

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, MUTH AND FOLMER, MARCH 25, 2019

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, DECEMBER 9, 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 COUNTY PROBATION OFFICERS' FIREARM EDUCATION <--
8 AND TRAINING, for justice reinvestment grants, phase 2, for
9 continuing county probation and parole grants and for county
10 intermediate punishment funding; ~~making an appropriation; and~~ <--
11 ~~making a related repeal.~~

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

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

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

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

1 (b) Composition.--The committee shall consist of the
2 following members:

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

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

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

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

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

17 (6) The Victim Advocate.

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

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

22 (8.1) The President of the Pennsylvania Association of
23 Criminal Defense Lawyers or a designee.

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

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

28 (11) Seven judges of the courts of common pleas who
29 serve in the criminal court area and are representative of
30 the geographic and demographic diversity of this

1 Commonwealth, appointed by the Chief Justice of Pennsylvania.

2 (c) Initial appointments to committee.--

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

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

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

11 (iii) Two appointees shall serve an initial term of
12 four years.

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

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

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

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

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

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

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

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

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

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

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

25 (iii) The number of people in the county that were
26 placed under county probation supervision following STATE <--
27 OR county incarceration in the prior year.

28 (IV) THE NUMBER OF PEOPLE IN THE COUNTY THAT WERE <--
29 DISCHARGED FROM PROBATION SUPERVISION IN THE PRIOR YEAR.

30 ~~(iv)~~ (V) 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)~~ (VI) The risk and need score of persons in the <--
4 county under the supervision of county probation, as
5 determined through the use of a validated and commission-
6 approved instrument.

7 ~~(vi)~~ (VII) The county's FULL submission of data to <--
8 the 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 (VIII) CERTIFICATION BY THE PENNSYLVANIA COMMISSION
13 ON SENTENCING OF THE COUNTY'S COMPLIANCE WITH GUIDELINES
14 AND THE COUNTY'S CURRENT INTERMEDIATE PUNISHMENT PLAN FOR
15 IMPOSING RESTRICTIVE CONDITIONS.

16 (3) Advise on all matters pertaining to the
17 administration of the county adult probation and parole
18 system.

19 (4) Analyze data to identify trends and to determine the
20 effectiveness of programs and practices to ensure the
21 reasonable and efficient administration of the county adult
22 probation and parole system.

23 (5) Make recommendations and adopt standards for
24 probation and parole personnel, including standards for
25 services, caseload standards, risk assessment, responses to
26 violations, COLLECTION OF RESTITUTION and other evidence- <--
27 based programs and practices.

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

30 ~~(7)~~ Within one year of the effective date of this <--

~~section, absorb the funding, powers and duties of the County Probation Officers' Firearm Education and Training Commission established under 61 Pa.C.S. Ch. 63 (relating to county probation officers' firearm education and training), appoint a subcommittee with expertise comparable to that of the current membership of the County Probation Officers' Firearm Education and Training Commission and assume responsibility and oversight for the firearm education and training of county adult and juvenile probation and parole officers.~~

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

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

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

~~SECTION 6.2. COUNTY PROBATION OFFICERS' FIREARM EDUCATION AND TRAINING.~~

~~(A) COMMISSION COMPOSITION.--THE COMMITTEE SHALL SERVE AS THE COUNTY PROBATION OFFICERS' FIREARM EDUCATION AND TRAINING COMMISSION UNDER 61 PA.C.S. CH. 63 (RELATING TO COUNTY PROBATION OFFICERS' FIREARM EDUCATION AND TRAINING), INCLUDING ASSUMING ALL OF ITS FUNDING, POWERS, DUTIES AND RESPONSIBILITIES.~~

~~(B) ADVISORY SUBCOMMITTEE.--THE COMMITTEE SHALL APPOINT A SUBCOMMITTEE WITH EXPERTISE COMPARABLE TO THAT OF THE FORMER MEMBERSHIP OF THE COUNTY PROBATION OFFICERS' FIREARM EDUCATION AND TRAINING COMMISSION.~~

1 Section 9.1. Justice reinvestment grants, phase 2.

2 (a) Justice Reinvestment Fund.--The Justice Reinvestment
3 Fund will be utilized to support programs and activities to
4 improve the delivery of criminal justice services within this
5 Commonwealth.

