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 THE GENERAL ASSEMBLY OF PENNSYLVANIA
 

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# SENATE BILL

No. **501** Session of  
2019

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

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AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, DECEMBER 9, 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~~, PROVIDING FOR COMMISSION, <--  
5 FOR COMPOSITION OF COMMISSION AND FOR POWERS AND DUTIES OF  
6 COMMISSION, for adoption of guidelines for sentencing, for  
7 adoption of guidelines for county intermediate punishment,  
8 for adoption of guidelines for State intermediate punishment  
9 and for adoption of risk assessment instrument; IN JUDGMENTS <--  
10 AND OTHER LIENS, FURTHER PROVIDING FOR PERSONAL EARNINGS  
11 EXEMPT FROM PROCESS; in sentencing, further providing for  
12 SENTENCES FOR OFFENSES AGAINST INFANT PERSONS, FOR sentencing <--  
13 generally, FOR COLLECTION OF RESTITUTION, REPARATION, FEES, <--  
14 COSTS, FINES AND PENALTIES, FOR PAYMENTS OF COURT COSTS,  
15 RESTITUTION AND FINES, for order of probation, for sentence  
16 of partial confinement, for sentence of total confinement,  
17 for sentence of county intermediate punishment, for  
18 information required upon commitment and subsequent  
19 disposition, for modification or revocation of order of  
20 probation, for court-imposed sanctions for offenders  
21 violating probation, for modification or revocation of county  
22 intermediate punishment sentence and for revocation of State  
23 intermediate punishment sentence; in county intermediate  
24 punishment, further providing for county intermediate  
25 punishment programs and for continued eligibility; in  
26 motivational boot camp, further providing for definitions,  
27 for selection of inmate participants and for motivational  
28 boot camp program; in State intermediate punishment, further  
29 providing for scope of chapter, for definitions, for referral  
30 to State intermediate punishment program, for drug offender

1 treatment program and for reports; in recidivism risk  
2 reduction incentive, further providing for definitions, FOR <--  
3 SENTENCING, for evaluation and for reports; IN MISCELLANEOUS <--  
4 PROVISIONS, FURTHER PROVIDING FOR CONFIDENTIALLY OF VICTIM  
5 INFORMATION; in Pennsylvania Board of Probation and Parole,  
6 further providing for definitions, for advisory committee,  
7 for general powers of board, for probation services, for  
8 parole power, providing for short sentence parole AND FOR <--  
9 REENTRY SUPERVISION, further providing for violation of terms  
10 of parole and, for parole procedure AND FOR VICTIM <--  
11 STATEMENTS, TESTIMONY AND PARTICIPATION IN HEARING AND  
12 PROVIDING FOR PAROLEE HOMICIDE REVIEW; IN COUNTY PROBATION  
13 OFFICERS' FIREARM EDUCATION AND TRAINING, FURTHER PROVIDING  
14 FOR COUNTY PROBATION OFFICERS' FIREARM EDUCATION AND TRAINING  
15 COMMISSION AND FOR COMMISSION MEMBERSHIP; and making <--  
16 conforming amendments; AND MAKING A RELATED REPEAL. <--

17 The General Assembly of the Commonwealth of Pennsylvania  
18 hereby enacts as follows:

19 ~~Section 1. Section 2153(a) of Title 42 of the Pennsylvania~~ <--  
20 ~~Consolidated Statutes is amended by adding a paragraph to read:~~  
21 ~~§ 2153. Powers and duties.~~

22 ~~(a) General rule. The commission, pursuant to rules and~~  
23 ~~regulations, shall have the power to:~~

24 ~~\* \* \*~~

25 ~~(16) Report to the General Assembly on:~~

26 ~~(i) implementation of revisions to the guidelines~~  
27 ~~under sections 2154 (relating to adoption of guidelines~~  
28 ~~for sentencing) and 2154.1 (relating to adoption of~~  
29 ~~guidelines for restrictive conditions);~~

30 ~~(ii) implementation and outcomes of justice~~  
31 ~~reinvestment funding to county probation;~~

32 ~~(iii) use of court imposed sanctions for violating~~  
33 ~~probation under section 9771.1 (relating to court imposed~~  
34 ~~sanctions for violating probation);~~

35 ~~(iv) in consultation with the Office of the Budget~~  
36 ~~and the Department of Corrections, the implementation of~~  
37 ~~short sentence parole under 61 Pa.C.S. § 6137.1 (relating~~  
38 ~~to short sentence parole), use of the State drug~~

~~treatment program under 61 Pa.C.S. Ch. 41 (relating to State drug treatment program) and use of sanctions for technical parole violations under 61 Pa.C.S. § 6138(c)(8) (relating to violation of terms of parole); and~~  
~~(v) evaluations of the effectiveness of various criminal justice interventions and programming, including restrictive conditions of probation, recidivism risk reduction incentive programs, the State drug treatment program, the State motivational boot camp program, pretrial diversion programs, prisoner treatment programs and prisoner reentry programs. For evaluations of the effectiveness of programs in reducing recidivism, the commission shall report on:~~

~~(A) The number of individuals eligible for the program, the number of individuals participating in the program and the number of individuals who successfully completed the program during the period under study.~~

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

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

~~(D) Any other information the commission deems relevant.~~

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SECTION 1. TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED  
STATUTES IS AMENDED BY ADDING SECTIONS TO READ:  
§ 2151.2. COMMISSION.

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1 (A) CONTINUATION.--THE COMMISSION IS CONTINUED AS AN AGENCY  
2 OF THE GENERAL ASSEMBLY.

3 (B) SEAL.--THE COMMISSION SHALL HAVE A SEAL ENGRAVED WITH  
4 THE COMMISSION'S NAME AND SUCH OTHER INSCRIPTION AS MAY BE  
5 SPECIFIED BY REGULATION OF THE COMMISSION.

6 § 2152. COMPOSITION OF COMMISSION.

7 (A) MEMBERS.--THE PENNSYLVANIA COMMISSION ON SENTENCING  
8 SHALL CONSIST OF THE FOLLOWING:

9 (1) ONE INDIVIDUAL SELECTED BY THE SPEAKER OF THE HOUSE  
10 OF REPRESENTATIVES, WHO SHALL BE A DISTRICT ATTORNEY.

11 (2) ONE INDIVIDUAL SELECTED BY THE PRESIDENT PRO TEMPORE  
12 OF THE SENATE, WHO SHALL BE A DEFENSE ATTORNEY.

13 (3) TWO JUDGES OF COURTS OF RECORD SELECTED BY THE CHIEF  
14 JUSTICE OF PENNSYLVANIA.

15 (4) TWO JUDGES OF COURTS OF RECORD, ONE OF WHOM SHALL BE  
16 SELECTED BY THE PRESIDENT JUDGE OF COMMONWEALTH COURT AND ONE  
17 OF WHOM SHALL BE SELECTED BY THE PRESIDENT JUDGE OF THE  
18 SUPERIOR COURT.

19 (5) ONE INDIVIDUAL SELECTED BY THE CHIEF JUSTICE OF  
20 PENNSYLVANIA, WHO SHALL BE A PROFESSOR OF LAW KNOWLEDGEABLE  
21 IN CRIMINAL SENTENCING.

22 (6) ONE MEMBER OF THE SENATE SELECTED BY THE PRESIDENT  
23 PRO TEMPORE OF THE SENATE.

24 (7) ONE MEMBER OF THE SENATE SELECTED BY THE MINORITY  
25 LEADER OF THE SENATE.

26 (8) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES SELECTED  
27 BY THE MAJORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

28 (9) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES SELECTED  
29 BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

30 (B) EX OFFICIO MEMBERS.--THE SECRETARY OF CORRECTIONS AND

1 THE CHAIRPERSON OF THE BOARD, DURING THEIR TENURE IN THEIR  
2 RESPECTIVE POSITIONS, SHALL SERVE AS EX OFFICIO NONVOTING  
3 MEMBERS OF THE COMMISSION.

4 (C) TERMS OF OFFICE.--THE MEMBERS OF THE COMMISSION SHALL  
5 SERVE FOR TERMS OF TWO YEARS AND UNTIL A SUCCESSOR HAS BEEN  
6 SELECTED AND QUALIFIED. A VACANCY ON THE COMMISSION SHALL BE  
7 FILLED FOR THE BALANCE OF THE TERM.

8 (D) CHAIRPERSON AND EXECUTIVE DIRECTOR.--THE COMMISSION  
9 SHALL SELECT A CHAIRPERSON FROM ITS MEMBERS AND AN EXECUTIVE  
10 DIRECTOR. THE CHAIRPERSON SHALL:

11 (1) PRESIDE AT MEETINGS OF THE COMMISSION.

12 (2) DIRECT THE PREPARATION OF REQUESTS FOR  
13 APPROPRIATIONS FOR THE COMMISSION AND THE USE OF FUNDS MADE  
14 AVAILABLE TO THE COMMISSION.

15 (E) MEETINGS AND QUORUM.--

16 (1) THE COMMISSION SHALL MEET AT LEAST FOUR TIMES A YEAR  
17 AND NOT LESS THAN SEMIANNUALLY TO ESTABLISH THE COMMISSION'S  
18 GENERAL POLICIES AND RULES.

19 (2) THE COMMISSION SHALL BE DEEMED AN "AGENCY" WITHIN  
20 THE MEANING OF AND SHALL BE SUBJECT TO THE PROVISIONS OF 65  
21 PA.C.S. CH. 7 (RELATING TO OPEN MEETINGS).

22 (3) SEVEN COMMISSIONERS SHALL CONSTITUTE A QUORUM FOR  
23 THE PURPOSE OF ADOPTING PROPOSED INITIAL AND SUBSEQUENT  
24 GUIDELINES. A MAJORITY OF COMMISSIONERS SHALL CONSTITUTE A  
25 QUORUM FOR ALL OTHER PURPOSES.

26 (4) MINUTES OF MEETINGS SHALL BE KEPT BY THE EXECUTIVE  
27 DIRECTOR AND FILED AT THE EXECUTIVE OFFICE OF THE COMMISSION.

28 (F) RECORDS OF ACTION.--EXCEPT AS OTHERWISE PROVIDED BY LAW,  
29 THE COMMISSION SHALL MAINTAIN AND MAKE AVAILABLE FOR PUBLIC  
30 INSPECTION A RECORD OF THE FINAL VOTE OF EACH MEMBER ON ANY

1 ACTION TAKEN BY THE COMMISSION.

2 (G) EXPENSES.--EACH COMMISSIONER SHALL BE ENTITLED TO  
3 REIMBURSEMENT FOR EACH COMMISSIONER'S ACCOUNTABLE EXPENSES  
4 INCURRED WHILE ENGAGED IN THE BUSINESS OF THE COMMISSION.

5 (H) COMPETENCY TO TESTIFY.--IN A JUDICIAL, ADMINISTRATIVE OR  
6 SIMILAR PROCEEDING, A COMMISSIONER OR COMMISSION STAFF SHALL NOT  
7 BE COMPETENT TO TESTIFY AND MAY NOT BE REQUIRED TO PRODUCE  
8 RECORDS OR OTHER DISCOVERY AS TO ANY STATEMENT, CONDUCT,  
9 DECISION OR DELIBERATION OCCURRING DURING THE COURSE OF OFFICIAL  
10 BUSINESS, TO THE SAME EXTENT AS A LEGISLATOR OR LEGISLATIVE  
11 STAFF OF THIS COMMONWEALTH ACTING IN A LEGISLATIVE CAPACITY.

12 § 2153. POWERS AND DUTIES OF COMMISSION.

13 (A) POWERS AND DUTIES.--THE COMMISSION, IN ACCORDANCE WITH  
14 THE RULES AND REGULATIONS OF THE COMMISSION, SHALL HAVE THE  
15 POWERS TO:

16 (1) ESTABLISH GENERAL POLICIES AND PROMULGATE SUCH RULES  
17 AND REGULATIONS FOR THE COMMISSION AS ARE NECESSARY TO  
18 ADMINISTER THIS SUBCHAPTER AND CHAPTER 97 (RELATING TO  
19 SENTENCING).

20 (2) UTILIZE, WITH THE CONSENT OF FEDERAL, STATE, LOCAL  
21 AND PRIVATE AGENCIES AND INSTRUMENTALITIES, THE SERVICES,  
22 EQUIPMENT, PERSONNEL, INFORMATION AND FACILITIES OF THE  
23 FEDERAL, STATE, LOCAL AND PRIVATE AGENCIES AND  
24 INSTRUMENTALITIES WITH OR WITHOUT REIMBURSEMENT.

25 (3) ENTER INTO AND PERFORM SUCH CONTRACTS, LEASES,  
26 COOPERATIVE AGREEMENTS AND OTHER TRANSACTIONS AS MAY BE  
27 NECESSARY IN THE CONDUCT OF THE FUNCTIONS OF THE COMMISSION,  
28 WITH ANY PUBLIC AGENCY OR WITH ANY PERSON, FIRM, ASSOCIATION,  
29 CORPORATION, EDUCATIONAL INSTITUTION OR NONPROFIT  
30 ORGANIZATION.

1           (4) REQUEST SUCH INFORMATION, DATA AND REPORTS FROM ANY  
2 OFFICER OR AGENCY OF THE COMMONWEALTH AS THE COMMISSION MAY  
3 FROM TIME TO TIME REQUIRE AND AS MAY BE PRODUCED CONSISTENT  
4 WITH ANY OTHER FEDERAL OR STATE LAW.

5           (5) ARRANGE WITH THE HEAD OF ANY GOVERNMENT UNIT FOR THE  
6 PERFORMANCE BY THE GOVERNMENT UNIT OF ANY FUNCTION OF THE  
7 COMMISSION, WITH OR WITHOUT REIMBURSEMENT.

8           (6) ISSUE INVITATIONS REQUESTING THE ATTENDANCE AND  
9 TESTIMONY OF WITNESSES AND THE PRODUCTION OF ANY EVIDENCE  
10 THAT RELATES DIRECTLY TO A MATTER WITH RESPECT TO WHICH THE  
11 COMMISSION OR ANY MEMBER THEREOF IS EMPOWERED TO MAKE A  
12 DETERMINATION UNDER THIS SUBCHAPTER.

13           (7) ESTABLISH A RESEARCH AND DEVELOPMENT PROGRAM WITHIN  
14 THE COMMISSION FOR THE PURPOSE OF:

15                 (I) SERVING AS A CLEARINGHOUSE AND INFORMATION  
16 CENTER FOR THE COLLECTION, PREPARATION AND DISSEMINATION  
17 OF INFORMATION ON COMMONWEALTH SENTENCING, RESENTENCING  
18 AND PAROLE PRACTICES.

19                 (II) ASSISTING AND SERVING IN A CONSULTING CAPACITY  
20 TO THE BOARD, STATE COURTS, DEPARTMENTS AND AGENCIES IN  
21 THE DEVELOPMENT, MAINTENANCE AND COORDINATION OF SOUND  
22 SENTENCING, RESENTENCING AND PAROLE PRACTICES.

23           (8) COLLECT SYSTEMATICALLY THE DATA OBTAINED FROM  
24 STUDIES, RESEARCH AND THE EMPIRICAL EXPERIENCE OF PUBLIC AND  
25 PRIVATE AGENCIES CONCERNING THE SENTENCING PROCESSES.

26           (9) PUBLISH DATA CONCERNING THE SENTENCING AND PAROLE  
27 PROCESSES.

28           (10) COLLECT SYSTEMATICALLY AND DISSEMINATE INFORMATION  
29 CONCERNING PAROLE DISPOSITIONS AND SENTENCES ACTUALLY  
30 IMPOSED, INCLUDING INITIAL SENTENCES AND ANY SUBSEQUENT

1 MODIFICATION OF SENTENCES OR RESENTENCES FOLLOWING REVOCATION  
2 OR REMAND, AND PAROLE AND REPAROLE DECISIONS BY THE BOARD AND  
3 ANY OTHER PAROLE AUTHORITY.

4 (11) COLLECT SYSTEMATICALLY AND DISSEMINATE INFORMATION  
5 REGARDING EFFECTIVENESS OF PAROLE DISPOSITIONS AND SENTENCES  
6 IMPOSED.

7 (12) MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY  
8 CONCERNING MODIFICATION OR ENACTMENT OF SENTENCING, PAROLE  
9 AND CORRECTIONAL STATUTES WHICH THE COMMISSION FINDS TO BE  
10 NECESSARY AND ADVISABLE TO CARRY OUT AN EFFECTIVE, HUMANE AND  
11 RATIONAL SENTENCING, RESENTENCING AND PAROLE POLICY.

12 (13) ESTABLISH A PLAN AND TIMETABLE TO COLLECT AND  
13 DISSEMINATE INFORMATION RELATING TO INCAPACITATION,  
14 RECIDIVISM, DETERRENCE AND OVERALL EFFECTIVENESS OF SENTENCES  
15 AND PAROLE DISPOSITIONS IMPOSED.

