

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 968 Session of 2020

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

SENATOR BAKER, JUDICIARY, AS AMENDED, JANUARY 29, 2020

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, OR community corrections facility <--
23 or community contract facility is immediately reported to the <--
24 appropriate law enforcement agency with jurisdiction over the
25 community corrections center, OR community corrections facility <--
26 or 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~~

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

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

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

§ 6116. Meetings.

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

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

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

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

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

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

(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 OR I (RELATING TO CONTINUED REGISTRATION OF SEXUAL
29 OFFENDERS). <--

30 (ii) The [parolee] offender was recommitted under

1 section 6143 (relating to early parole of [inmates]
2 offenders subject to Federal removal order).

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

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

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

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

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

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

30 (ii) If a person is paroled from a county prison and

1 the new sentence imposed upon him is to be served in the
2 same county prison.

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

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

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

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

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

21 (b) Subsequent arrest.--

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

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

1 (3) The automatic detainer shall be in addition to and
2 not in lieu of any other detainer that prior to the effective
3 date of this chapter may have been lodged in such
4 circumstances.

5 (c) Technical violators.--

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

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

1 consequences.

2 (1.3) If the board determines that one of the following
3 conditions is present regarding [a parolee] an offender who
4 violates the terms and conditions of parole, the [parolee]
5 offender shall not be eligible for detention under paragraph
6 (1.2) and shall be detained in or recommitted to a State
7 correctional institution or contracted county jail:

8 (i) The violation was sexual in nature.

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

12 (iii) The violation involved possession or control
13 of a weapon.

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

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

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

1 ~~(vii) The offender has violated a condition of~~
2 ~~supervision designed to contain and monitor the specific~~
3 ~~risk of the offender to commit a sex offense, domestic~~
4 ~~violence offense or other violent offense.~~

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

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

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

1 of the board] by the department's agent.

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

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

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

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

15 (iii) Use of community-based sanctioning
16 alternatives to incarceration.

17 (iv) Use of a graduated violation sanctioning
18 process.

19 (v) Recommitment to:

20 (A) a State correctional institution;

21 (B) a contracted county jail;

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

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

24 (E) a parole violator center.

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

29 (8) An offender released from a county correctional
30 facility by a parole order issued by a sentencing court, but

1 supervised by the department, who violates the conditions of
2 parole other than by the commission of a new crime of which
3 the offender is convicted or found guilty by a judge or jury
4 or to which the offender pleads guilty or nolo contendere in
5 a court of record may be detained pending a hearing before
6 the sentencing court or a waiver of the hearing. Detention
7 and recommitment under this paragraph shall be to the county
8 correctional facility from which the offender was released.

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

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

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

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

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

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

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

1 year.

2 (4) The [parolee] offender may be reparaoled by the board
3 prior to expiration of the time period under paragraph (3) if
4 the board determines that it is in the best interest of the
5 Commonwealth and the [parolee] offender.

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

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

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

13 (iii) refused programming or a work assignment.

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

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

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

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

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

1 (ii) spends more than 61 days in segregated housing
2 due to one or more disciplinary infractions;
3 (iii) refuses programming or a work assignment; or
4 (iv) is not in compliance with all legal
5 requirements applicable to the offender, including, but
6 not limited to, maintaining registration in any
7 applicable sex offender registry.

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

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

15 "Community corrections facility." A residential facility
16 operated by a private contractor that:

17 (1) houses offenders pursuant to a contract with the
18 department; and

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

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

23 "State correctional institution." Any of the following owned
24 and operated by the Commonwealth:

25 (1) A correctional facility.

26 (2) A prison.

27 (3) A jail.]

28 § 6139. Parole procedure.

29 (a) Specific requirements.--

30 (1) The board may, subject to the provisions and

1 limitations set forth in section 6138 (relating to violation
2 of terms of parole), grant [paroles of] parole on its own
3 motion whenever in its judgment the interests of justice
4 require the granting of [these paroles] parole.

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

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

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

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

30 (4) Hearings of applications [shall] may be held by the

1 board whenever in its judgment hearings are necessary.
2 Reasonable rules and regulations shall be adopted by the
3 board for the presentation and hearing of applications for
4 parole.

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

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

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

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

1 the board or by others. In granting or revoking parole or
2 bringing an alleged parole violator before a hearing examiner,
3 the appearance may be conducted via videoconferencing or similar
4 virtual presence technology. This subsection shall not apply to
5 victim input under section 6140 (relating to victim statements,
6 testimony and participation in hearing).

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

18 § 6140. Victim statements, testimony and participation in
19 hearing.

