 risk reduction incentive programs to ensure that the goals and  
3 objectives of this chapter are met and shall report to the  
4 General Assembly as follows:

5 (1) In even-numbered years, the department shall present  
6 a report of its evaluation to the Judiciary Committee of the  
7 Senate and the Judiciary Committee of the House of  
8 Representatives no later than February 1. The report shall  
9 include all of the following:

10 (i) The number of inmates determined by the  
11 department to be eligible offenders under this chapter  
12 and the offenses for which the eligible offenders were  
13 committed to the custody of the department.

14 (ii) The number of inmates committed to the custody  
15 of the department who were subject to a recidivism risk  
16 reduction incentive minimum sentence.

17 (iii) The number of inmates paroled at the  
18 recidivism risk reduction incentive minimum date.

19 (iv) Any potential changes that would make the  
20 program more effective.

21 (v) The six-month, one-year, three-year and five-  
22 year recidivism rates for inmates released at the  
23 recidivism risk reduction incentive minimum sentence.

24 (vi) Any other information the department deems  
25 relevant.

26 (2) In odd-numbered years, the commission shall present  
27 a report of its evaluation to the Judiciary Committee of the  
28 Senate and the Judiciary Committee of the House of  
29 Representatives no later than February 1. The report shall  
30 include all of the following:

1 (i) Whether the goals of this chapter could be  
2 achieved through amendments to parole or sentencing  
3 guidelines.

4 (ii) The various options for parole or sentencing  
5 guidelines under subparagraph (i).

6 (iii) The status of any proposed or implemented  
7 guidelines designed to implement the provisions of this  
8 chapter.

9 (iv) Any potential changes to the program that would  
10 be likely to reduce the risk of recidivism of inmates and  
11 improve public safety.

12 (v) Any other information the commission deems  
13 relevant.

14 (b) Educational plan.--

15 (1) The Pennsylvania Commission on Crime and Delinquency  
16 shall publish a report of a proposed educational program plan  
17 within one year of the effective date of this section. The  
18 proposed educational program plan shall be developed in  
19 consultation with the department, the commission, the board,  
20 the Pennsylvania District Attorneys Association, the victim  
21 advocate and representatives of the judiciary and the  
22 criminal defense bar and other criminal justice stakeholders.

23 (2) The plan shall seek to provide cost-effective  
24 training or information through electronic means,  
25 publications or continuing educational programs that address  
26 the following topics:

27 (i) The treatment programs available through the  
28 board and the department.

29 (ii) The availability of programs and eligibility  
30 requirements that can reduce recidivism risk, including

1 State intermediate punishment, motivational boot camp and  
2 recidivism risk reduction incentive programs.

3 (iii) The calculation of sentencing credit and  
4 practices that could inadvertently prevent an inmate from  
5 receiving sentence credit.

6 (iv) Recent statutory changes relating to  
7 sentencing, place of confinement, medical releases,  
8 transfer of inmates and parole.]

9 Section 15. Section 6101 of Title 61 is amended to read:

10 § 6101. Definitions.

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

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

16 Section 16. The heading of Subchapter B of Chapter 61 of  
17 Title 61 is amended to read:

18 SUBCHAPTER B

19 ADMINISTRATION OF THE PENNSYLVANIA PAROLE BOARD

20 Section 16.1. Section 6111 heading and (a) of Title 61 are  
21 amended to read:

22 § 6111. Pennsylvania [Board of Probation and] Parole Board.

23 (a) Establishment.--The Pennsylvania [Board of Probation  
24 and] Parole Board is an independent administrative board for the  
25 administration of the [probation and] parole laws of this  
26 Commonwealth.

27 \* \* \*

28 Section 17. Section 6123 of Title 61 is repealed:

29 [§ 6123. Advisory committee.]

30 (a) Establishment.--An advisory committee on probation is

1 reestablished to assist the board.

