
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2030 Session of
2021

INTRODUCED BY MIHALEK, THOMAS, PENNYCUICK, LABS, SCHROEDER,
HILL-EVANS, O'NEAL, KAIL, LEWIS DELROSSO, RYAN, MERCURI,
TOOHIL, MIZGORSKI AND JOZWIAK, OCTOBER 28, 2021

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 28, 2021

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 61
2 (Prisons and Parole) of the Pennsylvania Consolidated
3 Statutes, in other criminal provisions, providing for
4 Learning Disability Intervention Needs Assessment Pilot
5 Program; in general administration, providing for earned
6 education credits; in recidivism risk reduction incentive,
7 further providing for recidivism risk reduction incentive
8 minimum; providing for Learning Disability Intervention Needs
9 Assessment Pilot Program; and, in Pennsylvania Board of
10 Probation and Parole, further providing for parole power and
11 for short sentence parole.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Chapter 99 of Title 42 of the Pennsylvania
15 Consolidated Statutes is amended by adding a subchapter to read:

16 SUBCHAPTER B

17 LEARNING DISABILITY INTERVENTION NEEDS

18 ASSESSMENT PILOT PROGRAM

19 Sec.

20 9921. Purpose of subchapter.

21 9922. Definitions.

22 9923. Establishment of pilot program.

1 9924. Duties of committee.

2 § 9921. Purpose of subchapter.

3 This subchapter establishes a pilot program to assess the
4 need for learning disability intervention and support services
5 for individuals sentenced to probation to increase access to
6 education and employment opportunities for the purpose of
7 improving public safety outcomes.

8 § 9922. Definitions.

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

12 "Committee." The County Adult Probation and Parole Advisory
13 Committee.

14 "Department." A county adult probation and parole department
15 selected to participate in the pilot program.

16 "Learning disability." A disorder in one or more of the
17 basic psychological processes involved in understanding or using
18 language, spoken or written, that may manifest itself in the
19 imperfect ability to listen, think, speak, read, write, spell or
20 to do mathematical calculations, including a perceptual
21 disability, a brain injury, minimal brain dysfunction, dyslexia
22 or developmental aphasia.

23 "Pilot program." The Learning Disability Intervention Pilot
24 Program established under section 9923 (relating to
25 establishment of pilot program).

26 § 9923. Establishment of pilot program.

27 (a) Establishment.--The committee shall establish the
28 Learning Disability Intervention Pilot Program to assess the
29 need for learning disability support services for individuals
30 sentenced to a term of probation who do not possess a general

1 education development (GED) or high school diploma.

2 (b) Program operation.--The pilot program shall operate for
3 a period of six months beginning no later than one year after
4 the effective date of this section. Upon the expiration of the
5 six-month period under this subsection, the committee shall
6 submit a notice to the Legislative Reference Bureau for
7 publication in the Pennsylvania Bulletin. The pilot program
8 shall cease operations on the date of the publication of the
9 notice in the Pennsylvania Bulletin.

10 § 9924. Duties of committee.

11 (a) Consultation.--Before the pilot program commences under
12 section 9923(b) (relating to establishment of pilot program),
13 the committee may enter into an agreement with a consultant that
14 specializes in and has expertise with the scientific basis of
15 learning disabilities and intervention for the purposes of
16 establishing, operating and evaluating the pilot program.

17 (b) Guidelines and procedures.--Before the pilot program
18 begins, the committee shall establish guidelines and procedures
19 for the pilot program, including all of the following:

20 (1) Eligibility criteria and selection of at least two
21 departments to participate in the pilot program.

22 (2) A research-based screening tool for learning
23 disabilities that is able to detect learning strengths and
24 weaknesses to indicate potential learning disabilities and is
25 efficient and low cost. Each department shall administer the
26 research-based screening tool for individuals sentenced to a
27 term of probation who do not possess a general education
28 development (GED) or high school diploma.

29 (3) A uniform procedure for each department to report
30 data and information about the operation of the pilot program

1 to the committee.

2 (4) An evaluation and review of the pilot program.

3 (c) Evaluation.--No later than two years after the effective
4 date of this section, the committee shall evaluate the pilot
5 program, including recommendations regarding the provision of
6 learning disability intervention and support services by each
7 department. The committee shall post the evaluation on the
8 Pennsylvania Commission on Crime and Delinquency's publicly
9 accessible Internet website.

10 Section 2. Chapter 11 of Title 61 is amended by adding a
11 subchapter to read:

12 SUBCHAPTER E

13 EARNED EDUCATION CREDITS

14 Sec.

15 1181. Scope and purpose of subchapter.

16 1182. Earned education credit.

17 1183. Rules and regulations.

18 § 1181. Scope and purpose of subchapter.

