

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 500 Session of 2019

INTRODUCED BY BAKER, BARTOLOTTA, KILLION, STREET, COLLETT, A. WILLIAMS, LEACH, HAYWOOD, SCHWANK, COSTA, MENSCH, PHILLIPS-HILL, STEFANO, TARTAGLIONE, YUDICHAK AND J. WARD MARCH 25, 2019

SENATOR BAKER, JUDICIARY, AS AMENDED, MAY 1, 2019

AN ACT

1 Amending the act of November 22, 1978 (P.L.1166, No.274),
2 entitled "An act establishing the Pennsylvania Commission on
3 Crime and Delinquency, providing for its powers and duties
4 establishing several advisory committees within the
5 commission and providing for their powers and duties,"
6 providing for County Adult Probation and Parole Advisory
7 Committee, for justice reinvestment grants, phase 2 and, for <--
8 continuing county probation and parole grants 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) A district attorney and a chief defender appointed~~ <--
19 ~~by the Chief Justice of Pennsylvania.~~ <-- THE PRESIDENT OF THE
20 PENNSYLVANIA DISTRICT ATTORNEYS' ASSOCIATION OR A DESIGNEE.

21 (8.1) THE PRESIDENT OF THE PENNSYLVANIA ASSOCIATION OF
22 CRIMINAL DEFENSE LAWYERS OR A DESIGNEE.

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

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

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

1 (c) Initial appointments to committee.--

2 (1) As designated by the Chief Justice of Pennsylvania
3 at the time of appointment and until successors are
4 appointed, the following shall apply to appointees initially
5 appointed under subsection ~~(b) (8), (9)~~ (B) (9) and (11): <--

6 (i) ~~Four~~ THREE appointees shall serve an initial <--
7 term of two years.

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

10 (iii) ~~Three~~ TWO appointees shall serve an initial <--
11 term of four years.

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

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

19 (d) Terms of office.--~~Upon the expiration of a term of a~~ <--
20 ~~member appointed under subsection (c) (1), a member may be~~
21 ~~appointed for no more than one additional consecutive term of~~
22 ~~four years.~~ EXCEPT AS PROVIDED IN SUBSECTION (C) (1), THE TERM OF <--
23 OFFICE OF A MEMBER APPOINTED UNDER SUBSECTION (B) (9) OR (11)
24 SHALL BE FOUR YEARS. NO MEMBER SHALL BE APPOINTED FOR MORE THAN
25 TWO CONSECUTIVE TERMS.

26 (e) Conditions of appointment.--The committee and the
27 committee's members are subject to the same limitations and
28 conditions imposed upon the commission under section 2 ~~(d), (e),~~ <--
29 2(E), (h), (i), (m) and (n). <--

30 (f) Quorum.--A majority of the voting members shall

1 constitute a quorum and a vote of the majority of the voting
2 members present shall be sufficient for all actions.

3 (g) Committee chair.--The chairperson of the commission
4 shall appoint a committee chair from among the judges on the
5 committee, who shall serve at the pleasure of the chairperson. A
6 vice committee chair shall be designated by the committee chair
7 and shall preside at meetings in the chair's absence. The
8 committee shall meet at the call of the committee chair, but not
9 less than four times per year.

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

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

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

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

24 (ii) The number of people in the county that were
25 under judicial supervision in pretrial status in the
26 community in the prior year.

27 (iii) The number of people in the county that were
28 placed under county probation supervision following
29 county incarceration in the prior year.

30 (iv) The offense gravity score and prior record

1 score of persons in the county under the supervision of
2 county probation in the prior year.

3 (v) The risk and need score of persons in the county
4 under the supervision of county probation, as determined
5 through the use of a validated and commission-approved
6 instrument.

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

12 (3) Advise on all matters pertaining to the
13 administration of the county adult probation and parole
14 system.

15 (4) Analyze data to identify trends and to determine the
16 effectiveness of programs and practices to ensure the
17 reasonable and efficient administration of the county adult
18 probation and parole system.

19 (5) Make recommendations and adopt standards for
20 probation and parole personnel, including standards for
21 services, caseload standards, risk assessment, responses to
22 violations and other evidence-based programs and practices.

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

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

1 current membership of the County Probation Officers' Firearm
2 Education and Training Commission and assume responsibility
3 and oversight for the firearm education and training of
4 county adult and juvenile probation and parole officers.

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

8 (i) Staff.--Staff support shall be made available to the
9 committee by the executive director of the commission in order
10 to adequately perform the duties provided for under this
11 section.

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

15 Section 9.1. Justice reinvestment grants, phase 2.

16 (a) Justice Reinvestment Fund.--The Justice Reinvestment
17 Fund will be utilized to support programs and activities to
18 improve the delivery of criminal justice services within this
19 Commonwealth.

20 (b) Savings assessment.--For fiscal years 2020-2021, 2021-
21 2022, 2022-2023 and 2023-2024, the Office of the Budget shall
22 develop a formula to calculate the amount of savings to the
23 Department of Corrections in the prior fiscal year. The
24 calculation shall include all of the following:

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

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

30 (3) use of sanctions for technical parole violations

1 under 61 Pa.C.S. § 6138(c)(8) (relating to violation of terms
2 of parole).

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

5 (1) In fiscal year 2020-2021, an amount not to exceed
6 100% of the amount determined to be savings in the prior
7 fiscal year.

8 (2) In fiscal year 2021-2022, an amount not to exceed
9 50% of the amount determined to be savings in the prior
10 fiscal year.

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

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

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

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

30 (a) General rule.--A county that provides adult probation

1 staff shall receive grant funding from the Commonwealth through
2 the commission for costs incurred by the county but only to the
3 extent that the staff and program meet the qualifications and
4 standards established by the commission.

5 (b) Appropriation.--

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

12 (2) For fiscal year 2024-2025, the sum of ~~\$34,922,000~~ <--
13 \$16,222,000 PLUS 90% OF THE AMOUNT DETERMINED TO BE SAVINGS <--
14 IN THE PRIOR FISCAL YEAR shall be appropriated to the
15 commission for the purpose of formula funding to county
16 probation and parole departments, as advised by the County
17 Adult Probation and Parole Advisory Committee under section
18 6.1.

19 (3) Beginning in fiscal year 2025-2026 and annually
20 thereafter, the Commonwealth shall adjust the appropriation
21 to reflect the annual percentage change in the Consumer Price
22 Index for All Urban Consumers, published by the United States
23 Department of Commerce, Bureau of Labor Statistics, occurring
24 in the one-year period ending on January 1 immediately
25 preceding July 1.

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

28 SECTION 10.2. COUNTY INTERMEDIATE PUNISHMENT FUNDING. <--

29 THE STATE APPROPRIATION FOR COUNTY INTERMEDIATE PUNISHMENT
30 SHALL CONTINUE TO BE UTILIZED TO SUPPORT PROGRAMS UNDER 42

1 PA.C.S. CH. 98 (RELATING TO COUNTY INTERMEDIATE PUNISHMENT).

2 Section 2. Repeals are as follows:

3 (1) The General Assembly declares that the repeal under
4 paragraph (2) is necessary to effectuate the addition of
5 section 6.1 of the act.

6 (2) 61 Pa.C.S. Ch. 63 is repealed.

7 Section 3. Transfers shall be effectuated as follows:

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

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

18 This paragraph includes:

19 (i) Civil service classification.

20 (ii) Seniority.

21 (iii) Benefits.

22 (iv) Perquisites.

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

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

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

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

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