

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1357 Session of
2021

INTRODUCED BY MAKO, BERNSTINE, MILLARD AND BURGOS, MAY 7, 2021

REFERRED TO COMMITTEE ON JUDICIARY, MAY 7, 2021

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; conferring
33 powers and imposing duties on the Department of Corrections;
34 providing for the transfer of functions, powers and duties of
35 the Pennsylvania Board of Probation and Parole and for
36 appropriations for the Office of Victim Advocate; and making
37 editorial changes.

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

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

43 § 2151.1. Definitions.

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

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

* * *

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

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

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

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

* * *

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

* * *

§ 5950. Confidential communications involving law enforcement officers.

* * *

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

"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.

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

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

* * *

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

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

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

"Law enforcement officer." Any of the following:

(1) A member of the Pennsylvania State Police.

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

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

(4) A Capitol Police officer.

(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

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

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

§ 9764. Information required upon commitment and subsequent disposition.

* * *

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

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

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

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

* * *

(h) Record of inmate moneys.--Prior to the release of an 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

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

* * *

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

* * *

§ 9799.16. Registry.

* * *

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

§ 9799.19. Initial registration.

* * *

(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

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

* * *

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

* * *

(2) If the individual committed a sexually violent offense and is serving a sentence of State parole, the [Pennsylvania Board of Probation and Parole] Department of Corrections shall register the individual within 48 hours. The appropriate official of the [Pennsylvania Board of Probation and Parole] Department of Corrections shall collect the information specified in section 9799.16(b) from the individual and forward the information to the Pennsylvania State Police. The Pennsylvania State Police shall ensure that the information specified in section 9799.16(c) is collected. The information specified in section 9799.16(b) and (c) shall be included in the registry. If the individual fails to comply, the appropriate official of the [Pennsylvania Board of Probation and Parole] Department of Corrections shall notify the Pennsylvania State Police.

§ 9799.20. Duty to inform.

In order to implement the provisions of section 9799.19 (relating to initial registration), as appropriate, the Pennsylvania State Police, the court having jurisdiction over the sexual offender, the chief juvenile probation officer of the court and the appropriate official of the [Pennsylvania Board of Probation and Parole] Department of Corrections, county office of probation and parole, the Department of [Public Welfare] 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

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

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

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

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

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

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

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

§ 9912. Supervisory relationship to offenders.

* * *

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

* * *

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

* * *

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

§ 102. Definitions.

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

"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 of the department.

23 (3) Capturing and returning inmates that may have
24 escaped within the immediate area of a State correctional
25 facility or mode of transport. For the purposes of this
26 section, the immediate area of a State correctional facility
27 or mode of transport shall encompass the curtilage up to and
28 including one-half of one mile.

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

1 § 5001. 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 "Board." The Pennsylvania [Board of Probation and] Parole
6 Board.

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

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

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

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

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

17 § 5002. Department.

18 The department may do all of the following:

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

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

23 (3) Establish parole violator centers.

24 § 5003. Offenders who may be housed.

25 (a) Community corrections centers, parole violator centers
26 and community corrections facilities.--The following offenders
27 may be housed in community corrections centers, parole violator
28 centers and community 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 (4) An offender who has been granted clemency by the
27 Governor.]

28 (b) Community corrections centers and community corrections
29 facilities.--The following offenders may be housed in community
30 corrections centers and community corrections facilities:

1 (1) An offender who is serving the community-based
2 portion of a sentence in a State drug treatment program.

3 (2) An offender who has been granted clemency by the
4 Governor.

5 § 5004. Authority of Commonwealth employees.

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

10 (1) In order to maintain security and to enforce the
11 rules of the community corrections center, parole violator
12 center or community corrections facility:

13 (i) search the person and property of an offender
14 residing in the community corrections center, parole
15 violator center or community corrections facility;

16 (ii) seize property from an offender residing in the
17 community corrections center, parole violator center or
18 community corrections facility; and

19 (iii) if necessary, use reasonable force against an
20 offender residing in the community corrections center or
21 community corrections facility.

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

28 § 5005. Authority of chairman.

29 The chairman has the following authority:

30 [(1) Designate community corrections centers or

community corrections facilities where parolees are to be housed.

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

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

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

§ 5006. Escape.

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

Section 10. Title 61 is amended by adding sections to read:
§ 5007. Certain offenders residing in group-based homes.

(a) Notification requirement.--

(1) A group-based home located within a county of the sixth, seventh or eighth class that agrees to provide housing

1 to an individual knowing that the individual has been
2 previously convicted of an offense under 18 Pa.C.S. § 2502
3 (relating to murder) or a substantially similar offense
4 committed in another jurisdiction shall notify the head of
5 the governing body of the municipality and the county in
6 which the group-based home is located that the individual is
7 staying at the group-based home.

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

12 (i) Name of the individual, including all known
13 aliases.

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

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

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

19 (b) Public hearing.--

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

24 (2) All hearings shall be conducted in compliance with
25 65 Pa.C.S. Ch. 7 (relating to open meetings). A governing
26 body conducting a public hearing under this subsection shall
27 announce the hearing via posting on its official publicly
28 accessible Internet website no less than two weeks prior to
29 the hearing. The announcement shall provide information
30 regarding the purpose, location, date and time of the public

1 hearing and a contact number for interested persons to call
2 in order to obtain additional information about the hearing.

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 active protection from abuse
15 order under 23 Pa.C.S. Ch. 61 (relating to protection from
16 abuse) or an active protection from intimidation order under
17 18 Pa.C.S. Ch. 49 Subch. B (relating to victim and witness
18 intimidation); and

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

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

26 "Real property." Any residence or business property of a
27 department-supervised offender, including all portions of the
28 property to which the department-supervised offender has access.

29 "Supervisor." Any individual acting in a supervisory or
30 administrative capacity.

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

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

7 § 6102. Operation of parole system generally.

