

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 968 Session of 2020

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

AS AMENDED ON THIRD CONSIDERATION, SEPTEMBER 8, 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 VERIFICATION BY SEXUAL OFFENDERS AND PENNSYLVANIA STATE
24 POLICE, for administration, for global positioning system
25 technology, for immunity for good faith conduct, for
26 Pennsylvania State Police, for duties of probation and parole
27 officials, for board, for annual performance audit, for
28 applicability, FOR REGISTRATION, for registration procedures <--
29 and applicability, for assessments, for administration, for
30 global positioning system technology, for immunity for good
31 faith conduct, for duties of Pennsylvania State Police, for
32 duties of Pennsylvania Board of Probation and Parole, for
33 board and for annual performance audit; in other criminal
34 provisions, further providing for supervisory relationship to

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

39 The General Assembly of the Commonwealth of Pennsylvania

40 hereby enacts as follows:

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

44 § 2151.1. Definitions.

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

48 "Board." The Pennsylvania [Board of Probation and] Parole
49 Board.

1 * * *

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

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

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

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

20 * * *

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

23 * * *

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

26 * * *

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

30 "Coparticipant." An individual who participates in a group

1 critical incident stress management team intervention.

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

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

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

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

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

1 departments, boards, commissions, authorities and officers and
2 agencies of such political subdivisions or other
3 instrumentalities thereof; and any court or other officer or
4 agency of the unified judicial system or instrumentality
5 thereof.

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

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

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

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

13 (4) A Capitol Police officer.

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

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

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

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

25 (9) Any sheriff or deputy sheriff.

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

27 (11) A Pennsylvania Wildlife Conservation Officer.

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

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

1 As used in this paragraph, the term "campus police" has the
2 meaning given in section 302 of the act of November 29, 2004
3 (P.L.1383, No.180), known as the Uniform Crime Reporting Act.

4 (13) A member of the Fort Indiantown Gap Police Force.
5 § 5952. Confidential communications to peer support members.

6 * * *

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

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

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

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

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

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

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

29 (4) A Capitol Police officer.

30 (5) A Department of Conservation and Natural Resources

1 ranger.

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

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

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

11 (9) Any sheriff or deputy sheriff.

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

14 (11) A Pennsylvania Wildlife Conservation Officer.

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

21 (13) A member of the Fort Indiantown Gap Police Force.

22 "Peer support member." A law enforcement officer who:

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

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

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

29 (4) May be supervised by licensed psychologists.

30 § 6307. Inspection of court files and records.

1 (a) General rule.--All files and records of the court in a
2 proceeding under this chapter are open to inspection only by:

3 * * *

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

8 * * *

9 § 8332.7. Immunity of State parole officers.

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

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

1 be considered to be acting within the scope of his official duty
2 while providing assistance to the victim for all purposes of law
3 and shall enjoy any benefit or immunity conferred upon an
4 employee of the Commonwealth.

5 § 8340. Immunity of program administrators and supervisors.

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

19 § 9543.1. Postconviction DNA testing.

20 * * *

21 (f) Posttesting procedures.--

22 * * *

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

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

30 (ii) mandate that the applicant's DNA profile be

1 added to the Commonwealth's convicted offender database.

2 * * *

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

5 * * *

6 (d) Direct supervision.--Nothing under this section shall
7 limit the court's authority to direct supervision by the
8 [Pennsylvania Board of Probation and Parole] Department of
9 Corrections by special order as provided under 61 Pa.C.S. §
10 [6133(a)] 6172(a) (relating to probation services).

11 § 9727. Disposition of persons found guilty but mentally ill.

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

23 (b) Treatment.--

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

1 accordance with the ["Mental"] Mental Health Procedures
2 [Act.] Act.

3 * * *

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

- 14 (1) The defendant's behavior.
- 15 (2) The course of treatment.
- 16 (3) The potential for recurrence of the behavior.
- 17 (4) The potential for danger to himself or the public.
- 18 (5) Recommendations for future treatment.

19 * * *

20 (f) Probation.--

21 * * *

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

1 defendant, the probation officer shall request a report as
2 specified from the treating facility.

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

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

8 * * *

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

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

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

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

28 * * *

29 (h) Record of inmate moneys.--Prior to the release of an
30 inmate from the Department of Corrections to State parole

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

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

28 * * *

29 (k) Procedures.--The Department of Corrections and the
30 Pennsylvania [Board of Probation and] Parole Board shall develop

1 procedures to implement the provisions of this section.

2 * * *

3 Section 4. Sections 9776(a), 9777(d)(2), 9799.13(2),
4 9799.16(d), 9799.19(f), (k)(1) introductory paragraph and (iv)
5 and (2), (l)(2)(iv) and (q)(2), 9799.20 introductory paragraph,
6 9799.22(d), 9799.24(a), (b) introductory paragraph, (c), (e)(4)
7 and (g), 9799.25(F)(4), 9799.29, 9799.30 and 9799.31(6) of Title <--
8 42 are amended to read:

9 § 9776. Judicial power to release inmates.

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

16 * * *

17 § 9777. Transfer of inmates in need of medical treatment.

18 * * *

19 (d) Notice.--

20 * * *

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

27 * * *

28 § 9799.13. Applicability.

29 The following individuals shall register with the
30 Pennsylvania State Police as provided in sections 9799.15

1 (relating to period of registration), 9799.19 (relating to
2 initial registration) and 9799.25 (relating to verification by
3 sexual offenders and Pennsylvania State Police) and otherwise
4 comply with the provisions of this subchapter:

5 * * *

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

16 * * *

17 § 9799.16. Registry.

18 * * *

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

28 § 9799.19. Initial registration.

29 * * *

30 (f) Initial registration if being supervised by Commonwealth

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

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

26 * * *

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

30 (1) If the individual is incarcerated in a Federal,

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

7 * * *

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

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

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

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

12 * * *

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

19 * * *

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

1 Police has received the information specified in section
2 9799.16(b) and (c). Verification by the Pennsylvania
3 State Police may occur by electronic means.

4 * * *

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

6 * * *

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

22 § 9799.20. Duty to inform.

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

1 shall:

2 * * *

3 § 9799.22. Enforcement.

4 * * *

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

16 § 9799.24. Assessments.

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

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

1 * * *

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

16 * * *

17 (e) Hearing.--

18 * * *

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

24 * * *

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

30 * * *

1 § 9799.25. VERIFICATION BY SEXUAL OFFENDERS AND PENNSYLVANIA
2 STATE POLICE.

3 * * *

4 (F) RESIDENTS IN GROUP-BASED HOMES.--

5 * * *

6 (4) AS USED IN THIS SUBSECTION, THE TERM "GROUP-BASED
7 HOME" HAS THE MEANING GIVEN TO IT IN 61 PA.C.S. § [6124(C)]
8 5007(C) (RELATING TO CERTAIN OFFENDERS RESIDING IN GROUP-
9 BASED HOMES).

10 § 9799.29. Administration.

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

19 § 9799.30. Global positioning system technology.

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

25 § 9799.31. Immunity for good faith conduct.

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

28 * * *

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

1 * * *

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

4 § 9799.32. Pennsylvania State Police and Department of
5 Corrections.

6 The Pennsylvania State Police have the following duties:

7 * * *

8 (2) In consultation with the Department of Corrections,
9 the Office of Attorney General, the Juvenile Court Judges'
10 Commission, the Administrative Office of Pennsylvania
11 Courts[, the Pennsylvania Board of Probation and Parole] and
12 the chairman and minority chairman of the Judiciary Committee
13 of the Senate and the chairman and minority chairman of the
14 Judiciary Committee of the House of Representatives, to
15 promulgate guidelines necessary for the general
16 administration of this subchapter. These guidelines shall
17 establish procedures to allow an individual subject to the
18 requirements of this subchapter, including a transient, to
19 fulfill these requirements 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 notice sent to individuals required
24 to register under this subchapter. An approved registration
25 site shall be capable of submitting fingerprints, palm
26 prints, DNA samples and any 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 such form as the Pennsylvania State
2 Police shall require. Approved registration sites shall not
3 be limited to sites managed by the Pennsylvania State Police
4 and shall include sites managed by local law enforcement
5 agencies that meet the criteria for approved registration
6 sites set forth in this paragraph.

7 * * *

8 (7) In consultation with the Department of Education and
9 the [Pennsylvania Board of Probation and Parole,] Department
10 of Corrections, to promulgate guidelines directing licensed
11 day-care centers, licensed preschool programs, schools,
12 universities and colleges, including community colleges, on
13 the proper use and administration of information received
14 under section 9799.27.

15 (8) In consultation with the Department of Corrections
16 [and the Pennsylvania Board of Probation and Parole,] to
17 promulgate guidelines directing State and county correctional
18 facilities and State and county probation and parole offices
19 regarding the completion of information, including the taking
20 of photographs, required by sexual offenders under this
21 subchapter.

22 (9) In consultation with the Administrative Office of
23 Pennsylvania Courts, the Department of [Public Welfare] Human
24 Services and the Juvenile Court Judges' Commission, to
25 promulgate guidelines regarding the completion of information
26 required by juvenile offenders and sexually violent
27 delinquent children under this subchapter.

28 * * *

29 Section 6. Sections 9799.33, 9799.35(e), 9799.38, 9799.54(a)
30 (3), 9799.55(D) (4), 9799.56(a) (4) (i), 9799.58(c), (e) (4) and <--

1 (g), 9799.64, 9799.65, 9799.66(6), 9799.67(2), (5) and (6),
2 9799.68, 9799.69(e), 9799.72 and 9912(e.1)(10) of Title 42 are
3 amended to read:

4 § 9799.33. Duties of Department of Corrections and probation
5 and parole officials.

6 (a) Duties.--The [Pennsylvania Board of Probation and
7 Parole,] Department of Corrections, the county office of
8 probation and parole and the chief juvenile probation officer of
9 the court shall:

10 (1) Perform their respective duties set forth for the
11 [Pennsylvania Board of Probation and Parole,] Department of
12 Corrections, the county office of probation and parole and
13 the chief juvenile probation officer of the court in
14 accordance with section 9799.19 (relating to initial
15 registration).

16 (2) On a form prescribed by the Pennsylvania State
17 Police, notify the Pennsylvania State Police each time a
18 sexual offender is arrested, recommitted to a State or county
19 correctional institution for a parole violation or
20 incarcerated.

21 (b) Notification form.--The [Pennsylvania Board of Probation
22 and Parole] Department of Corrections shall create a
23 notification form which will inform [State and] county prison
24 and probation and parole personnel how to inform sexual
25 offenders of their duties under this subchapter. In addition,
26 the [Pennsylvania Board of Probation and Parole] Department of
27 Corrections shall apply for Federal funding as provided in the
28 Adam Walsh Child Protection and Safety Act of 2006 (Public Law
29 109-248, 120 Stat. 587) to support and enhance programming using
30 global satellite positioning system technology.

1 § 9799.35. Board.

2 * * *

3 (e) Staff.--[Support staff for the board shall be provided
4 by the Pennsylvania Board of Probation and Parole.] The board
5 shall employ an executive director and other staff as necessary
6 to carry out the board's duties under this chapter. The
7 executive director shall direct the operations, management and
8 administration of the board and organize and oversee the work of
9 the staff. Legal counsel for the board shall be provided in
10 accordance with the act of October 15, 1980 (P.L.950, No.164),
11 known as the Commonwealth Attorneys Act. Upon request by the
12 board, the Department of Corrections shall make available
13 facilities, administrative support and other assistance to the
14 board.

15 § 9799.38. Annual performance audit.

16 (a) Duties of the Attorney General.--The Attorney General
17 has the following duties:

18 (1) To conduct a performance audit annually to determine
19 compliance with the requirements of this subchapter and
20 Subchapter I (relating to continued registration of sexual
21 offenders) and any guidelines promulgated under this
22 subchapter and Subchapter I. The audit shall, at a minimum,
23 include a review of the practices, procedures and records of
24 the Pennsylvania State Police, [the Pennsylvania Board of
25 Probation and Parole ,] the Department of Corrections, the
26 board, the Administrative Office of Pennsylvania Courts and
27 any other State or local agency the Attorney General deems
28 necessary in order to conduct a thorough and accurate
29 performance audit.

30 (2) To prepare an annual report of its findings and any

1 action that it recommends be taken by the Pennsylvania State
2 Police, [the Pennsylvania Board of Probation and Parole,] the
3 Department of Corrections, the board, the Administrative
4 Office of Pennsylvania Courts, other State or local agencies
5 and the General Assembly to ensure compliance with this
6 subchapter and Subchapter I. The first report shall be
7 released to the general public no fewer than 18 months after
8 December 20, 2012.

9 (3) To provide a copy of its report to the Pennsylvania
10 State Police, [the Pennsylvania Board of Probation and
11 Parole,] the Department of Corrections, the board, the
12 Administrative Office of Pennsylvania Courts, State or local
13 agencies referenced in the report, the chairman and the
14 minority chairman of the Judiciary Committee of the Senate
15 and the chairman and the minority chairman of the Judiciary
16 Committee of the House of Representatives no fewer than 30
17 days prior to its release to the general public.

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

29 § 9799.54. Applicability.

30 (a) Registration.--The following individuals shall register

1 with the Pennsylvania State Police as provided in this
2 subchapter:

3 * * *

4 (3) An individual who committed a sexually violent
5 offense within this Commonwealth and is an inmate in a State
6 or county correctional facility 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 has supervision transferred under
12 the Interstate Compact for Adult Supervision in accordance
13 with section 9799.62(e) (relating to other notification). The
14 individual shall register for the period of time under
15 section 9799.55, except that the period required in section
16 9799.55 shall be tolled for any period of time the individual
17 is recommitted for a parole violation or sentenced to a term
18 of imprisonment.

19 * * *

20 § 9799.55. REGISTRATION.

