

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1678 Session of 2023

INTRODUCED BY N. NELSON, MIHALEK, FREEMAN, MADDEN, KAZEEM, SANCHEZ, KHAN, PARKER, HILL-EVANS, BOROWSKI, CEPEDA-FREYTIZ, KRAJEWSKI AND KUZMA, SEPTEMBER 13, 2023

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 13, 2023

AN ACT

1 Amending Titles 61 (Prisons and Parole) and 63 (Professions and Occupations (State Licensed)) of the Pennsylvania Consolidated Statutes, in general administration, providing for earned vocational training and education credit; in recidivism risk reduction incentive, further providing for recidivism risk reduction incentive minimum; in Pennsylvania Board of Probation and Parole, further providing for parole power and for short sentence parole; and, in powers and duties, further providing for consideration of criminal convictions.

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

13 Section 1. Chapter 11 of Title 61 of the Pennsylvania  
14 Consolidated Statutes is amended by adding a subchapter to read:

SUBCHAPTER E

EARNED VOCATIONAL TRAINING AND EDUCATION CREDIT

17 Sec.

18 1181. Scope and purpose of subchapter.

19 1182. Earned vocational training and education credit.

20 1183. Rules and regulations.

21 § 1181. Scope and purpose of subchapter.

1 This subchapter relates to earned vocational training and  
2 education credits. This subchapter seeks to encourage inmate  
3 participation and completion of inmate vocational training and  
4 education programs for the purposes of improving public safety  
5 outcomes.

6 § 1182. Earned vocational training and education credit.

7 (a) Training and credit.--Except as provided under this  
8 section, an inmate sentenced on or after the effective date of  
9 this section and incarcerated under the supervision of the  
10 department shall earn vocational training and education credit  
11 toward sentence reduction according to the following schedule:

12 (1) 10 days per month for regular participation in any  
13 inmate education or vocational training services provided by  
14 the Bureau of Correction Education up to an amount not to  
15 exceed 90 days per program.

16 (2) 90 days for completing a vocational education  
17 program.

18 (3) 90 days for attaining a general education  
19 development (GED).

20 (4) 120 days for attaining a high school diploma.

21 (5) 180 days for attaining a degree from an institution  
22 of higher education.

23 (b) Limitation.--An inmate may not earn vocational training  
24 and education credits under subsection (a) in excess of one-  
25 fourth of the inmate's minimum sentence.

26 (c) Exclusions.--An inmate sentenced for a conviction under  
27 any of the following may not earn vocational training and  
28 education credits under subsection (a):

29 (1) 18 Pa.C.S. § 2502 (relating to murder).

30 (2) 18 Pa.C.S. § 3011(b) (relating to trafficking in

1 individuals).

2 (3) 18 Pa.C.S. § 3012 (relating to involuntary  
3 servitude).

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

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

7 (6) 18 Pa.C.S. § 3123 (relating to involuntary deviate  
8 sexual intercourse).

9 (7) 18 Pa.C.S. § 3125(b) (relating to aggravated  
10 indecent assault).

11 (8) A crime subject to a mandatory term of imprisonment  
12 under 42 Pa.C.S. § 9717 (relating to sentence for offenses  
13 against elderly persons), 9718 (relating to sentences for  
14 offenses against infant persons) or 9718.1 (relating to  
15 sexual offender treatment).

16 (d) Parole.--The board may exercise its power to parole an  
17 inmate at the expiration of the minimum term of imprisonment  
18 fixed by the court sentence less any earned vocational training  
19 and education credits as provided under this subchapter.

20 § 1183. Rules and regulations.

21 The department and board may promulgate rules and regulations  
22 as deemed necessary to implement and administer this subchapter.

23 Section 2. Section 4506 of Title 61 is amended by adding a  
24 subsection to read:

25 § 4506. Recidivism risk reduction incentive minimum.