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

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

30 (2) The district attorney shall provide notice to a

1 member of the immediate family of the victim if the victim:

2 (i) is a juvenile;

3 (ii) is incapable of testifying; or

4 (iii) died as a result of the [defendant's]

5 offender's conduct.

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

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

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

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

20 (3) The continuing effect of the crime upon the victim's
21 family.

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

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

1 inclusion at the parole hearing.

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

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

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

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

30 (h) Hearing procedure.--

1 (1) The assigned hearing examiner shall conduct a
2 hearing within 30 days from the date the board received
3 notification of the intent to offer testimony.

4 (2) The hearing shall be conducted at a time and place
5 and on a date determined by the chairperson or designee.
6 Notice of the time, place and date of the hearing shall be
7 provided by the Office of Victim Advocate to the victim [or]
8 and family member, in writing, and shall be [mailed] provided
9 at least ten days prior to the hearing date.

10 (3) The hearing shall be recorded by an electronic
11 recording device.

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

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

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

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

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

30 (i) Evaluate the information provided.

1 (ii) Determine whether the decision shall be
2 affirmed or modified.

3 (iii) Determine whether a rescission hearing shall
4 be conducted.

5 (iv) Notify the [inmate] offender in writing of its
6 decision.

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

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

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

16 (iii) the continuing effect of the crime upon the
17 victim's family:

18 (A) Shall be deemed confidential and privileged.

19 (B) Shall not be subject to subpoena or
20 discovery.

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

23 (D) Shall not be released to the [inmate]
24 offender.

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

30 (10) Notwithstanding any other provision of law, no

1 person who has had access to a report, record or any other
2 information under this section shall disclose the content of
3 the report, record or other information or testify in a
4 judicial or administrative proceeding without the written
5 consent of the victim.

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

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

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

27 Section 22. Sections 6141 and 6143 of Title 61 are amended
28 to read:

29 § 6141. General rules and special regulations.

30 The board may make general rules for the conduct and

1 supervision of [persons placed on parole] offenders and may, in
2 particular cases, as it deems necessary to effectuate the
3 purpose of parole, prescribe special regulations for particular
4 persons.

5 § 6143. Early parole of [inmates] offenders subject to Federal
6 removal order.

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

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

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

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

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

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

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

1 possibility of parole.

2 (ii) If the [inmate] offender reenters the United
3 States and commits a criminal offense, upon conviction
4 the [inmate] offender shall be subject to 42 Pa.C.S. §
5 9720.3 (relating to sentencing for certain paroled
6 offenders).

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

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

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

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

1 [(e) Definition.--As used in this section, the term "crime
2 of violence" shall be defined as provided in 42 Pa.C.S. §
3 9714(g) (relating to sentences for second and subsequent
4 offenses).]

5 Section 23. Subchapter D of Chapter 61 of Title 61 is
6 repealed:

7 [SUBCHAPTER D

8 STATE PAROLE AGENTS

9 Sec.

10 6151. Definitions.

11 6152. Status as peace officers.

12 6153. Supervisory relationship to offenders.

13 § 6151. Definitions.

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

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

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

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

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

30 "Exigent circumstances." The term includes, but is not

1 limited to, suspicion that contraband or other evidence of
2 violations of the conditions of supervision might be destroyed
3 or suspicion that a weapon might be used. Exigent circumstances
4 always exist with respect to a vehicle.

5 "Offender." Any person subject to the parole or probationary
6 supervision of the board.

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

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

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

17 "Supervisor." Any individual acting in a supervisory or
18 administrative capacity.

19 § 6152. Status as peace officers.

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

26 § 6153. Supervisory relationship to offenders.

27 (a) General rule.--Agents are in a supervisory relationship
28 with their offenders. The purpose of this supervision is to
29 assist the offenders in their rehabilitation and reassimilation
30 into the community and to protect the public. Supervision

1 practices shall reflect the balance of enforcement of the
2 conditions of parole and case management techniques to maximize
3 successful parole completion through effective reentry to
4 society.

5 (b) Searches and seizures authorized.--

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

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

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

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

16 (1) A personal search of an offender may be conducted by
17 an agent:

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

21 (ii) when an offender is transported or taken into
22 custody; or

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

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

1 (3) Prior approval of a supervisor shall be obtained for
2 a property search absent exigent circumstances. No prior
3 approval shall be required for a personal search.

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

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

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

19 (i) The observations of agents.

20 (ii) Information provided by others.

21 (iii) The activities of the offender.

22 (iv) Information provided by the offender.

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

24 (vi) The experience of agents in similar
25 circumstances.

26 (vii) The prior criminal and supervisory history of
27 the offender.

28 (viii) The need to verify compliance with the
29 conditions of supervision.