6 (b) Savings assessment.--For fiscal years 2020-2021, 2021- <--
7 2022, 2022-2023 and, 2023-2024 AND 2024-2025, the Office of the <--
8 Budget shall develop a formula to calculate the amount of <--
9 savings to the Department of Corrections in the prior fiscal
10 year. The calculation shall include all of CONSIST OF SAVINGS <--
11 FROM the following:

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

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

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

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

22 (1) In fiscal year 2020-2021 2021-2022, an amount not to <--
23 exceed 100% of the amount determined CALCULATED to be savings <--
24 in the prior fiscal year.

25 (2) In fiscal year 2021-2022, YEARS 2022-2023, 2023-2024 <--
26 AND 2024-2025, an amount IN EACH YEAR not to exceed 50% of <--
27 the amount determined CALCULATED to be savings in the prior <--
28 fiscal year.

29 (3) In fiscal years 2022-2023 and 2023-2024 YEAR 2025- <--
30 2026, an amount in each year not to exceed 50% 90% of the <--

1 amount ~~determined~~ CALCULATED to be savings in the prior <--
2 fiscal year.

3 (d) Distributions.--For fiscal years ~~2020-2021~~, 2021-2022, <--
4 2022-2023 ~~and~~, 2023-2024 AND 2024-2025, the sum of \$250,000 <--
5 shall be distributed to the commission for the purpose of crime
6 victim compensation and the sum of \$400,000 shall be distributed
7 to the Pennsylvania Commission on Sentencing to implement risk
8 assessment and justice reinvestment sentencing features. The
9 remaining deposits in subsection (c) shall be distributed to the <--
10 commission for formula funding to county probation and parole
11 departments, as advised by the County Adult Probation and Parole
12 Advisory Committee under section 6.1. UNDER SECTION 10.1. <--

13 (e) Restriction.--Grants awarded under this section shall be
14 annual grants and shall be used to supplement and not supplant
15 existing funding, including funding provided by county
16 governments.

17 (f) Expiration.--This section shall expire July 15, ~~2024~~ <--
18 2026. <--

19 Section 10.1. Continuing county probation and parole grants.

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

25 (b) Appropriation.--

26 (1) For fiscal years ~~2020-2021~~, 2021-2022, 2022-2023 <--
27 ~~and~~, 2023-2024, 2024-2025 AND 2025-2026, the sum of <--
28 \$16,222,000 PLUS THE AMOUNT DEPOSITED UNDER SECTION 9.1(C) AS <--
29 SAVINGS IN THE PRIOR FISCAL YEAR shall be appropriated to the
30 commission for the purpose of formula funding to county

1 probation and parole departments, as advised by the County
2 Adult Probation and Parole Advisory Committee under section
3 6.1.

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

10 ~~(3) (2) Beginning in fiscal year 2025-2026 2026-2027 and~~ <--
11 ~~annually thereafter, the Commonwealth shall adjust the PRIOR~~ <--
12 ~~YEAR'S appropriation to reflect the annual percentage change~~
13 ~~in the Consumer Price Index for All Urban Consumers,~~
14 ~~published by the United States Department of Commerce, Bureau~~
15 ~~of Labor Statistics, occurring in the one-year period ending~~
16 ~~on January 1 immediately preceding July 1.~~

17 ~~(4) (3) If insufficient funds are appropriated, each~~ <--
18 ~~county shall receive a prorated reduction in funding.~~

19 Section 10.2. County intermediate punishment funding.

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

23 ~~Section 2. Repeals are as follows:~~ <--

24 ~~(1) The General Assembly declares that the repeal under~~
25 ~~paragraph (2) is necessary to effectuate the addition of~~
26 ~~section 6.1 of the act.~~

27 ~~(2) 61 Pa.C.S. Ch. 63 is repealed.~~

28 ~~Section 3. Transfers shall be effectuated as follows:~~

29 ~~(1) The functions, personnel, allocations,~~
30 ~~appropriations, equipment, supplies, records, contracts,~~

1 ~~rights and obligations of the County Probation Officers'~~
2 ~~Firearm Education and Training Commission are transferred to~~
3 ~~the County Adult Probation and Parole Advisory Committee. The~~
4 ~~transfer under this paragraph has the same effect as if the~~
5 ~~subjects of transfer had originally been those of the County~~
6 ~~Adult Probation and Parole Advisory Committee.~~

7 ~~(2) Personnel transferred under paragraph (1) shall~~
8 ~~retain the same employment status held prior to transfer.~~
9 ~~This paragraph includes:~~

10 ~~(i) Civil service classification.~~

11 ~~(ii) Seniority.~~

12 ~~(iii) Benefits.~~

13 ~~(iv) Perquisites.~~

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

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

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

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

29 Section 5 2. This act shall take effect in 60 days.

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