8 The parole system shall operate consistently with the
9 following provisions:

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

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

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

28 Section 14. Section 6111(a) of Title 61, amended December
29 18, 2019 (P.L.776, No.115), is amended to read:

30 § 6111. Pennsylvania Parole Board.

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

9 * * *

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

12 § 6112. Board chairperson.

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

16 (1) Direct the operations, management and administration
17 of the board and fulfill the functions established by this
18 chapter.

19 [(2) Secure the effective application of the probation
20 system in all of the courts of this Commonwealth and the
21 enforcement of the probation laws.]

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

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

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

29 (b) Alternate chairperson.--The board may designate one of
30 its members to act as alternate chairperson during the absence

1 or incapacity of the chairperson, and, when so acting, the
2 member so designated shall have and perform all the powers and
3 duties of chairperson of the board but shall not receive any
4 additional compensation for acting as chairperson.

5 § 6113. Board action.

6 (a) Quorum.--

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

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

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

30 (c) Disagreement within panel.--

1 (1) If there is disagreement on a decision to parole
2 between the members of a panel, the matter shall be decided
3 by a board member appointed by the chairperson or the
4 chairperson's designee, who shall concur with one of the
5 original panel members.

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

11 (d) Appeal.--

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

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

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

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

1 process.

2 § 6116. Meetings.

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

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

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

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

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

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

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

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

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

27 § 6118. Offices.

28 [~~(a) Principal office.--The principal office of the board~~]
29 The department shall [be in Harrisburg, and] provide offices for
30 the board. The board shall appoint and employ such number and

1 character of officers, agents, clerks, stenographers and
2 employees as may be necessary to carry out the purposes of this
3 chapter. The salaries of persons so appointed and employed by
4 the board shall be fixed by the board.

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

14 (c) Location of district offices.--

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

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

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

29 (d) Consideration for fixing compensation.--In fixing
30 compensation for its officers, clerks and employees under the

provisions of this chapter, the board shall have regard to the kind, grade or class of service to be rendered, and, whenever any standard compensation has been fixed by the Executive Board for any kind, grade or class of service or employment, the compensation of all persons appointed or employed by the board in the same kind, grade or class shall be fixed by it in accordance with such standard.]

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

[§ 6119. District directors.

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

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

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

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

§ 6120. District office employees.

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

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

7 § 6121. Disciplinary action.

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

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

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

20 § 6124. Certain offenders residing in group-based homes.

21 (a) Notification requirement.--

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

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

5 (i) Name of the individual, including all known
6 aliases.

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

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

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

12 (b) Public hearing.--

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

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

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

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

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

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

13 Section 17. Section 6131 of Title 61, amended December 18,
14 2019 (P.L.776, No.115), is amended to read:

15 § 6131. General powers of board.

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

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

20 (2) To collect and maintain copies of all presentence
21 investigations and reports.

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

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

29 (7) To adopt regulations establishing criteria for board
30 acceptance of cases for supervision and presentence

1 investigations from counties that on December 31, 1985,
2 maintained adult probation offices and parole systems.

3 (8) To enter into contracts for purchasing community
4 services to assist parolees and to supplement existing
5 programs.

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

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

13 (11) To establish and provide for intensive supervision
14 units and day reporting centers for the supervision of
15 parolees.]

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

19 (13) To incorporate evidence-based practices into parole
20 decision making[, supervision and the supervision of
21 technical violators].

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

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

28 (16) To conduct outcome and performance analyses on
29 implemented board programs and practices to enhance public
30 safety through reduced recidivism.

1 (b) Court-appointed probation officers to submit information
2 to [board] department.--A court that appoints a probation
3 officer shall require the probation officer to submit to the
4 [board] department such information as the [board] department
5 may require on forms prescribed and furnished by the [board]
6 department.

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

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

13 "Evidence-based practices." Interventions and treatment
14 approaches that have been proven effective through appropriate
15 empirical analysis.]

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

18 § 6132. Specific powers of board involving [parolees]
19 offenders.

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

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

27 (ii) This paragraph applies to inmates sentenced to
28 definite or flat sentences.

29 (2) [(i) To supervise any person placed on parole, when
30 sentenced to a maximum period of less than two years, by

1 any judge of a court having criminal jurisdiction, when
2 the court may by special order direct supervision by the
3 board, in which case the parole case shall be known as a
4 special case and the authority of the board with regard
5 thereto shall be the same as provided in this chapter
6 with regard to parole cases within one of the
7 classifications set forth in this chapter.]

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

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

21 (4) To promulgate regulations establishing general
22 conditions of supervision applicable to every paroled
23 offender.

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

30 * * *

1 Section 19. Section 6133 of Title 61, amended December 18,
2 2019 (P.L.776, No.115), is repealed:

3 [§ 6133. Probation services.

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

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

10 (c) Supervision and investigation.--Supervision and
11 presentence investigations by court order or request shall be
12 provided in accordance with board regulations.

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

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

21 § 6134. Sentencing court [to transmit records to board]
22 recommendation.

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

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

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

1 (3) Copies of presentence investigation reports and
2 behavior clinic reports, if any were submitted to the court,
3 the last two of which records, being confidential records of
4 the court, shall be treated confidentially by the members of
5 the board, who shall not permit examination of the records by
6 anyone other than its duly appointed agents or
7 representatives except upon court order.

8 (b) Recommendations from judge.--] The following shall
9 apply:

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

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

22 § 6134.1. General criteria for parole by court.

23 (a) Guidelines.--The court may parole or reparole subject to
24 consideration of guidelines established under 42 Pa.C.S. §
25 2154.5 (relating to adoption of guidelines for parole).

26 (b) Report of decision to commission.--If a court paroles or
27 reparoles [a person] an offender, the court shall report the
28 parole or reparole decision and shall provide a contemporaneous
29 written statement for any deviation from the guidelines
30 established under 42 Pa.C.S. § 2154.5, to the commission under

1 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties).

