

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

SENATOR BROWNE, APPROPRIATIONS, RE-REPORTED AS AMENDED, MARCH 23, 2021

AN ACT

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

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

40 The General Assembly of the Commonwealth of Pennsylvania
41 hereby enacts as follows:

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

45 § 2151.1. Definitions.

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

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

1 Board.

2 * * *

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

7 § 2155. Publication of guidelines for sentencing, resentencing
8 and parole, risk assessment instrument and
9 recommitment ranges following revocation.

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

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

21 * * *

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

24 * * *

25 § 5950. Confidential communications involving law enforcement
26 officers.

27 * * *

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

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

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

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

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

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

27 "Government unit." The General Assembly and its officers and
28 agencies; the Governor and the departments, boards, commissions,
29 authorities and officers and agencies of the Commonwealth or
30 other instrumentalities thereof; any political subdivision,

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

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

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

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

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

14 (4) A Capitol Police officer.

15 (5) A Department of Conservation and Natural Resources
16 ranger.

17 (6) A drug enforcement agent of the Office of Attorney
18 General whose principal duty is the enforcement of the drug
19 laws of this Commonwealth and a special agent of the Office
20 of Attorney General whose principal duty is the enforcement
21 of the criminal laws of this Commonwealth.

22 (7) Any member of a port authority or other authority
23 police department.

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

26 (9) Any sheriff or deputy sheriff.

27 (10) A member of the Pennsylvania Fish Commission.

28 (11) A Pennsylvania Wildlife Conservation Officer.

29 (12) A member of a campus police force with the power to
30 arrest under section 2416 of the act of April 9, 1929

1 (P.L.177, No.175), known as The Administrative Code of 1929.
2 As used in this paragraph, the term "campus police" has the
3 meaning given in section 302 of the act of November 29, 2004
4 (P.L.1383, No.180), known as the Uniform Crime Reporting Act.

5 (13) A member of the Fort Indiantown Gap Police Force.
6 § 5952. Confidential communications to peer support members.

7 * * *

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

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

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

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

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

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

30 (4) A Capitol Police officer.

1 (5) A Department of Conservation and Natural Resources
2 ranger.

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

8 (7) Any member of a port authority or other authority
9 police department.

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

12 (9) Any sheriff or deputy sheriff.

13 (10) A member of the Pennsylvania Fish and Boat
14 Commission.

15 (11) A Pennsylvania Wildlife Conservation Officer.

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

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

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

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

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

28 (3) Receives eight hours of continuing training each
29 year.

30 (4) May be supervised by licensed psychologists.

1 § 6307. Inspection of court files and records.

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

4 * * *

5 (6.5) The Department of [Public Welfare] Human Services
6 for use in determining whether an individual named as the
7 perpetrator of an indicated report of child abuse should be
8 expunged from the Statewide database.

9 * * *

10 § 8332.7. Immunity of State parole officers.

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

26 (b) Assistance of criminal victims.--In addition to any
27 other immunity provided by law, any parole officer appointed by
28 the [Pennsylvania Board of Probation and Parole] Secretary of
29 Corrections who is entitled to immunity under section 8331.3
30 (relating to criminal victim aid good Samaritan civil immunity)

1 as a result of providing assistance to a victim of a crime shall
2 be considered to be acting within the scope of his official duty
3 while providing assistance to the victim for all purposes of law
4 and shall enjoy any benefit or immunity conferred upon an
5 employee of the Commonwealth.

6 § 8340. Immunity of program administrators and supervisors.

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

20 § 9543.1. Postconviction DNA testing.

21 * * *

22 (f) Posttesting procedures.--

23 * * *

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

29 (i) direct that the Pennsylvania [Board of Probation
30 and] Parole Board be notified of the test results; or

1 (ii) mandate that the applicant's DNA profile be
2 added to the Commonwealth's convicted offender database.

3 * * *

4 § 9718.5. Mandatory period of probation for certain sexual
5 offenders.

6 * * *

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

12 § 9727. Disposition of persons found guilty but mentally ill.

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

24 (b) Treatment.--

25 (1) An offender who is severely mentally disabled and in
26 need of treatment at the time of sentencing shall, consistent
27 with available resources, be provided such treatment as is
28 psychiatrically or psychologically indicated for his mental
29 illness. Treatment may be provided by the [Bureau of
30 Correction] Department of Corrections, by the county or by

1 the Department of [Public Welfare] Human Services in
2 accordance with the ["Mental"] Mental Health Procedures
3 [Act."] Act.

4 * * *

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

15 (1) The defendant's behavior.

16 (2) The course of treatment.

17 (3) The potential for recurrence of the behavior.

18 (4) The potential for danger to himself or the public.

19 (5) Recommendations for future treatment.

20 * * *

21 (f) Probation.--

22 * * *

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

1 motion on a petition to discontinue probation is made by the
2 defendant, the probation officer shall request a report as
3 specified from the treating facility.

4 Section 3. Section 9764(e), (f), (h), (i) and (k) of Title
5 42, amended December 18, 2019 (P.L.776, No.115), are amended to
6 read:

7 § 9764. Information required upon commitment and subsequent
8 disposition.

9 * * *

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

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

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

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

29 * * *

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

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

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

29 * * *

30 (k) Procedures.--The Department of Corrections and the

1 Pennsylvania [Board of Probation and] Parole Board shall develop
2 procedures to implement the provisions of this section.

3 * * *

4 Section 4. Sections 9776(a), 9777(d)(2), 9799.13(2),
5 9799.16(d), 9799.19(f), (k)(1) introductory paragraph and (iv)
6 and (2), (l)(2)(iv) and (q)(2), 9799.20 introductory paragraph,
7 9799.22(d), 9799.24(a), (b) introductory paragraph, (c), (e)(4)
8 and (g), 9799.25(f)(4), 9799.29, 9799.30 and 9799.31(6) of Title
9 42 are amended to read:

10 § 9776. Judicial power to release inmates.

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

17 * * *

18 § 9777. Transfer of inmates in need of medical treatment.

19 * * *

20 (d) Notice.--

21 * * *

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

28 * * *

29 § 9799.13. Applicability.

30 The following individuals shall register with the

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

6 * * *

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

17 * * *

18 § 9799.16. Registry.

19 * * *

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

29 § 9799.19. Initial registration.

30 * * *

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

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

27 * * *

28 (k) Registration if incarcerated within Commonwealth or by
29 Federal court.--The following apply to an individual who
30 committed a sexually violent offense:

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

8 * * *

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

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

1 specified in section 9799.16(b), the State or county
2 correctional facility shall notify the Pennsylvania State
3 Police or the municipal police department with jurisdiction
4 over the facility of the failure to provide the information
5 and of the expected date, time and location of the release of
6 the individual.

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

13 * * *

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

20 * * *

21 (iv) In the case of parole, State [or county]
22 intermediate punishment, State drug treatment programs or
23 restrictive conditions of probation where the sentence is
24 restrictive and the individual is sentenced to a period
25 of incarceration in a State or county correctional
26 facility or work release facility or special probation
27 supervised by the [Pennsylvania Board of Probation and
28 Parole] Department of Corrections, the correctional
29 facility may not release the individual until the
30 correctional facility receives verification from the

1 Pennsylvania State Police that the Pennsylvania State
2 Police has received the information specified in section
3 9799.16(b) and (c). Verification by the Pennsylvania
4 State Police may occur by electronic means.

5 * * *

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

7 * * *

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

23 § 9799.20. Duty to inform.

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

1 Human Services or a State or county correctional institution
2 shall:

3 * * *

4 § 9799.22. Enforcement.

5 * * *

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

17 § 9799.24. Assessments.

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

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

1 include, but not be limited to, an examination of the following:

2 * * *

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

17 * * *

18 (e) Hearing.--

19 * * *

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

25 * * *

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

1 * * *

2 § 9799.25. Verification by sexual offenders and Pennsylvania
3 State Police.

4 * * *

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

6 * * *

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

11 § 9799.29. Administration.

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

20 § 9799.30. Global positioning system technology.

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

26 § 9799.31. Immunity for good faith conduct.

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

29 * * *

30 (6) The Pennsylvania [Board of Probation and] Parole

1 Board and its agents and employees.

2 * * *

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

5 § 9799.32. Pennsylvania State Police and Department of
6 Corrections.

7 The Pennsylvania State Police have the following duties:

8 * * *

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

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

8 * * *

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

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

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

29 * * *

30 Section 6. Sections 9799.33, 9799.35(e), 9799.38, 9799.54(a)

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

5 § 9799.33. Duties of Department of Corrections and probation
6 and parole officials.

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

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

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

22 (b) Notification form.--The [Pennsylvania Board of Probation
23 and Parole] Department of Corrections shall create a
24 notification form which will inform [State and] county prison
25 and probation and parole personnel how to inform sexual
26 offenders of their duties under this subchapter. In addition,
27 the [Pennsylvania Board of Probation and Parole] Department of
28 Corrections shall apply for Federal funding as provided in the
29 Adam Walsh Child Protection and Safety Act of 2006 (Public Law
30 109-248, 120 Stat. 587) to support and enhance programming using

1 global satellite positioning system technology.