16 (14) ESTABLISH A PROGRAM TO SYSTEMATICALLY MONITOR  
17 COMPLIANCE WITH THE GUIDELINES, WITH THE RISK ASSESSMENT  
18 INSTRUMENT, WITH RECOMMITMENT RANGES AND WITH MANDATORY  
19 SENTENCING LAWS TO DOCUMENT ELIGIBILITY FOR A RELEASE IN  
20 ACCORDANCE WITH A COUNTY REENTRY PLAN, TO DOCUMENT  
21 ELIGIBILITY FOR AND IMPOSITION OF RECIDIVISM RISK REDUCTION  
22 INCENTIVE MINIMUM SENTENCES AND TO DOCUMENT ALL PAROLE AND  
23 REPAROLE DECISIONS BY THE BOARD AND ANY OTHER PAROLING  
24 AUTHORITY BY:

25 (I) PROMULGATING FORMS WHICH DOCUMENT THE  
26 APPLICATION OF SENTENCING, RESENTENCING AND PAROLE  
27 GUIDELINES, MANDATORY SENTENCING LAWS, RISK ASSESSMENT  
28 INSTRUMENT, RELEASES IN ACCORDANCE WITH A COUNTY REENTRY  
29 PLAN, RECOMMITMENT RANGES AND RECIDIVISM RISK REDUCTION  
30 INCENTIVE MINIMUM SENTENCES AND COLLECTING INFORMATION ON



1 ALL PAROLE AND REPAROLE DECISIONS BY THE BOARD AND ANY  
2 OTHER PAROLING AUTHORITY.

3 (II) REQUIRING THE TIMELY COMPLETION AND ELECTRONIC  
4 SUBMISSION OF SUCH FORMS TO THE COMMISSION.

5 (15) PRIOR TO ADOPTION OF CHANGES TO GUIDELINES FOR  
6 SENTENCING, RESENTENCING AND PAROLE, RISK ASSESSMENT  
7 INSTRUMENT AND RECOMMITMENT RANGES FOLLOWING REVOCATION, USE  
8 A CORRECTIONAL POPULATION SIMULATION MODEL TO DETERMINE:

9 (I) RESOURCES THAT ARE REQUIRED UNDER CURRENT  
10 GUIDELINES, RISK ASSESSMENT INSTRUMENT AND RANGES.

11 (II) RESOURCES THAT WOULD BE REQUIRED TO CARRY OUT  
12 ANY PROPOSED CHANGES TO THE GUIDELINES, RISK ASSESSMENT  
13 INSTRUMENT AND RANGES.

14 (16) REPORT TO THE GENERAL ASSEMBLY ON:

15 (I) IMPLEMENTATION OF REVISIONS TO THE GUIDELINES  
16 UNDER SECTIONS 2154 (RELATING TO ADOPTION OF GUIDELINES  
17 FOR SENTENCING) AND 2154.1 (RELATING TO ADOPTION OF  
18 GUIDELINES FOR COUNTY INTERMEDIATE PUNISHMENT);

19 (II) IMPLEMENTATION AND OUTCOMES OF JUSTICE  
20 REINVESTMENT FUNDING TO COUNTY PROBATION;

21 (III) USE OF COURT-IMPOSED SANCTIONS FOR VIOLATION  
22 OF PROBATION UNDER SECTION 9771.1 (RELATING TO COURT-  
23 IMPOSED SANCTIONS FOR OFFENDERS VIOLATING PROBATION);

24 (IV) IN CONSULTATION WITH THE OFFICE OF THE BUDGET  
25 AND THE DEPARTMENT OF CORRECTIONS, IMPLEMENTATION OF  
26 SHORT SENTENCE PAROLE UNDER 61 PA.C.S. § 6137.1 (RELATING  
27 TO SHORT SENTENCE PAROLE), USE OF THE STATE DRUG  
28 TREATMENT PROGRAM UNDER 61 PA.C.S. CH. 41 (RELATING TO  
29 STATE DRUG TREATMENT PROGRAM) AND USE OF SANCTIONS FOR  
30 TECHNICAL PAROLE VIOLATIONS UNDER 61 PA.C.S. § 6138(C)

1 (1.2) (RELATING TO VIOLATION OF TERMS OF PAROLE); AND

2 (V) EVALUATIONS OF THE EFFECTIVENESS AND COST-  
3 BENEFIT OF VARIOUS CRIMINAL JUSTICE INTERVENTIONS AND  
4 PROGRAMMING, INCLUDING RESTRICTIVE CONDITIONS OF  
5 PROBATION, RECIDIVISM RISK REDUCTION INCENTIVE PROGRAMS,  
6 THE STATE DRUG TREATMENT PROGRAM, THE STATE MOTIVATIONAL  
7 BOOT CAMP PROGRAM, PRETRIAL DIVERSION PROGRAMS, PRISONER  
8 TREATMENT PROGRAMS AND PRISON REENTRY PROGRAMS. FOR  
9 EVALUATIONS OF THE EFFECTIVENESS AND COST-BENEFIT OF A  
10 PROGRAM IN REDUCING RECIDIVISM, THE COMMISSION SHALL  
11 REPORT ON:

12 (A) THE NUMBER OF INDIVIDUALS ELIGIBLE FOR THE  
13 PROGRAM, THE NUMBER OF INDIVIDUALS PARTICIPATING IN  
14 THE PROGRAM AND THE NUMBER OF INDIVIDUALS WHO  
15 SUCCESSFULLY COMPLETED THE PROGRAM DURING THE PERIOD  
16 UNDER STUDY.

17 (B) THE RECIDIVISM RATES FOR PARTICIPANTS OF THE  
18 PROGRAM AND FOR A COMPARISON GROUP OF INDIVIDUALS WHO  
19 DID NOT PARTICIPATE IN THE PROGRAM.

20 (C) POTENTIAL CHANGES IN THE PROGRAM THAT THE  
21 COMMISSION BELIEVES WOULD MAKE THE PROGRAM MORE  
22 EFFECTIVE.

23 (D) ANY OTHER INFORMATION THE COMMISSION DEEMS  
24 RELEVANT.

25 (B) ANNUAL REPORTS.--THE COMMISSION SHALL REPORT ANNUALLY TO  
26 THE GOVERNOR, THE GENERAL ASSEMBLY AND THE ADMINISTRATIVE OFFICE  
27 OF PENNSYLVANIA COURTS ON THE ACTIVITIES OF THE COMMISSION.

28 (C) ADDITIONAL POWERS AND DUTIES.--THE COMMISSION SHALL HAVE  
29 SUCH OTHER POWERS AND DUTIES AND SHALL PERFORM SUCH OTHER  
30 FUNCTIONS AS MAY BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS

1 SUBCHAPTER OR AS MAY BE PROVIDED UNDER ANY OTHER PROVISION OF  
2 STATE LAW AND MAY DELEGATE TO ANY COMMISSIONER OR DESIGNATED  
3 PERSON SUCH POWERS AS MAY BE APPROPRIATE OTHER THAN THE POWER TO  
4 ESTABLISH GENERAL POLICIES, GUIDELINES, RULES AND FACTORS UNDER  
5 SUBSECTION (A) (1).

6 Section 2. Sections 2154 and 2154.1 of Title 42 are amended  
7 to read:

8 § 2154. Adoption of guidelines for sentencing.

9 (a) General rule.--The commission shall adopt guidelines for  
10 sentencing within the limits established by law which shall be  
11 considered by the sentencing court in determining the  
12 appropriate sentence for defendants who plead guilty or nolo  
13 contendere to, or who were found guilty of, felonies and  
14 misdemeanors. In adopting guidelines, the commission shall  
15 recommend confinement that is consistent with the protection of  
16 the public, the gravity of the offense as it relates to the  
17 impact on the life of the victim and the community and the  
18 ~~rehabilitative needs of the offender. The guidelines shall~~ <--  
19 REHABILITATIVE NEEDS OF THE OFFENDER. <--

20 (B) FACTORS.--THE GUIDELINES SHALL address the following  
21 retributive factors:

22 (1) Seriousness of the offense, by specifying the range  
23 of sentences applicable to crimes of a given degree of  
24 gravity[, including incapacitation of serious violent  
25 offenders].

26 (2) Criminal history, by specifying a range of sentences  
27 of increased severity or intensity of intervention for  
28 offenders previously convicted of or adjudicated delinquent  
29 for one or more misdemeanor or felony offenses committed  
30 prior to the current offense. The commission may exclude or

1 reduce the valuation of less serious offenses and increase  
2 the valuation of offenses committed while under supervision  
3 or in a temporal or offense pattern.

4 (3) Criminal behavior, by specifying a range of  
5 sentences of increased severity or intensity of intervention  
6 for offenders [who pose a substantial risk to public safety]  
7 with increased culpability, including those who possessed or  
8 used a deadly weapon or inflicted substantial harm during the  
9 commission of the current conviction offense.

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

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

15 **[(b)]** (C) Adjustments.--The guidelines shall include the <--  
16 following risk-related adjustments:

17 (1) Incapacitation of serious violent offenders.

18 (2) Modifications to criminal history to reflect risk to  
19 reoffend and substantial risk to public safety to adjust the  
20 length of total confinement for more serious criminal  
21 history.

22 ~~(3) Recommendations related to the use of county~~ <--  
23 ~~intermediate punishment programs as restrictive conditions of~~  
24 ~~probation and the duration of terms of probation.~~

25 (D) PROBATION GUIDELINES.--THE GUIDELINES SHALL ADDRESS THE <--  
26 USE OF COUNTY INTERMEDIATE PUNISHMENT PROGRAMS AS RESTRICTIVE  
27 CONDITIONS OF PROBATION AND THE DURATION OF TERMS OF PROBATION.

28 ~~(e)~~ (E) Interactive information.--The guidelines shall <--  
29 include interactive information to support decisions with risk, <--  
30 AND recidivism and cost information. <--

1 ~~(d)~~ (F) Definitions.--As used in this section, the following <--  
2 words and phrases shall have the meanings given to them in this  
3 subsection unless the context clearly indicates otherwise:

4 "Possessed." On a defendant's person or within the  
5 defendant's immediate physical control.

6 "Previously convicted of or adjudicated delinquent." Any  
7 finding of guilt or adjudication of delinquency, whether or not  
8 sentence has been imposed or disposition ordered prior to the  
9 commission of the current offense.

10 § 2154.1. Adoption of guidelines for [county intermediate  
11 punishment] restrictive conditions.

12 (a) General rule.--The commission shall adopt guidelines to  
13 identify offenders who would be eligible and appropriate for  
14 [participation in county intermediate punishment programs]  
15 restrictive conditions of probation. These guidelines shall be  
16 considered by the sentencing court in determining whether to  
17 [sentence an offender] impose restrictive conditions pursuant to  
18 section 9763 (relating to [sentence of county intermediate  
19 punishment] conditions of probation). The guidelines shall[:

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

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

24 (b) Compliance.--The commission shall certify compliance BY <--  
25 EACH COUNTY with guidelines adopted by the commission for county  
26 intermediate punishment or for imposing restrictive conditions  
27 of probation and with related statutory requirements AND SECTION <--  
28 9728(G.1) (RELATING TO COLLECTION OF RESTITUTION, REPARATION,  
29 FEES, COSTS, FINES AND PENALTIES) and report the results to the  
30 Pennsylvania Commission on Crime and Delinquency.

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

2 [§ 2154.2. Adoption of guidelines for State intermediate  
3 punishment.]

4 The commission shall adopt guidelines to identify offenders  
5 who would be appropriate for participation in State intermediate  
6 punishment programs. These guidelines shall be considered by the  
7 attorney for the Commonwealth and the sentencing court in  
8 determining whether to commit a defendant for evaluation and  
9 whether to sentence an eligible offender pursuant to 61 Pa.C.S.  
10 Ch. 41 (relating to State intermediate punishment). The  
11 guidelines shall:

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

14 (2) Give primary consideration to protection of the  
15 public safety.]

16 Section 4. Sections 2154.7(d), 8127(B), 9718, 9721(a), (a.1) <--  
17 and (b), 9728(A)(2) AND (B)(5), 9730, 9754, 9755(d) and (h), <--  
18 9756(c.1), 9763 heading, (a), ~~(b)(14)~~ (B)(1), (2), (8), (10), <--  
19 (14), (16) and (17), (c) and (d), 9764(f), 9771(a) and (b) and  
20 9771.1 of Title 42 are amended to read:

21 § 2154.7. Adoption of risk assessment instrument.

22 \* \* \*

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

26 (1) for persons under supervision, intensity of  
27 intervention, use of restrictive conditions and duration of  
28 supervision; and

29 (2) appropriate candidates for alternative sentencing,  
30 including the recidivism risk reduction incentive, State [and

1 county intermediate punishment programs] drug treatment  
2 program and State motivational boot camps.

3 \* \* \*

4 § 8127. PERSONAL EARNINGS EXEMPT FROM PROCESS. <--

5 \* \* \*

6 (B) PRIORITY.--AN ORDER OF ATTACHMENT FOR SUPPORT SHALL HAVE  
7 FIRST PRIORITY AND AN ORDER DESCRIBED IN SUBSECTION (A) (5) SHALL  
8 HAVE SECOND PRIORITY OVER ANY OTHER ATTACHMENT, EXECUTION,  
9 GARNISHMENT OR WAGE ASSIGNMENT.

10 \* \* \*

11 § 9718. SENTENCES FOR OFFENSES AGAINST INFANT PERSONS.

12 (A) MANDATORY SENTENCE.--

13 (1) A PERSON CONVICTED OF THE FOLLOWING OFFENSES WHEN  
14 THE VICTIM IS LESS THAN 16 YEARS OF AGE SHALL BE SENTENCED TO  
15 A MANDATORY TERM OF IMPRISONMENT AS FOLLOWS:

16 18 PA.C.S. § 2702(A) (1) AND (4) (RELATING TO AGGRAVATED  
17 ASSAULT) - NOT LESS THAN TWO YEARS.

18 18 PA.C.S. § 3121(A) (1), (2), (3), (4) AND (5) (RELATING  
19 TO RAPE) - NOT LESS THAN TEN YEARS.

20 18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL  
21 INTERCOURSE) - NOT LESS THAN TEN YEARS.

22 18 PA.C.S. § 3125(A) (1) THROUGH (6) (RELATING TO  
23 AGGRAVATED INDECENT ASSAULT) - NOT LESS THAN FIVE YEARS.

24 (2) A PERSON CONVICTED OF THE FOLLOWING OFFENSES WHEN  
25 THE VICTIM IS LESS THAN 13 YEARS OF AGE SHALL BE SENTENCED TO  
26 A MANDATORY TERM OF IMPRISONMENT AS FOLLOWS:

27 18 PA.C.S. § 2502(C) (RELATING TO MURDER) - NOT LESS THAN  
28 15 YEARS.

29 18 PA.C.S. § 2702(A) (1) - NOT LESS THAN FIVE YEARS.

30 (3) A PERSON CONVICTED OF THE FOLLOWING OFFENSES SHALL

1 BE SENTENCED TO A MANDATORY TERM OF IMPRISONMENT AS FOLLOWS:

2 18 PA.C.S. § 3121(C) AND (D) - NOT LESS THAN TEN YEARS.

3 18 PA.C.S. § 3125(A) (7) - NOT LESS THAN FIVE YEARS.

4 18 PA.C.S. § 3125(B) - NOT LESS THAN TEN YEARS.

5 (B) ELIGIBILITY FOR PAROLE.--PAROLE SHALL NOT BE GRANTED  
6 UNTIL THE MINIMUM TERM OF IMPRISONMENT HAS BEEN SERVED.

7 (C) [PROOF AT SENTENCING.--THE PROVISIONS OF THIS SECTION  
8 SHALL NOT BE AN ELEMENT OF THE CRIME, AND NOTICE OF THE  
9 PROVISIONS OF THIS SECTION TO THE DEFENDANT SHALL NOT BE  
10 REQUIRED PRIOR TO CONVICTION, BUT REASONABLE NOTICE OF THE  
11 COMMONWEALTH'S INTENTION TO PROCEED UNDER THIS SECTION SHALL BE  
12 PROVIDED AFTER CONVICTION AND BEFORE SENTENCING. THE  
13 APPLICABILITY OF THIS SECTION SHALL BE DETERMINED AT SENTENCING.  
14 THE COURT SHALL CONSIDER ANY EVIDENCE PRESENTED AT TRIAL AND  
15 SHALL AFFORD THE COMMONWEALTH AND THE DEFENDANT AN OPPORTUNITY  
16 TO PRESENT ANY NECESSARY ADDITIONAL EVIDENCE AND SHALL  
17 DETERMINE, BY A PREPONDERANCE OF THE EVIDENCE, IF THIS SECTION  
18 IS APPLICABLE.] APPLICATION OF MANDATORY MINIMUM PENALTY.--WITH  
19 THE EXCEPTION OF PRIOR CONVICTIONS, ANY PROVISION OF THIS  
20 SECTION THAT REQUIRES IMPOSITION OF A MANDATORY MINIMUM SENTENCE  
21 SHALL CONSTITUTE AN ELEMENT ENHANCING THE UNDERLYING OFFENSE.  
22 ANY ENHANCING ELEMENT MUST BE PROVEN BEYOND A REASONABLE DOUBT  
23 AT TRIAL ON THE UNDERLYING OFFENSE AND MUST BE SUBMITTED TO THE  
24 FACT-FINDER FOR DELIBERATION TOGETHER WITH THE UNDERLYING  
25 OFFENSE. IF THE FACT-FINDER FINDS THE DEFENDANT GUILTY OF THE  
26 UNDERLYING OFFENSE, THE FACT-FINDER SHALL ALSO DECIDE WHETHER  
27 ANY ENHANCING ELEMENT HAS BEEN PROVEN.

28 (C.1) NOTICE.--NOTICE TO THE DEFENDANT OF THE APPLICABILITY  
29 OF THIS SECTION SHALL BE REQUIRED PRIOR TO CONVICTION.