2 (c) Procedure.--

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

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

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

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

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

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

7 "Victim." The term shall mean, in addition to the meaning
8 set forth in section 103 of the act of November 24, 1998 (P.L.
9 882, No.111), known as the Crime Victims Act, a member of the
10 victim's family if the victim is incapable of communicating or
11 has died.]

12 § 6136. Right of access to [inmates] offenders.

13 All prison officials shall:

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

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

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

whether such [inmates] offenders shall be paroled.

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

§ 6137. Parole power.

(a) General criteria for parole.--

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

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

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

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

(3) The power to parole granted under this section to the board may not be exercised in the board's discretion at any time before, but only after, the expiration of the minimum term of imprisonment fixed by the court in its

1 sentence or by the Board of Pardons in a sentence which has
2 been reduced by commutation.

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

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

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

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

27 (i) whose term of imprisonment was commuted from
28 life to life on parole;

29 (ii) who was serving a term of imprisonment for a
30 crime of violence; or

1 (iii) who is serving a sentence under 42 Pa.C.S. §
2 9712 (relating to sentences for offenses committed with
3 firearms).

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

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

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

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

25 [(c) Administrative parole.--

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

30 (i) (A) the eligible offender has not violated the

terms and conditions of the eligible offender's
parole; or

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

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

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

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

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

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

(iii) Continue to pay any restitution owed.

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

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

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

1 6137.1 (relating to short sentence parole).

2 (e) Drug screening tests.--

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

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

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

29 [(ii) The random screening tests shall be performed
30 at the discretion of the board, and the parolee

undergoing the tests shall be responsible for the costs of the tests.

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

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

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

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

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

(2) Upon identification of an inmate as an eligible offender, as defined under section 4503 (relating to definitions), the department shall send notice to the board. The board shall send notice to the prosecuting attorney and the court no less than six months before the expiration of the [inmate's] offender's minimum sentence indicating that the department has preliminarily identified the [inmate]

1 offender as an eligible offender. The notice shall be sent by
2 United States mail unless the board, the court and the
3 prosecutor have consented to receipt of notice via electronic
4 means. For [inmates] offenders committed to the department
5 whose expiration of the minimum sentence is six months or
6 less from the date of admission, the department shall give
7 prompt notice.

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

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

28 (4) If no notice of objection has been filed under
29 paragraph (3), the [board or its designee shall approve for
30 parole at the expiration of the eligible offender's] eligible

1 offender shall be paroled at the minimum date upon a
2 determination by the board or the board's designee that all
3 of the following apply:

4 (i) The department certified that the [inmate]
5 offender has maintained a good conduct record and
6 continues to remain an eligible offender under section
7 4503.

8 (ii) The reentry plan for the [inmate] offender is
9 adequate.

10 (iii) Individual conditions and requirements for
11 parole have been established for the offender.

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

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

28 (6) Nothing in this subsection shall be construed as
29 granting a right to be paroled to any person, and any
30 decision by the board and its designees or the department,

1 under this section shall not be considered an adjudication
2 under 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and
3 procedure of Commonwealth agencies) and Ch. 7 Subch. A
4 (relating to judicial review of Commonwealth agency action).

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

8 (h) Power to recommit.--

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

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

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

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

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

1 established under 42 Pa.C.S. § 2153(a)(14).

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

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

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

13 "Eligible offender." As defined in section 4503 (relating to
14 definitions).]

15 § 6138. Violation of terms of parole.

16 (a) Convicted violators.--

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

27 (1.1) In addition to paragraph (1), a parolee under the
28 jurisdiction of the board released from a correctional
29 facility who, during the period of parole or while delinquent
30 on parole, commits a crime punishable by imprisonment for

1 which the parolee is convicted or found guilty by a judge or
2 jury or to which the parolee pleads guilty or nolo contendere
3 or of any misdemeanor of the third degree or of any of the
4 following offenses where graded as a summary offense, may at
5 the discretion of the board be recommitted as a parole
6 violation:

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

10 (ii) Harassment under 18 Pa.C.S. § 2709 (relating to
11 harassment).

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

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

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

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

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

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

27 (2) If the [parolee's recommitment is so ordered, the
28 parolee shall be reentered] offender's parole is revoked, the
29 offender shall be recommitted to serve the remainder of the
30 term which the [parolee] offender would have been compelled

1 to serve had the parole not been granted and, except as
2 provided under paragraph (2.1), shall be given no credit for
3 the time at liberty on parole.

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

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

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

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

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

29 (3) The board may, in its discretion, reparole whenever,
30 in its opinion, the best interests of the [inmate] offender

1 justify or require the [inmate's] offender's release on
2 parole and it does not appear that the interests of the
3 Commonwealth will be injured thereby.

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

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

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

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

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

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

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

1 (i)] Any [person] offender upon recommitment to a
2 correctional facility shall be sent to the institution
3 [as shall be] designated by the [Secretary of Corrections
4 or his] secretary or a designee.

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

7 (b) Subsequent arrest.--

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

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

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

21 (c) Technical violators.--

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

1 operated or contracted by the department.

2 (1.2) Notwithstanding paragraph (1) and subject to
3 paragraph (1.3), [a parolee] an offender under the
4 jurisdiction of the board who violates the terms and
5 conditions of his parole, other than a convicted parole
6 violator who has parole revoked under subsection (a), may be
7 arrested and detained without revocation of parole under a
8 program to impose swift, predictable and brief sanctions. The
9 program shall provide for immediate detention in a community
10 corrections center, community corrections facility or any
11 secured facility operated or contracted by the department for
12 a period not to exceed seven days. The board shall adopt
13 procedures governing appropriate detention under this
14 paragraph, including identifying which offenders are eligible
15 for the program and providing warnings to [parolees]
16 offenders to clearly communicate expectations and
17 consequences.