30 (e) Nonresident offenders.--No agent shall conduct a

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

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

12 Section 24. Chapter 61 of Title 61 is amended by adding
13 subchapters to read:

14 SUBCHAPTER F

15 SUPERVISION OF OFFENDERS

16 Sec.

17 6171. Powers and duties of department.

18 6171.1. District offices.

19 6171.2. District directors.

20 6171.3. District office employees.

21 6172. Probation services.

22 6173. Investigation of circumstances of offense.

23 6174. Right of access to offenders.

24 6175. Investigations for the board of pardons.

25 § 6171. Powers and duties of department.

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

28 (1) To first and foremost seek to protect the safety of
29 the public, to supervise any offender released on parole by
30 order of the board and to arrest, to detain in a department

1 facility and to report to the board for a determination
2 whether to revoke parole and recommit an offender who fails
3 to comply with the conditions of supervision, including, but
4 not limited to, the alleged commission of a new crime.

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

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

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

26 (5) To furnish to the board no fewer than 90 days prior
27 to a scheduled parole interview, or if such interview is
28 scheduled to be held within fewer than 90 days, as quickly as
29 possible after the department is informed of such interview,
30 reports concerning the conduct of offenders under the

1 department's supervision or in its custody together with any
2 other facts deemed pertinent in aiding the board to determine
3 whether such offenders shall be paroled.

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

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

16 (8) To supervise and make presentence investigations and
17 reports as provided by law.

18 (9) To collect and maintain copies of all presentence
19 investigations and reports.

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

24 (11) To establish, by regulation, uniform Statewide
25 standards for:

26 (i) Presentence investigations.

27 (ii) The supervision of probationers.

28 (iii) The qualifications for probation personnel.

29 (iv) Minimum salaries.

30 (v) Quality of probation service.

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

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

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

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

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

24 (16) To incorporate evidence-based practices into the
25 supervision of offenders.

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

29 (18) To conduct research to identify, to be informed of
30 and to apply recognized evidence-based parole supervision

1 practices that promote public safety and reduce recidivism.

2 (19) To conduct outcome and performance analyses on
3 implemented department programs and practices to enhance
4 public safety through reduced recidivism.

5 (20) To administer administrative parole.

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

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

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

17 (b) Administrative parole.--

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

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

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

1 (2) An eligible offender placed on administrative parole
2 shall continue to be subject to recommitment at the board's
3 discretion and shall be subject to the board's power to
4 recommit and reparole, recommit and review or otherwise
5 impose sanctions at its discretion until the eligible
6 offender's maximum sentence date.

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

9 (i) Make supervision contact at least one time per
10 year.

11 (ii) Provide updated contact information upon a
12 change in residence or employment.

13 (iii) Continue to pay any restitution owed.

14 (iv) Comply with other requirements imposed by the
15 department.

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

21 § 6171.1. District offices.

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

28 (b) District offices.--The department shall divide the
29 Commonwealth for administrative purposes into a suitable number
30 of districts, not to exceed ten, in each of which shall be a

1 district office which shall have immediate charge of the
2 supervision of cases of probation and parole arising in the
3 courts of the judicial districts embraced within its territorial
4 limits, but, as occasion may require, the supervision of
5 particular parolees may be transferred by the department to
6 other appropriate parole districts.

7 (c) Location of district offices.--

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

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

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

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

1 § 6171.2. District directors.

2 (a) Establishment.--Each district office shall have a
3 district director who:

4 (1) Shall be appointed by the department.

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

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

13 § 6171.3. District office employees.

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

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

26 § 6172. Probation services.

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

1 directs supervision by the department.

2 (b) Presentence investigations.--The department shall make
3 presentence investigations when requested to do so by the court
4 in accordance with the regulations of the department.

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

9 § 6173. Investigation of circumstances of offense.

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

14 (1) The nature and circumstances of the offense
15 committed.

16 (2) Any recommendations made by the trial judge and
17 prosecuting attorney.

18 (3) The general character and background of the
19 offender.

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

24 (5) The written or personal statement of the testimony
25 of the victim or the victim's family submitted under section
26 6140 (relating to victim statements, testimony and
27 participation in hearing).

28 (6) The notes of testimony of the sentencing hearing, if
29 any, together with such additional information regarding the
30 nature and circumstances of the offense committed for which

1 sentence was imposed as may be available.

2 (7) The conduct of the offender while in prison and the
3 offender's physical, mental and behavioral condition and
4 history, in addition to history of family violence and
5 complete criminal record.

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

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

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

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

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

27 § 6174. Right of access to offenders.

28 All prison officials shall:

29 (1) At all reasonable times grant to the properly
30 accredited representatives of the department access to any

1 detainee whom the board has power to parole.

