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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 968 Session of  
2020

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INTRODUCED BY BROWNE, MARTIN, YAW, KILLION, MENSCH AND YUDICHAK,  
JANUARY 24, 2020

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REFERRED TO JUDICIARY, JANUARY 24, 2020

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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 definitions and for publication of guidelines  
5 for sentencing, resentencing and parole, risk assessment  
6 instrument and recommitment ranges following revocation; in  
7 depositions and witnesses, further providing for confidential  
8 communications involving law enforcement officers and for  
9 confidential communications to peer support members; in  
10 juvenile matters, further providing for inspection of court  
11 files and records; in particular rights and immunities,  
12 further providing for immunity of State parole officers and  
13 for immunity of program administrators and supervisors; in  
14 post-trial matters, further providing for postconviction DNA  
15 testing; in sentencing, further providing for mandatory  
16 period of probation for certain sexual offenders, for  
17 disposition of persons found guilty but mentally ill, for  
18 information required upon commitment and subsequent  
19 disposition, for judicial power to release inmates, for  
20 transfer of inmates in need of medical treatment, for  
21 applicability, for registry, for initial registration, for  
22 duty to inform, for enforcement, for assessments, for  
23 administration, for global positioning system technology, for  
24 immunity for good faith conduct, for Pennsylvania State  
25 Police, for duties of probation and parole officials, for  
26 board, for annual performance audit, for applicability, for  
27 registration procedures and applicability, for assessments,  
28 for administration, for global positioning system technology,  
29 for immunity for good faith conduct, for duties of  
30 Pennsylvania State Police, for duties of Pennsylvania Board  
31 of Probation and Parole, for board and for annual performance  
32 audit; in other criminal provisions, further providing for  
33 supervisory relationship to offenders; in preliminary  
34 provisions, further providing for definitions; in general

1 administration, providing for powers of peace officers; in  
2 community corrections centers and community corrections  
3 facilities, further providing for definitions, for  
4 department, for offenders who may be housed, for authority of  
5 Commonwealth employees, for authority of chairman and for  
6 escape and providing for certain offenders residing in group-  
7 based homes and for reporting; in Pennsylvania Board of  
8 Probation and Parole, further providing for definitions, for  
9 operation of parole system generally, for Pennsylvania Parole  
10 Board, for board chairperson, for board action, for meetings  
11 and for offices, repealing provisions relating to district  
12 directors, to district office employees, to disciplinary  
13 action and to certain offenders residing in group-based  
14 homes, further providing for general powers of board and for  
15 specific powers of board involving parolees, repealing  
16 provisions relating to probation services, further providing  
17 for sentencing court to transmit records to board, for  
18 general criteria for parole by court, for right of access to  
19 inmates, for parole power, for violation of terms of parole,  
20 for parole procedure, for victim statements, testimony and  
21 participation in hearing, for general rules and special  
22 regulations and for early parole of inmates subject to  
23 Federal removal order and repealing provisions relating to  
24 definitions, to status as peace officers and to supervisory  
25 relationship to offenders; providing for supervision of  
26 offenders and for agents; in county probation officers'  
27 firearm education and training, further providing for  
28 definitions; in Interstate Compacts, further providing for  
29 Interstate Compact for the Supervision of Adult Offenders  
30 application fee, for deputization and for supervision of  
31 persons paroled by other states; conferring powers and  
32 imposing duties on the Department of Corrections; providing  
33 for the transfer of functions, powers and duties of the  
34 Pennsylvania Board of Probation and Parole and for  
35 appropriations for the Office of Victim Advocate; and making  
36 editorial changes.

37 The General Assembly of the Commonwealth of Pennsylvania  
38 hereby enacts as follows:

39 Section 1. The definition of "board" in section 2151.1 of  
40 Title 42 of the Pennsylvania Consolidated Statutes is amended to  
41 read:

42 § 2151.1. Definitions.

43 The following words and phrases when used in this subchapter  
44 shall have the meanings given to them in this section unless the  
45 context clearly indicates otherwise:

46 "Board." The Pennsylvania [Board of Probation and] Parole  
47 Board.

48 \* \* \*

1 Section 2. Sections 2155(a)(1) introductory paragraph and  
2 (vi), 5950(d), 5952(d), 6307(a)(6.5), 8332.7, 8340, 9543.1(f)  
3 (6), 9718.5(d) and 9727(a), (b)(1), (c) and (f)(3) of Title 42  
4 are amended to read:

5 § 2155. Publication of guidelines for sentencing, resentencing  
6 and parole, risk assessment instrument and  
7 recommitment ranges following revocation.

8 (a) General rule.--The commission shall:

9 (1) Prior to adoption, publish in the Pennsylvania  
10 Bulletin all proposed sentencing guidelines, resentencing  
11 guidelines following revocation of probation, [county  
12 intermediate punishment and State intermediate punishment]  
13 guidelines for restrictive conditions of probation, parole  
14 guidelines, risk assessment instrument and recommitment  
15 ranges following revocation by the board of paroles granted,  
16 and hold public hearings not earlier than 30 days and not  
17 later than 60 days thereafter to afford an opportunity for  
18 the following persons and organizations to testify:

19 \* \* \*

20 (vi) [State Board of Probation and] Pennsylvania  
21 Parole Board.

22 \* \* \*

23 § 5950. Confidential communications involving law enforcement  
24 officers.

25 \* \* \*

26 (d) Definitions.--As used in this section, the following  
27 words and phrases shall have the meanings given to them in this  
28 subsection:

29 "Coparticipant." An individual who participates in a group  
30 critical incident stress management team intervention.

1 "Critical incident." A situation responded to by a law  
2 enforcement officer which presents or involves either the death  
3 or serious bodily injury of an individual or the imminent  
4 potential of such death or serious bodily injury, or any  
5 situation faced by a law enforcement officer in the course of  
6 duty which causes or may cause the law enforcement officer to  
7 experience unusually strong negative emotional reactions.

8 "Critical Incident Stress Management Network." A network  
9 that meets the requirements of membership with the Pennsylvania  
10 Voluntary Critical Incident Stress Management Network as  
11 administered by the Department of Health and is registered with  
12 the International Critical Incident Stress Foundation.

13 "Critical incident stress management services."  
14 Consultation, risk assessment, education, intervention,  
15 briefing, defusing, debriefing, onsite services, referral and  
16 other crisis intervention services provided by a critical  
17 incident stress management team to a law enforcement officer  
18 prior to, during or after a critical incident.

19 "Critical incident stress management team member." An  
20 individual who is specially trained to provide critical incident  
21 stress management services as a member of a police agency or  
22 organization critical incident stress management team that holds  
23 membership in the Commonwealth's critical incident stress  
24 management network.

25 "Government unit." The General Assembly and its officers and  
26 agencies; the Governor and the departments, boards, commissions,  
27 authorities and officers and agencies of the Commonwealth or  
28 other instrumentalities thereof; any political subdivision,  
29 municipality, school district or other local authority and the  
30 departments, boards, commissions, authorities and officers and

1 agencies of such political subdivisions or other  
2 instrumentalities thereof; and any court or other officer or  
3 agency of the unified judicial system or instrumentality  
4 thereof.

5 "Law enforcement officer." Any of the following:

6 (1) A member of the Pennsylvania State Police.

7 (2) Any enforcement officer or investigator employed by  
8 the Pennsylvania Liquor Control Board.

9 (3) A parole agent[, enforcement officer and  
10 investigator of the Pennsylvania Board of Probation and  
11 Parole] of the Department of Corrections.

12 (4) A Capitol Police officer.

13 (5) A Department of Conservation and Natural Resources  
14 ranger.

15 (6) A drug enforcement agent of the Office of Attorney  
16 General whose principal duty is the enforcement of the drug  
17 laws of this Commonwealth and a special agent of the Office  
18 of Attorney General whose principal duty is the enforcement  
19 of the criminal laws of this Commonwealth.

20 (7) Any member of a port authority or other authority  
21 police department.

22 (8) Any police officer of a county, region, city,  
23 borough, town or township.

24 (9) Any sheriff or deputy sheriff.

25 (10) A member of the Pennsylvania Fish Commission.

26 (11) A Pennsylvania Wildlife Conservation Officer.

27 (12) A member of a campus police force with the power to  
28 arrest under section 2416 of the act of April 9, 1929

29 (P.L.177, No.175), known as The Administrative Code of 1929.

30 As used in this paragraph, the term "campus police" has the

1 meaning given in section 302 of the act of November 29, 2004  
2 (P.L.1383, No.180), known as the Uniform Crime Reporting Act.

3 (13) A member of the Fort Indiantown Gap Police Force.  
4 § 5952. Confidential communications to peer support members.

5 \* \* \*

6 (d) Definitions.--As used in this section, the following  
7 words and phrases shall have the meanings given to them in this  
8 subsection:

9 "Coparticipant." An individual who participates in the  
10 provision of peer support services.

11 "Government unit." The General Assembly and its officers and  
12 agencies; the Governor and the departments, boards, commissions,  
13 authorities and officers and agencies of the Commonwealth or  
14 other instrumentalities thereof; any political subdivision,  
15 municipality, school district, local authority and the  
16 departments, boards, commissions, authorities and officers and  
17 agencies of such political subdivisions or other  
18 instrumentalities thereof; and any court or other officer or  
19 agency of the unified judicial system or instrumentality  
20 thereof.

21 "Law enforcement officer." Any of the following:

22 (1) A member of the Pennsylvania State Police.

23 (2) Any enforcement officer or investigator employed by  
24 the Pennsylvania Liquor Control Board.

25 (3) A parole agent[, enforcement officer and  
26 investigator of the Pennsylvania Board of Probation and  
27 Parole] of the Department of Corrections.

28 (4) A Capitol Police officer.

29 (5) A Department of Conservation and Natural Resources  
30 ranger.

1 (6) A drug enforcement agent of the Office of Attorney  
2 General whose principal duty is the enforcement of the drug  
3 laws of this Commonwealth and a special agent of the Office  
4 of Attorney General whose principal duty is the enforcement  
5 of the criminal laws of this Commonwealth.

6 (7) Any member of a port authority or other authority  
7 police department.

8 (8) Any police officer of a county, region, city,  
9 borough, town or township.

10 (9) Any sheriff or deputy sheriff.

11 (10) A member of the Pennsylvania Fish and Boat  
12 Commission.

13 (11) A Pennsylvania Wildlife Conservation Officer.

14 (12) A member of a campus police force with the power to  
15 arrest under section 2416 of the act of April 9, 1929  
16 (P.L.177, No.175), known as The Administrative Code of 1929.  
17 As used in this paragraph, the term "campus police" has the  
18 meaning given in section 302 of the act of November 29, 2004  
19 (P.L.1383, No.180), known as the Uniform Crime Reporting Act.

20 (13) A member of the Fort Indiantown Gap Police Force.  
21 "Peer support member." A law enforcement officer who:

22 (1) Is assigned by a law enforcement agency.

23 (2) Receives a minimum of 24 hours of basic training in  
24 peer services, including listening, assessment and referral  
25 skills and basic critical incident stress management.

26 (3) Receives eight hours of continuing training each  
27 year.

28 (4) May be supervised by licensed psychologists.

29 § 6307. Inspection of court files and records.

30 (a) General rule.--All files and records of the court in a

1 proceeding under this chapter are open to inspection only by:

2 \* \* \*

3 (6.5) The Department of [Public Welfare] Human Services  
4 for use in determining whether an individual named as the  
5 perpetrator of an indicated report of child abuse should be  
6 expunged from the Statewide database.

7 \* \* \*

8 § 8332.7. Immunity of State parole officers.

9 (a) Assistance of law enforcement personnel.--In addition to  
10 the provisions of [section 27 of the act of August 6, 1941  
11 (P.L.861, No.323), referred to as the Pennsylvania Board of  
12 Probation and Parole Law,] 61 Pa.C.S. § 6181 (relating to status  
13 as peace officers) or any other law, any parole officer  
14 appointed by the [Pennsylvania Board of Probation and Parole]  
15 Department of Corrections who, after obtaining permission in  
16 advance from a person authorized by the [Pennsylvania Board of  
17 Probation and Parole] Secretary of Corrections, assists Federal,  
18 State or local law enforcement officers or agents or county  
19 probation officers in the lawful performance of their duties  
20 shall be considered to be acting within the scope of his  
21 official duty for all purposes of law and shall enjoy any  
22 benefit or immunity conferred upon an employee of the  
23 Commonwealth.

24 (b) Assistance of criminal victims.--In addition to any  
25 other immunity provided by law, any parole officer appointed by  
26 the [Pennsylvania Board of Probation and Parole] Secretary of  
27 Corrections who is entitled to immunity under section 8331.3  
28 (relating to criminal victim aid good Samaritan civil immunity)  
29 as a result of providing assistance to a victim of a crime shall  
30 be considered to be acting within the scope of his official duty



1 while providing assistance to the victim for all purposes of law  
2 and shall enjoy any benefit or immunity conferred upon an  
3 employee of the Commonwealth.

4 § 8340. Immunity of program administrators and supervisors.

5 Any probation officer or agent of the [Pennsylvania Board of  
6 Probation and Parole] Department of Corrections and any public  
7 service or charitable agency or organization or political  
8 subdivision, or any official or employee thereof, supervising or  
9 administering any restitution or community service program  
10 approved by the court of common pleas or the [Pennsylvania Board  
11 of Probation and Parole] Department of Corrections shall be  
12 immune from any civil action for damages brought by or on behalf  
13 of any person involved in the program or damages caused by any  
14 person involved in the program. Nothing in this section shall be  
15 construed to limit or otherwise affect or preclude liability  
16 resulting from gross negligence or intentional misconduct or  
17 reckless misconduct.

18 § 9543.1. Postconviction DNA testing.

19 \* \* \*

20 (f) Posttesting procedures.--

21 \* \* \*

22 (6) If DNA testing conclusively identifies the DNA  
23 profile of the applicant on probative and inculpatory  
24 evidence, the court shall dismiss the petition and may make  
25 any further orders that are appropriate. An order under this  
26 paragraph may:

27 (i) direct that the Pennsylvania [Board of Probation  
28 and] Parole Board be notified of the test results; or

29 (ii) mandate that the applicant's DNA profile be  
30 added to the Commonwealth's convicted offender database.

1 \* \* \*

2 § 9718.5. Mandatory period of probation for certain sexual  
3 offenders.

4 \* \* \*

5 (d) Direct supervision.--Nothing under this section shall  
6 limit the court's authority to direct supervision by the  
7 [Pennsylvania Board of Probation and Parole] Department of  
8 Corrections by special order as provided under 61 Pa.C.S. §  
9 [6133(a)] 6172(a) (relating to probation services).

10 § 9727. Disposition of persons found guilty but mentally ill.

11 (a) Imposition of sentence.--A defendant found guilty but  
12 mentally ill or whose plea of guilty but mentally ill is  
13 accepted under the provisions of 18 Pa.C.S. § 314 (relating to  
14 guilty but mentally ill) may have any sentence imposed on him  
15 which may lawfully be imposed on any defendant convicted of the  
16 same offense. Before imposing sentence, the court shall hear  
17 testimony and make a finding on the issue of whether the  
18 defendant at the time of sentencing is severely mentally  
19 disabled and in need of treatment pursuant to the provisions of  
20 the act of July 9, 1976 (P.L.817, No.143), known as the  
21 ["Mental"] Mental Health Procedures [Act.] Act.

22 (b) Treatment.--

23 (1) An offender who is severely mentally disabled and in  
24 need of treatment at the time of sentencing shall, consistent  
25 with available resources, be provided such treatment as is  
26 psychiatrically or psychologically indicated for his mental  
27 illness. Treatment may be provided by the [Bureau of  
28 Correction] Department of Corrections, by the county or by  
29 the Department of [Public Welfare] Human Services in  
30 accordance with the ["Mental"] Mental Health Procedures

1 [Act."] Act.

2 \* \* \*

3 (c) Discharge report.--When a treating facility designated  
4 by either the [Bureau of Correction] Department of Corrections  
5 or the Department of [Public Welfare] Human Services discharges  
6 such a defendant from treatment prior to the expiration of his  
7 maximum sentence, that treating facility shall transmit to the  
8 Pennsylvania [Board of Probation and] Parole Board, the  
9 correctional facility or county jail to which the offender is  
10 being returned and the sentencing judge a report on the  
11 condition of the offender together with the reasons for its  
12 judgments, which describes:

13 (1) The defendant's behavior.

14 (2) The course of treatment.

15 (3) The potential for recurrence of the behavior.

16 (4) The potential for danger to himself or the public.

17 (5) Recommendations for future treatment.

18 \* \* \*

19 (f) Probation.--

20 \* \* \*

21 (3) Treatment shall be provided by an agency approved by  
22 the Department of [Public Welfare] Human Services or, with  
23 the approval of the sentencing court and at individual  
24 expense, by private agencies, private physicians or other  
25 mental health personnel. A mental health status report,  
26 containing the information set forth in subsection (c), shall  
27 be filed with the probation officer and the sentencing court  
28 every three months during the period of probation. If a  
29 motion on a petition to discontinue probation is made by the  
30 defendant, the probation officer shall request a report as

1 specified from the treating facility.

2 Section 3. Section 9764(e), (f), (h), (i) and (k) of Title  
3 42, amended December 18, 2019 (P.L.776, No.115), are amended to  
4 read:

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

7 \* \* \*

8 (e) Release by Department of Corrections.--Prior to the  
9 release of an inmate from the Department of Corrections to State  
10 parole supervision, the Department of Corrections shall provide  
11 to the [Board of Probation and] Pennsylvania Parole Board the  
12 information contained in subsections (a)(1) and (2) and (b).

13 (f) Release from county correctional facility to State  
14 probation or parole.--

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

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

27 \* \* \*

28 (h) Record of inmate moneys.--Prior to the release of an  
29 inmate from the Department of Corrections to State parole  
30 supervision, the department shall provide to the [Board of

1 Probation and] Pennsylvania Parole Board a record of any moneys  
2 paid by the inmate and any balance remaining towards  
3 satisfaction of restitution or any other court-ordered financial  
4 obligations. Prior to the release of an inmate from a county  
5 correctional facility to State parole supervision, the county  
6 correctional facility shall provide to the [Board of Probation  
7 and Parole] Department of Corrections a record of any moneys  
8 paid by the inmate and any balance remaining towards the  
9 satisfaction of restitution or any other court-ordered financial  
10 obligations. Prior to the release of an inmate from a county  
11 correctional facility to county parole supervision, the facility  
12 shall provide to the county probation department or other agent  
13 designated by the county commissioners of the county with the  
14 approval of the president judge of the county a record of any  
15 moneys paid by the inmate and any remaining balance towards the  
16 satisfaction of restitution and any other court-ordered  
17 financial obligations.

18 (i) Continuing payments.--The [Board of Probation and]  
19 Pennsylvania Parole Board shall require as a condition of parole  
20 that any inmate released to their supervision shall make  
21 continuing payments on restitution or any other court-ordered  
22 financial obligations. The sentencing court shall require as a  
23 condition of county parole that any inmate released to the  
24 supervision of the county probation department shall make  
25 continuing payments of restitution or any other court-ordered  
26 financial obligations.

27 \* \* \*

28 (k) Procedures.--The Department of Corrections and the  
29 Pennsylvania [Board of Probation and] Parole Board shall develop  
30 procedures to implement the provisions of this section.

1 \* \* \*

2 Section 4. Sections 9776(a), 9777(d)(2), 9799.13(2),  
3 9799.16(d), 9799.19(f), (k)(1) introductory paragraph and (iv)  
4 and (2), (l)(2)(iv) and (q)(2), 9799.20 introductory paragraph,  
5 9799.22(d), 9799.24(a), (b) introductory paragraph, (c), (e)(4)  
6 and (g), 9799.29, 9799.30 and 9799.31(6) of Title 42 are amended  
7 to read:

8 § 9776. Judicial power to release inmates.

