

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 411 Session of 2021

INTRODUCED BY BROWNE, BAKER, PITTMAN, ARGALL, MARTIN, MENSCH, YUDICHAK, VOGEL, KANE, MASTRIANO AND STEFANO, MARCH 11, 2021

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 22, 2021

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and, 61 <--
2 (Prisons and Parole) AND 71 (STATE GOVERNMENT) of the <--
3 Pennsylvania Consolidated Statutes, in judicial boards and
4 commissions, further providing for definitions and for
5 publication of guidelines for sentencing, resentencing and
6 parole, risk assessment instrument and recommitment ranges
7 following revocation; in depositions and witnesses, further
8 providing for confidential communications involving law
9 enforcement officers and for confidential communications to
10 peer support members; in juvenile matters, further providing
11 for inspection of court files and records; in particular
12 rights and immunities, further providing for immunity of
13 State parole officers and for immunity of program
14 administrators and supervisors; in post-trial matters,
15 further providing for postconviction DNA testing; in
16 sentencing, further providing for mandatory period of
17 probation for certain sexual offenders, for disposition of
18 persons found guilty but mentally ill, for information
19 required upon commitment and subsequent disposition, for
20 judicial power to release inmates, for transfer of inmates in
21 need of medical treatment, for applicability, for registry,
22 for initial registration, for duty to inform, for
23 enforcement, for assessments, for verification by sexual
24 offenders and Pennsylvania State Police, for administration,
25 for global positioning system technology, for immunity for
26 good faith conduct, for Pennsylvania State Police, for duties
27 of probation and parole officials, for board, for annual
28 performance audit, for applicability, for registration, for
29 registration procedures and applicability, for assessments,
30 for administration, for global positioning system technology,
31 for immunity for good faith conduct, for duties of
32 Pennsylvania State Police, for duties of Pennsylvania Board

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

44 The General Assembly of the Commonwealth of Pennsylvania
45 hereby enacts as follows:

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

49 § 2151.1. Definitions.

50 The following words and phrases when used in this subchapter
51 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

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

4 * * *

5 Section 2. Sections 2155(a)(1) introductory paragraph and
6 (vi), 5950(d), 5952(d), 6307(a)(6.5), 8332.7, 8340, 9543.1(f)
7 (6), 9718.5(d) and 9727(a), (b)(1), (c) and (f)(3) of Title 42
8 are amended to read:

9 § 2155. Publication of guidelines for sentencing, resentencing
10 and parole, risk assessment instrument and
11 recommitment ranges following revocation.

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

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

23 * * *

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

26 * * *

27 § 5950. Confidential communications involving law enforcement
28 officers.

29 * * *

30 (d) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection:

3 "Coparticipant." An individual who participates in a group
4 critical incident stress management team intervention.

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

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

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

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

29 "Government unit." The General Assembly and its officers and
30 agencies; the Governor and the departments, boards, commissions,

1 authorities and officers and agencies of the Commonwealth or
2 other instrumentalities thereof; any political subdivision,
3 municipality, school district or other local authority and the
4 departments, boards, commissions, authorities and officers and
5 agencies of such political subdivisions or other
6 instrumentalities thereof; and any court or other officer or
7 agency of the unified judicial system or instrumentality
8 thereof.

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

- 10 (1) A member of the Pennsylvania State Police.
- 11 (2) Any enforcement officer or investigator employed by
12 the Pennsylvania Liquor Control Board.
- 13 (3) A parole agent[, enforcement officer and
14 investigator of the Pennsylvania Board of Probation and
15 Parole] of the Department of Corrections.
- 16 (4) A Capitol Police officer.
- 17 (5) A Department of Conservation and Natural Resources
18 ranger.
- 19 (6) A drug enforcement agent of the Office of Attorney
20 General whose principal duty is the enforcement of the drug
21 laws of this Commonwealth and a special agent of the Office
22 of Attorney General whose principal duty is the enforcement
23 of the criminal laws of this Commonwealth.
- 24 (7) Any member of a port authority or other authority
25 police department.
- 26 (8) Any police officer of a county, region, city,
27 borough, town or township.
- 28 (9) Any sheriff or deputy sheriff.
- 29 (10) A member of the Pennsylvania Fish Commission.
- 30 (11) A Pennsylvania Wildlife Conservation Officer.

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

7 (13) A member of the Fort Indiantown Gap Police Force.
8 § 5952. Confidential communications to peer support members.

9 * * *

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:

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

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

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

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

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

29 (3) A parole agent[, enforcement officer and
30 investigator of the Pennsylvania Board of Probation and

1 Parole] of the Department of Corrections.

2 (4) A Capitol Police officer.

3 (5) A Department of Conservation and Natural Resources
4 ranger.

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

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

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

14 (9) Any sheriff or deputy sheriff.

15 (10) A member of the Pennsylvania Fish and Boat
16 Commission.

17 (11) A Pennsylvania Wildlife Conservation Officer.

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

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

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

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

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

30 (3) Receives eight hours of continuing training each

1 year.

2 (4) May be supervised by licensed psychologists.

3 § 6307. Inspection of court files and records.

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

6 * * *

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

11 * * *

12 § 8332.7. Immunity of State parole officers.

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

28 (b) Assistance of criminal victims.--In addition to any
29 other immunity provided by law, any parole officer appointed by
30 the [Pennsylvania Board of Probation and Parole] Secretary of

1 Corrections who is entitled to immunity under section 8331.3
2 (relating to criminal victim aid good Samaritan civil immunity)
3 as a result of providing assistance to a victim of a crime shall
4 be considered to be acting within the scope of his official duty
5 while providing assistance to the victim for all purposes of law
6 and shall enjoy any benefit or immunity conferred upon an
7 employee of the Commonwealth.

8 § 8340. Immunity of program administrators and supervisors.

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

22 § 9543.1. Postconviction DNA testing.

23 * * *

24 (f) Posttesting procedures.--

25 * * *

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

1 (i) direct that the Pennsylvania [Board of Probation
2 and] Parole Board be notified of the test results; or
3 (ii) mandate that the applicant's DNA profile be
4 added to the Commonwealth's convicted offender database.

5 * * *

6 § 9718.5. Mandatory period of probation for certain sexual
7 offenders.

8 * * *

9 (d) Direct supervision.--Nothing under this section shall
10 limit the court's authority to direct supervision by the
11 [Pennsylvania Board of Probation and Parole] Department of
12 Corrections by special order as provided under 61 Pa.C.S. §
13 [6133(a)] 6172(a) (relating to probation services).

14 § 9727. Disposition of persons found guilty but mentally ill.

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

26 (b) Treatment.--

27 (1) An offender who is severely mentally disabled and in
28 need of treatment at the time of sentencing shall, consistent
29 with available resources, be provided such treatment as is
30 psychiatrically or psychologically indicated for his mental

1 illness. Treatment may be provided by the [Bureau of
2 Correction] Department of Corrections, by the county or by
3 the Department of [Public Welfare] Human Services in
4 accordance with the ["Mental] Mental Health Procedures
5 [Act."] Act.

6 * * *

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

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

22 * * *

23 (f) Probation.--

24 * * *

25 (3) Treatment shall be provided by an agency approved by
26 the Department of [Public Welfare] Human Services or, with
27 the approval of the sentencing court and at individual
28 expense, by private agencies, private physicians or other
29 mental health personnel. A mental health status report,
30 containing the information set forth in subsection (c), shall

1 be filed with the probation officer and the sentencing court
2 every three months during the period of probation. If a
3 motion on a petition to discontinue probation is made by the
4 defendant, the probation officer shall request a report as
5 specified from the treating facility.

6 Section 3. Section 9764(e), (f), (h), (i) and (k) of Title
7 42, amended December 18, 2019 (P.L.776, No.115), are amended to
8 read:

9 § 9764. Information required upon commitment and subsequent
10 disposition.

11 * * *

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

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

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

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

1 * * *

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

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

1 * * *

2 (k) Procedures.--The Department of Corrections and the
3 Pennsylvania [Board of Probation and] Parole Board shall develop
4 procedures to implement the provisions of this section.

5 * * *

6 Section 4. Sections 9776(a), 9777(d)(2), 9799.13(2),
7 9799.16(d), 9799.19(f), (k)(1) introductory paragraph and (iv)
8 and (2), (l)(2)(iv) and (q)(2), 9799.20 introductory paragraph,
9 9799.22(d), 9799.24(a), (b) introductory paragraph, (c), (e)(4)
10 and (g), 9799.25(f)(4), 9799.29, 9799.30 and 9799.31(6) of Title
11 42 are amended to read:

12 § 9776. Judicial power to release inmates.

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

19 * * *

20 § 9777. Transfer of inmates in need of medical treatment.

21 * * *

22 (d) Notice.--

23 * * *

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

30 * * *

1 § 9799.13. Applicability.

2 The following individuals shall register with the
3 Pennsylvania State Police as provided in sections 9799.15
4 (relating to period of registration), 9799.19 (relating to
5 initial registration) and 9799.25 (relating to verification by
6 sexual offenders and Pennsylvania State Police) and otherwise
7 comply with the provisions of this subchapter:

8 * * *

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

19 * * *

20 § 9799.16. Registry.

21 * * *

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

1 § 9799.19. Initial registration.

2 * * *

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

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

29 * * *

30 (k) Registration if incarcerated within Commonwealth or by

1 Federal court.--The following apply to an individual who
2 committed a sexually violent offense:

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

10 * * *

11 (iv) special probation supervised by the
12 [Pennsylvania Board of Probation and Parole] Department
13 of Corrections.

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

1 With respect to individuals released under paragraph (1) (i),
2 if the individual refuses to provide the information
3 specified in section 9799.16(b), the State or county
4 correctional facility shall notify the Pennsylvania State
5 Police or the municipal police department with jurisdiction
6 over the facility of the failure to provide the information
7 and of the expected date, time and location of the release of
8 the individual.

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

15 * * *

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

22 * * *

23 (iv) In the case of parole, State [or county]
24 intermediate punishment, State drug treatment programs or
25 restrictive conditions of probation where the sentence is
26 restrictive and the individual is sentenced to a period
27 of incarceration in a State or county correctional
28 facility or work release facility or special probation
29 supervised by the [Pennsylvania Board of Probation and
30 Parole] Department of Corrections, the correctional

1 facility may not release the individual until the
2 correctional facility receives verification from the
3 Pennsylvania State Police that the Pennsylvania State
4 Police has received the information specified in section
5 9799.16(b) and (c). Verification by the Pennsylvania
6 State Police may occur by electronic means.