30 (D) AUTHORITY OF COURT IN SENTENCING.--THERE SHALL BE NO



1 AUTHORITY IN ANY COURT TO IMPOSE ON AN OFFENDER TO WHICH THIS  
2 SECTION IS APPLICABLE ANY LESSER SENTENCE THAN PROVIDED FOR IN  
3 SUBSECTION (A) OR TO PLACE THE OFFENDER ON PROBATION OR TO  
4 SUSPEND SENTENCE. NOTHING IN THIS SECTION SHALL PREVENT THE  
5 SENTENCING COURT FROM IMPOSING A SENTENCE GREATER THAN THAT  
6 PROVIDED IN THIS SECTION. SENTENCING GUIDELINES PROMULGATED BY  
7 THE PENNSYLVANIA COMMISSION ON SENTENCING SHALL NOT SUPERSEDE  
8 THE MANDATORY SENTENCES PROVIDED IN THIS SECTION.

9 (E) APPEAL BY COMMONWEALTH.-- [IF A SENTENCING COURT REFUSES  
10 TO APPLY THIS SECTION WHERE APPLICABLE, THE COMMONWEALTH SHALL  
11 HAVE THE RIGHT TO APPELLATE REVIEW OF THE ACTION OF THE  
12 SENTENCING COURT. THE APPELLATE COURT SHALL VACATE THE SENTENCE  
13 AND REMAND THE CASE TO THE SENTENCING COURT FOR IMPOSITION OF A  
14 SENTENCE IN ACCORDANCE WITH THIS SECTION IF IT FINDS THAT THE  
15 SENTENCE WAS IMPOSED IN VIOLATION OF THIS SECTION.] IF THE FACT-  
16 FINDER HAS FOUND ANY ENHANCING ELEMENT AND A SENTENCING COURT  
17 IMPOSES A SENTENCE BELOW THE MANDATORY MINIMUM SENTENCE, THE  
18 COMMONWEALTH SHALL HAVE THE RIGHT TO APPELLATE REVIEW OF THE  
19 SENTENCE. IF THE APPELLATE COURT FINDS THAT THE MANDATORY  
20 SENTENCING PROVISION WAS APPLICABLE, THE COURT SHALL VACATE THE  
21 SENTENCE AND REMAND THE CASE FOR RESENTENCING IN ACCORDANCE WITH  
22 THAT PROVISION.

23 \* \* \*

24 § 9721. Sentencing generally.

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

29 (1) An order of probation.

30 (2) A determination of guilt without further penalty.

- 1 (3) Partial confinement.
- 2 (4) Total confinement.
- 3 (5) A fine.
- 4 [(6) County intermediate punishment.
- 5 (7) State intermediate punishment.]

6 (a.1) Exception.--

7 (1) Unless specifically authorized under section 9763  
8 (relating to [a sentence of county intermediate punishment]  
9 or 61 Pa.C.S. Ch. 41 (relating to State intermediate  
10 punishment)] conditions of probation), subsection (a) shall  
11 not apply where a mandatory minimum sentence is otherwise  
12 provided by law.

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

20 (3) An eligible [offender] person may be sentenced to  
21 total confinement pursuant to subsection (a) (4) and a  
22 recidivism risk reduction incentive minimum sentence pursuant  
23 to section 9756(b.1) (relating to sentence of total  
24 confinement), even if a mandatory minimum sentence would  
25 otherwise be provided by law.

26 (b) General standards.--In selecting from the alternatives  
27 set forth in subsection (a), the court shall follow the general  
28 principle that the sentence imposed should call for total  
29 confinement that is consistent with section 9725 (relating to  
30 total confinement) and the protection of the public, the gravity

1 of the offense as it relates to the impact on the life of the  
2 victim and on the community, and the rehabilitative needs of the  
3 defendant. The court shall also consider any guidelines for  
4 sentencing and resentencing adopted by the Pennsylvania  
5 Commission on Sentencing and taking effect under section 2155  
6 (relating to publication of guidelines for sentencing,  
7 resentencing and parole, risk assessment instrument and  
8 recommitment ranges following revocation). In every case in  
9 which the court imposes a sentence for a felony or misdemeanor,  
10 modifies a sentence, resentsences [an offender] a person  
11 following revocation of probation[, county intermediate  
12 punishment or State intermediate punishment] or resentsences  
13 following remand, the court shall make as a part of the record,  
14 and disclose in open court at the time of sentencing, a  
15 statement of the reason or reasons for the sentence imposed. In  
16 every case where the court imposes a sentence or resentence  
17 outside the guidelines adopted by the Pennsylvania Commission on  
18 Sentencing under sections 2154 (relating to adoption of  
19 guidelines for sentencing), 2154.1 (relating to adoption of  
20 guidelines for [county intermediate punishment), 2154.2  
21 (relating to adoption of guidelines for State intermediate  
22 punishment)] restrictive conditions), 2154.3 (relating to  
23 adoption of guidelines for fines), 2154.4 (relating to adoption  
24 of guidelines for resentencing) and 2154.5 (relating to adoption  
25 of guidelines for parole) and made effective under section 2155,  
26 the court shall provide a contemporaneous written statement of  
27 the reason or reasons for the deviation from the guidelines to  
28 the commission, as established under section 2153(a) (14)  
29 (relating to powers and duties). Failure to comply shall be  
30 grounds for vacating the sentence or resentence and resentencing

1 the defendant.

2 \* \* \*

3 § 9728. COLLECTION OF RESTITUTION, REPARATION, FEES, COSTS, <--  
4 FINES AND PENALTIES.

5 (A) GENERAL RULE.--

6 \* \* \*

7 (2) IN ACCORDANCE WITH SECTION 9730.1 (RELATING TO  
8 COLLECTION OF COURT COSTS, RESTITUTION AND FINES BY PRIVATE  
9 COLLECTION AGENCY), THE COLLECTION OF RESTITUTION,  
10 REPARATION, FEES, COSTS, FINES AND PENALTIES UNDER THIS  
11 SECTION MAY BE REFERRED TO A PRIVATE COLLECTION AGENCY. ANY  
12 COUNTY THAT DOES NOT ENGAGE THE SERVICES OF A PRIVATE  
13 COLLECTION AGENCY SHALL OPERATE A COLLECTIONS ENFORCEMENT  
14 UNIT CONSISTENT WITH THE PROVISIONS OF PARAGRAPH (1) AND  
15 DEDICATED TO CARRYING OUT THE DUTIES THEREIN PROVIDED.  
16 STATISTICAL INFORMATION RELATING TO THE AMOUNT OF RESTITUTION  
17 COLLECTED BY THE COUNTY PROBATION DEPARTMENT OR ANY AGENT  
18 DESIGNATED BY THE COUNTY COMMISSIONERS OF THE COUNTY WITH THE  
19 APPROVAL OF THE PRESIDENT JUDGE OF THE COUNTY SHALL BE [MADE  
20 AVAILABLE] PROVIDED TO THE PENNSYLVANIA COMMISSION ON CRIME  
21 AND DELINQUENCY AND PENNSYLVANIA COMMISSION ON SENTENCING ON  
22 AN ANNUAL BASIS. THE STATISTICAL INFORMATION SHALL BE  
23 SUFFICIENTLY DETAILED SO AS TO SHOW COMPLIANCE WITH THE  
24 REQUIREMENTS OF THIS SECTION, INCLUDING SUBSECTION (G.1).

25 (B) PROCEDURE.--

26 \* \* \*

27 (5) DEDUCTIONS SHALL BE AS FOLLOWS:

28 (I) THE [COUNTY CORRECTIONAL FACILITY TO WHICH THE  
29 OFFENDER HAS BEEN SENTENCED OR THE] DEPARTMENT OF  
30 CORRECTIONS SHALL [BE AUTHORIZED TO] MAKE MONETARY

1 DEDUCTIONS [FROM] OF AT LEAST 25% OF DEPOSITS MADE TO  
2 INMATE WAGES AND PERSONAL ACCOUNTS FOR THE PURPOSE OF  
3 COLLECTING RESTITUTION [OR], COSTS IMPOSED UNDER SECTION  
4 9721(C.1), FILING FEES TO BE COLLECTED UNDER SECTION  
5 6602(C) (RELATING TO PRISONER FILING FEES) AND ANY OTHER  
6 COURT-ORDERED OBLIGATION. [OR COSTS IMPOSED UNDER SECTION  
7 9721(C.1). ANY AMOUNT DEDUCTED SHALL BE TRANSMITTED BY  
8 THE DEPARTMENT OF CORRECTIONS OR THE COUNTY CORRECTIONAL  
9 FACILITY TO THE PROBATION DEPARTMENT OF THE COUNTY OR  
10 OTHER AGENT DESIGNATED BY THE COUNTY COMMISSIONERS OF THE  
11 COUNTY WITH THE APPROVAL OF THE PRESIDENT JUDGE OF THE  
12 COUNTY IN WHICH THE OFFENDER WAS CONVICTED. THE  
13 DEPARTMENT OF CORRECTIONS SHALL DEVELOP GUIDELINES  
14 RELATING TO ITS RESPONSIBILITIES UNDER THIS PARAGRAPH.]

15 (II) THE COUNTY CORRECTIONAL FACILITY TO WHICH THE  
16 OFFENDER HAS BEEN SENTENCED SHALL:

17 (A) BE AUTHORIZED TO MAKE MONETARY DEDUCTIONS  
18 FROM INMATE WAGES AND PERSONAL ACCOUNTS FOR THE  
19 PURPOSE OF COLLECTING RESTITUTION, COSTS IMPOSED  
20 UNDER SECTION 9721(C.1), FILING FEES TO BE COLLECTED  
21 UNDER SECTION 6602(C) AND ANY OTHER COURT-ORDERED  
22 OBLIGATION OR FEES OWED TO THE COUNTY JAIL OR PRISON  
23 RELATED TO THE INMATE'S INCARCERATION.

24 (B) DEDUCT AN AMOUNT SUFFICIENT TO SATISFY ANY  
25 OUTSTANDING RESTITUTION, COSTS IMPOSED UNDER SECTION  
26 9721(C.1), FILING FEES TO BE COLLECTED UNDER SECTION  
27 6602(C) OR OTHER COURT-ORDERED OBLIGATIONS BEFORE  
28 RELEASING FUNDS ON DEPOSIT.

29 (III) ANY AMOUNT DEDUCTED UNDER THIS PARAGRAPH SHALL  
30 BE IN ADDITION TO THE FULL AMOUNT AUTHORIZED TO BE

1 COLLECTED PURSUANT TO ANY ORDER FOR SUPPORT. ANY AMOUNT  
2 DEDUCTED SHALL BE TRANSMITTED TO THE PROBATION DEPARTMENT  
3 OF THE COUNTY OR OTHER AGENT DESIGNATED BY THE COUNTY  
4 COMMISSIONERS WITH THE APPROVAL OF THE PRESIDENT JUDGE OF  
5 THE COUNTY IN WHICH THE OFFENDER WAS CONVICTED.

6 (IV) THE DEPARTMENT OF CORRECTIONS AND EACH COUNTY  
7 CORRECTIONAL FACILITY SHALL DEVELOP GUIDELINES RELATING  
8 TO ITS RESPONSIBILITIES UNDER THIS PARAGRAPH. THE  
9 GUIDELINES SHALL BE INCORPORATED INTO ANY CONTRACT  
10 ENTERED INTO WITH A CORRECTIONAL FACILITY.

11 \* \* \*

12 § 9730. PAYMENT OF COURT COSTS, RESTITUTION AND FINES.

13 (A) [USE OF CREDIT CARDS] METHOD OF PAYMENT.--THE TREASURER  
14 OF EACH COUNTY MAY ALLOW THE USE OF CREDIT CARDS AND BANK CARDS  
15 IN THE PAYMENT OF COURT COSTS, RESTITUTION AND FINES[.] AND MAY  
16 PROVIDE FOR AUTOMATIC PERIODIC DEDUCTIONS FROM A BANK ACCOUNT,  
17 SUBJECT TO THE AGREEMENT OF THE OWNER OF THE ACCOUNT.

18 (A.1) WAGE ATTACHMENT.--A COURT MAY, AT SENTENCING, ASSIGN  
19 AN AMOUNT NOT GREATER THAN 25% OF THE DEFENDANT'S GROSS SALARY,  
20 WAGES OR OTHER EARNINGS TO BE USED FOR THE PAYMENT OF COURT  
21 COSTS, RESTITUTION OR FINES.

22 (B) PROCEDURES REGARDING DEFAULT.--

23 (1) IF A DEFENDANT DEFAULTS IN THE PAYMENT OF [A FINE,]  
24 COURT COSTS [OR], RESTITUTION OR FINES AFTER IMPOSITION OF  
25 SENTENCE, THE ISSUING AUTHORITY OR A SENIOR JUDGE OR SENIOR  
26 MAGISTERIAL DISTRICT JUDGE APPOINTED BY THE PRESIDENT JUDGE  
27 FOR THE PURPOSES OF THIS SECTION MAY CONDUCT A HEARING TO  
28 DETERMINE WHETHER THE DEFENDANT IS FINANCIALLY ABLE TO PAY.

29 (2) IF THE ISSUING AUTHORITY, SENIOR JUDGE OR SENIOR  
30 MAGISTERIAL DISTRICT JUDGE DETERMINES THAT THE DEFENDANT IS

1 FINANCIALLY ABLE TO PAY THE [FINE OR] COSTS, RESTITUTION OR  
2 FINE, THE ISSUING AUTHORITY, SENIOR JUDGE OR SENIOR  
3 MAGISTERIAL DISTRICT JUDGE MAY ENTER AN ORDER FOR WAGE  
4 ATTACHMENT, TURN THE DELINQUENT ACCOUNT OVER TO A PRIVATE  
5 COLLECTION AGENCY OR IMPOSE IMPRISONMENT FOR NONPAYMENT, AS  
6 PROVIDED BY LAW.

7 (3) IF THE ISSUING AUTHORITY, SENIOR JUDGE OR SENIOR  
8 MAGISTERIAL DISTRICT JUDGE DETERMINES THAT THE DEFENDANT IS  
9 WITHOUT THE FINANCIAL MEANS TO PAY THE [FINE OR] COSTS, RESTITUTION OR FINE  
10 IMMEDIATELY OR IN A SINGLE REMITTANCE,  
11 THE ISSUING AUTHORITY, SENIOR JUDGE OR SENIOR MAGISTERIAL  
12 DISTRICT JUDGE MAY PROVIDE FOR PAYMENT IN INSTALLMENTS. IN  
13 DETERMINING THE APPROPRIATE INSTALLMENTS, THE ISSUING  
14 AUTHORITY, SENIOR JUDGE OR SENIOR MAGISTERIAL DISTRICT JUDGE  
15 SHALL CONSIDER THE DEFENDANT'S FINANCIAL RESOURCES, THE  
16 DEFENDANT'S ABILITY TO MAKE RESTITUTION AND REPARATIONS AND  
17 THE NATURE OF THE BURDEN THE PAYMENT WILL IMPOSE ON THE  
18 DEFENDANT. IF THE DEFENDANT IS IN DEFAULT OF A PAYMENT OR  
19 ADVISES THE ISSUING AUTHORITY, SENIOR JUDGE OR SENIOR  
20 MAGISTERIAL DISTRICT JUDGE THAT DEFAULT IS IMMINENT, THE  
21 ISSUING AUTHORITY, SENIOR JUDGE OR SENIOR MAGISTERIAL  
22 DISTRICT JUDGE MAY SCHEDULE A REHEARING ON THE PAYMENT  
23 SCHEDULE. AT THE REHEARING THE DEFENDANT HAS THE BURDEN OF  
24 PROVING CHANGES OF FINANCIAL CONDITION SUCH THAT THE  
25 DEFENDANT IS WITHOUT THE MEANS TO MEET THE PAYMENT SCHEDULE.  
26 THE ISSUING AUTHORITY, SENIOR JUDGE OR SENIOR MAGISTERIAL  
27 DISTRICT JUDGE MAY EXTEND OR ACCELERATE THE SCHEDULE, LEAVE  
28 IT UNALTERED OR SENTENCE THE DEFENDANT TO A PERIOD OF  
29 COMMUNITY SERVICE AS THE ISSUING AUTHORITY, SENIOR JUDGE OR  
30 SENIOR MAGISTERIAL DISTRICT JUDGE FINDS TO BE JUST AND

1 PRACTICABLE UNDER THE CIRCUMSTANCES.

2 (4) A DECISION OF THE ISSUING AUTHORITY, SENIOR JUDGE OR  
3 SENIOR MAGISTERIAL DISTRICT JUDGE UNDER PARAGRAPH (2) OR (3)  
4 IS SUBJECT TO SECTION 5105 (RELATING TO RIGHT TO APPELLATE  
5 REVIEW).

6 § 9754. Order of probation.

7 (a) General rule.--In imposing an order of probation the  
8 court shall specify at the time of sentencing the length of any  
9 term during which the defendant is to be supervised, which term  
10 may not exceed the maximum term for which the defendant could be  
11 confined, and the authority that shall conduct the supervision.  
12 The court shall consider probation guidelines adopted by the  
13 Pennsylvania Commission on Sentencing under sections 2154  
14 (relating to adoption of guidelines for sentencing) and 2154.1  
15 (relating to adoption of guidelines for restrictive conditions).

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

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

22 (1) To meet his family responsibilities.

23 (2) To devote himself to a specific occupation or  
24 employment.

25 (2.1) To participate in a public or nonprofit community  
26 service program unless the defendant was convicted of murder,  
27 rape, aggravated assault, arson, theft by extortion,  
28 terroristic threats, robbery or kidnapping.

29 (3) To undergo available medical or psychiatric  
30 treatment and to enter and remain in a specified institution,



1 when required for that purpose.

2 (4) To pursue a prescribed secular course of study or  
3 vocational training.