<--

21 * * *

22 (D) RESIDENTS IN GROUP-BASED HOMES.--

23 * * *

24 (4) AS USED IN THIS SUBSECTION, THE TERM "GROUP-BASED
25 HOME" HAS THE MEANING GIVEN TO IT IN 61 PA.C.S. § [6124(C)]
26 5007(C) (RELATING TO CERTAIN OFFENDERS RESIDING IN GROUP-
27 BASED HOMES).

28 § 9799.56. Registration procedures and applicability.

29 (a) Registration.--

30 * * *

1 (4) This paragraph shall apply to all offenders and
2 sexually violent predators:

3 (i) Where the offender or sexually violent predator
4 was granted parole by the Pennsylvania [Board of
5 Probation and] Parole Board or the court or is sentenced
6 to probation or intermediate punishment, probation with
7 restrictions or is placed in the State drug treatment
8 program, the board or county office of probation and
9 parole shall collect registration information from the
10 offender or sexually violent predator and forward that
11 registration information to the Pennsylvania State
12 Police. The Department of Corrections or county
13 correctional facility shall not release the offender or
14 sexually violent predator until it receives verification
15 from the Pennsylvania State Police that the Pennsylvania
16 State Police have received the registration information.
17 Verification by the Pennsylvania State Police may occur
18 by electronic means, including e-mail or facsimile
19 transmission. Where the offender or sexually violent
20 predator is scheduled to be released from a State or
21 county correctional facility because of the expiration of
22 the maximum term of incarceration, the Department of
23 Corrections or county correctional facility shall collect
24 the information from the offender or sexually violent
25 predator no later than 10 days prior to the maximum
26 expiration date. The registration information shall be
27 forwarded to the Pennsylvania State Police.

28 * * *

29 § 9799.58. Assessments.

30 * * *

1 (c) Release of information.--All State, county and local
2 agencies, offices or entities in this Commonwealth, including
3 juvenile probation officers, shall cooperate by providing access
4 to 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).

10 * * *

11 (e) Hearing.--

12 * * *

13 (4) A copy of the order containing the determination of
14 the court shall be immediately submitted to the individual,
15 the district attorney, the Pennsylvania [Board of Probation
16 and] Parole Board, the Department of Corrections, the board
17 and the Pennsylvania State Police.

18 * * *

19 (g) Parole assessment.--The Pennsylvania [Board of Probation
20 and] Parole Board may request of the board an assessment of an
21 offender or sexually violent predator be conducted and provide a
22 report to the Pennsylvania [Board of Probation and] Parole Board
23 prior to considering an offender or sexually violent predator
24 for parole.

25 * * *

26 § 9799.64. Administration.

27 The Governor shall direct the Pennsylvania State Police, the
28 Pennsylvania [Board of Probation and] Parole Board, the [State
29 Sexual Offenders Assessment Board] board, the Department of
30 Corrections, the Department of Transportation and any other

1 agency of this Commonwealth the Governor deems necessary to
2 collaboratively design, develop and implement an integrated and
3 secure system of communication, storage and retrieval of
4 information to assure the timely, accurate and efficient
5 administration of this subchapter.

6 § 9799.65. Global positioning system technology.

7 The Pennsylvania [Board of Probation and] Parole Board, the
8 Department of Corrections and county probation authorities may
9 impose supervision conditions that include offender tracking
10 through global positioning system technology.

11 § 9799.66. Immunity for good faith conduct.

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

14 * * *

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

17 * * *

18 § 9799.67. Duties of Pennsylvania State Police.

19 The Pennsylvania State Police shall:

20 * * *

21 (2) In consultation with the Department of Corrections,
22 the Office of Attorney General[, the Pennsylvania Board of
23 Probation and Parole] and the chairperson and the minority
24 chairperson of the Judiciary Committee of the Senate and the
25 chairperson and the minority chairperson of the Judiciary
26 Committee of the House of Representatives, promulgate
27 guidelines necessary for the general administration of this
28 subchapter. These guidelines shall establish procedures to
29 allow an individual subject to the requirements of sections
30 9799.55 (relating to registration) and 9799.60 (relating to

1 verification of residence) to fulfill these requirements at
2 approved registration sites throughout this Commonwealth.
3 This paragraph includes the duty to establish procedures to
4 allow an individual who has a residence as defined in
5 paragraph (2) of the definition of "residence" in section
6 9799.53 (relating to definitions) to fulfill the requirements
7 regarding registration at approved registration sites
8 throughout this Commonwealth. The Pennsylvania State Police
9 shall publish a list of approved registration sites in the
10 Pennsylvania Bulletin and provide a list of approved
11 registration sites in any notices sent to individuals
12 required to register under section 9799.55. An approved
13 registration site shall be capable of submitting
14 fingerprints, photographs and other information required
15 electronically to the Pennsylvania State Police. The
16 Pennsylvania State Police shall require that approved
17 registration sites submit fingerprints utilizing the
18 Integrated Automated Fingerprint Identification System or in
19 another manner and in the form as the Pennsylvania State
20 Police shall require. The Pennsylvania State Police shall
21 require that approved registration sites submit photographs
22 utilizing the Commonwealth Photo Imaging Network or in
23 another manner and in the form as the Pennsylvania State
24 Police shall require. Approved registration sites shall not
25 be limited to sites managed by the Pennsylvania State Police
26 and shall include sites managed by local law enforcement
27 agencies that meet the criteria for approved registration
28 sites specified in this paragraph.

29 * * *

30 (5) In consultation with the Department of Education and

1 the [Pennsylvania Board of Probation and Parole,] Department
2 of Corrections, promulgate guidelines directing licensed day-
3 care centers, licensed preschool programs, schools,
4 universities and colleges, including community colleges, on
5 the proper use and administration of information received
6 under section 9799.62 (relating to other notification).

7 (6) Immediately transfer the information received from
8 the [Pennsylvania Board of Probation and Parole] Department
9 of Corrections under section 9799.68(2) and (3) (relating to
10 duties of [Pennsylvania Board of Probation and Parole]
11 Department of Corrections) and the fingerprints of a sexually
12 violent predator to the Federal Bureau of Investigation.

13 * * *

14 § 9799.68. Duties of [Pennsylvania Board of Probation and
15 Parole] Department of Corrections.

16 The [Pennsylvania Board of Probation and Parole] Department
17 of Corrections shall:

18 (1) Create a notification form which will inform State
19 and county prison and probation and parole personnel how to
20 inform offenders and sexually violent predators required to
21 register under this subchapter of their duty under the law.

22 (2) In cooperation with [the Department of Corrections
23 and] other Commonwealth agencies, obtain the following
24 information regarding offenders and sexually violent
25 predators:

26 (i) Name, including aliases.

27 (ii) Identifying factors.

28 (iii) Anticipated future residence.

29 (iv) Offense history.

30 (v) Documentation of treatment received for the

1 mental abnormality or personality disorder.

2 (vi) Photograph of the offender or sexually violent
3 predator.

4 (3) Immediately transmit the information in paragraph
5 (2) to the Pennsylvania State Police for immediate entry into
6 the State registry of offenders and sexually violent
7 predators and the criminal history record of the individual
8 as provided in 18 Pa.C.S. Ch. 91 (relating to criminal
9 history record information).

10 (4) Apply for Federal funding as provided in the Adam
11 Walsh Child Protection and Safety Act of 2006 (Public Law
12 109-248, 120 Stat. 587) to support and enhance programming
13 using satellite global positioning system technology.

14 § 9799.69. Board.

15 * * *

16 (e) Staff.--[Support staff for the board shall be provided
17 by the Pennsylvania Board of Probation and Parole.] The board
18 shall employ an executive director and other staff as necessary
19 to carry out the board's duties under this chapter. The
20 executive director shall direct the operations, management and
21 administration of the board and organize and oversee the work of
22 the staff. Legal counsel for the board shall be provided in
23 accordance with the act of October 15, 1980 (P.L.950, No.164),
24 known as the Commonwealth Attorneys Act. Upon request by the
25 board, the Department of Corrections shall make available
26 facilities, administrative support and other assistance to the
27 board.

28 § 9799.72. Annual performance audit.

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

30 (1) Conduct a performance audit annually to determine

1 compliance with the requirements of this subchapter and
2 guidelines promulgated under this subchapter. The audit
3 shall, at a minimum, include a review of the practices,
4 procedures and records of the Pennsylvania State Police, [the
5 Pennsylvania Board of Probation and Parole,] the Department
6 of Corrections, the [State Sexual Offenders Assessment Board]
7 board, the Administrative Office of Pennsylvania Courts and
8 any other State or local agency the Attorney General deems
9 necessary in order to conduct a thorough and accurate
10 performance audit.

11 (2) Prepare an annual report of its findings and actions
12 it recommends be taken by the Pennsylvania State Police, [the
13 Pennsylvania Board of Probation and Parole,] the Department
14 of Corrections, the [State Sexual Offenders Assessment Board]
15 board, the Administrative Office of Pennsylvania Courts,
16 other State or local agencies and the General Assembly to
17 ensure compliance with this subchapter. The first report
18 shall be released to the general public ELECTRONICALLY ON THE <--
19 ATTORNEY GENERAL'S PUBLICLY ACCESSIBLE INTERNET WEBSITE not
20 less than 18 months after February 21, 2018.

21 (3) Provide a copy of its report to the Pennsylvania
22 State Police, [the Pennsylvania Board of Probation and
23 Parole,] the Department of Corrections, the [State Sexual
24 Offenders Assessment Board] board, the Administrative Office
25 of Pennsylvania Courts, State or local agencies referenced
26 therein, the chairperson and the minority chairperson of the
27 Judiciary Committee of the Senate and the chairperson and the
28 minority chairperson of the Judiciary Committee of the House
29 of Representatives no less than 30 days prior to the report's
30 release to the general public.

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

12 § 9912. Supervisory relationship to offenders.

13 * * *

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

15 * * *

16 (10) The [Pennsylvania Board of Probation and Parole]
17 Department of Corrections may enact regulations that are
18 necessary to implement this subsection on a uniform basis
19 throughout this Commonwealth. If regulations are promulgated,
20 a county adult probation and parole department must comply
21 with the regulations.

22 * * *

23 Section 7. The definition of "board" in section 102 of Title
24 61 is amended and the section is amended by adding definitions
25 to read:

26 § 102. Definitions.

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

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

1 Board.

2 * * *

3 "Offender." An individual that has been convicted or found
4 guilty of a criminal offense by a judge or jury or an individual
5 that pleads guilty or nolo contendere to a criminal offense at
6 any time in a court of record or before a magisterial district
7 justice under section 6138(a)(1.1) (relating to violation of
8 terms of parole).

9 "Parole violator center." An area within the secure
10 perimeter or on the grounds of a State correctional institution
11 or any contracted facility or contracted county jail that has
12 been designated to house offenders detained or recommitted by
13 the board for a technical parole violation.

14 * * *

15 Section 8. Title 61 is amended by adding a section to read:
16 § 1106. Powers of peace officers.

17 A chief administrator, deputy superintendent or corrections
18 officer of a State correctional facility may exercise the powers
19 of a peace officer in the performance of that individual's
20 duties generally in:

21 (1) Guarding, protecting and delivering inmates.

22 (2) Protecting the property and interests of the <--
23 department.

24 (3) Capturing and returning inmates that may have
25 escaped- WITHIN THE IMMEDIATE AREA OF A STATE CORRECTIONAL <--
26 FACILITY OR MODE OF TRANSPORT. FOR THE PURPOSES OF THIS
27 SECTION, THE IMMEDIATE AREA OF A STATE CORRECTIONAL FACILITY
28 OR MODE OF TRANSPORT SHALL ENCOMPASS THE CURTILAGE UP TO AND
29 INCLUDING ONE-HALF OF ONE MILE.

30 Section 9. Sections 5001, 5002, 5003, 5004, 5005 and 5006 of

1 Title 61 are amended to read:

2 § 5001. Definitions.

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

6 "Board." The Pennsylvania [Board of Probation and] Parole
7 Board.

8 "Chairman." The chairman of the Pennsylvania [Board of
9 Probation and] Parole Board.

10 "Community corrections center." A residential program that
11 is supervised and operated by the department in accordance with
12 this chapter.

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

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

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

18 § 5002. Department.

19 The department may do all of the following:

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

22 (2) Enter into contracts with private vendors to operate
23 community corrections facilities.

24 (3) Establish parole violator centers.

25 § 5003. Offenders who may be housed.

26 The following offenders may be housed in community
27 corrections centers, parole violator centers and community
28 corrections facilities:

29 (1) [A parolee under the jurisdiction of] An offender
30 paroled by the board who is in good standing [with the board]

1 as defined in section 6101 (relating to definitions).

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

4 (i) Except as provided in subparagraph (ii), [a
5 parolee under the jurisdiction of the board who] is
6 detained or awaiting a hearing or who has been
7 recommitted for a technical violation of the conditions
8 of [parole established by the board] supervision if the
9 [parolee] offender is eligible to be housed in a
10 community corrections center, parole violator center or
11 community corrections facility under section 6138
12 (relating to violation of terms of parole).

13 (ii) Subparagraph (i) shall not apply to [a parolee
14 under the jurisdiction of the board] an offender paroled
15 by the board who is detained pending resolution of
16 criminal charges as a convicted violator under section
17 6138(a) (relating to violation of terms of parole) or
18 awaiting a hearing or who has been recommitted. [for a
19 technical violation of the conditions of parole
20 established by the board as a result of the commission of
21 a new crime of which the parolee is convicted or found
22 guilty by a judge or jury or to which the parolee pleads
23 guilty or nolo contendere in a court of record.]

24 (3) An offender who is serving the community-based
25 portion of a [sentence of State intermediate punishment]
26 placement in a State drug treatment program may be housed in
27 a community corrections center or a community corrections
28 facility.

29 (4) An offender who has been granted clemency by the
30 Governor may be housed in a community corrections center or a

1 community corrections facility.