9 (a) General rule.--Except as otherwise provided under this  
10 chapter or if the Pennsylvania [Board of Probation and] Parole  
11 Board has exclusive parole jurisdiction, a court of this  
12 Commonwealth or other court of record having jurisdiction may,  
13 after due hearing, release on parole an inmate in the county  
14 correctional institution of that judicial district.

15 \* \* \*

16 § 9777. Transfer of inmates in need of medical treatment.

17 \* \* \*

18 (d) Notice.--

19 \* \* \*

20 (2) The sentencing court shall forward notice of any  
21 order entered under this section placing an inmate in a  
22 hospital, long-term care nursing facility or hospice care  
23 location to the hospital, long-term care nursing facility or  
24 hospice care location and to the Department of [Public  
25 Welfare] Human Services.

26 \* \* \*

27 § 9799.13. Applicability.

28 The following individuals shall register with the  
29 Pennsylvania State Police as provided in sections 9799.15  
30 (relating to period of registration), 9799.19 (relating to

1 initial registration) and 9799.25 (relating to verification by  
2 sexual offenders and Pennsylvania State Police) and otherwise  
3 comply with the provisions of this subchapter:

4 \* \* \*

5 (2) A sexual offender who is an inmate in a State or  
6 county correctional institution of this Commonwealth,  
7 including a community corrections center or a community  
8 contract facility, is being supervised by the [Pennsylvania  
9 Board of Probation and Parole] Department of Corrections or  
10 county probation or parole, is subject to a sentence of  
11 intermediate punishment or restrictive conditions of  
12 probation or has supervision transferred pursuant to the  
13 Interstate Compact for Adult Supervision in accordance with  
14 section 9799.19(g).

15 \* \* \*

16 § 9799.16. Registry.

17 \* \* \*

18 (d) Cooperation.--There shall be cooperation between the  
19 Pennsylvania State Police, State and county correctional  
20 institutions, the Pennsylvania [Board of Probation and] Parole  
21 Board, the county office of probation and parole, any court with  
22 jurisdiction over a sexual offender, the chief juvenile  
23 probation officer of the court, juvenile probation and parole  
24 and the Department of [Public Welfare] Human Services to ensure  
25 that the information set forth in subsections (b) and (c) is  
26 provided and placed in the registry.

27 § 9799.19. Initial registration.

28 \* \* \*

29 (f) Initial registration if being supervised by Commonwealth  
30 under Interstate Compact for Adult Offender Supervision.--If an

1 individual is in this Commonwealth and is being supervised by  
2 the [State Board of Probation and Parole] Department of  
3 Corrections or the county office of probation and parole  
4 pursuant to the Interstate Compact for Adult Offender  
5 Supervision, the following apply:

6 (1) If the individual is being supervised under the  
7 compact for committing a sexually violent offense which  
8 requires registration in another jurisdiction or foreign  
9 country whether or not the sexual offense is designated as a  
10 sexually violent offense, the individual shall provide the  
11 information set forth in section 9799.16(b) (relating to  
12 registry) to the appropriate official of the [State Board of  
13 Probation and Parole] Department of Corrections or the county  
14 office of probation and parole for inclusion in the registry.  
15 The appropriate official shall collect the information set  
16 forth in section 9799.16(b) and forward the information to  
17 the Pennsylvania State Police. The appropriate official  
18 shall, in addition, ensure that the information set forth in  
19 section 9799.16(c) is collected and forwarded to the  
20 Pennsylvania State Police. If the individual fails to provide  
21 the information in section 9799.16(b), the appropriate  
22 official of the [State Board of Probation and Parole]  
23 Department of Corrections or county office of probation and  
24 parole shall notify the Pennsylvania State Police.

25 \* \* \*

26 (k) Registration if incarcerated within Commonwealth or by  
27 Federal court.--The following apply to an individual who  
28 committed a sexually violent offense:

29 (1) If the individual is incarcerated in a Federal,  
30 State or county correctional facility, the individual shall



1 provide the information specified in section 9799.16(b) to  
2 the appropriate official of the Federal, State or county  
3 correctional facility or the [Pennsylvania Board of Probation  
4 and Parole] Department of Corrections for inclusion in the  
5 registry before being released due to:

6 \* \* \*

7 (iv) special probation supervised by the  
8 [Pennsylvania Board of Probation and Parole] Department  
9 of Corrections.

10 (2) For individuals described in paragraph (1), the  
11 appropriate official of the Federal, State or county  
12 correctional facility or the [Pennsylvania Board of Probation  
13 and Parole] Department of Corrections shall collect and  
14 forward the information specified in section 9799.16(b) to  
15 the Pennsylvania State Police. The appropriate official  
16 shall, in addition, ensure that the information specified in  
17 section 9799.16(c) is collected and forwarded to the  
18 Pennsylvania State Police. The information specified in  
19 section 9799.16(b) and (c) shall be included in the registry.  
20 With respect to individuals released under paragraph (1)(ii),  
21 (iii) or (iv), the State or county correctional facility  
22 shall not release the individual until the State or county  
23 correctional facility receives verification from the  
24 Pennsylvania State Police that the Pennsylvania State Police  
25 has received the information specified in section 9799.16(b)  
26 and (c). Verification may take place by electronic means.  
27 With respect to individuals released under paragraph (1)(i),  
28 if the individual refuses to provide the information  
29 specified in section 9799.16(b), the State or county  
30 correctional facility shall notify the Pennsylvania State

1 Police or the municipal police department with jurisdiction  
2 over the facility of the failure to provide the information  
3 and of the expected date, time and location of the release of  
4 the individual.

5 (1) Registration if sentenced to a State or county  
6 correctional facility.--If the individual committed a sexually  
7 violent offense and is sentenced to a period of incarceration in  
8 a State or county correctional facility, the individual shall  
9 provide the information specified in section 9799.16(b) as  
10 follows:

11 \* \* \*

12 (2) If the individual is incarcerated in a State or  
13 county correctional facility, the correctional facility shall  
14 notify the Pennsylvania State Police, not more than 30 days  
15 in advance of, but not later than 10 days prior to, the  
16 individual's release from the correctional facility. The  
17 following apply:

18 \* \* \*

19 (iv) In the case of parole, State [or county]  
20 intermediate punishment, State drug treatment programs or  
21 restrictive conditions of probation where the sentence is  
22 restrictive and the individual is sentenced to a period  
23 of incarceration in a State or county correctional  
24 facility or work release facility or special probation  
25 supervised by the [Pennsylvania Board of Probation and  
26 Parole] Department of Corrections, the correctional  
27 facility may not release the individual until the  
28 correctional facility receives verification from the  
29 Pennsylvania State Police that the Pennsylvania State  
30 Police has received the information specified in section

1 9799.16(b) and (c). Verification by the Pennsylvania  
2 State Police may occur by electronic means.

3 \* \* \*

4 (q) Registration for State or county parolees.--

5 \* \* \*

6 (2) If the individual committed a sexually violent  
7 offense and is serving a sentence of State parole, the  
8 [Pennsylvania Board of Probation and Parole] Department of  
9 Corrections shall register the individual within 48 hours.  
10 The appropriate official of the [Pennsylvania Board of  
11 Probation and Parole] Department of Corrections shall collect  
12 the information specified in section 9799.16(b) from the  
13 individual and forward the information to the Pennsylvania  
14 State Police. The Pennsylvania State Police shall ensure that  
15 the information specified in section 9799.16(c) is collected.  
16 The information specified in section 9799.16(b) and (c) shall  
17 be included in the registry. If the individual fails to  
18 comply, the appropriate official of the [Pennsylvania Board  
19 of Probation and Parole] Department of Corrections shall  
20 notify the Pennsylvania State Police.

21 § 9799.20. Duty to inform.

22 In order to implement the provisions of section 9799.19  
23 (relating to initial registration), as appropriate, the  
24 Pennsylvania State Police, the court having jurisdiction over  
25 the sexual offender, the chief juvenile probation officer of the  
26 court and the appropriate official of the [Pennsylvania Board of  
27 Probation and Parole] Department of Corrections, county office  
28 of probation and parole, the Department of [Public Welfare]  
29 Human Services or a State or county correctional institution  
30 shall:

1 \* \* \*

2 § 9799.22. Enforcement.

3 \* \* \*

4 (d) Duty to inform Pennsylvania State Police.--In order to  
5 implement this subchapter, the court with jurisdiction over the  
6 sexual offender, the chief juvenile probation officer of the  
7 court and the appropriate official of the [Pennsylvania Board of  
8 Probation and Parole] Department of Corrections responsible for  
9 State parole supervision, the county office of probation and  
10 parole, the Department of [Public Welfare] Human Services or a  
11 State or county correctional institution shall inform the  
12 Pennsylvania State Police if the individual refuses to provide  
13 the information required by this subchapter so that the  
14 Pennsylvania State Police may comply with this section.

15 § 9799.24. Assessments.

16 (a) Order for assessment.--After conviction but before  
17 sentencing, a court shall order an individual convicted of a  
18 sexually violent offense to be assessed by the board. The order  
19 for an assessment shall be sent to the [administrative officer]  
20 executive director of the board within ten days of the date of  
21 conviction for the sexually violent offense.

22 (b) Assessment.--Upon receipt from the court of an order for  
23 an assessment, a member of the board as designated by the  
24 [administrative officer] executive director of the board shall  
25 conduct an assessment of the individual to determine if the  
26 individual should be classified as a sexually violent predator.  
27 The board shall establish standards for evaluations and for  
28 evaluators conducting the assessments. An assessment shall  
29 include, but not be limited to, an examination of the following:

30 \* \* \*

1 (c) Release of information.--All State, county and local  
2 agencies, offices and entities in this Commonwealth, including  
3 juvenile probation officers, shall cooperate by providing copies  
4 of records and information as requested by the board in  
5 connection with the court-ordered assessment and the assessment  
6 requested by the Pennsylvania [Board of Probation and] Parole  
7 Board or the assessment of a delinquent child under section 6358  
8 (relating to assessment of delinquent children by the State  
9 Sexual Offenders Assessment Board). For assessments of  
10 delinquent children conducted by the board pursuant to section  
11 6358 from January 23, 2005, to December 19, 2012, all State,  
12 county and local agencies, offices and entities, including  
13 juvenile probation officers, are subject to the release of  
14 information requirements set forth in this subsection.

15 \* \* \*

16 (e) Hearing.--

17 \* \* \*

18 (4) A copy of the order containing the determination of  
19 the court shall be immediately submitted to the individual,  
20 the district attorney, the Pennsylvania [Board of Probation  
21 and] Parole Board, the Department of Corrections, the board  
22 and the Pennsylvania State Police.

23 \* \* \*

24 (g) Parole assessment.--The Pennsylvania [Board of Probation  
25 and] Parole Board may request of the board that an assessment of  
26 a sexual offender be conducted and that a report be provided to  
27 the Pennsylvania [Board of Probation and] Parole Board prior to  
28 considering a sexual offender for parole.

29 \* \* \*

30 § 9799.29. Administration.

1 The Governor shall direct the Pennsylvania State Police, [the  
2 Pennsylvania Board of Probation and Parole,] the board, the  
3 Department of Corrections, the Department of Transportation and  
4 any other agency of the Commonwealth that the Governor deems  
5 necessary to collaboratively design, develop and implement an  
6 integrated and secure system of communication, storage and  
7 retrieval of information to assure the timely, accurate and  
8 efficient administration of this subchapter.

9 § 9799.30. Global positioning system technology.

10 The Pennsylvania [Board of Probation and] Parole Board, the  
11 Department of Corrections, the agents of the Department of  
12 Corrections and county probation authorities may impose  
13 supervision conditions that include tracking through global  
14 positioning system technology.

15 § 9799.31. Immunity for good faith conduct.

16 The following entities shall be immune from liability for  
17 good faith conduct under this subchapter:

18 \* \* \*

19 (6) The Pennsylvania [Board of Probation and] Parole  
20 Board and its agents and employees.

21 \* \* \*

22 Section 5. Section 9799.32 heading and paragraphs (2), (7),  
23 (8) and (9) of Title 42 are amended to read:

24 § 9799.32. Pennsylvania State Police and Department of  
25 Corrections.

26 The Pennsylvania State Police have the following duties:

27 \* \* \*

28 (2) In consultation with the Department of Corrections,  
29 the Office of Attorney General, the Juvenile Court Judges'  
30 Commission, the Administrative Office of Pennsylvania

1 Courts[, the Pennsylvania Board of Probation and Parole] and  
2 the chairman and minority chairman of the Judiciary Committee  
3 of the Senate and the chairman and minority chairman of the  
4 Judiciary Committee of the House of Representatives, to  
5 promulgate guidelines necessary for the general  
6 administration of this subchapter. These guidelines shall  
7 establish procedures to allow an individual subject to the  
8 requirements of this subchapter, including a transient, to  
9 fulfill these requirements at approved registration sites  
10 throughout this Commonwealth. The Pennsylvania State Police  
11 shall publish a list of approved registration sites in the  
12 Pennsylvania Bulletin and provide a list of approved  
13 registration sites in any notice sent to individuals required  
14 to register under this subchapter. An approved registration  
15 site shall be capable of submitting fingerprints, palm  
16 prints, DNA samples and any other information required  
17 electronically to the Pennsylvania State Police. The  
18 Pennsylvania State Police shall require that approved  
19 registration sites submit fingerprints utilizing the  
20 Integrated Automated Fingerprint Identification System or in  
21 another manner and in such form as the Pennsylvania State  
22 Police shall require. Approved registration sites shall not  
23 be limited to sites managed by the Pennsylvania State Police  
24 and shall include sites managed by local law enforcement  
25 agencies that meet the criteria for approved registration  
26 sites set forth in this paragraph.

27 \* \* \*

28 (7) In consultation with the Department of Education and  
29 the [Pennsylvania Board of Probation and Parole,] Department  
30 of Corrections, to promulgate guidelines directing licensed

1 day-care centers, licensed preschool programs, schools,  
2 universities and colleges, including community colleges, on  
3 the proper use and administration of information received  
4 under section 9799.27.

5 (8) In consultation with the Department of Corrections  
6 [and the Pennsylvania Board of Probation and Parole,] to  
7 promulgate guidelines directing State and county correctional  
8 facilities and State and county probation and parole offices  
9 regarding the completion of information, including the taking  
10 of photographs, required by sexual offenders under this  
11 subchapter.

12 (9) In consultation with the Administrative Office of  
13 Pennsylvania Courts, the Department of [Public Welfare] Human  
14 Services and the Juvenile Court Judges' Commission, to  
15 promulgate guidelines regarding the completion of information  
16 required by juvenile offenders and sexually violent  
17 delinquent children under this subchapter.

18 \* \* \*

19 Section 6. Sections 9799.33, 9799.35(e), 9799.38, 9799.54(a)  
20 (3), 9799.56(a)(4)(i), 9799.58(c), (e)(4) and (g), 9799.64,  
21 9799.65, 9799.66(6), 9799.67(2), (5) and (6), 9799.68,  
22 9799.69(e), 9799.72 and 9912(e.1)(10) of Title 42 are amended to  
23 read:

24 § 9799.33. Duties of Department of Corrections and probation  
25 and parole officials.

26 (a) Duties.--The [Pennsylvania Board of Probation and  
27 Parole,] Department of Corrections, the county office of  
28 probation and parole and the chief juvenile probation officer of  
29 the court shall:

30 (1) Perform their respective duties set forth for the



1 [Pennsylvania Board of Probation and Parole,] Department of  
2 Corrections, the county office of probation and parole and  
3 the chief juvenile probation officer of the court in  
4 accordance with section 9799.19 (relating to initial  
5 registration).

6 (2) On a form prescribed by the Pennsylvania State  
7 Police, notify the Pennsylvania State Police each time a  
8 sexual offender is arrested, recommitted to a State or county  
9 correctional institution for a parole violation or  
10 incarcerated.

11 (b) Notification form.--The [Pennsylvania Board of Probation  
12 and Parole] Department of Corrections shall create a  
13 notification form which will inform [State and] county prison  
14 and probation and parole personnel how to inform sexual  
15 offenders of their duties under this subchapter. In addition,  
16 the [Pennsylvania Board of Probation and Parole] Department of  
17 Corrections shall apply for Federal funding as provided in the  
18 Adam Walsh Child Protection and Safety Act of 2006 (Public Law  
19 109-248, 120 Stat. 587) to support and enhance programming using  
20 global satellite positioning system technology.

21 § 9799.35. Board.

22 \* \* \*

23 (e) Staff.--[Support staff for the board shall be provided  
24 by the Pennsylvania Board of Probation and Parole.] The board  
25 shall employ an executive director and other staff as necessary  
26 to carry out the board's duties under this chapter. The  
27 executive director shall direct the operations, management and  
28 administration of the board and organize and oversee the work of  
29 the staff. Legal counsel for the board shall be provided in  
30 accordance with the act of October 15, 1980 (P.L.950, No.164),

1 known as the Commonwealth Attorneys Act. Upon request by the  
2 board, the Department of Corrections shall make available  
3 facilities, administrative support and other assistance to the  
4 board.

5 § 9799.38. Annual performance audit.

6 (a) Duties of the Attorney General.--The Attorney General  
7 has the following duties:

8 (1) To conduct a performance audit annually to determine  
9 compliance with the requirements of this subchapter and  
10 Subchapter I (relating to continued registration of sexual  
11 offenders) and any guidelines promulgated under this  
12 subchapter and Subchapter I. The audit shall, at a minimum,  
13 include a review of the practices, procedures and records of  
14 the Pennsylvania State Police, [the Pennsylvania Board of  
15 Probation and Parole ,] the Department of Corrections, the  
16 board, the Administrative Office of Pennsylvania Courts and  
17 any other State or local agency the Attorney General deems  
18 necessary in order to conduct a thorough and accurate  
19 performance audit.

20 (2) To prepare an annual report of its findings and any  
21 action that it recommends be taken by the Pennsylvania State  
22 Police, [the Pennsylvania Board of Probation and Parole,] the  
23 Department of Corrections, the board, the Administrative  
24 Office of Pennsylvania Courts, other State or local agencies  
25 and the General Assembly to ensure compliance with this  
26 subchapter and Subchapter I. The first report shall be  
27 released to the general public no fewer than 18 months after  
28 December 20, 2012.

29 (3) To provide a copy of its report to the Pennsylvania  
30 State Police, [the Pennsylvania Board of Probation and

1 Parole,] the Department of Corrections, the board, the  
2 Administrative Office of Pennsylvania Courts, State or local  
3 agencies referenced in the report, the chairman and the  
4 minority chairman of the Judiciary Committee of the Senate  
5 and the chairman and the minority chairman of the Judiciary  
6 Committee of the House of Representatives no fewer than 30  
7 days prior to its release to the general public.

8 (b) Cooperation required.--Notwithstanding any other  
9 provision of law to the contrary, the Pennsylvania State Police,  
10 [the Pennsylvania Board of Probation and Parole,] the Department  
11 of Corrections, the board, the Administrative Office of  
12 Pennsylvania Courts, the Pennsylvania Commission on Sentencing  
13 and any other State or local agency requested to do so shall  
14 fully cooperate with the Attorney General and assist the Office  
15 of Attorney General in satisfying the requirements of this  
16 section. For purposes of this subsection, full cooperation shall  
17 include, at a minimum, complete access to unredacted records,  
18 files, reports and data systems.

19 § 9799.54. Applicability.

20 (a) Registration.--The following individuals shall register  
21 with the Pennsylvania State Police as provided in this  
22 subchapter:

23 \* \* \*

24 (3) An individual who committed a sexually violent  
25 offense within this Commonwealth and is an inmate in a State  
26 or county correctional facility of this Commonwealth,  
27 including a community corrections center or a community  
28 contract facility, is being supervised by the [Pennsylvania  
29 Board of Probation and Parole] Department of Corrections or  
30 county probation or parole, is subject to a sentence of

1 intermediate punishment or has supervision transferred under  
2 the Interstate Compact for Adult Supervision in accordance  
3 with section 9799.62(e) (relating to other notification). The  
4 individual shall register for the period of time under  
5 section 9799.55, except that the period required in section  
6 9799.55 shall be tolled for any period of time the individual  
7 is recommitted for a parole violation or sentenced to a term  
8 of imprisonment.