26 \* \* \*

27 (e) Effect of earned education credits.--If an inmate, who  
28 has been sentenced to a recidivism risk reduction incentive  
29 minimum sentence, has earned vocational training and education  
30 credits under Subchapter E of Chapter 11 (relating to earned

1 vocational training and education credit) and, at the expiration  
2 of that recidivism risk reduction incentive minimum sentence,  
3 less any earned vocational training and education credits, has  
4 met the requirements in subsection (a), the board or a designee  
5 shall issue a decision to parole, without further review by the  
6 board, at that date.

7 Section 3. Sections 6137(a)(3) and (3.1)(i) and (g)(2),  
8 (2.1), (4) introductory paragraph and (5) and 6137.1(b) of Title  
9 61 are amended to read:

10 § 6137. Parole power.

11 (a) General criteria for parole.--

12 \* \* \*

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

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

30 \* \* \*

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

2 \* \* \*

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

19 (2.1) The department shall provide the board all  
20 information related to the offender's adjustment while  
21 incarcerated, misconducts, if any, information related to  
22 programming and treatment, including success, completion or  
23 failure to complete, any vocational training and education  
24 credit earned under Subchapter E of Chapter 11, or any other  
25 information the department deems relevant. The board shall  
26 send such information to the prosecuting attorney and to the  
27 court no less than six months before the expiration of the  
28 offender's minimum sentence. The notice may be sent  
29 electronically. For offenders committed to the department  
30 whose expiration of the minimum sentence is six months or

1 less from the date of admission, such information shall be  
2 sent at the same time prompt notice under paragraph (2) is  
3 given.

4 \* \* \*

5 (4) If no notice of objection has been filed under  
6 paragraph (3), the eligible offender shall be paroled at the  
7 minimum date, or the minimum date less any vocational  
8 training and education credits under Subchapter E of Chapter  
9 11, whichever occurs first, upon a determination by the board  
10 or the board's designee that all of the following apply:

11 \* \* \*

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

30 \* \* \*

1 § 6137.1. Short sentence parole.

2 \* \* \*

3 (b) Approval of parole.--The board shall, without requiring  
4 an interview, approve for parole a person eligible for short  
5 sentence parole under this section at the expiration of the  
6 person's minimum date or recidivism risk reduction incentive  
7 minimum date, less any earned vocational training and education  
8 credits under Subchapter E of Chapter 11 (relating to earned  
9 vocational training and education credit), whichever is shorter.  
10 If the person was committed to the department after expiration  
11 of the person's minimum date, the board shall approve the person  
12 for parole within 30 days after commitment to the department.

13 \* \* \*

14 Section 4. Section 3113(c)(6) and (e)(1) of Title 63 are  
15 amended to read:

16 § 3113. Consideration of criminal convictions.

17 \* \* \*

18 (c) Individualized assessment.--A licensing board or  
19 licensing commission shall conduct an individualized assessment  
20 of the individual with respect to criminal convictions and  
21 rehabilitation. The licensing board or licensing commission  
22 shall only consider the following factors in order to determine  
23 whether the individual meets the requirements for issuance of a  
24 license, certificate, registration or permit under subsection  
25 (b)(1) or (b)(2):

26 \* \* \*

27 (6) Successful completion of education and training  
28 activities, including those in a county correctional facility  
29 or the Department of Corrections or an earned vocational  
30 training and education credit, if applicable.

1           \* \* \*

2           (e) Crimes of violence.--An individual convicted of a crime  
3 of violence as defined in 42 Pa.C.S. § 9714 (relating to  
4 sentences for second and subsequent offenses) may be granted a  
5 license, registration, certificate or permit by a licensing  
6 board or licensing commission if all of the following apply:

7           (1) If the individual was incarcerated, at least three  
8 years have elapsed since release from incarceration. The  
9 period of three years shall be tolled for a violation of  
10 parole. The period of three years under this paragraph shall  
11 be reduced by a period of time equal to any vocational  
12 training and education credits under 61 Pa.C.S. Ch. 11 Subch.  
13 E (relating to earned vocational training and education  
14 credit).

15           \* \* \*

16           Section 5. This act shall take effect in 60 days.