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

7 (6) To refrain from frequenting unlawful or disreputable  
8 places or consorting with disreputable persons.

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

11 (8) To make restitution of the fruits of his crime or to  
12 make reparations, in an amount he can afford to pay, for the  
13 loss or damage caused thereby.

14 (9) To remain within the jurisdiction of the court and  
15 to notify the court or the probation officer of any change in  
16 his address or his employment.

17 (10) To report as directed to the court or the probation  
18 officer and to permit the probation officer to visit his  
19 home.

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

21 (12) To participate in drug or alcohol treatment  
22 programs.

23 (13) To satisfy any other conditions reasonably related  
24 to the rehabilitation of the defendant and not unduly  
25 restrictive of his liberty or incompatible with his freedom  
26 of conscience.

27 (14) To remain within the premises of his residence  
28 during the hours designated by the court.] reasonable  
29 conditions authorized by section 9763 (relating to conditions  
30 of probation) AS IT DEEMS NECESSARY TO ENSURE OR ASSIST THE <--

1 DEFENDANT IN LEADING A LAW-ABIDING LIFE.

2 (d) Sentence following violation of probation.--The sentence  
3 to be imposed in the event of the violation of a condition shall  
4 not be fixed prior to a finding on the record that a violation  
5 has occurred.

6 § 9755. Sentence of partial confinement.

7 \* \* \*

8 (d) Conditions to release.--The court may in addition  
9 include in its order such of the conditions as are enumerated in  
10 section [9754 (relating to order of probation)] 9763 (relating  
11 to conditions of probation) as may be reasonably related to the  
12 sentence.

13 \* \* \*

14 (h) Sentence of partial confinement combined with [sentence  
15 of county intermediate punishment] probation.--The court may  
16 impose a sentence of partial confinement without parole under  
17 this subsection only when:

18 (1) the period of partial confinement is followed  
19 immediately by [a sentence] restrictive conditions of  
20 probation imposed pursuant to section 9763 (relating to  
21 [sentence of county intermediate punishment] conditions of  
22 probation) in which case the sentence of partial confinement  
23 shall specify the number of days of partial confinement to be  
24 served; and

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

28 § 9756. Sentence of total confinement.

29 \* \* \*

30 (c.1) Sentence of total confinement combined with [sentence

1 of county intermediate punishment] probation.--The court may  
2 impose a sentence of imprisonment without parole under this  
3 subsection only when:

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

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

14 \* \* \*

15 § 9763. [Sentence of county intermediate punishment] Conditions  
16 of probation.

17 (a) General rule.--In imposing [a sentence of county  
18 intermediate punishment] probation, the court shall consider  
19 guidelines adopted by the Pennsylvania Commission on Sentencing  
20 under section 2154 (relating to adoption of guidelines for  
21 sentencing) or 2154.1 (relating to adoption of guidelines for  
22 restrictive conditions) and specify at the time of sentencing  
23 the conditions of probation, including the length of the term  
24 [for which the defendant is to be in a county intermediate  
25 punishment program established under Chapter 98 (relating to  
26 county intermediate punishment) or a combination of county  
27 intermediate punishment programs. The term may not exceed the  
28 maximum term for which the defendant could be confined and the  
29 program to which the defendant is sentenced. The court may order  
30 a defendant to serve a portion of the sentence under section

1 9755 (relating to sentence of partial confinement) or 9756  
2 (relating to sentence of total confinement) and to serve a  
3 portion in a county intermediate punishment program or a  
4 combination of county intermediate punishment programs.] of  
5 restrictive conditions under subsection (c) or (d). The term of  
6 restrictive conditions under subsection (c) shall be equal to or  
7 greater than the mandatory minimum term of imprisonment required  
8 by statute.

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

11 \* \* \*

<--

12 (1) TO MEET FAMILY RESPONSIBILITIES, INCLUDING  
13 CONSIDERATION OF CHILD CARE RESPONSIBILITIES AND LIMITATIONS.

<--

14 (2) TO BE DEVOTED TO A SPECIFIC OCCUPATION [OR],  
15 EMPLOYMENT OR EDUCATION INITIATIVE.

16 \* \* \*

17 [(8) TO REFRAIN FROM FREQUENTING UNLAWFUL OR  
18 DISREPUTABLE PLACES OR CONSORTING WITH DISREPUTABLE PERSONS.]

19 \* \* \*

20 (10) TO MAKE RESTITUTION OF THE FRUITS OF THE CRIME OR  
21 TO MAKE REPARATIONS, IN AN AFFORDABLE AMOUNT AND ON A  
22 SCHEDULE THAT THE DEFENDANT CAN AFFORD TO PAY, FOR THE LOSS  
23 OR DAMAGE CAUSED BY THE CRIME.

24 \* \* \*

25 (14) To participate in drug or alcohol screening and  
26 treatment programs, including outpatient [and inpatient]  
27 programs.

28 \* \* \*

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

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

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

3 (1) Any person receiving a penalty imposed pursuant to  
4 75 Pa.C.S. § 1543(b) (relating to driving while operating  
5 privilege is suspended or revoked), former 75 Pa.C.S. § 3731  
6 (relating to driving under influence of alcohol or controlled  
7 substance) or 75 Pa.C.S. § 3804 (relating to penalties) for a  
8 first, second or third offense under 75 Pa.C.S. Ch. 38  
9 (relating to driving after imbibing alcohol or utilizing  
10 drugs) may only [be sentenced to county intermediate  
11 punishment] have probation imposed after undergoing an  
12 assessment under 75 Pa.C.S. § 3814 (relating to drug and  
13 alcohol assessments).

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

22 (i) a residential inpatient program or a residential  
23 rehabilitative center;

24 (ii) house arrest with electronic surveillance;

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

27 (iv) any combination of the programs set forth in  
28 this paragraph.

29 (3) If the defendant is determined not to be in need of  
30 drug and alcohol treatment, the defendant [may only be

1 sentenced to county intermediate punishment in] shall have  
2 restrictive DUI probation conditions of:

3 (i) house arrest with electronic surveillance;

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

6 (iii) any combination of the programs set forth in  
7 this paragraph.

8 (4) If the defendant is determined to be in need of  
9 additional treatment under 75 Pa.C.S. § 3814(2), the judge  
10 shall impose a minimum sentence as provided by law and a  
11 maximum sentence equal to the statutorily available maximum.

12 ~~A sentence to the statutorily available maximum imposed under <--~~  
13 ~~this subsection may, in the discretion of the sentencing~~  
14 ~~court, be ordered to be served in a county prison,~~  
15 ~~notwithstanding the provisions of section 9762 (relating to~~  
16 ~~sentencing proceeding; place of confinement).~~

17 (d) [Sentence following violation of condition.--The  
18 sentence to be imposed in the event of the violation of a  
19 condition under subsection (b) shall not be imposed prior to a  
20 finding on the record that a violation has occurred.

21 Notwithstanding any other provision of law requiring notice  
22 prior to sentencing, in the event of a violation of a condition  
23 under subsection (b), the attorney for the Commonwealth may file  
24 notice at any time prior to resentencing of the Commonwealth's  
25 intention to proceed under an applicable provision of law  
26 requiring a mandatory minimum sentence.] Restrictive conditions

27 of probation.--Probation may include restrictive conditions  
28 that:

29 (1) house the person full time or part time, including  
30 inpatient treatment; or

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

4 § 9764. Information required upon commitment and subsequent  
5 disposition.

6 \* \* \*

7 (f) Release from county correctional facility to State  
8 probation or parole.--

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

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

22 \* \* \*

23 § 9771. Modification or revocation of order of probation.

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

28 (b) Revocation.--The court may increase the conditions,  
29 impose a brief sanction under section 9771.1 (relating to court-  
30 imposed sanctions for violating probation) or revoke an order of

1 probation upon proof of the violation of specified conditions of  
2 the probation OR IF THE PERSON PRESENTS AN IDENTIFIABLE THREAT <--  
3 TO PUBLIC SAFETY. Upon revocation the sentencing alternatives  
4 available to the court shall be the same as were available at  
5 the time of initial sentencing, due consideration being given to  
6 the time spent serving the order of probation. The attorney for  
7 the Commonwealth may file notice at any time prior to  
8 resentencing of the Commonwealth's intention to proceed under an  
9 applicable provision of law requiring a mandatory minimum  
10 sentence.

11 \* \* \*

12 § 9771.1. Court-imposed sanctions for [offenders] violating  
13 probation.

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

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

24 (c) Eligibility.--

25 (1) The court shall determine which offenders are  
26 eligible for and admitted into the program. The program shall  
27 focus on, but not be limited to, offenders who have committed  
28 drug-related crimes.

29 (2) An offender shall be ineligible for the program if  
30 the offender has been convicted or adjudicated delinquent of



1 a crime of violence as defined in section 9714 (relating to  
2 sentences for second and subsequent offenses) or of a crime  
3 requiring registration under Subchapter H (relating to  
4 registration of sexual offenders).

5 (d) Warning hearing.--

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

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

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

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

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

24 (g) Sanctions.--

25 (1) The court shall impose a term of imprisonment of up  
26 to:

- 27 (i) three days for a first violation;
- 28 (ii) seven days for a second violation;
- 29 (iii) fourteen days for a third violation; and
- 30 (iv) twenty-one days for a fourth or subsequent

1 violation of probation.

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

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

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

12 (i) Revocation of probation.--

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

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

19 (j) Local rules.--

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

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

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

29 [§ 9773. Modification or revocation of county intermediate  
30 punishment sentence.]

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

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

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

24 § 9774. Revocation of State intermediate punishment sentence.

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

28 (b) Revocation.--The court shall revoke a sentence of State  
29 intermediate punishment if after a hearing it determines that  
30 the participant was expelled from or failed to complete the

1 program.

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

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

12 § 9804. County intermediate punishment programs.

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

15 (1) Restrictive intermediate punishments providing for  
16 the strict supervision of the offender, including programs  
17 that:

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

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

21 or

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

24 (2) When utilized in combination with restrictive  
25 intermediate punishments, restorative sanctions providing for  
26 nonconfinement sentencing options that:

27 (i) Are the least restrictive in terms of the  
28 constraint of the offender's liberties.

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

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

7 (b) Eligibility.--

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

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

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

24 (2) [The Pennsylvania Commission on Sentencing shall  
25 employ the term "eligible offender" to further identify  
26 offenders who would be appropriate for participation in  
27 county intermediate punishment programs. In developing the  
28 guidelines, the commission shall give primary consideration  
29 to protection of the public safety.] Only programs that meet  
30 the requirements of restrictive conditions of probation under

1 section 9763(c) or (d) and are certified in accordance with  
2 section 2154.1(b) shall be eligible for county intermediate  
3 punishment program funding.

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

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

18 (A) a residential inpatient program or a  
19 residential rehabilitative center;

20 (B) house arrest with electronic surveillance;

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

23 (D) any combination of the programs set forth in  
24 this subparagraph.

25 (iii) If the defendant is determined not to be in  
26 need of drug and alcohol treatment or if the defendant  
27 receives a penalty imposed under 30 Pa.C.S. § 5502(c.1)  
28 (relating to operating watercraft under influence of  
29 alcohol or controlled substance), the defendant may only  
30 be sentenced to a county intermediate punishment program

1 in:

2 (A) house arrest with electronic surveillance;

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

5 (C) any combination of the programs set forth in  
6 this paragraph.

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

13 § 9810. Continued eligibility.

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

22 \* \* \*

23 Section 7. The definition of "eligible inmate" in section  
24 3903 of Title 61 is amended to read:

25 § 3903. Definitions.

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

29 \* \* \*

30 "Eligible inmate." A person sentenced to a term of

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

20 18 Pa.C.S. § 2502 (relating to murder).

21 18 Pa.C.S. § 2503 (relating to voluntary manslaughter).

22 18 Pa.C.S. § 2506 (relating to drug delivery resulting in  
23 death).

24 18 Pa.C.S. § 2901(a) (relating to kidnapping).

25 18 Pa.C.S. § 3301(a)(1)(i) (relating to arson and related  
26 offenses).

27 18 Pa.C.S. § 3502 (relating to burglary) in the case of  
28 burglary of a structure adapted for overnight accommodation  
29 in which at the time of the offense any person is present.

30 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to



1 robbery).

2 18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).

3 18 Pa.C.S. § 7508 (a) (1) (iii), (2) (iii), (3) (iii) or (4)

4 (iii) (relating to drug trafficking sentencing and

5 penalties).] 18 PA.C.S. § 2502 (RELATING TO MURDER), drug <--

6 trafficking as defined in section 4103 (relating to

7 definitions) or a crime of violence as defined in 42 Pa.C.S.

8 § 9714(g) (relating to sentences for second or subsequent

9 offenses)- OR CRIMINAL ATTEMPT, CRIMINAL SOLICITATION OR <--

10 CRIMINAL CONSPIRACY TO COMMIT ANY OF THESE 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 3 OR 4 of The Controlled Substance, Drug, <--  
28 Device and Cosmetic Act, if the aggregate weight of the  
29 compound or mixture containing the substance involved is at  
30 least 100 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) A mixture containing 3, 4-methylenedioxyamphetamine  
2           (MDA); 3,4-methylenedioxymethamphetamine (MDMA); 5-methoxy-  
3           3,4methylenedioxyamphetamine (MMDA); 3,4-methylenedioxy-N-  
4           ethylamphetamine; OR N-hydroxy-3,4-methylenedioxyamphetamine <--  
5           when the aggregate weight of the compound or mixture  
6           containing the substance involved is at least 1,000 tablets,  
7           capsules, caplets or other dosage units, or 300 grams.

8           (7) ~~Fenteny~~ FENTANYL or a mixture containing ~~fenteny~~ <--  
9           FENTANYL, if the aggregate weight of the compound or mixture <--  
10           containing the ~~fenteny~~ FENTANYL is 50 10 grams or more. <--

11           (8) CARFENTANIL OR A MIXTURE CONTAINING CARFENTANIL, IF <--  
12           THE AGGREGATE WEIGHT OF THE COMPOUND OR MIXTURE CONTAINING  
13           THE CARFENTANIL IS ONE GRAM OR MORE.

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

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

19           [(1)] (i) Has undergone an assessment performed by  
20           the Department of Corrections, which assessment has  
21           concluded that the [defendant] person is in need of drug  
22           and alcohol addiction treatment and would benefit from  
23           commitment to [a drug offender] the State drug treatment  
24           program and that placement in [a drug offender] the State  
25           drug treatment program would be appropriate.

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

28           [(3) Would be placed in the custody of the  
29           department if not sentenced to State intermediate  
30           punishment.]

1           (iii) Is a person sentenced to a term of confinement  
2           under the jurisdiction of the department, the minimum of  
3           which is not more than two years, or a person who is  
4           serving a term of confinement, the minimum of which is  
5           not more than five years where the person is within two  
6           years of completing the person's minimum term.

7           [(4)] (iv) Provides written consent permitting  
8           release of information pertaining to the [defendant's]  
9           person's participation in [a drug offender] the State  
10           drug treatment program.

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

23           18 Pa.C.S. § 2502 (relating to murder).

24           18 Pa.C.S. § 2503 (relating to voluntary manslaughter).

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

27           18 Pa.C.S. § 2901(a) (relating to kidnapping).

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

30           18 Pa.C.S. § 3502 (relating to burglary), in the case of

1 burglary of a structure adapted for overnight accommodation  
2 in which at the time of the offense any person is present.

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

5 18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).

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

8 penalties).] 18 PA.C.S. § 2502 (RELATING TO MURDER), drug <--

9 trafficking as defined in this section or a crime of violence

10 as defined in 42 Pa.C.S. § 9714(g) (relating to sentences for

11 second or subsequent offenses)- OR CRIMINAL ATTEMPT, CRIMINAL <--

12 SOLICITATION OR CRIMINAL CONSPIRACY TO COMMIT ANY OF THESE

13 OFFENSES.

14 \* \* \*

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

19 \* \* \*

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

22 § 4104. [Referral to State intermediate punishment] Selection  
23 for the State drug treatment program.

24 (a) [Referral for evaluation.--

25 (1) Prior to imposing a sentence, the court may, upon  
26 motion of the Commonwealth, commit a defendant to the custody  
27 of the department for the purpose of evaluating whether the  
28 defendant would benefit from a drug offender treatment  
29 program and whether placement in the drug offender treatment  
30 program is appropriate.

1           (1.1)] Duties of commission and sentencing judge.--

2           (1) Through the use of sentencing guidelines, the  
3 commission shall employ the term "eligible person" as defined  
4 in this chapter to further identify persons who would be  
5 potentially appropriate for participation in the State drug  
6 treatment program. The sentencing judge shall employ the  
7 sentencing guidelines to identify persons who are eligible  
8 for participation in the State drug treatment program. The  
9 judge shall consider the position of a victim of the crime,  
10 as advised by the prosecuting attorney, on whether to exclude  
11 the person from eligibility for placement in the State drug  
12 treatment program. The judge shall exclude the person from  
13 eligibility if the prosecuting attorney opposes eligibility.  
14 The judge shall note on the sentencing order if a person has  
15 been excluded from eligibility for the State drug treatment  
16 program. If the person is not excluded from eligibility, the  
17 minimum sentence imposed shall operate as the minimum for  
18 parole eligibility purposes if the person is not placed in  
19 the program by the department under subsection (c) or if the  
20 person is expelled from the program under section 4105(f)  
21 (relating to State drug treatment program).