2 § 9799.35. Board.

3 * * *

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

16 § 9799.38. Annual performance audit.

17 (a) Duties of the Attorney General.--The Attorney General
18 has the following duties:

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

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

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

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

30 § 9799.54. Applicability.

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

4 * * *

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

20 * * *

21 § 9799.55. Registration.

22 * * *

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

24 * * *

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

29 § 9799.56. Registration procedures and applicability.

30 (a) Registration.--

1 * * *

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

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

29 * * *

30 § 9799.58. Assessments.

1 * * *

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

11 * * *

12 (e) Hearing.--

13 * * *

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

19 * * *

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

26 * * *

27 § 9799.64. Administration.

28 The Governor shall direct the Pennsylvania State Police, the
29 Pennsylvania [Board of Probation and] Parole Board, the [State
30 Sexual Offenders Assessment Board] board, the Department of

1 Corrections, the Department of Transportation and any other
2 agency of this Commonwealth the Governor deems necessary to
3 collaboratively design, develop and implement an integrated and
4 secure system of communication, storage and retrieval of
5 information to assure the timely, accurate and efficient
6 administration of this subchapter.

7 § 9799.65. Global positioning system technology.

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

12 § 9799.66. Immunity for good faith conduct.

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

15 * * *

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

18 * * *

19 § 9799.67. Duties of Pennsylvania State Police.

20 The Pennsylvania State Police shall:

21 * * *

22 (2) In consultation with the Department of Corrections,
23 the Office of Attorney General[, the Pennsylvania Board of
24 Probation and Parole] and the chairperson and the minority
25 chairperson of the Judiciary Committee of the Senate and the
26 chairperson and the minority chairperson of the Judiciary
27 Committee of the House of Representatives, promulgate
28 guidelines necessary for the general administration of this
29 subchapter. These guidelines shall establish procedures to
30 allow an individual subject to the requirements of sections

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

30 * * *

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

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

14 * * *

15 § 9799.68. Duties of [Pennsylvania Board of Probation and
16 Parole] Department of Corrections.

17 The [Pennsylvania Board of Probation and Parole] Department
18 of Corrections shall:

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

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

- 27 (i) Name, including aliases.
- 28 (ii) Identifying factors.
- 29 (iii) Anticipated future residence.
- 30 (iv) Offense history.

1 (v) Documentation of treatment received for the
2 mental abnormality or personality disorder.

3 (vi) Photograph of the offender or sexually violent
4 predator.

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

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

15 § 9799.69. Board.

16 * * *

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

29 § 9799.72. Annual performance audit.

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

1 (1) Conduct a performance audit annually to determine
2 compliance with the requirements of this subchapter and
3 guidelines promulgated under this subchapter. The audit
4 shall, at a minimum, include a review of the practices,
5 procedures and records of the Pennsylvania State Police, [the
6 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 and
9 any other State or local agency the Attorney General deems
10 necessary in order to conduct a thorough and accurate
11 performance audit.

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

22 (3) Provide a copy of its report to the Pennsylvania
23 State Police, [the Pennsylvania Board of Probation and
24 Parole,] the Department of Corrections, the [State Sexual
25 Offenders Assessment Board] board, the Administrative Office
26 of Pennsylvania Courts, State or local agencies referenced
27 therein, the chairperson and the minority chairperson of the
28 Judiciary Committee of the Senate and the chairperson and the
29 minority chairperson of the Judiciary Committee of the House
30 of Representatives no less than 30 days prior to the report's

1 release to the general public.

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

13 § 9912. Supervisory relationship to offenders.

14 * * *

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

16 * * *

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

23 * * *

24 Section 7. The definition of "board" in section 102 of Title
25 61 is amended and the section is amended by adding definitions
26 to read:

27 § 102. Definitions.

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

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

3 * * *

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

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

15 * * *

16 Section 8. Title 61 is amended by adding a section to read:
17 § 1106. Powers of peace officers.

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

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

30 Section 9. Sections 5001, 5002, 5003, 5004, 5005 and 5006 of

1 Title 61 are amended to read:

2 § 5001. Definitions.

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

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

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

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

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

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

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

18 § 5002. Department.

19 The department may do all of the following:

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

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

24 (3) Establish parole violator centers.

25 § 5003. Offenders who may be housed.

26 The following offenders may be housed in community
27 corrections centers, parole violator centers and community
28 corrections facilities:

29 (1) [A parolee under the jurisdiction of] An offender
30 paroled by the board who is in good standing [with the board]

1 as defined in section 6101 (relating to definitions).

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

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

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

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

29 (4) An offender who has been granted clemency by the
30 Governor may be housed in a community corrections center or a

1 community corrections facility.

2 § 5004. Authority of Commonwealth employees.

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

7 (1) In order to maintain security and to enforce the
8 rules of the community corrections center, parole violator
9 center or community corrections facility:

10 (i) search the person and property of an offender
11 residing in the community corrections center, parole
12 violator center or community corrections facility;

13 (ii) seize property from an offender residing in the
14 community corrections center, parole violator center or
15 community corrections facility; and

16 (iii) if necessary, use reasonable force against an
17 offender residing in the community corrections center or
18 community corrections facility.

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

25 § 5005. Authority of chairman.

26 The chairman has the following authority:

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

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

1 secured or unsecured portion of a community corrections
2 center or community corrections facility.]

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

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

14 § 5006. Escape.

15 An [individual committed to] offender detained or recommitted
16 to a community corrections center, parole violator center or a
17 community corrections facility as a result of a parole violation
18 shall be deemed to be in official detention under 18 Pa.C.S. §
19 5121 (relating to escape). An offender living in a community
20 corrections center or community corrections facility while in
21 good standing on parole shall not be deemed to be in official
22 detention under 18 Pa.C.S. § 5121.

23 Section 10. Title 61 is amended by adding sections to read:

24 § 5007. Certain offenders residing in group-based homes.

25 (a) Notification requirement.--

26 (1) A group-based home located within a county of the
27 sixth, seventh or eighth class that agrees to provide housing
28 to an individual knowing that the individual has been
29 previously convicted of an offense under 18 Pa.C.S. § 2502
30 (relating to murder) or a substantially similar offense

1 committed in another jurisdiction shall notify the head of
2 the governing body of the municipality and the county in
3 which the group-based home is located that the individual is
4 staying at the group-based home.

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

9 (i) Name of the individual, including all known
10 aliases.

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

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

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

16 (b) Public hearing.--

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

21 (2) All hearings shall be conducted in compliance with
22 65 Pa.C.S. Ch. 7 (relating to open meetings). A governing
23 body conducting a public hearing under this subsection shall
24 announce the hearing via posting on its official publicly
25 accessible Internet website no less than two weeks prior to
26 the hearing. The announcement shall provide information
27 regarding the purpose, location, date and time of the public
28 hearing and a contact number for interested persons to call
29 in order to obtain additional information about the hearing.

30 (3) At a public hearing under this subsection, the

1 group-based home provider shall explain the operation of the
2 group-based home and the governing body conducting the
3 hearing shall permit public questions and comments.

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

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

12 § 5008. Reporting.

13 The department shall ensure that any crime committed within a
14 community corrections center or community corrections facility
15 is immediately reported to the appropriate law enforcement
16 agency with jurisdiction over the community corrections center
17 or community corrections facility.

18 Section 11. The heading of Part IV of Title 61 is amended to
19 read:

20 PART IV

21 [PROBATION AND PAROLE] DEPARTMENT OF CORRECTIONS

22 Section 12. Section 6101 of Title 61, amended December 18,
23 2019 (P.L.776, No.115), is amended to read:

24 § 6101. Definitions.

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

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

29 "Board." The Pennsylvania Parole Board.

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) provides housing to offenders pursuant to a contract
7 with the department; and

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

9 "Conditions of supervision." Any terms or conditions of the
10 offender's supervision, whether imposed by the court, the
11 department or an agent, or promulgated by the board as a
12 regulation, including compliance with all requirements of
13 Federal, State and local law.

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

18 "Court." A court of common pleas or any judge thereof, the
19 Philadelphia municipal court or any judge thereof, the
20 Pittsburgh magistrates court or any judge thereof or any
21 magisterial district judge.

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

25 "Evidence-based practices." Interventions and treatment
26 approaches that have been proven effective through appropriate
27 empirical analysis.

28 "Exigent circumstances." The term includes, but is not
29 limited to, suspicion that contraband or other evidence of
30 violations of the conditions of supervision might be destroyed

1 or suspicion that a weapon might be used. Exigent circumstances
2 always exist with respect to a vehicle.

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

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

6 (2) has not been arrested for or charged with a crime
7 other than one from which he has been paroled or one for
8 which he has served the sentence imposed and otherwise
9 complied with all the sanctions imposed other than the
10 payment of money;

11 (3) is not subject to an order of protection from abuse;
12 and

13 (4) is in compliance with all legal requirements
14 applicable to the offender, including, but not limited to,
15 maintaining registration in any applicable sex offender
16 registry.

