
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1277 Session of
2021

INTRODUCED BY KRAJEWSKI, GAINNEY, LEE, SANCHEZ, FIEDLER,
KENYATTA, HOHENSTEIN, ISAACSON, GUZMAN, SCHLOSSBERG, HOWARD,
BULLOCK, SIMS, KIM, HILL-EVANS, McNEILL, ROZZI AND KINSEY,
APRIL 23, 2021

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 23, 2021

AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania
2 Consolidated Statutes, establishing the Temporary Disaster
3 Emergency Inmate Transfer Program.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 61 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 37A

9 TEMPORARY DISASTER EMERGENCY INMATE

10 TRANSFER PROGRAM

11 Sec.

12 37A01. Definitions.

13 37A02. Temporary Disaster Emergency Inmate Transfer Program.

14 37A03. Notice.

15 37A04. Procedure.

16 37A05. Status.

17 37A06. Expiration.

1 § 37A01. Definitions.

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

5 "Community corrections center." As defined in section 5001
6 (relating to definitions).

7 "Community corrections facility." As defined in section
8 5001.

9 "COVID-19." The novel coronavirus as identified in the
10 proclamation of disaster emergency issued by the Governor on
11 March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020).

12 "Home confinement." The restriction to one's residence, with
13 restrictions on travel and the imposition of other terms and
14 conditions determined by the department.

15 "Vulnerable inmate." An inmate who meets all of the
16 following:

17 (1) Is in the custody of the department.

18 (2) Has an autoimmune disorder or serious chronic
19 medical condition that, according to guidance published by
20 the Centers for Disease Control and Prevention, places the
21 individual at a higher risk for complications from COVID-19,
22 such as heart disease, diabetes, chronic respiratory disease
23 or cancer.

24 § 37A02. Temporary Disaster Emergency Inmate Transfer Program.

25 The department shall establish a Temporary Disaster Emergency
26 Inmate Transfer Program to reduce exposure to COVID-19 and
27 permit the transfer of a vulnerable inmate to a community
28 corrections center, community corrections facility or home
29 confinement.

30 § 37A03. Notice.

1 (a) Requirement.--The department shall notify the applicable
2 county sentencing court and prosecuting attorney of the
3 department's intent to transfer a vulnerable inmate to a
4 community corrections center, community corrections facility or
5 home confinement no less than five days before the transfer.

6 (b) Method.--Notifications and other communications under
7 this section may be electronic.

8 § 37A04. Procedure.

9 (a) Reentry plan.--Prior to an inmate being transferred
10 under this chapter, a reentry plan, including access to
11 rehabilitative programming that addresses reentry needs, must be
12 approved by the department. The department shall determine
13 reentry needs based on information contained in a risk and needs
14 assessment and the vulnerable inmate's correctional plan.

15 (b) Assigned designation.--A vulnerable inmate may be
16 transferred to a community corrections center or community
17 corrections facility or to home confinement. A vulnerable inmate
18 transferred under this chapter may not be permitted to leave the
19 community corrections center, community corrections facility or
20 home confinement without the prior consent of the department.

21 (c) Notification.--Upon completion of the requirements under
22 subsection (a), the department may transfer a vulnerable inmate.
23 A vulnerable inmate shall be notified and transferred
24 immediately.

25 (d) Medical screening.--A vulnerable inmate may not be
26 transferred under this chapter until the inmate passes a medical
27 screening for COVID-19, as recommended by the Centers for
28 Disease Control and Prevention.

29 (e) Information.--The department shall provide the board all
30 information related to the conduct of a vulnerable inmate

1 transferred under this chapter. The department and board may
2 consider the information for purposes of complying with their
3 responsibilities under law.

4 § 37A05. Status.

5 After the temporary authority to transfer a vulnerable inmate
6 under this chapter has expired, the following shall apply:

7 (1) A vulnerable inmate transferred under this chapter
8 shall remain under the supervision of the department with
9 credit for time served while subject to this chapter. Failure
10 of an inmate to report or return from the assigned
11 destination shall be deemed an offense under 18 Pa.C.S. §
12 5121 (relating to escape). A police officer commissioned
13 under section 1 of the act of May 21, 1943 (P.L.469, No.210),
14 entitled "An act providing for commissioning as police
15 officers certain employes of institutions maintained in whole
16 or in part by the Commonwealth; conferring upon them the
17 powers of constables in certain cases; and imposing duties on
18 wardens and keepers of jails, police stations and lock-ups,"
19 may issue a warrant for the return of the inmate released
20 under this chapter to the custody of the department.

21 (2) A vulnerable inmate transferred under this chapter
22 who is denied parole under section 6137 (relating to parole
23 power) or 6137.1 (relating to short sentence parole) shall be
24 immediately returned to a State correctional institution.

25 (3) A vulnerable inmate who has served the inmate's
26 aggregate minimum sentence or aggregate minimum recidivism
27 risk reduction incentive minimum sentence may be paroled from
28 a community corrections center or home confinement, subject
29 to section 6137.

30 § 37A06. Expiration.

1 The authority for the department to transfer inmates under
2 this chapter shall expire in 90 days.

3 Section 2. This act shall take effect immediately.