22           (2) (i) The prosecuting attorney shall advise the court  
23 if the prosecuting attorney or a victim of the crime opposes  
24 eligibility and, in the prosecuting attorney's sole  
25 discretion, may advise the court that the Commonwealth has  
26 elected to waive the eligibility requirements of this chapter  
27 if the victim has been given notice of the prosecuting  
28 attorney's intent to waive the eligibility requirements and  
29 an opportunity to be heard on the issue.

30           (ii) The court, after considering victim input, may

1 refuse to accept the prosecuting attorney's waiver of the  
2 eligibility requirements.

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

5 (i) A summary of the offense for which the defendant  
6 has been convicted.

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

11 (iii) Information relating to the defendant's  
12 history of drug or alcohol abuse or addiction, when  
13 available.

14 (iv) A presentence investigation report, when  
15 available.

16 (v) Any other information the court deems relevant  
17 to assist the department with its assessment of the  
18 defendant.]

19 (b) Assessment of [addiction.--

20 (1) The] addiction.--The department shall conduct an  
21 assessment of the addiction and other treatment needs of [a  
22 defendant] an eligible person and determine whether the  
23 [defendant] person would benefit from [a drug offender] the  
24 State drug treatment program[.], PUBLIC SAFETY WOULD BE <--  
25 ENHANCED BY THE PERSON'S PARTICIPATION IN THE STATE DRUG  
26 TREATMENT PROGRAM, AND PLACEMENT OF THE PERSON IN THE STATE  
27 DRUG TREATMENT PROGRAM WOULD NOT DEPRECIATE THE SERIOUSNESS  
28 OF THE OFFENSE. The assessment shall be conducted using a  
29 nationally recognized assessment instrument or an instrument  
30 that has been normed and validated on the department's inmate



1 population by a recognized expert in such matters. The  
2 assessment instrument shall be administered by persons  
3 skilled in the treatment of drug and alcohol addiction and  
4 trained to conduct assessments. The assessments shall be  
5 reviewed and approved by a supervisor with at least three  
6 years of experience providing drug and alcohol counseling  
7 services.

8 [(2) The department shall conduct risk and other  
9 assessments it deems appropriate and shall provide a report  
10 of its assessments to the court, the defendant, the attorney  
11 for the Commonwealth and the commission within 60 days of the  
12 court's commitment of the defendant to the custody of the  
13 department.]

14 (c) [Proposed drug offender] Placement in the State drug  
15 treatment program.--If the department in its discretion believes  
16 [a defendant] an eligible person would benefit from [a drug  
17 offender] the State drug treatment program and placement in the  
18 [drug offender treatment] program is appropriate, the department  
19 shall [provide] make the placement and notify the court, the  
20 [defendant,] eligible person, the commission and the attorney  
21 for the Commonwealth [and the commission with a proposed drug  
22 offender treatment program detailing the type of treatment  
23 proposed] of the placement.

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

30 (1) The eligible offender is likely to benefit from

1 State intermediate punishment.

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

4 (3) Sentencing the eligible offender to State  
5 intermediate punishment would not depreciate the seriousness  
6 of the offense.

7 (e) Resentencing.--The department may make a written request  
8 to the sentencing court that an offender who is otherwise  
9 eligible but has not been referred for evaluation or originally  
10 sentenced to State intermediate punishment be sentenced to State  
11 intermediate punishment. The court may resentence the offender  
12 to State intermediate punishment if all of the following apply:

13 (1) The department has recommended placement in a drug  
14 offender treatment program.

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

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

19 (4) The resentencing has occurred within 365 days of the  
20 date of the defendant's admission to the custody of the  
21 department.

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

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

1 [(g) Applicability and program limitations.--The court may  
2 not modify or alter the terms of the department's proposed  
3 individualized drug offender treatment plan without the  
4 agreement of the department and the attorney for the  
5 Commonwealth.]

6 (h) Videoconferencing.--The department shall make  
7 videoconferencing facilities available to allow the court to  
8 conduct proceedings necessary under this section when the  
9 eligible offender has been committed to the custody of the  
10 department pursuant to subsection (b).

11 (i) Victims.--Victims of personal injury crimes shall be  
12 given the opportunity to receive notice of and to provide prior  
13 comment on any recommendation by the department under subsection  
14 (b) or (d) that the offender participate in the State  
15 Intermediate Punishment Program.

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

20 § 4105. [Drug offender] State drug treatment program.

21 (a) Establishment.--The department shall establish and  
22 administer [a drug offender] the State drug treatment program  
23 [as a State intermediate punishment]. The program shall be  
24 designed to address the individually assessed drug and alcohol  
25 abuse and addiction needs of a participant and shall address  
26 other issues essential to the participant's successful  
27 reintegration into the community, including, but not limited to,  
28 educational and employment issues.

29 (b) Duration and components.--Notwithstanding any credit to  
30 which the defendant may be entitled under 42 Pa.C.S. § 9760

1 (relating to credit for time served), the duration of the State  
2 drug [offender] treatment program [shall be] is 24 months [and],  
3 but if the participant is unable to complete the program within  
4 24 months and is otherwise compliant with the program, subject  
5 to the discretion of the department, the program duration may be  
6 extended up to 30 months total in order for the participant to  
7 successfully complete the program. The program shall include the  
8 following:

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

11 (i) The time during which the [defendants are]  
12 eligible person is being evaluated by the department  
13 under section 4104(b) (relating to [referral to State  
14 intermediate punishment] selection for the State drug  
15 treatment program).

16 (ii) Following evaluation under subparagraph (i),  
17 not less than four months shall be in an institutional  
18 therapeutic community.

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

21 (3) A period of at least six-months' treatment through  
22 an outpatient addiction treatment facility. During the  
23 outpatient addiction treatment period of the [drug offender  
24 treatment] program, the participant may be housed in a  
25 community corrections center or group home or placed in an  
26 approved transitional residence. The participant must comply  
27 with any conditions established by the department regardless  
28 of where the participant resides during the outpatient  
29 addiction treatment portion of the [drug offender treatment]  
30 program.

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

6 (5) Upon certification by the department of the  
7 participant's successful completion of the program, the  
8 entire term of confinement that rendered the participant  
9 eligible to participate in the State drug treatment program  
10 shall be deemed to have been served.

11 (c) Program management.--

12 (1) Consistent with the minimum time requirements set  
13 forth in subsection (b), the department may transfer, at its  
14 discretion, a participant between a State correctional  
15 institution, an institutional therapeutic community, a  
16 community-based therapeutic community, an outpatient  
17 addiction treatment program and an approved transitional  
18 residence. The department may also transfer a participant  
19 back and forth between less restrictive and more restrictive  
20 settings based upon the participant's progress or regression  
21 in treatment or for medical, disciplinary or other  
22 administrative reasons.

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

27 (d) Right of refusal to admit.--The administrator of a  
28 community-based therapeutic community or outpatient addiction  
29 treatment facility may refuse to accept a participant whom the  
30 administrator deems to be inappropriate for admission and may

1 immediately discharge to the custody of the department any  
2 participant who fails to comply with facility rules and  
3 treatment expectations or refuses to constructively engage in  
4 the treatment process.

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

10 (f) Expulsion from program.--

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

22 (1.1) A police officer commissioned under section 1 of  
23 the act of May 21, 1943 (P.L.469, No.210), entitled "An act  
24 providing for commissioning as police officers certain  
25 employees of institutions maintained in whole or in part by  
26 the Commonwealth; conferring upon them the powers of  
27 constables in certain cases; and imposing duties on wardens  
28 and keepers of jails, police stations and lock-ups," shall  
29 have the authority to issue a warrant for the return of a  
30 participant who is not in compliance with the terms of the

1 drug offender treatment program to the custody of the  
2 department.

3 (2) The department shall promptly notify the court, the  
4 [defendant] participant, the attorney for the Commonwealth  
5 and the commission of the expulsion of a participant from the  
6 State drug [offender] treatment program and the reason for  
7 such expulsion. [The participant shall be housed in a State  
8 correctional institution or county jail pending action by the  
9 court.]

10 (3) The court shall schedule a prompt State intermediate  
11 punishment revocation hearing pursuant to 42 Pa.C.S. § 9774  
12 (relating to revocation of State intermediate punishment  
13 sentence).]

14 § 4107. [Reports] Evaluation.

15 [(a) Final report.--The department shall provide a final  
16 report to the court, the defendant, the attorney for the  
17 Commonwealth and the commission on a participant's progress in  
18 the drug offender treatment program.]

19 (b) Evaluation and report to General Assembly.--The  
20 department [and the commission] shall monitor and evaluate the  
21 State drug [offender] treatment program to ensure that the  
22 programmatic objectives are met. [In odd-numbered years, the]  
23 Every three years, the department shall present a report of its  
24 evaluation to the Judiciary Committee of the Senate and the  
25 Judiciary Committee of the House of Representatives no later  
26 than February 1. [In even-numbered years, the commission shall  
27 present a report of its evaluation to the Judiciary Committee of  
28 the Senate and the Judiciary Committee of the House of  
29 Representatives no later than February 1.] The report shall  
30 include:

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

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

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

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

10 (5) The six-month, one-year, three-year and five-year  
11 recidivism rates for [offenders] persons who have completed  
12 the State drug [offender] treatment program and for a  
13 comparison group of [offenders] persons who were not placed  
14 in the State drug [offender] treatment program.

15 (6) Any changes the department [or the commission]  
16 believes will make the State drug [offender] treatment  
17 program more effective.

18 Section 13. The definition of "eligible offender" in section  
19 4503 of Title 61 is amended to read:

20 § 4503. Definitions.

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

24 \* \* \*

25 "Eligible [offender] person." A defendant or inmate  
26 convicted of a criminal offense who will be committed to the  
27 custody of the department and who meets all of the following  
28 eligibility requirements:

29 (1) Does not demonstrate a history of present or past  
30 violent behavior.



1 (2) Has not been subject to a sentence the calculation  
2 of which includes an enhancement for the use of a deadly  
3 weapon as defined under law or the sentencing guidelines  
4 promulgated by the Pennsylvania Commission on Sentencing or  
5 the attorney for the Commonwealth has not demonstrated that  
6 the defendant has been found guilty of or was convicted of an  
7 offense involving a deadly weapon or offense under 18 Pa.C.S.  
8 Ch. 61 (relating to firearms and other dangerous articles) or  
9 the equivalent offense under the laws of the United States or  
10 one of its territories or possessions, another state, the  
11 District of Columbia, the Commonwealth of Puerto Rico or a  
12 foreign nation[.] OR CRIMINAL ATTEMPT, CRIMINAL SOLICITATION <--  
13 OR CRIMINAL CONSPIRACY TO COMMIT ANY OF THESE OFFENSES.

14 (3) Has not been found guilty of or previously convicted  
15 of or adjudicated delinquent for or [an attempt or conspiracy <--  
16 to commit] CRIMINAL ATTEMPT, CRIMINAL SOLICITATION OR <--  
17 CRIMINAL CONSPIRACY TO COMMIT MURDER, A CRIME OF VIOLENCE AS  
18 DEFINED IN 42 PA.C.S. § 9714(G) (RELATING TO SENTENCES FOR  
19 SECOND AND SUBSEQUENT OFFENSES) OR a personal injury crime as  
20 defined under section 103 of the act of November 24, 1998  
21 (P.L.882, No.111), known as the Crime Victims Act, except for  
22 an offense under 18 Pa.C.S. § 2701 (relating to simple  
23 assault) when the offense is a misdemeanor of the third  
24 degree, or an equivalent offense under the laws of the United  
25 States or one of its territories or possessions, another  
26 state, the District of Columbia, the Commonwealth of Puerto  
27 Rico or a foreign nation.

28 (4) Has not been found guilty or previously convicted or  
29 adjudicated delinquent for violating any of the following  
30 provisions or an equivalent offense under the laws of the

1 United States or one of its territories or possessions,  
2 another state, the District of Columbia, the Commonwealth of  
3 Puerto Rico or a foreign nation OR CRIMINAL ATTEMPT, CRIMINAL <--  
4 SOLICITATION OR CRIMINAL CONSPIRACY TO COMMIT ANY OF THESE  
5 OFFENSES:

6 18 Pa.C.S. § 4302(a) (relating to incest).

7 18 Pa.C.S. § 5901 (relating to open lewdness).

8 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet  
9 child pornography).

10 Received a criminal sentence pursuant to 42 Pa.C.S. §  
11 9712.1 (relating to sentences for certain drug offenses  
12 committed with firearms).

13 Any offense [for which registration is required] <--  
14 LISTED under 42 Pa.C.S. Ch. 97 Subch. H (relating to  
15 registration of sexual offenders) or I (relating to  
16 continued registration of sexual offenders).

17 Drug trafficking as defined in section 4103 (relating  
18 to definitions).

19 (5) Is not awaiting trial or sentencing for additional  
20 criminal charges, if a conviction or sentence on the  
21 additional charges would cause the defendant to become  
22 ineligible under this definition.

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

30 \* \* \*

1 SECTION 13.1. SECTION 4505 (C) (2) OF TITLE 61 IS AMENDED TO <--

2 READ:

3 § 4505. SENTENCING.

4 \* \* \*

5 (C) RECIDIVISM RISK REDUCTION INCENTIVE MINIMUM SENTENCE.--

6 IF THE COURT DETERMINES THAT THE DEFENDANT IS AN ELIGIBLE

7 OFFENDER OR THE PROSECUTING ATTORNEY HAS WAIVED THE ELIGIBILITY

8 REQUIREMENTS UNDER SUBSECTION (B), THE COURT SHALL ENTER A

9 SENTENCING ORDER THAT DOES ALL OF THE FOLLOWING:

10 \* \* \*

11 (2) IMPOSES THE RECIDIVISM RISK REDUCTION INCENTIVE  
12 MINIMUM SENTENCE. PRIOR TO SENTENCING, THE COURT SHALL DIRECT  
13 THE DEPARTMENT TO CALCULATE THE LENGTH OF THE SENTENCE. THE  
14 RECIDIVISM RISK REDUCTION INCENTIVE MINIMUM SHALL BE EQUAL TO  
15 THREE-FOURTHS OF THE MINIMUM SENTENCE IMPOSED WHEN THE  
16 MINIMUM SENTENCE IS THREE YEARS OR LESS. THE RECIDIVISM RISK  
17 REDUCTION INCENTIVE MINIMUM SHALL BE EQUAL TO FIVE-SIXTHS OF  
18 THE MINIMUM SENTENCE IF THE MINIMUM SENTENCE IS GREATER THAN  
19 THREE YEARS. FOR PURPOSES OF THESE CALCULATIONS, PARTIAL DAYS  
20 SHALL BE ROUNDED TO THE NEAREST WHOLE DAY. IN DETERMINING THE  
21 RECIDIVISM RISK REDUCTION INCENTIVE MINIMUM SENTENCE, THE  
22 AGGREGATION PROVISIONS OF 42 PA.C.S. §§ 9757 (RELATING TO  
23 CONSECUTIVE SENTENCES OF TOTAL CONFINEMENT FOR MULTIPLE  
24 OFFENSES) AND 9762 (F) (RELATING TO SENTENCING PROCEEDING;  
25 PLACE OF CONFINEMENT) SHALL APPLY [.] AND THE RECIDIVISM RISK  
26 REDUCTION INCENTIVE MINIMUM SENTENCE SHALL BE RECALCULATED  
27 FOLLOWING THE AGGREGATION OF CONSECUTIVE SENTENCES. AN  
28 OFFENDER DETERMINED BY THE COURT TO BE INELIGIBLE FOR A  
29 RECIDIVISM RISK REDUCTION INCENTIVE MINIMUM SENTENCE FOR ANY  
30 OF THE SENTENCES SUBJECT TO AGGREGATION SHALL BE INELIGIBLE

1 FOR A RECIDIVISM RISK REDUCTION INCENTIVE MINIMUM SENTENCE  
2 FOR THE AGGREGATED SENTENCE.

3 \* \* \*

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

5 [§ 4509. Evaluation.

6 (a) General rule.--The department, the board and the  
7 commission shall monitor and evaluate the recidivism risk  
8 reduction incentive programs. Evaluations under this section  
9 should be scientifically rigorous and seek to determine the  
10 effectiveness of the programs, including whether specific  
11 recidivism risk reduction incentive programs have reduced the  
12 recidivism rates of the program participants as compared to  
13 previously incarcerated and similarly situated inmates.

14 (b) Publication.--The department, the board and the  
15 commission shall make evaluations conducted under this section  
16 and underlying data available to the public. The publicly  
17 available data and evaluations shall comply with generally  
18 accepted practices of the research community, including  
19 expectations relating to subject privacy and identifying  
20 information.

21 § 4510. Reports.

22 (a) Recidivism risk reduction.--The department, the board  
23 and the commission shall monitor and evaluate the recidivism  
24 risk reduction incentive programs to ensure that the goals and  
25 objectives of this chapter are met and shall report to the  
26 General Assembly as follows:

27 (1) In even-numbered years, the department shall present  
28 a report of its evaluation to the Judiciary Committee of the  
29 Senate and the Judiciary Committee of the House of  
30 Representatives no later than February 1. The report shall

1 include all of the following:

2 (i) The number of inmates determined by the  
3 department to be eligible offenders under this chapter  
4 and the offenses for which the eligible offenders were  
5 committed to the custody of the department.

6 (ii) The number of inmates committed to the custody  
7 of the department who were subject to a recidivism risk  
8 reduction incentive minimum sentence.

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

11 (iv) Any potential changes that would make the  
12 program more effective.

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

16 (vi) Any other information the department deems  
17 relevant.