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

20 "Real property." Any residence or business property of a
21 department-supervised offender, including all portions of the
22 property to which the department-supervised offender has access.

23 "Supervisor." Any individual acting in a supervisory or
24 administrative capacity.

25 "Victim." The term shall have the meaning given to it under
26 section 103 of the Crime Victims Act. The term shall also
27 include a member of the victim's family or the victim's
28 representative if the victim is incapable of communicating or
29 has died.

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

1 § 6102. Operation of parole system generally.

2 The parole system shall operate consistently with the
3 following provisions:

4 (1) The parole system provides several benefits to the
5 criminal justice system, including the provision of adequate
6 supervision of the offender while protecting the public, the
7 opportunity for the offender to become a useful member of
8 society and the diversion of appropriate offenders from
9 prison.

10 (2) In providing these benefits to the criminal justice
11 system, the board, the department and any other paroling
12 entity shall first and foremost seek to protect the safety of
13 the public.

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

22 Section 14. Section 6111(a) of Title 61, amended December
23 18, 2019 (P.L.776, No.115), is amended to read:

24 § 6111. Pennsylvania Parole Board.

25 (a) Establishment.--The Pennsylvania Parole Board is [an
26 independent administrative board for the administration of the
27 parole laws of this Commonwealth.] established as an independent
28 administrative board for the purpose of granting and revoking
29 paroles to certain offenders within this Commonwealth. The board
30 shall function independently of the department regarding all of

1 the board's decision-making functions, as well as any other
2 powers and duties specified in this title.

3 * * *

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

6 § 6112. Board chairperson.

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

10 (1) Direct the operations, management and administration
11 of the board and fulfill the functions established by this
12 chapter.

13 [(2) Secure the effective application of the probation
14 system in all of the courts of this Commonwealth and the
15 enforcement of the probation laws.]

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

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

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

23 (b) Alternate chairperson.--The board may designate one of
24 its members to act as alternate chairperson during the absence
25 or incapacity of the chairperson, and, when so acting, the
26 member so designated shall have and perform all the powers and
27 duties of chairperson of the board but shall not receive any
28 additional compensation for acting as chairperson.

29 § 6113. Board action.

30 (a) Quorum.--

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

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

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

24 (c) Disagreement within panel.--

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

30 (2) If there is disagreement on a revocation decision

1 between the members of the panel, the matter shall be decided
2 by three board members appointed by the chairperson or the
3 chairperson's designee; at least two of these members must
4 not have been on the disagreeing panel, if practicable.

5 (d) Appeal.--

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

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

15 (e) Decision without review.--Subject to the provisions of
16 section 6137(g) (relating to parole power), the board or its
17 designee may issue a decision to parole an eligible offender as
18 defined under section 4503 (relating to definitions) without
19 further review by the board.

20 (f) Decision accountability.--The board shall develop, adopt
21 and periodically update as deemed necessary, a parole decisional
22 instrument that is tested prior to implementation, which
23 incorporates evidence-based practices to assist and inform the
24 board's professional judgment in the parole decision-making
25 process.

26 § 6116. Meetings.

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

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

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

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

4 (3) [Shall have such powers] Maintain a record of the
5 proceedings of the board and perform such duties not
6 inconsistent with any law of this Commonwealth as the board
7 shall prescribe.

8 (4) [Shall receive] Receive such compensation as the
9 board shall determine in conformity with the rules of the
10 Executive Board.

11 (c) Temporary secretary of board.--In the absence or
12 incapacity of the secretary to act, the board may designate such
13 other person as it may choose to perform temporarily the duties
14 of the secretary of the board.

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

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

21 § 6118. Offices.

22 [(a) Principal office.--The principal office of the board]
23 The department shall [be in Harrisburg, and] provide offices for
24 the board. The board shall appoint and employ such number and
25 character of officers, agents, clerks, stenographers and
26 employees as may be necessary to carry out the purposes of this
27 chapter. The salaries of persons so appointed and employed by
28 the board shall be fixed by the board.

29 [(b) District offices.--The board, with the approval of the
30 Governor, shall divide the Commonwealth for administrative

1 purposes into a suitable number of districts, not to exceed ten,
2 in each of which shall be a district office which shall have
3 immediate charge of the supervision of cases of probation and
4 parole arising in the courts of the judicial districts embraced
5 within its territorial limits, but, as occasion may require, the
6 supervision of particular parolees may be transferred by the
7 board to other appropriate parole districts.

8 (c) Location of district offices.--

9 (1) The board shall fix and determine the location of
10 the various district offices within their respective
11 districts, having regard to local conditions in each district
12 and to the most convenient and efficient functioning of the
13 office established in each district.

14 (2) At each of the locations so fixed and determined,
15 the board shall provide such office accommodations,
16 furniture, equipment and supplies as may be reasonably
17 suitable and adequate for the proper handling and dispatch of
18 the parole business of the district.

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

23 (d) Consideration for fixing compensation.--In fixing
24 compensation for its officers, clerks and employees under the
25 provisions of this chapter, the board shall have regard to the
26 kind, grade or class of service to be rendered, and, whenever
27 any standard compensation has been fixed by the Executive Board
28 for any kind, grade or class of service or employment, the
29 compensation of all persons appointed or employed by the board
30 in the same kind, grade or class shall be fixed by it in

1 accordance with such standard.]

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

4 [§ 6119. District directors.

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

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

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

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

17 § 6120. District office employees.

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

25 (b) Salaries and qualifications.--The salaries of the
26 appointees in subsection (a) shall be fixed by the board. The
27 board shall from time to time by appropriate rule or regulation
28 prescribe the qualifications to be possessed by its personnel.
29 The qualifications shall be such as will best promote the
30 efficient operation of probation and parole.

1 § 6121. Disciplinary action.

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

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

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

14 § 6124. Certain offenders residing in group-based homes.

15 (a) Notification requirement.--

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

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

29 (i) Name of the individual, including all known
30 aliases.

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

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

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

6 (b) Public hearing.--

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

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

21 (3) At a public hearing under this subsection, the
22 group-based home provider shall explain the operation of the
23 group-based home and the governing body conducting the
24 hearing shall permit public questions and comments.

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

28 "Group-based home." Any nonprofit or for-profit entity that
29 maintains a facility that provides housing to individuals on
30 probation or parole or other individuals previously convicted of

1 crimes. The term shall not include a correctional institution or
2 a facility maintained by a domestic violence program.

3 "Official Internet website." The official Internet location
4 designated by a municipality or county as its primary method of
5 electronically communicating with the public about its official
6 business.]

7 Section 17. Section 6131 of Title 61, amended December 18,
8 2019 (P.L.776, No.115), is amended to read:

9 § 6131. General powers of board.

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

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

14 (2) To collect and maintain copies of all presentence
15 investigations and reports.

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

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

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

27 (8) To enter into contracts for purchasing community
28 services to assist parolees and to supplement existing
29 programs.

30 (9) To pay the cost of preparole drug screening tests

1 for inmates within the parole release jurisdiction of the
2 board, who are confined in a State or local correctional
3 facility, as required under section 6137 (relating to parole
4 power).

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

7 (11) To establish and provide for intensive supervision
8 units and day reporting centers for the supervision of
9 parolees.]

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

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

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

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

22 (16) To conduct outcome and performance analyses on
23 implemented board programs and practices to enhance public
24 safety through reduced recidivism.

25 (b) Court-appointed probation officers to submit information
26 to [board] department.--A court that appoints a probation
27 officer shall require the probation officer to submit to the
28 [board] department such information as the [board] department
29 may require on forms prescribed and furnished by the [board]
30 department.

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

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

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

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

12 § 6132. Specific powers of board involving [parolees]
13 offenders.

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

15 (1) (i) To parole and reparole, commit and recommit for
16 violations of parole and to discharge from parole all
17 persons sentenced by any court at any time to
18 imprisonment in a State correctional institution pursuant
19 to 42 Pa.C.S. § 9762 (relating to sentencing proceeding;
20 place of confinement).

21 (ii) This paragraph applies to inmates sentenced to
22 definite or flat sentences.

23 [(i) To supervise any person placed on parole, when
24 sentenced to a maximum period of less than two years, by
25 any judge of a court having criminal jurisdiction, when
26 the court may by special order direct supervision by the
27 board, in which case the parole case shall be known as a
28 special case and the authority of the board with regard
29 thereto shall be the same as provided in this chapter
30 with regard to parole cases within one of the

1 classifications set forth in this chapter.]

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

9 (3) To establish special conditions of supervision for
10 paroled offenders. Conditions of supervision must be based on
11 the risk presented by and the rehabilitative needs of the
12 offender. Conditions may be modified pursuant to section 6171
13 (relating to powers and duties of department) or if the board
14 or its designee consents to such modification.

15 (4) To promulgate regulations establishing general
16 conditions of supervision applicable to every paroled
17 offender.