7 * * *

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

9 * * *

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

25 § 9799.20. Duty to inform.

26 In order to implement the provisions of section 9799.19
27 (relating to initial registration), as appropriate, the
28 Pennsylvania State Police, the court having jurisdiction over
29 the sexual offender, the chief juvenile probation officer of the
30 court and the appropriate official of the [Pennsylvania Board of

1 Probation and Parole] Department of Corrections, county office
2 of probation and parole, the Department of [Public Welfare]
3 Human Services or a State or county correctional institution
4 shall:

5 * * *

6 § 9799.22. Enforcement.

7 * * *

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

19 § 9799.24. Assessments.

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

26 (b) Assessment.--Upon receipt from the court of an order for
27 an assessment, a member of the board as designated by the
28 [administrative officer] executive director of the board shall
29 conduct an assessment of the individual to determine if the
30 individual should be classified as a sexually violent predator.

1 The board shall establish standards for evaluations and for
2 evaluators conducting the assessments. An assessment shall
3 include, but not be limited to, an examination of the following:

4 * * *

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

19 * * *

20 (e) Hearing.--

21 * * *

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

27 * * *

28 (g) Parole assessment.--The Pennsylvania [Board of Probation
29 and] Parole Board may request of the board that an assessment of
30 a sexual offender be conducted and that a report be provided to

1 the Pennsylvania [Board of Probation and] Parole Board prior to
2 considering a sexual offender for parole.

3 * * *

4 § 9799.25. Verification by sexual offenders and Pennsylvania
5 State Police.

6 * * *

7 (f) Residents in group-based homes.--

8 * * *

9 (4) As used in this subsection, the term "group-based
10 home" has the meaning given to it in 61 Pa.C.S. § [6124(c)]
11 5007(c) (relating to certain offenders residing in group-
12 based homes).

13 § 9799.29. Administration.

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

22 § 9799.30. Global positioning system technology.

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

28 § 9799.31. Immunity for good faith conduct.

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

1 * * *

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

4 * * *

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

7 § 9799.32. Pennsylvania State Police and Department of
8 Corrections.

9 The Pennsylvania State Police have the following duties:

10 * * *

11 (2) In consultation with the Department of Corrections,
12 the Office of Attorney General, the Juvenile Court Judges'
13 Commission, the Administrative Office of Pennsylvania
14 Courts[, the Pennsylvania Board of Probation and Parole] and
15 the chairman and minority chairman of the Judiciary Committee
16 of the Senate and the chairman and minority chairman of the
17 Judiciary Committee of the House of Representatives, to
18 promulgate guidelines necessary for the general
19 administration of this subchapter. These guidelines shall
20 establish procedures to allow an individual subject to the
21 requirements of this subchapter, including a transient, to
22 fulfill these requirements at approved registration sites
23 throughout this Commonwealth. The Pennsylvania State Police
24 shall publish a list of approved registration sites in the
25 Pennsylvania Bulletin and provide a list of approved
26 registration sites in any notice sent to individuals required
27 to register under this subchapter. An approved registration
28 site shall be capable of submitting fingerprints, palm
29 prints, DNA samples and any other information required
30 electronically to the Pennsylvania State Police. The

1 Pennsylvania State Police shall require that approved
2 registration sites submit fingerprints utilizing the
3 Integrated Automated Fingerprint Identification System or in
4 another manner and in such form as the Pennsylvania State
5 Police shall require. Approved registration sites shall not
6 be limited to sites managed by the Pennsylvania State Police
7 and shall include sites managed by local law enforcement
8 agencies that meet the criteria for approved registration
9 sites set forth in this paragraph.

10 * * *

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

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

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

1 * * *

2 Section 6. Sections 9799.33, 9799.35(e), 9799.38, 9799.54(a)
3 (3), 9799.55(d)(4), 9799.56(a)(4)(i), 9799.58(c), (e)(4) and
4 (g), 9799.64, 9799.65, 9799.66(6), 9799.67(2), (5) and (6),
5 9799.68, 9799.69(e), 9799.72 and 9912(e.1)(10) of Title 42 are
6 amended to read:

7 § 9799.33. Duties of Department of Corrections and probation
8 and parole officials.

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

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

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

24 (b) Notification form.--The [Pennsylvania Board of Probation
25 and Parole] Department of Corrections shall create a
26 notification form which will inform [State and] county prison
27 and probation and parole personnel how to inform sexual
28 offenders of their duties under this subchapter. In addition,
29 the [Pennsylvania Board of Probation and Parole] Department of
30 Corrections shall apply for Federal funding as provided in the

1 Adam Walsh Child Protection and Safety Act of 2006 (Public Law
2 109-248, 120 Stat. 587) to support and enhance programming using
3 global satellite positioning system technology.

4 § 9799.35. Board.

5 * * *

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

18 § 9799.38. Annual performance audit.

19 (a) Duties of the Attorney General.--The Attorney General
20 has the following duties:

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

1 necessary in order to conduct a thorough and accurate
2 performance audit.

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

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

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

1 files, reports and data systems.

2 § 9799.54. Applicability.

3 (a) Registration.--The following individuals shall register
4 with the Pennsylvania State Police as provided in this
5 subchapter:

6 * * *

7 (3) An individual who committed a sexually violent
8 offense within this Commonwealth and is an inmate in a State
9 or county correctional facility of this Commonwealth,
10 including a community corrections center or a community
11 contract facility, is being supervised by the [Pennsylvania
12 Board of Probation and Parole] Department of Corrections or
13 county probation or parole, is subject to a sentence of
14 intermediate punishment or has supervision transferred under
15 the Interstate Compact for Adult Supervision in accordance
16 with section 9799.62(e) (relating to other notification). The
17 individual shall register for the period of time under
18 section 9799.55, except that the period required in section
19 9799.55 shall be tolled for any period of time the individual
20 is recommitted for a parole violation or sentenced to a term
21 of imprisonment.

22 * * *

23 § 9799.55. Registration.

24 * * *

25 (d) Residents in group-based homes.--

26 * * *

27 (4) As used in this subsection, the term "group-based
28 home" has the meaning given to it in 61 Pa.C.S. § [6124(c)]
29 5007(c) (relating to certain offenders residing in group-
30 based homes).

1 § 9799.56. Registration procedures and applicability.

2 (a) Registration.--

3 * * *

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

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

1 * * *

2 § 9799.58. Assessments.

3 * * *

4 (c) Release of information.--All State, county and local
5 agencies, offices or entities in this Commonwealth, including
6 juvenile probation officers, shall cooperate by providing access
7 to records and information as requested by the board in
8 connection with the court-ordered assessment and the assessment
9 requested by the Pennsylvania [Board of Probation and] Parole
10 Board or the assessment of a delinquent child under section 6358
11 (relating to assessment of delinquent children by the State
12 Sexual Offenders Assessment Board).

13 * * *

14 (e) Hearing.--

15 * * *

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

21 * * *

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

28 * * *

29 § 9799.64. Administration.

30 The Governor shall direct the Pennsylvania State Police, the

1 Pennsylvania [Board of Probation and] Parole Board, the [State
2 Sexual Offenders Assessment Board] board, the Department of
3 Corrections, the Department of Transportation and any other
4 agency of this Commonwealth the Governor deems necessary to
5 collaboratively design, develop and implement an integrated and
6 secure system of communication, storage and retrieval of
7 information to assure the timely, accurate and efficient
8 administration of this subchapter.

9 § 9799.65. Global positioning system technology.

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

14 § 9799.66. Immunity for good faith conduct.

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

17 * * *

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

20 * * *

21 § 9799.67. Duties of Pennsylvania State Police.

22 The Pennsylvania State Police shall:

23 * * *

24 (2) In consultation with the Department of Corrections,
25 the Office of Attorney General[, the Pennsylvania Board of
26 Probation and Parole] and the chairperson and the minority
27 chairperson of the Judiciary Committee of the Senate and the
28 chairperson and the minority chairperson of the Judiciary
29 Committee of the House of Representatives, promulgate
30 guidelines necessary for the general administration of this

1 subchapter. These guidelines shall establish procedures to
2 allow an individual subject to the requirements of sections
3 9799.55 (relating to registration) and 9799.60 (relating to
4 verification of residence) to fulfill these requirements at
5 approved registration sites throughout this Commonwealth.
6 This paragraph includes the duty to establish procedures to
7 allow an individual who has a residence as defined in
8 paragraph (2) of the definition of "residence" in section
9 9799.53 (relating to definitions) to fulfill the requirements
10 regarding registration at approved registration sites
11 throughout this Commonwealth. The Pennsylvania State Police
12 shall publish a list of approved registration sites in the
13 Pennsylvania Bulletin and provide a list of approved
14 registration sites in any notices sent to individuals
15 required to register under section 9799.55. An approved
16 registration site shall be capable of submitting
17 fingerprints, photographs and other information required
18 electronically to the Pennsylvania State Police. The
19 Pennsylvania State Police shall require that approved
20 registration sites submit fingerprints utilizing the
21 Integrated Automated Fingerprint Identification System or in
22 another manner and in the form as the Pennsylvania State
23 Police shall require. The Pennsylvania State Police shall
24 require that approved registration sites submit photographs
25 utilizing the Commonwealth Photo Imaging Network or in
26 another manner and in the form as the Pennsylvania State
27 Police shall require. Approved registration sites shall not
28 be limited to sites managed by the Pennsylvania State Police
29 and shall include sites managed by local law enforcement
30 agencies that meet the criteria for approved registration

1 sites specified in this paragraph.

2 * * *

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

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

16 * * *

17 § 9799.68. Duties of [Pennsylvania Board of Probation and
18 Parole] Department of Corrections.

19 The [Pennsylvania Board of Probation and Parole] Department
20 of Corrections shall:

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

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

29 (i) Name, including aliases.

30 (ii) Identifying factors.

- 1 (iii) Anticipated future residence.
2 (iv) Offense history.
3 (v) Documentation of treatment received for the
4 mental abnormality or personality disorder.
5 (vi) Photograph of the offender or sexually violent
6 predator.

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

13 (4) Apply for Federal funding as provided in the Adam
14 Walsh Child Protection and Safety Act of 2006 (Public Law
15 109-248, 120 Stat. 587) to support and enhance programming
16 using satellite global positioning system technology.

17 § 9799.69. Board.

18 * * *

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

1 § 9799.72. Annual performance audit.