2 (b) Composition.--The advisory committee shall consist of  
3 nine members, seven of whom shall be appointed by the Governor,  
4 with the consent of a majority of the members of the Senate. At  
5 least two shall be judges of courts of record of this  
6 Commonwealth, at least one shall be a county commissioner, at  
7 least one shall be a chief county probation officer, and the  
8 remaining members shall be qualified in the field of probation  
9 and parole either by training or experience. The President pro  
10 tempore of the Senate and the Speaker of the House of  
11 Representatives shall each appoint a member of their respective  
12 houses to serve as members of the committee.

13 (c) Terms.--

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

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

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

29 (4) Whenever the term of an advisory committee member,  
30 other than one who is a member of the General Assembly,

1 expires, that member's position shall be immediately deemed a  
2 vacancy, and the Governor shall nominate a person to fill  
3 that membership position on the committee within 90 days of  
4 the date of expiration, even if the member continues to  
5 remain on the committee. The Governor shall designate one of  
6 the members of the committee as its chairperson.

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

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

14 Section 18. Sections 6131(a)(3), (4) and (5), 6133(c) and  
15 (d) and 6137(a)(1) of Title 61 are amended to read:

16 § 6131. General powers of board.

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

19 \* \* \*

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

22 [(4) To collect, compile and publish statistical and  
23 other information relating to probation and parole work in  
24 all courts and such other information the board may deem of  
25 value in probation service.]

26 (5) To establish, by regulation, uniform Statewide  
27 standards for:

28 (i) Presentence investigations.

29 (ii) The supervision of probationers.

30 (iii) The qualifications for probation personnel.



1 (iv) Minimum salaries.

2 (v) Quality of probation service.

3 The standards for the qualifications of probation personnel  
4 shall only apply to probation personnel appointed after the  
5 date the standards are established. Should any probation  
6 personnel appointed prior to the date the standards were  
7 established fail to meet the standards, the court having  
8 jurisdiction of such personnel may request the board to  
9 establish in-service training for them in accordance with the  
10 standards.]

11 \* \* \*

12 § 6133. Probation services.

13 \* \* \*

14 (c) [Grant-in-aid.--

15 (1) A county that provides additional probation staff  
16 for presentence investigations and improved probation  
17 supervision and programs shall receive a grant-in-aid from  
18 the Commonwealth through the board for additional costs  
19 incurred thereby but only to the extent that the additional  
20 staff and program meet the qualifications and standards  
21 established by the board.

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

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

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

29 Supervision and investigation.--Supervision and presentence  
30 investigations by court order or request shall be provided in

1 accordance with board regulations.

2 (d) In-service training.--The board shall provide in-service  
3 training for personnel of county probation offices when  
4 requested to do so by the court having jurisdiction of the  
5 probation office[.] as provided by memorandum of understanding  
6 with the Pennsylvania Commission on Crime and Delinquency and  
7 contingent upon the availability of money.

8 § 6137. Parole power.

9 (a) General criteria for parole.--

10 (1) The board may parole subject to consideration of  
11 guidelines established under 42 Pa.C.S. § 2154.5 (relating to  
12 adoption of guidelines for parole) or subject to section  
13 6137.1 (relating to short sentence parole) and may release on  
14 parole any inmate to whom the power to parole is granted to  
15 the board by this chapter, except an inmate condemned to  
16 death or serving life imprisonment, whenever in its opinion:

17 (i) The best interests of the inmate justify or  
18 require that the inmate be paroled.

19 (ii) It does not appear that the interests of the  
20 Commonwealth will be injured by the inmate's parole.

21 \* \* \*

22 Section 19. Title 61 is amended by adding a section to read:

23 § 6137.1. Short sentence parole.