2 § 5004. Authority of Commonwealth employees.

3 Commonwealth employees of community corrections centers and
4 parole violator centers and other Commonwealth employees[,
5 while] present in community corrections facilities[,] have the
6 authority to do all of the following:

7 (1) In order to maintain security and to enforce the
8 rules of the community corrections center, parole violator
9 center or community corrections facility:

10 (i) search the person and property of an offender
11 residing in the community corrections center, parole
12 violator center or community corrections facility;

13 (ii) seize property from an offender residing in the
14 community corrections center, parole violator center or
15 community corrections facility; and

16 (iii) if necessary, use reasonable force against an
17 offender residing in the community corrections center or
18 community corrections facility.

19 (2) Detain, by using reasonable force if necessary, an
20 offender residing in the community corrections center, parole
21 violator center or community corrections facility [in order]
22 to maintain control of the offender pending the arrival of a
23 department parole agent, police officer or other appropriate
24 law enforcement officer.

25 § 5005. Authority of chairman.

26 The chairman has the following authority:

27 [(1) Designate community corrections centers or
28 community corrections facilities where parolees are to be
29 housed.]

30 (2) Determine whether parolees are to be housed in a

1 secured or unsecured portion of a community corrections
2 center or community corrections facility.]

3 (3) Determine, jointly with the [Secretary of the
4 Department of Corrections] secretary, using evidence-based
5 practices designed to reduce the likelihood of recidivism and
6 improve public safety, the appropriate treatment and
7 programming for [parolees] offenders paroled by the board who
8 are housed at community corrections centers, parole violator
9 centers and community corrections facilities.

10 (4) Audit, jointly with the secretary, the performance
11 of treatment and services provided by community corrections
12 centers, parole violator centers and community corrections
13 facilities.

14 § 5006. Escape.

15 An [individual committed to] offender detained or recommitted
16 to a community corrections center, parole violator center or a
17 community corrections facility as a result of a parole violation
18 shall be deemed to be in official detention under 18 Pa.C.S. §
19 5121 (relating to escape). An offender living in a community
20 corrections center or community corrections facility while in
21 good standing on parole shall not be deemed to be in official
22 detention under 18 Pa.C.S. § 5121.

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

24 § 5007. Certain offenders residing in group-based homes.

25 (a) Notification requirement.--

26 (1) A group-based home located within a county of the
27 sixth, seventh or eighth class that agrees to provide housing
28 to an individual knowing that the individual has been
29 previously convicted of an offense under 18 Pa.C.S. § 2502
30 (relating to murder) or a substantially similar offense

1 committed in another jurisdiction shall notify the head of
2 the governing body of the municipality and the county in
3 which the group-based home is located that the individual is
4 staying at the group-based home.

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

9 (i) Name of the individual, including all known
10 aliases.

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

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

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

16 (b) Public hearing.--

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

21 (2) ALL HEARINGS SHALL BE CONDUCTED IN COMPLIANCE WITH <--
22 65 PA.C.S. CH. 7 (RELATING TO OPEN MEETINGS). A governing
23 body conducting a public hearing under this subsection shall
24 ~~provide public notice of~~ ANNOUNCE the hearing via posting on <--
25 its official publicly accessible Internet website no less
26 than two weeks prior to the hearing. The ~~notice~~ ANNOUNCEMENT <--
27 shall provide information regarding the purpose, location, <--
28 DATE and time of the public hearing and a contact number for
29 interested persons to call in order to obtain additional
30 information about the hearing. Nothing in this paragraph <--

1 ~~shall be construed to prohibit the governing body from~~
2 ~~providing public notice via any other means.~~

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

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

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

15 § 5008. Reporting.

16 The department shall ensure that any crime committed within a
17 community corrections center or community corrections facility
18 is immediately reported to the appropriate law enforcement
19 agency with jurisdiction over the community corrections center
20 or community corrections facility.

21 Section 11. The heading of Part IV of Title 61 is amended to
22 read:

23 PART IV

24 [PROBATION AND PAROLE] DEPARTMENT OF CORRECTIONS

25 Section 12. Section 6101 of Title 61, amended December 18,
26 2019 (P.L.776, No.115), is amended to read:

27 § 6101. Definitions.

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

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

2 "Board." The Pennsylvania Parole Board.

3 "Community corrections center." A residential program that
4 is supervised and operated by the department in accordance with
5 Chapter 50 (relating to community corrections centers and
6 community corrections facilities).

7 "Community corrections facility." A residential facility
8 operated by a private contractor that:

9 (1) provides housing to offenders pursuant to a contract
10 with the department; and

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

12 "Conditions of supervision." Any terms or conditions of the
13 offender's supervision, whether imposed by the court, the
14 department or an agent, or promulgated by the board as a
15 regulation, including compliance with all requirements of
16 Federal, State and local law.

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

21 "Court." A court of common pleas or any judge thereof, the
22 Philadelphia municipal court or any judge thereof, the
23 Pittsburgh magistrates court or any judge thereof or any
24 magisterial district judge.

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

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

1 "Exigent circumstances." The term includes, but is not
2 limited to, suspicion that contraband or other evidence of
3 violations of the conditions of supervision might be destroyed
4 or suspicion that a weapon might be used. Exigent circumstances
5 always exist with respect to a vehicle.

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

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

9 (2) has not been arrested for or charged with a crime
10 other than one from which he has been paroled or one for
11 which he has served the sentence imposed and otherwise
12 complied with all the sanctions imposed other than the
13 payment of money;

14 (3) is not subject to an order of protection from abuse;
15 and

16 (4) is in compliance with all legal requirements
17 applicable to the offender, including, but not limited to,
18 maintaining registration in any applicable sex offender
19 registry.

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

23 "Real property." Any residence or business property of a
24 department-supervised offender, including all portions of the
25 property to which the department-supervised offender has access.

26 "Supervisor." Any individual acting in a supervisory or
27 administrative capacity.

28 "Victim." The term shall have the meaning given to it under
29 section 103 of the Crime Victims Act. The term shall also
30 include a member of the victim's family or the victim's

1 representative if the victim is incapable of communicating or
2 has died.

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

4 § 6102. Operation of parole system generally.

5 The parole system shall operate consistently with the
6 following provisions:

7 (1) The parole system provides several benefits to the
8 criminal justice system, including the provision of adequate
9 supervision of the offender while protecting the public, the
10 opportunity for the offender to become a useful member of
11 society and the diversion of appropriate offenders from
12 prison.

13 (2) In providing these benefits to the criminal justice
14 system, the board, the department and any other paroling
15 entity shall first and foremost seek to protect the safety of
16 the public.

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

25 Section 14. Section 6111(a) of Title 61, amended December
26 18, 2019 (P.L.776, No.115), is amended to read:

27 § 6111. Pennsylvania Parole Board.

28 (a) Establishment.--The Pennsylvania Parole Board is [an
29 independent administrative board for the administration of the
30 parole laws of this Commonwealth.] established as an independent

1 administrative board for the purpose of granting and revoking
2 paroles to certain offenders within this Commonwealth. The board
3 shall function independently of the department regarding all of
4 the board's decision-making functions, as well as any other
5 powers and duties specified in this title.

6 * * *

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

9 § 6112. Board chairperson.

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

13 (1) Direct the operations, management and administration
14 of the board and fulfill the functions established by this
15 chapter.

16 [(2) Secure the effective application of the probation
17 system in all of the courts of this Commonwealth and the
18 enforcement of the probation laws.]

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

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

23 (5) Administer the proceedings of the board to ensure
24 efficient and timely procedures for parole board decisions,
25 [parole releases,] discharges and recommitments.

26 (b) Alternate chairperson.--The board may designate one of
27 its members to act as alternate chairperson during the absence
28 or incapacity of the chairperson, and, when so acting, the
29 member so designated shall have and perform all the powers and
30 duties of chairperson of the board but shall not receive any

1 additional compensation for acting as chairperson.

2 § 6113. Board action.

3 (a) Quorum.--

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

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

17 (b) Panel decisions.--The board may make decisions on
18 parole, reparole, return or revocation in panels of two persons.
19 A panel shall consist of one board member and one hearing
20 examiner or of two board members. Panels shall be appointed by
21 the chairperson or the chairperson's designee. A panel may act
22 without meeting. A panel may meet and take action via
23 videoconferencing or similar virtual presence technology, with
24 the exception of in-person testimony under section 502 of the
25 act of November 24, 1998 (P.L.882, No.111), known as the Crime
26 Victims Act.

27 (c) Disagreement within panel.--

28 (1) If there is disagreement on a decision to parole
29 between the members of a panel, the matter shall be decided
30 by a board member appointed by the chairperson or the

1 chairperson's designee, who shall concur with one of the
2 original panel members.

3 (2) If there is disagreement on a revocation decision
4 between the members of the panel, the matter shall be decided
5 by three board members appointed by the chairperson or the
6 chairperson's designee; at least two of these members must
7 not have been on the disagreeing panel, if practicable.

8 (d) Appeal.--

9 (1) An interested party may appeal a revocation decision
10 within 30 days of the board's order. The decision shall be
11 reviewed by three board members appointed by the chairperson
12 or the chairperson's designee.

13 (2) If practicable, at least two of the board members
14 reviewing the decision must not have been on the panel whose
15 decision is being appealed. The three board members deciding
16 the appeal may affirm, reverse or remand the decision of the
17 panel or may order the matter be heard de novo.

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

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

29 § 6116. Meetings.

30 (a) General rule.--As soon as may be convenient after their

1 appointment, the members of the board shall meet and organize.

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

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

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

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

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

14 (c) Temporary secretary of board.--In the absence or
15 incapacity of the secretary to act, the board may designate such
16 other person as it may choose to perform temporarily the duties
17 of the secretary of the board.

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

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

24 § 6118. Offices.

25 [(a) Principal office.--The principal office of the board]
26 The department shall [be in Harrisburg, and] provide offices for
27 the board. The board shall appoint and employ such number and
28 character of officers, agents, clerks, stenographers and
29 employees as may be necessary to carry out the purposes of this
30 chapter. The salaries of persons so appointed and employed by

1 the board shall be fixed by the board.

2 [(b) District offices.--The board, with the approval of the
3 Governor, shall divide the Commonwealth for administrative
4 purposes into a suitable number of districts, not to exceed ten,
5 in each of which shall be a district office which shall have
6 immediate charge of the supervision of cases of probation and
7 parole arising in the courts of the judicial districts embraced
8 within its territorial limits, but, as occasion may require, the
9 supervision of particular parolees may be transferred by the
10 board to other appropriate parole districts.

11 (c) Location of district offices.--

12 (1) The board shall fix and determine the location of
13 the various district offices within their respective
14 districts, having regard to local conditions in each district
15 and to the most convenient and efficient functioning of the
16 office established in each district.

17 (2) At each of the locations so fixed and determined,
18 the board shall provide such office accommodations,
19 furniture, equipment and supplies as may be reasonably
20 suitable and adequate for the proper handling and dispatch of
21 the parole business of the district.

22 (3) The board may enter into contracts on behalf of the
23 Commonwealth for such office accommodations, furniture,
24 equipment and supplies through the Department of General
25 Services.

26 (d) Consideration for fixing compensation.--In fixing
27 compensation for its officers, clerks and employees under the
28 provisions of this chapter, the board shall have regard to the
29 kind, grade or class of service to be rendered, and, whenever
30 any standard compensation has been fixed by the Executive Board

1 for any kind, grade or class of service or employment, the
2 compensation of all persons appointed or employed by the board
3 in the same kind, grade or class shall be fixed by it in
4 accordance with such standard.]

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

7 [§ 6119. District directors.

8 (a) Establishment.--Each district parole office shall have a
9 district director who:

10 (1) Shall be appointed by the board, with the approval
11 of the Governor.

12 (2) Shall receive such annual salary as the board shall
13 determine in conformity with the rules of the Executive
14 Board.

15 (b) Status and role.--The district director shall be the
16 executive head of the district office to which the district
17 supervisor is appointed and shall have the control, management
18 and direction of all employees of the board assigned to the
19 district, subject to the supervision of the board.

20 § 6120. District office employees.

21 (a) Board to appoint.--The board shall appoint in the
22 various district offices a sufficient number of parole officers,
23 clerks, stenographers and other agents and employees to fully
24 and efficiently administer the parole laws of this Commonwealth,
25 but no employee of the board, other than its secretary and
26 district supervisors, shall be appointed by the board except in
27 the manner provided by this chapter.

28 (b) Salaries and qualifications.--The salaries of the
29 appointees in subsection (a) shall be fixed by the board. The
30 board shall from time to time by appropriate rule or regulation

1 prescribe the qualifications to be possessed by its personnel.
2 The qualifications shall be such as will best promote the
3 efficient operation of probation and parole.

4 § 6121. Disciplinary action.

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

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

15 (c) Successive suspensions.--There shall not be any
16 successive suspensions of the same employee under this section.

17 § 6124. Certain offenders residing in group-based homes.

18 (a) Notification requirement.--

19 (1) A group-based home located within a county of the
20 sixth, seventh or eighth class that agrees to provide housing
21 to an individual knowing that the individual has been
22 previously convicted of an offense under 18 Pa.C.S. § 2502
23 (relating to murder) or a substantially similar offense
24 committed in another jurisdiction shall notify the head of
25 the governing body of the municipality and the county in
26 which the group-based home is located that the individual is
27 staying at the group-based home.

28 (2) The notification required under paragraph (1) shall
29 be sent by certified mail within 48 hours of the individual's
30 arrival at the group-based home and shall include the

1 following information:

2 (i) Name of the individual, including all known
3 aliases.

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

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

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

9 (b) Public hearing.--

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

14 (2) A governing body conducting a public hearing under
15 this subsection shall provide public notice of the hearing
16 via posting on its official Internet website no less than two
17 weeks prior to the hearing. The notice shall provide
18 information regarding the purpose, location and time of the
19 public hearing and a contact number for interested persons to
20 call in order to obtain additional information about the
21 hearing. Nothing in this paragraph shall be construed to
22 prohibit the governing body from providing public notice via
23 any other means.