18 (1.3) If the board determines that one of the following
19 conditions is present regarding [a parolee] an offender who
20 violates the terms and conditions of parole, the [parolee]
21 offender shall not be eligible for detention under paragraph
22 (1.2) and shall be detained in or recommitted to a State
23 correctional institution or contracted county jail:

24 (i) The violation was sexual in nature.

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

28 (iii) The violation involved possession or control
29 of a weapon.

30 (iv) The [parolee] offender has absconded and the

1 parolee cannot be safely diverted to a community
2 corrections center, community corrections facility or any
3 secured facility operated or contracted by the
4 department.

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

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

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

27 (2) If the [parolee] offender is recommitted under this
28 subsection, the [parolee] offender shall be given credit for
29 the time served on parole in good standing but with no credit
30 for delinquent time and may be reentered to serve the

1 remainder of the original sentence or sentences. Credit
2 awarded to a technical parole violator for time served on
3 parole in good standing is subject to forfeiture if the
4 offender is subsequently recommitted as a convicted parole
5 violator.

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

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

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

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

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

27 (iii) Use of community-based sanctioning
28 alternatives to incarceration.

29 (iv) Use of a graduated violation sanctioning
30 process.

(v) Recommitment to:

(A) a State correctional institution;

(B) a contracted county jail;

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

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

(E) a parole violator center.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (iii) refused programming or a work assignment.

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

28 (1) A technical violator recommitted to a community
29 corrections center [or], community corrections facility or
30 parole violator center under subsection (c) shall be

1 recommitted for a maximum period of six months, after which
2 the [parolee] offender shall automatically be reparaoled
3 without further action by the board.

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

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

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

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

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

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

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

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

27 "Community corrections facility." A residential facility
28 operated by a private contractor that:

29 (1) houses offenders pursuant to a contract with the
30 department; and

(2) is operated in accordance with Chapter 50.

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

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

- (1) A correctional facility.
- (2) A prison.
- (3) A jail.]

Section 21.1. Section 6139 of Title 61, amended November 25, 2020 (P.L.1212, No 124), is amended to read:

§ 6139. Parole procedure.

(a) Specific requirements.--

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

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

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

(3.1) Notwithstanding paragraphs (2) and (3), the board shall not be required to consider nor to dispose of an application by an [inmate] offender or an [inmate's] offender's attorney in the case of an [inmate] offender

1 sentenced under 18 Pa.C.S. § 1102.1 (relating to sentence of
2 persons under the age of 18 for murder, murder of an unborn
3 child and murder of a law enforcement officer) if a parole
4 decision has been issued by the board within five years of
5 the date of the current application.

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

14 (3.3) The following apply:

15 (i) Notwithstanding the provisions of paragraphs (2)
16 and (3), if a parole decision has been issued by the
17 board within three years of the date of the current
18 application, the board shall not be required to consider
19 nor dispose of an application by an [inmate] offender or
20 an [inmate's] offender's attorney in the case of an
21 [inmate] offender sentenced under any of the following
22 provisions of 18 Pa.C.S. (relating to crimes and
23 offenses):

24 Section 2502(c) (relating to murder).

25 Section 2503 (relating to voluntary
26 manslaughter).

27 Section 2901(a.1) (relating to kidnapping).

28 Section 3011(b) (relating to trafficking in
29 individuals).

30 Section 3012 (relating to involuntary servitude).

Section 3121 (relating to rape).

Section 3122.1(b) (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3124.2(a.1) (relating to institutional sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 3126(a)(7) (relating to indecent assault).

Section 4302(b) (relating to incest).

(ii) Nothing under this paragraph shall be interpreted as granting a right to be paroled to any person, and a decision by the board and its designees relating to a person sentenced to an offense as set forth under this paragraph may not be considered an adjudication under 2 Pa.C.S. Chs. 5 Subch. A and 7 Subch. A.

(3.4) The following apply:

(i) Notwithstanding the provisions of paragraphs (2) and (3), if a parole decision has been issued by the board within three years of the date of the current application, the board shall not be required to consider nor dispose of an application by an [inmate] offender or an [inmate's] offender's attorney in the case of an [inmate] offender designated as a sexually violent predator under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders) or I (relating to

continued registration of sexual offenders).

(ii) Nothing under this section shall be interpreted as granting a right to be paroled to any person, and a decision by the board and its designees relating to a person designated as a sexually violent predator may not be considered an adjudication under 2 Pa.C.S. Chs. 5 Subch. A and 7 Subch. A.

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

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

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

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

1 (b) Reliance on reports.--In granting and revoking paroles
2 and in discharging from parole, the members of the board acting
3 thereon shall not be required to personally hear or see all the
4 witnesses and evidence submitted to them for their action, but
5 they may act on the report submitted to them by [their] the
6 department's agents and employees, together with any pertinent
7 and adequate information furnished to them by fellow members of
8 the board or by others. In granting or revoking parole or
9 bringing an alleged parole violator before a hearing examiner,
10 the appearance may be conducted via videoconferencing or similar
11 virtual presence technology. Notwithstanding any other provision
12 of law to the contrary, a hearing examiner, hearing officer or
13 member of the board charged with making the parole release
14 decision shall be required to hear and see in person, without
15 the use of videoconferencing or similar virtual presence
16 technology, any in-person victim testimony under section 6140
17 (relating to victim statements, testimony and participation in
18 hearing) or under section 502(b) of the act of November 24, 1998
19 (P.L.882, No.111), known as the Crime Victims Act. Nothing in
20 this section shall be construed to limit or reduce the rights of
21 victims under section 6140 or under section 502(b) of the Crime
22 Victims Act.

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

1 offender's attorney, as the board shall direct, to the court and
2 district attorney of the county in which the [applicant]
3 offender was sentenced.