9 \* \* \*

10 § 9799.56. Registration procedures and applicability.

11 (a) Registration.--

12 \* \* \*

13 (4) This paragraph shall apply to all offenders and  
14 sexually violent predators:

15 (i) Where the offender or sexually violent predator  
16 was granted parole by the Pennsylvania [Board of  
17 Probation and] Parole Board or the court or is sentenced  
18 to probation or intermediate punishment, probation with  
19 restrictions or is placed in the State drug treatment  
20 program, the board or county office of probation and  
21 parole shall collect registration information from the  
22 offender or sexually violent predator and forward that  
23 registration information to the Pennsylvania State  
24 Police. The Department of Corrections or county  
25 correctional facility shall not release the offender or  
26 sexually violent predator until it receives verification  
27 from the Pennsylvania State Police that the Pennsylvania  
28 State Police have received the registration information.  
29 Verification by the Pennsylvania State Police may occur  
30 by electronic means, including e-mail or facsimile

1 transmission. Where the offender or sexually violent  
2 predator is scheduled to be released from a State or  
3 county correctional facility because of the expiration of  
4 the maximum term of incarceration, the Department of  
5 Corrections or county correctional facility shall collect  
6 the information from the offender or sexually violent  
7 predator no later than 10 days prior to the maximum  
8 expiration date. The registration information shall be  
9 forwarded to the Pennsylvania State Police.

10 \* \* \*

11 § 9799.58. Assessments.

12 \* \* \*

13 (c) Release of information.--All State, county and local  
14 agencies, offices or entities in this Commonwealth, including  
15 juvenile probation officers, shall cooperate by providing access  
16 to records and information as requested by the board in  
17 connection with the court-ordered assessment and the assessment  
18 requested by the Pennsylvania [Board of Probation and] Parole  
19 Board or the assessment of a delinquent child under section 6358  
20 (relating to assessment of delinquent children by the State  
21 Sexual Offenders Assessment Board).

22 \* \* \*

23 (e) Hearing.--

24 \* \* \*

25 (4) A copy of the order containing the determination of  
26 the court shall be immediately submitted to the individual,  
27 the district attorney, the Pennsylvania [Board of Probation  
28 and] Parole Board, the Department of Corrections, the board  
29 and the Pennsylvania State Police.

30 \* \* \*

1 (g) Parole assessment.--The Pennsylvania [Board of Probation  
2 and] Parole Board may request of the board an assessment of an  
3 offender or sexually violent predator be conducted and provide a  
4 report to the Pennsylvania [Board of Probation and] Parole Board  
5 prior to considering an offender or sexually violent predator  
6 for parole.

7 \* \* \*

8 § 9799.64. Administration.

9 The Governor shall direct the Pennsylvania State Police, the  
10 Pennsylvania [Board of Probation and] Parole Board, the [State  
11 Sexual Offenders Assessment Board] board, the Department of  
12 Corrections, the Department of Transportation and any other  
13 agency of this Commonwealth the Governor deems necessary to  
14 collaboratively design, develop and implement an integrated and  
15 secure system of communication, storage and retrieval of  
16 information to assure the timely, accurate and efficient  
17 administration of this subchapter.

18 § 9799.65. Global positioning system technology.

19 The Pennsylvania [Board of Probation and] Parole Board, the  
20 Department of Corrections and county probation authorities may  
21 impose supervision conditions that include offender tracking  
22 through global positioning system technology.

23 § 9799.66. Immunity for good faith conduct.

24 The following entities shall be immune from liability for  
25 good faith conduct under this subchapter:

26 \* \* \*

27 (6) The Pennsylvania [Board of Probation and] Parole  
28 Board and its agents and employees.

29 \* \* \*

30 § 9799.67. Duties of Pennsylvania State Police.

1 The Pennsylvania State Police shall:

2 \* \* \*

3 (2) In consultation with the Department of Corrections,  
4 the Office of Attorney General[, the Pennsylvania Board of  
5 Probation and Parole] and the chairperson and the minority  
6 chairperson of the Judiciary Committee of the Senate and the  
7 chairperson and the minority chairperson of the Judiciary  
8 Committee of the House of Representatives, promulgate  
9 guidelines necessary for the general administration of this  
10 subchapter. These guidelines shall establish procedures to  
11 allow an individual subject to the requirements of sections  
12 9799.55 (relating to registration) and 9799.60 (relating to  
13 verification of residence) to fulfill these requirements at  
14 approved registration sites throughout this Commonwealth.  
15 This paragraph includes the duty to establish procedures to  
16 allow an individual who has a residence as defined in  
17 paragraph (2) of the definition of "residence" in section  
18 9799.53 (relating to definitions) to fulfill the requirements  
19 regarding registration at approved registration sites  
20 throughout this Commonwealth. The Pennsylvania State Police  
21 shall publish a list of approved registration sites in the  
22 Pennsylvania Bulletin and provide a list of approved  
23 registration sites in any notices sent to individuals  
24 required to register under section 9799.55. An approved  
25 registration site shall be capable of submitting  
26 fingerprints, photographs and other information required  
27 electronically to the Pennsylvania State Police. The  
28 Pennsylvania State Police shall require that approved  
29 registration sites submit fingerprints utilizing the  
30 Integrated Automated Fingerprint Identification System or in

1 another manner and in the form as the Pennsylvania State  
2 Police shall require. The Pennsylvania State Police shall  
3 require that approved registration sites submit photographs  
4 utilizing the Commonwealth Photo Imaging Network or in  
5 another manner and in the form as the Pennsylvania State  
6 Police shall require. Approved registration sites shall not  
7 be limited to sites managed by the Pennsylvania State Police  
8 and shall include sites managed by local law enforcement  
9 agencies that meet the criteria for approved registration  
10 sites specified in this paragraph.

11 \* \* \*

12 (5) In consultation with the Department of Education and  
13 the [Pennsylvania Board of Probation and Parole,] Department  
14 of Corrections, promulgate guidelines directing licensed day-  
15 care centers, licensed preschool programs, schools,  
16 universities and colleges, including community colleges, on  
17 the proper use and administration of information received  
18 under section 9799.62 (relating to other notification).

19 (6) Immediately transfer the information received from  
20 the [Pennsylvania Board of Probation and Parole] Department  
21 of Corrections under section 9799.68(2) and (3) (relating to  
22 duties of [Pennsylvania Board of Probation and Parole]  
23 Department of Corrections) and the fingerprints of a sexually  
24 violent predator to the Federal Bureau of Investigation.

25 \* \* \*

26 § 9799.68. Duties of [Pennsylvania Board of Probation and  
27 Parole] Department of Corrections.

28 The [Pennsylvania Board of Probation and Parole] Department  
29 of Corrections shall:

30 (1) Create a notification form which will inform State



1 and county prison and probation and parole personnel how to  
2 inform offenders and sexually violent predators required to  
3 register under this subchapter of their duty under the law.

4 (2) In cooperation with [the Department of Corrections  
5 and] other Commonwealth agencies, obtain the following  
6 information regarding offenders and sexually violent  
7 predators:

8 (i) Name, including aliases.

9 (ii) Identifying factors.

10 (iii) Anticipated future residence.

11 (iv) Offense history.

12 (v) Documentation of treatment received for the  
13 mental abnormality or personality disorder.

14 (vi) Photograph of the offender or sexually violent  
15 predator.

16 (3) Immediately transmit the information in paragraph  
17 (2) to the Pennsylvania State Police for immediate entry into  
18 the State registry of offenders and sexually violent  
19 predators and the criminal history record of the individual  
20 as provided in 18 Pa.C.S. Ch. 91 (relating to criminal  
21 history record information).

22 (4) Apply for Federal funding as provided in the Adam  
23 Walsh Child Protection and Safety Act of 2006 (Public Law  
24 109-248, 120 Stat. 587) to support and enhance programming  
25 using satellite global positioning system technology.

26 § 9799.69. Board.

27 \* \* \*

28 (e) Staff.--[Support staff for the board shall be provided  
29 by the Pennsylvania Board of Probation and Parole.] The board  
30 shall employ an executive director and other staff as necessary

1 to carry out the board's duties under this chapter. The  
2 executive director shall direct the operations, management and  
3 administration of the board and organize and oversee the work of  
4 the staff. Legal counsel for the board shall be provided in  
5 accordance with the act of October 15, 1980 (P.L.950, No.164),  
6 known as the Commonwealth Attorneys Act. Upon request by the  
7 board, the Department of Corrections shall make available  
8 facilities, administrative support and other assistance to the  
9 board.

10 § 9799.72. Annual performance audit.

11 (a) Duties of Attorney General.--The Attorney General shall:

12 (1) Conduct a performance audit annually to determine  
13 compliance with the requirements of this subchapter and  
14 guidelines promulgated under this subchapter. The audit  
15 shall, at a minimum, include a review of the practices,  
16 procedures and records of the Pennsylvania State Police, [the  
17 Pennsylvania Board of Probation and Parole,] the Department  
18 of Corrections, the [State Sexual Offenders Assessment Board]  
19 board, the Administrative Office of Pennsylvania Courts and  
20 any other State or local agency the Attorney General deems  
21 necessary in order to conduct a thorough and accurate  
22 performance audit.

23 (2) Prepare an annual report of its findings and actions  
24 it recommends be taken by the Pennsylvania State Police, [the  
25 Pennsylvania Board of Probation and Parole,] the Department  
26 of Corrections, the [State Sexual Offenders Assessment Board]  
27 board, the Administrative Office of Pennsylvania Courts,  
28 other State or local agencies and the General Assembly to  
29 ensure compliance with this subchapter. The first report  
30 shall be released to the general public not less than 18

1 months after February 21, 2018.

2 (3) Provide a copy of its report to the Pennsylvania  
3 State Police, [the Pennsylvania Board of Probation and  
4 Parole,] the Department of Corrections, the [State Sexual  
5 Offenders Assessment Board] board, the Administrative Office  
6 of Pennsylvania Courts, State or local agencies referenced  
7 therein, the chairperson and the minority chairperson of the  
8 Judiciary Committee of the Senate and the chairperson and the  
9 minority chairperson of the Judiciary Committee of the House  
10 of Representatives no less than 30 days prior to the report's  
11 release to the general public.

12 (b) Cooperation required.--Notwithstanding any other  
13 provision of law to the contrary, the Pennsylvania State Police,  
14 [the Pennsylvania Board of Probation and Parole,] the Department  
15 of Corrections, the [State Sexual Offenders Assessment Board]  
16 board, the Administrative Office of Pennsylvania Courts, the  
17 Pennsylvania Commission on Sentencing and any other State or  
18 local agency requested to do so shall fully cooperate with the  
19 Attorney General and assist the office in satisfying the  
20 requirements of this section. For purposes of this subsection,  
21 full cooperation shall include, at a minimum, complete access to  
22 unredacted records, files, reports and data systems.

23 § 9912. Supervisory relationship to offenders.

24 \* \* \*

25 (e.1) Status of seized items.--

26 \* \* \*

27 (10) The [Pennsylvania Board of Probation and Parole]  
28 Department of Corrections may enact regulations that are  
29 necessary to implement this subsection on a uniform basis  
30 throughout this Commonwealth. If regulations are promulgated,

1 a county adult probation and parole department must comply  
2 with the regulations.

3 \* \* \*

4 Section 7. The definition of "board" in section 102 of Title  
5 61 is amended and the section is amended by adding definitions  
6 to read:

7 § 102. Definitions.

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

11 "Board." The Pennsylvania [Board of Probation and] Parole  
12 Board.

13 \* \* \*

14 "Offender." An individual that has been convicted or found  
15 guilty of a criminal offense by a judge or jury or an individual  
16 that pleads guilty or nolo contendere to a criminal offense at  
17 any time in a court of record or before a magisterial district  
18 justice under section 6138(a)(1.1) (relating to violation of  
19 terms of parole).

20 "Parole violator center." An area within the secure  
21 perimeter or on the grounds of a State correctional institution  
22 or any contracted facility or contracted county jail that has  
23 been designated to house offenders detained or recommitted by  
24 the board for a technical parole violation.

25 \* \* \*

26 Section 8. Title 61 is amended by adding a section to read:  
27 § 1106. Powers of peace officers.

28 A chief administrator, deputy superintendent or corrections  
29 officer of a State correctional facility may exercise the powers  
30 of a peace officer in the performance of that individual's

1 duties generally in:

2 (1) Guarding, protecting and delivering inmates.

3 (2) Protecting the property and interests of the  
4 department.

5 (3) Capturing and returning inmates that may have  
6 escaped.

7 Section 9. Sections 5001, 5002, 5003, 5004, 5005 and 5006 of  
8 Title 61 are amended to read:

9 § 5001. 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 "Chairman." The chairman of the Pennsylvania [**Board of**  
16 **Probation and**] Parole Board.

17 "Community corrections center." A residential program that  
18 is supervised and operated by the department in accordance with  
19 this chapter.

20 "Community corrections facility." A residential facility  
21 operated by a private contractor that:

22 (1) houses offenders pursuant to a contract with the  
23 department; and

24 (2) is operated in accordance with this chapter.

25 § 5002. Department.

26 The department may do all of the following:

27 (1) Establish community corrections centers at locations  
28 throughout this Commonwealth approved by the Governor.

29 (2) Enter into contracts with private vendors to operate  
30 community corrections facilities.

1           (3) Establish parole violator centers.

2 § 5003. Offenders who may be housed.

3           The following offenders may be housed in community  
4 corrections centers, parole violator centers and community  
5 corrections facilities:

6           (1) [A parolee under the jurisdiction of] An offender  
7 paroled by the board who is in good standing [with the board]  
8 as defined in section 6101 (relating to definitions).

9           (2) [A parolee in accordance with the following] An  
10 offender paroled by the board who:

11           (i) Except as provided in subparagraph (ii), [a  
12 parolee under the jurisdiction of the board who] is  
13 detained or awaiting a hearing or who has been  
14 recommitted for a technical violation of the conditions  
15 of [parole established by the board] supervision if the  
16 [parolee] offender is eligible to be housed in a  
17 community corrections center, parole violator center or  
18 community corrections facility under section 6138  
19 (relating to violation of terms of parole).

20           (ii) Subparagraph (i) shall not apply to [a parolee  
21 under the jurisdiction of the board] an offender paroled  
22 by the board who is detained pending resolution of  
23 criminal charges as a convicted violator under section  
24 6138(a) (relating to violation of terms of parole) or  
25 awaiting a hearing or who has been recommitted. [for a  
26 technical violation of the conditions of parole  
27 established by the board as a result of the commission of  
28 a new crime of which the parolee is convicted or found  
29 guilty by a judge or jury or to which the parolee pleads  
30 guilty or nolo contendere in a court of record.]

1 (3) An offender who is serving the community-based  
2 portion of a [sentence of State intermediate punishment]  
3 placement in a State drug treatment program may be housed in  
4 a community corrections center or a community corrections  
5 facility.

6 (4) An offender who has been granted clemency by the  
7 Governor may be housed in a community corrections center or a  
8 community corrections facility.

9 § 5004. Authority of Commonwealth employees.

10 Commonwealth employees of community corrections centers and  
11 parole violator centers and other Commonwealth employees[,  
12 while] present in community corrections facilities[, ] have the  
13 authority to do all of the following:

14 (1) In order to maintain security and to enforce the  
15 rules of the community corrections center, parole violator  
16 center or community corrections facility:

17 (i) search the person and property of an offender  
18 residing in the community corrections center, parole  
19 violator center or community corrections facility;

20 (ii) seize property from an offender residing in the  
21 community corrections center, parole violator center or  
22 community corrections facility; and

23 (iii) if necessary, use reasonable force against an  
24 offender residing in the community corrections center or  
25 community corrections facility.

26 (2) Detain, by using reasonable force if necessary, an  
27 offender residing in the community corrections center, parole  
28 violator center or community corrections facility [in order]  
29 to maintain control of the offender pending the arrival of a  
30 department parole agent, police officer or other appropriate

1 law enforcement officer.

2 § 5005. Authority of chairman.

3 The chairman has the following authority:

4 [(1) Designate community corrections centers or  
5 community corrections facilities where parolees are to be  
6 housed.]

7 [(2) Determine whether parolees are to be housed in a  
8 secured or unsecured portion of a community corrections  
9 center or community corrections facility.]

10 (3) Determine, jointly with the [Secretary of the  
11 Department of Corrections] secretary, using evidence-based  
12 practices designed to reduce the likelihood of recidivism and  
13 improve public safety, the appropriate treatment and  
14 programming for [parolees] offenders paroled by the board who  
15 are housed at community corrections centers, parole violator  
16 centers and community corrections facilities.

17 (4) Audit, jointly with the secretary, the performance  
18 of treatment and services provided by community corrections  
19 centers, parole violator centers and community corrections  
20 facilities.

21 § 5006. Escape.

22 An [individual committed to] offender detained or recommitted  
23 to a community corrections center, parole violator center or a  
24 community corrections facility as a result of a parole violation  
25 shall be deemed to be in official detention under 18 Pa.C.S. §  
26 5121 (relating to escape). An offender living in a community  
27 corrections center or community corrections facility while in  
28 good standing on parole shall not be deemed to be in official  
29 detention under 18 Pa.C.S. § 5121.

30 Section 10. Title 61 is amended by adding sections to read:



1 § 5007. Certain offenders residing in group-based homes.

2 (a) Notification requirement.--

3 (1) A group-based home located within a county of the  
4 sixth, seventh or eighth class that agrees to provide housing  
5 to an individual knowing that the individual has been  
6 previously convicted of an offense under 18 Pa.C.S. § 2502  
7 (relating to murder) or a substantially similar offense  
8 committed in another jurisdiction shall notify the head of  
9 the governing body of the municipality and the county in  
10 which the group-based home is located that the individual is  
11 staying at the group-based home.

12 (2) The notification required under paragraph (1) shall  
13 be sent by certified mail within 48 hours of the individual's  
14 arrival at the group-based home and shall include the  
15 following information:

16 (i) Name of the individual, including all known  
17 aliases.

18 (ii) Date of the individual's arrival at the group-  
19 based home.

20 (iii) The individual's expected length of stay at  
21 the group-based home.

22 (iv) Contact information for the group-based home.

23 (b) Public hearing.--

24 (1) The governing body of a municipality or county  
25 receiving notification from a group-based-home provider under  
26 subsection (a) may conduct a public hearing concerning the  
27 group-based-home provider, its site and its operations.

28 (2) A governing body conducting a public hearing under  
29 this subsection shall provide public notice of the hearing  
30 via posting on its official publicly accessible Internet

1 website no less than two weeks prior to the hearing. The  
2 notice shall provide information regarding the purpose,  
3 location and time of the public hearing and a contact number  
4 for interested persons to call in order to obtain additional  
5 information about the hearing. Nothing in this paragraph  
6 shall be construed to prohibit the governing body from  
7 providing public notice via any other means.

8 (3) At a public hearing under this subsection, the  
9 group-based home provider shall explain the operation of the  
10 group-based home and the governing body conducting the  
11 hearing shall permit public questions and comments.

12 (c) Definitions.--As used in this section, the following  
13 words and phrases shall have the meanings given to them in this  
14 subsection unless the context clearly indicates otherwise:

15 "Group-based home." A nonprofit or for-profit entity that  
16 maintains a facility that provides housing to individuals on  
17 probation or parole or other individuals previously convicted of  
18 crimes. The term shall not include a correctional institution or  
19 a facility maintained by a domestic violence program.

20 § 5008. Reporting.

21 The department shall ensure that any crime committed within a  
22 community corrections center, community corrections facility or  
23 community contract facility is immediately reported to the  
24 appropriate law enforcement agency with jurisdiction over the  
25 community corrections center, community corrections facility or  
26 community contract facility.