24 (3) At a public hearing under this subsection, the
25 group-based home provider shall explain the operation of the
26 group-based home and the governing body conducting the
27 hearing shall permit public questions and comments.

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

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

6 "Official Internet website." The official Internet location
7 designated by a municipality or county as its primary method of
8 electronically communicating with the public about its official
9 business.]

10 Section 17. Section 6131 of Title 61, amended December 18,
11 2019 (P.L.776, No.115), is amended to read:

12 § 6131. General powers of board.

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

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

17 (2) To collect and maintain copies of all presentence
18 investigations and reports.

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

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

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

30 (8) To enter into contracts for purchasing community

1 services to assist parolees and to supplement existing
2 programs.

3 (9) To pay the cost of preparole drug screening tests
4 for inmates within the parole release jurisdiction of the
5 board, who are confined in a State or local correctional
6 facility, as required under section 6137 (relating to parole
7 power).

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

10 (11) To establish and provide for intensive supervision
11 units and day reporting centers for the supervision of
12 parolees.]

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

16 (13) To incorporate evidence-based practices into parole
17 decision making[, supervision and the supervision of
18 technical violators].

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

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

25 (16) To conduct outcome and performance analyses on
26 implemented board programs and practices to enhance public
27 safety through reduced recidivism.

28 (b) Court-appointed probation officers to submit information
29 to [board] department.--A court that appoints a probation
30 officer shall require the probation officer to submit to the

1 [board] department such information as the [board] department
2 may require on forms prescribed and furnished by the [board]
3 department.

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

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

10 "Evidence-based practices." Interventions and treatment
11 approaches that have been proven effective through appropriate
12 empirical analysis.]

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

15 § 6132. Specific powers of board involving [parolees]
16 offenders.

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

18 (1) (i) To parole and reparole, commit and recommit for
19 violations of parole and to discharge from parole all
20 persons sentenced by any court at any time to
21 imprisonment in a State correctional institution pursuant
22 to 42 Pa.C.S. § 9762 (relating to sentencing proceeding;
23 place of confinement).

24 (ii) This paragraph applies to inmates sentenced to
25 definite or flat sentences.

26 (2) [(i) To supervise any person placed on parole, when
27 sentenced to a maximum period of less than two years, by
28 any judge of a court having criminal jurisdiction, when
29 the court may by special order direct supervision by the
30 board, in which case the parole case shall be known as a

1 special case and the authority of the board with regard
2 thereto shall be the same as provided in this chapter
3 with regard to parole cases within one of the
4 classifications set forth in this chapter.]

5 (ii) Except for such special cases, the powers and
6 duties conferred by this section shall not extend to
7 persons sentenced for a maximum period of less than two
8 years and shall not extend to those persons committed to
9 county confinement within the jurisdiction of the court
10 pursuant to 42 Pa.C.S. § 9762 (relating to sentencing
11 proceeding; place of confinement).

12 (3) To establish special conditions of supervision for
13 paroled offenders. Conditions of supervision must be based on
14 the risk presented by and the rehabilitative needs of the
15 offender. Conditions may be modified pursuant to section 6171
16 (relating to powers and duties of department) or if the board
17 or its designee consents to such modification.

18 (4) To promulgate regulations establishing general
19 conditions of supervision applicable to every paroled
20 offender.

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

27 * * *

28 Section 19. Section 6133 of Title 61, amended December 18,
29 2019 (P.L.776, No.115), is repealed:

30 [§ 6133. Probation services.]

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

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

7 (c) Supervision and investigation.--Supervision and
8 presentence investigations by court order or request shall be
9 provided in accordance with board regulations.

10 (d) In-service training.--The board shall provide in-service
11 training for personnel of county probation offices when
12 requested to do so by the court having jurisdiction of the
13 probation office as provided by memorandum of understanding with
14 the Pennsylvania Commission on Crime and Delinquency and
15 contingent upon the availability of money.]

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

18 § 6134. Sentencing court [to transmit records to board]
19 recommendation.

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

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

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

28 (3) Copies of presentence investigation reports and
29 behavior clinic reports, if any were submitted to the court,
30 the last two of which records, being confidential records of

1 the court, shall be treated confidentially by the members of
2 the board, who shall not permit examination of the records by
3 anyone other than its duly appointed agents or
4 representatives except upon court order.

5 (b) Recommendations from judge.--] The following shall
6 apply:

7 (1) A judge may make at any time a recommendation to the
8 board respecting the [person] offender sentenced and the term
9 of imprisonment the judge believes that [person] offender
10 should be required to serve before [a] parole is granted to
11 that [person] offender.

12 (2) A recommendation made by a judge under paragraph (1)
13 respecting the parole or terms of parole of [a person] an
14 offender shall be advisory only. No order in respect to the
15 recommendation made or attempted to be made as a part of a
16 sentence shall be binding upon the board or the department in
17 performing the duties and functions conferred on it by this
18 chapter.

19 § 6134.1. General criteria for parole by court.

20 (a) Guidelines.--The court may parole or reparole subject to
21 consideration of guidelines established under 42 Pa.C.S. §
22 2154.5 (relating to adoption of guidelines for parole).

23 (b) Report of decision to commission.--If a court paroles or
24 reparaes [a person] an offender, the court shall report the
25 parole or reparole decision and shall provide a contemporaneous
26 written statement for any deviation from the guidelines
27 established under 42 Pa.C.S. § 2154.5, to the commission under
28 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties).

29 (c) Procedure.--

30 (1) Prior to making a decision to parole [a person] an

1 offender committed to county confinement within the
2 jurisdiction of the court pursuant to 42 Pa.C.S. § 9762
3 (relating to sentencing proceeding; place of confinement)
4 from a sentence of imprisonment imposed following conviction
5 for a personal injury crime, each victim who has registered
6 to receive victim services in connection with the personal
7 injury crime shall be given an opportunity by the court to
8 submit a preparole statement to the court expressing concerns
9 or recommendations regarding the parole or parole supervision
10 of the [person] offender.

11 (2) The district attorney shall, immediately following
12 sentence in cases where a sentence of confinement has been
13 imposed and the sentenced [person] offender remains within
14 the jurisdiction of the court pursuant to 42 Pa.C.S. § 9762,
15 notify all registered victims that they shall have the
16 opportunity to submit a preparole statement to the court.

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

20 (4) Preparole statements submitted pursuant to this
21 subsection shall be subject to the confidentiality provisions
22 contained in section 6140 (relating to victim statements,
23 testimony and participation in hearing) applicable to
24 preparole statements submitted to the board and shall be
25 considered by the court prior to any parole decision, and
26 each victim submitting a preparole statement shall be given
27 notice of the court's parole decision.

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

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

4 "Victim." The term shall mean, in addition to the meaning
5 set forth in section 103 of the act of November 24, 1998 (P.L.
6 882, No.111), known as the Crime Victims Act, a member of the
7 victim's family if the victim is incapable of communicating or
8 has died.]

9 § 6136. Right of access to [inmates] offenders.

10 All prison officials shall:

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

14 (2) At all reasonable times provide for the board or its
15 properly accredited representative facilities for
16 communicating with and observing an [inmate] offender while
17 imprisoned. Such facilities may, at the discretion of the
18 prison officials, be provided via videoconferencing or
19 similar virtual presence technology.

20 (3) Furnish to the board [from time to time such], no
21 fewer than 90 days prior to a scheduled parole interview or
22 if an interview is scheduled to be held within less than 90
23 days, as quickly as possible after such public officials are
24 informed of such interview, reports concerning the conduct of
25 [inmates] offenders in their custody [as the board shall by
26 general rule or special order require,] together with any
27 other facts deemed pertinent in aiding the board to determine
28 whether such [inmates] offenders shall be paroled.

29 Section 21. Sections 6137, 6138, 6139 and 6140 of Title 61,
30 amended or added December 18, 2019 (P.L.776, No.115), are

1 amended to read:

2 § 6137. Parole power.

3 (a) General criteria for parole.--

4 (1) The board may parole subject to consideration of
5 guidelines established under 42 Pa.C.S. § 2154.5 (relating to
6 adoption of guidelines for parole) or subject to section
7 6137.1 (relating to short sentence parole) and such
8 information developed by or furnished to the board under
9 section 6174 (relating to right of access to offenders), or
10 both, and may release on parole any [inmate] offender to whom
11 the power to parole is granted to the board by this chapter,
12 except an [inmate] offender condemned to death or serving
13 life imprisonment, whenever in its opinion:

14 (i) The best interests of the [inmate] offender
15 justify or require that the [inmate] offender be paroled.

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

19 (2) Parole shall be subject in every instance to the
20 Commonwealth's right to immediately retake and hold in
21 custody without further proceedings any [parolee] offender
22 charged after his parole with an additional offense until a
23 determination can be made whether to continue his parole
24 status.

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

1 (3.1) (i) Following the expiration of the [inmate's]
2 offender's minimum term of imprisonment, if the primary
3 reason for not paroling the [inmate] offender is the
4 [inmate's] offender's inability to access and complete
5 prescribed programming within the correctional
6 institution, the board may release the [inmate] offender
7 on parole with the condition that the [inmate] offender
8 complete the prescribed programming while on parole.

9 (ii) This paragraph shall not apply to offenders who
10 are currently serving a term of imprisonment for a crime
11 of violence as defined in 42 Pa.C.S. § 9714 (relating to
12 sentences for second and subsequent offenses) or for a
13 crime requiring registration under 42 Pa.C.S. Ch. 97
14 Subch. H (relating to registration of sexual offenders).

15 (iii) For those [inmates] offenders to whom
16 subparagraph (ii) is applicable, the board may release
17 the [inmate] offender on parole if the [inmate] offender
18 is subject to another jurisdiction's detainer, warrant or
19 equivalent writ.

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

25 (i) whose term of imprisonment was commuted from
26 life to life on parole;

27 (ii) who was serving a term of imprisonment for a
28 crime of violence; or

29 (iii) who is serving a sentence under 42 Pa.C.S. §
30 9712 (relating to sentences for offenses committed with

1 firearms).

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

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

6 (ii) have any violations of a condition of parole
7 immediately made known to the Board of Pardons. This
8 subparagraph shall apply to all [parolees] offenders
9 under supervision by other jurisdictions under Subchapter
10 B of Chapter 71 (relating to interstate compact for the
11 supervision of adult offenders).

12 (b) Cases involving deviations from guidelines.--In each
13 case in which the board deviates from the guidelines established
14 under 42 Pa.C.S. § 2154.5, the board shall provide a
15 contemporaneous written statement of the reason for the
16 deviation from the guidelines to the commission as established
17 under 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties).
18 The board may develop and use internal decisional instruments.
19 This subsection shall not be construed to prevent the board from
20 also developing forms or other documents, policies and
21 procedures consistent with this chapter, including internal
22 decisional instruments.

23 [(c) Administrative parole.--

24 (1) An eligible offender shall be placed on
25 administrative parole one year after release on parole and
26 until the maximum sentence date if the board's supervision
27 staff determines that:

28 (i) (A) the eligible offender has not violated the
29 terms and conditions of the eligible offender's
30 parole; or

1 (B) the eligible offender has not been subject
2 to the extensive use of sanctions prior to the
3 completion of one year from the date of release on
4 parole; and

5 (ii) there is no substantial information indicating
6 dangerousness or that placement on administrative parole
7 would compromise public safety.

8 (2) An eligible offender placed on administrative parole
9 shall continue to be subject to recommitment at the board's
10 discretion and shall be subject to the board's power to
11 recommit and reparole, recommit and review or otherwise
12 impose sanctions at its discretion until the eligible
13 offender's maximum sentence date.

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

16 (i) Make supervision contact at least one time per
17 year.

18 (ii) Provide updated contact information upon a
19 change in residence or employment.

20 (iii) Continue to pay any restitution owed.

21 (iv) Comply with other requirements imposed by the
22 board.]

23 (d) Recidivism risk reduction incentive minimum.--The board
24 shall have the power and its duty shall be to comply with the
25 requirements of section 4506 (relating to recidivism risk
26 reduction incentive minimum).

27 (d.1) Short sentence parole.--The board shall have the power
28 and its duty shall be to comply with the requirements of section
29 6137.1 (relating to short sentence parole).

30 (e) Drug screening tests.--

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

9 [(2) The cost of these preparole drug screening tests
10 for inmates subject to the parole release jurisdiction of the
11 board, whether confined in a correctional institution or
12 county prison, shall be paid by the board. The board shall
13 establish rules and regulations for the payment of these
14 costs and may limit the types and cost of these screening
15 tests that would be subject to payment by the board.]

16 (3) [(i) The board shall establish, as a condition of
17 continued parole for a parolee] Every offender who is
18 released on parole who, [as an inmate] prior to release,
19 tested positive for the presence of a controlled
20 substance or a designer drug or who was paroled from a
21 sentence arising from a conviction under The Controlled
22 Substance, Drug, Device and Cosmetic Act or from a drug-
23 related crime, [the parolee's achievement of] shall,
24 without further action of the board, be subject to an
25 ongoing condition that the offender achieve negative
26 results in [such] drug screening tests randomly applied.

27 [(ii) The random screening tests shall be performed
28 at the discretion of the board, and the parolee
29 undergoing the tests shall be responsible for the costs
30 of the tests.]

1 (iii) The funds collected for the tests shall be
2 applied against the contract for such testing.]

3 (4) For [a parolee] an offender who was not paroled from
4 a sentence arising from a conviction under The Controlled
5 Substance, Drug, Device and Cosmetic Act or from a drug-
6 related crime, the board may establish, as a condition of
7 [parole] supervision, that the [parolee] offender achieve
8 negative results in drug screening tests randomly conducted.
9 The [parolee] offender shall be responsible for testing
10 costs.