18 (2) In odd-numbered years, the commission shall present  
19 a report of its evaluation to the Judiciary Committee of the  
20 Senate and the Judiciary Committee of the House of  
21 Representatives no later than February 1. The report shall  
22 include all of the following:

23 (i) Whether the goals of this chapter could be  
24 achieved through amendments to parole or sentencing  
25 guidelines.

26 (ii) The various options for parole or sentencing  
27 guidelines under subparagraph (i).

28 (iii) The status of any proposed or implemented  
29 guidelines designed to implement the provisions of this  
30 chapter.

1 (iv) Any potential changes to the program that would  
2 be likely to reduce the risk of recidivism of inmates and  
3 improve public safety.

4 (v) Any other information the commission deems  
5 relevant.

6 (b) Educational plan.--

7 (1) The Pennsylvania Commission on Crime and Delinquency  
8 shall publish a report of a proposed educational program plan  
9 within one year of the effective date of this section. The  
10 proposed educational program plan shall be developed in  
11 consultation with the department, the commission, the board,  
12 the Pennsylvania District Attorneys Association, the victim  
13 advocate and representatives of the judiciary and the  
14 criminal defense bar and other criminal justice stakeholders.

15 (2) The plan shall seek to provide cost-effective  
16 training or information through electronic means,  
17 publications or continuing educational programs that address  
18 the following topics:

19 (i) The treatment programs available through the  
20 board and the department.

21 (ii) The availability of programs and eligibility  
22 requirements that can reduce recidivism risk, including  
23 State intermediate punishment, motivational boot camp and  
24 recidivism risk reduction incentive programs.

25 (iii) The calculation of sentencing credit and  
26 practices that could inadvertently prevent an inmate from  
27 receiving sentence credit.

28 (iv) Recent statutory changes relating to  
29 sentencing, place of confinement, medical releases,  
30 transfer of inmates and parole.]

1 SECTION 14.1. SECTION 5906(A) INTRODUCTORY PARAGRAPH OF  
2 TITLE 61 IS AMENDED TO READ:

3 § 5906. CONFIDENTIALITY OF VICTIM INFORMATION.

4 (A) GENERAL RULE.--NOTWITHSTANDING ANY OTHER PROVISION OF  
5 LAW, ANY AND ALL STATEMENTS OR TESTIMONY OF THE VICTIM [OR] AND  
6 OF ANY FAMILY MEMBER SUBMITTED TO THE DEPARTMENT SHALL BE:

7 \* \* \*

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

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

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

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

17 SUBCHAPTER B

18 ADMINISTRATION OF THE PENNSYLVANIA PAROLE BOARD

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

21 § 6111. Pennsylvania [Board of Probation and] Parole Board.

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

26 \* \* \*

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

28 [§ 6123. Advisory committee.

29 (a) Establishment.--An advisory committee on probation is  
30 reestablished to assist the board.

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

12 (c) Terms.--

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

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

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

28 (4) Whenever the term of an advisory committee member,  
29 other than one who is a member of the General Assembly,  
30 expires, that member's position shall be immediately deemed a



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

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

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

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

15 § 6131. General powers of board.

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

18 \* \* \*

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

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

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

27 (i) Presentence investigations.

28 (ii) The supervision of probationers.

29 (iii) The qualifications for probation personnel.

30 (iv) Minimum salaries.

1 (v) Quality of probation service.

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

10 \* \* \*

11 § 6133. Probation services.

12 \* \* \*

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

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

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

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

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

28 Supervision and investigation.--Supervision and presentence  
29 investigations by court order or request shall be provided in  
30 accordance with board regulations.

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

7 § 6137. Parole power.

8 (a) General criteria for parole.--

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

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

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

20 \* \* \*

21 (G) PROCEDURE.--

<--

22 (1) THE DEPARTMENT SHALL IDENTIFY ALL INMATES COMMITTED  
23 TO THE CUSTODY OF THE DEPARTMENT THAT MEET THE DEFINITION OF  
24 AN ELIGIBLE OFFENDER.

25 (2) UPON IDENTIFICATION OF AN INMATE AS AN ELIGIBLE  
26 OFFENDER, THE DEPARTMENT SHALL SEND NOTICE TO THE BOARD. THE  
27 BOARD SHALL SEND NOTICE TO THE PROSECUTING ATTORNEY AND THE  
28 COURT NO LESS THAN SIX MONTHS BEFORE THE EXPIRATION OF THE  
29 INMATE'S MINIMUM SENTENCE INDICATING THAT THE DEPARTMENT HAS  
30 PRELIMINARILY IDENTIFIED THE INMATE AS AN ELIGIBLE OFFENDER.

1 THE NOTICE SHALL BE SENT BY UNITED STATES MAIL UNLESS THE  
2 BOARD, THE COURT AND THE PROSECUTOR HAVE CONSENTED TO RECEIPT  
3 OF NOTICE VIA ELECTRONIC MEANS. FOR INMATES COMMITTED TO THE  
4 DEPARTMENT WHOSE EXPIRATION OF THE MINIMUM SENTENCE IS SIX  
5 MONTHS OR LESS FROM THE DATE OF ADMISSION, THE DEPARTMENT  
6 SHALL GIVE PROMPT NOTICE.

7 (2.1) THE DEPARTMENT SHALL PROVIDE THE BOARD ALL  
8 INFORMATION RELATED TO THE INMATE'S ADJUSTMENT WHILE  
9 INCARCERATED, MISCONDUCTS, IF ANY, INFORMATION RELATED TO  
10 PROGRAMMING AND TREATMENT, INCLUDING SUCCESS, COMPLETION OR  
11 FAILURE TO COMPLETE, OR ANY OTHER INFORMATION THE DEPARTMENT  
12 DEEMS RELEVANT. THE BOARD SHALL SEND SUCH INFORMATION TO THE  
13 PROSECUTING ATTORNEY AND TO THE COURT NO LESS THAN SIX MONTHS  
14 BEFORE THE EXPIRATION OF THE INMATE'S MINIMUM SENTENCE. THE  
15 NOTICE MAY BE SENT ELECTRONICALLY. FOR INMATES COMMITTED TO  
16 THE DEPARTMENT WHOSE EXPIRATION OF THE MINIMUM SENTENCE IS  
17 SIX MONTHS OR LESS FROM THE DATE OF ADMISSION, SUCH  
18 INFORMATION SHALL BE SENT AT THE SAME TIME PROMPT NOTICE  
19 UNDER PARAGRAPH (2) IS GIVEN.

20 (3) WITHIN 30 DAYS OF RECEIPT OF NOTICE UNDER PARAGRAPH  
21 (2), THE COURT OR PROSECUTING ATTORNEY MAY FILE A WRITTEN  
22 OBJECTION TO THE DEPARTMENT'S PRELIMINARY IDENTIFICATION OF  
23 THE INMATE AS AN ELIGIBLE OFFENDER. NOTICE OF THE OBJECTION  
24 SHALL BE PROVIDED TO THE DEPARTMENT AND THE BOARD.

25 (4) IF NO NOTICE OF OBJECTION HAS BEEN FILED UNDER  
26 PARAGRAPH (3), THE BOARD OR ITS DESIGNEE SHALL APPROVE FOR  
27 PAROLE AT THE EXPIRATION OF THE ELIGIBLE OFFENDER'S MINIMUM  
28 DATE UPON A DETERMINATION THAT ALL OF THE FOLLOWING APPLY:

29 (I) THE DEPARTMENT CERTIFIED THAT THE INMATE HAS  
30 MAINTAINED A GOOD CONDUCT RECORD AND CONTINUES TO REMAIN

1 AN ELIGIBLE OFFENDER.

2 (II) THE REENTRY PLAN FOR THE INMATE IS ADEQUATE.

3 (III) INDIVIDUAL CONDITIONS AND REQUIREMENTS FOR  
4 PAROLE HAVE BEEN ESTABLISHED.

5 (IV) THERE IS NO REASONABLE INDICATION THAT THE  
6 INMATE POSES A RISK TO PUBLIC SAFETY.

7 (5) IF THE COURT OR PROSECUTING ATTORNEY FILES A TIMELY  
8 OBJECTION UNDER PARAGRAPH (3), THE BOARD SHALL MAKE A  
9 DETERMINATION AS TO WHETHER THE INMATE IS AN ELIGIBLE  
10 OFFENDER. THE BOARD SHALL NOTIFY THE DEPARTMENT, PROSECUTING  
11 ATTORNEY AND COURT OF ITS DETERMINATION NO LATER THAN 30 DAYS  
12 PRIOR TO THE MINIMUM PAROLE DATE. IF THE BOARD DETERMINES  
13 THAT THE INMATE IS AN ELIGIBLE OFFENDER UNDER THIS CHAPTER,  
14 THE BOARD SHALL FOLLOW THE PROVISIONS UNDER PARAGRAPH (4). IF  
15 THE BOARD DETERMINES THAT THE INMATE IS NOT AN ELIGIBLE  
16 OFFENDER UNDER SECTION 4503 (RELATING TO DEFINITIONS), THE  
17 BOARD SHALL RETAIN EXCLUSIVE JURISDICTION TO GRANT PAROLE AND  
18 SHALL DETERMINE WHETHER THE INMATE SHOULD BE PAROLED AT THE  
19 MINIMUM DATE, PAROLED AT A LATER DATE OR DENIED PAROLE.

20 (6) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED AS  
21 GRANTING A RIGHT TO BE PAROLED TO ANY PERSON, AND ANY  
22 DECISION BY THE BOARD AND ITS DESIGNEES OR THE DEPARTMENT,  
23 UNDER THIS SECTION SHALL NOT BE CONSIDERED AN ADJUDICATION  
24 UNDER 2 PA.C.S. CH. 5 SUBCH. A (RELATING TO PRACTICE AND  
25 PROCEDURE OF COMMONWEALTH AGENCIES) AND CH. 7 SUBCH. A  
26 (RELATING TO JUDICIAL REVIEW OF COMMONWEALTH AGENCY ACTION).

27 (7) EXCEPT AS PROVIDED UNDER THIS SUBSECTION, NOTHING IN  
28 THIS CHAPTER SHALL OTHERWISE AFFECT THE POWERS AND DUTIES OF  
29 THE BOARD OR THE DEPARTMENT.

30 \* \* \*

1 Section 19. Title 61 is amended by adding ~~a section~~ SECTIONS <--  
2 to read:

3 § 6137.1. Short sentence parole.

4 (a) General rule.--This section applies to persons committed  
5 to the department with a minimum sentence of confinement under  
6 42 Pa.C.S. § 9756(b) (relating to sentence of total confinement)  
7 of two years or less or a recidivism risk reduction incentive  
8 minimum sentence under 42 Pa.C.S. § 9756(b.1) of two years or  
9 less, whichever is shorter. Regardless of sentence imposed, this  
10 section does not apply to:

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

17 (1.1) PERSONS COMMITTED FOR OR WITH AN AGGREGATE <--  
18 SENTENCE CONTAINING A CRIME OF VIOLENCE, OR ANY CRIMINAL  
19 ATTEMPT, CRIMINAL SOLICITATION OR CRIMINAL CONSPIRACY TO  
20 COMMIT A CRIME OF VIOLENCE AS DEFINED IN 42 PA.C.S. § 9714(G)  
21 (RELATING TO SENTENCES FOR SECOND OR SUBSEQUENT OFFENSES);

22 (2) persons committed for or with an aggregate sentence  
23 containing an offense under 18 Pa.C.S. § 6105 (relating to  
24 persons not to possess, use, manufacture, control, sell or  
25 transfer firearms) OR A CRIMINAL ATTEMPT, CRIMINAL <--  
26 SOLICITATION OR CRIMINAL CONSPIRACY TO COMMIT THE OFFENSE;

27 (3) persons committed for or with an aggregate sentence  
28 containing an enhancement for the use of a deadly weapon as  
29 defined under law or the sentencing guidelines promulgated by  
30 the Pennsylvania Commission on Sentencing or where the

1 attorney for the Commonwealth has demonstrated that the  
2 defendant has been found guilty of or was convicted of an  
3 offense involving a deadly weapon or offense under 18 Pa.C.S.  
4 Ch. 61 (relating to firearms and other dangerous articles) OR <--  
5 A CRIMINAL ATTEMPT, CRIMINAL SOLICITATION OR CRIMINAL  
6 CONSPIRACY TO COMMIT THE OFFENSE or an equivalent offense  
7 under the laws of the United States or one of its territories  
8 or possessions, another state, the District of Columbia, the  
9 Commonwealth of Puerto Rico or a foreign nation;

10 (4) persons committed for or with an aggregate sentence  
11 containing a violation of any of the following provisions or  
12 an equivalent offense under the laws of the United States or  
13 one of its territories or possessions, another state, the  
14 District of Columbia, the Commonwealth of Puerto Rico or a  
15 foreign nation, INCLUDING A CRIMINAL ATTEMPT, CRIMINAL <--  
16 SOLICITATION OR CRIMINAL CONSPIRACY TO COMMIT THE OFFENSE:

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

24 An offense for which registration is required LISTED <--  
25 under 42 Pa.C.S. Ch. 97 Subch. H (relating to  
26 registration of sexual offenders).

27 An offense for which registration is required LISTED <--  
28 under 42 Pa.C.S. Ch. 97 Subch. I (relating to continued  
29 registration of sexual offenders).

30 (5) PERSONS COMMITTED FOR OR WITH AN AGGREGATE SENTENCE <--

1 CONTAINING AN OFFENSE OF drug trafficking as defined in  
2 section 4103 (relating to definitions) OR A CRIMINAL <--  
3 ATTEMPT, CRIMINAL SOLICITATION OR CRIMINAL CONSPIRACY TO  
4 COMMIT DRUG TRAFFICKING AS DEFINED IN SECTION 4103;

5 (6) persons awaiting trial or sentencing for additional  
6 criminal charges, if a conviction or sentence on the  
7 additional charges would cause the person to become  
8 ineligible under this subsection; or <--

9 (7) persons who are currently serving a sentence to  
10 State prison and have been denied parole on that sentence  
11 prior to the effective date of this section. <--

12 ~~(b) Approval of parole. The board shall, without requiring~~  
13 ~~an interview, approve for parole at the expiration of the~~  
14 ~~eligible person's minimum date or recidivism risk reduction~~  
15 ~~incentive minimum date, whichever is shorter, unless the person~~  
16 ~~has:~~

17 ~~(1) been found guilty of a major disciplinary infraction~~  
18 ~~while confined in a county correctional institution or State~~  
19 ~~correctional institution; or~~

20 ~~(2) a pending felony charge or outstanding felony arrest~~  
21 ~~warrant or detainer, except that this section may be applied~~  
22 ~~to allow a person to be paroled to a detainer related to an~~  
23 ~~underlying felony charge.~~

24 *i* <--

25 (8) PERSONS CONVICTED OF ANY CRIMINAL OFFENSE WHILE  
26 INCARCERATED; OR

27 (9) ANY PERSON WHO THE BOARD, IN ITS DISCRETION,  
28 DETERMINES SHOULD BE EXCLUDED FROM THIS SECTION BECAUSE:

29 (I) THERE EXISTS AN IDENTIFIABLE THREAT TO PUBLIC  
30 SAFETY; OR



1           (II) INCLUSION SUBSTANTIALLY JEOPARDIZES THE  
2           REHABILITATIVE NEEDS OF THE PERSON.

3           (B) APPROVAL OF PAROLE.--THE BOARD SHALL, WITHOUT REQUIRING  
4 AN INTERVIEW, APPROVE FOR PAROLE A PERSON ELIGIBLE FOR SHORT  
5 SENTENCE PAROLE UNDER THIS SECTION AT THE EXPIRATION OF THE  
6 PERSON'S MINIMUM DATE OR RECIDIVISM RISK REDUCTION INCENTIVE  
7 MINIMUM DATE, WHICHEVER IS SHORTER. IF THE PERSON WAS COMMITTED  
8 TO THE DEPARTMENT AFTER EXPIRATION OF THE PERSON'S MINIMUM DATE,  
9 THE BOARD SHALL APPROVE THE PERSON FOR PAROLE WITHIN 30 DAYS  
10 AFTER COMMITMENT TO THE DEPARTMENT.

11           (B.1) MISCONDUCT.--NOTWITHSTANDING SUBSECTION (B), A PERSON  
12 SHALL NOT BE ELIGIBLE FOR SHORT SENTENCE PAROLE UNDER THIS  
13 SECTION IF THE PERSON HAS:

14           (1) BEEN FOUND GUILTY OF A MAJOR DISCIPLINARY INFRACTION  
15 WHILE CONFINED IN A COUNTY CORRECTIONAL INSTITUTION OR STATE  
16 CORRECTIONAL INSTITUTION; OR

17           (2) A PENDING FELONY CHARGE OR OUTSTANDING FELONY ARREST  
18 WARRANT OR DETAINER, EXCEPT THAT THIS SECTION MAY BE APPLIED  
19 TO ALLOW A PERSON TO BE PAROLED TO A DETAINER RELATED TO AN  
20 UNDERLYING FELONY CHARGE.

21           (c) Nonapplicability.--The requirements of sections 6135  
22 (relating to investigation of circumstances of offense), 6137(a)  
23 (3.1), (e) (1), (f) and (g) (relating to parole power) and 6139  
24 (relating to parole procedure) and section 1101(e) of the Crime  
25 Victims Act do not apply to paroles under this section.

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

29           (e) Applicability.--This section shall only apply to  
30 ~~individuals~~ PERSONS sentenced after the effective date of this <--

1 section.

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

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

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

9 (g) Procedures.--The ~~chairman of the~~ board shall adopt <--  
10 procedures to carry out this section.