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

24 * * *

25 Section 19. Section 6133 of Title 61, amended December 18,
26 2019 (P.L.776, No.115), is repealed:

27 [§ 6133. Probation services.

28 (a) General rule.--The board shall have exclusive power to
29 supervise any person placed on probation by any judge of a court
30 having criminal jurisdiction, when the court by special order

1 directs supervision by the board.

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

4 (c) Supervision and investigation.--Supervision and
5 presentence investigations by court order or request shall be
6 provided in accordance with board regulations.

7 (d) In-service training.--The board shall provide in-service
8 training for personnel of county probation offices when
9 requested to do so by the court having jurisdiction of the
10 probation office as provided by memorandum of understanding with
11 the Pennsylvania Commission on Crime and Delinquency and
12 contingent upon the availability of money.]

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

15 § 6134. Sentencing court [to transmit records to board]
16 recommendation.

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

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

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

25 (3) Copies of presentence investigation reports and
26 behavior clinic reports, if any were submitted to the court,
27 the last two of which records, being confidential records of
28 the court, shall be treated confidentially by the members of
29 the board, who shall not permit examination of the records by
30 anyone other than its duly appointed agents or

1 representatives except upon court order.

2 (b) Recommendations from judge.--] The following shall
3 apply:

4 (1) A judge may make at any time a recommendation to the
5 board respecting the [person] offender sentenced and the term
6 of imprisonment the judge believes that [person] offender
7 should be required to serve before [a] parole is granted to
8 that [person] offender.

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

16 § 6134.1. General criteria for parole by court.

17 (a) Guidelines.--The court may parole or reparole subject to
18 consideration of guidelines established under 42 Pa.C.S. §
19 2154.5 (relating to adoption of guidelines for parole).

20 (b) Report of decision to commission.--If a court paroles or
21 reparaes [a person] an offender, the court shall report the
22 parole or reparole decision and shall provide a contemporaneous
23 written statement for any deviation from the guidelines
24 established under 42 Pa.C.S. § 2154.5, to the commission under
25 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties).

26 (c) Procedure.--

27 (1) Prior to making a decision to parole [a person] an
28 offender committed to county confinement within the
29 jurisdiction of the court pursuant to 42 Pa.C.S. § 9762
30 (relating to sentencing proceeding; place of confinement)

1 from a sentence of imprisonment imposed following conviction
2 for a personal injury crime, each victim who has registered
3 to receive victim services in connection with the personal
4 injury crime shall be given an opportunity by the court to
5 submit a preparole statement to the court expressing concerns
6 or recommendations regarding the parole or parole supervision
7 of the [person] offender.

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

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

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

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

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

1 "Victim." The term shall mean, in addition to the meaning
2 set forth in section 103 of the act of November 24, 1998 (P.L.
3 882, No.111), known as the Crime Victims Act, a member of the
4 victim's family if the victim is incapable of communicating or
5 has died.]

6 § 6136. Right of access to [inmates] offenders.

7 All prison officials shall:

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

11 (2) At all reasonable times provide for the board or its
12 properly accredited representative facilities for
13 communicating with and observing an [inmate] offender while
14 imprisoned. Such facilities may, at the discretion of the
15 prison officials, be provided via videoconferencing or
16 similar virtual presence technology.

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

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

28 § 6137. Parole power.

29 (a) General criteria for parole.--

30 (1) The board may parole subject to consideration of

1 guidelines established under 42 Pa.C.S. § 2154.5 (relating to
2 adoption of guidelines for parole) or subject to section
3 6137.1 (relating to short sentence parole) and such
4 information developed by or furnished to the board under
5 section 6174 (relating to right of access to offenders), or
6 both, and may release on parole any [inmate] offender to whom
7 the power to parole is granted to the board by this chapter,
8 except an [inmate] offender condemned to death or serving
9 life imprisonment, whenever in its opinion:

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

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

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

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

27 (3.1) (i) Following the expiration of the [inmate's]
28 offender's minimum term of imprisonment, if the primary
29 reason for not paroling the [inmate] offender is the
30 [inmate's] offender's inability to access and complete

1 prescribed programming within the correctional
2 institution, the board may release the [inmate] offender
3 on parole with the condition that the [inmate] offender
4 complete the prescribed programming while on parole.

5 (ii) This paragraph shall not apply to offenders who
6 are currently serving a term of imprisonment for a crime
7 of violence as defined in 42 Pa.C.S. § 9714 (relating to
8 sentences for second and subsequent offenses) or for a
9 crime requiring registration under 42 Pa.C.S. Ch. 97
10 Subch. H (relating to registration of sexual offenders).

11 (iii) For those [inmates] offenders to whom
12 subparagraph (ii) is applicable, the board may release
13 the [inmate] offender on parole if the [inmate] offender
14 is subject to another jurisdiction's detainer, warrant or
15 equivalent writ.

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

21 (i) whose term of imprisonment was commuted from
22 life to life on parole;

23 (ii) who was serving a term of imprisonment for a
24 crime of violence; or

25 (iii) who is serving a sentence under 42 Pa.C.S. §
26 9712 (relating to sentences for offenses committed with
27 firearms).

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

30 (i) be subject to weekly supervision for the first

1 six months of parole; and

2 (ii) have any violations of a condition of parole
3 immediately made known to the Board of Pardons. This
4 subparagraph shall apply to all [parolees] offenders
5 under supervision by other jurisdictions under Subchapter
6 B of Chapter 71 (relating to interstate compact for the
7 supervision of adult offenders).

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

19 [(c) Administrative parole.--

20 (1) An eligible offender shall be placed on
21 administrative parole one year after release on parole and
22 until the maximum sentence date if the board's supervision
23 staff determines that:

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

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

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

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

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

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

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

16 (iii) Continue to pay any restitution owed.

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

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

23 (d.1) Short sentence parole.--The board shall have the power
24 and its duty shall be to comply with the requirements of section
25 6137.1 (relating to short sentence parole).

26 (e) Drug screening tests.--

27 (1) The [board] department may not release [a person] an
28 offender on parole unless the [person] offender achieves a
29 negative result within 45 days prior to the date of release
30 in a screening test approved by the Department of Health for

1 the detection of the presence of controlled substances or
2 designer drugs under the act of April 14, 1972 (P.L.233,
3 No.64), known as The Controlled Substance, Drug, Device and
4 Cosmetic Act.

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

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

23 [(ii) The random screening tests shall be performed
24 at the discretion of the board, and the parolee
25 undergoing the tests shall be responsible for the costs
26 of the tests.]

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

29 (4) For [a parolee] an offender who was not paroled from
30 a sentence arising from a conviction under The Controlled

1 Substance, Drug, Device and Cosmetic Act or from a drug-
2 related crime, the board may establish, as a condition of
3 [parole] supervision, that the [parolee] offender achieve
4 negative results in drug screening tests randomly conducted.
5 The [parolee] offender shall be responsible for testing
6 costs.

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

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

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

18 (2) Upon identification of an inmate as an eligible
19 offender, as defined under section 4503 (relating to
20 definitions), the department shall send notice to the board.
21 The board shall send notice to the prosecuting attorney and
22 the court no less than six months before the expiration of
23 the [inmate's] offender's minimum sentence indicating that
24 the department has preliminarily identified the [inmate]
25 offender as an eligible offender. The notice shall be sent by
26 United States mail unless the board, the court and the
27 prosecutor have consented to receipt of notice via electronic
28 means. For [inmates] offenders committed to the department
29 whose expiration of the minimum sentence is six months or
30 less from the date of admission, the department shall give

1 prompt notice.

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

16 (3) Within 30 days of receipt of notice under paragraph
17 (2), the court or prosecuting attorney may file with the
18 board a written objection to the department's preliminary
19 identification of the [inmate] offender as an eligible
20 offender. Notice of the objection shall be provided to the
21 department and the board.

22 (4) If no notice of objection has been filed under
23 paragraph (3), the [board or its designee shall approve for
24 parole at the expiration of the eligible offender's] eligible
25 offender shall be paroled at the minimum date upon a
26 determination by the board or the board's designee that all
27 of the following apply:

28 (i) The department certified that the [inmate]
29 offender has maintained a good conduct record and
30 continues to remain an eligible offender under section

1 4503.

2 (ii) The reentry plan for the [inmate] offender is
3 adequate.

4 (iii) Individual conditions and requirements for
5 parole have been established for the offender.

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

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

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

29 (7) Except as provided under this subsection, nothing in
30 this chapter shall otherwise affect the powers and duties of

1 the board or the department.

2 (h) Power to recommit.--

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

10 (i) There is a reasonable probability that the
11 [inmate] offender will be benefited by paroling the
12 [inmate] offender again.

13 (ii) It does not appear that the interests of the
14 Commonwealth will be injured by paroling the [inmate]
15 offender again.

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

20 (i) Cases involving deviations from guidelines.--In each
21 case in which the board deviates from the recommitment ranges
22 established under 42 Pa.C.S. § 2154.6, the board shall provide a
23 contemporaneous written statement of the reason for the
24 deviation from the recommitment ranges to the commission, as
25 established under 42 Pa.C.S. § 2153(a)(14).