27 Section 11. The heading of Part IV of Title 61 is amended to  
28 read:

29 PART IV

30 [PROBATION AND PAROLE] DEPARTMENT OF CORRECTIONS

1 Section 12. Section 6101 of Title 61, amended December 18,  
2 2019 (P.L.776, No.115), is amended to read:

3 § 6101. Definitions.

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

7 "Agent." A State parole agent appointed by the department.

8 "Board." The Pennsylvania Parole Board.

9 "Community corrections center." A residential program that  
10 is supervised and operated by the department in accordance with  
11 Chapter 50 (relating to community corrections centers and  
12 community corrections facilities).

13 "Community corrections facility." A residential facility  
14 operated by a private contractor that:

15 (1) provides housing to offenders pursuant to a contract  
16 with the department; and

17 (2) is operated in accordance with Chapter 50.

18 "Conditions of supervision." Any terms or conditions of the  
19 offender's supervision, whether imposed by the court, the  
20 department or an agent, or promulgated by the board as a  
21 regulation, including compliance with all requirements of  
22 Federal, State and local law.

23 "Contraband." Any item that the offender is not permitted to  
24 possess under the conditions of supervision, including any item  
25 whose possession is forbidden by any Federal, State or local  
26 law.

27 "Court." A court of common pleas or any judge thereof, the  
28 Philadelphia municipal court or any judge thereof, the  
29 Pittsburgh magistrates court or any judge thereof or any  
30 magisterial district judge.

1 "Crime of violence." The term shall have the same meaning  
2 given to it under 42 Pa.C.S. § 9714(g) (relating to sentences  
3 for second and subsequent offenses).

4 "Evidence-based practices." Interventions and treatment  
5 approaches that have been proven effective through appropriate  
6 empirical analysis.

7 "Exigent circumstances." The term includes, but is not  
8 limited to, suspicion that contraband or other evidence of  
9 violations of the conditions of supervision might be destroyed  
10 or suspicion that a weapon might be used. Exigent circumstances  
11 always exist with respect to a vehicle.

12 "In good standing." An offender who is on parole or reparole  
13 shall be considered in good standing if the offender:

14 (1) is in compliance with all conditions of supervision;

15 (2) has not been arrested for or charged with a crime  
16 other than one from which he has been paroled or one for  
17 which he has served the sentence imposed and otherwise  
18 complied with all the sanctions imposed other than the  
19 payment of money;

20 (3) is not subject to an order of protection from abuse;  
21 and

22 (4) is in compliance with all legal requirements  
23 applicable to the offender, including, but not limited to,  
24 maintaining registration in any applicable sex offender  
25 registry.

26 "Personal injury crime." The term shall have the meaning  
27 given to it under section 103 of the act of November 24, 1998  
28 (P.L.882, No.111), known as the Crime Victims Act.

29 "Real property." Any residence or business property of a  
30 department-supervised offender, including all portions of the

1 property to which the department-supervised offender has access.  
2 "Supervisor." Any individual acting in a supervisory or  
3 administrative capacity.

4 "Victim." The term shall have the meaning given to it under  
5 section 103 of the Crime Victims Act. The term shall also  
6 include a member of the victim's family or the victim's  
7 representative if the victim is incapable of communicating or  
8 has died.

9 Section 13. Section 6102 of Title 61 is amended to read:

10 § 6102. Operation of parole system generally.

11 The parole system shall operate consistently with the  
12 following provisions:

13 (1) The parole system provides several benefits to the  
14 criminal justice system, including the provision of adequate  
15 supervision of the offender while protecting the public, the  
16 opportunity for the offender to become a useful member of  
17 society and the diversion of appropriate offenders from  
18 prison.

19 (2) In providing these benefits to the criminal justice  
20 system, the board, the department and any other paroling  
21 entity shall first and foremost seek to protect the safety of  
22 the public.

23 (3) In addition to this goal, the board, the department  
24 and any other paroling entity shall address input by crime  
25 victims, assist in the fair administration of justice by  
26 ensuring the custody, control and treatment of paroled  
27 offenders, shall consider any applicable guidelines  
28 established by the commission and shall ensure that parole  
29 proceedings, release and recommitment are administered in an  
30 efficient and timely manner.

1 Section 14. Section 6111(a) of Title 61, amended December  
2 18, 2019 (P.L.776, No.115), is amended to read:

3 § 6111. Pennsylvania Parole Board.

4 (a) Establishment.--The Pennsylvania Parole Board is [an  
5 independent administrative board for the administration of the  
6 parole laws of this Commonwealth.] established as an independent  
7 administrative board for the purpose of granting and revoking  
8 paroles to certain offenders within this Commonwealth. The board  
9 shall function independently of the department regarding all of  
10 the board's decision-making functions, as well as any other  
11 powers and duties specified in this title.

12 \* \* \*

13 Section 15. Sections 6112, 6113, 6116 and 6118 of Title 61  
14 are amended to read:

15 § 6112. Board chairperson.

16 (a) Designation by Governor.--The Governor shall, from time  
17 to time, as the occasion may arise, designate one of the members  
18 of the board to be its chairperson who shall:

19 (1) Direct the operations, management and administration  
20 of the board and fulfill the functions established by this  
21 chapter.

22 [(2) Secure the effective application of the probation  
23 system in all of the courts of this Commonwealth and the  
24 enforcement of the probation laws.]

25 (3) Preside at all meetings of the board.

26 (4) Perform all the duties and functions of chairperson,  
27 including organizing, staffing, controlling, directing and  
28 administering the work of the [staff] board.

29 (5) Administer the proceedings of the board to ensure  
30 efficient and timely procedures for parole board decisions,

1 [parole releases,] discharges and recommitments.

2 (b) Alternate chairperson.--The board may designate one of  
3 its members to act as alternate chairperson during the absence  
4 or incapacity of the chairperson, and, when so acting, the  
5 member so designated shall have and perform all the powers and  
6 duties of chairperson of the board but shall not receive any  
7 additional compensation for acting as chairperson.

8 § 6113. Board action.

9 (a) Quorum.--

10 (1) A majority of the board shall constitute a quorum  
11 for transacting business and, except as otherwise provided in  
12 this chapter and Chapter 45 (relating to recidivism risk  
13 reduction incentive), a majority vote of those present at any  
14 meeting shall be sufficient for any official action taken by  
15 the board. One or more members of the board may attend and  
16 participate in any meeting via videoconferencing or similar  
17 virtual presence technology.

18 (2) Except as provided in subsections (b), (c), (d) and  
19 (e) [and], Chapter 45 and section 6137.1 (relating to short  
20 sentence parole), no person shall be paroled or discharged  
21 from parole or have his parole revoked, except by a majority  
22 of the entire membership of the board.

23 (b) Panel decisions.--The board may make decisions on  
24 parole, reparole, return or revocation in panels of two persons.  
25 A panel shall consist of one board member and one hearing  
26 examiner or of two board members. Panels shall be appointed by  
27 the chairperson or the chairperson's designee. A panel may act  
28 without meeting. A panel may meet and take action via  
29 videoconferencing or similar virtual presence technology, with  
30 the exception of in-person testimony under section 502 of the

1 act of November 24, 1998 (P.L.882, No.111), known as the Crime  
2 Victims Act.

3 (c) Disagreement within panel.--

4 [(1)] If there is disagreement between the members of a  
5 panel on a decision to parole [between the members of a  
6 panel], revoke parole or recommit an offender, the matter  
7 shall be decided by a board member appointed by the  
8 chairperson or the chairperson's designee, who shall concur  
9 with one of the original panel members.

10 [(2) If there is disagreement on a revocation decision  
11 between the members of the panel, the matter shall be decided  
12 by three board members appointed by the chairperson or the  
13 chairperson's designee; at least two of these members must  
14 not have been on the disagreeing panel, if practicable.]

15 (d) Appeal.--

16 [(1) An interested party may appeal a revocation  
17 decision within 30 days of the board's order. The decision  
18 shall be reviewed by three board members appointed by the  
19 chairperson or the chairperson's designee.]

20 [(2) If practicable, at least two of the board members  
21 reviewing the decision must not have been on the panel whose  
22 decision is being appealed. The three board members deciding  
23 the appeal may affirm, reverse or remand the decision of the  
24 panel or may order the matter be heard de novo.] An offender  
25 may appeal a revocation or recalculation order. An appeal  
26 must be received within 30 days of the mailing date of the  
27 order. The standard of review of an appeal is limited to  
28 whether the decision is supported by substantial evidence, an  
29 error of law has been committed or there has been a violation  
30 of constitutional law. An employee of the board designated by



1 the chairperson shall review and respond to the appeal. The  
2 reviewing employee may affirm, reverse, modify or remand the  
3 matter to be heard de novo.

4 (e) Decision without review.--Subject to the provisions of  
5 section 6137(g) (relating to parole power), the board or its  
6 designee may issue a decision to parole an eligible offender as  
7 defined under section 4503 (relating to definitions) without  
8 further review by the board.

9 (f) Decision accountability.--The board shall develop, adopt  
10 and periodically update as deemed necessary, a parole decisional  
11 instrument that is tested prior to implementation, which  
12 incorporates evidence-based practices to assist and inform the  
13 board's professional judgment in the parole decision-making  
14 process.

15 § 6116. Meetings.

16 (a) General rule.--As soon as may be convenient after their  
17 appointment, the members of the board shall meet and organize.

18 (b) Appointment of secretary of board.--The members of the  
19 board shall appoint a secretary, who shall:

20 (1) [~~Shall not~~] Not be a member of the board.

21 (2) [~~Shall hold~~] Hold office at the pleasure of the  
22 board.

23 (3) [~~Shall have such powers~~] Maintain a record of the  
24 proceedings of the board and perform such duties not  
25 inconsistent with any law of this Commonwealth as the board  
26 shall prescribe.

27 (4) [~~Shall receive~~] Receive such compensation as the  
28 board shall determine in conformity with the rules of the  
29 Executive Board.

30 (c) Temporary secretary of board.--In the absence or

1 incapacity of the secretary to act, the board may designate such  
2 other person as it may choose to perform temporarily the duties  
3 of the secretary of the board.

4 (d) Counsel.--Legal counsel for the board shall be appointed  
5 in accordance with the act of October 15, 1980 (P.L.950,  
6 No.164), known as the Commonwealth Attorneys Act.

7 (e) Hearing examiners.--The board may appoint a sufficient  
8 number of individuals to conduct hearings as required or  
9 authorized by this title.

10 § 6118. Offices.

11 [(a) Principal office.--The principal office of the board]  
12 The department shall [be in Harrisburg, and] provide offices for  
13 the board. The board shall appoint and employ such number and  
14 character of officers, agents, clerks, stenographers and  
15 employees as may be necessary to carry out the purposes of this  
16 chapter. The salaries of persons so appointed and employed by  
17 the board shall be fixed by the board.

18 [(b) District offices.--The board, with the approval of the  
19 Governor, shall divide the Commonwealth for administrative  
20 purposes into a suitable number of districts, not to exceed ten,  
21 in each of which shall be a district office which shall have  
22 immediate charge of the supervision of cases of probation and  
23 parole arising in the courts of the judicial districts embraced  
24 within its territorial limits, but, as occasion may require, the  
25 supervision of particular parolees may be transferred by the  
26 board to other appropriate parole districts.

27 (c) Location of district offices.--

28 (1) The board shall fix and determine the location of  
29 the various district offices within their respective  
30 districts, having regard to local conditions in each district

1 and to the most convenient and efficient functioning of the  
2 office established in each district.

3 (2) At each of the locations so fixed and determined,  
4 the board shall provide such office accommodations,  
5 furniture, equipment and supplies as may be reasonably  
6 suitable and adequate for the proper handling and dispatch of  
7 the parole business of the district.

8 (3) The board may enter into contracts on behalf of the  
9 Commonwealth for such office accommodations, furniture,  
10 equipment and supplies through the Department of General  
11 Services.

12 (d) Consideration for fixing compensation.--In fixing  
13 compensation for its officers, clerks and employees under the  
14 provisions of this chapter, the board shall have regard to the  
15 kind, grade or class of service to be rendered, and, whenever  
16 any standard compensation has been fixed by the Executive Board  
17 for any kind, grade or class of service or employment, the  
18 compensation of all persons appointed or employed by the board  
19 in the same kind, grade or class shall be fixed by it in  
20 accordance with such standard.]

21 Section 16. Sections 6119, 6120, 6121 and 6124 of Title 61  
22 are repealed:

23 [§ 6119. District directors.

24 (a) Establishment.--Each district parole office shall have a  
25 district director who:

26 (1) Shall be appointed by the board, with the approval  
27 of the Governor.

28 (2) Shall receive such annual salary as the board shall  
29 determine in conformity with the rules of the Executive  
30 Board.

1 (b) Status and role.--The district director shall be the  
2 executive head of the district office to which the district  
3 supervisor is appointed and shall have the control, management  
4 and direction of all employees of the board assigned to the  
5 district, subject to the supervision of the board.

6 § 6120. District office employees.

7 (a) Board to appoint.--The board shall appoint in the  
8 various district offices a sufficient number of parole officers,  
9 clerks, stenographers and other agents and employees to fully  
10 and efficiently administer the parole laws of this Commonwealth,  
11 but no employee of the board, other than its secretary and  
12 district supervisors, shall be appointed by the board except in  
13 the manner provided by this chapter.

14 (b) Salaries and qualifications.--The salaries of the  
15 appointees in subsection (a) shall be fixed by the board. The  
16 board shall from time to time by appropriate rule or regulation  
17 prescribe the qualifications to be possessed by its personnel.  
18 The qualifications shall be such as will best promote the  
19 efficient operation of probation and parole.

20 § 6121. Disciplinary action.

21 (a) General rule.--Except as otherwise provided in  
22 subsection (b), an employee of the board, excluding the  
23 secretary and district supervisors, may be removed, discharged  
24 or reduced in pay or position only for cause and after being  
25 given the reasons therefore in writing and afforded an  
26 opportunity to be heard in answer thereto.

27 (b) Exception.--An employee may be suspended without pay and  
28 without hearing for a period not exceeding 30 days, but the  
29 reason or reasons for the suspension must be given to the  
30 employee by the board in writing.

1 (c) Successive suspensions.--There shall not be any  
2 successive suspensions of the same employee under this section.  
3 § 6124. Certain offenders residing in group-based homes.

4 (a) Notification requirement.--

5 (1) A group-based home located within a county of the  
6 sixth, seventh or eighth class that agrees to provide housing  
7 to an individual knowing that the individual has been  
8 previously convicted of an offense under 18 Pa.C.S. § 2502  
9 (relating to murder) or a substantially similar offense  
10 committed in another jurisdiction shall notify the head of  
11 the governing body of the municipality and the county in  
12 which the group-based home is located that the individual is  
13 staying at the group-based home.

14 (2) The notification required under paragraph (1) shall  
15 be sent by certified mail within 48 hours of the individual's  
16 arrival at the group-based home and shall include the  
17 following information:

18 (i) Name of the individual, including all known  
19 aliases.

20 (ii) Date of the individual's arrival at the group-  
21 based home.

22 (iii) The individual's expected length of stay at  
23 the group-based home.

24 (iv) Contact information for the group-based home.

25 (b) Public hearing.--

26 (1) The governing body of a municipality or county  
27 receiving notification from a group-based home provider under  
28 subsection (a) may conduct a public hearing concerning the  
29 group-based home provider, its site and its operations.

30 (2) A governing body conducting a public hearing under

1 this subsection shall provide public notice of the hearing  
2 via posting on its official Internet website no less than two  
3 weeks prior to the hearing. The notice shall provide  
4 information regarding the purpose, location and time of the  
5 public hearing and a contact number for interested persons to  
6 call in order to obtain additional information about the  
7 hearing. Nothing in this paragraph shall be construed to  
8 prohibit the governing body from providing public notice via  
9 any other means.

10 (3) At a public hearing under this subsection, the  
11 group-based home provider shall explain the operation of the  
12 group-based home and the governing body conducting the  
13 hearing shall permit public questions and comments.

14 (c) Definition.--The following words and phrases when used  
15 in this section shall have the meanings given to them in this  
16 subsection unless the context clearly indicates otherwise:

17 "Group-based home." Any nonprofit or for-profit entity that  
18 maintains a facility that provides housing to individuals on  
19 probation or parole or other individuals previously convicted of  
20 crimes. The term shall not include a correctional institution or  
21 a facility maintained by a domestic violence program.

22 "Official Internet website." The official Internet location  
23 designated by a municipality or county as its primary method of  
24 electronically communicating with the public about its official  
25 business.]

26 Section 17. Section 6131 of Title 61, amended December 18,  
27 2019 (P.L.776, No.115), is amended to read:

28 § 6131. General powers of board.

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

1 [(1) To supervise and make presentence investigations  
2 and reports as provided by law.]

3 (2) To collect and maintain copies of all presentence  
4 investigations and reports.

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

7 (6) To adopt regulations establishing specific  
8 composition, functions and responsibilities for citizens  
9 advisory committees and to receive reports, recommendations  
10 or other input concerning parole policies and parole-related  
11 concerns from the committees on a regular basis.

12 (7) To adopt regulations establishing criteria for board  
13 acceptance of cases for supervision and presentence  
14 investigations from counties that on December 31, 1985,  
15 maintained adult probation offices and parole systems.

16 (8) To enter into contracts for purchasing community  
17 services to assist parolees and to supplement existing  
18 programs.

19 (9) To pay the cost of preparole drug screening tests  
20 for inmates within the parole release jurisdiction of the  
21 board, who are confined in a State or local correctional  
22 facility, as required under section 6137 (relating to parole  
23 power).

24 (10) To enter into contracts which provide for the  
25 continuous electronic monitoring of parolees.

26 (11) To establish and provide for intensive supervision  
27 units and day reporting centers for the supervision of  
28 parolees.]

29 (12) To provide information as required under former 42  
30 Pa.C.S. § 2153(a)(14) (relating to powers and duties) as

1 requested by the commission.

2 (13) To incorporate evidence-based practices into parole  
3 decision making[, supervision and the supervision of  
4 technical violators].

5 [(14) To coordinate the reentry of offenders into the  
6 community using evidence-based practices that are effective  
7 in reducing recidivism.]

8 (15) To conduct research to identify, to be informed of  
9 and to [apply] recommend recognized evidence-based parole  
10 practices that promote public safety and reduce recidivism.

11 (16) To conduct outcome and performance analyses on  
12 implemented board programs and practices to enhance public  
13 safety through reduced recidivism.

14 (b) Court-appointed probation officers to submit information  
15 to [board] department.--A court that appoints a probation  
16 officer shall require the probation officer to submit to the  
17 [board] department such information as the [board] department  
18 may require on forms prescribed and furnished by the [board]  
19 department.

20 (c) Access to county records.--The department and the board  
21 shall have free and ready access to all probation and parole  
22 records of any county.

23 [(d) Definitions.--As used in this section, the following  
24 words and phrases shall have the meanings given to them in this  
25 subsection unless the context clearly indicates otherwise:

26 "Evidence-based practices." Interventions and treatment  
27 approaches that have been proven effective through appropriate  
28 empirical analysis.]

29 Section 18. Section 6132(a) and (b) of Title 61 are amended  
30 to read:



1 § 6132. Specific powers of board involving [parolees]

2 offenders.

3 (a) General rule.--The board shall have exclusive power:

4 (1) (i) To parole and reparole, commit and recommit for  
5 violations of parole and to discharge from parole all  
6 persons sentenced by any court at any time to  
7 imprisonment in a State correctional institution pursuant  
8 to 42 Pa.C.S. § 9762 (relating to sentencing proceeding;  
9 place of confinement).

10 (ii) This paragraph applies to inmates sentenced to  
11 definite or flat sentences.

12 (2) [(i) To supervise any person placed on parole, when  
13 sentenced to a maximum period of less than two years, by  
14 any judge of a court having criminal jurisdiction, when  
15 the court may by special order direct supervision by the  
16 board, in which case the parole case shall be known as a  
17 special case and the authority of the board with regard  
18 thereto shall be the same as provided in this chapter  
19 with regard to parole cases within one of the  
20 classifications set forth in this chapter.]