19 This subchapter relates to earned education credits. This
20 subchapter seeks to encourage inmate participation and
21 completion of inmate education and training for the purposes of
22 improving public safety outcomes.

23 § 1182. Earned education credit.

24 (a) Sentence reduction.--Except as provided under this
25 section, an inmate sentenced on or after the effective date of
26 this section and incarcerated under the supervision of the
27 department shall earn education credits toward a sentence
28 reduction according to the following schedule:

29 (1) Ten days per month for regular participation in
30 inmate education services provided by the Bureau of

1 Correction Education within the department, which shall not
2 exceed 90 days per education program.

3 (2) Ninety days for attaining a general education
4 development (GED).

5 (3) One hundred twenty days for attaining a high school
6 diploma.

7 (4) One hundred eighty days for attaining a degree from
8 an institution of higher education.

9 (b) Limitation.--An inmate may not earn education credits
10 under subsection (a) in excess of one-fourth of the inmate's
11 minimum sentence.

12 (c) Exclusions.--An inmate sentenced for a conviction under
13 any of the following may not earn education credits under
14 subsecton (a):

15 (1) 18 Pa.C.S. § 2502 (relating to murder).

16 (2) 18 Pa.C.S. § 3011(b) (relating to trafficking in
17 individuals).

18 (3) 18 Pa.C.S. § 3012 (relating to involuntary
19 servitude).

20 (4) 18 Pa.C.S. § 3121 (relating to rape).

21 (5) 18 Pa.C.S. § 3122.1(b) (relating to statutory sexual
22 assault).

23 (6) 18 Pa.C.S. § 3123 (relating to involuntary deviate
24 sexual intercourse).

25 (7) 18 Pa.C.S. § 3125(b) (relating aggravated indecent
26 assault).

27 (8) A crime subject to a mandatory term of imprisonment
28 under 42 Pa.C.S. § 9717 (relating to sentence for offenses
29 against elderly persons), 9718 (relating to sentences for
30 offenses against infant persons) or 9718.1 (relating to

1 sexual offender treatment).

2 (d) Parole.--The board may exercise its power to parole an
3 inmate at the expiration of the minimum term of imprisonment
4 fixed by the court in its sentence less any earned education
5 credits under subsection (a).

6 § 1183. Rules and regulations.

7 The department and board may each promulgate rules and
8 regulations as deemed necessary to implement and administer this
9 subchapter.

10 Section 3. Section 4506 of Title 61 is amended by adding a
11 subsection to read:

12 § 4506. Recidivism risk reduction incentive minimum.

13 * * *

14 (e) Effect of earned education credits.--If an inmate who
15 has been sentenced to a recidivism risk reduction incentive
16 minimum sentence has earned education credit under Subchapter E
17 of Chapter 11 (relating to earned education credits) and, at the
18 expiration of that recidivism risk reduction incentive minimum
19 sentence, less any earned education credits under Subchapter E
20 of Chapter 11, has met the requirements under subsection (a),
21 the board or its designee shall issue a decision to parole,
22 without further review by the board, at that date.

23 Section 4. Title 61 is amended by adding a chapter to read:

24 CHAPTER 52

25 LEARNING DISABILITY INTERVENTION

26 NEEDS ASSESSMENT PILOT PROGRAM

27 Sec.

28 5201. Purpose of chapter.

29 5202. Definitions.

30 5203. Establishment of pilot program.

1 5204. Duties of department.

2 § 5201. Purpose of chapter.

3 This subchapter establishes a pilot program to assess the
4 need for learning disability intervention and support services
5 for inmates under the supervision of the department to increase
6 access to education and employment opportunities for the
7 purposes of improving public safety outcomes.

8 § 5202. Definitions.

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

12 "Learning disability." A disorder in one or more of the
13 basic psychological processes involved in understanding or using
14 language, spoken or written, that may manifest itself in the
15 imperfect ability to listen, think, speak, read, write, spell or
16 to do mathematical calculations, including a perceptual
17 disability, a brain injury, minimal brain dysfunction, dyslexia
18 or developmental aphasia.

19 "Pilot program." The Learning Disability Intervention Pilot
20 Program established under section 5203(a) (relating to
21 establishment of pilot program).

22 § 5203. Establishment of pilot program.

23 (a) Establishment.--The department shall establish the
24 Learning Disability Intervention Pilot Program to assess the
25 need for learning disability support services for inmates under
26 the supervision of the department who do not possess a general
27 education development (GED) or high school diploma.

28 (b) Program operation.--The pilot program shall operate for
29 a period of six months beginning no later than one year after
30 the effective date of this section. Upon the expiration of the

1 six-month period under this subsection, the committee shall
2 submit a notice to the Legislative Reference Bureau for
3 publication in the Pennsylvania Bulletin. The pilot program
4 shall cease operations on the date of the publication of the
5 notice in the Pennsylvania Bulletin.