2 (2) At all reasonable times provide for the board or its
3 properly accredited representative facilities for
4 communicating with and observing a detainee while imprisoned.

5 § 6175. Investigations for the board of pardons.

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

12 SUBCHAPTER G

13 AGENTS

14 Sec.

15 6181. Status as peace officers.

16 6182. Supervisory relationship to offenders.

17 § 6181. 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 department-
21 supervised offender for failing to report as required or for any
22 other violation of his conditions of supervision.

23 § 6182. Supervisory relationship to offenders.

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

1 through effective reentry to society.

2 (b) Searches and seizures authorized.--

3 (1) Agents may search the person and property of
4 department-supervised offenders in accordance with the
5 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, parole or criminal proceeding.

13 (d) Grounds for personal search of a department-supervised
14 offender.--

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

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

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

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

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

1 supervision.

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

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

15 (i) The observations of agents.

16 (ii) Information provided by others.

17 (iii) The activities of the department-supervised
18 offender.

19 (iv) Information provided by the department-
20 supervised offender.

21 (v) The experience of agents with the department-
22 supervised offender.

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

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

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

29 (e) Nonresident department-supervised offenders.--No agent
30 shall conduct a personal or property search of a department-

1 supervised offender who is residing in a foreign state except
2 for the limited purposes permitted under the Interstate Compact
3 for the supervision of offenders and probationers. The
4 department-supervised offender is held accountable to the rules
5 of both the sending state and the receiving state. Any personal
6 or property search of a department-supervised offender residing
7 in another state shall be conducted by an agent of the receiving
8 state.

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

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

15 § 6302. Definitions.

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

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

20 * * *

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

23 § 7115. Interstate Compact for the Supervision of Adult

24 Offenders application fee.

25 (a) Duty to pay.--

26 * * *

27 (2) A person on State probation or parole who applies
28 for a transfer to another state through the [interstate
29 compact] Interstate Compact shall be required to pay an
30 application fee to the [board] department with each

1 application for transfer, unless the board finds that the
2 application fee should be reduced, waived or deferred based
3 upon the person's inability to pay.

4 * * *

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

10 * * *

11 § 7121. Deputization.

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

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

25 (c) Interstate contracts.--

26 (1) The [chairperson of the Pennsylvania Board of
27 Probation and Parole] secretary or a designee may, subject to
28 the approval of the Auditor General, enter into contracts
29 with similar officials of any other state for the purpose of
30 sharing an equitable portion of the cost of effecting the

1 return of any person who has violated the terms and
2 conditions of parole or probation as granted by the
3 Commonwealth.

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

7 § 7122. Supervision of persons paroled by other states.

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

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

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

21 * * *

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

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

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

30 "Sexual offense."

1 (1) Any of the following offenses or an equivalent
2 offense that is classified as a felony and involves a victim
3 who is a minor:

4 18 Pa.C.S. § 2901 (relating to kidnapping).

5 18 Pa.C.S. § 5902(a) (relating to prostitution and
6 related offenses).

7 18 Pa.C.S. § 5903(a)(3), (4), (5) or (6) (relating to
8 obscene and other sexual materials and performances).

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

12 18 Pa.C.S. § 3126 (relating to indecent assault).

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

15 18 Pa.C.S. § 3121 (relating to rape).

16 18 Pa.C.S. § 3123 (relating to involuntary deviate
17 sexual intercourse).

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

20 "Violent offense."

21 (1) Any of the following offenses or an equivalent
22 offense:

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

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

26 18 Pa.C.S. § 2702 (relating to aggravated assault).

27 18 Pa.C.S. § 2703 (relating to assault by prisoner).

28 18 Pa.C.S. § 2704 (relating to assault by life
29 prisoner).

30 18 Pa.C.S. § 2901 (relating to kidnapping) where the

1 victim is a minor.

2 18 Pa.C.S. § 3121 (relating to rape).

3 18 Pa.C.S. § 3123 (relating to involuntary deviate
4 sexual intercourse).

5 18 Pa.C.S. § 3301 (relating to arson and related
6 offenses).

7 18 Pa.C.S. § 3502 (relating to burglary).

8 18 Pa.C.S. § 3701 (relating to robbery).

9 18 Pa.C.S. § 3923 (relating to theft by extortion)
10 where a threat of violence is made.

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

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

18 Section 27. The following shall apply to transfers:

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

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

29 (i) Personnel, contract obligations, records, files,
30 property, supplies and equipment being used or held on

1 the effective date of this section in connection with
2 the functions, powers and duties transferred under
3 paragraph (1).

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

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

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

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

28 Section 30. This act shall take effect immediately.