21 (ii) Except for such special cases, the powers and  
22 duties conferred by this section shall not extend to  
23 persons sentenced for a maximum period of less than two  
24 years and shall not extend to those persons committed to  
25 county confinement within the jurisdiction of the court  
26 pursuant to 42 Pa.C.S. § 9762 (relating to sentencing  
27 proceeding; place of confinement).

28 (3) To establish special conditions of supervision for  
29 paroled offenders. Conditions of supervision must be based on  
30 the risk presented by and the rehabilitative needs of the

1 offender. Conditions may be modified pursuant to section 6171  
2 (relating to powers and duties of department) or if the board  
3 or its designee consents to such modification.

4 (4) To promulgate regulations establishing general  
5 conditions of supervision applicable to every paroled  
6 offender.

7 (b) Construction.--Nothing contained in this section shall  
8 be construed to prevent a court from paroling any person  
9 sentenced by it for a maximum period of less than two years and  
10 housed in a county correctional facility or from paroling [a  
11 person] an offender committed to county confinement [within the  
12 jurisdiction of the court] pursuant to 42 Pa.C.S. § 9762.

13 \* \* \*

14 Section 19. Section 6133 of Title 61, amended December 18,  
15 2019 (P.L.776, No.115), is repealed:

16 [§ 6133. Probation services.

17 (a) General rule.--The board shall have exclusive power to  
18 supervise any person placed on probation by any judge of a court  
19 having criminal jurisdiction, when the court by special order  
20 directs supervision by the board.

21 (b) Presentence investigations.--The board shall make  
22 presentence investigations when requested to do so by the court.

23 (c) Supervision and investigation.--Supervision and  
24 presentence investigations by court order or request shall be  
25 provided in accordance with board regulations.

26 (d) In-service training.--The board shall provide in-service  
27 training for personnel of county probation offices when  
28 requested to do so by the court having jurisdiction of the  
29 probation office as provided by memorandum of understanding with  
30 the Pennsylvania Commission on Crime and Delinquency and

1 contingent upon the availability of money.]

2 Section 20. Sections 6134, 6134.1 and 6136 of Title 61 are  
3 amended to read:

4 § 6134. Sentencing court [to transmit records to board]  
5 recommendation.

6 [(a) Duty to transmit.--A court sentencing any person for a  
7 term as to which power to parole is given to the board in this  
8 chapter shall transmit to the board, within 30 days after the  
9 imposition of the sentence:

10 (1) A copy of the notes of testimony of the sentencing  
11 hearing that may have been filed of record in the case.

12 (2) Copies of any criminal identification records  
13 secured from the Federal Bureau of Investigation.

14 (3) Copies of presentence investigation reports and  
15 behavior clinic reports, if any were submitted to the court,  
16 the last two of which records, being confidential records of  
17 the court, shall be treated confidentially by the members of  
18 the board, who shall not permit examination of the records by  
19 anyone other than its duly appointed agents or  
20 representatives except upon court order.

21 (b) Recommendations from judge.--] The following shall  
22 apply:

23 (1) A judge may make at any time a recommendation to the  
24 board respecting the [person] offender sentenced and the term  
25 of imprisonment the judge believes that [person] offender  
26 should be required to serve before [a] parole is granted to  
27 that [person] offender.

28 (2) A recommendation made by a judge under paragraph (1)  
29 respecting the parole or terms of parole of [a person] an  
30 offender shall be advisory only. No order in respect to the

1 recommendation made or attempted to be made as a part of a  
2 sentence shall be binding upon the board or the department in  
3 performing the duties and functions conferred on it by this  
4 chapter.

5 § 6134.1. General criteria for parole by court.

6 (a) Guidelines.--The court may parole or reparole subject to  
7 consideration of guidelines established under 42 Pa.C.S. §  
8 2154.5 (relating to adoption of guidelines for parole).

9 (b) Report of decision to commission.--If a court paroles or  
10 reparaes [a person] an offender, the court shall report the  
11 parole or reparole decision and shall provide a contemporaneous  
12 written statement for any deviation from the guidelines  
13 established under 42 Pa.C.S. § 2154.5, to the commission under  
14 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties).

15 (c) Procedure.--

16 (1) Prior to making a decision to parole [a person] an  
17 offender committed to county confinement within the  
18 jurisdiction of the court pursuant to 42 Pa.C.S. § 9762  
19 (relating to sentencing proceeding; place of confinement)  
20 from a sentence of imprisonment imposed following conviction  
21 for a personal injury crime, each victim who has registered  
22 to receive victim services in connection with the personal  
23 injury crime shall be given an opportunity by the court to  
24 submit a preparole statement to the court expressing concerns  
25 or recommendations regarding the parole or parole supervision  
26 of the [person] offender.

27 (2) The district attorney shall, immediately following  
28 sentence in cases where a sentence of confinement has been  
29 imposed and the sentenced [person] offender remains within  
30 the jurisdiction of the court pursuant to 42 Pa.C.S. § 9762,

1 notify all registered victims that they shall have the  
2 opportunity to submit a preparole statement to the court.

3 (3) Victims shall notify the court of their intention to  
4 submit a preparole statement and shall provide and keep  
5 current an appropriate mailing address.

6 (4) Preparole statements submitted pursuant to this  
7 subsection shall be subject to the confidentiality provisions  
8 contained in section 6140 (relating to victim statements,  
9 testimony and participation in hearing) applicable to  
10 preparole statements submitted to the board and shall be  
11 considered by the court prior to any parole decision, and  
12 each victim submitting a preparole statement shall be given  
13 notice of the court's parole decision.

14 [(d) Definitions.--As used in this section, the following  
15 words and phrases shall have the meanings given to them in this  
16 subsection:

17 "Personal injury crime." The term shall have the meaning set  
18 forth in section 103 of the act of November 24, 1998 (P.L.882,  
19 No.111), known as the Crime Victims Act.

20 "Victim." The term shall mean, in addition to the meaning  
21 set forth in section 103 of the act of November 24, 1998 (P.L.  
22 882, No.111), known as the Crime Victims Act, a member of the  
23 victim's family if the victim is incapable of communicating or  
24 has died.]

25 § 6136. Right of access to [inmates] offenders.

26 All prison officials shall:

27 (1) At all reasonable times grant access to any [inmate]  
28 offender whom the board has power to parole to the members of  
29 the board or its properly accredited representatives.

30 (2) At all reasonable times provide for the board or its

1 properly accredited representative facilities for  
2 communicating with and observing an [inmate] offender while  
3 imprisoned. Such facilities may, at the discretion of the  
4 prison officials, be provided via videoconferencing or  
5 similar virtual presence technology.

6 (3) Furnish to the board [from time to time such], no  
7 fewer than 90 days prior to a scheduled parole interview or  
8 if an interview is scheduled to be held within less than 90  
9 days, as quickly as possible after such public officials are  
10 informed of such interview, reports concerning the conduct of  
11 [inmates] offenders in their custody [as the board shall by  
12 general rule or special order require,] together with any  
13 other facts deemed pertinent in aiding the board to determine  
14 whether such [inmates] offenders shall be paroled.

15 Section 21. Sections 6137, 6138, 6139 and 6140 of Title 61,  
16 amended or added December 18, 2019 (P.L.776, No.115), are  
17 amended to read:

18 § 6137. Parole power.

19 (a) General criteria for parole.--

20 (1) The board may parole subject to consideration of  
21 guidelines established under 42 Pa.C.S. § 2154.5 (relating to  
22 adoption of guidelines for parole) or subject to section  
23 6137.1 (relating to short sentence parole) and such  
24 information developed by or furnished to the board under  
25 section 6174 (relating to right of access to offenders), or  
26 both, and may release on parole any [inmate] offender to whom  
27 the power to parole is granted to the board by this chapter,  
28 except an [inmate] offender condemned to death or serving  
29 life imprisonment, whenever in its opinion:

30 (i) The best interests of the [inmate] offender

1 justify or require that the [inmate] offender be paroled.

2 (ii) It does not appear that the interests of the  
3 Commonwealth will be injured by the [inmate's] offender's  
4 parole.

5 (2) Parole shall be subject in every instance to the  
6 Commonwealth's right to immediately retake and hold in  
7 custody without further proceedings any [parolee] offender  
8 charged after his parole with an additional offense until a  
9 determination can be made whether to continue his parole  
10 status.

11 (3) The power to parole granted under this section to  
12 the board may not be exercised in the board's discretion at  
13 any time before, but only after, the expiration of the  
14 minimum term of imprisonment fixed by the court in its  
15 sentence or by the Board of Pardons in a sentence which has  
16 been reduced by commutation.

17 (3.1) (i) Following the expiration of the [inmate's]  
18 offender's minimum term of imprisonment, if the primary  
19 reason for not paroling the [inmate] offender is the  
20 [inmate's] offender's inability to access and complete  
21 prescribed programming within the correctional  
22 institution, the board may release the [inmate] offender  
23 on parole with the condition that the [inmate] offender  
24 complete the prescribed programming while on parole.

25 (ii) This paragraph shall not apply to offenders who  
26 are currently serving a term of imprisonment for a crime  
27 of violence as defined in 42 Pa.C.S. § 9714 (relating to  
28 sentences for second and subsequent offenses) or for a  
29 crime requiring registration under 42 Pa.C.S. Ch. 97  
30 Subch. H (relating to registration of sexual offenders).

1 (iii) For those [inmates] offenders to whom  
2 subparagraph (ii) is applicable, the board may release  
3 the [inmate] offender on parole if the [inmate] offender  
4 is subject to another jurisdiction's detainer, warrant or  
5 equivalent writ.

6 (4) Unless the [inmate] offender has served at least one  
7 year in a community corrections center or community  
8 corrections facility, the board shall not act upon an  
9 application of an [inmate] offender who is granted clemency  
10 by the Governor, is subject to parole supervision and:

11 (i) whose term of imprisonment was commuted from  
12 life to life on parole;

13 (ii) who was serving a term of imprisonment for a  
14 crime of violence; or

15 (iii) who is serving a sentence under 42 Pa.C.S. §  
16 9712 (relating to sentences for offenses committed with  
17 firearms).

18 (5) Upon parole, [a parolee] an offender subject to  
19 paragraph (4) shall:

20 (i) be subject to weekly supervision for the first  
21 six months of parole; and

22 (ii) have any violations of a condition of parole  
23 immediately made known to the Board of Pardons. This  
24 subparagraph shall apply to all [parolees] offenders  
25 under supervision by other jurisdictions under Subchapter  
26 B of Chapter 71 (relating to interstate compact for the  
27 supervision of adult offenders).

28 (b) Cases involving deviations from guidelines.--In each  
29 case in which the board deviates from the guidelines established  
30 under 42 Pa.C.S. § 2154.5, the board shall provide a



1 contemporaneous written statement of the reason for the  
2 deviation from the guidelines to the commission as established  
3 under 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties).  
4 The board may develop and use internal decisional instruments.  
5 This subsection shall not be construed to prevent the board from  
6 also developing forms or other documents, policies and  
7 procedures consistent with this chapter, including internal  
8 decisional instruments.

9 [(c) Administrative parole.--

10 (1) An eligible offender shall be placed on  
11 administrative parole one year after release on parole and  
12 until the maximum sentence date if the board's supervision  
13 staff determines that:

14 (i) (A) the eligible offender has not violated the  
15 terms and conditions of the eligible offender's  
16 parole; or

17 (B) the eligible offender has not been subject  
18 to the extensive use of sanctions prior to the  
19 completion of one year from the date of release on  
20 parole; and

21 (ii) there is no substantial information indicating  
22 dangerousness or that placement on administrative parole  
23 would compromise public safety.

24 (2) An eligible offender placed on administrative parole  
25 shall continue to be subject to recommitment at the board's  
26 discretion and shall be subject to the board's power to  
27 recommit and reparole, recommit and review or otherwise  
28 impose sanctions at its discretion until the eligible  
29 offender's maximum sentence date.

30 (3) An eligible offender placed on administrative parole

1 shall do all of the following:

2 (i) Make supervision contact at least one time per  
3 year.

4 (ii) Provide updated contact information upon a  
5 change in residence or employment.

6 (iii) Continue to pay any restitution owed.

7 (iv) Comply with other requirements imposed by the  
8 board.]

9 (d) Recidivism risk reduction incentive minimum.--The board  
10 shall have the power and its duty shall be to comply with the  
11 requirements of section 4506 (relating to recidivism risk  
12 reduction incentive minimum).

13 (d.1) Short sentence parole.--The board shall have the power  
14 and its duty shall be to comply with the requirements of section  
15 6137.1 (relating to short sentence parole).

16 (e) Drug screening tests.--

17 (1) The [board] department may not release [a person] an  
18 offender on parole unless the [person] offender achieves a  
19 negative result within 45 days prior to the date of release  
20 in a screening test approved by the Department of Health for  
21 the detection of the presence of controlled substances or  
22 designer drugs under the act of April 14, 1972 (P.L.233,  
23 No.64), known as The Controlled Substance, Drug, Device and  
24 Cosmetic Act.

25 [(2) The cost of these preparole drug screening tests  
26 for inmates subject to the parole release jurisdiction of the  
27 board, whether confined in a correctional institution or  
28 county prison, shall be paid by the board. The board shall  
29 establish rules and regulations for the payment of these  
30 costs and may limit the types and cost of these screening

1 tests that would be subject to payment by the board.]

2 (3) [(i) The board shall establish, as a condition of  
3 continued parole for a parolee] Every offender who is  
4 released on parole who, [as an inmate] prior to release,  
5 tested positive for the presence of a controlled  
6 substance or a designer drug or who was paroled from a  
7 sentence arising from a conviction under The Controlled  
8 Substance, Drug, Device and Cosmetic Act or from a drug-  
9 related crime, [the parolee's achievement of] shall,  
10 without further action of the board, be subject to an  
11 ongoing condition that the offender achieve negative  
12 results in [such] drug screening tests randomly applied.

13 [(ii) The random screening tests shall be performed  
14 at the discretion of the board, and the parolee  
15 undergoing the tests shall be responsible for the costs  
16 of the tests.]

17 [(iii) The funds collected for the tests shall be  
18 applied against the contract for such testing.]

19 (4) For [a parolee] an offender who was not paroled from  
20 a sentence arising from a conviction under The Controlled  
21 Substance, Drug, Device and Cosmetic Act or from a drug-  
22 related crime, the board may establish, as a condition of  
23 [parole] supervision, that the [parolee] offender achieve  
24 negative results in drug screening tests randomly conducted.  
25 The [parolee] offender shall be responsible for testing  
26 costs.

27 (f) Crimes of violence.--The board may not order the release  
28 [on parole a person] of an offender on parole who is sentenced  
29 after February 19, 1999, and is serving a sentence for a crime  
30 of violence unless the [person] offender has received

1 instruction from the [Department of Corrections] department on  
2 the impact of crime on victims and the community.

3 (g) [Procedure.--] Procedures for Recidivism Risk Reduction  
4 Incentive.--

5 (1) The department shall identify all [inmates]  
6 offenders committed to the custody of the department that  
7 meet the definition of an eligible offender.

8 (2) Upon identification of an inmate as an eligible  
9 offender, as defined under section 4503 (relating to  
10 definitions), the department shall send notice to the board.  
11 The board shall send notice to the prosecuting attorney and  
12 the court no less than six months before the expiration of  
13 the [inmate's] offender's minimum sentence indicating that  
14 the department has preliminarily identified the [inmate]  
15 offender as an eligible offender. The notice shall be sent by  
16 United States mail unless the board, the court and the  
17 prosecutor have consented to receipt of notice via electronic  
18 means. For [inmates] offenders committed to the department  
19 whose expiration of the minimum sentence is six months or  
20 less from the date of admission, the department shall give  
21 prompt notice.

22 (2.1) The department shall provide the board all  
23 information related to the [inmate's] offender's adjustment  
24 while incarcerated, misconducts, if any, information related  
25 to programming and treatment, including success, completion  
26 or failure to complete, or any other information the  
27 department deems relevant. The board shall send such  
28 information to the prosecuting attorney and to the court no  
29 less than six months before the expiration of the [inmate's]  
30 offender's minimum sentence. The notice may be sent

1 electronically. For [inmates] offenders committed to the  
2 department whose expiration of the minimum sentence is six  
3 months or less from the date of admission, such information  
4 shall be sent at the same time prompt notice under paragraph  
5 (2) is given.

6 (3) Within 30 days of receipt of notice under paragraph  
7 (2), the court or prosecuting attorney may file with the  
8 board a written objection to the department's preliminary  
9 identification of the [inmate] offender as an eligible  
10 offender. Notice of the objection shall be provided to the  
11 department and the board.

12 (4) If no notice of objection has been filed under  
13 paragraph (3), the [board or its designee shall approve for  
14 parole at the expiration of the eligible offender's] eligible  
15 offender shall be paroled at the minimum date upon a  
16 determination by the board or the board's designee that all  
17 of the following apply:

18 (i) The department certified that the [inmate]  
19 offender has maintained a good conduct record and  
20 continues to remain an eligible offender under section  
21 4503.

22 (ii) The reentry plan for the [inmate] offender is  
23 adequate.

24 (iii) Individual conditions and requirements for  
25 parole have been established for the offender.

26 (iv) There is no reasonable indication that the  
27 [inmate] offender poses a risk to public safety.

28 (5) If the court or prosecuting attorney files a timely  
29 objection under paragraph (3), the board shall make a  
30 determination as to whether the [inmate] offender is an

1 eligible offender. The board shall notify the department,  
2 prosecuting attorney and court of its determination no later  
3 than 30 days prior to the minimum parole date. If the board  
4 determines that the [inmate] offender is an eligible offender  
5 under this chapter, the board shall follow the provisions  
6 under paragraph (4). If the board determines that the  
7 [inmate] offender is not an eligible offender under section  
8 4503 (relating to definitions), the board shall retain  
9 exclusive jurisdiction to grant parole and shall determine  
10 whether the [inmate] offender should be paroled at the  
11 minimum date, paroled at a later date or denied parole.

12 (6) Nothing in this subsection shall be construed as  
13 granting a right to be paroled to any person, and any  
14 decision by the board and its designees or the department,  
15 under this section shall not be considered an adjudication  
16 under 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and  
17 procedure of Commonwealth agencies) and Ch. 7 Subch. A  
18 (relating to judicial review of Commonwealth agency action).

19 (7) Except as provided under this subsection, nothing in  
20 this chapter shall otherwise affect the powers and duties of  
21 the board or the department.

22 (h) Power to recommit.--

23 (1) The board may, during the period for which an  
24 [inmate] offender shall have been sentenced, recommit the  
25 [inmate] offender, if paroled, for violation of the terms and  
26 conditions of his parole and from time to time to reparole  
27 and recommit in the same manner and with the same procedure  
28 as in the case of an original parol or recommitment if, in  
29 the judgment of the board:

30 (i) There is a reasonable probability that the

1 [inmate] offender will be benefited by paroling the  
2 [inmate] offender again.

3 (ii) It does not appear that the interests of the  
4 Commonwealth will be injured by paroling the [inmate]  
5 offender again.

6 (2) In exercising these powers, the board shall consider  
7 any applicable recommitment ranges established by the  
8 commission under 42 Pa.C.S. § 2154.6 (relating to adoption of  
9 recommitment ranges following revocation of parole by board).

10 (i) Cases involving deviations from guidelines.--In each  
11 case in which the board deviates from the recommitment ranges  
12 established under 42 Pa.C.S. § 2154.6, the board shall provide a  
13 contemporaneous written statement of the reason for the  
14 deviation from the recommitment ranges to the commission, as  
15 established under 42 Pa.C.S. § 2153(a)(14).

16 (j) Notice to county probation department.--When the board  
17 releases [a parolee] an offender from a correctional facility,  
18 the board shall provide written notice to the probation  
19 department located in the county where the sentencing order was  
20 imposed of the release and new address of the [parolee]  
21 offender.