26 (j) Notice to county probation department.--When the board
27 releases [a parolee] an offender from a correctional facility,
28 the board shall provide written notice to the probation
29 department located in the county where the sentencing order was
30 imposed of the release and new address of the [parolee]

1 offender.

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

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

7 "Eligible offender." As defined in section 4503 (relating to
8 definitions).]

9 § 6138. Violation of terms of parole.

10 (a) Convicted violators.--

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

21 (1.1) In addition to paragraph (1), a parolee under the
22 jurisdiction of the board released from a correctional
23 facility who, during the period of parole or while delinquent
24 on parole, commits a crime punishable by imprisonment for
25 which the parolee is convicted or found guilty by a judge or
26 jury or to which the parolee pleads guilty or nolo contendere
27 or of any misdemeanor of the third degree or of any of the
28 following offenses where graded as a summary offense, may at
29 the discretion of the board be recommitted as a parole
30 violator:

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

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

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

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

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

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

14 (vii) Aiding or abetting a minor to commit truancy
15 under 18 Pa.C.S. § 6301 (relating to corruption of
16 minors).

17 (viii) Selling or furnishing nonalcoholic beverages
18 to minors under 18 Pa.C.S. § 6310.7 (relating to selling
19 or furnishing nonalcoholic beverages to persons under 21
20 years of age).

21 (2) If the [parolee's recommitment is so ordered, the
22 parolee shall be reentered] offender's parole is revoked, the
23 offender shall be recommitted to serve the remainder of the
24 term which the [parolee] offender would have been compelled
25 to serve had the parole not been granted and, except as
26 provided under paragraph (2.1), shall be given no credit for
27 the time at liberty on parole.

28 (2.1) The board may, in its discretion, award credit to
29 [a parolee] an offender recommitted under paragraph (2) for
30 the time spent at liberty on parole, unless any of the

1 following apply:

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

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

13 (2.2) Credit awarded under paragraph (2.1) is subject to
14 forfeiture under this section if an offender is subsequently
15 recommitted as a convicted parole violator.

16 (2.3) A parolee is at liberty on parole when the parolee
17 is residing at a community corrections center, community
18 corrections facility or group-based home for purposes of this
19 section. This paragraph does not apply to parolees detained
20 on the board's warrant or recommitted as a technical parole
21 violator to a community corrections center or community
22 corrections facility.

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

28 (4) The period [of time] for which the [parole violator]
29 offender is required to serve shall be computed [from and] by
30 the board and shall begin on the date that the parole

1 violator is taken into custody to be returned to the
2 institution as [a parole violator] an offender.

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

7 (i) If a person is paroled from a State correctional
8 institution and the new sentence imposed on the person is
9 to be served in the State correctional institution.

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

13 (iii) In all other cases, the service of the new
14 term for the latter crime shall precede commencement of
15 the balance of the term originally imposed.

16 (5.1) If the [parolee] offender is sentenced to serve a
17 new term of total confinement by a Federal court or by a
18 court of another jurisdiction because of a verdict or plea
19 under paragraph (1), the [parolee] offender shall serve the
20 balance of the original term before serving the new term.

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

25 (i)] Any [person] offender upon recommitment to a
26 correctional facility shall be sent to the institution
27 [as shall be] designated by the [Secretary of Corrections
28 or his] secretary or a designee.

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

1 (b) Subsequent arrest.--

2 (1) The formal filing of a charge after parole against
3 [a parolee] an offender within this Commonwealth for any
4 violation of the laws of this Commonwealth shall constitute
5 an automatic detainer and permit the [parolee] offender to be
6 taken into and held in custody.

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

11 (3) The automatic detainer shall be in addition to and
12 not in lieu of any other detainer that prior to the effective
13 date of this chapter may have been lodged in such
14 circumstances.

15 (c) Technical violators.--

16 (1) Subject to paragraph (1.3), [a parolee] an offender
17 under the jurisdiction of the board who violates the terms
18 and conditions of his parole, other than a convicted violator
19 who has parole revoked under subsection (a), may be detained
20 pending a hearing before the board or waiver of the hearing
21 or recommitted after a hearing before the board or a waiver
22 of the hearing. Detention and recommitment under this
23 paragraph shall be in a community corrections center,
24 community corrections facility or any secured facility
25 operated or contracted by the department.

26 (1.2) Notwithstanding paragraph (1) and subject to
27 paragraph (1.3), [a parolee] an offender under the
28 jurisdiction of the board who violates the terms and
29 conditions of his parole, other than a convicted parole
30 violator who has parole revoked under subsection (a), may be

1 arrested and detained without revocation of parole under a
2 program to impose swift, predictable and brief sanctions. The
3 program shall provide for immediate detention in a community
4 corrections center, community corrections facility or any
5 secured facility operated or contracted by the department for
6 a period not to exceed seven days. The [board] department
7 shall adopt procedures governing appropriate detention under
8 this paragraph, including identifying which offenders are
9 eligible for the program and providing warnings to [parolees]
10 offenders to clearly communicate expectations and
11 consequences.

12 (1.3) If the board determines that one of the following
13 conditions is present regarding [a parolee] an offender who
14 violates the terms and conditions of parole, the [parolee]
15 offender shall not be eligible for detention under paragraph
16 (1.2) and shall be detained in or recommitted to a State
17 correctional institution or contracted county jail:

18 (i) The violation was sexual in nature.

19 (ii) The violation involved assaultive behavior or
20 included a credible threat to cause bodily injury to
21 another.

22 (iii) The violation involved possession or control
23 of a weapon.

24 (iv) The [parolee] offender has absconded and the
25 parolee cannot be safely diverted to a community
26 corrections center, community corrections facility or any
27 secured facility operated or contracted by the
28 department.

29 (v) There exists an identifiable threat to public
30 safety, and the [parolee] offender cannot be safely

1 diverted to a community corrections center, community
2 corrections facility or any secured facility operated or
3 contracted by the department.

4 (vi) The violation involved an intentional and
5 unexcused failure to adhere to recommended programming or
6 conditions on more than three occasions, and the
7 [parolee] offender cannot be safely diverted to a
8 community corrections center, community corrections
9 facility or any secured facility operated or contracted
10 by the department.

11 (1.4) Every offender's placement in a community
12 corrections center, community corrections facility or parole
13 violator center shall be subject to a condition that the
14 offender comply with the rules of conduct applicable to the
15 place where the offender is housed. The department may, at
16 its discretion, place an offender accused of violating the
17 rules of conduct in a State correctional institution or
18 contracted county jail, pending an investigation or
19 disciplinary hearing, or serve a disciplinary sanction under
20 the department's procedures, or both.

21 (2) If the [parolee] offender is recommitted under this
22 subsection, the [parolee] offender shall be given credit for
23 the time served on parole in good standing but with no credit
24 for delinquent time and may be reentered to serve the
25 remainder of the original sentence or sentences. Credit
26 awarded to a technical parole violator for time served on
27 parole in good standing is subject to forfeiture if the
28 offender is subsequently recommitted as a convicted parole
29 violator.

30 (3) The remainder shall be computed by the board from

1 the time the [parolee's] offender's delinquent conduct
2 occurred for the unexpired period of the maximum sentence
3 imposed by the court without credit for the period the
4 [parolee] offender was delinquent on parole. The [parolee]
5 offender shall serve the remainder so computed from the date
6 the [parolee] offender is taken into custody [on the warrant
7 of the board] by the department's agent.

8 (4) Subject to subsection (e), the [parolee] offender
9 shall be subject to reparole by the board whenever in its
10 opinion the best interests of the [inmate] offender justify
11 or require the [parolee] offender being reparoled and it does
12 not appear that the interests of the Commonwealth will be
13 injured reparing the [parolee] offender.

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

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

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

21 (iii) Use of community-based sanctioning
22 alternatives to incarceration.

23 (iv) Use of a graduated violation sanctioning
24 process.

25 (v) Recommitment to:

26 (A) a State correctional institution;

27 (B) a contracted county jail;

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

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

30 (E) a parole violator center.

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

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

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

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

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

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

30 (i) For the first recommitment under this

1 subsection, a maximum period of six months.

2 (ii) For the second recommitment under this
3 subsection for the same sentence, a maximum of nine
4 months.

5 (iii) For the third or subsequent recommitment under
6 this subsection for the same sentence, a maximum of one
7 year.

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

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

14 (i) committed a disciplinary infraction involving
15 assaultive behavior, sexual assault, a weapon or
16 controlled substances;

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

19 (iii) refused programming or a work assignment.

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

22 (1) A technical violator recommitment to a community
23 corrections center [or], community corrections facility or
24 parole violator center under subsection (c) shall be
25 recommitment for a maximum period of six months, after which
26 the [parolee] offender shall automatically be reparaoled
27 without further action by the board.

28 (2) [A parolee] An offender under paragraph (1) may be
29 reparaoled by the board prior to expiration of the six-month
30 period if the board determines that it is in the best

1 interest of the Commonwealth and the [parolee] offender.