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

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

14 (2) Prepare an annual report of its findings and actions
15 it recommends be taken by the Pennsylvania State Police, [the
16 Pennsylvania Board of Probation and Parole,] the Department
17 of Corrections, the [State Sexual Offenders Assessment Board]
18 board, the Administrative Office of Pennsylvania Courts,
19 other State or local agencies and the General Assembly to
20 ensure compliance with this subchapter. The first report
21 shall be released to the general public electronically on the
22 Attorney General's publicly accessible Internet website not
23 less than 18 months after February 21, 2018.

24 (3) Provide a copy of its report to the Pennsylvania
25 State Police, [the Pennsylvania Board of Probation and
26 Parole,] the Department of Corrections, the [State Sexual
27 Offenders Assessment Board] board, the Administrative Office
28 of Pennsylvania Courts, State or local agencies referenced
29 therein, the chairperson and the minority chairperson of the
30 Judiciary Committee of the Senate and the chairperson and the

1 minority chairperson of the Judiciary Committee of the House
2 of Representatives no less than 30 days prior to the report's
3 release to the general public.

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

15 § 9912. Supervisory relationship to offenders.

16 * * *

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

18 * * *

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

25 * * *

26 Section 7. The definition of "board" in section 102 of Title
27 61 is amended and the section is amended by adding definitions
28 to read:

29 § 102. Definitions.

30 The following words and phrases when used in this title shall

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

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

5 * * *

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

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

17 * * *

18 Section 8. Title 61 is amended by adding a section to read:
19 § 1106. Powers of peace officers.

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

- 24 (1) Guarding, protecting and delivering inmates.
25 (2) Protecting the property of the department.
26 (3) Capturing and returning inmates that may have
27 escaped within the immediate area of a State correctional
28 facility or mode of transport. For the purposes of this
29 section, the immediate area of a State correctional facility
30 or mode of transport shall encompass the curtilage up to and

1 including one-half of one mile.

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

4 § 5001. Definitions.

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

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

10 "Chairman." The chairman of the Pennsylvania [Board of
11 Probation and] Parole Board.

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

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

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

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

20 § 5002. Department.

21 The department may do all of the following:

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

24 (2) Enter into contracts with private vendors to operate
25 community corrections facilities.

26 (3) Establish parole violator centers.

27 § 5003. Offenders who may be housed.

28 (A) COMMUNITY CORRECTIONS CENTERS, PAROLE VIOLATOR CENTERS <--

29 AND COMMUNITY CORRECTIONS FACILITIES.--The following offenders

30 may be housed in community corrections centers, parole violator

1 centers and community corrections facilities:

2 (1) [A parolee under the jurisdiction of] An offender
3 paroled by the board who is in good standing [with the board]
4 as defined in section 6101 (relating to definitions).

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

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

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

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

1 facility.

2 (4) An offender who has been granted clemency by the
3 Governor ~~may be housed in a community corrections center or a~~ <--
4 ~~community corrections facility.~~ <--

5 (B) COMMUNITY CORRECTIONS CENTERS AND COMMUNITY CORRECTIONS
6 FACILITIES.--THE FOLLOWING OFFENDERS MAY BE HOUSED IN COMMUNITY
7 CORRECTION CENTERS AND COMMUNITY CORRECTIONS FACILITIES:

8 (1) AN OFFENDER WHO IS SERVING THE COMMUNITY-BASED
9 PORTION OF A SENTENCE IN A STATE DRUG TREATMENT PROGRAM.

10 (2) AN OFFENDER WHO HAS BEEN GRANTED CLEMENCY BY THE
11 GOVERNOR.

12 § 5004. Authority of Commonwealth employees.

13 Commonwealth employees of community corrections centers and
14 parole violator centers and other Commonwealth employees[,
15 while] present in community corrections facilities[,] have the
16 authority to do all of the following:

17 (1) In order to maintain security and to enforce the
18 rules of the community corrections center, parole violator
19 center or community corrections facility:

20 (i) search the person and property of an offender
21 residing in the community corrections center, parole
22 violator center or community corrections facility;

23 (ii) seize property from an offender residing in the
24 community corrections center, parole violator center or
25 community corrections facility; and

26 (iii) if necessary, use reasonable force against an
27 offender residing in the community corrections center or
28 community corrections facility.

29 (2) Detain, by using reasonable force if necessary, an
30 offender residing in the community corrections center, parole

1 violator center or community corrections facility [in order]
2 to maintain control of the offender pending the arrival of a
3 department parole agent, police officer or other appropriate
4 law enforcement officer.

5 § 5005. Authority of chairman.

6 The chairman has the following authority:

7 [(1) Designate community corrections centers or
8 community corrections facilities where parolees are to be
9 housed.]

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

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

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

24 § 5006. Escape.

25 An [individual committed to] offender detained or recommitted
26 to a community corrections center, parole violator center or a
27 community corrections facility as a result of a parole violation
28 shall be deemed to be in official detention under 18 Pa.C.S. §
29 5121 (relating to escape). An offender living in a community
30 corrections center or community corrections facility while in

1 good standing on parole shall not be deemed to be in official
2 detention under 18 Pa.C.S. § 5121.

3 Section 10. Title 61 is amended by adding sections to read:
4 § 5007. Certain offenders residing in group-based homes.

5 (a) Notification requirement.--

6 (1) A group-based home located within a county of the
7 sixth, seventh or eighth class that agrees to provide housing
8 to an individual knowing that the individual has been
9 previously convicted of an offense under 18 Pa.C.S. § 2502
10 (relating to murder) or a substantially similar offense
11 committed in another jurisdiction shall notify the head of
12 the governing body of the municipality and the county in
13 which the group-based home is located that the individual is
14 staying at the group-based home.

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

19 (i) Name of the individual, including all known
20 aliases.

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

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

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

26 (b) Public hearing.--

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

2 Section 12. Section 6101 of Title 61, amended December 18,
3 2019 (P.L.776, No.115), is amended to read:

4 § 6101. Definitions.

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

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

9 "Board." The Pennsylvania Parole Board.

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

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

16 (1) provides housing to offenders pursuant to a contract
17 with the department; and

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

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

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

28 "Court." A court of common pleas or any judge thereof, the
29 Philadelphia municipal court or any judge thereof, the
30 Pittsburgh magistrates court or any judge thereof or any

1 magisterial district judge.

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

5 "Evidence-based practices." Interventions and treatment
6 approaches that have been proven effective through appropriate
7 empirical analysis.

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

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

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

16 (2) has not been arrested for or charged with a crime
17 other than one from which he has been paroled or one for
18 which he has served the sentence imposed and otherwise
19 complied with all the sanctions imposed other than the
20 payment of money;

21 (3) is not subject to an order of protection from abuse; <--

22 and ACTIVE PROTECTION FROM ABUSE ORDER UNDER 23 PA.C.S. CH. <--

23 61 (RELATING TO PROTECTION FROM ABUSE) OR AN ACTIVE
24 PROTECTION FROM INTIMIDATION ORDER UNDER 18 PA.C.S. CH. 49
25 SUBCH. B (RELATING TO VICTIM AND WITNESS INTIMIDATION); AND

26 (4) is in compliance with all legal requirements
27 applicable to the offender, including, but not limited to,
28 maintaining registration in any applicable sex offender
29 registry.

30 "Personal injury crime." The term shall have the meaning

1 given to it under section 103 of the act of November 24, 1998
2 (P.L.882, No.111), known as the Crime Victims Act.

3 "Real property." Any residence or business property of a
4 department-supervised offender, including all portions of the
5 property to which the department-supervised offender has access.

6 "Supervisor." Any individual acting in a supervisory or
7 administrative capacity.

8 "Victim." The term shall have the meaning given to it under
9 section 103 of the Crime Victims Act. The term shall also
10 include a member of the victim's family or the victim's
11 representative if the victim is incapable of communicating or
12 has died.

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

14 § 6102. Operation of parole system generally.

15 The parole system shall operate consistently with the
16 following provisions:

17 (1) The parole system provides several benefits to the
18 criminal justice system, including the provision of adequate
19 supervision of the offender while protecting the public, the
20 opportunity for the offender to become a useful member of
21 society and the diversion of appropriate offenders from
22 prison.

23 (2) In providing these benefits to the criminal justice
24 system, the board, the department and any other paroling
25 entity shall first and foremost seek to protect the safety of
26 the public.

27 (3) In addition to this goal, the board, the department
28 and any other paroling entity shall address input by crime
29 victims, assist in the fair administration of justice by
30 ensuring the custody, control and treatment of paroled

1 offenders, shall consider any applicable guidelines
2 established by the commission and shall ensure that parole
3 proceedings, release and recommitment are administered in an
4 efficient and timely manner.

5 Section 14. Section 6111(a) of Title 61, amended December
6 18, 2019 (P.L.776, No.115), is amended to read:

7 § 6111. Pennsylvania Parole Board.

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

16 * * *

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

19 § 6112. Board chairperson.

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

23 (1) Direct the operations, management and administration
24 of the board and fulfill the functions established by this
25 chapter.

26 [(2) Secure the effective application of the probation
27 system in all of the courts of this Commonwealth and the
28 enforcement of the probation laws.]

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

30 (4) Perform all the duties and functions of chairperson,

1 including organizing, staffing, controlling, directing and
2 administering the work of the [staff] board.

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

6 (b) Alternate chairperson.--The board may designate one of
7 its members to act as alternate chairperson during the absence
8 or incapacity of the chairperson, and, when so acting, the
9 member so designated shall have and perform all the powers and
10 duties of chairperson of the board but shall not receive any
11 additional compensation for acting as chairperson.

12 § 6113. Board action.

13 (a) Quorum.--

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

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

27 (b) Panel decisions.--The board may make decisions on
28 parole, reparole, return or revocation in panels of two persons.
29 A panel shall consist of one board member and one hearing
30 examiner or of two board members. Panels shall be appointed by

1 the chairperson or the chairperson's designee. A panel may act
2 without meeting. A panel may meet and take action via
3 videoconferencing or similar virtual presence technology, with
4 the exception of in-person testimony under section 502 of the
5 act of November 24, 1998 (P.L.882, No.111), known as the Crime
6 Victims Act.

7 (c) Disagreement within panel.--

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

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

18 (d) Appeal.--

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

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

28 (e) Decision without review.--Subject to the provisions of
29 section 6137(g) (relating to parole power), the board or its
30 designee may issue a decision to parole an eligible offender as

1 defined under section 4503 (relating to definitions) without
2 further review by the board.

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

9 § 6116. Meetings.

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

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

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

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

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

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

24 (c) Temporary secretary of board.--In the absence or
25 incapacity of the secretary to act, the board may designate such
26 other person as it may choose to perform temporarily the duties
27 of the secretary of the board.

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

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

4 § 6118. Offices.