4 Section 22. Sections 6140, 6141 and 6143 of Title 61 are
5 amended to read:

6 § 6140. Victim statements, testimony and participation in
7 hearing.

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

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

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

20 (i) is a juvenile;

21 (ii) is incapable of testifying; or

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

23 offender's conduct.

24 (b) Notice of intent to submit statement.--In order to
25 submit a statement under subsection (a), a victim [or] and
26 family member must notify the board through the Office of Victim
27 Advocate of [his] the victim's and family member's intention to
28 do so and provide and keep current an appropriate mailing
29 address with the board.

30 (c) Contents of parole [report] statement.--The parole

1 [report] statement may include [a statement] discussion

2 concerning:

3 (1) The continuing nature and extent of any physical
4 harm or psychological or emotional harm or trauma suffered by
5 the victim.

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

8 (3) The continuing effect of the crime upon the victim's
9 family.

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

12 (1) At the time public notice is given that an [inmate]
13 offender is being considered for parole pursuant to this
14 section, the [board] Office of Victim Advocate shall also
15 notify any victim or nearest relative who has previously
16 contacted the [board] Office of Victim Advocate of the
17 [availability] opportunity to provide a statement for
18 inclusion in the parole report or to present testimony for
19 inclusion at the parole hearing.

20 (2) The [board] Office of Victim Advocate shall notify
21 the [person] victim and family member identified under
22 paragraph (1) at [the] that person's last known mailing
23 address. The notification required by this section shall be
24 given by the [board] Office of Victim Advocate in the case of
25 a parole to be granted pursuant to section 6139 (relating to
26 parole procedure) or by the court in the case of a parole to
27 be granted pursuant to section [6133] 6172 (relating to
28 probation services).

29 (e) Notice of intent to present testimony.--The victim [or]
30 and family member shall notify the [board] Office of Victim

1 Advocate which shall notify within 30 days from the date of the
2 notice of his intent to present testimony at the parole hearing.
3 This time period may be waived by the [board] Office of Victim
4 Advocate for good cause.

5 (f) Referral to hearing [officer] examiner.--If the victim
6 [or] and family member submits a written statement to the board
7 through the Office of Victim Advocate subsequent to notice, the
8 statement shall be made a part of the board's file on the
9 [inmate] offender, and the [inmate's] offender's case shall be
10 referred to a hearing [officer] examiner designated to conduct
11 parole release hearings.

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

18 (h) Hearing procedure.--

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

22 (2) The hearing shall be conducted at a time and place
23 and on a date determined by the chairperson or designee.
24 Notice of the time, place and date of the hearing shall be
25 provided by the Office of Victim Advocate to the victim [or]
26 and family member, in writing, and shall be [mailed] provided
27 at least ten days prior to the hearing date.

28 (3) The hearing shall be recorded by an electronic
29 recording device.

30 (4) The hearing examiner shall prepare a written

1 [report] statement within a reasonable [amount of] time prior
2 to the hearing date. A copy of the [report] statement shall
3 be forwarded to the person offering testimony. A copy of the
4 report shall be made a part of the board's file on the
5 [inmate] offender.

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

9 (6) (i) The hearing scheduled pursuant to this section
10 shall be conducted, when possible, prior to a parole
11 release hearing and prior to the board rendering a
12 decision.

13 (ii) Nothing in this section shall be construed to
14 preclude the board from conducting a timely parole
15 release hearing.

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

18 (i) Evaluate the information provided.

19 (ii) Determine whether the decision shall be
20 affirmed or modified.

21 (iii) Determine whether a rescission hearing shall
22 be conducted.

23 (iv) Notify the [inmate] offender in writing of its
24 decision.

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

29 (i) the continuing nature and extent of any physical
30 harm or psychological or emotional harm or trauma

1 suffered by the victim;

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

4 (iii) the continuing effect of the crime upon the
5 victim's family:

6 (A) Shall be deemed confidential and privileged.

7 (B) Shall not be subject to subpoena or
8 discovery.

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

11 (D) Shall not be released to the [inmate]
12 offender.

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

18 (10) Notwithstanding any other provision of law, no
19 person who has had access to a report, record or any other
20 information under this section shall disclose the content of
21 the report, record or other information or testify in a
22 judicial or administrative proceeding without the written
23 consent of the victim.

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

30 (12) If the final decision is to not release the

1 [inmate] offender and if, subsequent to that decision,
2 additional parole release hearings are conducted for that
3 same [inmate] offender, then the victim [or] and family
4 member who has submitted a written statement for the parole
5 report or who has testified at a hearing pursuant to this
6 section shall be notified by the board through the Office of
7 Victim Advocate at the last known address if and when
8 additional parole hearings are scheduled by the board.

9 (i) Victim [or] and family member.--The term "victim [or]
10 and family member" shall be interpreted and applied to include
11 all victims and family members and shall not be interpreted or
12 applied to exclude any victim, victim's representative or family
13 member who wishes to submit a statement, testify or otherwise
14 participate under this section.

15 § 6141. General rules and special regulations.

16 The board may make general rules for the conduct and
17 supervision of [persons placed on parole] offenders and may, in
18 particular cases, as it deems necessary to effectuate the
19 purpose of parole, prescribe special regulations for particular
20 persons.

21 § 6143. Early parole of [inmates] offenders subject to Federal
22 removal order.

23 (a) Eligibility.--Notwithstanding any other provision of
24 law, the board may parole an [inmate] offender into the custody
25 of the United States Immigration and Customs Enforcement for
26 deportation prior to the expiration of the [inmate's] offender's
27 minimum term of imprisonment if all of the following
28 requirements are satisfied:

29 (1) The board has received [a final] an order of removal
30 for the [inmate] offender from the United States Immigration

1 and Customs Enforcement.

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

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

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

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

13 (i) Unlawful reentry into the United States will
14 result in the [inmate's] offender's return to the
15 department to serve the remainder of the [inmate's]
16 offender's maximum term of imprisonment without the
17 possibility of parole.