22 [(k) Definitions.--The following words and phrases shall  
23 have the meanings given to them in this subsection unless the  
24 context clearly indicates otherwise:

25 "Crime of violence." As defined in 42 Pa.C.S. § 9714(g)  
26 (relating to sentences for second and subsequent offenses).

27 "Eligible offender." As defined in section 4503 (relating to  
28 definitions).]

29 § 6138. Violation of terms of parole.

30 (a) Convicted violators.--

1           (1) [A parolee under the jurisdiction of the board  
2 released from a correctional facility who,] The board may, at  
3 its discretion, revoke the parole of a paroled offender if  
4 the offender, during the period of parole or while delinquent  
5 on parole, commits a crime punishable by imprisonment, for  
6 which the [parolee] offender is convicted or found guilty by  
7 a judge or jury or to which the [parolee] offender pleads  
8 guilty or nolo contendere at any time thereafter in a court  
9 of record[, may at the discretion of the board be recommitted  
10 as a parole violator].

11           (1.1) In addition to paragraph (1), a parolee under the  
12 jurisdiction of the board released from a correctional  
13 facility who, during the period of parole or while delinquent  
14 on parole, commits a crime punishable by imprisonment for  
15 which the parolee is convicted or found guilty by a judge or  
16 jury or to which the parolee pleads guilty or nolo contendere  
17 or of any misdemeanor of the third degree or of any of the  
18 following offenses where graded as a summary offense, may at  
19 the discretion of the board be recommitted as a parole  
20 violator:

21           (i) Possession of a firearm in a court facility  
22 under 18 Pa.C.S. § 913(b)(3) (relating to possession of  
23 firearm or other dangerous weapon in court facility).

24           (ii) Harassment under 18 Pa.C.S. § 2709 (relating to  
25 harassment).

26           (iii) Retail theft under 18 Pa.C.S. § 3929 (relating  
27 to retail theft).

28           (iv) Disorderly conduct under 18 Pa.C.S. § 5503  
29 (relating to disorderly conduct).

30           (v) Public drunkenness under 18 Pa.C.S. § 5505



1 (relating to public drunkenness and similar misconduct).

2 (vi) Cruelty to animals under 18 Pa.C.S. § 5533

3 (relating to cruelty to animal).

4 (vii) Aiding or abetting a minor to commit truancy  
5 under 18 Pa.C.S. § 6301 (relating to corruption of  
6 minors).

7 (viii) Selling or furnishing nonalcoholic beverages  
8 to minors under 18 Pa.C.S. § 6310.7 (relating to selling  
9 or furnishing nonalcoholic beverages to persons under 21  
10 years of age).

11 (2) If the [parolee's recommitment is so ordered, the  
12 parolee shall be reentered] offender's parole is revoked, the  
13 offender shall be recommitted to serve the remainder of the  
14 term which the [parolee] offender would have been compelled  
15 to serve had the parole not been granted and, except as  
16 provided under paragraph (2.1), shall be given no credit for  
17 the time at liberty on parole.

18 (2.1) The board may, in its discretion, award credit to  
19 [a parolee] an offender recommitted under paragraph (2) for  
20 the time spent at liberty on parole, unless any of the  
21 following apply:

22 (i) The crime committed during the period of parole  
23 or while delinquent on parole is a crime of violence [as  
24 defined in 42 Pa.C.S. § 9714(g) (relating to sentences  
25 for second and subsequent offenses)] or a crime  
26 [requiring registration] listed under 42 Pa.C.S. Ch. 97  
27 Subch. H (relating to registration of sexual offenders).

28 (ii) The [parolee] offender was recommitted under  
29 section 6143 (relating to early parole of [inmates]  
30 offenders subject to Federal removal order).

1           (2.2) Credit awarded under paragraph (2.1) is subject to  
2 forfeiture under this section if an offender is subsequently  
3 recommitted as a convicted parole violator.

4           (2.3) A parolee is at liberty on parole when the parolee  
5 is residing at a community corrections center, community  
6 corrections facility or group-based home for purposes of this  
7 section. This paragraph does not apply to parolees detained  
8 on the board's warrant or recommitted as a technical parole  
9 violator to a community corrections center or community  
10 corrections facility.

11           (3) The board may, in its discretion, reparole whenever,  
12 in its opinion, the best interests of the [inmate] offender  
13 justify or require the [inmate's] offender's release on  
14 parole and it does not appear that the interests of the  
15 Commonwealth will be injured thereby.

16           (4) The period [of time] for which the [parole violator]  
17 offender is required to serve shall be computed [from and] by  
18 the board and shall begin on the date that the parole  
19 violator is taken into custody to be returned to the  
20 institution as [a parole violator] an offender.

21           (5) If a new sentence is imposed on the [parolee]  
22 offender, the service of the balance of the term originally  
23 imposed by a Pennsylvania court shall precede the  
24 commencement of the new term imposed in the following cases:

25           (i) If a person is paroled from a State correctional  
26 institution and the new sentence imposed on the person is  
27 to be served in the State correctional institution.

28           (ii) If a person is paroled from a county prison and  
29 the new sentence imposed upon him is to be served in the  
30 same county prison.

1 (iii) In all other cases, the service of the new  
2 term for the latter crime shall precede commencement of  
3 the balance of the term originally imposed.

4 (5.1) If the [parolee] offender is sentenced to serve a  
5 new term of total confinement by a Federal court or by a  
6 court of another jurisdiction because of a verdict or plea  
7 under paragraph (1), the [parolee] offender shall serve the  
8 balance of the original term before serving the new term.

9 (6) [Where the new term is to be served last or the  
10 balance of the term originally imposed by a Pennsylvania  
11 court is to be served last, and the service is, in either  
12 case, in any correctional facility:

13 (i) Any [person] offender upon recommitment to a  
14 correctional facility shall be sent to the institution  
15 [as shall be] designated by the [Secretary of Corrections  
16 or his] secretary or a designee.

17 [(ii) Any female person shall be recommitted to the  
18 State Correctional Institution at Muncy.]

19 (b) Subsequent arrest.--

20 (1) The formal filing of a charge after parole against  
21 [a parolee] an offender within this Commonwealth for any  
22 violation of the laws of this Commonwealth shall constitute  
23 an automatic detainer and permit the [parolee] offender to be  
24 taken into and held in custody.

25 (2) The automatic detainer shall dissolve 15 days after  
26 the [parolee] offender is taken into custody unless sooner  
27 waived or otherwise superseded by direction of the  
28 [supervising parole office] department or its designee.

29 (3) The automatic detainer shall be in addition to and  
30 not in lieu of any other detainer that prior to the effective

1 date of this chapter may have been lodged in such  
2 circumstances.

3 (c) Technical violators.--

4 (1) Subject to paragraph (1.3), [a parolee] an offender  
5 under the jurisdiction of the board who violates the terms  
6 and conditions of his parole, other than a convicted violator  
7 who has parole revoked under subsection (a), may be detained  
8 pending a hearing before the board or waiver of the hearing  
9 or recommitted after a hearing before the board or a waiver  
10 of the hearing. Detention and recommitment under this  
11 paragraph shall be in a community corrections center,  
12 community corrections facility or any secured facility  
13 operated or contracted by the department.

14 (1.2) Notwithstanding paragraph (1) and subject to  
15 paragraph (1.3), [a parolee] an offender under the  
16 jurisdiction of the board who violates the terms and  
17 conditions of his parole, other than a convicted parole  
18 violator who has parole revoked under subsection (a), may be  
19 arrested and detained without revocation of parole under a  
20 program to impose swift, predictable and brief sanctions. The  
21 program shall provide for immediate detention in a community  
22 corrections center, community corrections facility or any  
23 secured facility operated or contracted by the department for  
24 a period not to exceed seven days. The board shall adopt  
25 procedures governing appropriate detention under this  
26 paragraph, including identifying which offenders are eligible  
27 for the program and providing warnings to [parolees]  
28 offenders to clearly communicate expectations and  
29 consequences.

30 (1.3) If the board determines that one of the following

1 conditions is present regarding [a parolee] an offender who  
2 violates the terms and conditions of parole, the [parolee]  
3 offender shall not be eligible for detention under paragraph  
4 (1.2) and shall be detained in or recommitted to a State  
5 correctional institution or contracted county jail:

6 (i) The violation was sexual in nature.

7 (ii) The violation involved assaultive behavior or  
8 included a credible threat to cause bodily injury to  
9 another.

10 (iii) The violation involved possession or control  
11 of a weapon.

12 (iv) The [parolee] offender has absconded and the  
13 parolee cannot be safely diverted to a community  
14 corrections center, community corrections facility or any  
15 secured facility operated or contracted by the  
16 department.

17 (v) There exists an identifiable threat to public  
18 safety, and the [parolee] offender cannot be safely  
19 diverted to a community corrections center, community  
20 corrections facility or any secured facility operated or  
21 contracted by the department.

22 (vi) The violation involved an intentional and  
23 unexcused failure to adhere to recommended programming or  
24 conditions on more than three occasions, and the  
25 [parolee] offender cannot be safely diverted to a  
26 community corrections center, community corrections  
27 facility or any secured facility operated or contracted  
28 by the department.

29 (vii) The offender has violated a condition of  
30 supervision designed to contain and monitor the specific

1 risk of the offender to commit a sex offense, domestic  
2 violence offense or other violent offense.

3 (1.4) Every offender's placement in a community  
4 corrections center, community corrections facility or parole  
5 violation center shall be subject to a condition that the  
6 offender comply with the rules of conduct applicable to the  
7 place where the offender is housed. The department may, at  
8 its discretion, place an offender accused of violating the  
9 rules of conduct in a State correctional institution or  
10 contracted county jail, pending an investigation or  
11 disciplinary hearing, or serve a disciplinary sanction under  
12 the department's procedures, or both.

13 (2) If the [parolee] offender is recommitted under this  
14 subsection, the [parolee] offender shall be given credit for  
15 the time served on parole in good standing but with no credit  
16 for delinquent time and may be reentered to serve the  
17 remainder of the original sentence or sentences. Credit  
18 awarded to a technical parole violator for time served on  
19 parole in good standing is subject to forfeiture if the  
20 offender is subsequently recommitted as a convicted parole  
21 violation.

22 (3) The remainder shall be computed by the board from  
23 the time the [parolee's] offender's delinquent conduct  
24 occurred for the unexpired period of the maximum sentence  
25 imposed by the court without credit for the period the  
26 [parolee] offender was delinquent on parole. The [parolee]  
27 offender shall serve the remainder so computed from the date  
28 the [parolee] offender is taken into custody [on the warrant  
29 of the board] by the department's agent.

30 (4) Subject to subsection (e), the [parolee] offender

1 shall be subject to reparole by the board whenever in its  
2 opinion the best interests of the [inmate] offender justify  
3 or require the [parolee] offender being repared and it does  
4 not appear that the interests of the Commonwealth will be  
5 injured reparing the [parolee] offender.

6 (5) Parole violators shall be supervised in accordance  
7 with evidence-based practices that may include:

8 (i) Consideration of whether the offender poses a  
9 risk of safety to the community or himself.

10 (ii) The [board's] department's capacity to deliver  
11 programs that address criminal thinking behavior and  
12 related crime-producing factors.

13 (iii) Use of community-based sanctioning  
14 alternatives to incarceration.

15 (iv) Use of a graduated violation sanctioning  
16 process.

17 (v) Recommitment to:

18 (A) a State correctional institution;

19 (B) a contracted county jail;

20 (C) a community corrections center; [or]

21 (D) a community corrections facility[.]; or

22 (E) a parole violator center.

23 [(7) A parolee detained or recommitted to a community  
24 corrections center or community corrections facility under  
25 paragraph (1) shall be segregated from other offenders  
26 located at the facility.]

27 (8) An offender released from a county correctional  
28 facility by a parole order issued by a sentencing court, but  
29 supervised by the department, who violates the conditions of  
30 parole other than by the commission of a new crime of which

1 the offender is convicted or found guilty by a judge or jury  
2 or to which the offender pleads guilty or nolo contendere in  
3 a court of record may be detained pending a hearing before  
4 the sentencing court or a waiver of the hearing. Detention  
5 and recommitment under this paragraph shall be to the county  
6 correctional facility from which the offender was released.

7 (d) Reccommitment to correctional facility.--A technical  
8 parole violator recommitted to a State correctional institution  
9 or a contracted county jail under subsection (c) shall be  
10 recommitted as follows:

11 (1) If paroled from a county prison, to the same  
12 institution or to any other institution to which the  
13 [violator] offender may be legally transferred.

14 (2) If paroled from a State correctional institution, to  
15 any State correctional institution, parole violator center or  
16 contracted county jail designated by the department.

17 (3) Except as set forth in paragraph (4) or (5), the  
18 [parolee] offender shall be recommitted for one of the  
19 following periods, at which time the [parolee] offender shall  
20 automatically be reparaoled without further action by the  
21 board:

22 (i) For the first recommitment under this  
23 subsection, a maximum period of six months.

24 (ii) For the second recommitment under this  
25 subsection for the same sentence, a maximum of nine  
26 months.

27 (iii) For the third or subsequent recommitment under  
28 this subsection for the same sentence, a maximum of one  
29 year.

30 (4) The [parolee] offender may be reparaoled by the board



1 prior to expiration of the time period under paragraph (3) if  
2 the board determines that it is in the best interest of the  
3 Commonwealth and the [parolee] offender.

4 (5) The time limit under paragraph (3) shall not be  
5 applicable to [a parolee] an offender who:

6 (i) committed a disciplinary infraction involving  
7 assaultive behavior, sexual assault, a weapon or  
8 controlled substances;

9 (ii) spent more than 90 days in segregated housing  
10 due to one or more disciplinary infractions; or

11 (iii) refused programming or a work assignment.

12 (e) Recommitment to community corrections center [or],  
13 community corrections facility or parole violator center.--

14 (1) A technical violator recommitted to a community  
15 corrections center [or], community corrections facility or  
16 parole violator center under subsection (c) shall be  
17 recommitted for a maximum period of six months, after which  
18 the [parolee] offender shall automatically be reparaoled  
19 without further action by the board.

20 (2) [A parolee] An offender under paragraph (1) may be  
21 reparaoled by the board prior to expiration of the six-month  
22 period if the board determines that it is in the best  
23 interest of the Commonwealth and the [parolee] offender.

24 (3) This subsection shall not apply to [a parolee who is  
25 not in good standing with the board.] an offender who:

26 (i) commits a disciplinary infraction involving  
27 assaultive behavior, sexual assault, a weapon or  
28 controlled substances;

29 (ii) spends more than 61 days in segregated housing  
30 due to one or more disciplinary infractions;

1           (iii) refuses programming or a work assignment; or  
2           (iv) is not in compliance with all legal  
3           requirements applicable to the offender, including, but  
4           not limited to, maintaining registration in any  
5           applicable sex offender registry.

6       [(f) Definitions.--As used in this section, the following  
7 words and phrases shall have the meanings given to them in this  
8 subsection unless the context clearly indicates otherwise:

9       "Community corrections center." A residential program that  
10 is supervised and operated by the department in accordance with  
11 Chapter 50 (relating to community corrections centers and  
12 community corrections facilities).

13       "Community corrections facility." A residential facility  
14 operated by a private contractor that:

15           (1) houses offenders pursuant to a contract with the  
16 department; and

17           (2) is operated in accordance with Chapter 50.

18       "Contracted county jail." A county correctional facility  
19 which has contracted with the department to provide correctional  
20 or other services.

21       "State correctional institution." Any of the following owned  
22 and operated by the Commonwealth:

23           (1) A correctional facility.

24           (2) A prison.

25           (3) A jail.]

26 § 6139. Parole procedure.

27       (a) Specific requirements.--

28           (1) The board may, subject to the provisions and  
29 limitations set forth in section 6138 (relating to violation  
30 of terms of parole), grant [paroles of] parole on its own

1 motion whenever in its judgment the interests of justice  
2 require the granting of [these paroles] parole.

3 (2) The board shall consider applications for parole by  
4 an [inmate] offender or the [inmate's] offender's attorney.

5 (3) Notwithstanding the provisions of paragraph (2), the  
6 board shall not be required to consider nor dispose of an  
7 application by an [inmate] offender or an [inmate's]  
8 offender's attorney where a parole decision has been issued  
9 by the board on that case within one year of the date of the  
10 current application for parole.

11 (3.1) Notwithstanding paragraphs (2) and (3), the board  
12 shall not be required to consider nor to dispose of an  
13 application by an [inmate] offender or an [inmate's]  
14 offender's attorney in the case of an [inmate] offender  
15 sentenced under 18 Pa.C.S. § 1102.1 (relating to sentence of  
16 persons under the age of 18 for murder, murder of an unborn  
17 child and murder of a law enforcement officer) if a parole  
18 decision has been issued by the board within five years of  
19 the date of the current application.

20 (3.2) Nothing under this section shall be interpreted as  
21 granting a right to be paroled to any [person] offender, and  
22 a decision by the board and its designees relating to [a  
23 person] an offender sentenced under 18 Pa.C.S. § 1102.1 may  
24 not be considered an adjudication under 2 Pa.C.S. Chs. 5  
25 Subch. A (relating to practice and procedure of Commonwealth  
26 agencies) and 7 Subch. A (relating to judicial review of  
27 Commonwealth agency action).

28 (4) Hearings of applications [shall] may be held by the  
29 board whenever in its judgment hearings are necessary.

30 Reasonable rules and regulations shall be adopted by the

1 board for the presentation and hearing of applications for  
2 parole.

3 (5) Whenever an [inmate] offender is paroled by the  
4 board, [whether of its own motion or after hearing of an  
5 application for parole,] or whenever [an application for]  
6 parole is refused by the board, a brief statement of the  
7 reasons for the board's action shall be filed of record in  
8 the offices of the board and shall be at all reasonable times  
9 open to public inspection.

10 (6) In no case shall [a] parole be granted[, or an  
11 application for parole be dismissed,] unless a board member,  
12 hearing examiner or other person so designated by the board  
13 shall have [seen and heard] interviewed the [parolee]  
14 offender in person in regard thereto within six months prior  
15 to the granting or dismissal thereof. Such in-person  
16 interviews may be conducted via videoconferencing or similar  
17 virtual presence technology. This requirement does not apply  
18 to paroles under section 6137.1 (relating to short sentence  
19 parole).

20 (7) The board shall dispose of [the] an application  
21 within six months of its filing.

22 (b) Reliance on reports.--In granting and revoking paroles  
23 and in discharging from parole, the members of the board acting  
24 thereon shall not be required to personally hear or see all the  
25 witnesses and evidence submitted to them for their action, but  
26 they may act on the report submitted to them by [their] the  
27 department's agents and employees, together with any pertinent  
28 and adequate information furnished to them by fellow members of  
29 the board or by others. In granting or revoking parole or  
30 bringing an alleged parole violator before a hearing examiner,

1 the appearance may be conducted via videoconferencing or similar  
2 virtual presence technology. This subsection shall not apply to  
3 victim input under section 6140 (relating to victim statements,  
4 testimony and participation in hearing).

5 (c) Notice to district attorney.--At least ten days before  
6 paroling an [inmate] offender on its own motion, the board shall  
7 give written notice of the contemplated parole to the district  
8 attorney of the county in which the [inmate] offender was  
9 sentenced, and, in cases of hearings on applications for parole  
10 as provided for in this section, at least ten days' written  
11 notice of the time and place fixed for such hearing shall be  
12 given either by the board or by the [applicant] offender or the  
13 offender's attorney, as the board shall direct, to the court and  
14 district attorney of the county in which the [applicant]  
15 offender was sentenced.

16 § 6140. Victim statements, testimony and participation in  
17 hearing.

18 (a) Duty of district attorney to provide notice.--

19 (1) The victim of the offense for which an [inmate]  
20 offender is sentenced shall be notified by the district  
21 attorney immediately following sentencing, in cases where the  
22 defendant has been sentenced to a term of imprisonment, that  
23 the victim [or] and family member shall have the opportunity  
24 to present a statement for the parole report to be considered  
25 at the parole hearing or to testify to the [parole] board  
26 expressing his opinion concerning the release of the [inmate]  
27 offender.