11 (f) Crimes of violence.--The board may not order the release
12 [on parole a person] of an offender on parole who is sentenced
13 after February 19, 1999, and is serving a sentence for a crime
14 of violence unless the [person] offender has received
15 instruction from the [Department of Corrections] department on
16 the impact of crime on victims and the community.

17 (g) [Procedure.--] Procedures for Recidivism Risk Reduction
18 Incentive.--

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

22 (2) Upon identification of an inmate as an eligible
23 offender, as defined under section 4503 (relating to
24 definitions), the department shall send notice to the board.
25 The board shall send notice to the prosecuting attorney and
26 the court no less than six months before the expiration of
27 the [inmate's] offender's minimum sentence indicating that
28 the department has preliminarily identified the [inmate]
29 offender as an eligible offender. The notice shall be sent by
30 United States mail unless the board, the court and the

1 prosecutor have consented to receipt of notice via electronic
2 means. For [inmates] offenders committed to the department
3 whose expiration of the minimum sentence is six months or
4 less from the date of admission, the department shall give
5 prompt notice.

6 (2.1) The department shall provide the board all
7 information related to the [inmate's] offender's adjustment
8 while incarcerated, misconducts, if any, information related
9 to programming and treatment, including success, completion
10 or failure to complete, or any other information the
11 department deems relevant. The board shall send such
12 information to the prosecuting attorney and to the court no
13 less than six months before the expiration of the [inmate's]
14 offender's minimum sentence. The notice may be sent
15 electronically. For [inmates] offenders committed to the
16 department whose expiration of the minimum sentence is six
17 months or less from the date of admission, such information
18 shall be sent at the same time prompt notice under paragraph
19 (2) is given.

20 (3) Within 30 days of receipt of notice under paragraph
21 (2), the court or prosecuting attorney may file with the
22 board a written objection to the department's preliminary
23 identification of the [inmate] offender as an eligible
24 offender. Notice of the objection shall be provided to the
25 department and the board.

26 (4) If no notice of objection has been filed under
27 paragraph (3), the [board or its designee shall approve for
28 parole at the expiration of the eligible offender's] eligible
29 offender shall be paroled at the minimum date upon a
30 determination by the board or the board's designee that all

1 of the following apply:

2 (i) The department certified that the [inmate]
3 offender has maintained a good conduct record and
4 continues to remain an eligible offender under section
5 4503.

6 (ii) The reentry plan for the [inmate] offender is
7 adequate.

8 (iii) Individual conditions and requirements for
9 parole have been established for the offender.

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

12 (5) If the court or prosecuting attorney files a timely
13 objection under paragraph (3), the board shall make a
14 determination as to whether the [inmate] offender is an
15 eligible offender. The board shall notify the department,
16 prosecuting attorney and court of its determination no later
17 than 30 days prior to the minimum parole date. If the board
18 determines that the [inmate] offender is an eligible offender
19 under this chapter, the board shall follow the provisions
20 under paragraph (4). If the board determines that the
21 [inmate] offender is not an eligible offender under section
22 4503 (relating to definitions), the board shall retain
23 exclusive jurisdiction to grant parole and shall determine
24 whether the [inmate] offender should be paroled at the
25 minimum date, paroled at a later date or denied parole.

26 (6) Nothing in this subsection shall be construed as
27 granting a right to be paroled to any person, and any
28 decision by the board and its designees or the department,
29 under this section shall not be considered an adjudication
30 under 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and

1 procedure of Commonwealth agencies) and Ch. 7 Subch. A
2 (relating to judicial review of Commonwealth agency action).

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

6 (h) Power to recommit.--

7 (1) The board may, during the period for which an
8 [inmate] offender shall have been sentenced, recommit the
9 [inmate] offender, if paroled, for violation of the terms and
10 conditions of his parole and from time to time to reparole
11 and recommit in the same manner and with the same procedure
12 as in the case of an original parol or recommitment if, in
13 the judgment of the board:

14 (i) There is a reasonable probability that the
15 [inmate] offender will be benefited by paroling the
16 [inmate] offender again.

17 (ii) It does not appear that the interests of the
18 Commonwealth will be injured by paroling the [inmate]
19 offender again.

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

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

30 (j) Notice to county probation department.--When the board

1 releases [a parolee] an offender from a correctional facility,
2 the board shall provide written notice to the probation
3 department located in the county where the sentencing order was
4 imposed of the release and new address of the [parolee]
5 offender.

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

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

11 "Eligible offender." As defined in section 4503 (relating to
12 definitions).]

13 § 6138. Violation of terms of parole.

14 (a) Convicted violators.--

15 (1) [A parolee under the jurisdiction of the board
16 released from a correctional facility who,] The board may, at
17 its discretion, revoke the parole of a paroled offender if
18 the offender, during the period of parole or while delinquent
19 on parole, commits a crime punishable by imprisonment, for
20 which the [parolee] offender is convicted or found guilty by
21 a judge or jury or to which the [parolee] offender pleads
22 guilty or nolo contendere at any time thereafter in a court
23 of record[, may at the discretion of the board be recommitted
24 as a parole violator].

25 (1.1) In addition to paragraph (1), a parolee under the
26 jurisdiction of the board released from a correctional
27 facility who, during the period of parole or while delinquent
28 on parole, commits a crime punishable by imprisonment for
29 which the parolee is convicted or found guilty by a judge or
30 jury or to which the parolee pleads guilty or nolo contendere

1 or of any misdemeanor of the third degree or of any of the
2 following offenses where graded as a summary offense, may at
3 the discretion of the board be recommitted as a parole
4 violator:

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

8 (ii) Harassment under 18 Pa.C.S. § 2709 (relating to
9 harassment).

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

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

14 (v) Public drunkenness under 18 Pa.C.S. § 5505
15 (relating to public drunkenness and similar misconduct).

16 (vi) Cruelty to animals under 18 Pa.C.S. § 5533
17 (relating to cruelty to animal).

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

21 (viii) Selling or furnishing nonalcoholic beverages
22 to minors under 18 Pa.C.S. § 6310.7 (relating to selling
23 or furnishing nonalcoholic beverages to persons under 21
24 years of age).

25 (2) If the [parolee's recommitment is so ordered, the
26 parolee shall be reentered] offender's parole is revoked, the
27 offender shall be recommitted to serve the remainder of the
28 term which the [parolee] offender would have been compelled
29 to serve had the parole not been granted and, except as
30 provided under paragraph (2.1), shall be given no credit for

1 the time at liberty on parole.

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

6 (i) The crime committed during the period of parole
7 or while delinquent on parole is a crime of violence [as
8 defined in 42 Pa.C.S. § 9714(g) (relating to sentences
9 for second and subsequent offenses)] or a crime
10 [requiring registration] listed under 42 Pa.C.S. Ch. 97
11 Subch. H (relating to registration of sexual offenders)
12 or I (relating to continued registration of sexual
13 offenders).

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

17 (2.2) Credit awarded under paragraph (2.1) is subject to
18 forfeiture under this section if an offender is subsequently
19 recommitted as a convicted parole violator.

20 (2.3) A parolee is at liberty on parole when the parolee
21 is residing at a community corrections center, community
22 corrections facility or group-based home for purposes of this
23 section. This paragraph does not apply to parolees detained
24 on the board's warrant or recommitted as a technical parole
25 violator to a community corrections center or community
26 corrections facility.

27 (3) The board may, in its discretion, reparole whenever,
28 in its opinion, the best interests of the [inmate] offender
29 justify or require the [inmate's] offender's release on
30 parole and it does not appear that the interests of the

1 Commonwealth will be injured thereby.

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

7 (5) If a new sentence is imposed on the [parolee]
8 offender, the service of the balance of the term originally
9 imposed by a Pennsylvania court shall precede the
10 commencement of the new term imposed in the following cases:

11 (i) If a person is paroled from a State correctional
12 institution and the new sentence imposed on the person is
13 to be served in the State correctional institution.

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

17 (iii) In all other cases, the service of the new
18 term for the latter crime shall precede commencement of
19 the balance of the term originally imposed.

20 (5.1) If the [parolee] offender is sentenced to serve a
21 new term of total confinement by a Federal court or by a
22 court of another jurisdiction because of a verdict or plea
23 under paragraph (1), the [parolee] offender shall serve the
24 balance of the original term before serving the new term.

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

29 (i)] Any [person] offender upon recommitment to a
30 correctional facility shall be sent to the institution

1 [as shall be] designated by the [Secretary of Corrections
2 or his] secretary or a designee.

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

5 (b) Subsequent arrest.--

6 (1) The formal filing of a charge after parole against
7 [a parolee] an offender within this Commonwealth for any
8 violation of the laws of this Commonwealth shall constitute
9 an automatic detainer and permit the [parolee] offender to be
10 taken into and held in custody.

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

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

19 (c) Technical violators.--

20 (1) Subject to paragraph (1.3), [a parolee] an offender
21 under the jurisdiction of the board who violates the terms
22 and conditions of his parole, other than a convicted violator
23 who has parole revoked under subsection (a), may be detained
24 pending a hearing before the board or waiver of the hearing
25 or recommitted after a hearing before the board or a waiver
26 of the hearing. Detention and recommitment under this
27 paragraph shall be in a community corrections center,
28 community corrections facility or any secured facility
29 operated or contracted by the department.

30 (1.2) Notwithstanding paragraph (1) and subject to

1 paragraph (1.3), [a parolee] an offender under the
2 jurisdiction of the board who violates the terms and
3 conditions of his parole, other than a convicted parole
4 violator who has parole revoked under subsection (a), may be
5 arrested and detained without revocation of parole under a
6 program to impose swift, predictable and brief sanctions. The
7 program shall provide for immediate detention in a community
8 corrections center, community corrections facility or any
9 secured facility operated or contracted by the department for
10 a period not to exceed seven days. The [board] DEPARTMENT <--
11 shall adopt procedures governing appropriate detention under
12 this paragraph, including identifying which offenders are
13 eligible for the program and providing warnings to [parolees]
14 offenders to clearly communicate expectations and
15 consequences.

16 (1.3) If the board determines that one of the following
17 conditions is present regarding [a parolee] an offender who
18 violates the terms and conditions of parole, the [parolee]
19 offender shall not be eligible for detention under paragraph
20 (1.2) and shall be detained in or recommitted to a State
21 correctional institution or contracted county jail:

22 (i) The violation was sexual in nature.

23 (ii) The violation involved assaultive behavior or
24 included a credible threat to cause bodily injury to
25 another.

26 (iii) The violation involved possession or control
27 of a weapon.

28 (iv) The [parolee] offender has absconded and the
29 parolee cannot be safely diverted to a community
30 corrections center, community corrections facility or any

1 secured facility operated or contracted by the
2 department.

3 (v) There exists an identifiable threat to public
4 safety, and the [parolee] offender cannot be safely
5 diverted to a community corrections center, community
6 corrections facility or any secured facility operated or
7 contracted by the department.

8 (vi) The violation involved an intentional and
9 unexcused failure to adhere to recommended programming or
10 conditions on more than three occasions, and the
11 [parolee] offender cannot be safely diverted to a
12 community corrections center, community corrections
13 facility or any secured facility operated or contracted
14 by the department.

15 (1.4) Every offender's placement in a community
16 corrections center, community corrections facility or parole
17 violator center shall be subject to a condition that the
18 offender comply with the rules of conduct applicable to the
19 place where the offender is housed. The department may, at
20 its discretion, place an offender accused of violating the
21 rules of conduct in a State correctional institution or
22 contracted county jail, pending an investigation or
23 disciplinary hearing, or serve a disciplinary sanction under
24 the department's procedures, or both.

25 (2) If the [parolee] offender is recommitted under this
26 subsection, the [parolee] offender shall be given credit for
27 the time served on parole in good standing but with no credit
28 for delinquent time and may be reentered to serve the
29 remainder of the original sentence or sentences. Credit
30 awarded to a technical parole violator for time served on

1 parole in good standing is subject to forfeiture if the
2 offender is subsequently recommitted as a convicted parole
3 violator.

4 (3) The remainder shall be computed by the board from
5 the time the [parolee's] offender's delinquent conduct
6 occurred for the unexpired period of the maximum sentence
7 imposed by the court without credit for the period the
8 [parolee] offender was delinquent on parole. The [parolee]
9 offender shall serve the remainder so computed from the date
10 the [parolee] offender is taken into custody [on the warrant
11 of the board] by the department's agent.

12 (4) Subject to subsection (e), the [parolee] offender
13 shall be subject to reparole by the board whenever in its
14 opinion the best interests of the [inmate] offender justify
15 or require the [parolee] offender being reparoled and it does
16 not appear that the interests of the Commonwealth will be
17 injured reparing the [parolee] offender.

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

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

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

25 (iii) Use of community-based sanctioning
26 alternatives to incarceration.

27 (iv) Use of a graduated violation sanctioning
28 process.

29 (v) Recommitment to:

30 (A) a State correctional institution;

- 1 (B) a contracted county jail;
2 (C) a community corrections center; [or]
3 (D) a community corrections facility[.]; or
4 (E) a parole violator center.

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

9 (8) An offender released from a county correctional
10 facility by a parole order issued by a sentencing court, but
11 supervised by the department, who violates the conditions of
12 parole other than by the commission of a new crime of which
13 the offender is convicted or found guilty by a judge or jury
14 or to which the offender pleads guilty or nolo contendere in
15 a court of record may be detained pending a hearing before
16 the sentencing court or a waiver of the hearing. Detention
17 and recommitment under this paragraph shall be to the county
18 correctional facility from which the offender was released.

19 (d) Recommitment to correctional facility.--A technical
20 parole violator recommitted to a State correctional institution
21 or a contracted county jail under subsection (c) shall be
22 recommitted as follows:

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

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

29 (3) Except as set forth in paragraph (4) or (5), the
30 [parolee] offender shall be recommitted for one of the

1 following periods, at which time the [parolee] offender shall
2 automatically be reparaoled without further action by the
3 board:

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

6 (ii) For the second recommitment under this
7 subsection for the same sentence, a maximum of nine
8 months.