6 § 5204. Duties of department.

7 (a) Consultation.--The Bureau of Correction Education within
8 the department may enter into an agreement with a consultant
9 that specializes in and has expertise with the scientific basis
10 of learning disabilities and intervention for the purposes of
11 establishing, operating and evaluating the pilot program.

12 (b) Guidelines and procedures.--The department shall
13 establish guidelines and procedures for the pilot program,
14 including all of the following:

15 (1) A research-based screening tool for learning
16 disabilities that is able to detect learning strengths and
17 weaknesses to indicate potential learning disabilities and is
18 efficient and low cost. The Bureau of Correction Education
19 shall administer the research-based screening tool for
20 individuals under the supervision of the department who does
21 not possess a general education development (GED) or high
22 school diploma.

23 (2) A uniform procedure for the Bureau of Correction
24 Education to report data and information about the operation
25 of the pilot program.

26 (3) An evaluation and review of the pilot program.

27 (c) Evaluation.--No later than two years after the effective
28 date of this section, the department shall evaluate the pilot
29 program, including recommendations regarding the provision of
30 learning disability intervention and support services to inmates

1 under the supervision of the department. The department shall
2 post the evaluation on the department's publicily accessible
3 Internet website.

4 Section 5. Section 6137(a) (3) and (3.1) (i) and (g) (2),
5 (2.1), (4) introductory paragraph and (5) of Title 61, amended
6 June 30, 2021 (P.L.260, No.59), are amended to read:

7 § 6137. Parole power.

8 (a) General criteria for parole.--

9 * * *

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

18 (3.1) (i) Following the expiration of the offender's
19 minimum term of imprisonment, less any earned education
20 credits under Subchapter E of Chapter 11, if the primary
21 reason for not paroling the offender is the offender's
22 inability to access and complete prescribed programming
23 within the correctional institution, the board may
24 release the offender on parole with the condition that
25 the offender complete the prescribed programming while on
26 parole.

27 * * *

28 (g) Procedures for Recidivism Risk Reduction Incentive.--

29 * * *

30 (2) Upon identification of an inmate as an eligible

1 offender, as defined under section 4503 (relating to
2 definitions), the department shall send notice to the board.
3 The board shall send notice to the prosecuting attorney and
4 the court no less than six months before the expiration of
5 the offender's minimum sentence, less any earned education
6 credits under Subchapter E of Chapter 11, indicating that the
7 department has preliminarily identified the offender as an
8 eligible offender. The notice shall be sent by United States
9 mail unless the board, the court and the prosecutor have
10 consented to receipt of notice via electronic means. For
11 offenders committed to the department whose expiration of the
12 minimum sentence is six months or less from the date of
13 admission, the department shall give prompt notice.

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

27 * * *

28
29 (4) If no notice of objection has been filed under
30 paragraph (3), the eligible offender shall be paroled at the

1 minimum date, or a minimum date less any earned education
2 credits under Subchapter E of Chapter 11, whichever comes
3 first, upon a determination by the board or the board's
4 designee that all of the following apply:

5 * * *

6 (5) If the court or prosecuting attorney files a timely
7 objection under paragraph (3), the board shall make a
8 determination as to whether the offender is an eligible
9 offender. The board shall notify the department, prosecuting
10 attorney and court of its determination no later than 30 days
11 prior to the minimum parole date[.], or a minimum parole date
12 less any earned education credits under Subchapter E of
13 Chapter 11, whichever comes first. If the board determines
14 that the offender is an eligible offender under this chapter,
15 the board shall follow the provisions under paragraph (4). If
16 the board determines that the offender is not an eligible
17 offender under section 4503 (relating to definitions), the
18 board shall retain exclusive jurisdiction to grant parole and
19 shall determine whether the offender should be paroled at the
20 minimum date, less any earned education credits under
21 Subchapter E of Chapter 11, paroled at a later date or denied
22 parole.

23 * * *

24 Section 6. Section 6137.1(b) of Title 61 is amended to read:
25 § 6137.1. Short sentence parole.

26 * * *

27 (b) Approval of parole.--The board shall, without requiring
28 an interview, approve for parole a person eligible for short
29 sentence parole under this section at the expiration of the
30 person's minimum date, less any earned education credits under

1 Subchapter E of Chapter 11 (relating to earned education
2 credits), or recidivism risk reduction incentive minimum date,
3 less any earned education credits under Subchapter E of Chapter
4 11, whichever is shorter. If the person was committed to the
5 department after expiration of the person's minimum date, the
6 board shall approve the person for parole within 30 days after
7 commitment to the department.

8 * * *

9 Section 7. This act shall take effect in 60 days.