24 (a) General rule.--This section applies to persons committed  
25 to the department with a minimum sentence of confinement under  
26 42 Pa.C.S. § 9756(b) (relating to sentence of total confinement)  
27 of two years or less or a recidivism risk reduction incentive  
28 minimum sentence under 42 Pa.C.S. § 9756(b.1) of two years or  
29 less, whichever is shorter. Regardless of sentence imposed, this  
30 section does not apply to:

1       (1) persons committed for or with an aggregate sentence  
2 containing a personal injury crime, or any criminal attempt,  
3 criminal solicitation or criminal conspiracy to commit a  
4 personal injury crime as defined in section 103 of the act of  
5 November 24, 1998 (P.L.882, No.111), known as the Crime  
6 Victims Act;

7       (2) persons committed for or with an aggregate sentence  
8 containing an offense under 18 Pa.C.S. § 6105 (relating to  
9 persons not to possess, use, manufacture, control, sell or  
10 transfer firearms);

11       (3) persons committed for or with an aggregate sentence  
12 containing an enhancement for the use of a deadly weapon as  
13 defined under law or the sentencing guidelines promulgated by  
14 the Pennsylvania Commission on Sentencing or where the  
15 attorney for the Commonwealth has demonstrated that the  
16 defendant has been found guilty of or was convicted of an  
17 offense involving a deadly weapon or offense under 18 Pa.C.S.  
18 Ch. 61 (relating to firearms and other dangerous articles) or  
19 an equivalent offense under the laws of the United States or  
20 one of its territories or possessions, another state, the  
21 District of Columbia, the Commonwealth of Puerto Rico or a  
22 foreign nation;

23       (4) persons committed for or with an aggregate sentence  
24 containing a violation of any of the following provisions or  
25 an equivalent offense under the laws of the United States or  
26 one of its territories or possessions, another state, the  
27 District of Columbia, the Commonwealth of Puerto Rico or a  
28 foreign nation:

29             18 Pa.C.S. § 4302(a) (relating to incest).

30             18 Pa.C.S. § 5901 (relating to open lewdness).

1 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet  
2 child pornography).

3 A criminal sentence pursuant to 42 Pa.C.S. § 9712.1  
4 (relating to sentences for certain drug offenses  
5 committed with firearms).

6 An offense for which registration is required under  
7 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of  
8 sexual offenders).

9 An offense for which registration is required under  
10 42 Pa.C.S. Ch. 97 Subch. I (relating to continued  
11 registration of sexual offenders).

12 (5) persons committed for or with an aggregate sentence  
13 containing a conviction for drug trafficking as defined under  
14 section 4103 (relating to definitions);

15 (6) persons awaiting trial or sentencing for additional  
16 criminal charges, if a conviction or sentence on the  
17 additional charges would cause the person to become  
18 ineligible under this subsection; or

19 (7) persons who are currently serving a sentence to  
20 State prison and have been denied parole on that sentence  
21 prior to the effective date of this section.

22 (b) Approval of parole.--The board shall, without requiring  
23 an interview, approve for parole at the expiration of the  
24 eligible person's minimum date or recidivism risk reduction  
25 incentive minimum date, whichever is shorter, unless the person  
26 has:

27 (1) been found guilty of a major disciplinary infraction  
28 while confined in a county correctional institution or State  
29 correctional institution; or

30 (2) a pending felony charge or outstanding felony arrest

1 warrant or detainer, except that this section may be applied  
2 to allow a person to be paroled to a detainer related to an  
3 underlying felony charge.

4 (c) Nonapplicability.--The requirements of sections 6135  
5 (relating to investigation of circumstances of offense), 6137(a)  
6 (3.1), (e) (1), (f) and (g) (relating to parole power) and 6139  
7 (relating to parole procedure) and section 1101(e) of the Crime  
8 Victims Act do not apply to paroles under this section.

9 (d) Assessment.--The department shall provide a risk-and-  
10 needs assessment to the board and the board shall establish  
11 initial conditions of parole based on the assessment.

12 (e) Applicability.--This section shall only apply to  
13 individuals sentenced after the effective date of this section.

14 (f) Reports.--The Pennsylvania Commission on Sentencing  
15 shall provide a report to the General Assembly on cost savings  
16 and recidivism attributed to this section as follows:

17 (1) No later than two years after the effective date of  
18 this section.