18 (ii) If the [inmate] offender reenters the United
19 States and commits a criminal offense, upon conviction
20 the [inmate] offender shall be subject to 42 Pa.C.S. §
21 9720.3 (relating to sentencing for certain paroled
22 offenders).

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

27 (b) Parole discretionary.--The decision to parole an
28 [inmate] offender under subsection (a) shall be within the sole
29 discretion of the board. Nothing under this section shall be
30 construed to confer a legal right upon the [inmate] offender to

1 parole under subsection (a).

2 (c) Return of [inmate] offender by United States.--If the
3 United States Immigration and Customs Enforcement is unable to
4 or does not deport the [inmate] offender, the [inmate] offender
5 shall be returned to the custody of the department and the board
6 shall rescind the [inmate's] offender's parole.

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

17 [(e) Definition.--As used in this section, the term "crime
18 of violence" shall be defined as provided in 42 Pa.C.S. §
19 9714(g) (relating to sentences for second and subsequent
20 offenses).]

21 Section 23. Subchapter D of Chapter 61 of Title 61 is
22 repealed:

23 [SUBCHAPTER D
24 STATE PAROLE AGENTS

25 Sec.

26 6151. Definitions.

27 6152. Status as peace officers.

28 6153. Supervisory relationship to offenders.

29 § 6151. Definitions.

30 The following words and phrases when used in this subchapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

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

4 "Conditions of supervision." Any terms or conditions of the
5 offender's supervision, whether imposed by the court, the board
6 or an agent, including compliance with all requirements of
7 Federal, State and local law.

8 "Contraband." Any item that the offender is not permitted to
9 possess under the conditions of supervision, including any item
10 whose possession is forbidden by any Federal, State or local
11 law.

12 "Court." The court of common pleas or any judge thereof, the
13 Philadelphia Municipal Court or any judge thereof, the
14 Pittsburgh Magistrates Court or any judge thereof or any
15 magisterial district judge.

16 "Exigent circumstances." The term includes, but is not
17 limited to, suspicion that contraband or other evidence of
18 violations of the conditions of supervision might be destroyed
19 or suspicion that a weapon might be used. Exigent circumstances
20 always exist with respect to a vehicle.

21 "Offender." Any person subject to the parole or probationary
22 supervision of the board.

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

27 "Property search." A warrantless search of real property,
28 vehicle or personal property which is in the possession or under
29 the control of the offender.

30 "Real property." Any residence or business property of an

1 offender, including all portions of the property to which the
2 offender has access.

3 "Supervisor." Any individual acting in a supervisory or
4 administrative capacity.

5 § 6152. Status as peace officers.

6 An agent is declared to be a peace officer and is given
7 police power and authority throughout this Commonwealth to
8 arrest without warrant, writ, rule or process any parolee or
9 probationer under the supervision of the board for failing to
10 report as required by the terms of his probation or parole or
11 for any other violation of the probation or parole.

12 § 6153. Supervisory relationship to offenders.

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

21 (b) Searches and seizures authorized.--

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

24 (2) Nothing in this section shall be construed to permit
25 searches or seizures in violation of the Constitution of the
26 United States or section 8 of Article I of the Constitution
27 of Pennsylvania.

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

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

2 (1) A personal search of an offender may be conducted by
3 an agent:

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

7 (ii) when an offender is transported or taken into
8 custody; or

9 (iii) upon an offender entering or leaving the
10 securing enclosure of a correctional institution, jail or
11 detention facility.

12 (2) A property search may be conducted by an agent if
13 there is reasonable suspicion to believe that the real or
14 other property in the possession of or under the control of
15 the offender contains contraband or other evidence of
16 violations of the conditions of supervision.

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

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

24 (5) The offender may be detained if he is present during
25 a property search. If the offender is not present during a
26 property search, the agent in charge of the search shall make
27 a reasonable effort to provide the offender with notice of
28 the search, including a list of the items seized, after the
29 search is completed.

30 (6) The existence of reasonable suspicion to search

1 shall be determined in accordance with constitutional search
2 and seizure provisions as applied by judicial decision. In
3 accordance with such case law, the following factors, where
4 applicable, may be taken into account:

5 (i) The observations of agents.

6 (ii) Information provided by others.

7 (iii) The activities of the offender.

8 (iv) Information provided by the offender.

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

10 (vi) The experience of agents in similar
11 circumstances.

12 (vii) The prior criminal and supervisory history of
13 the offender.

14 (viii) The need to verify compliance with the
15 conditions of supervision.

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

24 (f) When authority is effective.--The authority granted to
25 agents under this section shall be effective upon enactment of
26 this section, without the necessity of any further regulation by
27 the board.]

28 Section 24. Chapter 61 of Title 61 is amended by adding
29 subchapters to read:

30 SUBCHAPTER F

SUPERVISION OF OFFENDERS

Sec.

6171. Powers and duties of department.

6171.1. District offices.

6171.2. District directors.

6171.3. District office employees.

6172. Probation services.

6173. Investigation of circumstances of offense.

6174. Right of access to offenders.

6175. Investigations for the board of pardons.

§ 6171. Powers and duties of department.

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

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

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

(3) The imposition, modification or termination of a condition of supervision must be based on the risk presented by and the rehabilitative needs of the offender and the

1 impact the termination or modification will have on public
2 safety.

3 (4) To supervise any offender placed on parole, when
4 sentenced to a maximum period of less than two years, by any
5 judge of a court having criminal jurisdiction, when the court
6 may by special order direct supervision by the department, in
7 which case the parole case shall be known as a special case
8 and the authority of the department with regard thereto shall
9 be the same as provided in this chapter with regard to parole
10 cases within one of the classifications set forth in this
11 chapter.