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

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

21 (c) Location of district offices.--

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

27 (2) At each of the locations so fixed and determined,
28 the board shall provide such office accommodations,
29 furniture, equipment and supplies as may be reasonably
30 suitable and adequate for the proper handling and dispatch of

1 the parole business of the district.

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

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

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

17 [§ 6119. District directors.

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

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

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

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

30 § 6120. District office employees.

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

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

14 § 6121. Disciplinary action.

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

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

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

27 § 6124. Certain offenders residing in group-based homes.

28 (a) Notification requirement.--

29 (1) A group-based home located within a county of the
30 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) A governing body conducting a public hearing under
25 this subsection shall provide public notice of the hearing
26 via posting on its official Internet website no less than two
27 weeks prior to the hearing. The notice shall provide
28 information regarding the purpose, location and time of the
29 public hearing and a contact number for interested persons to
30 call in order to obtain additional information about the

1 hearing. Nothing in this paragraph shall be construed to
2 prohibit the governing body from providing public notice via
3 any other means.

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

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

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

16 "Official Internet website." The official Internet location
17 designated by a municipality or county as its primary method of
18 electronically communicating with the public about its official
19 business.]

20 Section 17. Section 6131 of Title 61, amended December 18,
21 2019 (P.L.776, No.115), is amended to read:

22 § 6131. General powers of board.

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

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

27 (2) To collect and maintain copies of all presentence
28 investigations and reports.

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

1 (6) To adopt regulations establishing specific
2 composition, functions and responsibilities for citizens
3 advisory committees and to receive reports, recommendations
4 or other input concerning parole policies and parole-related
5 concerns from the committees on a regular basis.

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

10 (8) To enter into contracts for purchasing community
11 services to assist parolees and to supplement existing
12 programs.

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

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

20 (11) To establish and provide for intensive supervision
21 units and day reporting centers for the supervision of
22 parolees.]

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

26 (13) To incorporate evidence-based practices into parole
27 decision making[, supervision and the supervision of
28 technical violators].

29 [(14) To coordinate the reentry of offenders into the
30 community using evidence-based practices that are effective

1 in reducing recidivism.]

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

5 (16) To conduct outcome and performance analyses on
6 implemented board programs and practices to enhance public
7 safety through reduced recidivism.

8 (b) Court-appointed probation officers to submit information
9 to [board] department.--A court that appoints a probation
10 officer shall require the probation officer to submit to the
11 [board] department such information as the [board] department
12 may require on forms prescribed and furnished by the [board]
13 department.

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

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

20 "Evidence-based practices." Interventions and treatment
21 approaches that have been proven effective through appropriate
22 empirical analysis.]

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

25 § 6132. Specific powers of board involving [parolees]
26 offenders.

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

28 (1) (i) To parole and reparole, commit and recommit for
29 violations of parole and to discharge from parole all
30 persons sentenced by any court at any time to

1 imprisonment in a State correctional institution pursuant
2 to 42 Pa.C.S. § 9762 (relating to sentencing proceeding;
3 place of confinement).

4 (ii) This paragraph applies to inmates sentenced to
5 definite or flat sentences.

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

15 (ii) Except for such special cases, the powers and
16 duties conferred by this section shall not extend to
17 persons sentenced for a maximum period of less than two
18 years and shall not extend to those persons committed to
19 county confinement within the jurisdiction of the court
20 pursuant to 42 Pa.C.S. § 9762 (relating to sentencing
21 proceeding; place of confinement).

22 (3) To establish special conditions of supervision for
23 paroled offenders. Conditions of supervision must be based on
24 the risk presented by and the rehabilitative needs of the
25 offender. Conditions may be modified pursuant to section 6171
26 (relating to powers and duties of department) or if the board
27 or its designee consents to such modification.

28 (4) To promulgate regulations establishing general
29 conditions of supervision applicable to every paroled
30 offender.

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

7 * * *

8 Section 19. Section 6133 of Title 61, amended December 18,
9 2019 (P.L.776, No.115), is repealed:

10 [§ 6133. Probation services.

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

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

17 (c) Supervision and investigation.--Supervision and
18 presentence investigations by court order or request shall be
19 provided in accordance with board regulations.

20 (d) In-service training.--The board shall provide in-service
21 training for personnel of county probation offices when
22 requested to do so by the court having jurisdiction of the
23 probation office as provided by memorandum of understanding with
24 the Pennsylvania Commission on Crime and Delinquency and
25 contingent upon the availability of money.]

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

28 § 6134. Sentencing court [to transmit records to board]
29 recommendation.

30 [(a) Duty to transmit.--A court sentencing any person for a

1 term as to which power to parole is given to the board in this
2 chapter shall transmit to the board, within 30 days after the
3 imposition of the sentence:

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

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

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

15 (b) Recommendations from judge.--] The following shall
16 apply:

17 (1) A judge may make at any time a recommendation to the
18 board respecting the [person] offender sentenced and the term
19 of imprisonment the judge believes that [person] offender
20 should be required to serve before [a] parole is granted to
21 that [person] offender.

22 (2) A recommendation made by a judge under paragraph (1)
23 respecting the parole or terms of parole of [a person] an
24 offender shall be advisory only. No order in respect to the
25 recommendation made or attempted to be made as a part of a
26 sentence shall be binding upon the board or the department in
27 performing the duties and functions conferred on it by this
28 chapter.

29 § 6134.1. General criteria for parole by court.

30 (a) Guidelines.--The court may parole or reparole subject to

1 consideration of guidelines established under 42 Pa.C.S. §
2 2154.5 (relating to adoption of guidelines for parole).

3 (b) Report of decision to commission.--If a court paroles or
4 reparaoles [a person] an offender, the court shall report the
5 parole or reparole decision and shall provide a contemporaneous
6 written statement for any deviation from the guidelines
7 established under 42 Pa.C.S. § 2154.5, to the commission under
8 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties).

9 (c) Procedure.--

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

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

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

30 (4) Preparole statements submitted pursuant to this

1 subsection shall be subject to the confidentiality provisions
2 contained in section 6140 (relating to victim statements,
3 testimony and participation in hearing) applicable to
4 preparole statements submitted to the board and shall be
5 considered by the court prior to any parole decision, and
6 each victim submitting a preparole statement shall be given
7 notice of the court's parole decision.

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

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

14 "Victim." The term shall mean, in addition to the meaning
15 set forth in section 103 of the act of November 24, 1998 (P.L.
16 882, No.111), known as the Crime Victims Act, a member of the
17 victim's family if the victim is incapable of communicating or
18 has died.]

19 § 6136. Right of access to [inmates] offenders.

20 All prison officials shall:

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

24 (2) At all reasonable times provide for the board or its
25 properly accredited representative facilities for
26 communicating with and observing an [inmate] offender while
27 imprisoned. Such facilities may, at the discretion of the
28 prison officials, be provided via videoconferencing or
29 similar virtual presence technology.

30 (3) Furnish to the board [from time to time such], no

1 fewer than 90 days prior to a scheduled parole interview or
2 if an interview is scheduled to be held within less than 90
3 days, as quickly as possible after such public officials are
4 informed of such interview, reports concerning the conduct of
5 [inmates] offenders in their custody [as the board shall by
6 general rule or special order require,] together with any
7 other facts deemed pertinent in aiding the board to determine
8 whether such [inmates] offenders shall be paroled.

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

11 § 6137. Parole power.

12 (a) General criteria for parole.--

13 (1) The board may parole subject to consideration of
14 guidelines established under 42 Pa.C.S. § 2154.5 (relating to
15 adoption of guidelines for parole) or subject to section
16 6137.1 (relating to short sentence parole) and such
17 information developed by or furnished to the board under
18 section 6174 (relating to right of access to offenders), or
19 both, and may release on parole any [inmate] offender to whom
20 the power to parole is granted to the board by this chapter,
21 except an [inmate] offender condemned to death or serving
22 life imprisonment, whenever in its opinion:

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

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

28 (2) Parole shall be subject in every instance to the
29 Commonwealth's right to immediately retake and hold in
30 custody without further proceedings any [parolee] offender

1 charged after his parole with an additional offense until a
2 determination can be made whether to continue his parole
3 status.

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

10 (3.1) (i) Following the expiration of the [inmate's]
11 offender's minimum term of imprisonment, if the primary
12 reason for not paroling the [inmate] offender is the
13 [inmate's] offender's inability to access and complete
14 prescribed programming within the correctional
15 institution, the board may release the [inmate] offender
16 on parole with the condition that the [inmate] offender
17 complete the prescribed programming while on parole.

18 (ii) This paragraph shall not apply to offenders who
19 are currently serving a term of imprisonment for a crime
20 of violence as defined in 42 Pa.C.S. § 9714 (relating to
21 sentences for second and subsequent offenses) or for a
22 crime requiring registration under 42 Pa.C.S. Ch. 97
23 Subch. H (relating to registration of sexual offenders).

24 (iii) For those [inmates] offenders to whom
25 subparagraph (ii) is applicable, the board may release
26 the [inmate] offender on parole if the [inmate] offender
27 is subject to another jurisdiction's detainer, warrant or
28 equivalent writ.

29 (4) Unless the [inmate] offender has served at least one
30 year in a community corrections center or community

1 corrections facility, the board shall not act upon an
2 application of an [inmate] offender who is granted clemency
3 by the Governor, is subject to parole supervision and:

4 (i) whose term of imprisonment was commuted from
5 life to life on parole;

6 (ii) who was serving a term of imprisonment for a
7 crime of violence; or

8 (iii) who is serving a sentence under 42 Pa.C.S. §
9 9712 (relating to sentences for offenses committed with
10 firearms).

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

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

15 (ii) have any violations of a condition of parole
16 immediately made known to the Board of Pardons. This
17 subparagraph shall apply to all [parolees] offenders
18 under supervision by other jurisdictions under Subchapter
19 B of Chapter 71 (relating to interstate compact for the
20 supervision of adult offenders).

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

1 decisional instruments.

2 [(c) Administrative parole.--

3 (1) An eligible offender shall be placed on
4 administrative parole one year after release on parole and
5 until the maximum sentence date if the board's supervision
6 staff determines that:

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

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

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

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

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

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

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

29 (iii) Continue to pay any restitution owed.

30 (iv) Comply with other requirements imposed by the

1 board.]

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

6 (d.1) Short sentence parole.--The board shall have the power
7 and its duty shall be to comply with the requirements of section
8 6137.1 (relating to short sentence parole).