28 (2) The district attorney shall provide notice to a  
29 member of the immediate family of the victim if the victim:

30 (i) is a juvenile;

1 (ii) is incapable of testifying; or  
2 (iii) died as a result of the [defendant's]  
3 offender's conduct.

4 (b) Notice of intent to submit statement.--In order to  
5 submit a statement under subsection (a), a victim [or] and  
6 family member must notify the board through the Office of Victim  
7 Advocate of [his] the victim's and family member's intention to  
8 do so and provide and keep current an appropriate mailing  
9 address with the board.

10 (c) Contents of parole [report] statement.--The parole  
11 [report] statement may include [a statement] discussion  
12 concerning:

13 (1) The continuing nature and extent of any physical  
14 harm or psychological or emotional harm or trauma suffered by  
15 the victim.

16 (2) The extent of any loss of earnings or ability to  
17 work suffered by the victim.

18 (3) The continuing effect of the crime upon the victim's  
19 family.

20 (d) Notice to persons who previously contacted the [board]  
21 Office of Victim Advocate.--

22 (1) At the time public notice is given that an [inmate]  
23 offender is being considered for parole pursuant to this  
24 section, the [board] Office of Victim Advocate shall also  
25 notify any victim or nearest relative who has previously  
26 contacted the [board] Office of Victim Advocate of the  
27 [availability] opportunity to provide a statement for  
28 inclusion in the parole report or to present testimony for  
29 inclusion at the parole hearing.

30 (2) The [board] Office of Victim Advocate shall notify

1 the [person] victim and family member identified under  
2 paragraph (1) at [the] that person's last known mailing  
3 address. The notification required by this section shall be  
4 given by the [board] Office of Victim Advocate in the case of  
5 a parole to be granted pursuant to section 6139 (relating to  
6 parole procedure) or by the court in the case of a parole to  
7 be granted pursuant to section [6133] 6172 (relating to  
8 probation services).

9 (e) Notice of intent to present testimony.--The victim [or]  
10 and family member shall notify the [board] Office of Victim  
11 Advocate which shall notify within 30 days from the date of the  
12 notice of his intent to present testimony at the parole hearing.  
13 This time period may be waived by the [board] Office of Victim  
14 Advocate for good cause.

15 (f) Referral to hearing [officer] examiner.--If the victim  
16 [or] and family member submits a written statement to the board  
17 through the Office of Victim Advocate subsequent to notice, the  
18 statement shall be made a part of the board's file on the  
19 [inmate] offender, and the [inmate's] offender's case shall be  
20 referred to a hearing [officer] examiner designated to conduct  
21 parole release hearings.

22 (g) Assignment to hearing examiner.--If the victim [or] and  
23 family member informs the board through the Office of Victim  
24 Advocate subsequent to notice being provided that [the person  
25 intends] they intend to testify, the chairperson shall assign  
26 the [inmate's] offender's case to a hearing examiner for the  
27 purpose of receiving the person's testimony.

28 (h) Hearing procedure.--

29 (1) The assigned hearing examiner shall conduct a  
30 hearing within 30 days from the date the board received

1 notification of the intent to offer testimony.

2 (2) The hearing shall be conducted at a time and place  
3 and on a date determined by the chairperson or designee.

4 Notice of the time, place and date of the hearing shall be  
5 provided by the Office of Victim Advocate to the victim [or]  
6 and family member, in writing, and shall be [mailed] provided  
7 at least ten days prior to the hearing date.

8 (3) The hearing shall be recorded by an electronic  
9 recording device.

10 (4) The hearing examiner shall prepare a written  
11 [report] statement within a reasonable [amount of] time prior  
12 to the hearing date. A copy of the [report] statement shall  
13 be forwarded to the person offering testimony. A copy of the  
14 report shall be made a part of the board's file on the  
15 [inmate] offender.

16 (5) Upon completion of the written [report] statement,  
17 the [inmate's] offender's case shall be referred to a hearing  
18 examiner designated to conduct parole release hearings.

19 (6) (i) The hearing scheduled pursuant to this section  
20 shall be conducted, when possible, prior to a parole  
21 release hearing and prior to the board rendering a  
22 decision.

23 (ii) Nothing in this section shall be construed to  
24 preclude the board from conducting a timely parole  
25 release hearing.

26 (7) After submission of the [report] statement, the  
27 board shall within a reasonable [amount of] time:

28 (i) Evaluate the information provided.

29 (ii) Determine whether the decision shall be  
30 affirmed or modified.



1 (iii) Determine whether a rescission hearing shall  
2 be conducted.

3 (iv) Notify the [inmate] offender in writing of its  
4 decision.

5 (8) Notwithstanding any other provision of law, any and  
6 all statements or testimony of the victim [or] and family  
7 member submitted to the board or the Office of Victim  
8 Advocate pertaining to:

9 (i) the continuing nature and extent of any physical  
10 harm or psychological or emotional harm or trauma  
11 suffered by the victim;

12 (ii) the extent of any loss of earnings or ability  
13 to work suffered by the victim; and

14 (iii) the continuing effect of the crime upon the  
15 victim's family:

16 (A) Shall be deemed confidential and privileged.

17 (B) Shall not be subject to subpoena or  
18 discovery.

19 (C) Shall not be introduced into evidence in any  
20 judicial or administrative proceeding.

21 (D) Shall not be released to the [inmate]  
22 offender.

23 (9) All records maintained by the board or the Office of  
24 Victim Advocate pertaining to victims shall be kept separate.  
25 Current address, telephone numbers and any other personal  
26 information of the victim and family members shall be deemed  
27 confidential.

28 (10) Notwithstanding any other provision of law, no  
29 person who has had access to a report, record or any other  
30 information under this section shall disclose the content of

1 the report, record or other information or testify in a  
2 judicial or administrative proceeding without the written  
3 consent of the victim.

4 (11) A victim [or] and the family member who has  
5 submitted a written statement for the parole report or  
6 testified at a hearing pursuant to this section shall be  
7 notified by the board through the Office of Victim Advocate  
8 of the final decision rendered in the [inmate's] offender's  
9 case.

10 (12) If the final decision is to not release the  
11 [inmate] offender and if, subsequent to that decision,  
12 additional parole release hearings are conducted for that  
13 same [inmate] offender, then the victim [or] and family  
14 member who has submitted a written statement for the parole  
15 report or who has testified at a hearing pursuant to this  
16 section shall be notified by the board through the Office of  
17 Victim Advocate at the last known address if and when  
18 additional parole hearings are scheduled by the board.

19 (i) Victim [or] and family member.--The term "victim [or]  
20 and family member" shall be interpreted and applied to include  
21 all victims and family members and shall not be interpreted or  
22 applied to exclude any victim, victim's representative or family  
23 member who wishes to submit a statement, testify or otherwise  
24 participate under this section.

25 Section 22. Sections 6141 and 6143 of Title 61 are amended  
26 to read:

27 § 6141. General rules and special regulations.

28 The board may make general rules for the conduct and  
29 supervision of [persons placed on parole] offenders and may, in  
30 particular cases, as it deems necessary to effectuate the

1 purpose of parole, prescribe special regulations for particular  
2 persons.

3 § 6143. Early parole of [inmates] offenders subject to Federal  
4 removal order.

5 (a) Eligibility.--Notwithstanding any other provision of  
6 law, the board may parole an [inmate] offender into the custody  
7 of the United States Immigration and Customs Enforcement for  
8 deportation prior to the expiration of the [inmate's] offender's  
9 minimum term of imprisonment if all of the following  
10 requirements are satisfied:

11 (1) The board has received [a final] an order of removal  
12 for the [inmate] offender from the United States Immigration  
13 and Customs Enforcement.

14 (2) The [inmate] offender is at least 18 years of age  
15 and is not a native or citizen of the United States.

16 (3) The offender has never been convicted or adjudicated  
17 delinquent of a crime of violence or a crime requiring  
18 registration under 42 Pa.C.S. Ch. 97 Subch. H (relating to  
19 registration of sexual offenders).

20 (4) The board certifies that removal of the [inmate]  
21 offender is appropriate and in the best interests of the  
22 Commonwealth.

23 (5) The [inmate] offender has been advised of all of the  
24 following:

25 (i) Unlawful reentry into the United States will  
26 result in the [inmate's] offender's return to the  
27 department to serve the remainder of the [inmate's]  
28 offender's maximum term of imprisonment without the  
29 possibility of parole.

30 (ii) If the [inmate] offender reenters the United

1 States and commits a criminal offense, upon conviction  
2 the [inmate] offender shall be subject to 42 Pa.C.S. §  
3 9720.3 (relating to sentencing for certain paroled  
4 offenders).

5 (iii) Reentry into the United States may subject the  
6 [inmate] offender to prosecution by the United States  
7 under 8 U.S.C. § 1326 (relating to reentry of removed  
8 aliens).

9 (b) Parole discretionary.--The decision to parole an  
10 [inmate] offender under subsection (a) shall be within the sole  
11 discretion of the board. Nothing under this section shall be  
12 construed to confer a legal right upon the [inmate] offender to  
13 parole under subsection (a).

14 (c) Return of [inmate] offender by United States.--If the  
15 United States Immigration and Customs Enforcement is unable to  
16 or does not deport the [inmate] offender, the [inmate] offender  
17 shall be returned to the custody of the department and the board  
18 shall rescind the [inmate's] offender's parole.

19 (d) Unlawful reentry.--An [inmate] offender paroled under  
20 this section who returns unlawfully to the United States shall  
21 be given a hearing before the board and recommitted as a parole  
22 violator upon a determination by the board that the [inmate]  
23 offender did unlawfully return to the United States. Upon  
24 recommitment, the [inmate] offender shall be required to serve  
25 the remainder of the [inmate's] offender's maximum term of  
26 imprisonment without the possibility of parole. The [inmate]  
27 offender shall not be entitled to credit for any time on parole  
28 under this section.

29 [(e) Definition.--As used in this section, the term "crime  
30 of violence" shall be defined as provided in 42 Pa.C.S. §

1 9714(g) (relating to sentences for second and subsequent  
2 offenses).]

3 Section 23. Subchapter D of Chapter 61 of Title 61 is  
4 repealed:

5 [SUBCHAPTER D

6 STATE PAROLE AGENTS

7 Sec.

8 6151. Definitions.

9 6152. Status as peace officers.

10 6153. Supervisory relationship to offenders.

11 § 6151. Definitions.

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

15 "Agent." A State parole agent appointed by the board.

16 "Conditions of supervision." Any terms or conditions of the  
17 offender's supervision, whether imposed by the court, the board  
18 or an agent, including compliance with all requirements of  
19 Federal, State and local law.

20 "Contraband." Any item that the offender is not permitted to  
21 possess under the conditions of supervision, including any item  
22 whose possession is forbidden by any Federal, State or local  
23 law.

24 "Court." The court of common pleas or any judge thereof, the  
25 Philadelphia Municipal Court or any judge thereof, the  
26 Pittsburgh Magistrates Court or any judge thereof or any  
27 magisterial district judge.

28 "Exigent circumstances." The term includes, but is not  
29 limited to, suspicion that contraband or other evidence of  
30 violations of the conditions of supervision might be destroyed

1 or suspicion that a weapon might be used. Exigent circumstances  
2 always exist with respect to a vehicle.

3 "Offender." Any person subject to the parole or probationary  
4 supervision of the board.

5 "Personal search." A warrantless search of an offender's  
6 person, including, but not limited to, the offender's clothing  
7 and any personal property which is in the possession, within the  
8 reach or under the control of the offender.

9 "Property search." A warrantless search of real property,  
10 vehicle or personal property which is in the possession or under  
11 the control of the offender.

12 "Real property." Any residence or business property of an  
13 offender, including all portions of the property to which the  
14 offender has access.

15 "Supervisor." Any individual acting in a supervisory or  
16 administrative capacity.

17 § 6152. Status as peace officers.

18 An agent is declared to be a peace officer and is given  
19 police power and authority throughout this Commonwealth to  
20 arrest without warrant, writ, rule or process any parolee or  
21 probationer under the supervision of the board for failing to  
22 report as required by the terms of his probation or parole or  
23 for any other violation of the probation or parole.

24 § 6153. Supervisory relationship to offenders.

25 (a) General rule.--Agents are in a supervisory relationship  
26 with their offenders. The purpose of this supervision is to  
27 assist the offenders in their rehabilitation and reassimilation  
28 into the community and to protect the public. Supervision  
29 practices shall reflect the balance of enforcement of the  
30 conditions of parole and case management techniques to maximize

1 successful parole completion through effective reentry to  
2 society.

3 (b) Searches and seizures authorized.--

4 (1) Agents may search the person and property of  
5 offenders in accordance with the provisions of this section.

6 (2) Nothing in this section shall be construed to permit  
7 searches or seizures in violation of the Constitution of the  
8 United States or section 8 of Article I of the Constitution  
9 of Pennsylvania.

10 (c) Effect of violation.--No violation of this section shall  
11 constitute an independent ground for suppression of evidence in  
12 any probation or parole proceeding or criminal proceeding.

13 (d) Grounds for personal search of offender.--

14 (1) A personal search of an offender may be conducted by  
15 an agent:

16 (i) if there is a reasonable suspicion to believe  
17 that the offender possesses contraband or other evidence  
18 of violations of the conditions of supervision;

19 (ii) when an offender is transported or taken into  
20 custody; or

21 (iii) upon an offender entering or leaving the  
22 securing enclosure of a correctional institution, jail or  
23 detention facility.

24 (2) A property search may be conducted by an agent if  
25 there is reasonable suspicion to believe that the real or  
26 other property in the possession of or under the control of  
27 the offender contains contraband or other evidence of  
28 violations of the conditions of supervision.

29 (3) Prior approval of a supervisor shall be obtained for  
30 a property search absent exigent circumstances. No prior

1 approval shall be required for a personal search.

2 (4) A written report of every property search conducted  
3 without prior approval shall be prepared by the agent who  
4 conducted the search and filed in the offender's case record.  
5 The exigent circumstances shall be stated in the report.

6 (5) The offender may be detained if he is present during  
7 a property search. If the offender is not present during a  
8 property search, the agent in charge of the search shall make  
9 a reasonable effort to provide the offender with notice of  
10 the search, including a list of the items seized, after the  
11 search is completed.

12 (6) The existence of reasonable suspicion to search  
13 shall be determined in accordance with constitutional search  
14 and seizure provisions as applied by judicial decision. In  
15 accordance with such case law, the following factors, where  
16 applicable, may be taken into account:

17 (i) The observations of agents.

18 (ii) Information provided by others.

19 (iii) The activities of the offender.

20 (iv) Information provided by the offender.

21 (v) The experience of agents with the offender.

22 (vi) The experience of agents in similar  
23 circumstances.

24 (vii) The prior criminal and supervisory history of  
25 the offender.

26 (viii) The need to verify compliance with the  
27 conditions of supervision.

28 (e) Nonresident offenders.--No agent shall conduct a  
29 personal or property search of an offender who is residing in a  
30 foreign state except for the limited purposes permitted under



1 the Interstate Compact for the Supervision of Offenders and  
2 Probationers. The offender is held accountable to the rules of  
3 both the sending state and the receiving state. Any personal or  
4 property search of an offender residing in another state shall  
5 be conducted by an agent of the receiving state.

6 (f) When authority is effective.--The authority granted to  
7 agents under this section shall be effective upon enactment of  
8 this section, without the necessity of any further regulation by  
9 the board.]

10 Section 24. Chapter 61 of Title 61 is amended by adding  
11 subchapters to read:

12 SUBCHAPTER F

13 SUPERVISION OF OFFENDERS

14 Sec.

15 6171. Powers and duties of department.

16 6171.1. District offices.

17 6171.2. District directors.

18 6171.3. District office employees.

19 6172. Probation services.

20 6173. Investigation of circumstances of offense.

21 6174. Right of access to offenders.

22 6175. Investigations for the board of pardons.

23 § 6171. Powers and duties of department.

24 (a) Powers and duties.--The department shall have the  
25 following powers and duties:

26 (1) To first and foremost seek to protect the safety of  
27 the public, to supervise any offender released on parole by  
28 order of the board and to arrest, to detain in a department  
29 facility and to report to the board for a determination  
30 whether to revoke parole and recommit an offender who fails

1 to comply with the conditions of supervision, including, but  
2 not limited to, the alleged commission of a new crime.

3 (2) To enforce the conditions of supervision established  
4 by the board as well as the power to impose and enforce  
5 additional conditions of supervision on an offender and the  
6 power to, with the consent of the board, amend or terminate  
7 mandatory conditions of suspension established by the board.  
8 Conditions not designated as mandatory by the board do not  
9 require consent of the board.

10 (3) The imposition, modification or termination of a  
11 condition of supervision must be based on the risk presented  
12 by and the rehabilitative needs of the offender and the  
13 impact the termination or modification will have on public  
14 safety.

15 (4) To supervise any offender placed on parole, when  
16 sentenced to a maximum period of less than two years, by any  
17 judge of a court having criminal jurisdiction, when the court  
18 may by special order direct supervision by the department, in  
19 which case the parole case shall be known as a special case  
20 and the authority of the department with regard thereto shall  
21 be the same as provided in this chapter with regard to parole  
22 cases within one of the classifications set forth in this  
23 chapter.

24 (5) To furnish to the board no fewer than 90 days prior  
25 to a scheduled parole interview, or if such interview is  
26 scheduled to be held within fewer than 90 days, as quickly as  
27 possible after the department is informed of such interview,  
28 reports concerning the conduct of offenders under the  
29 department's supervision or in its custody together with any  
30 other facts deemed pertinent in aiding the board to determine

1 whether such offenders shall be paroled.

2 (6) To pay the costs of preparole drug screening tests  
3 for offenders subject to the parole release jurisdiction of  
4 the board. The department shall establish rules and  
5 regulations for the payment of these costs and may limit the  
6 types and costs of these screening tests that would be  
7 subject to payment by the department.

8 (7) To determine when an offender, subject to random  
9 drug screening tests as a condition of supervision, shall be  
10 tested. The offender undergoing the tests shall be  
11 responsible for the costs of the tests. The money collected  
12 for the tests shall be applied against the contract for such  
13 testing.

14 (8) To supervise and make presentence investigations and  
15 reports as provided by law.

16 (9) To collect and maintain copies of all presentence  
17 investigations and reports.

18 (10) To collect, compile and publish statistical and  
19 other information relating to probation and parole work in  
20 all courts and such other information the department may deem  
21 of value in probation service.

22 (11) To establish, by regulation, uniform Statewide  
23 standards for:

24 (i) Presentence investigations.

25 (ii) The supervision of probationers.

26 (iii) The qualifications for probation personnel.

27 (iv) Minimum salaries.

28 (v) Quality of probation service.

29 (vi) The standards for the qualifications of  
30 probation personnel shall only apply to probation

1 personnel appointed after the date the standards are  
2 established. Should any probation personnel appointed  
3 prior to the date the standards were established fail to  
4 meet the standards, the court having jurisdiction of such  
5 personnel may request the department to establish in-  
6 service training for them in accordance with the  
7 standards.

8 (12) To adopt regulations establishing criteria for  
9 department acceptance of cases for supervision and  
10 presentence investigations from counties that on December 31,  
11 1985, maintained adult probation offices and parole systems.

12 (13) To enter into contracts for purchasing community  
13 services to assist parolees, supplement existing programs and  
14 provide for the continuous electronic monitoring of  
15 offenders.

16 (14) To establish and provide for intensive supervision  
17 units and day reporting centers for the supervision of  
18 offenders.

19 (15) To provide information as required under former 42  
20 Pa.C.S. § 2153(a)(14) (relating to powers and duties of  
21 commission) as requested by the commission.

22 (16) To incorporate evidence-based practices into the  
23 supervision of offenders.

24 (17) To coordinate the reentry of offenders into the  
25 community using evidence-based practices that are effective  
26 in reducing recidivism.