11 (h) Definition.--As used in this section, the term "major  
12 disciplinary infraction" means

13 the violation:

14 (1) was sexual in nature;

15 (2) involved assaultive behavior or included a credible  
16 threat to cause bodily ~~harm~~ INJURY to another; <--

17 (3) involved possession or control of a weapon; ~~and~~ OR <--

18 (4) involved escape or possessing implements of escape.

19 § 6137.2. REENTRY SUPERVISION. <--

20 (A) GENERAL RULE.--THIS SECTION APPLIES TO PERSONS COMMITTED  
21 TO THE DEPARTMENT WITH A MINIMUM SENTENCE OF TOTAL CONFINEMENT  
22 UNDER 42 PA.C.S. § 9756(B) (RELATING TO SENTENCE OF TOTAL  
23 CONFINEMENT) OF 4 YEARS OR MORE. REGARDLESS OF THE SENTENCE  
24 IMPOSED, THIS SECTION DOES NOT APPLY TO PERSONS SENTENCED TO  
25 DEATH, LIFE IMPRISONMENT OR PERSONS OTHERWISE INELIGIBLE FOR  
26 PAROLE.

27 (B) REENTRY SUPERVISION.--ANY PERSON UNDER SUBSECTION (A)  
28 SHALL BE SENTENCED TO A PERIOD OF REENTRY SUPERVISION OF 12  
29 MONTHS CONSECUTIVE TO AND IN ADDITION TO ANY OTHER LAWFUL  
30 SENTENCE ISSUED BY THE COURT.

1 (C) PAROLE GRANTED.--PERSONS WHO HAVE BEEN GRANTED ANY  
2 PERIOD OF PAROLE BY THE PAROLE BOARD DURING THE SAME PERIOD OF  
3 INCARCERATION SHALL BE DEEMED TO HAVE SERVED THE REQUIREMENTS OF  
4 THIS SECTION.

5 (D) SUPERVISION.--A PERSON RELEASED TO REENTRY SUPERVISION  
6 SHALL BE CONSIDERED TO BE RELEASED ON PAROLE.

7 (E) IMPOSITION.--THE COURT SHALL IMPOSE REENTRY SUPERVISION  
8 IN ADDITION TO THE MAXIMUM SENTENCE PERMITTED FOR THE OFFENSE  
9 FOR WHICH THE DEFENDANT WAS CONVICTED.

10 (F) APPLICABILITY.--THIS SECTION SHALL ONLY APPLY TO PERSONS  
11 SENTENCED AFTER THE EFFECTIVE DATE OF THIS SECTION.

12 Section 20. Section ~~6138(e)~~ 6138(C)(1) AND (1.1) of Title 61 <--  
13 ~~is~~ ARE amended AND SUBSECTIONS (A) AND (C) ARE AMENDED by adding <--  
14 a ~~paragraph~~ PARAGRAPHS to read: <--

15 § 6138. Violation of terms of parole.

16 \* \* \* <--

17 ~~(e) Technical violators.~~

18 \* \* \*

19 ~~(8) (i) A parolee under the board's supervision who is~~  
20 ~~alleged to have committed a technical parole violation~~  
21 ~~may be arrested and detained for a period not to exceed~~  
22 ~~seven days, provided that either the parolee is detained~~  
23 ~~on a 48 hour warrant or the parolee is brought before a~~  
24 ~~hearing examiner within 48 hours to determine if the~~  
25 ~~parolee shall be released or held for the remainder of~~  
26 ~~the seven days or a shorter period. The chairman of the~~  
27 ~~board shall adopt procedures governing the appropriate~~  
28 ~~use of brief detention under this section so that~~  
29 ~~technical violations enumerated under paragraph (1) are~~  
30 ~~not resolved with brief detention.~~

1 ~~(ii) This paragraph shall not apply to parolees if:~~  
2 ~~(A) the violation was sexual in nature;~~  
3 ~~(B) the violation involved assaultive behavior;~~  
4 ~~(C) the violation involved possession or control~~  
5 ~~of a weapon;~~  
6 ~~(D) the violation involved escape or possessing~~  
7 ~~implements of escape; or~~  
8 ~~(E) there exists an identifiable threat to~~  
9 ~~public safety.~~

10 \* \* \*

11 (A) CONVICTED VIOLATORS.--

<--

12 \* \* \*

13 (1.1) IN ADDITION TO PARAGRAPH (1), A PAROLEE UNDER THE  
14 JURISDICTION OF THE BOARD RELEASED FROM A CORRECTIONAL  
15 FACILITY WHO, DURING THE PERIOD OF PAROLE OR WHILE DELINQUENT  
16 ON PAROLE, COMMITS A CRIME PUNISHABLE BY IMPRISONMENT FOR  
17 WHICH THE PAROLEE IS CONVICTED OR FOUND GUILTY BY A JUDGE OR  
18 JURY OR TO WHICH THE PAROLEE PLEADS GUILTY OR NOLO CONTENDERE  
19 OR OF ANY MISDEMEANOR OF THE THIRD DEGREE OR OF ANY OF THE  
20 FOLLOWING OFFENSES WHERE GRADED AS A SUMMARY OFFENSE, MAY AT  
21 THE DISCRETION OF THE BOARD BE RECOMMITTED AS A PAROLE  
22 VIOLATOR:

23 (I) POSSESSION OF A FIREARM IN A COURT FACILITY  
24 UNDER 18 PA.C.S. § 913(B)(3) (RELATING TO POSSESSION OF  
25 FIREARM OR OTHER DANGEROUS WEAPON IN COURT FACILITY).

26 (II) HARASSMENT UNDER 18 PA.C.S. § 2709 (RELATING TO  
27 HARASSMENT).

28 (III) RETAIL THEFT UNDER 18 PA.C.S. § 3929 (RELATING  
29 TO RETAIL THEFT).

30 (IV) DISORDERLY CONDUCT UNDER 18 PA.C.S. § 5503

1 (RELATING TO DISORDERLY CONDUCT) .

2 (V) PUBLIC DRUNKENNESS UNDER 18 PA.C.S. § 5505

3 (RELATING TO PUBLIC DRUNKENNESS AND SIMILAR MISCONDUCT) .

4 (VI) CRUELTY TO ANIMALS UNDER 18 PA.C.S. § 5533

5 (RELATING TO CRUELTY TO ANIMAL) .

6 (VII) AIDING OR ABETTING A MINOR TO COMMIT TRUANCY

7 UNDER 18 PA.C.S. § 6301 (RELATING TO CORRUPTION OF

8 MINORS) .

9 (VIII) SELLING OR FURNISHING NONALCOHOLIC BEVERAGES

10 TO MINORS UNDER 18 PA.C.S. § 6310.7 (RELATING TO SELLING

11 OR FURNISHING NONALCOHOLIC BEVERAGES TO PERSONS UNDER 21

12 YEARS OF AGE) .

13 \* \* \*

14 (C) TECHNICAL VIOLATORS.--

<--

15 (1) [A] SUBJECT TO PARAGRAPH (1.3), A PAROLEE UNDER THE  
16 JURISDICTION OF THE BOARD WHO VIOLATES THE TERMS AND  
17 CONDITIONS OF HIS PAROLE, OTHER THAN [BY THE COMMISSION OF A  
18 NEW CRIME OF WHICH THE PAROLEE IS CONVICTED OR FOUND GUILTY  
19 BY A JUDGE OR JURY OR TO WHICH THE PAROLEE PLEADS GUILTY OR  
20 NOLO CONTENDERE IN A COURT OF RECORD] A CONVICTED VIOLATOR  
21 WHO HAS PAROLE REVOKED UNDER SUBSECTION (A), MAY BE DETAINED  
22 PENDING A HEARING BEFORE THE BOARD OR WAIVER OF THE HEARING  
23 OR RECOMMITTED AFTER A HEARING BEFORE THE BOARD OR A WAIVER  
24 OF THE HEARING. DETENTION AND RECOMMITMENT UNDER THIS  
25 PARAGRAPH SHALL BE IN A COMMUNITY CORRECTIONS CENTER [OR],  
26 COMMUNITY CORRECTIONS FACILITY[, UNLESS THE BOARD DETERMINES  
27 THAT ONE OF THE FOLLOWING CONDITIONS IS PRESENT:

28 (I) THE VIOLATION WAS SEXUAL IN NATURE.

29 (II) THE VIOLATION INVOLVED ASSAULTIVE BEHAVIOR.

30 (III) THE VIOLATION INVOLVED POSSESSION OR CONTROL

1 OF A WEAPON.

2 (IV) THE PAROLEE HAS ABSCONDED, AND THE PAROLEE  
3 CANNOT BE SAFELY DIVERTED TO A COMMUNITY CORRECTIONS  
4 CENTER OR COMMUNITY CORRECTIONS FACILITY.

5 (V) THERE EXISTS AN IDENTIFIABLE THREAT TO PUBLIC  
6 SAFETY, AND THE PAROLEE CANNOT BE SAFELY DIVERTED TO A  
7 COMMUNITY CORRECTIONS CENTER OR COMMUNITY CORRECTIONS  
8 FACILITY.

9 (1.1) IF THE BOARD DETERMINES THAT A CONDITION UNDER  
10 PARAGRAPH (1) APPLIES, THE PAROLEE SHALL BE DETAINED IN OR  
11 RECOMMITTED TO A STATE CORRECTIONAL INSTITUTION OR CONTRACTED  
12 COUNTY JAIL.] OR ANY SECURED FACILITY OPERATED OR CONTRACTED  
13 BY THE DEPARTMENT.

14 (1.2) NOTWITHSTANDING PARAGRAPH (1) AND SUBJECT TO  
15 PARAGRAPH (1.3), A PAROLEE UNDER THE JURISDICTION OF THE  
16 BOARD WHO VIOLATES THE TERMS AND CONDITIONS OF HIS PAROLE,  
17 OTHER THAN A CONVICTED VIOLATOR WHO HAS PAROLE REVOKED UNDER  
18 SUBSECTION (A), MAY BE ARRESTED AND DETAINED WITHOUT  
19 REVOCAION OF PAROLE UNDER A PROGRAM TO IMPOSE SWIFT,  
20 PREDICTABLE AND BRIEF SANCTIONS. THE PROGRAM SHALL PROVIDE  
21 FOR IMMEDIATE DETENTION IN A COMMUNITY CORRECTIONS CENTER,  
22 COMMUNITY CORRECTIONS FACILITY OR ANY SECURED FACILITY  
23 OPERATED OR CONTRACTED BY THE DEPARTMENT FOR A PERIOD NOT TO  
24 EXCEED SEVEN DAYS. THE BOARD SHALL ADOPT PROCEDURES GOVERNING  
25 APPROPRIATE DETENTION UNDER THIS PARAGRAPH, INCLUDING  
26 IDENTIFYING WHICH OFFENDERS ARE ELIGIBLE FOR THE PROGRAM AND  
27 PROVIDING WARNINGS TO PAROLEES TO CLEARLY COMMUNICATE  
28 EXPECTATIONS AND CONSEQUENCES.

29 (1.3) IF THE BOARD DETERMINES THAT ONE OF THE FOLLOWING  
30 CONDITIONS IS PRESENT REGARDING A PAROLEE WHO VIOLATES THE

1 TERMS AND CONDITIONS OF PAROLE, THE PAROLEE SHALL NOT BE  
2 ELIGIBLE FOR DETENTION UNDER PARAGRAPH (1.2) AND SHALL BE  
3 DETAINED IN OR RECOMMITTED TO A STATE CORRECTIONAL  
4 INSTITUTION OR CONTRACTED COUNTY JAIL:

5 (I) THE VIOLATION WAS SEXUAL IN NATURE.

6 (II) THE VIOLATION INVOLVED ASSAULTIVE BEHAVIOR OR  
7 INCLUDED A CREDIBLE THREAT TO CAUSE BODILY INJURY TO  
8 ANOTHER.

9 (III) THE VIOLATION INVOLVED POSSESSION OR CONTROL  
10 OF A WEAPON.

11 (IV) THE PAROLEE HAS ABSCONDED AND THE PAROLEE  
12 CANNOT BE SAFELY DIVERTED TO A COMMUNITY CORRECTIONS  
13 CENTER, COMMUNITY CORRECTIONS FACILITY OR ANY SECURED  
14 FACILITY OPERATED OR CONTRACTED BY THE DEPARTMENT.

15 (V) THERE EXISTS AN IDENTIFIABLE THREAT TO PUBLIC  
16 SAFETY, AND THE PAROLEE CANNOT BE SAFELY DIVERTED TO A  
17 COMMUNITY CORRECTIONS CENTER, COMMUNITY CORRECTIONS  
18 FACILITY OR ANY SECURED FACILITY OPERATED OR CONTRACTED  
19 BY THE DEPARTMENT.

20 (VI) THE VIOLATION INVOLVED AN INTENTIONAL AND  
21 UNEXCUSED FAILURE TO ADHERE TO RECOMMENDED PROGRAMMING OR  
22 CONDITIONS ON MORE THAN THREE OCCASIONS, AND THE PAROLEE  
23 CANNOT BE SAFELY DIVERTED TO A COMMUNITY CORRECTIONS  
24 CENTER, COMMUNITY CORRECTIONS FACILITY OR ANY SECURED  
25 FACILITY OPERATED OR CONTRACTED BY THE DEPARTMENT.

26 \* \* \*

27 Section 21. Section 6139(a) (6) and (b) of Title 61 are  
28 amended to read:

29 § 6139. Parole procedure.

30 (a) Specific requirements.--

1 \* \* \*

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

9 \* \* \*

10 (b) Reliance on reports.--In granting and revoking paroles  
11 and in discharging from parole, the members of the board acting  
12 thereon shall not be required to personally hear or see all the  
13 witnesses and evidence submitted to them for their action, but  
14 they may act on the report submitted to them by their agents and  
15 employees, together with any pertinent and adequate information  
16 furnished to them by fellow members of the board or by others.  
17 In granting or revoking parole or bringing an alleged parole  
18 violator before a hearing examiner, the appearance may be  
19 conducted via videoconferencing or similar virtual presence  
20 technology. THIS SUBSECTION SHALL NOT APPLY TO VICTIM INPUT <--  
21 UNDER SECTION 6140 (RELATING TO VICTIM STATEMENTS, TESTIMONY AND  
22 PARTICIPATION IN HEARING).

23 \* \* \*

24 SECTION 22. SECTION 6140 OF TITLE 61 IS AMENDED BY ADDING A <--  
25 SUBSECTION TO READ:  
26 § 6140. VICTIM STATEMENTS, TESTIMONY AND PARTICIPATION IN  
27 HEARING.

28 \* \* \*

29 (I) VICTIM OR FAMILY MEMBER.--THE TERM "VICTIM OR FAMILY  
30 MEMBER" SHALL BE INTERPRETED AND APPLIED TO INCLUDE ALL VICTIMS



1 AND FAMILY MEMBERS AND SHALL NOT BE INTERPRETED OR APPLIED TO  
2 EXCLUDE ANY VICTIM, VICTIM'S REPRESENTATIVE OR FAMILY MEMBER WHO  
3 WISHES TO SUBMIT A STATEMENT, TESTIFY OR OTHERWISE PARTICIPATE  
4 UNDER THIS SECTION.

5 SECTION 23. CHAPTER 61 OF TITLE 61 IS AMENDED BY ADDING A  
6 SUBCHAPTER TO READ:

7 SUBCHAPTER E

8 PAROLEE HOMICIDE REVIEW

9 SEC.

10 6161. PAROLEE HOMICIDE REVIEW TEAM.

11 6162. MEMBERS.

12 6163. CONFIDENTIALITY.

13 6164. REGULATIONS.

14 § 6161. PAROLEE HOMICIDE REVIEW TEAM.

15 (A) ESTABLISHMENT.--THE DEPARTMENT SHALL ESTABLISH THE  
16 PAROLEE HOMICIDE REVIEW TEAM, WHICH SHALL EXAMINE CIRCUMSTANCES  
17 SURROUNDING THOSE WHO HAVE COMMITTED CRIMINAL HOMICIDE WHILE  
18 UNDER SUPERVISION BY THE BOARD.

19 (B) POWERS AND DUTIES.--THE DEPARTMENT, IN COOPERATION WITH  
20 THE MEMBERS OF THE PAROLEE HOMICIDE REVIEW TEAM, SHALL HAVE THE  
21 FOLLOWING POWERS AND DUTIES IN RELATION TO THE PROGRAM:

22 (1) COLLECT, REVIEW AND ANALYZE ALL APPROPRIATE EVENTS  
23 AND ISSUES SURROUNDING AND RELATED TO HOMICIDES COMMITTED BY  
24 THOSE WHILE UNDER THE SUPERVISION OF THE BOARD.

25 (2) IDENTIFY COMPLIANCE WITH APPLICABLE STATUTES,  
26 REGULATIONS, GUIDELINES, BEST PRACTICES, PROTOCOLS AND OTHER  
27 STANDARDS.

28 (3) DEVELOP AND RECOMMEND ANY APPROPRIATE CHANGES IN  
29 APPLICABLE STATUTES, REGULATIONS, GUIDELINES, BEST PRACTICES,  
30 PROTOCOLS AND OTHER STANDARDS.

1           (4) REVIEW RELEVANT AND APPLICABLE ISSUES RELATED TO THE  
2 TRAINING OF INDIVIDUALS WHO INTERACT WITH THOSE UNDER THE  
3 SUPERVISION OF THE BOARD AND DEVELOP AND RECOMMEND ANY  
4 APPROPRIATE CHANGES TO SUCH TRAINING.