9 (e) Drug screening tests.--

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

18 [(2) The cost of these preparole drug screening tests
19 for inmates subject to the parole release jurisdiction of the
20 board, whether confined in a correctional institution or
21 county prison, shall be paid by the board. The board shall
22 establish rules and regulations for the payment of these
23 costs and may limit the types and cost of these screening
24 tests that would be subject to payment by the board.]

25 [(i) The board shall establish, as a condition of
26 continued parole for a parolee] Every offender who is
27 released on parole who, [as an inmate] prior to release,
28 tested positive for the presence of a controlled
29 substance or a designer drug or who was paroled from a
30 sentence arising from a conviction under The Controlled

1 Substance, Drug, Device and Cosmetic Act or from a drug-
2 related crime, [the parolee's achievement of] shall,
3 without further action of the board, be subject to an
4 ongoing condition that the offender achieve negative
5 results in [such] drug screening tests randomly applied.

6 [(ii) The random screening tests shall be performed
7 at the discretion of the board, and the parolee
8 undergoing the tests shall be responsible for the costs
9 of the tests.]

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

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

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

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

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

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

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

29 (3) Within 30 days of receipt of notice under paragraph
30 (2), the court or prosecuting attorney may file with the

1 board a written objection to the department's preliminary
2 identification of the [inmate] offender as an eligible
3 offender. Notice of the objection shall be provided to the
4 department and the board.

5 (4) If no notice of objection has been filed under
6 paragraph (3), the [board or its designee shall approve for
7 parole at the expiration of the eligible offender's] eligible
8 offender shall be paroled at the minimum date upon a
9 determination by the board or the board's designee that all
10 of the following apply:

11 (i) The department certified that the [inmate]
12 offender has maintained a good conduct record and
13 continues to remain an eligible offender under section
14 4503.

15 (ii) The reentry plan for the [inmate] offender is
16 adequate.

17 (iii) Individual conditions and requirements for
18 parole have been established for the offender.

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

21 (5) If the court or prosecuting attorney files a timely
22 objection under paragraph (3), the board shall make a
23 determination as to whether the [inmate] offender is an
24 eligible offender. The board shall notify the department,
25 prosecuting attorney and court of its determination no later
26 than 30 days prior to the minimum parole date. If the board
27 determines that the [inmate] offender is an eligible offender
28 under this chapter, the board shall follow the provisions
29 under paragraph (4). If the board determines that the
30 [inmate] offender is not an eligible offender under section

1 4503 (relating to definitions), the board shall retain
2 exclusive jurisdiction to grant parole and shall determine
3 whether the [inmate] offender should be paroled at the
4 minimum date, paroled at a later date or denied parole.

5 (6) Nothing in this subsection shall be construed as
6 granting a right to be paroled to any person, and any
7 decision by the board and its designees or the department,
8 under this section shall not be considered an adjudication
9 under 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and
10 procedure of Commonwealth agencies) and Ch. 7 Subch. A
11 (relating to judicial review of Commonwealth agency action).

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

15 (h) Power to recommit.--

16 (1) The board may, during the period for which an
17 [inmate] offender shall have been sentenced, recommit the
18 [inmate] offender, if paroled, for violation of the terms and
19 conditions of his parole and from time to time to reparole
20 and recommit in the same manner and with the same procedure
21 as in the case of an original parol or recommitment if, in
22 the judgment of the board:

23 (i) There is a reasonable probability that the
24 [inmate] offender will be benefited by paroling the
25 [inmate] offender again.

26 (ii) It does not appear that the interests of the
27 Commonwealth will be injured by paroling the [inmate]
28 offender again.

29 (2) In exercising these powers, the board shall consider
30 any applicable recommitment ranges established by the

1 commission under 42 Pa.C.S. § 2154.6 (relating to adoption of
2 recommitment ranges following revocation of parole by board).

3 (i) Cases involving deviations from guidelines.--In each
4 case in which the board deviates from the recommitment ranges
5 established under 42 Pa.C.S. § 2154.6, the board shall provide a
6 contemporaneous written statement of the reason for the
7 deviation from the recommitment ranges to the commission, as
8 established under 42 Pa.C.S. § 2153(a)(14).

9 (j) Notice to county probation department.--When the board
10 releases [a parolee] an offender from a correctional facility,
11 the board shall provide written notice to the probation
12 department located in the county where the sentencing order was
13 imposed of the release and new address of the [parolee]
14 offender.

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

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

20 "Eligible offender." As defined in section 4503 (relating to
21 definitions).]

22 § 6138. Violation of terms of parole.

23 (a) Convicted violators.--

24 (1) [A parolee under the jurisdiction of the board
25 released from a correctional facility who,] The board may, at
26 its discretion, revoke the parole of a paroled offender if
27 the offender, during the period of parole or while delinquent
28 on parole, commits a crime punishable by imprisonment, for
29 which the [parolee] offender is convicted or found guilty by
30 a judge or jury or to which the [parolee] offender pleads

1 guilty or nolo contendere at any time thereafter in a court
2 of record[, may at the discretion of the board be recommitted
3 as a parole violator].

4 (1.1) In addition to paragraph (1), a parolee under the
5 jurisdiction of the board released from a correctional
6 facility who, during the period of parole or while delinquent
7 on parole, commits a crime punishable by imprisonment for
8 which the parolee is convicted or found guilty by a judge or
9 jury or to which the parolee pleads guilty or nolo contendere
10 or of any misdemeanor of the third degree or of any of the
11 following offenses where graded as a summary offense, may at
12 the discretion of the board be recommitted as a parole
13 violator:

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

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

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

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

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

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

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

30 (viii) Selling or furnishing nonalcoholic beverages

1 to minors under 18 Pa.C.S. § 6310.7 (relating to selling
2 or furnishing nonalcoholic beverages to persons under 21
3 years of age).

4 (2) If the [parolee's recommitment is so ordered, the
5 parolee shall be reentered] offender's parole is revoked, the
6 offender shall be recommitted to serve the remainder of the
7 term which the [parolee] offender would have been compelled
8 to serve had the parole not been granted and, except as
9 provided under paragraph (2.1), shall be given no credit for
10 the time at liberty on parole.

11 (2.1) The board may, in its discretion, award credit to
12 [a parolee] an offender recommitted under paragraph (2) for
13 the time spent at liberty on parole, unless any of the
14 following apply:

15 (i) The crime committed during the period of parole
16 or while delinquent on parole is a crime of violence [as
17 defined in 42 Pa.C.S. § 9714(g) (relating to sentences
18 for second and subsequent offenses)] or a crime
19 [requiring registration] listed under 42 Pa.C.S. Ch. 97
20 Subch. H (relating to registration of sexual offenders)
21 or I (relating to continued registration of sexual
22 offenders).

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

26 (2.2) Credit awarded under paragraph (2.1) is subject to
27 forfeiture under this section if an offender is subsequently
28 recommitted as a convicted parole violator.

29 (2.3) A parolee is at liberty on parole when the parolee
30 is residing at a community corrections center, community

1 corrections facility or group-based home for purposes of this
2 section. This paragraph does not apply to parolees detained
3 on the board's warrant or recommitted as a technical parole
4 violator to a community corrections center or community
5 corrections facility.

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

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

16 (5) If a new sentence is imposed on the [parolee]
17 offender, the service of the balance of the term originally
18 imposed by a Pennsylvania court shall precede the
19 commencement of the new term imposed in the following cases:

20 (i) If a person is paroled from a State correctional
21 institution and the new sentence imposed on the person is
22 to be served in the State correctional institution.

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

26 (iii) In all other cases, the service of the new
27 term for the latter crime shall precede commencement of
28 the balance of the term originally imposed.

29 (5.1) If the [parolee] offender is sentenced to serve a
30 new term of total confinement by a Federal court or by a

1 court of another jurisdiction because of a verdict or plea
2 under paragraph (1), the [parolee] offender shall serve the
3 balance of the original term before serving the new term.

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

8 (i)] Any [person] offender upon recommitment to a
9 correctional facility shall be sent to the institution
10 [as shall be] designated by the [Secretary of Corrections
11 or his] secretary or a designee.

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

14 (b) Subsequent arrest.--

15 (1) The formal filing of a charge after parole against
16 [a parolee] an offender within this Commonwealth for any
17 violation of the laws of this Commonwealth shall constitute
18 an automatic detainer and permit the [parolee] offender to be
19 taken into and held in custody.

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

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

28 (c) Technical violators.--

29 (1) Subject to paragraph (1.3), [a parolee] an offender
30 under the jurisdiction of the board who violates the terms

1 and conditions of his parole, other than a convicted violator
2 who has parole revoked under subsection (a), may be detained
3 pending a hearing before the board or waiver of the hearing
4 or recommitted after a hearing before the board or a waiver
5 of the hearing. Detention and recommitment under this
6 paragraph shall be in a community corrections center,
7 community corrections facility or any secured facility
8 operated or contracted by the department.

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

25 (1.3) If the board determines that one of the following
26 conditions is present regarding [a parolee] an offender who
27 violates the terms and conditions of parole, the [parolee]
28 offender shall not be eligible for detention under paragraph
29 (1.2) and shall be detained in or recommitted to a State
30 correctional institution or contracted county jail:

1 (i) The violation was sexual in nature.

2 (ii) The violation involved assaultive behavior or
3 included a credible threat to cause bodily injury to
4 another.

5 (iii) The violation involved possession or control
6 of a weapon.

7 (iv) The [parolee] offender has absconded and the
8 parolee cannot be safely diverted to a community
9 corrections center, community corrections facility or any
10 secured facility operated or contracted by the
11 department.

12 (v) There exists an identifiable threat to public
13 safety, and the [parolee] offender cannot be safely
14 diverted to a community corrections center, community
15 corrections facility or any secured facility operated or
16 contracted by the department.

17 (vi) The violation involved an intentional and
18 unexcused failure to adhere to recommended programming or
19 conditions on more than three occasions, and the
20 [parolee] offender cannot be safely diverted to a
21 community corrections center, community corrections
22 facility or any secured facility operated or contracted
23 by the department.

24 (1.4) Every offender's placement in a community
25 corrections center, community corrections facility or parole
26 violator center shall be subject to a condition that the
27 offender comply with the rules of conduct applicable to the
28 place where the offender is housed. The department may, at
29 its discretion, place an offender accused of violating the
30 rules of conduct in a State correctional institution or

1 contracted county jail, pending an investigation or
2 disciplinary hearing, or serve a disciplinary sanction under
3 the department's procedures, or both.

4 (2) If the [parolee] offender is recommitted under this
5 subsection, the [parolee] offender shall be given credit for
6 the time served on parole in good standing but with no credit
7 for delinquent time and may be reentered to serve the
8 remainder of the original sentence or sentences. Credit
9 awarded to a technical parole violator for time served on
10 parole in good standing is subject to forfeiture if the
11 offender is subsequently recommitted as a convicted parole
12 violator.