9 (iii) For the third or subsequent recommitment under
10 this subsection for the same sentence, a maximum of one
11 year.

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

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

18 (i) committed a disciplinary infraction involving
19 assaultive behavior, sexual assault, a weapon or
20 controlled substances;

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

23 (iii) refused programming or a work assignment.

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

26 (1) A technical violator recommitted to a community
27 corrections center [or], community corrections facility or
28 parole violator center under subsection (c) shall be
29 recommitted for a maximum period of six months, after which
30 the [parolee] offender shall automatically be reparaoled

1 without further action by the board.

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

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

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

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

13 (iii) refuses programming or a work assignment; or

14 (iv) is not in compliance with all legal
15 requirements applicable to the offender, including, but
16 not limited to, maintaining registration in any
17 applicable sex offender registry.

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

21 "Community corrections center." A residential program that
22 is supervised and operated by the department in accordance with
23 Chapter 50 (relating to community corrections centers and
24 community corrections facilities).

25 "Community corrections facility." A residential facility
26 operated by a private contractor that:

27 (1) houses offenders pursuant to a contract with the
28 department; and

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

30 "Contracted county jail." A county correctional facility

1 which has contracted with the department to provide correctional
2 or other services.

3 "State correctional institution." Any of the following owned
4 and operated by the Commonwealth:

5 (1) A correctional facility.

6 (2) A prison.

7 (3) A jail.]

8 § 6139. Parole procedure.

9 (a) Specific requirements.--

10 (1) The board may, subject to the provisions and
11 limitations set forth in section 6138 (relating to violation
12 of terms of parole), grant [paroles of] parole on its own
13 motion whenever in its judgment the interests of justice
14 require the granting of [these paroles] parole.

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

17 (3) Notwithstanding the provisions of paragraph (2), the
18 board shall not be required to consider nor dispose of an
19 application by an [inmate] offender or an [inmate's]
20 offender's attorney where a parole decision has been issued
21 by the board on that case within one year of the date of the
22 current application for parole.

23 (3.1) Notwithstanding paragraphs (2) and (3), the board
24 shall not be required to consider nor to dispose of an
25 application by an [inmate] offender or an [inmate's]
26 offender's attorney in the case of an [inmate] offender
27 sentenced under 18 Pa.C.S. § 1102.1 (relating to sentence of
28 persons under the age of 18 for murder, murder of an unborn
29 child and murder of a law enforcement officer) if a parole
30 decision has been issued by the board within five years of

1 the date of the current application.

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

10 (4) Hearings of applications [shall] may be held by the
11 board whenever in its judgment hearings are necessary.
12 Reasonable rules and regulations shall be adopted by the
13 board for the presentation and hearing of applications for
14 parole.

15 (5) Whenever an [inmate] offender is paroled by the
16 board, [whether of its own motion or after hearing of an
17 application for parole,] or whenever [an application for]
18 parole is refused by the board, a brief statement of the
19 reasons for the board's action shall be filed of record in
20 the offices of the board and shall be at all reasonable times
21 open to public inspection.

22 (6) In no case shall [a] parole be granted[, or an
23 application for parole be dismissed,] unless a board member,
24 hearing examiner or other person so designated by the board
25 shall have [seen and heard] interviewed the [parolee]
26 offender in person in regard thereto within six months prior
27 to the granting or dismissal thereof. Such in-person
28 interviews may be conducted via videoconferencing or similar
29 virtual presence technology. This requirement does not apply
30 to paroles under section 6137.1 (relating to short sentence

1 parole).

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

4 (b) Reliance on reports.--In granting and revoking paroles
5 and in discharging from parole, the members of the board acting
6 thereon shall not be required to personally hear or see all the
7 witnesses and evidence submitted to them for their action, but
8 they may act on the report submitted to them by [their] the
9 department's agents and employees, together with any pertinent
10 and adequate information furnished to them by fellow members of
11 the board or by others. In granting or revoking parole or
12 bringing an alleged parole violator before a hearing examiner,
13 the appearance may be conducted via videoconferencing or similar
14 virtual presence technology. This subsection shall not apply to
15 victim input under section 6140 (relating to victim statements,
16 testimony and participation in hearing).

17 (c) Notice to district attorney.--At least ten days before
18 paroling an [inmate] offender on its own motion, the board shall
19 give written notice of the contemplated parole to the district
20 attorney of the county in which the [inmate] offender was
21 sentenced, and, in cases of hearings on applications for parole
22 as provided for in this section, at least ten days' written
23 notice of the time and place fixed for such hearing shall be
24 given either by the board or by the [applicant] offender or the
25 offender's attorney, as the board shall direct, to the court and
26 district attorney of the county in which the [applicant]
27 offender was sentenced.

28 § 6140. Victim statements, testimony and participation in
29 hearing.

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

1 (1) The victim of the offense for which an [inmate]
2 offender is sentenced shall be notified by the district
3 attorney immediately following sentencing, in cases where the
4 defendant has been sentenced to a term of imprisonment, that
5 the victim [or] and family member shall have the opportunity
6 to present a statement for the parole report to be considered
7 at the parole hearing or to testify to the [parole] board
8 expressing his opinion concerning the release of the [inmate]
9 offender.

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

12 (i) is a juvenile;

13 (ii) is incapable of testifying; or

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

15 offender's conduct.

16 (b) Notice of intent to submit statement.--In order to
17 submit a statement under subsection (a), a victim [or] and
18 family member must notify the board through the Office of Victim
19 Advocate of [his] the victim's and family member's intention to
20 do so and provide and keep current an appropriate mailing
21 address with the board.

22 (c) Contents of parole [report] statement.--The parole
23 [report] statement may include [a statement] discussion
24 concerning:

25 (1) The continuing nature and extent of any physical
26 harm or psychological or emotional harm or trauma suffered by
27 the victim.

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

30 (3) The continuing effect of the crime upon the victim's

1 family.

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

4 (1) At the time public notice is given that an [inmate]
5 offender is being considered for parole pursuant to this
6 section, the [board] Office of Victim Advocate shall also
7 notify any victim or nearest relative who has previously
8 contacted the [board] Office of Victim Advocate of the
9 [availability] opportunity to provide a statement for
10 inclusion in the parole report or to present testimony for
11 inclusion at the parole hearing.

12 (2) The [board] Office of Victim Advocate shall notify
13 the [person] victim and family member identified under
14 paragraph (1) at [the] that person's last known mailing
15 address. The notification required by this section shall be
16 given by the [board] Office of Victim Advocate in the case of
17 a parole to be granted pursuant to section 6139 (relating to
18 parole procedure) or by the court in the case of a parole to
19 be granted pursuant to section [6133] 6172 (relating to
20 probation services).

21 (e) Notice of intent to present testimony.--The victim [or]
22 and family member shall notify the [board] Office of Victim
23 Advocate which shall notify within 30 days from the date of the
24 notice of his intent to present testimony at the parole hearing.
25 This time period may be waived by the [board] Office of Victim
26 Advocate for good cause.

27 (f) Referral to hearing [officer] examiner.--If the victim
28 [or] and family member submits a written statement to the board
29 through the Office of Victim Advocate subsequent to notice, the
30 statement shall be made a part of the board's file on the

1 [inmate] offender, and the [inmate's] offender's case shall be
2 referred to a hearing [officer] examiner designated to conduct
3 parole release hearings.

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

10 (h) Hearing procedure.--

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

14 (2) The hearing shall be conducted at a time and place
15 and on a date determined by the chairperson or designee.
16 Notice of the time, place and date of the hearing shall be
17 provided by the Office of Victim Advocate to the victim [or]
18 and family member, in writing, and shall be [mailed] provided
19 at least ten days prior to the hearing date.

20 (3) The hearing shall be recorded by an electronic
21 recording device.

22 (4) The hearing examiner shall prepare a written
23 [report] statement within a reasonable [amount of] time prior
24 to the hearing date. A copy of the [report] statement shall
25 be forwarded to the person offering testimony. A copy of the
26 report shall be made a part of the board's file on the
27 [inmate] offender.

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

1 (6) (i) The hearing scheduled pursuant to this section
2 shall be conducted, when possible, prior to a parole
3 release hearing and prior to the board rendering a
4 decision.

5 (ii) Nothing in this section shall be construed to
6 preclude the board from conducting a timely parole
7 release hearing.

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

10 (i) Evaluate the information provided.

11 (ii) Determine whether the decision shall be
12 affirmed or modified.

13 (iii) Determine whether a rescission hearing shall
14 be conducted.

15 (iv) Notify the [inmate] offender in writing of its
16 decision.

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

21 (i) the continuing nature and extent of any physical
22 harm or psychological or emotional harm or trauma
23 suffered by the victim;

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

26 (iii) the continuing effect of the crime upon the
27 victim's family:

28 (A) Shall be deemed confidential and privileged.

29 (B) Shall not be subject to subpoena or
30 discovery.

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

3 (D) Shall not be released to the [inmate]
4 offender.

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

10 (10) Notwithstanding any other provision of law, no
11 person who has had access to a report, record or any other
12 information under this section shall disclose the content of
13 the report, record or other information or testify in a
14 judicial or administrative proceeding without the written
15 consent of the victim.

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

22 (12) If the final decision is to not release the
23 [inmate] offender and if, subsequent to that decision,
24 additional parole release hearings are conducted for that
25 same [inmate] offender, then the victim [or] and family
26 member who has submitted a written statement for the parole
27 report or who has testified at a hearing pursuant to this
28 section shall be notified by the board through the Office of
29 Victim Advocate at the last known address if and when
30 additional parole hearings are scheduled by the board.

1 (i) Victim [or] and family member.--The term "victim [or]
2 and family member" shall be interpreted and applied to include
3 all victims and family members and shall not be interpreted or
4 applied to exclude any victim, victim's representative or family
5 member who wishes to submit a statement, testify or otherwise
6 participate under this section.

7 Section 22. Sections 6141 and 6143 of Title 61 are amended
8 to read:

9 § 6141. General rules and special regulations.

10 The board may make general rules for the conduct and
11 supervision of [persons placed on parole] offenders and may, in
12 particular cases, as it deems necessary to effectuate the
13 purpose of parole, prescribe special regulations for particular
14 persons.

15 § 6143. Early parole of [inmates] offenders subject to Federal
16 removal order.

17 (a) Eligibility.--Notwithstanding any other provision of
18 law, the board may parole an [inmate] offender into the custody
19 of the United States Immigration and Customs Enforcement for
20 deportation prior to the expiration of the [inmate's] offender's
21 minimum term of imprisonment if all of the following
22 requirements are satisfied:

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

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

28 (3) The offender has never been convicted or adjudicated
29 delinquent of a crime of violence or a crime requiring
30 registration under 42 Pa.C.S. Ch. 97 Subch. H (relating to

1 registration of sexual offenders).

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

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

7 (i) Unlawful reentry into the United States will
8 result in the [inmate's] offender's return to the
9 department to serve the remainder of the [inmate's]
10 offender's maximum term of imprisonment without the
11 possibility of parole.

12 (ii) If the [inmate] offender reenters the United
13 States and commits a criminal offense, upon conviction
14 the [inmate] offender shall be subject to 42 Pa.C.S. §
15 9720.3 (relating to sentencing for certain paroled
16 offenders).

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

21 (b) Parole discretionary.--The decision to parole an
22 [inmate] offender under subsection (a) shall be within the sole
23 discretion of the board. Nothing under this section shall be
24 construed to confer a legal right upon the [inmate] offender to
25 parole under subsection (a).

26 (c) Return of [inmate] offender by United States.--If the
27 United States Immigration and Customs Enforcement is unable to
28 or does not deport the [inmate] offender, the [inmate] offender
29 shall be returned to the custody of the department and the board
30 shall rescind the [inmate's] offender's parole.

1 (d) Unlawful reentry.--An [inmate] offender paroled under
2 this section who returns unlawfully to the United States shall
3 be given a hearing before the board and recommitted as a parole
4 violator upon a determination by the board that the [inmate]
5 offender did unlawfully return to the United States. Upon
6 recommitment, the [inmate] offender shall be required to serve
7 the remainder of the [inmate's] offender's maximum term of
8 imprisonment without the possibility of parole. The [inmate]
9 offender shall not be entitled to credit for any time on parole
10 under this section.

11 [(e) Definition.--As used in this section, the term "crime
12 of violence" shall be defined as provided in 42 Pa.C.S. §
13 9714(g) (relating to sentences for second and subsequent
14 offenses).]

15 Section 23. Subchapter D of Chapter 61 of Title 61 is
16 repealed:

17 [SUBCHAPTER D

18 STATE PAROLE AGENTS

19 Sec.

20 6151. Definitions.

21 6152. Status as peace officers.

22 6153. Supervisory relationship to offenders.

23 § 6151. Definitions.

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

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

28 "Conditions of supervision." Any terms or conditions of the
29 offender's supervision, whether imposed by the court, the board
30 or an agent, including compliance with all requirements of

1 Federal, State and local law.

2 "Contraband." Any item that the offender is not permitted to
3 possess under the conditions of supervision, including any item
4 whose possession is forbidden by any Federal, State or local
5 law.

6 "Court." The court of common pleas or any judge thereof, the
7 Philadelphia Municipal Court or any judge thereof, the
8 Pittsburgh Magistrates Court or any judge thereof or any
9 magisterial district judge.

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

15 "Offender." Any person subject to the parole or probationary
16 supervision of the board.

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

21 "Property search." A warrantless search of real property,
22 vehicle or personal property which is in the possession or under
23 the control of the offender.

24 "Real property." Any residence or business property of an
25 offender, including all portions of the property to which the
26 offender has access.

27 "Supervisor." Any individual acting in a supervisory or
28 administrative capacity.