27 (18) To conduct research to identify, to be informed of  
28 and to apply recognized evidence-based parole supervision  
29 practices that promote public safety and reduce recidivism.

30 (19) To conduct outcome and performance analyses on

1 implemented department programs and practices to enhance  
2 public safety through reduced recidivism.

3 (20) To administer administrative parole.

4 (21) To adopt regulations establishing specific  
5 composition, functions and responsibilities for citizens  
6 advisory committees and to receive reports, recommendations  
7 or other input concerning parole policies and parole-related  
8 concerns from the committees on a regular basis.

9 (22) Designate community corrections centers or  
10 community corrections facilities where parolees are to be  
11 housed.

12 (23) Determine whether parolees are to be housed in a  
13 secured or unsecured portion of a community corrections  
14 center or community corrections facility.

15 (b) Administrative parole.--

16 (1) An eligible offender shall be placed on  
17 administrative parole one year after release on parole and  
18 until the maximum sentence date if the department's  
19 supervision staff determines that there is no substantial  
20 information indicating dangerousness or that placement on  
21 administrative parole would compromise public safety or that  
22 continued supervision would otherwise benefit the offender  
23 and:

24 (i) the eligible offender has not violated the terms  
25 and conditions of the eligible offender's parole; or

26 (ii) the eligible offender has not been subject to  
27 the extensive use of sanctions prior to the completion of  
28 one year from the date of release on parole.

29 (2) An eligible offender placed on administrative parole  
30 shall continue to be subject to recommitment at the board's

1 discretion and shall be subject to the board's power to  
2 recommit and reparole, recommit and review or otherwise  
3 impose sanctions at its discretion until the eligible  
4 offender's maximum sentence date.

5 (3) An eligible offender placed on administrative parole  
6 shall do all of the following:

7 (i) Make supervision contact at least one time per  
8 year.

9 (ii) Provide updated contact information upon a  
10 change in residence or employment.

11 (iii) Continue to pay any restitution owed.

12 (iv) Comply with other requirements imposed by the  
13 department.

14 (c) Exception.--Except in special cases, the powers and  
15 duties conferred under this section shall not extend to  
16 offenders confined in a county correctional facility under 42  
17 Pa.C.S. § 9762 (relating to sentencing proceeding; place of  
18 confinement).

19 § 6171.1. District offices.

20 (a) Principal office.--The department shall provide offices  
21 for the board. The board shall appoint and employ such number  
22 and character of officers, agents, clerks, stenographers and  
23 employees as may be necessary to carry out the purposes of this  
24 chapter. The salaries of persons so appointed and employed by  
25 the board shall be fixed by the board.

26 (b) District offices.--The department shall divide the  
27 Commonwealth for administrative purposes into a suitable number  
28 of districts, not to exceed ten, in each of which shall be a  
29 district office which shall have immediate charge of the  
30 supervision of cases of probation and parole arising in the

1 courts of the judicial districts embraced within its territorial  
2 limits, but, as occasion may require, the supervision of  
3 particular parolees may be transferred by the department to  
4 other appropriate parole districts.

5 (c) Location of district offices.--

6 (1) The department shall fix and determine the location  
7 of the various district offices within their respective  
8 districts, having regard to local conditions in each district  
9 and to the most convenient and efficient functioning of the  
10 office established in each district.

11 (2) At each of the locations so fixed and determined,  
12 the department shall provide such office accommodations,  
13 furniture, equipment and supplies as may be reasonably  
14 suitable and adequate for the proper handling and dispatch of  
15 the parole business of the district.

16 (3) The department may enter into contracts on behalf of  
17 the Commonwealth for such office accommodations, furniture,  
18 equipment and supplies through the Department of General  
19 Services.

20 (d) Consideration for fixing compensation.--In fixing  
21 compensation for its officers, clerks and employees under the  
22 provisions of this chapter, the department shall have regard to  
23 the kind, grade or class of service to be rendered, and,  
24 whenever any standard compensation has been fixed by the  
25 Executive Board for any kind, grade or class of service or  
26 employment, the compensation of all persons appointed or  
27 employed by the department in the same kind, grade or class  
28 shall be fixed by it in accordance with such standard.

29 § 6171.2. District directors.

30 (a) Establishment.--Each district office shall have a

1 district director who:

2 (1) Shall be appointed by the department.

3 (2) Shall receive such annual salary as the department  
4 shall determine in conformity with the rules of the Executive  
5 Board.

6 (b) Status and role.--The district director shall be the  
7 executive head of the district office to which the district  
8 supervisor is appointed and shall have the control, management  
9 and direction of all employees of the department assigned to the  
10 district, subject to the supervision of the department.

11 § 6171.3. District office employees.

12 (a) Board to appoint.--The department shall appoint in the  
13 various district offices a sufficient number of agents, clerks,  
14 stenographers and other employees to fully and efficiently  
15 administer the parole laws of this Commonwealth, but no employee  
16 of the department shall be appointed by the department except in  
17 the manner provided by this chapter.

18 (b) Salaries and qualifications.--The salaries of the  
19 appointees in subsection (a) shall be fixed by the department.  
20 The department shall from time to time by appropriate rule or  
21 regulation prescribe the qualifications to be possessed by its  
22 personnel. The qualifications shall be such as will best promote  
23 the efficient operation of probation and parole.

24 § 6172. Probation services.

25 (a) General rule.--The department shall have exclusive power  
26 to supervise any offender placed on probation by any judge of a  
27 court having criminal jurisdiction when the court, by special  
28 order, consistent with the regulations of the department,  
29 directs supervision by the department.

30 (b) Presentence investigations.--The department shall make



1 presentence investigations when requested to do so by the court  
2 in accordance with the regulations of the department.

3 (c) In-service training.--The department shall provide in-  
4 service training for personnel of county probation offices when  
5 requested to do so by the court having jurisdiction of the  
6 probation office.

7 § 6173. Investigation of circumstances of offense.

8 (a) Duty to investigate.--The department, upon the  
9 commitment to a correctional facility of any offender whom the  
10 board is given the power to parole, shall investigate and  
11 include in its report to the board:

12 (1) The nature and circumstances of the offense  
13 committed.

14 (2) Any recommendations made by the trial judge and  
15 prosecuting attorney.

16 (3) The general character and background of the  
17 offender.

18 (4) Participation by an offender sentenced after  
19 February 19, 1999, and who is serving a sentence for a crime  
20 of violence in a victim impact education program offered by  
21 the department.

22 (5) The written or personal statement of the testimony  
23 of the victim or the victim's family submitted under section  
24 6140 (relating to victim statements, testimony and  
25 participation in hearing).

26 (6) The notes of testimony of the sentencing hearing, if  
27 any, together with such additional information regarding the  
28 nature and circumstances of the offense committed for which  
29 sentence was imposed as may be available.

30 (7) The conduct of the offender while in prison and the

1 offender's physical, mental and behavioral condition and  
2 history, in addition to history of family violence and  
3 complete criminal record.

4 (b) Cooperation of public officials.--A public official who  
5 possesses offender records or information shall furnish the  
6 records or information to the department upon request and  
7 without charge so far as may be practicable while the case is  
8 recent.

9 (c) Duty to transmit.--A court sentencing any offender to a  
10 term as to which power to parole is given to the board in this  
11 chapter shall transmit to the department, within 30 days after  
12 the imposition of the sentence:

13 (1) A copy of the notes of testimony of the sentencing  
14 hearing that may have been filed or recorded in the case.

15 (2) Copies of any criminal identification records  
16 secured from the Federal Bureau of Investigation.

17 (3) Copies of presentence investigation reports and  
18 behavior clinic reports, if any were submitted to the court,  
19 the last two of which records, being confidential records of  
20 the court, shall be treated confidentially by the department,  
21 who shall not permit examination of the records by anyone  
22 other than its duly appointed officers and employees and the  
23 board and its officers and employees, except upon court  
24 order.

25 § 6174. Right of access to offenders.

26 All prison officials shall:

27 (1) At all reasonable times grant to the properly  
28 accredited representatives of the department access to any  
29 detainee whom the board has power to parole.

30 (2) At all reasonable times provide for the board or its

1 properly accredited representative facilities for  
2 communicating with and observing a detainee while imprisoned.  
3 § 6175. Investigations for the board of pardons.

4 The department shall make an investigation for the board of  
5 pardons in cases coming before it and upon its request. The  
6 investigation shall include all information set forth under  
7 section 6135 (relating to investigation of circumstances of  
8 offense), including a risk assessment if the applicant is  
9 incarcerated.

10 SUBCHAPTER G

11 AGENTS

12 Sec.

13 6181. Status as peace officers.

14 6182. Supervisory relationship to offenders.

15 § 6181. Status as peace officers.

16 An agent is declared to be a peace officer and is given  
17 police power and authority throughout this Commonwealth to  
18 arrest without warrant, writ, rule or process any department-  
19 supervised offender for failing to report as required or for any  
20 other violation of his conditions of supervision.

21 § 6182. Supervisory relationship to offenders.

22 (a) General rule.--Agents are in a supervisory relationship  
23 with department-supervised offenders. The purpose of supervision  
24 is to assist department-supervised offenders in their  
25 rehabilitation and reassimilation into the community and to  
26 protect the public. Supervision practices shall reflect the  
27 balance of enforcement of the conditions of supervision and case  
28 management techniques to maximize successful parole completion  
29 through effective reentry to society.

30 (b) Searches and seizures authorized.--

1           (1) Agents may search the person and property of  
2 department-supervised offenders in accordance with the  
3 provisions of this section.

4           (2) Nothing in this section shall be construed to permit  
5 searches or seizures in violation of the Constitution of the  
6 United States or section 8 of Article I of the Constitution  
7 of Pennsylvania.

8           (c) Effect of violation.--No violation of this section shall  
9 constitute an independent ground for suppression of evidence in  
10 any probation, parole or criminal proceeding.

11           (d) Grounds for personal search of a department-supervised  
12 offender.--

13           (1) A personal search of an offender may be conducted by  
14 an agent:

15                   (i) if there is a reasonable suspicion to believe  
16 that the department-supervised offender possesses  
17 contraband or other evidence of violations of the  
18 conditions of supervision;

19                   (ii) when a department-supervised offender is  
20 transported or taken into custody; or

21                   (iii) upon a department-supervised offender entering  
22 or leaving the secure enclosure of a correctional  
23 institution, jail or detention facility.

24           (2) A property search may be conducted by an agent if  
25 there is reasonable suspicion to believe that the real or  
26 other property in the possession of or under the control of  
27 the department-supervised offender contains contraband or  
28 other evidence of violations of the conditions of  
29 supervision.

30           (3) The department-supervised offender may be detained

1 if the department-supervised offender is present during a  
2 property search. If the department-supervised offender is not  
3 present during a property search, the agent in charge of the  
4 search shall make a reasonable effort to provide the  
5 department-supervised offender with notice of the search,  
6 including a list of the items seized, after the search is  
7 completed.

8 (4) The existence of reasonable suspicion to search  
9 shall be determined in accordance with constitutional search  
10 and seizure provisions as applied by judicial decision. In  
11 accordance with such case law, the following factors, where  
12 applicable, may be taken into account:

13 (i) The observations of agents.

14 (ii) Information provided by others.

15 (iii) The activities of the department-supervised  
16 offender.

17 (iv) Information provided by the department-  
18 supervised offender.

19 (v) The experience of agents with the department-  
20 supervised offender.

21 (vi) The experience of agents in similar  
22 circumstances.

23 (vii) The prior criminal and supervisory history of  
24 the department-supervised offender.

25 (viii) The need to verify compliance with the  
26 conditions of supervision.

27 (e) Nonresident department-supervised offenders.--No agent  
28 shall conduct a personal or property search of a department-  
29 supervised offender who is residing in a foreign state except  
30 for the limited purposes permitted under the Interstate Compact

1 for the supervision of offenders and probationers. The  
2 department-supervised offender is held accountable to the rules  
3 of both the sending state and the receiving state. Any personal  
4 or property search of a department-supervised offender residing  
5 in another state shall be conducted by an agent of the receiving  
6 state.

7 (f) When authority is effective.--The authority granted to  
8 agents under this section shall be effective upon enactment of  
9 this section, without the necessity of any further regulation by  
10 the department.

11 Section 25. The definition of "board" in section 6302 of  
12 Title 61 is amended to read:

13 § 6302. Definitions.

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

17 ["Board." The Pennsylvania Board of Probation and Parole.]

18 \* \* \*

19 Section 26. Sections 7115(a)(2) and (d), 7121 and 7122(a),  
20 (b), (c) and (e) of Title 61 are amended to read:

21 § 7115. Interstate Compact for the Supervision of Adult

22 Offenders application fee.

23 (a) Duty to pay.--

24 \* \* \*

25 (2) A person on State probation or parole who applies  
26 for a transfer to another state through the [interstate  
27 compact] Interstate Compact shall be required to pay an  
28 application fee to the [board] department with each  
29 application for transfer, unless the board finds that the  
30 application fee should be reduced, waived or deferred based

1 upon the person's inability to pay.

2 \* \* \*

3 (d) Disposition.--Money received from the collection of the  
4 application fee shall be paid into the State Treasury and shall  
5 be credited to the general government operations of the [board]  
6 department for expenses incurred in the administration of the  
7 [interstate compact] Interstate Compact.

8 \* \* \*

9 § 7121. Deputization.

10 (a) General rule.--The [chairperson of the Pennsylvania  
11 Board of Probation and Parole] secretary may deputize any person  
12 to act as an officer and agent of the Commonwealth in effecting  
13 the return of any person who has violated the terms and  
14 conditions of parole or probation as granted by the  
15 Commonwealth. In any matter relating to the return of such  
16 person, an agent so deputized has all the powers of a police  
17 officer of this Commonwealth.

18 (b) Evidence of deputization.--A deputization under this  
19 section must be in writing and a person authorized to act as an  
20 agent of the Commonwealth under that authority shall carry  
21 formal evidence of the deputization and shall produce it on  
22 demand.

23 (c) Interstate contracts.--

24 (1) The [chairperson of the Pennsylvania Board of  
25 Probation and Parole] secretary or a designee may, subject to  
26 the approval of the Auditor General, enter into contracts  
27 with similar officials of any other state for the purpose of  
28 sharing an equitable portion of the cost of effecting the  
29 return of any person who has violated the terms and  
30 conditions of parole or probation as granted by the

1 Commonwealth.

2 (2) All interstate contracts entered into prior to the  
3 effective date of this paragraph are ratified and shall  
4 continue in effect according to their respective terms.

5 § 7122. Supervision of persons paroled by other states.

6 (a) General rule.--In compliance with the Federal interstate  
7 compact laws and the provisions of this section, the [board]  
8 department may supervise persons who are paroled by other states  
9 and reside in this Commonwealth, where such other states agree  
10 to perform similar services for the [board] department.

11 (b) Witness Protection Program.--The [board] department may  
12 relinquish jurisdiction over [a parolee] an offender to the  
13 proper Federal authorities where the [parolee] offender is  
14 placed into the Witness Protection Program of the United States  
15 Department of Justice.

16 (c) Applicability.--The provisions of this section shall  
17 apply only to those persons under the supervision of the [board]  
18 department.

19 \* \* \*

20 (e) Definitions.--As used in this section, the following  
21 words and phrases shall have the meaning given to them in this  
22 subsection unless the context clearly indicates otherwise:

23 ["Board." The Pennsylvania Board of Probation and Parole.]

24 "Other verifiable means of support." The term includes, but  
25 is not limited to, support by a parent, grandparent, sibling,  
26 spouse or adult child. The term does not include public  
27 assistance.

28 "Sexual offense."

29 (1) Any of the following offenses or an equivalent  
30 offense that is classified as a felony and involves a victim



1 who is a minor:

2 18 Pa.C.S. § 2901 (relating to kidnapping).

3 18 Pa.C.S. § 5902(a) (relating to prostitution and  
4 related offenses).

5 18 Pa.C.S. § 5903(a)(3), (4), (5) or (6) (relating to  
6 obscene and other sexual materials and performances).

7 (2) Any of the following offenses or an equivalent  
8 offense that is classified as a felony and involves a victim  
9 who is younger than 13 years of age:

10 18 Pa.C.S. § 3126 (relating to indecent assault).

11 (3) Any of the following offenses or an equivalent  
12 offense, regardless of the victim's age:

13 18 Pa.C.S. § 3121 (relating to rape).

14 18 Pa.C.S. § 3123 (relating to involuntary deviate  
15 sexual intercourse).

16 18 Pa.C.S. § 3125 (relating to aggravated indecent  
17 assault).

18 "Violent offense."

19 (1) Any of the following offenses or an equivalent  
20 offense:

21 18 Pa.C.S. § 2502 (relating to murder).

22 18 Pa.C.S. § 2503 (relating to voluntary  
23 manslaughter).

24 18 Pa.C.S. § 2702 (relating to aggravated assault).

25 18 Pa.C.S. § 2703 (relating to assault by prisoner).

26 18 Pa.C.S. § 2704 (relating to assault by life  
27 prisoner).

28 18 Pa.C.S. § 2901 (relating to kidnapping) where the  
29 victim is a minor.

30 18 Pa.C.S. § 3121 (relating to rape).

1           18 Pa.C.S. § 3123 (relating to involuntary deviate  
2 sexual intercourse).

3           18 Pa.C.S. § 3301 (relating to arson and related  
4 offenses).

5           18 Pa.C.S. § 3502 (relating to burglary).

6           18 Pa.C.S. § 3701 (relating to robbery).

7           18 Pa.C.S. § 3923 (relating to theft by extortion)  
8 where a threat of violence is made.

9           (2) A criminal attempt, criminal solicitation or  
10 criminal conspiracy to commit any offenses set forth in this  
11 definition.

12       ["Other verifiable means of support." The term includes, but  
13 is not limited to, support by parent, grandparent, sibling,  
14 spouse or adult child. The term does not include public  
15 assistance.]

16       Section 27. The following shall apply to transfers:

17           (1) The Pennsylvania Board of Probation and Parole and  
18 the functions, powers and duties of the Pennsylvania Board of  
19 Probation and Parole, including the powers and duties  
20 contained in 61 Pa.C.S. Ch. 61 Such. F and that formerly  
21 resided within the Pennsylvania Board of Probation and  
22 Parole, are transferred to the Department of Corrections.

23           (2) Upon approval of the Governor, the following are  
24 transferred to the Department of Corrections, to be used,  
25 employed and expended in connection with the functions,  
26 powers and duties transferred under paragraph (1):

27           (i) Personnel, contract obligations, records, files,  
28 property, supplies and equipment being used or held on  
29 the effective date of this section in connection with  
30 the functions, powers and duties transferred under

1 paragraph (1).

2 (ii) Unexpended balances of appropriations,  
3 allocations and other funds available or to be made  
4 available for use in connection with the functions,  
5 powers and duties transferred under paragraph (1).

6 (3) To the extent that any employee of the Pennsylvania  
7 Parole Board is transferred to the Department of Corrections  
8 as a result of this act, such action shall not require the  
9 department or the Pennsylvania Parole Board to engage in  
10 collective bargaining or impact bargaining with the  
11 collective bargaining representative of the employees under  
12 the act of July 23, 1970 (P.L.563, No.195), known as the  
13 Public Employee Relations Act, or any other laws of this  
14 Commonwealth.

15 Section 28. Any reference in law to a parole agent or  
16 supervision staff shall be deemed a reference to an agent as  
17 defined in 61 Pa.C.S. § 6101. This act does not change the  
18 status of State parole agents for the purposes of the act of  
19 July 23, 1970 (P.L.563, No.195), known as the Public Employee  
20 Relations Act, or cause State parole agents to be considered  
21 policemen for the purposes of the act of June 24, 1968 (P.L.237,  
22 No.111), referred to as the Policemen and Firemen Collective  
23 Bargaining Act.

24 Section 29. The appropriation for the Pennsylvania Parole  
25 Board must be in a separate line item.

26 Section 30. This act shall take effect immediately.