13 (3) The remainder shall be computed by the board from
14 the time the [parolee's] offender's delinquent conduct
15 occurred for the unexpired period of the maximum sentence
16 imposed by the court without credit for the period the
17 [parolee] offender was delinquent on parole. The [parolee]
18 offender shall serve the remainder so computed from the date
19 the [parolee] offender is taken into custody [on the warrant
20 of the board] by the department's agent.

21 (4) Subject to subsection (e), the [parolee] offender
22 shall be subject to reparole by the board whenever in its
23 opinion the best interests of the [inmate] offender justify
24 or require the [parolee] offender being reparoled and it does
25 not appear that the interests of the Commonwealth will be
26 injured reparing the [parolee] offender.

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

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

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

4 (iii) Use of community-based sanctioning
5 alternatives to incarceration.

6 (iv) Use of a graduated violation sanctioning
7 process.

8 (v) Recommitment to:

9 (A) a State correctional institution;

10 (B) a contracted county jail;

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

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

13 (E) a parole violator center.

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

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

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

1 recommitted as follows:

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

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

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

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

15 (ii) For the second recommitment under this
16 subsection for the same sentence, a maximum of nine
17 months.

18 (iii) For the third or subsequent recommitment under
19 this subsection for the same sentence, a maximum of one
20 year.

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

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

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

30 (ii) spent more than 90 days in segregated housing

1 due to one or more disciplinary infractions; or
2 (iii) refused programming or a work assignment.

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

5 (1) A technical violator recommitted to a community
6 corrections center [or], community corrections facility or
7 parole violator center under subsection (c) shall be
8 recommitted for a maximum period of six months, after which
9 the [parolee] offender shall automatically be reparaoled
10 without further action by the board.

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

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

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

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

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

23 (iv) is not in compliance with all legal
24 requirements applicable to the offender, including, but
25 not limited to, maintaining registration in any
26 applicable sex offender registry.

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

30 "Community corrections center." A residential program that

1 is supervised and operated by the department in accordance with
2 Chapter 50 (relating to community corrections centers and
3 community corrections facilities).

4 "Community corrections facility." A residential facility
5 operated by a private contractor that:

6 (1) houses offenders pursuant to a contract with the
7 department; and

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

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

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

14 (1) A correctional facility.

15 (2) A prison.

16 (3) A jail.]

17 Section 21.1. Section 6139 of Title 61, amended November 25,
18 2020 (P.L.1219, No.124), is amended to read:

19 § 6139. Parole procedure.

20 (a) Specific requirements.--

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

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

28 (3) Notwithstanding the provisions of paragraph (2), the
29 board shall not be required to consider nor dispose of an
30 application by an [inmate] offender or an [inmate's]

1 offender's attorney where a parole decision has been issued
2 by the board on that case within one year of the date of the
3 current application for parole.

4 (3.1) Notwithstanding paragraphs (2) and (3), the board
5 shall not be required to consider nor to dispose of an
6 application by an [inmate] offender or an [inmate's]
7 offender's attorney in the case of an [inmate] offender
8 sentenced under 18 Pa.C.S. § 1102.1 (relating to sentence of
9 persons under the age of 18 for murder, murder of an unborn
10 child and murder of a law enforcement officer) if a parole
11 decision has been issued by the board within five years of
12 the date of the current application.

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

21 (3.3) The following apply:

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

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

2 Section 2503 (relating to voluntary
3 manslaughter).

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

5 Section 3011(b) (relating to trafficking in
6 individuals).

7 Section 3012 (relating to involuntary servitude).

8 Section 3121 (relating to rape).

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

11 Section 3123 (relating to involuntary deviate
12 sexual intercourse).

13 Section 3124.1 (relating to sexual assault).

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

16 Section 3125 (relating to aggravated indecent
17 assault).

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

20 Section 4302(b) (relating to incest).

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

28 (3.4) The following apply:

29 (i) Notwithstanding the provisions of paragraphs (2)
30 and (3), if a parole decision has been issued by the

1 board within three years of the date of the current
2 application, the board shall not be required to consider
3 nor dispose of an application by an [inmate] offender or
4 an [inmate's] offender's attorney in the case of an
5 [inmate] offender designated as a sexually violent
6 predator under 42 Pa.C.S. Ch. 97 Subch. H (relating to
7 registration of sexual offenders) or I (relating to
8 continued registration of sexual offenders).

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

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

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

27 (6) In no case shall [a] parole be granted[, or an
28 application for parole be dismissed,] unless a board member,
29 hearing examiner or other person so designated by the board
30 shall have ~~seen and heard~~ interviewed the [parolee]

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1 offender in person in regard thereto within six months prior
2 to the granting or dismissal thereof. Such in-person
3 interviews may be conducted via videoconferencing or similar
4 virtual presence technology. This requirement does not apply
5 to paroles under section 6137.1 (relating to short sentence
6 parole).

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

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

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

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

14 § 6140. Victim statements, testimony and participation in
15 hearing.

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

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

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

28 (i) is a juvenile;

29 (ii) is incapable of testifying; or

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

1 offender's conduct.

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

8 (c) Contents of parole [report] statement.--The parole
9 [report] statement may include [a statement] discussion
10 concerning:

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

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

16 (3) The continuing effect of the crime upon the victim's
17 family.

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

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

28 (2) The [board] Office of Victim Advocate shall notify
29 the [person] victim and family member identified under
30 paragraph (1) at [the] that person's last known mailing

1 address. The notification required by this section shall be
2 given by the [board] Office of Victim Advocate in the case of
3 a parole to be granted pursuant to section 6139 (relating to
4 parole procedure) or by the court in the case of a parole to
5 be granted pursuant to section [6133] 6172 (relating to
6 probation services).

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

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

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

26 (h) Hearing procedure.--

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

30 (2) The hearing shall be conducted at a time and place

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

6 (3) The hearing shall be recorded by an electronic
7 recording device.

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

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

17 (6) (i) The hearing scheduled pursuant to this section
18 shall be conducted, when possible, prior to a parole
19 release hearing and prior to the board rendering a
20 decision.

21 (ii) Nothing in this section shall be construed to
22 preclude the board from conducting a timely parole
23 release hearing.

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

26 (i) Evaluate the information provided.

27 (ii) Determine whether the decision shall be
28 affirmed or modified.

29 (iii) Determine whether a rescission hearing shall
30 be conducted.

1 (iv) Notify the [inmate] offender in writing of its
2 decision.

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

7 (i) the continuing nature and extent of any physical
8 harm or psychological or emotional harm or trauma
9 suffered by the victim;

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

12 (iii) the continuing effect of the crime upon the
13 victim's family:

14 (A) Shall be deemed confidential and privileged.

15 (B) Shall not be subject to subpoena or
16 discovery.

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

19 (D) Shall not be released to the [inmate]
20 offender.

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

26 (10) Notwithstanding any other provision of law, no
27 person who has had access to a report, record or any other
28 information under this section shall disclose the content of
29 the report, record or other information or testify in a
30 judicial or administrative proceeding without the written

1 consent of the victim.

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

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

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

23 § 6141. General rules and special regulations.

24 The board may make general rules for the conduct and
25 supervision of [persons placed on parole] offenders and may, in
26 particular cases, as it deems necessary to effectuate the
27 purpose of parole, prescribe special regulations for particular
28 persons.

29 § 6143. Early parole of [inmates] offenders subject to Federal
30 removal order.

1 (a) Eligibility.--Notwithstanding any other provision of
2 law, the board may parole an [inmate] offender into the custody
3 of the United States Immigration and Customs Enforcement for
4 deportation prior to the expiration of the [inmate's] offender's
5 minimum term of imprisonment if all of the following
6 requirements are satisfied:

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

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

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

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

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

21 (i) Unlawful reentry into the United States will
22 result in the [inmate's] offender's return to the
23 department to serve the remainder of the [inmate's]
24 offender's maximum term of imprisonment without the
25 possibility of parole.

26 (ii) If the [inmate] offender reenters the United
27 States and commits a criminal offense, upon conviction
28 the [inmate] offender shall be subject to 42 Pa.C.S. §
29 9720.3 (relating to sentencing for certain paroled
30 offenders).

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

5 (b) Parole discretionary.--The decision to parole an
6 [inmate] offender under subsection (a) shall be within the sole
7 discretion of the board. Nothing under this section shall be
8 construed to confer a legal right upon the [inmate] offender to
9 parole under subsection (a).

10 (c) Return of [inmate] offender by United States.--If the
11 United States Immigration and Customs Enforcement is unable to
12 or does not deport the [inmate] offender, the [inmate] offender
13 shall be returned to the custody of the department and the board
14 shall rescind the [inmate's] offender's parole.

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

25 [(e) Definition.--As used in this section, the term "crime
26 of violence" shall be defined as provided in 42 Pa.C.S. §
27 9714(g) (relating to sentences for second and subsequent
28 offenses).]

29 Section 23. Subchapter D of Chapter 61 of Title 61 is
30 repealed:

1 [SUBCHAPTER D

2 STATE PAROLE AGENTS

3 Sec.

4 6151. Definitions.

5 6152. Status as peace officers.

6 6153. Supervisory relationship to offenders.

7 § 6151. Definitions.

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

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

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

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

20 "Court." The court of common pleas or any judge thereof, the
21 Philadelphia Municipal Court or any judge thereof, the
22 Pittsburgh Magistrates Court or any judge thereof or any
23 magisterial district judge.

24 "Exigent circumstances." The term includes, but is not
25 limited to, suspicion that contraband or other evidence of
26 violations of the conditions of supervision might be destroyed
27 or suspicion that a weapon might be used. Exigent circumstances
28 always exist with respect to a vehicle.

29 "Offender." Any person subject to the parole or probationary
30 supervision of the board.

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

5 "Property search." A warrantless search of real property,
6 vehicle or personal property which is in the possession or under
7 the control of the offender.

8 "Real property." Any residence or business property of an
9 offender, including all portions of the property to which the
10 offender has access.

11 "Supervisor." Any individual acting in a supervisory or
12 administrative capacity.

13 § 6152. Status as peace officers.

14 An agent is declared to be a peace officer and is given
15 police power and authority throughout this Commonwealth to
16 arrest without warrant, writ, rule or process any parolee or
17 probationer under the supervision of the board for failing to
18 report as required by the terms of his probation or parole or
19 for any other violation of the probation or parole.

20 § 6153. Supervisory relationship to offenders.

