
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 958 Session of
2021

INTRODUCED BY STREET, KEARNEY, SANTARSIERO, CAPPELLETTI, COSTA,
KANE, SAVAL AND HAYWOOD, NOVEMBER 22, 2021

REFERRED TO JUDICIARY, NOVEMBER 22, 2021

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in bonds and
3 recognizances, providing for cash bail prohibited, for
4 conditions of release and for collection and report of
5 pretrial release data; in sentencing, further providing for
6 modification or revocation of order of probation; and
7 abrogating regulations.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Title 42 of the Pennsylvania Consolidated
11 Statutes is amended by adding sections to read:

12 § 5703. Cash bail prohibited.

13 Notwithstanding this title or any other provision of law, a
14 defendant's release may not be conditioned upon the deposit of
15 any amount of cash or upon the compliance with a monetary
16 condition.

17 § 5704. Conditions of release.

18 (a) Pretrial release.--Notwithstanding any other provision
19 of law, a court, magistrate or judicial official shall order the
20 pretrial release of a defendant, unless the Commonwealth moves

1 for the defendant's pretrial detention and the court, magistrate
2 or judicial officer finds, by clear and convincing evidence,
3 that the defendant committed the felony offense as charged by
4 the Commonwealth and the defendant poses an imminent risk of
5 serious harm to an individual or the community and that no
6 condition or combination of conditions of release can mitigate
7 that serious risk of harm.

8 (b) Nonmonetary conditions.--The court, magistrate or
9 judicial officer may impose one or more nonmonetary conditions
10 of release when the condition or combination of conditions is
11 necessary to reasonably assure the defendant's appearance in
12 court or safety to an individual or the community.

13 (c) Contest of court order.--If the court orders the
14 defendant's pretrial detention or the defendant is unable to
15 meet the nonmonetary conditions of release ordered by the court,
16 the defendant shall have the right to contest the order at a
17 detention review hearing. The detention review hearing shall be
18 held within 48 hours of the detention order or imposition of
19 unmet conditions of release.

20 (d) Rights of defendant.--At any pretrial hearing which may
21 result in the loss of or infringement upon the defendant's
22 liberty, the defendant shall be entitled to the following:

23 (1) The right to be present during the pretrial hearing.

24 (2) The right to be represented by counsel. If the
25 defendant cannot afford an attorney and qualifies for
26 representation by a public defender in a criminal case, the
27 court shall appoint counsel.

28 (3) The right to confront and cross-examine witnesses.

29 (4) The right to present evidence.

30 (5) The right to an expedited appeal of an order

1 resulting in pretrial detention.

2 § 5705. Collection and report of pretrial release data.

3 (a) General rule.--Each county shall collect and annually
4 publish data disaggregated by race, gender and ethnicity
5 relating to the pretrial detention and release of defendants,
6 including the following:

7 (1) The number of detention-eligible defendants.

8 (2) The number of defendants for whom the Commonwealth
9 sought detention at the first hearing for which a detention
10 decision was made.

11 (3) The number of defendants ordered to be detained at
12 the first hearing for which a detention decision was made.

13 (4) The number of defendants for whom a detention review
14 hearing was scheduled.

15 (5) The number of defendants for whom the Commonwealth
16 sought detention at the detention review hearing.

17 (6) The number of defendants for whom pretrial detention
18 was ordered at the detention review hearing.

19 (7) The percentage of detention-eligible defendants who
20 remain detained from arrest until the resolution of their
21 case.

22 (8) The average number of days defendants ordered to
23 pretrial detention remain in custody from arrest to the
24 resolution of their case.

25 (b) Publication.--A county shall publish the data collected
26 under subsection (a) on the county's publicly accessible
27 Internet website.

28 Section 2. Section 9771 of Title 42 is amended by adding a
29 subsection to read:

30 § 9771. Modification or revocation of order of probation.

1 * * *

2 (b.1) Limitation on revocation of probation.--A court may
3 not revoke an order of probation due to the failure of a
4 defendant to pay electronic monitoring fees.

5 * * *

6 Section 3. The regulations of 234 Pa. Code Ch. 5 Pt. C(1)
7 are abrogated insofar as they are inconsistent with the addition
8 of 42 Pa.C.S. §§ 5703, 5704 and 5705.

9 Section 4. This act shall take effect in 60 days.