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

4 (i) commits a disciplinary infraction involving
5 assaultive behavior, sexual assault, a weapon or
6 controlled substances;

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

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

10 (iv) is not in compliance with all legal
11 requirements applicable to the offender, including, but
12 not limited to, maintaining registration in any
13 applicable sex offender registry.

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

17 "Community corrections center." A residential program that
18 is supervised and operated by the department in accordance with
19 Chapter 50 (relating to community corrections centers and
20 community corrections facilities).

21 "Community corrections facility." A residential facility
22 operated by a private contractor that:

23 (1) houses offenders pursuant to a contract with the
24 department; and

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

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

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

1 (1) A correctional facility.

2 (2) A prison.

3 (3) A jail.]

4 Section 21.1. Section 6139 of Title 61, amended November 25,
5 2020 (P.L.1219, No.124), is amended to read:

6 § 6139. Parole procedure.

7 (a) Specific requirements.--

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

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

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

21 (3.1) Notwithstanding paragraphs (2) and (3), the board
22 shall not be required to consider nor to dispose of an
23 application by an [~~inmate~~] offender or an [~~inmate's~~]
24 offender's attorney in the case of an [~~inmate~~] offender
25 sentenced under 18 Pa.C.S. § 1102.1 (relating to sentence of
26 persons under the age of 18 for murder, murder of an unborn
27 child and murder of a law enforcement officer) if a parole
28 decision has been issued by the board within five years of
29 the date of the current application.

30 (3.2) Nothing under this section shall be interpreted as

1 granting a right to be paroled to any [person] offender, and
2 a decision by the board and its designees relating to [a
3 person] an offender sentenced under 18 Pa.C.S. § 1102.1 may
4 not be considered an adjudication under 2 Pa.C.S. Chs. 5
5 Subch. A (relating to practice and procedure of Commonwealth
6 agencies) and 7 Subch. A (relating to judicial review of
7 Commonwealth agency action).

8 (3.3) The following apply:

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

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

19 Section 2503 (relating to voluntary
20 manslaughter).

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

22 Section 3011(b) (relating to trafficking in
23 individuals).

24 Section 3012 (relating to involuntary servitude).

25 Section 3121 (relating to rape).

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

28 Section 3123 (relating to involuntary deviate
29 sexual intercourse).

30 Section 3124.1 (relating to sexual assault).

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

3 Section 3125 (relating to aggravated indecent
4 assault).

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

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

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

15 (3.4) The following apply:

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

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

1 and 7 Subch. A.

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

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

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

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

26 (b) Reliance on reports.--In granting and revoking paroles
27 and in discharging from parole, the members of the board acting
28 thereon shall not be required to personally hear or see all the
29 witnesses and evidence submitted to them for their action, but
30 they may act on the report submitted to them by [their] the

1 department's agents and employees, together with any pertinent
2 and adequate information furnished to them by fellow members of
3 the board or by others. In granting or revoking parole or
4 bringing an alleged parole violator before a hearing examiner,
5 the appearance may be conducted via videoconferencing or similar
6 virtual presence technology. Notwithstanding any other provision
7 of law to the contrary, a hearing examiner, hearing officer or
8 member of the board charged with making the parole release
9 decision shall be required to hear and see in person, without
10 the use of videoconferencing or similar virtual presence
11 technology, any in-person victim testimony under section 6140
12 (relating to victim statements, testimony and participation in
13 hearing) or under section 502(b) of the act of November 24, 1998
14 (P.L.882, No.111), known as the Crime Victims Act. Nothing in
15 this section shall be construed to limit or reduce the rights of
16 victims under section 6140 or under section 502(b) of the Crime
17 Victims Act.

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

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

1 § 6140. Victim statements, testimony and participation in
2 hearing.

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

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

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

15 (i) is a juvenile;

16 (ii) is incapable of testifying; or

17 (iii) died as a result of the [defendant's]
18 offender's conduct.

19 (b) Notice of intent to submit statement.--In order to
20 submit a statement under subsection (a), a victim [or] and
21 family member must notify the board through the Office of Victim
22 Advocate of [his] the victim's and family member's intention to
23 do so and provide and keep current an appropriate mailing
24 address with the [board] OFFICE OF VICTIM ADVOCATE. <--

25 (c) Contents of parole [report] statement.--The parole
26 [report] statement may include [a statement] discussion
27 concerning:

28 (1) The continuing nature and extent of any physical
29 harm or psychological or emotional harm or trauma suffered by
30 the victim.

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

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

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

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

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

24 (e) Notice of intent to present testimony.--The victim [or]
25 and family member shall notify the [board] Office of Victim
26 Advocate which shall notify within 30 days from the date of the
27 notice of his intent to present testimony at the parole hearing.
28 This time period may be waived by the [board] Office of Victim
29 Advocate for good cause.

30 (f) Referral to hearing [officer] examiner.--If the victim

1 [or] and family member submits a written statement to the board
2 through the Office of Victim Advocate subsequent to notice, the
3 statement shall be made a part of the board's file on the
4 [inmate] offender, and the [inmate's] offender's case shall be
5 referred to a hearing [officer] examiner designated to conduct
6 parole release hearings.

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

13 (h) Hearing procedure.--

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

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

23 (3) The hearing shall be recorded by an electronic
24 recording device.

25 (4) The hearing examiner shall prepare a written
26 [report] statement within a reasonable [amount of] time prior
27 to the hearing date. A copy of the [report] statement shall
28 be forwarded to the person offering testimony. A copy of the
29 report shall be made a part of the board's file on the
30 [inmate] offender.

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

4 (6) (i) The hearing scheduled pursuant to this section
5 shall be conducted, when possible, prior to a parole
6 release hearing and prior to the board rendering a
7 decision.

8 (ii) Nothing in this section shall be construed to
9 preclude the board from conducting a timely parole
10 release hearing.

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

13 (i) Evaluate the information provided.

14 (ii) Determine whether the decision shall be
15 affirmed or modified.

16 (iii) Determine whether a rescission hearing shall
17 be conducted.

18 (iv) Notify the [inmate] offender in writing of its
19 decision.

20 (8) Notwithstanding any other provision of law, any and
21 all statements or testimony of the victim [or] and family
22 member submitted to the board or the Office of Victim
23 Advocate pertaining to:

24 (i) the continuing nature and extent of any physical
25 harm or psychological or emotional harm or trauma
26 suffered by the victim;

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

29 (iii) the continuing effect of the crime upon the
30 victim's family:

1 (A) Shall be deemed confidential and privileged.

2 (B) Shall not be subject to subpoena or
3 discovery.

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

6 (D) Shall not be released to the [inmate]
7 offender.

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

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

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

25 (12) If the final decision is to not release the
26 [inmate] offender and if, subsequent to that decision,
27 additional parole release hearings are conducted for that
28 same [inmate] offender, then the victim [or] and family
29 member who has submitted a written statement for the parole
30 report or who has testified at a hearing pursuant to this

1 section shall be notified by the board through the Office of
2 Victim Advocate at the last known address if and when
3 additional parole hearings are scheduled by the board.

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

10 § 6141. General rules and special regulations.

11 The board may make general rules for the conduct and
12 supervision of [persons placed on parole] offenders and may, in
13 particular cases, as it deems necessary to effectuate the
14 purpose of parole, prescribe special regulations for particular
15 persons.

16 § 6143. Early parole of [inmates] offenders subject to Federal
17 removal order.

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

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

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

29 (3) The offender has never been convicted or adjudicated
30 delinquent of a crime of violence or a crime requiring

1 registration under 42 Pa.C.S. Ch. 97 Subch. H (relating to
2 registration of sexual offenders).

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

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

8 (i) Unlawful reentry into the United States will
9 result in the [inmate's] offender's return to the
10 department to serve the remainder of the [inmate's]
11 offender's maximum term of imprisonment without the
12 possibility of parole.

13 (ii) If the [inmate] offender reenters the United
14 States and commits a criminal offense, upon conviction
15 the [inmate] offender shall be subject to 42 Pa.C.S. §
16 9720.3 (relating to sentencing for certain paroled
17 offenders).

18 (iii) Reentry into the United States may subject the
19 [inmate] offender to prosecution by the United States
20 under 8 U.S.C. § 1326 (relating to reentry of removed
21 aliens).

22 (b) Parole discretionary.--The decision to parole an
23 [inmate] offender under subsection (a) shall be within the sole
24 discretion of the board. Nothing under this section shall be
25 construed to confer a legal right upon the [inmate] offender to
26 parole under subsection (a).

27 (c) Return of [inmate] offender by United States.--If the
28 United States Immigration and Customs Enforcement is unable to
29 or does not deport the [inmate] offender, the [inmate] offender
30 shall be returned to the custody of the department and the board

1 shall rescind the [inmate's] offender's parole.

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

12 [(e) Definition.--As used in this section, the term "crime
13 of violence" shall be defined as provided in 42 Pa.C.S. §
14 9714(g) (relating to sentences for second and subsequent
15 offenses).]