21 (a) General rule.--Agents are in a supervisory relationship
22 with their offenders. The purpose of this supervision is to
23 assist the offenders in their rehabilitation and re-assimilation
24 into the community and to protect the public. Supervision
25 practices shall reflect the balance of enforcement of the
26 conditions of parole and case management techniques to maximize
27 successful parole completion through effective reentry to
28 society.

29 (b) Searches and seizures authorized.--

30 (1) Agents may search the person and property of

1 offenders in accordance with the provisions of this section.

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

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

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

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

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

15 (ii) when an offender is transported or taken into
16 custody; or

17 (iii) upon an offender entering or leaving the
18 securing enclosure of a correctional institution, jail or
19 detention facility.

20 (2) A property search may be conducted by an agent if
21 there is reasonable suspicion to believe that the real or
22 other property in the possession of or under the control of
23 the offender contains contraband or other evidence of
24 violations of the conditions of supervision.

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

28 (4) A written report of every property search conducted
29 without prior approval shall be prepared by the agent who
30 conducted the search and filed in the offender's case record.

1 The exigent circumstances shall be stated in the report.

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

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

13 (i) The observations of agents.

14 (ii) Information provided by others.

15 (iii) The activities of the offender.

16 (iv) Information provided by the offender.

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

18 (vi) The experience of agents in similar
19 circumstances.

20 (vii) The prior criminal and supervisory history of
21 the offender.

22 (viii) The need to verify compliance with the
23 conditions of supervision.

24 (e) Nonresident offenders.--No agent shall conduct a
25 personal or property search of an offender who is residing in a
26 foreign state except for the limited purposes permitted under
27 the Interstate Compact for the Supervision of Offenders and
28 Probationers. The offender is held accountable to the rules of
29 both the sending state and the receiving state. Any personal or
30 property search of an offender residing in another state shall

1 be conducted by an agent of the receiving state.

2 (f) When authority is effective.--The authority granted to
3 agents under this section shall be effective upon enactment of
4 this section, without the necessity of any further regulation by
5 the board.]

6 Section 24. Chapter 61 of Title 61 is amended by adding
7 subchapters to read:

8 SUBCHAPTER F

9 SUPERVISION OF OFFENDERS

10 Sec.

11 6171. Powers and duties of department.

12 6171.1. District offices.

13 6171.2. District directors.

14 6171.3. District office employees.

15 6172. Probation services.

16 6173. Investigation of circumstances of offense.

17 6174. Right of access to offenders.

18 6175. Investigations for the board of pardons.

19 § 6171. Powers and duties of department.

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

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

29 (2) To enforce the conditions of supervision established
30 by the board as well as the power to impose and enforce

1 additional conditions of supervision on an offender and the
2 power to, with the consent of the board, amend or terminate
3 mandatory conditions of suspension established by the board.
4 Conditions not designated as mandatory by the board do not
5 require consent of the board.

6 (3) The imposition, modification or termination of a
7 condition of supervision must be based on the risk presented
8 by and the rehabilitative needs of the offender and the
9 impact the termination or modification will have on public
10 safety.

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

20 (5) To furnish to the board no fewer than 90 days prior
21 to a scheduled parole interview, or if such interview is
22 scheduled to be held within fewer than 90 days, as quickly as
23 possible after the department is informed of such interview,
24 reports concerning the conduct of offenders under the
25 department's supervision or in its custody together with any
26 other facts deemed pertinent in aiding the board to determine
27 whether such offenders shall be paroled.

28 (6) To pay the costs of preparole drug screening tests
29 for offenders subject to the parole release jurisdiction of
30 the board. The department shall establish rules and

1 regulations for the payment of these costs and may limit the
2 types and costs of these screening tests that would be
3 subject to payment by the department.

4 (7) To determine when an offender, subject to random
5 drug screening tests as a condition of supervision, shall be
6 tested. The offender undergoing the tests shall be
7 responsible for the costs of the tests. The money collected
8 for the tests shall be applied against the contract for such
9 testing.

10 (8) To supervise and make presentence investigations and
11 reports as provided by law.

12 (9) To collect and maintain copies of all presentence
13 investigations and reports.

14 (10) To collect, compile and publish statistical and
15 other information relating to probation and parole work in
16 all courts and such other information the department may deem
17 of value in probation service.

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

20 (i) Presentence investigations.

21 (ii) The supervision of probationers.

22 (iii) The qualifications for probation personnel.

23 (iv) Minimum salaries.

24 (v) Quality of probation service.

25 (vi) The standards for the qualifications of
26 probation personnel shall only apply to probation
27 personnel appointed after the date the standards are
28 established. Should any probation personnel appointed
29 prior to the date the standards were established fail to
30 meet the standards, the court having jurisdiction of such

1 personnel may request the department to establish in-
2 service training for them in accordance with the
3 standards.

4 (12) To adopt regulations establishing criteria for
5 department acceptance of cases for supervision and
6 presentence investigations from counties that on December 31,
7 1985, maintained adult probation offices and parole systems.

8 (13) To enter into contracts for purchasing community
9 services to assist parolees, supplement existing programs and
10 provide for the continuous electronic monitoring of
11 offenders.

12 (14) To establish and provide for intensive supervision
13 units and day reporting centers for the supervision of
14 offenders.

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

18 (16) To incorporate evidence-based practices into the
19 supervision of offenders.

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

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

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

29 (20) To administer administrative parole.

30 (21) To adopt regulations establishing specific

1 composition, functions and responsibilities for citizens
2 advisory committees and to receive reports, recommendations
3 or other input concerning parole policies and parole-related
4 concerns from the committees on a regular basis.

5 (22) Designate community corrections centers or
6 community corrections facilities where parolees are to be
7 housed.

8 (23) Determine whether parolees are to be housed in a
9 secured or unsecured portion of a community corrections
10 center or community corrections facility.

11 (b) Administrative parole.--

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

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

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

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

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

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

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

7 (iii) Continue to pay any restitution owed.

8 (iv) Comply with other requirements imposed by the
9 department.

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

15 § 6171.1. District offices.

16 (a) Principal office.--The department shall provide offices
17 for the board. The board shall appoint and employ such number
18 and character of officers, agents, clerks, stenographers and
19 employees as may be necessary to carry out the purposes of this
20 chapter. The salaries of persons so appointed and employed by
21 the board shall be fixed by the board.

22 (b) District offices.--The department shall divide the
23 Commonwealth for administrative purposes into a suitable number
24 of districts, not to exceed ~~ten~~ 10, in each of which shall be a <--
25 district office which shall have immediate charge of the
26 supervision of cases of probation and parole arising in the
27 courts of the judicial districts embraced within its territorial
28 limits, but, as occasion may require, the supervision of
29 particular parolees may be transferred by the department to
30 other appropriate parole districts.

1 (c) Location of district offices.--

2 (1) The department shall fix and determine the location
3 of the various district offices within their respective
4 districts, having regard to local conditions in each district
5 and to the most convenient and efficient functioning of the
6 office established in each district.

7 (2) At each of the locations so fixed and determined,
8 the department shall provide such office accommodations,
9 furniture, equipment and supplies as may be reasonably
10 suitable and adequate for the proper handling and dispatch of
11 the parole business of the district.

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

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

25 § 6171.2. District directors.

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

28 (1) Shall be appointed by the department.

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

1 Board.

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

7 § 6171.3. District office employees.

8 (a) Department to appoint.--The department shall appoint in
9 the various district offices a sufficient number of agents,
10 clerks, stenographers and other employees to fully and
11 efficiently administer the parole laws of this Commonwealth, but
12 no employee of the department shall be appointed by the
13 department except in the manner provided by this chapter.

14 (b) Salaries and qualifications.--The salaries of the
15 appointees in subsection (a) shall be fixed by the department.
16 The department shall from time to time by appropriate rule or
17 regulation prescribe the qualifications to be possessed by its
18 personnel. The qualifications shall be such as will best promote
19 the efficient operation of probation and parole.

20 § 6172. Probation services.

21 (a) General rule.--The department shall have exclusive power
22 to supervise any offender placed on probation by any judge of a
23 court having criminal jurisdiction when the court, by special
24 order, consistent with the regulations of the department,
25 directs supervision by the department.

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

29 (c) In-service training.--The department shall provide in-
30 service training for personnel of county probation offices when

1 requested to do so by the court having jurisdiction of the
2 probation office.

3 § 6173. Investigation of circumstances of offense.

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

8 (1) The nature and circumstances of the offense
9 committed.

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

12 (3) The general character and background of the
13 offender.

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

18 (5) The written or personal statement of the testimony
19 of the victim or the victim's family submitted under section
20 6140 (relating to victim statements, testimony and
21 participation in hearing).

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

26 (7) The conduct of the offender while in prison and the
27 offender's physical, mental and behavioral condition and
28 history, in addition to history of family violence and
29 complete criminal record.

30 (b) Cooperation of public officials.--A public official who

1 possesses offender records or information shall furnish the
2 records or information to the department upon request and
3 without charge so far as may be practicable while the case is
4 recent.

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

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

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

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

21 § 6174. Right of access to offenders.

22 All prison officials shall:

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

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

29 § 6175. Investigations for the board of pardons.

30 The department shall make an investigation for the board of

1 pardons in cases coming before it and upon its request. The
2 investigation shall include all information set forth under
3 section 6135 (relating to investigation of circumstances of
4 offense), including a risk assessment if the applicant is
5 incarcerated.

6 SUBCHAPTER G

7 AGENTS

8 Sec.

9 6181. Status as peace officers.

10 6182. Supervisory relationship to offenders.

11 § 6181. Status as peace officers.

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

17 § 6182. Supervisory relationship to offenders.

18 (a) General rule.--Agents are in a supervisory relationship
19 with department-supervised offenders. The purpose of supervision
20 is to assist department-supervised offenders in their
21 rehabilitation and reassimilation into the community and to
22 protect the public. Supervision practices shall reflect the
23 balance of enforcement of the conditions of supervision and case
24 management techniques to maximize successful parole completion
25 through effective reentry to society.

26 (b) Searches and seizures authorized.--

27 (1) Agents may search the person and property of
28 department-supervised offenders in accordance with the
29 provisions of this section.

30 (2) Nothing in this section shall be construed to permit

1 searches or seizures in violation of the Constitution of the
2 United States or section 8 of Article I of the Constitution
3 of Pennsylvania.

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

7 (d) Grounds for personal search of a department-supervised
8 offender.--

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

11 (i) if there is a reasonable suspicion to believe
12 that the department-supervised offender possesses
13 contraband or other evidence of violations of the
14 conditions of supervision;

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

17 (iii) upon a department-supervised offender entering
18 or leaving the secure enclosure of a correctional
19 institution, jail or detention facility.