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

20 (6) To pay the costs of preparole drug screening tests
21 for offenders subject to the parole release jurisdiction of
22 the board. The department shall establish rules and
23 regulations for the payment of these costs and may limit the
24 types and costs of these screening tests that would be
25 subject to payment by the department.

26 (7) To determine when an offender, subject to random
27 drug screening tests as a condition of supervision, shall be
28 tested. The offender undergoing the tests shall be
29 responsible for the costs of the tests. The money collected
30 for the tests shall be applied against the contract for such

1 testing.

2 (8) To supervise and make presentence investigations and
3 reports as provided by law.

4 (9) To collect and maintain copies of all presentence
5 investigations and reports.

6 (10) To collect, compile and publish statistical and
7 other information relating to probation and parole work in
8 all courts and such other information the department may deem
9 of value in probation service.

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

12 (i) Presentence investigations.

13 (ii) The supervision of probationers.

14 (iii) The qualifications for probation personnel.

15 (iv) Minimum salaries.

16 (v) Quality of probation service.

17 (vi) The standards for the qualifications of
18 probation personnel shall only apply to probation
19 personnel appointed after the date the standards are
20 established. Should any probation personnel appointed
21 prior to the date the standards were established fail to
22 meet the standards, the court having jurisdiction of such
23 personnel may request the department to establish in-
24 service training for them in accordance with the
25 standards.

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

30 (13) To enter into contracts for purchasing community

1 services to assist parolees, supplement existing programs and
2 provide for the continuous electronic monitoring of
3 offenders.

4 (14) To establish and provide for intensive supervision
5 units and day reporting centers for the supervision of
6 offenders.

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

10 (16) To incorporate evidence-based practices into the
11 supervision of offenders.

12 (17) To coordinate the reentry of offenders into the
13 community using evidence-based practices that are effective
14 in reducing recidivism.

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

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

21 (20) To administer administrative parole.

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

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

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

secured or unsecured portion of a community corrections center or community corrections facility.

(b) Administrative parole.--

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

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

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

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

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

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

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

(iii) Continue to pay any restitution owed.

(iv) Comply with other requirements imposed by the

1 department.

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

7 § 6171.1. District offices.

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

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

23 (c) Location of district offices.--

24 (1) The department shall fix and determine the location
25 of the various district offices within their respective
26 districts, having regard to local conditions in each district
27 and to the most convenient and efficient functioning of the
28 office established in each district.

29 (2) At each of the locations so fixed and determined,
30 the department shall provide such office accommodations,

furniture, equipment and supplies as may be reasonably
suitable and adequate for the proper handling and dispatch of
the parole business of the district.

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

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

§ 6171.2. District directors.

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

(1) Shall be appointed by the department.

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

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

§ 6171.3. District office employees.

(a) Board to appoint.--The department shall appoint in the

1 various district offices a sufficient number of agents, clerks,
2 stenographers and other employees to fully and efficiently
3 administer the parole laws of this Commonwealth, but no employee
4 of the department shall be appointed by the department except in
5 the manner provided by this chapter.

6 (b) Salaries and qualifications.--The salaries of the
7 appointees in subsection (a) shall be fixed by the department.
8 The department shall from time to time by appropriate rule or
9 regulation prescribe the qualifications to be possessed by its
10 personnel. The qualifications shall be such as will best promote
11 the efficient operation of probation and parole.

12 § 6172. Probation services.

13 (a) General rule.--The department shall have exclusive power
14 to supervise any offender placed on probation by any judge of a
15 court having criminal jurisdiction when the court, by special
16 order, consistent with the regulations of the department,
17 directs supervision by the department.

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

21 (c) In-service training.--The department shall provide in-
22 service training for personnel of county probation offices when
23 requested to do so by the court having jurisdiction of the
24 probation office.

25 § 6173. Investigation of circumstances of offense.

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

30 (1) The nature and circumstances of the offense

1 committed.

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

4 (3) The general character and background of the
5 offender.

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

10 (5) The written or personal statement of the testimony
11 of the victim or the victim's family submitted under section
12 6140 (relating to victim statements, testimony and
13 participation in hearing).

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

18 (7) The conduct of the offender while in prison and the
19 offender's physical, mental and behavioral condition and
20 history, in addition to history of family violence and
21 complete criminal record.

22 (b) Cooperation of public officials.--A public official who
23 possesses offender records or information shall furnish the
24 records or information to the department upon request and
25 without charge so far as may be practicable while the case is
26 recent.

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

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

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

5 (3) Copies of presentence investigation reports and
6 behavior clinic reports, if any were submitted to the court,
7 the last two of which records, being confidential records of
8 the court, shall be treated confidentially by the department,
9 who shall not permit examination of the records by anyone
10 other than its duly appointed officers and employees and the
11 board and its officers and employees, except upon court
12 order.

13 § 6174. Right of access to offenders.

14 All prison officials shall:

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

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

21 § 6175. Investigations for the board of pardons.

22 The department shall make an investigation for the board of
23 pardons in cases coming before it and upon its request. The
24 investigation shall include all information set forth under
25 section 6135 (relating to investigation of circumstances of
26 offense), including a risk assessment if the applicant is
27 incarcerated.

28 SUBCHAPTER G

29 AGENTS

30 Sec.

1 6181. Status as peace officers.

2 6182. Supervisory relationship to offenders.

3 § 6181. Status as peace officers.

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

9 § 6182. Supervisory relationship to offenders.

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

18 (b) Searches and seizures authorized.--

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

22 (2) Nothing in this section shall be construed to permit
23 searches or seizures in violation of the Constitution of the
24 United States or section 8 of Article I of the Constitution
25 of Pennsylvania.

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

29 (d) Grounds for personal search of a department-supervised
30 offender.--

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

3 (i) if there is a reasonable suspicion to believe
4 that the department-supervised offender possesses
5 contraband or other evidence of violations of the
6 conditions of supervision;

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

9 (iii) upon a department-supervised offender entering
10 or leaving the secure enclosure of a correctional
11 institution, jail or detention facility.