29 § 6152. Status as peace officers.

30 An agent is declared to be a peace officer and is given

1 police power and authority throughout this Commonwealth to
2 arrest without warrant, writ, rule or process any parolee or
3 probationer under the supervision of the board for failing to
4 report as required by the terms of his probation or parole or
5 for any other violation of the probation or parole.

6 § 6153. Supervisory relationship to offenders.

7 (a) General rule.--Agents are in a supervisory relationship
8 with their offenders. The purpose of this supervision is to
9 assist the offenders in their rehabilitation and reassimilation
10 into the community and to protect the public. Supervision
11 practices shall reflect the balance of enforcement of the
12 conditions of parole and case management techniques to maximize
13 successful parole completion through effective reentry to
14 society.

15 (b) Searches and seizures authorized.--

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

18 (2) Nothing in this section shall be construed to permit
19 searches or seizures in violation of the Constitution of the
20 United States or section 8 of Article I of the Constitution
21 of Pennsylvania.

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

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

26 (1) A personal search of an offender may be conducted by
27 an agent:

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

1 (ii) when an offender is transported or taken into
2 custody; or

3 (iii) upon an offender entering or leaving the
4 securing enclosure of a correctional institution, jail or
5 detention facility.

6 (2) A property search may be conducted by an agent if
7 there is reasonable suspicion to believe that the real or
8 other property in the possession of or under the control of
9 the offender contains contraband or other evidence of
10 violations of the conditions of supervision.

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

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

18 (5) The offender may be detained if he is present during
19 a property search. If the offender is not present during a
20 property search, the agent in charge of the search shall make
21 a reasonable effort to provide the offender with notice of
22 the search, including a list of the items seized, after the
23 search is completed.

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

29 (i) The observations of agents.

30 (ii) Information provided by others.

1 (iii) The activities of the offender.

2 (iv) Information provided by the offender.

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

4 (vi) The experience of agents in similar
5 circumstances.

6 (vii) The prior criminal and supervisory history of
7 the offender.

8 (viii) The need to verify compliance with the
9 conditions of supervision.

10 (e) Nonresident offenders.--No agent shall conduct a
11 personal or property search of an offender who is residing in a
12 foreign state except for the limited purposes permitted under
13 the Interstate Compact for the Supervision of Offenders and
14 Probationers. The offender is held accountable to the rules of
15 both the sending state and the receiving state. Any personal or
16 property search of an offender residing in another state shall
17 be conducted by an agent of the receiving state.

18 (f) When authority is effective.--The authority granted to
19 agents under this section shall be effective upon enactment of
20 this section, without the necessity of any further regulation by
21 the board.]

22 Section 24. Chapter 61 of Title 61 is amended by adding
23 subchapters to read:

24 SUBCHAPTER F

25 SUPERVISION OF OFFENDERS

26 Sec.

27 6171. Powers and duties of department.

28 6171.1. District offices.

29 6171.2. District directors.

30 6171.3. District office employees.

1 6172. Probation services.

2 6173. Investigation of circumstances of offense.

3 6174. Right of access to offenders.

4 6175. Investigations for the board of pardons.

5 § 6171. Powers and duties of department.

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

8 (1) To first and foremost seek to protect the safety of
9 the public, to supervise any offender released on parole by
10 order of the board and to arrest, to detain in a department
11 facility and to report to the board for a determination
12 whether to revoke parole and recommit an offender who fails
13 to comply with the conditions of supervision, including, but
14 not limited to, the alleged commission of a new crime.

15 (2) To enforce the conditions of supervision established
16 by the board as well as the power to impose and enforce
17 additional conditions of supervision on an offender and the
18 power to, with the consent of the board, amend or terminate
19 mandatory conditions of suspension established by the board.
20 Conditions not designated as mandatory by the board do not
21 require consent of the board.

22 (3) The imposition, modification or termination of a
23 condition of supervision must be based on the risk presented
24 by and the rehabilitative needs of the offender and the
25 impact the termination or modification will have on public
26 safety.

27 (4) To supervise any offender placed on parole, when
28 sentenced to a maximum period of less than two years, by any
29 judge of a court having criminal jurisdiction, when the court
30 may by special order direct supervision by the department, in

1 which case the parole case shall be known as a special case
2 and the authority of the department with regard thereto shall
3 be the same as provided in this chapter with regard to parole
4 cases within one of the classifications set forth in this
5 chapter.

6 (5) To furnish to the board no fewer than 90 days prior
7 to a scheduled parole interview, or if such interview is
8 scheduled to be held within fewer than 90 days, as quickly as
9 possible after the department is informed of such interview,
10 reports concerning the conduct of offenders under the
11 department's supervision or in its custody together with any
12 other facts deemed pertinent in aiding the board to determine
13 whether such offenders shall be paroled.

14 (6) To pay the costs of preparole drug screening tests
15 for offenders subject to the parole release jurisdiction of
16 the board. The department shall establish rules and
17 regulations for the payment of these costs and may limit the
18 types and costs of these screening tests that would be
19 subject to payment by the department.

20 (7) To determine when an offender, subject to random
21 drug screening tests as a condition of supervision, shall be
22 tested. The offender undergoing the tests shall be
23 responsible for the costs of the tests. The money collected
24 for the tests shall be applied against the contract for such
25 testing.

26 (8) To supervise and make presentence investigations and
27 reports as provided by law.

28 (9) To collect and maintain copies of all presentence
29 investigations and reports.

30 (10) To collect, compile and publish statistical and

1 other information relating to probation and parole work in
2 all courts and such other information the department may deem
3 of value in probation service.

4 (11) To establish, by regulation, uniform Statewide
5 standards for:

6 (i) Presentence investigations.

7 (ii) The supervision of probationers.

8 (iii) The qualifications for probation personnel.

9 (iv) Minimum salaries.

10 (v) Quality of probation service.

11 (vi) The standards for the qualifications of
12 probation personnel shall only apply to probation
13 personnel appointed after the date the standards are
14 established. Should any probation personnel appointed
15 prior to the date the standards were established fail to
16 meet the standards, the court having jurisdiction of such
17 personnel may request the department to establish in-
18 service training for them in accordance with the
19 standards.

20 (12) To adopt regulations establishing criteria for
21 department acceptance of cases for supervision and
22 presentence investigations from counties that on December 31,
23 1985, maintained adult probation offices and parole systems.

24 (13) To enter into contracts for purchasing community
25 services to assist parolees, supplement existing programs and
26 provide for the continuous electronic monitoring of
27 offenders.

28 (14) To establish and provide for intensive supervision
29 units and day reporting centers for the supervision of
30 offenders.

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

4 (16) To incorporate evidence-based practices into the
5 supervision of offenders.

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

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

12 (19) To conduct outcome and performance analyses on
13 implemented department programs and practices to enhance
14 public safety through reduced recidivism.

15 (20) To administer administrative parole.

16 (21) To adopt regulations establishing specific
17 composition, functions and responsibilities for citizens
18 advisory committees and to receive reports, recommendations
19 or other input concerning parole policies and parole-related
20 concerns from the committees on a regular basis.

21 (22) Designate community corrections centers or
22 community corrections facilities where parolees are to be
23 housed.

24 (23) Determine whether parolees are to be housed in a
25 secured or unsecured portion of a community corrections
26 center or community corrections facility.

27 (b) Administrative parole.--

28 (1) An eligible offender shall be placed on
29 administrative parole one year after release on parole and
30 until the maximum sentence date if the department's

1 supervision staff determines that there is no substantial
2 information indicating dangerousness or that placement on
3 administrative parole would compromise public safety or that
4 continued supervision would otherwise benefit the offender
5 and:

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

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

11 (2) An eligible offender placed on administrative parole
12 shall continue to be subject to recommitment at the board's
13 discretion and shall be subject to the board's power to
14 recommit and reparole, recommit and review or otherwise
15 impose sanctions at its discretion until the eligible
16 offender's maximum sentence date.

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

19 (i) Make supervision contact at least one time per
20 year.

21 (ii) Provide updated contact information upon a
22 change in residence or employment.

23 (iii) Continue to pay any restitution owed.

24 (iv) Comply with other requirements imposed by the
25 department.

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

1 § 6171.1. District offices.

2 (a) Principal office.--The department shall provide offices
3 for the board. The board shall appoint and employ such number
4 and character of officers, agents, clerks, stenographers and
5 employees as may be necessary to carry out the purposes of this
6 chapter. The salaries of persons so appointed and employed by
7 the board shall be fixed by the board.

8 (b) District offices.--The department shall divide the
9 Commonwealth for administrative purposes into a suitable number
10 of districts, not to exceed ten, in each of which shall be a
11 district office which shall have immediate charge of the
12 supervision of cases of probation and parole arising in the
13 courts of the judicial districts embraced within its territorial
14 limits, but, as occasion may require, the supervision of
15 particular parolees may be transferred by the department to
16 other appropriate parole districts.

17 (c) Location of district offices.--

18 (1) The department shall fix and determine the location
19 of the various district offices within their respective
20 districts, having regard to local conditions in each district
21 and to the most convenient and efficient functioning of the
22 office established in each district.

23 (2) At each of the locations so fixed and determined,
24 the department shall provide such office accommodations,
25 furniture, equipment and supplies as may be reasonably
26 suitable and adequate for the proper handling and dispatch of
27 the parole business of the district.

28 (3) The department may enter into contracts on behalf of
29 the Commonwealth for such office accommodations, furniture,
30 equipment and supplies through the Department of General

1 Services.

2 (d) Consideration for fixing compensation.--In fixing
3 compensation for its officers, clerks and employees under the
4 provisions of this chapter, the department shall have regard to
5 the kind, grade or class of service to be rendered, and,
6 whenever any standard compensation has been fixed by the
7 Executive Board for any kind, grade or class of service or
8 employment, the compensation of all persons appointed or
9 employed by the department in the same kind, grade or class
10 shall be fixed by it in accordance with such standard.

11 § 6171.2. District directors.

12 (a) Establishment.--Each district office shall have a
13 district director who:

14 (1) Shall be appointed by the department.

15 (2) Shall receive such annual salary as the department
16 shall determine in conformity with the rules of the Executive
17 Board.

18 (b) Status and role.--The district director shall be the
19 executive head of the district office to which the district
20 supervisor is appointed and shall have the control, management
21 and direction of all employees of the department assigned to the
22 district, subject to the supervision of the department.

23 § 6171.3. District office employees.

24 (a) Board to appoint.--The department shall appoint in the
25 various district offices a sufficient number of agents, clerks,
26 stenographers and other employees to fully and efficiently
27 administer the parole laws of this Commonwealth, but no employee
28 of the department shall be appointed by the department except in
29 the manner provided by this chapter.

30 (b) Salaries and qualifications.--The salaries of the

1 appointees in subsection (a) shall be fixed by the department.
2 The department shall from time to time by appropriate rule or
3 regulation prescribe the qualifications to be possessed by its
4 personnel. The qualifications shall be such as will best promote
5 the efficient operation of probation and parole.

6 § 6172. Probation services.

7 (a) General rule.--The department shall have exclusive power
8 to supervise any offender placed on probation by any judge of a
9 court having criminal jurisdiction when the court, by special
10 order, consistent with the regulations of the department,
11 directs supervision by the department.

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

15 (c) In-service training.--The department shall provide in-
16 service training for personnel of county probation offices when
17 requested to do so by the court having jurisdiction of the
18 probation office.

19 § 6173. Investigation of circumstances of offense.

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

24 (1) The nature and circumstances of the offense
25 committed.

26 (2) Any recommendations made by the trial judge and
27 prosecuting attorney.

28 (3) The general character and background of the
29 offender.

30 (4) Participation by an offender sentenced after

1 February 19, 1999, and who is serving a sentence for a crime
2 of violence in a victim impact education program offered by
3 the department.

4 (5) The written or personal statement of the testimony
5 of the victim or the victim's family submitted under section
6 6140 (relating to victim statements, testimony and
7 participation in hearing).

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

12 (7) The conduct of the offender while in prison and the
13 offender's physical, mental and behavioral condition and
14 history, in addition to history of family violence and
15 complete criminal record.

16 (b) Cooperation of public officials.--A public official who
17 possesses offender records or information shall furnish the
18 records or information to the department upon request and
19 without charge so far as may be practicable while the case is
20 recent.

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

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

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

29 (3) Copies of presentence investigation reports and
30 behavior clinic reports, if any were submitted to the court,

1 the last two of which records, being confidential records of
2 the court, shall be treated confidentially by the department,
3 who shall not permit examination of the records by anyone
4 other than its duly appointed officers and employees and the
5 board and its officers and employees, except upon court
6 order.

7 § 6174. Right of access to offenders.

8 All prison officials shall:

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

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

15 § 6175. Investigations for the board of pardons.

16 The department shall make an investigation for the board of
17 pardons in cases coming before it and upon its request. The
18 investigation shall include all information set forth under
19 section 6135 (relating to investigation of circumstances of
20 offense), including a risk assessment if the applicant is
21 incarcerated.

22 SUBCHAPTER G

23 AGENTS

24 Sec.

25 6181. Status as peace officers.

26 6182. Supervisory relationship to offenders.

27 § 6181. Status as peace officers.

28 An agent is declared to be a peace officer and is given
29 police power and authority throughout this Commonwealth to
30 arrest without warrant, writ, rule or process any department-

1 supervised offender for failing to report as required or for any
2 other violation of his conditions of supervision.

3 § 6182. Supervisory relationship to offenders.

4 (a) General rule.--Agents are in a supervisory relationship
5 with department-supervised offenders. The purpose of supervision
6 is to assist department-supervised offenders in their
7 rehabilitation and reassimilation into the community and to
8 protect the public. Supervision practices shall reflect the
9 balance of enforcement of the conditions of supervision and case
10 management techniques to maximize successful parole completion
11 through effective reentry to society.