20 (2) A property search may be conducted by an agent if
21 there is reasonable suspicion to believe that the real or
22 other property in the possession of or under the control of
23 the department-supervised offender contains contraband or
24 other evidence of violations of the conditions of
25 supervision.

26 (3) The department-supervised offender may be detained
27 if the department-supervised offender is present during a
28 property search. If the department-supervised offender is not
29 present during a property search, the agent in charge of the
30 search shall make a reasonable effort to provide the

1 department-supervised offender with notice of the search,
2 including a list of the items seized, after the search is
3 completed.

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

9 (i) The observations of agents.

10 (ii) Information provided by others.

11 (iii) The activities of the department-supervised
12 offender.

13 (iv) Information provided by the department-
14 supervised offender.

15 (v) The experience of agents with the department-
16 supervised offender.

17 (vi) The experience of agents in similar
18 circumstances.

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

21 (viii) The need to verify compliance with the
22 conditions of supervision.

23 (e) Nonresident department-supervised offenders.--No agent
24 shall conduct a personal or property search of a department-
25 supervised offender who is residing in a foreign state except
26 for the limited purposes permitted under the Interstate Compact
27 for the supervision of offenders and probationers. The
28 department-supervised offender is held accountable to the rules
29 of both the sending state and the receiving state. Any personal
30 or property search of a department-supervised offender residing

1 in another state shall be conducted by an agent of the receiving
2 state.

3 (f) When authority is effective.--The authority granted to
4 agents under this section shall be effective upon enactment of
5 this section, without the necessity of any further regulation by
6 the department.

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

9 § 6302. Definitions.

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

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

14 * * *

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

17 § 7115. Interstate Compact for the Supervision of Adult
18 Offenders application fee.

19 (a) Duty to pay.--

20 * * *

21 (2) A person on State probation or parole who applies
22 for a transfer to another state through the [interstate
23 compact] Interstate Compact shall be required to pay an
24 application fee to the [board] department with each
25 application for transfer, unless the board finds that the
26 application fee should be reduced, waived or deferred based
27 upon the person's inability to pay.

28 * * *

29 (d) Disposition.--Money received from the collection of the
30 application fee shall be paid into the State Treasury and shall

1 be credited to the general government operations of the [board]
2 department for expenses incurred in the administration of the
3 [interstate compact] Interstate Compact.

4 * * *

5 § 7121. Deputization.

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

14 (b) Evidence of deputization.--A deputization under this
15 section must be in writing and a person authorized to act as an
16 agent of the Commonwealth under that authority shall carry
17 formal evidence of the deputization and shall produce it on
18 demand.

19 (c) Interstate contracts.--

20 (1) The [chairperson of the Pennsylvania Board of
21 Probation and Parole] secretary or a designee may, subject to
22 the approval of the Auditor General, enter into contracts
23 with similar officials of any other state for the purpose of
24 sharing an equitable portion of the cost of effecting the
25 return of any person who has violated the terms and
26 conditions of parole or probation as granted by the
27 Commonwealth.

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

1 § 7122. Supervision of persons paroled by other states.

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

7 (b) Witness Protection Program.--The [board] department may
8 relinquish jurisdiction over [a parolee] an offender to the
9 proper Federal authorities where the [parolee] offender is
10 placed into the Witness Protection Program of the United States
11 Department of Justice.

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

15 * * *

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

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

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

24 "Sexual offense."

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

28 18 Pa.C.S. § 2901 (relating to kidnapping).

29 18 Pa.C.S. § 5902(a) (relating to prostitution and
30 related offenses).

1 18 Pa.C.S. § 5903(a) (3), (4), (5) or (6) (relating to
2 obscene and other sexual materials and performances).

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

6 18 Pa.C.S. § 3126 (relating to indecent assault).

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

9 18 Pa.C.S. § 3121 (relating to rape).

10 18 Pa.C.S. § 3123 (relating to involuntary deviate
11 sexual intercourse).

12 18 Pa.C.S. § 3125 (relating to aggravated indecent
13 assault).

14 "Violent offense."

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

17 18 Pa.C.S. § 2502 (relating to murder).

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

20 18 Pa.C.S. § 2702 (relating to aggravated assault).

21 18 Pa.C.S. § 2703 (relating to assault by prisoner).

22 18 Pa.C.S. § 2704 (relating to assault by life
23 prisoner).

24 18 Pa.C.S. § 2901 (relating to kidnapping) where the
25 victim is a minor.

26 18 Pa.C.S. § 3121 (relating to rape).

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

29 18 Pa.C.S. § 3301 (relating to arson and related
30 offenses).

1 18 Pa.C.S. § 3502 (relating to burglary).
2 18 Pa.C.S. § 3701 (relating to robbery).
3 18 Pa.C.S. § 3923 (relating to theft by extortion)
4 where a threat of violence is made.

5 (2) A criminal attempt, criminal solicitation or
6 criminal conspiracy to commit any offenses set forth in this
7 definition.

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

12 Section 26.1. Title 61 is amended by adding a chapter to
13 read:

14 CHAPTER 73

15 BOARD OF PARDONS

16 Sec.

17 7301. Board of Pardons.

18 § 7301. Board of Pardons.

19 (a) Establishment.--The Board of Pardons is established for
20 the purposes of:

21 (1) hearing applications for the remission of fines and
22 forfeitures;

23 (2) granting of reprieves, commutations of sentence and
24 pardons, except in cases of impeachment; and

25 (3) making recommendations in writing to the Governor
26 thereon, in the manner provided under and subject to section
27 9 of Article IV of the Constitution of Pennsylvania.

28 (b) Composition.--The Board of Pardons shall consist of the
29 following members:

30 (1) The Lieutenant Governor, who shall be chairperson.

1 (2) The Attorney General.

2 (3) Three members appointed by the Governor as provided
3 under section 9 of Article IV of the Constitution of
4 Pennsylvania.

5 (b.1) Terms.--Members shall serve a term of six years.

6 (c) Quorum.--~~Three~~ FIVE members of the board shall <--
7 constitute a quorum.

8 (d) Granting of hearings.--Hearings relating to the granting
9 of reprieves, commutations of sentences and pardons for
10 prisoners serving life sentences ~~or~~, sentences for crimes of <--
11 violence OR SENTENCES FOR ANY OTHER OFFENSE RESULTING IN DEATH <--
12 OR SERIOUS BODILY INJURY may only be granted upon approval by a
13 vote of a majority of the members of the Board of Pardons.

14 (e) Applicants under sentence of death.--In cases involving
15 applicants under sentence of death, the application shall be
16 filed within 10 days of the Governor's issuance of a warrant
17 specifying a week for execution.

18 (f) Notice to victims.--The following apply:

19 (1) The Board of Pardons shall provide notice THROUGH <--
20 THE OFFICE OF VICTIM ADVOCATE to victims or next of kin,
21 including victims who are registered with the Department of
22 Corrections, the Office of Victim Advocate, the Pennsylvania
23 Parole Board, the Board of Pardons and those whose
24 whereabouts are otherwise known.

25 (2) Individuals notified under this subsection shall be
26 given the opportunity to offer prior comment on any
27 application which has been granted a hearing by the Board of
28 Pardons pertaining to the individual's case, which may be
29 oral or written, and shall be considered by the Board of
30 Pardons as to the advisability of any pardon or related

1 release and any conditions of release.

2 (3) The Board of Pardons THROUGH THE OFFICE OF VICTIM <--
3 ADVOCATE shall provide notice to victims or next of kin of
4 the date, time and place of a hearing pertaining to their
5 case. WITHIN 30 DAYS OF THE DATE THAT A HEARING IS GRANTED <--
6 AND AT LEAST 60 DAYS PRIOR TO THE HEARING.

7 (4) DURING ANY HEARING GRANTED UNDER THIS CHAPTER, A
8 VICTIM OR NEXT OF KIN SHALL BE PERMITTED TO OFFER TESTIMONY
9 BEFORE THE BOARD OF PARDONS IN PERSON, IN WRITING OR VIA
10 VIDEOCONFERENCING OR SIMILAR VIRTUAL PRESENCE TECHNOLOGY AT
11 THE SOLE DISCRETION OF THE VICTIM OR NEXT OF KIN.

12 (5) IF THE BOARD OF PARDONS FAILS TO COMPLY WITH ANY OF
13 THE PROVISIONS OF THIS SUBSECTION, ANY ACTION BY THE BOARD OF
14 PARDONS TO WHICH THE FAILURE TO COMPLY APPLIES, INCLUDING A
15 VOTE OR RECOMMENDATION UNDER THIS CHAPTER, SHALL BE NULL AND
16 VOID.

17 (g) Hearings.--Each member of the Board of Pardons shall
18 interview an applicant in instances where the Board of Pardons
19 chooses to have an application submitted by the following:

20 (1) an inmate serving a life sentence or a sentence of
21 death; ~~or~~ <--

22 (2) an inmate serving a sentence for murder of the third
23 degree, voluntary manslaughter, attempt to commit murder of
24 the third degree or attempt to commit voluntary
25 manslaughter-; OR <--

26 (3) AN INMATE SERVING A SENTENCE FOR A CRIME OF
27 VIOLENCE.

28 (G.1) INTERVIEW.--AN INTERVIEW CONDUCTED UNDER
29 SUBSECTION (G) SHALL BE IN PERSON, UNLESS ANY REQUISITE
30 TRAVEL OR TRANSPORT OF THE APPLICANT WOULD CAUSE AN UNDUE

1 PAROLE OR THE DEPARTMENT OF CORRECTIONS.

2 * * *

3 Section 27. The following shall apply to transfers:

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

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

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

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

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

28 (3) To the extent that any employee of the Pennsylvania
29 Parole Board is transferred to the Department of Corrections
30 as a result of this act, such action shall not require the

1 department or the Pennsylvania Parole Board to engage in
2 collective bargaining or impact bargaining with the
3 collective bargaining representative of the employees under
4 the act of July 23, 1970 (P.L.563, No.195), known as the
5 Public Employe Relations Act, or any other laws of this
6 Commonwealth.

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

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

19 Section 29.1. Repeals are as follows:

20 (1) The General Assembly declares that the repeal under
21 paragraph (2) is necessary to effectuate the addition of 61
22 Pa.C.S. Ch. 73.

23 (2) Sections 403 and 909 of the act of April 9, 1929
24 (P.L.177, No.175), known as The Administrative Code of 1929,
25 are repealed.

26 Section 30. This act shall take effect immediately.