16 Section 23. Subchapter D of Chapter 61 of Title 61 is
17 repealed:

18 [SUBCHAPTER D

19 STATE PAROLE AGENTS

20 Sec.

21 6151. Definitions.

22 6152. Status as peace officers.

23 6153. Supervisory relationship to offenders.

24 § 6151. Definitions.

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

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

29 "Conditions of supervision." Any terms or conditions of the
30 offender's supervision, whether imposed by the court, the board

1 or an agent, including compliance with all requirements of
2 Federal, State and local law.

3 "Contraband." Any item that the offender is not permitted to
4 possess under the conditions of supervision, including any item
5 whose possession is forbidden by any Federal, State or local
6 law.

7 "Court." The court of common pleas or any judge thereof, the
8 Philadelphia Municipal Court or any judge thereof, the
9 Pittsburgh Magistrates Court or any judge thereof or any
10 magisterial district judge.

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

16 "Offender." Any person subject to the parole or probationary
17 supervision of the board.

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

22 "Property search." A warrantless search of real property,
23 vehicle or personal property which is in the possession or under
24 the control of the offender.

25 "Real property." Any residence or business property of an
26 offender, including all portions of the property to which the
27 offender has access.

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

30 § 6152. Status as peace officers.

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

7 § 6153. Supervisory relationship to offenders.

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

16 (b) Searches and seizures authorized.--

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

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

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

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

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

29 (i) if there is a reasonable suspicion to believe
30 that the offender possesses contraband or other evidence

1 of violations of the conditions of supervision;

2 (ii) when an offender is transported or taken into
3 custody; or

4 (iii) upon an offender entering or leaving the
5 securing enclosure of a correctional institution, jail or
6 detention facility.

7 (2) A property search may be conducted by an agent if
8 there is reasonable suspicion to believe that the real or
9 other property in the possession of or under the control of
10 the offender contains contraband or other evidence of
11 violations of the conditions of supervision.

12 (3) Prior approval of a supervisor shall be obtained for
13 a property search absent exigent circumstances. No prior
14 approval shall be required for a personal search.

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

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

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

30 (i) The observations of agents.

1 (ii) Information provided by others.

2 (iii) The activities of the offender.

3 (iv) Information provided by the offender.

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

5 (vi) The experience of agents in similar
6 circumstances.

7 (vii) The prior criminal and supervisory history of
8 the offender.

9 (viii) The need to verify compliance with the
10 conditions of supervision.

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

19 (f) When authority is effective.--The authority granted to
20 agents under this section shall be effective upon enactment of
21 this section, without the necessity of any further regulation by
22 the board.]

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

25 SUBCHAPTER F

26 SUPERVISION OF OFFENDERS

27 Sec.

28 6171. Powers and duties of department.

29 6171.1. District offices.

30 6171.2. District directors.

1 6171.3. District office employees.

2 6172. Probation services.

3 6173. Investigation of circumstances of offense.

4 6174. Right of access to offenders.

5 6175. Investigations for the board of pardons.

6 § 6171. Powers and duties of department.

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

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

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

23 (3) The imposition, modification or termination of a
24 condition of supervision must be based on the risk presented
25 by and the rehabilitative needs of the offender and the
26 impact the termination or modification will have on public
27 safety.

28 (4) To supervise any offender placed on parole, when
29 sentenced to a maximum period of less than two years, by any
30 judge of a court having criminal jurisdiction, when the court

1 may by special order direct supervision by the department, in
2 which case the parole case shall be known as a special case
3 and the authority of the department with regard thereto shall
4 be the same as provided in this chapter with regard to parole
5 cases within one of the classifications set forth in this
6 chapter.

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

15 (6) To pay the costs of preparole drug screening tests
16 for offenders subject to the parole release jurisdiction of
17 the board. The department shall establish rules and
18 regulations for the payment of these costs and may limit the
19 types and costs of these screening tests that would be
20 subject to payment by the department.

21 (7) To determine when an offender, subject to random
22 drug screening tests as a condition of supervision, shall be
23 tested. The offender undergoing the tests shall be
24 responsible for the costs of the tests. The money collected
25 for the tests shall be applied against the contract for such
26 testing.

27 (8) To supervise and make presentence investigations and
28 reports as provided by law.

29 (9) To collect and maintain copies of all presentence
30 investigations and reports.

1 (10) To collect, compile and publish statistical and
2 other information relating to probation and parole work in
3 all courts and such other information the department may deem
4 of value in probation service.

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

7 (i) Presentence investigations.

8 (ii) The supervision of probationers.

9 (iii) The qualifications for probation personnel.

10 (iv) Minimum salaries.

11 (v) Quality of probation service.

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

21 (12) To adopt regulations establishing criteria for
22 department acceptance of cases for supervision and
23 presentence investigations from counties that on December 31,
24 1985, maintained adult probation offices and parole systems.

25 (13) To enter into contracts for purchasing community
26 services to assist parolees, supplement existing programs and
27 provide for the continuous electronic monitoring of
28 offenders.

29 (14) To establish and provide for intensive supervision
30 units and day reporting centers for the supervision of

1 offenders.

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

5 (16) To incorporate evidence-based practices into the
6 supervision of offenders.

7 (17) To coordinate the reentry of offenders into the
8 community using evidence-based practices that are effective
9 in reducing recidivism.

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

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

16 (20) To administer administrative parole.

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

22 (22) Designate community corrections centers or
23 community corrections facilities where parolees are to be
24 housed.

25 (23) Determine whether parolees are to be housed in a
26 secured or unsecured portion of a community corrections
27 center or community corrections facility.

28 (b) Administrative parole.--

29 (1) An eligible offender shall be placed on
30 administrative parole one year after release on parole and

1 until the maximum sentence date if the department's
2 supervision staff determines that there is no substantial
3 information indicating dangerousness or that placement on
4 administrative parole would compromise public safety or that
5 continued supervision would otherwise benefit the offender
6 and:

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

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

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

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

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

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

24 (iii) Continue to pay any restitution owed.

25 (iv) Comply with other requirements imposed by the
26 department.

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

1 confinement).

2 § 6171.1. District offices.

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

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

18 (c) Location of district offices.--

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

24 (2) At each of the locations so fixed and determined,
25 the department shall provide such office accommodations,
26 furniture, equipment and supplies as may be reasonably
27 suitable and adequate for the proper handling and dispatch of
28 the parole business of the district.

29 (3) The department may enter into contracts on behalf of
30 the Commonwealth for such office accommodations, furniture,

1 equipment and supplies through the Department of General
2 Services.

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

12 § 6171.2. District directors.

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

15 (1) Shall be appointed by the department.

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

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

24 § 6171.3. District office employees.

25 (a) ~~Board~~ DEPARTMENT to appoint.--The department shall <--
26 appoint in the various district offices a sufficient number of
27 agents, clerks, stenographers and other employees to fully and
28 efficiently administer the parole laws of this Commonwealth, but
29 no employee of the department shall be appointed by the
30 department except in the manner provided by this chapter.

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

7 § 6172. Probation services.

8 (a) General rule.--The department shall have exclusive power
9 to supervise any offender placed on probation by any judge of a
10 court having criminal jurisdiction when the court, by special
11 order, consistent with the regulations of the department,
12 directs supervision by the department.

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

16 (c) In-service training.--The department shall provide in-
17 service training for personnel of county probation offices when
18 requested to do so by the court having jurisdiction of the
19 probation office.

20 § 6173. Investigation of circumstances of offense.

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

25 (1) The nature and circumstances of the offense
26 committed.

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

29 (3) The general character and background of the
30 offender.

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

5 (5) The written or personal statement of the testimony
6 of the victim or the victim's family submitted under section
7 6140 (relating to victim statements, testimony and
8 participation in hearing).

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

13 (7) The conduct of the offender while in prison and the
14 offender's physical, mental and behavioral condition and
15 history, in addition to history of family violence and
16 complete criminal record.

17 (b) Cooperation of public officials.--A public official who
18 possesses offender records or information shall furnish the
19 records or information to the department upon request and
20 without charge so far as may be practicable while the case is
21 recent.

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

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

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

30 (3) Copies of presentence investigation reports and

1 behavior clinic reports, if any were submitted to the court,
2 the last two of which records, being confidential records of
3 the court, shall be treated confidentially by the department,
4 who shall not permit examination of the records by anyone
5 other than its duly appointed officers and employees and the
6 board and its officers and employees, except upon court
7 order.

8 § 6174. Right of access to offenders.

9 All prison officials shall:

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

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

16 § 6175. Investigations for the board of pardons.

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

23 SUBCHAPTER G

24 AGENTS

25 Sec.

26 6181. Status as peace officers.

27 6182. Supervisory relationship to offenders.

28 § 6181. Status as peace officers.

29 An agent is declared to be a peace officer and is given
30 police power and authority throughout this Commonwealth to

1 arrest without warrant, writ, rule or process any department-
2 supervised offender for failing to report as required or for any
3 other violation of his conditions of supervision.

4 § 6182. Supervisory relationship to offenders.