5           (5) REVIEW RELEVANT AND APPLICABLE ISSUES RELATED TO  
6 COLLABORATION WITH OTHER CRIMINAL JUSTICE AGENCIES AND  
7 DEVELOP RECOMMENDATIONS TO ADDRESS ANY SYSTEMATIC GAPS IN  
8 SUPERVISION AND PUBLIC SAFETY.

9           (6) REVIEW RELEVANT AND APPLICABLE ISSUES RELATED TO  
10 TREATMENT, COUNSELING, SERVICES AND REENTRY PROGRAMS AND  
11 DEVELOP RECOMMENDATIONS TO IMPROVE CASE MANAGEMENT OF  
12 INDIVIDUALS.

13           (7) SUBMIT A REPORT TO THE GOVERNOR AND THE CHAIRPERSON  
14 AND MINORITY CHAIRPERSON OF THE JUDICIARY COMMITTEE OF THE  
15 SENATE AND THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
16 JUDICIARY COMMITTEE OF THE HOUSE OF REPRESENTATIVES BY  
17 SEPTEMBER 30 OF EACH YEAR RELATING TO THE ACTIVITIES, REVIEW,  
18 FINDINGS, ANALYSIS AND RECOMMENDATIONS OF THE PAROLEE  
19 HOMICIDE REVIEW TEAM. THE RECOMMENDATIONS SHALL ADDRESS ALL  
20 ISSUES IDENTIFIED UNDER PARAGRAPHS (1), (2), (3), (4), (5)  
21 AND (6), AS WELL AS FACTORS THAT ARE LIKELY TO IMPROVE  
22 SUPERVISION PRACTICES, IDENTIFY DEFICIENCIES IN THE SYSTEM  
23 AND RECOMMENDATIONS TO ADDRESS THEM IN ORDER TO REDUCE  
24 RECIDIVISM AND IMPROVE PUBLIC SAFETY AND STRENGTHEN  
25 COLLABORATION WITH CRIMINAL JUSTICE AGENCIES.

26           (C) NONHOMICIDES.--THE CHAIR, IN CONSULTATION WITH AND  
27 APPROVAL OF THE OTHER MEMBERS OF THE PAROLEE HOMICIDE REVIEW  
28 TEAM, MAY INCLUDE CASE REVIEWS OF NONHOMICIDE CASES IF SUCH  
29 CASES RESULTED IN A SERIOUS BREACH OF PUBLIC SAFETY AND REVIEW  
30 OF SUCH CASES IS NECESSARY TO MAINTAIN OR IMPROVE THE SAFETY OF

1 THE PUBLIC.

2 (D) MEETINGS.--THE PAROLEE HOMICIDE REVIEW TEAM SHALL MEET  
3 NO LESS THAN ONCE PER YEAR, BUT AS OFTEN AS THE CHAIR DEEMS  
4 NECESSARY TO FULFILL THE DUTIES OF THE PAROLEE HOMICIDE REVIEW  
5 TEAM.

6 § 6162. MEMBERS.

7 (A) PERMANENT MEMBERS.--THE PAROLE HOMICIDE REVIEW TEAM  
8 SHALL CONSIST OF THE FOLLOWING INDIVIDUALS OR THEIR DESIGNEES:

9 (1) THE SECRETARY OF CORRECTIONS, WHO SHALL CHAIR THE  
10 PAROLEE HOMICIDE REVIEW TEAM.

11 (2) THE CHAIR OF THE BOARD OF PROBATION AND PAROLE.

12 (3) THE COMMISSIONER OF THE PENNSYLVANIA STATE POLICE.

13 (4) THREE DISTRICT ATTORNEYS SELECTED BY THE  
14 PENNSYLVANIA DISTRICT ATTORNEYS ASSOCIATION. EACH DISTRICT  
15 ATTORNEY SHALL BE FROM DIFFERENT REGIONS OF THIS  
16 COMMONWEALTH.

17 (5) THREE CHIEF COUNTY PROBATION OFFICERS SELECTED BY  
18 THE COUNTY PROBATION OFFICERS ASSOCIATION. EACH CHIEF COUNTY  
19 PROBATION OFFICER SHALL BE FROM DIFFERENT REGIONS OF THIS  
20 COMMONWEALTH.

21 (6) THE EXECUTIVE DIRECTOR OF THE PENNSYLVANIA  
22 COMMISSION ON SENTENCING.

23 (7) THE ATTORNEY GENERAL.

24 (8) THE EXECUTIVE DIRECTOR OF THE PENNSYLVANIA CHIEFS OF  
25 POLICE ASSOCIATION.

26 (9) THE VICTIM ADVOCATE.

27 (10) NO MORE THAN TWO PROFESSORS OF LAW WITH EXPERTISE  
28 IN CRIMINAL JUSTICE, APPOINTED BY THE GOVERNOR.

29 (11) A REPRESENTATIVE FROM THE ADMINISTRATIVE OFFICE OF  
30 PENNSYLVANIA COURTS, APPOINTED BY THE CHIEF JUSTICE.

1           (12) A REPRESENTATIVE OF A LOCAL VICTIM SERVICES  
2           ORGANIZATION, APPOINTED BY THE GOVERNOR.

3           (13) THE EXECUTIVE DIRECTOR OF THE PENNSYLVANIA  
4           COMMISSION ON CRIME AND DELINQUENCY.

5           (B) AD HOC MEMBERS.--THE CHAIR, IN CONSULTATION WITH AND  
6           APPROVAL OF THE OTHER MEMBERS OF THE PAROLEE HOMICIDE REVIEW  
7           TEAM, MAY INVITE OTHER RELEVANT INDIVIDUALS TO SERVE ON AN AD  
8           HOC BASIS AND PARTICIPATE AS FULL MEMBERS OF THE REVIEW TEAM FOR  
9           A PARTICULAR REVIEW. THESE INDIVIDUALS MAY INCLUDE INDIVIDUALS  
10           WITH PARTICULAR EXPERTISE THAT WOULD BE HELPFUL TO THE REVIEW  
11           PANEL OR REPRESENTATIVES OF ORGANIZATIONS OR AGENCIES THAT HAD  
12           CONTACT WITH OR PROVIDED SERVICES TO THE HOMICIDE VICTIM OR THE  
13           ALLEGED PERPETRATOR.

14           § 6163. CONFIDENTIALITY.

15           (A) MAINTENANCE.--MEMBERS OF THE PAROLEE HOMICIDE REVIEW  
16           TEAM SHALL MAINTAIN THE CONFIDENTIALITY OF ANY IDENTIFYING  
17           INFORMATION OBTAINED RELATING TO THIS SECTION.

18           (B) AGREEMENT.--EACH MEMBER OF THE PAROLEE HOMICIDE REVIEW  
19           TEAM SHALL SIGN A CONFIDENTIALITY AGREEMENT APPLICABLE TO ALL  
20           REVIEWS CONDUCTED BY THE PAROLEE HOMICIDE REVIEW TEAM.

21           (C) LIABILITY.--AN INDIVIDUAL, AGENCY OR ENTITY THAT IN GOOD  
22           FAITH PROVIDES INFORMATION OR RECORDS TO THE PAROLEE HOMICIDE  
23           REVIEW TEAM SHALL NOT BE SUBJECT TO CIVIL OR CRIMINAL LIABILITY  
24           AS A RESULT OF PROVIDING THE INFORMATION OR RECORD.

25           (D) DISCOVERY.--THE DISCUSSIONS, DELIBERATIONS AND RECORDS  
26           OF THE PAROLEE HOMICIDE REVIEW TEAM ARE PRIVILEGED AND  
27           CONFIDENTIAL AND SHALL NOT BE SUBJECT TO DISCOVERY, SUBPOENA OR  
28           INTRODUCTION INTO EVIDENCE IN ANY CIVIL OR CRIMINAL ACTION.

29           (E) RIGHT-TO-KNOW LAW.--THE PROVISIONS OF THIS CHAPTER SHALL  
30           NOT BE SUBJECT TO THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3),

1 KNOWN AS THE RIGHT-TO-KNOW LAW.

2 (F) MEETINGS.--MEETINGS OF THE PAROLEE HOMICIDE REVIEW TEAM  
3 SHALL BE CLOSED TO THE PUBLIC AND SHALL NOT BE SUBJECT TO THE  
4 PROVISIONS OF 65 PA.C.S. CH. 7 (RELATING TO OPEN MEETINGS).

5 (G) PENALTY.--A PERSON WHO VIOLATES THE PROVISIONS OF THIS  
6 SECTION COMMITS A MISDEMEANOR OF THE THIRD DEGREE.  
7 § 6164. REGULATIONS.

8 THE DEPARTMENT SHALL PROMULGATE REGULATIONS NECESSARY TO  
9 CARRY OUT THE PURPOSES OF THIS SUBCHAPTER.

10 SECTION 24. SECTIONS 6303 AND 6304 OF TITLE 61 ARE AMENDED  
11 TO READ:

12 § 6303. COUNTY PROBATION OFFICERS' FIREARM EDUCATION AND  
13 TRAINING COMMISSION.

14 [THE COUNTY PROBATION OFFICERS' FIREARM EDUCATION AND  
15 TRAINING COMMISSION IS ESTABLISHED UNDER THE PENNSYLVANIA BOARD  
16 OF PROBATION AND PAROLE. THE COMMISSION SHALL ESTABLISH WITHIN  
17 SIX MONTHS FOLLOWING THE APPOINTMENT OF COMMISSION MEMBERS A  
18 COUNTY PROBATION OFFICERS' FIREARM EDUCATION AND TRAINING  
19 PROGRAM TO PROVIDE FIREARM EDUCATION AND TRAINING IN ACCORDANCE  
20 WITH THE PROVISIONS OF THIS CHAPTER.] THE COUNTY ADULT PROBATION  
21 AND PAROLE ADVISORY COMMITTEE ESTABLISHED UNDER THE ACT OF  
22 NOVEMBER 22, 1978 (P.L.1166, NO.274), REFERRED TO AS THE  
23 PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY LAW, SHALL  
24 SERVE AS THE COUNTY PROBATION OFFICERS' FIREARM EDUCATION AND  
25 TRAINING COMMISSION UNDER THIS CHAPTER, INCLUDING ASSUMING ALL  
26 OF ITS FUNDING, POWERS, DUTIES AND RESPONSIBILITIES UNDER THIS  
27 CHAPTER.

28 § 6304. COMMISSION [MEMBERSHIP] AND ADVISORY SUBCOMMITTEE.

29 (A) COMPOSITION.--THE [COMMISSION] CHAIRPERSON OF THE COUNTY  
30 ADULT PROBATION AND PAROLE ADVISORY COMMITTEE SHALL [BE COMPOSED

1 OF THE CHAIRMAN OF THE BOARD AND EIGHT OTHER MEMBERS TO BE  
2 APPOINTED BY THE GOVERNOR] APPOINT AN ADVISORY SUBCOMMITTEE TO  
3 BE COMPOSED OF:

4 (1) THREE COUNTY ADULT PROBATION OFFICERS WHO ARE FULL  
5 MEMBERS OF THE COUNTY CHIEF ADULT PROBATION AND PAROLE  
6 OFFICERS' ASSOCIATION OF PENNSYLVANIA, ONE OF WHOM IS A CHIEF  
7 ADULT PROBATION OFFICER FROM A COUNTY AUTHORIZED TO CARRY  
8 FIREARMS AND TWO OF WHOM ARE FIREARMS INSTRUCTORS CERTIFIED  
9 AS SUCH BY THE NATIONAL RIFLE ASSOCIATION, THE PENNSYLVANIA  
10 STATE POLICE OR THE FEDERAL BUREAU OF INVESTIGATION.

11 (2) ONE MEMBER OF THE PENNSYLVANIA COUNCIL OF CHIEF  
12 JUVENILE PROBATION OFFICERS.

13 (3) ONE REPRESENTATIVE OF THE JUVENILE COURT JUDGES'  
14 COMMISSION.

15 (4) ONE JUDGE OF A COURT OF COMMON PLEAS OF A COUNTY  
16 THAT EMPLOYS OFFICERS WHO CARRY FIREARMS.

17 (5) ONE DIRECTOR QUALIFIED UNDER 53 PA.C.S. CH. 21  
18 SUBCH. D (RELATING TO MUNICIPAL POLICE EDUCATION AND  
19 TRAINING).

20 (6) ONE COUNTY COMMISSIONER FROM A COUNTY WHICH EMPLOYS  
21 OFFICERS WHO CARRY FIREARMS.

22 [(B) TERMS.--TERMS OF THE MEMBERS INITIALLY APPOINTED SHALL  
23 BE THREE MEMBERS FOR ONE YEAR, THREE MEMBERS FOR TWO YEARS AND  
24 THREE MEMBERS FOR THREE YEARS, AS DESIGNATED BY THE GOVERNOR AT  
25 THE TIME OF APPOINTMENT. THEREAFTER, TERMS SHALL BE FOR THREE  
26 YEARS. EACH MEMBER SHALL HOLD OFFICE UNTIL THE EXPIRATION OF THE  
27 TERM FOR WHICH THE MEMBER WAS SELECTED OR UNTIL THE MEMBER'S  
28 EARLIER DEATH, RESIGNATION OR REMOVAL OR UNTIL THE MEMBER'S  
29 SUCCESSOR HAS BEEN SELECTED AND QUALIFIED BUT IN NO EVENT MORE  
30 THAN SIX MONTHS BEYOND THE EXPIRATION OF THE MEMBER'S APPOINTED

1 TERM.

2 (C) VACANCIES.--A PERSON APPOINTED TO FILL A VACANCY CREATED  
3 BY OTHER THAN EXPIRATION OF A TERM SHALL BE APPOINTED FOR THE  
4 UNEXPIRED TERM OF THE MEMBER WHO THAT PERSON IS TO SUCCEED IN  
5 THE SAME MANNER AS THE ORIGINAL APPOINTMENT.]

6 (D) COMPENSATION.--THE MEMBERS OF THE COMMISSION AND  
7 SUBCOMMITTEE SHALL SERVE WITHOUT COMPENSATION BUT SHALL BE  
8 REIMBURSED THE NECESSARY AND ACTUAL EXPENSES INCURRED IN  
9 ATTENDING THE MEETINGS OF THE COMMISSION AND IN THE PERFORMANCE  
10 OF THEIR DUTIES UNDER THIS CHAPTER.

11 (E) ORGANIZATION.--[THE COMMISSION SHALL ELECT FROM AMONG  
12 ITS MEMBERS A CHAIRPERSON AND OTHER OFFICERS WHO SHALL HOLD  
13 OFFICE AT THE PLEASURE OF THE COMMISSION.] THE CHAIRPERSON OF  
14 THE COUNTY ADULT PROBATION AND PAROLE ADVISORY COMMITTEE SHALL  
15 SERVE AS CHAIRPERSON OF THE COMMISSION. THE COMMISSION SHALL ACT  
16 ONLY WITH THE CONCURRENCE OF THE MAJORITY.

17 (F) MEETINGS AND QUORUM.--THE COMMISSION SHALL MEET [AT  
18 LEAST FOUR TIMES EACH YEAR UNTIL THE PROGRAM IS IMPLEMENTED.  
19 THEREAFTER, THE COMMISSION SHALL MEET] AS MAY BE NECESSARY, BUT  
20 AT LEAST ONCE ANNUALLY. SPECIAL MEETINGS MAY BE CALLED BY THE  
21 CHAIRPERSON OF THE COMMISSION OR UPON WRITTEN REQUEST OF THREE  
22 MEMBERS. A QUORUM SHALL CONSIST OF [FOUR MEMBERS OF THE  
23 COMMISSION] A MAJORITY OF THE MEMBERS APPOINTED.

24 SECTION 25. REPEALS ARE AS FOLLOWS:

25 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER  
26 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF 42  
27 P.A.C.S. §§ 2151.2, 2152 AND 2153.

28 (2) ARTICLE XXVIII-F OF THE ACT OF APRIL 9, 1929  
29 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929,  
30 IS REPEALED.

1 SECTION 26. THE ADDITION OF 61 PA.C.S. § 6137.1 SHALL NOT BE  
2 INTERPRETED TO CREATE A RIGHT TO PAROLE OR A LIBERTY INTEREST.  
3 THE COMMONWEALTH AND ITS AGENCIES SHALL NOT BE SUBJECT TO SUIT  
4 FOR FAILURE TO GRANT PAROLE UNDER 61 PA.C.S. § 6137.1.

5 Section ~~22~~ 27. This act shall take effect as follows: <--

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

7 (i) The amendment of 42 Pa.C.S. §§ 2154, 2154.1 and  
8 2154.7.

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

10 (iii) The amendment of 61 Pa.C.S. §§ 4101, 4103,  
11 4104, 4105 and 4107.

12 (iv) The amendment of 61 Pa.C.S. Ch. 61 Subch. B  
13 heading.

14 (v) The amendment of 61 Pa.C.S. §§ 6101, 6111,  
15 6131(a) (3), (4) and (5) and 6133(c) and (d).

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

17 ~~(2) The following shall take effect in 120 days:~~ <--

18 ~~(i)~~—The amendment OR ADDITION of 61 Pa.C.S. §§ <--

19 6137(a) (1), ~~6138(e)~~ 6138(C) (8) and 6139(a) (6) and (b) <--

20 SHALL TAKE EFFECT IN 120 DAYS. <--

21 ~~(ii) The addition of 61 Pa.C.S. § 6137.5.~~ <--

22 (3) THE AMENDMENT OF 61 PA.C.S. §§ 6303 AND 6304 SHALL <--

23 TAKE EFFECT IN ONE YEAR.

24 ~~(3)~~ (4) The remainder of this act shall take effect <--

25 immediately.