19 (2) No later than two years after the report issued  
20 under paragraph (1).

21 (g) Procedures.--The chairman of the board shall adopt  
22 procedures to carry out this section.

23 (h) Definition.--As used in this section, the term "major  
24 disciplinary infraction" means:

25 (1) a violation that is sexual in nature;

26 (2) a violation involving assaultive behavior or a  
27 credible threat to cause bodily harm to another;

28 (3) a violation involving possession or control of a  
29 weapon; or

30 (4) a violation involving escape or possessing

1 implements of escape.

2 Section 20. Section 6138(c) of Title 61 is amended by adding  
3 a paragraph to read:

4 § 6138. Violation of terms of parole.

5 \* \* \*

6 (c) Technical violators.--

7 \* \* \*

8 (8) (i) A parolee under the board's supervision who is  
9 alleged to have committed a technical parole violation  
10 may be arrested and detained for a period not to exceed  
11 seven days, provided that either the parolee is detained  
12 on a 48-hour warrant or the parolee is brought before a  
13 hearing examiner within 48 hours to determine if the  
14 parolee shall be released or held for the remainder of  
15 the seven days or a shorter period. The chairman of the  
16 board shall adopt procedures governing the appropriate  
17 use of brief detention under this section so that  
18 technical violations enumerated under paragraph (1) are  
19 not resolved with brief detention.

20 (ii) This paragraph shall not apply to parolees who  
21 committed a violation that:

22 (A) was sexual in nature;

23 (B) involved assaultive behavior;

24 (C) involved possession or control of a weapon;

25 (D) involved escape or possessing implements of  
26 escape; or

27 (E) involved an identifiable threat to public  
28 safety.

29 \* \* \*

30 Section 21. Section 6139(a) (6) and (b) of Title 61 are

1 amended to read:

2 § 6139. Parole procedure.

3 (a) Specific requirements.--

4 \* \* \*

5 (6) In no case shall a parole be granted, or an  
6 application for parole be dismissed, unless a board member,  
7 hearing examiner or other person so designated by the board  
8 shall have seen and heard the parolee in person in regard  
9 thereto within six months prior to the granting or dismissal  
10 thereof. This requirement does not apply to paroles under  
11 section 6137.1 (relating to short sentence parole).

12 \* \* \*

13 (b) Reliance on reports.--In granting and revoking paroles  
14 and in discharging from parole, the members of the board acting  
15 thereon shall not be required to personally hear or see all the  
16 witnesses and evidence submitted to them for their action, but  
17 they may act on the report submitted to them by their agents and  
18 employees, together with any pertinent and adequate information  
19 furnished to them by fellow members of the board or by others.  
20 In granting or revoking parole or bringing an alleged parole  
21 violator before a hearing examiner, the appearance may be  
22 conducted via videoconferencing or similar virtual presence  
23 technology.

24 \* \* \*

25 Section 22. This act shall take effect as follows:

26 (1) The following shall take effect in 60 days:

27 (i) The amendment of 42 Pa.C.S. §§ 2154, 2154.1 and  
28 2154.7.

29 (ii) The repeal of 42 Pa.C.S. § 2154.2.

30 (iii) The amendment of 61 Pa.C.S. §§ 4101, 4104,

1 4105 and 4107.

2 (iv) The amendment of 61 Pa.C.S. Ch. 61 Subch. B  
3 heading.

4 (v) The amendment of 61 Pa.C.S. §§ 6101, 6111,  
5 6131(a)(3), (4) and (5) and 6133(c) and (d).

6 (vi) The repeal of 61 Pa.C.S. § 6123.

7 (2) The following shall take effect in 120 days:

8 (i) The amendment of 61 Pa.C.S. §§ 6137(a)(1),  
9 6138(c) and 6139(a)(6) and (b).

10 (ii) The addition of 61 Pa.C.S. § 6137.5.

11 (3) The remainder of this act shall take effect  
12 immediately.