12 (2) A property search may be conducted by an agent if
13 there is reasonable suspicion to believe that the real or
14 other property in the possession of or under the control of
15 the department-supervised offender contains contraband or
16 other evidence of violations of the conditions of
17 supervision.

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

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

1 (i) The observations of agents.

2 (ii) Information provided by others.

3 (iii) The activities of the department-supervised
4 offender.

5 (iv) Information provided by the department-
6 supervised offender.

7 (v) The experience of agents with the department-
8 supervised offender.

9 (vi) The experience of agents in similar
10 circumstances.

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

13 (viii) The need to verify compliance with the
14 conditions of supervision.

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

25 (f) When authority is effective.--The authority granted to
26 agents under this section shall be effective upon enactment of
27 this section, without the necessity of any further regulation by
28 the department.

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

1 § 6302. 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 ["Board." The Pennsylvania Board of Probation and Parole.]

6 * * *

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

9 § 7115. Interstate Compact for the Supervision of Adult

10 Offenders application fee.

11 (a) Duty to pay.--

12 * * *

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

20 * * *

21 (d) Disposition.--Money received from the collection of the
22 application fee shall be paid into the State Treasury and shall
23 be credited to the general government operations of the [board]
24 department for expenses incurred in the administration of the
25 [interstate compact] Interstate Compact.

26 * * *

27 § 7121. Deputization.

28 (a) General rule.--The [chairperson of the Pennsylvania
29 Board of Probation and Parole] secretary may deputize any person
30 to act as an officer and agent of the Commonwealth in effecting

1 the return of any person who has violated the terms and
2 conditions of parole or probation as granted by the
3 Commonwealth. In any matter relating to the return of such
4 person, an agent so deputized has all the powers of a police
5 officer of this Commonwealth.

6 (b) Evidence of deputization.--A deputization under this
7 section must be in writing and a person authorized to act as an
8 agent of the Commonwealth under that authority shall carry
9 formal evidence of the deputization and shall produce it on
10 demand.

11 (c) Interstate contracts.--

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

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

23 § 7122. Supervision of persons paroled by other states.

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

29 (b) Witness Protection Program.--The [board] department may
30 relinquish jurisdiction over [a parolee] an offender to the

proper Federal authorities where the [parolee] offender is placed into the Witness Protection Program of the United States Department of Justice.

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

* * *

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

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

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

"Sexual offense."

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

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

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

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

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

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

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

1 18 Pa.C.S. § 3121 (relating to rape).

2 18 Pa.C.S. § 3123 (relating to involuntary deviate

3 sexual intercourse).

4 18 Pa.C.S. § 3125 (relating to aggravated indecent

5 assault).

6 "Violent offense."

7 (1) Any of the following offenses or an equivalent

8 offense:

9 18 Pa.C.S. § 2502 (relating to murder).

10 18 Pa.C.S. § 2503 (relating to voluntary

11 manslaughter).

12 18 Pa.C.S. § 2702 (relating to aggravated assault).

13 18 Pa.C.S. § 2703 (relating to assault by prisoner).

14 18 Pa.C.S. § 2704 (relating to assault by life

15 prisoner).

16 18 Pa.C.S. § 2901 (relating to kidnapping) where the

17 victim is a minor.

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

19 18 Pa.C.S. § 3123 (relating to involuntary deviate

20 sexual intercourse).

21 18 Pa.C.S. § 3301 (relating to arson and related

22 offenses).

23 18 Pa.C.S. § 3502 (relating to burglary).

24 18 Pa.C.S. § 3701 (relating to robbery).

25 18 Pa.C.S. § 3923 (relating to theft by extortion)

26 where a threat of violence is made.

27 (2) A criminal attempt, criminal solicitation or

28 criminal conspiracy to commit any offenses set forth in this

29 definition.

30 ["Other verifiable means of support." The term includes, but

1 is not limited to, support by parent, grandparent, sibling,
2 spouse or adult child. The term does not include public
3 assistance.]

4 Section 27. The following shall apply to transfers:

5 (1) The Pennsylvania Board of Probation and Parole and
6 the functions, powers and duties of the Pennsylvania Board of
7 Probation and Parole, including the powers and duties
8 contained in 61 Pa.C.S. Ch. 61 Such. F and that formerly
9 resided within the Pennsylvania Board of Probation and
10 Parole, are transferred to the Department of Corrections.

11 (2) Upon approval of the Governor, the following are
12 transferred to the Department of Corrections, to be used,
13 employed and expended in connection with the functions,
14 powers and duties transferred under paragraph (1):

15 (i) Personnel, contract obligations, records, files,
16 property, supplies and equipment being used or held on
17 the effective date of this section in connection with
18 the functions, powers and duties transferred under
19 paragraph (1).

20 (ii) Personnel transferred under this section who on
21 the effective date of this section hold civil service
22 employment status shall retain such status and
23 protections afforded under 71 Pa.C.S. Pt. III (relating
24 to civil service reform) while they remain in their
25 current position.

26 (iii) Unexpended balances of appropriations,
27 allocations and other funds available or to be made
28 available for use in connection with the functions,
29 powers and duties transferred under paragraph (1).

30 (3) To the extent that any employee of the Pennsylvania

1 Parole Board is transferred to the Department of Corrections
2 as a result of this act, such action shall not require the
3 department or the Pennsylvania Parole Board to engage in
4 collective bargaining or impact bargaining with the
5 collective bargaining representative of the employees under
6 the act of July 23, 1970 (P.L.563, No.195), known as the
7 Public Employe Relations Act, or any other laws of this
8 Commonwealth.

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

18 Section 29. The Appropriation for the Pennsylvania Parole
19 Board and the Board of Pardons must each be in a separate line
20 item under the Department of Corrections.

21 Section 30. This act shall take effect immediately.