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

13 (b) Searches and seizures authorized.--

14 (1) Agents may search the person and property of
15 department-supervised offenders in accordance with the
16 provisions of this section.

17 (2) Nothing in this section shall be construed to permit
18 searches or seizures in violation of the Constitution of the
19 United States or section 8 of Article I of the Constitution
20 of Pennsylvania.

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

24 (d) Grounds for personal search of a department-supervised
25 offender.--

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

28 (i) if there is a reasonable suspicion to believe
29 that the department-supervised offender possesses
30 contraband or other evidence of violations of the

1 conditions of supervision;

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

4 (iii) upon a department-supervised offender entering
5 or leaving the secure enclosure of a correctional
6 institution, jail or detention facility.

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

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

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

26 (i) The observations of agents.

27 (ii) Information provided by others.

28 (iii) The activities of the department-supervised
29 offender.

30 (iv) Information provided by the department-

1 supervised offender.

2 (v) The experience of agents with the department-
3 supervised offender.

4 (vi) The experience of agents in similar
5 circumstances.

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

8 (viii) The need to verify compliance with the
9 conditions of supervision.

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

20 (f) When authority is effective.--The authority granted to
21 agents under this section shall be effective upon enactment of
22 this section, without the necessity of any further regulation by
23 the department.

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

26 § 6302. Definitions.

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

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

1 * * *

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

4 § 7115. Interstate Compact for the Supervision of Adult
5 Offenders application fee.

6 (a) Duty to pay.--

7 * * *

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

15 * * *

16 (d) Disposition.--Money received from the collection of the
17 application fee shall be paid into the State Treasury and shall
18 be credited to the general government operations of the [board]
19 department for expenses incurred in the administration of the
20 [interstate compact] Interstate Compact.

21 * * *

22 § 7121. Deputization.

23 (a) General rule.--The [chairperson of the Pennsylvania
24 Board of Probation and Parole] secretary may deputize any person
25 to act as an officer and agent of the Commonwealth in effecting
26 the return of any person who has violated the terms and
27 conditions of parole or probation as granted by the
28 Commonwealth. In any matter relating to the return of such
29 person, an agent so deputized has all the powers of a police
30 officer of this Commonwealth.

1 (b) Evidence of deputization.--A deputization under this
2 section must be in writing and a person authorized to act as an
3 agent of the Commonwealth under that authority shall carry
4 formal evidence of the deputization and shall produce it on
5 demand.

6 (c) Interstate contracts.--

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

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

18 § 7122. Supervision of persons paroled by other states.

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

24 (b) Witness Protection Program.--The [board] department may
25 relinquish jurisdiction over [a parolee] an offender to the
26 proper Federal authorities where the [parolee] offender is
27 placed into the Witness Protection Program of the United States
28 Department of Justice.

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

1 department.

2 * * *

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

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

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

11 "Sexual offense."

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

15 18 Pa.C.S. § 2901 (relating to kidnapping).

16 18 Pa.C.S. § 5902(a) (relating to prostitution and
17 related offenses).

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

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

23 18 Pa.C.S. § 3126 (relating to indecent assault).

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

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. § 3125 (relating to aggravated indecent
30 assault).

1 "Violent offense."

2 (1) Any of the following offenses or an equivalent
3 offense:

4 18 Pa.C.S. § 2502 (relating to murder).

5 18 Pa.C.S. § 2503 (relating to voluntary
6 manslaughter).

7 18 Pa.C.S. § 2702 (relating to aggravated assault).

8 18 Pa.C.S. § 2703 (relating to assault by prisoner).

9 18 Pa.C.S. § 2704 (relating to assault by life
10 prisoner).

11 18 Pa.C.S. § 2901 (relating to kidnapping) where the
12 victim is a minor.

13 18 Pa.C.S. § 3121 (relating to rape).

14 18 Pa.C.S. § 3123 (relating to involuntary deviate
15 sexual intercourse).

16 18 Pa.C.S. § 3301 (relating to arson and related
17 offenses).

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

19 18 Pa.C.S. § 3701 (relating to robbery).

20 18 Pa.C.S. § 3923 (relating to theft by extortion)
21 where a threat of violence is made.

22 (2) A criminal attempt, criminal solicitation or
23 criminal conspiracy to commit any offenses set forth in this
24 definition.

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

29 Section 26.1. Title 61 is amended by adding a chapter to
30 read:

1 CHAPTER 73

2 BOARD OF PARDONS

3 Sec.

4 7301. Board of Pardons.

5 § 7301. Board of Pardons.

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

8 (1) hearing applications for the remission of fines and
9 forfeitures;

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

12 (3) making recommendations in writing to the Governor
13 thereon, in the manner provided under and subject to section
14 9 of Article IV of the Constitution of Pennsylvania.

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

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

18 (2) The Attorney General.

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

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

23 (c) Quorum.--Three members of the board shall constitute a
24 quorum.

25 (d) Granting of hearings.--Hearings relating to the granting
26 of reprieves, commutations of sentences and pardons for
27 prisoners serving life sentences or sentences for crimes of
28 violence may only be granted upon approval by a vote of a
29 majority of the members of the Board of Pardons.

30 (e) Applicants under sentence of death.--In cases involving

1 applicants under sentence of death, the application shall be
2 filed within 10 days of the Governor's issuance of a warrant
3 specifying a week for execution.

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

5 (1) The Board of Pardons shall provide notice to victims
6 or next of kin, including victims who are registered with the
7 Department of Corrections, the Office of Victim Advocate, the
8 Pennsylvania Parole Board, the Board of Pardons and those
9 whose whereabouts are otherwise known.

10 (2) Individuals notified under this subsection shall be
11 given the opportunity to offer prior comment on any
12 application which has been granted a hearing by the Board of
13 Pardons pertaining to the individual's case, which may be
14 oral or written, and shall be considered by the Board of
15 Pardons as to the advisability of any pardon or related
16 release and any conditions of release.

17 (3) The Board of Pardons shall provide notice to victims
18 or next of kin of the date, time and place of a hearing
19 pertaining to their case.

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

23 (1) an inmate serving a life sentence or a sentence of
24 death; or

25 (2) an inmate serving a sentence for murder of the third
26 degree, voluntary manslaughter, attempt to commit murder of
27 the third degree or attempt to commit voluntary manslaughter.

28 (h) Rules and regulations.--The Board of Pardons shall adopt
29 rules and regulations governing actions of the board and all
30 hearings and recommendations shall be subject to the rules and

1 regulations.

2 (i) Recordkeeping.--The Board of Pardons shall keep records
3 of all actions, which shall, at all times, be open for public
4 inspection.

5 (j) Offices.--Upon request, the Department of Corrections
6 shall make available facilities, administrative support and
7 other assistance to the board. The Secretary of the Board of
8 Pardons shall employ staff as necessary to carry out the board's
9 duties under this chapter.

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

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

15 Section 27. The following shall apply to transfers:

16 (1) The Pennsylvania Parole Board and the functions,
17 powers and duties of the Pennsylvania Parole Board, including
18 the powers and duties contained in 61 Pa.C.S. Ch. 61 Such. F
19 and that formerly resided within the Pennsylvania Parole
20 Board, are transferred to the Department of Corrections.

21 (2) Upon approval of the Governor, the following are
22 transferred to the Department of Corrections, to be used,
23 employed and expended in connection with the functions,
24 powers and duties transferred under paragraph (1):

25 (i) Personnel, contract obligations, records, files,
26 property, supplies and equipment being used or held on
27 the effective date of this section in connection with
28 the functions, powers and duties transferred under
29 paragraph (1).

30 (ii) Personnel transferred under this section who on

1 the effective date of this section hold civil service
2 employment status shall retain such status and
3 protections afforded under 71 Pa.C.S. Pt. III (relating
4 to civil service reform) while they remain in their
5 current position.

6 (iii) Unexpended balances of appropriations,
7 allocations and other funds available or to be made
8 available for use in connection with the functions,
9 powers and duties transferred under paragraph (1).

10 (3) To the extent that any employee of the Pennsylvania
11 Parole Board is transferred to the Department of Corrections
12 as a result of this act, such action shall not require the
13 department or the Pennsylvania Parole Board to engage in
14 collective bargaining or impact bargaining with the
15 collective bargaining representative of the employees under
16 the act of July 23, 1970 (P.L.563, No.195), known as the
17 Public Employee Relations Act, or any other laws of this
18 Commonwealth.

19 Section 28. Any reference in law to a parole agent or
20 supervision staff shall be deemed a reference to an agent as
21 defined in 61 Pa.C.S. § 6101. This act does not change the
22 status of State parole agents for the purposes of the act of
23 July 23, 1970 (P.L.563, No.195), known as the Public Employee
24 Relations Act, or cause State parole agents to be considered
25 policemen for the purposes of the act of June 24, 1968 (P.L.237,
26 No.111), referred to as the Policemen and Firemen Collective
27 Bargaining Act.

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

1 Section 29.1. Repeals are as follows:

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

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

8 Section 30. This act shall take effect immediately.