

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, J. WARD, BROWNE AND MUTH, MARCH 25, 2019

SENATOR BROWNE, APPROPRIATIONS, RE-REPORTED AS AMENDED, JUNE 3, 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, 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

1 following members:

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

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

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

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

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

16 (6) The Victim Advocate.

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

19 (8) The President of the Pennsylvania District
20 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) (9) and (11):

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

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

10 (iii) Two appointees shall serve an initial term of
11 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.--Except as provided in subsection (c)
20 (1), the term of office of a member appointed under subsection
21 (b) (9) or (11) shall be four years. No member shall be appointed
22 for more than two consecutive terms.

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

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

30 (g) Committee chair.--The chairperson of the commission

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

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

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

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

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

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

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

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

30 (v) The risk and need score of persons in the county

1 under the supervision of county probation, as determined
2 through the use of a validated and commission-approved
3 instrument.

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

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

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

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

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

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

1 county adult and juvenile probation and parole officers.

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

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

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

12 Section 9.1. Justice reinvestment grants, phase 2.

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

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

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

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

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

30 (c) Deposit.--The following amounts shall be deposited into

1 the Justice Reinvestment Fund:

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

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

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

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

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

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

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

1 standards established by the commission.

2 (b) Appropriation.--

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

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

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

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

24 Section 10.2. County intermediate punishment funding.

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

28 Section 2. Repeals are as follows:

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

1 section 6.1 of the act.

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

3 Section 3. Transfers shall be effectuated as follows:

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

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

15 (i) Civil service classification.

16 (ii) Seniority.

17 (iii) Benefits.

18 (iv) Perquisites.

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

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

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

30 Section 4. A reference in a statute or regulation to the

1 County Probation Officers' Firearm Education and Training
2 Commission shall be deemed a reference to the County Adult
3 Probation and Parole Advisory Committee.

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