12 (b) Searches and seizures authorized.--

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

16 (2) Nothing in this section shall be construed to permit
17 searches or seizures in violation of the Constitution of the
18 United States or section 8 of Article I of the Constitution
19 of Pennsylvania.

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

23 (d) Grounds for personal search of a department-supervised
24 offender.--

25 (1) A personal search of an offender may be conducted by
26 an agent:

27 (i) if there is a reasonable suspicion to believe
28 that the department-supervised offender possesses
29 contraband or other evidence of violations of the
30 conditions of supervision;

1 (ii) when a department-supervised offender is
2 transported or taken into custody; or
3 (iii) upon a department-supervised offender entering
4 or leaving the secure enclosure of a correctional
5 institution, jail or detention facility.

6 (2) A property search may be conducted by an agent if
7 there is reasonable suspicion to believe that the real or
8 other property in the possession of or under the control of
9 the department-supervised offender contains contraband or
10 other evidence of violations of the conditions of
11 supervision.

12 (3) The department-supervised offender may be detained
13 if the department-supervised offender is present during a
14 property search. If the department-supervised offender is not
15 present during a property search, the agent in charge of the
16 search shall make a reasonable effort to provide the
17 department-supervised offender with notice of the search,
18 including a list of the items seized, after the search is
19 completed.

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

25 (i) The observations of agents.

26 (ii) Information provided by others.

27 (iii) The activities of the department-supervised
28 offender.

29 (iv) Information provided by the department-
30 supervised offender.

1 (v) The experience of agents with the department-
2 supervised offender.

3 (vi) The experience of agents in similar
4 circumstances.

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

7 (viii) The need to verify compliance with the
8 conditions of supervision.

9 (e) Nonresident department-supervised offenders.--No agent
10 shall conduct a personal or property search of a department-
11 supervised offender who is residing in a foreign state except
12 for the limited purposes permitted under the Interstate Compact
13 for the supervision of offenders and probationers. The
14 department-supervised offender is held accountable to the rules
15 of both the sending state and the receiving state. Any personal
16 or property search of a department-supervised offender residing
17 in another state shall be conducted by an agent of the receiving
18 state.

19 (f) When authority is effective.--The authority granted to
20 agents under this section shall be effective upon enactment of
21 this section, without the necessity of any further regulation by
22 the department.

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

25 § 6302. Definitions.

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

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

30 * * *

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

3 § 7115. Interstate Compact for the Supervision of Adult
4 Offenders application fee.

5 (a) Duty to pay.--

6 * * *

7 (2) A person on State probation or parole who applies
8 for a transfer to another state through the [interstate
9 compact] Interstate Compact shall be required to pay an
10 application fee to the [board] department with each
11 application for transfer, unless the board finds that the
12 application fee should be reduced, waived or deferred based
13 upon the person's inability to pay.

14 * * *

15 (d) Disposition.--Money received from the collection of the
16 application fee shall be paid into the State Treasury and shall
17 be credited to the general government operations of the [board]
18 department for expenses incurred in the administration of the
19 [interstate compact] Interstate Compact.

20 * * *

21 § 7121. Deputization.

22 (a) General rule.--The [chairperson of the Pennsylvania
23 Board of Probation and Parole] secretary may deputize any person
24 to act as an officer and agent of the Commonwealth in effecting
25 the return of any person who has violated the terms and
26 conditions of parole or probation as granted by the
27 Commonwealth. In any matter relating to the return of such
28 person, an agent so deputized has all the powers of a police
29 officer of this Commonwealth.

30 (b) Evidence of deputization.--A deputization under this

1 section must be in writing and a person authorized to act as an
2 agent of the Commonwealth under that authority shall carry
3 formal evidence of the deputization and shall produce it on
4 demand.

5 (c) Interstate contracts.--

6 (1) The [chairperson of the Pennsylvania Board of
7 Probation and Parole] secretary or a designee may, subject to
8 the approval of the Auditor General, enter into contracts
9 with similar officials of any other state for the purpose of
10 sharing an equitable portion of the cost of effecting the
11 return of any person who has violated the terms and
12 conditions of parole or probation as granted by the
13 Commonwealth.

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

17 § 7122. Supervision of persons paroled by other states.

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

23 (b) Witness Protection Program.--The [board] department may
24 relinquish jurisdiction over [a parolee] an offender to the
25 proper Federal authorities where the [parolee] offender is
26 placed into the Witness Protection Program of the United States
27 Department of Justice.

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

1 * * *

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

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

6 "Other verifiable means of support." The term includes, but
7 is not limited to, support by a parent, grandparent, sibling,
8 spouse or adult child. The term does not include public
9 assistance.

10 "Sexual offense."

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

14 18 Pa.C.S. § 2901 (relating to kidnapping).

15 18 Pa.C.S. § 5902(a) (relating to prostitution and
16 related offenses).

17 18 Pa.C.S. § 5903(a) (3), (4), (5) or (6) (relating to
18 obscene and other sexual materials and performances).

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

22 18 Pa.C.S. § 3126 (relating to indecent assault).

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

25 18 Pa.C.S. § 3121 (relating to rape).

26 18 Pa.C.S. § 3123 (relating to involuntary deviate
27 sexual intercourse).

28 18 Pa.C.S. § 3125 (relating to aggravated indecent
29 assault).

30 "Violent offense."

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

3 18 Pa.C.S. § 2502 (relating to murder).

4 18 Pa.C.S. § 2503 (relating to voluntary
5 manslaughter).

6 18 Pa.C.S. § 2702 (relating to aggravated assault).

7 18 Pa.C.S. § 2703 (relating to assault by prisoner).

8 18 Pa.C.S. § 2704 (relating to assault by life
9 prisoner).

10 18 Pa.C.S. § 2901 (relating to kidnapping) where the
11 victim is a minor.

12 18 Pa.C.S. § 3121 (relating to rape).

13 18 Pa.C.S. § 3123 (relating to involuntary deviate
14 sexual intercourse).

15 18 Pa.C.S. § 3301 (relating to arson and related
16 offenses).

17 18 Pa.C.S. § 3502 (relating to burglary).

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

19 18 Pa.C.S. § 3923 (relating to theft by extortion)
20 where a threat of violence is made.

21 (2) A criminal attempt, criminal solicitation or
22 criminal conspiracy to commit any offenses set forth in this
23 definition.

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

28 SECTION 26.1. TITLE 61 IS AMENDED BY ADDING A CHAPTER TO <--
29 READ:

30 CHAPTER 73

1 BOARD OF PARDONS

2 SEC.

3 7301. BOARD OF PARDONS.

4 § 7301. BOARD OF PARDONS.

5 (A) ESTABLISHMENT.--THE BOARD OF PARDONS IS ESTABLISHED FOR
6 THE PURPOSES OF:

7 (1) HEARING APPLICATIONS FOR THE REMISSION OF FINES AND
8 FORFEITURES;

9 (2) GRANTING OF REPRIEVES, COMMUTATIONS OF SENTENCE AND
10 PARDONS, EXCEPT IN CASES OF IMPEACHMENT; AND

11 (3) MAKING RECOMMENDATIONS IN WRITING TO THE GOVERNOR
12 THEREON, IN THE MANNER PROVIDED UNDER AND SUBJECT TO SECTION
13 9 OF ARTICLE IV OF THE CONSTITUTION OF PENNSYLVANIA.

14 (B) COMPOSITION.--THE BOARD OF PARDONS SHALL CONSIST OF THE
15 FOLLOWING MEMBERS:

16 (1) THE LIEUTENANT GOVERNOR, WHO SHALL BE CHAIRPERSON.

17 (2) THE ATTORNEY GENERAL.

18 (3) THREE MEMBERS APPOINTED BY THE GOVERNOR AS PROVIDED
19 UNDER SECTION 9 OF ARTICLE IV OF THE CONSTITUTION OF
20 PENNSYLVANIA.

21 (B.1) TERMS.--MEMBERS SHALL SERVE A TERM OF SIX YEARS.

22 (C) QUORUM.--THREE MEMBERS OF THE BOARD SHALL CONSTITUTE A
23 QUORUM.

24 (D) GRANTING OF HEARINGS.--HEARINGS RELATING TO THE GRANTING
25 OF REPRIEVES, COMMUTATIONS OF SENTENCES AND PARDONS FOR
26 PRISONERS SERVING LIFE SENTENCES OR SENTENCES FOR CRIMES OF
27 VIOLENCE MAY ONLY BE GRANTED UPON APPROVAL BY A VOTE OF A
28 MAJORITY OF THE MEMBERS OF THE BOARD OF PARDONS.

29 (E) APPLICANTS UNDER SENTENCE OF DEATH.--IN CASES INVOLVING
30 APPLICANTS UNDER SENTENCE OF DEATH, THE APPLICATION SHALL BE

1 FILED WITHIN 10 DAYS OF THE GOVERNOR'S ISSUANCE OF A WARRANT
2 SPECIFYING A WEEK FOR EXECUTION.

3 (F) NOTICE TO VICTIMS.--THE FOLLOWING APPLY:

4 (1) THE BOARD OF PARDONS SHALL PROVIDE NOTICE TO VICTIMS
5 OR NEXT OF KIN, INCLUDING VICTIMS WHO ARE REGISTERED WITH THE
6 DEPARTMENT OF CORRECTIONS, THE OFFICE OF VICTIM ADVOCATE, THE
7 PENNSYLVANIA PAROLE BOARD, THE BOARD OF PARDONS AND THOSE
8 WHOSE WHEREABOUTS ARE OTHERWISE KNOWN.

9 (2) INDIVIDUALS NOTIFIED UNDER THIS SUBSECTION SHALL BE
10 GIVEN THE OPPORTUNITY TO OFFER PRIOR COMMENT ON ANY
11 APPLICATION WHICH HAS BEEN GRANTED A HEARING BY THE BOARD OF
12 PARDONS PERTAINING TO THE INDIVIDUAL'S CASE, WHICH MAY BE
13 ORAL OR WRITTEN, AND SHALL BE CONSIDERED BY THE BOARD OF
14 PARDONS AS TO THE ADVISABILITY OF ANY PARDON OR RELATED
15 RELEASE AND ANY CONDITIONS OF RELEASE.

16 (3) THE BOARD OF PARDONS SHALL PROVIDE NOTICE TO VICTIMS
17 OR NEXT OF KIN OF THE DATE, TIME AND PLACE OF A HEARING
18 PERTAINING TO THEIR CASE.

19 (G) HEARINGS.--EACH MEMBER OF THE BOARD OF PARDONS SHALL
20 INTERVIEW AN APPLICANT IN INSTANCES WHERE THE BOARD OF PARDONS
21 CHOOSES TO HAVE AN APPLICATION SUBMITTED BY THE FOLLOWING:

22 (1) AN INMATE SERVING A LIFE SENTENCE OR A SENTENCE OF
23 DEATH; OR

24 (2) AN INMATE SERVING A SENTENCE FOR MURDER OF THE THIRD
25 DEGREE, VOLUNTARY MANSLAUGHTER, ATTEMPT TO COMMIT MURDER OF
26 THE THIRD DEGREE OR ATTEMPT TO COMMIT VOLUNTARY MANSLAUGHTER.

27 (H) RULES AND REGULATIONS.--THE BOARD OF PARDONS SHALL ADOPT
28 RULES AND REGULATIONS GOVERNING ACTIONS OF THE BOARD AND ALL
29 HEARINGS AND RECOMMENDATIONS SHALL BE SUBJECT TO THE RULES AND
30 REGULATIONS.

1 (I) RECORDKEEPING.--THE BOARD OF PARDONS SHALL KEEP RECORDS
2 OF ALL ACTIONS, WHICH SHALL, AT ALL TIMES, BE OPEN FOR PUBLIC
3 INSPECTION.

4 (J) OFFICES.--UPON REQUEST, THE DEPARTMENT OF CORRECTIONS
5 SHALL MAKE AVAILABLE FACILITIES, ADMINISTRATIVE SUPPORT AND
6 OTHER ASSISTANCE TO THE BOARD. THE SECRETARY OF THE BOARD OF
7 PARDONS SHALL EMPLOY STAFF AS NECESSARY TO CARRY OUT THE BOARD'S
8 DUTIES UNDER THIS CHAPTER.

9 (K) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
10 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
11 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

12 "CRIME OF VIOLENCE." AS DEFINED IN 42 PA.C.S. § 9714(G)
13 (RELATING TO SENTENCES FOR SECOND AND SUBSEQUENT OFFENSES).

14 Section 27. The following shall apply to transfers:

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

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

25 (i) Personnel, contract obligations, records, files,
26 property, supplies and equipment being used or held on
27 the effective date of this section in connection with
28 the functions, powers and duties transferred under
29 paragraph (1).

30 (II) PERSONNEL TRANSFERRED UNDER THIS SECTION WHO ON <--

1 THE EFFECTIVE DATE OF THIS SECTION HOLD CIVIL SERVICE
2 EMPLOYMENT STATUS SHALL RETAIN SUCH STATUS AND
3 PROTECTIONS AFFORDED UNDER 71 PA.C.S. PT. III (RELATING
4 TO CIVIL SERVICE REFORM) WHILE THEY REMAIN IN THEIR
5 CURRENT POSITION.

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

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

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

28 ~~Section 29. The appropriation for the Pennsylvania Parole~~ <--
29 ~~Board must be in a separate line item.~~

30 SECTION 29. THE APPROPRIATION FOR THE PENNSYLVANIA PAROLE <--

1 BOARD AND THE BOARD OF PARDONS MUST EACH BE IN A SEPARATE LINE
2 ITEM UNDER THE DEPARTMENT OF CORRECTIONS.

3 SECTION 29.1. REPEALS ARE AS FOLLOWS:

4 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
5 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF 61
6 PA.C.S. CH. 73.

7 (2) SECTIONS 403 AND 909 OF THE ACT OF APRIL 9, 1929
8 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929,
9 ARE REPEALED.

10 Section 30. This act shall take effect immediately.