

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 859 Session of 2015

INTRODUCED BY GREENLEAF, YUDICHAK, EICHELBERGER, ARGALL, HUGHES, MENSCH, COSTA, WHITE, TARTAGLIONE, BROWNE AND LEACH, MAY 29, 2015

AS AMENDED ON SECOND CONSIDERATION, NOVEMBER 17, 2015

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 in juvenile matters, further providing for inspection of
6 court files and records; in prisoner litigation, further
7 providing for prisoner filing fees; in particular rights and
8 immunities, further providing for immunity of State parole
9 officers and for immunity of program administrators and
10 supervisors; in sentencing, further providing for
11 dispositions of persons found guilty but mentally ill, for
12 collection of restitution and penalties, for sentencing
13 proceeding and place of confinement, for information required
14 upon commitment and subsequent disposition, for transfer of
15 inmates in need of medical treatment, for applicability, for
16 registry, for initial registration, for duty to inform, for
17 assessments, for administration, for global positioning
18 system technology, for immunity for good faith conduct, for
19 Pennsylvania State Police, for duties of probation and parole
20 officials, for duties of facilities housing sexual offenders,
21 for board and for annual performance audit; in preliminary
22 provisions, further providing for definitions; providing for
23 powers of peace officers; in county correctional
24 institutions, further providing for county recording system;
25 in motivational boot camp, further providing for motivational <--
26 boot camp program; in State intermediate punishment, further
27 providing for definitions; in community corrections centers
28 and community corrections facilities, further providing for
29 definitions, for department, for offenders who may be housed,
30 for authority of Commonwealth employees, for authority of
31 chairman and for escape; providing for certain offenders
32 residing in group-based homes; further providing for
33 probation and parole; in Pennsylvania Board of Probation and

1 Parole, further providing for definitions, for operation of
2 parole system generally, for administration, for Pennsylvania
3 Board of Probation and Parole, for board chairperson, for
4 board action, for meetings, for offices, for district
5 directors, for district office employees, for disciplinary
6 action, for political activities, for advisory committee, for
7 certain offenders residing in group-based homes, for general
8 powers of board, for specific powers of board, for probation
9 services, for sentencing court, for general criteria for
10 parole, for right of access to inmates, for parole power, for
11 violation of terms of parole, for parole procedure, for
12 victim statements, for general rules and special regulations,
13 for investigations for the board of pardons, for early parole
14 of inmates, for definitions, for status as peace officers and
15 for supervisory relationship; providing for supervision of
16 offenders and for agents; in county probation officers'
17 firearm education and training, further providing for
18 definitions, for county probation officers' firearm education
19 and training commission, for commission membership, for
20 powers and duties of commission, for training mandatory, for
21 requirements for program participation and for the County
22 Probation Officers' Firearm Education and Training Fund; in
23 Interstate Compacts, further providing for Interstate
24 Compacts, for deputization and for supervisions of persons
25 paroled by other states; conferring powers and imposing
26 duties on the Department of Corrections and Rehabilitation;
27 ~~and~~ providing for the transfer of functions, powers and <--
28 duties; AND PROVIDING FOR APPROPRIATIONS FOR THE OFFICE OF <--
29 VICTIM ADVOCATE.

30 ~~The General Assembly finds and declares as follows:~~ <--

31 ~~(1) The parole system provides several benefits to the~~
32 ~~criminal justice system, including the provision of adequate~~
33 ~~supervision of the offender while protecting the public, the~~
34 ~~opportunity for the offender to become a useful member of~~
35 ~~society and the diversion of appropriate offenders from~~
36 ~~prison.~~

37 ~~(2) In providing these benefits to the criminal justice~~
38 ~~system, any paroling entity should first and foremost seek to~~
39 ~~protect the safety of the public. In addition to this goal,~~
40 ~~the Pennsylvania Parole Board and any other paroling~~
41 ~~authority should address input by crime victims, consider~~
42 ~~any applicable guidelines established by the commission on~~
43 ~~sentencing and shall ensure that parole proceedings are~~
44 ~~administered in a timely and efficient manner.~~

1 ~~(3) The current supervision of offenders released on~~
2 ~~probation and parole is the responsibility of the Board of~~
3 ~~Probation and Parole, while the supervision of inmates is the~~
4 ~~duty and responsibility of the Department of Corrections.~~

5 ~~(4) The consolidation of these duties and~~
6 ~~responsibilities in a single agency will result in increased~~
7 ~~stability, increased efficiency and continuity of supervision~~
8 ~~delivery and of rehabilitative efforts.~~

9 ~~(5) It is appropriate that these duties and~~
10 ~~responsibilities be performed under the authority of the~~
11 ~~Department of Corrections and Rehabilitation.~~

12 ~~(6) The mere fact of incarceration serves to punish the~~
13 ~~offender, but the goal of the Department of Corrections and~~
14 ~~Rehabilitation and the Pennsylvania Parole Board should be to~~
15 ~~rehabilitate offenders who are incarcerated or on probation~~
16 ~~or parole.~~

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. The definitions of "board" and "department" in
20 section 2151.1 of Title 42 of the Pennsylvania Consolidated
21 Statutes are amended to read:

22 § 2151.1. Definitions.

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

26 "Board." The Pennsylvania [Board of Probation and] Parole
27 Board.

28 * * *

29 "Department." The Department of Corrections and
30 Rehabilitation of the Commonwealth.

1 Section 2. Sections 2155(a)(1), 6307(a)(6.2), 6602(c),
2 8332.7, 8340, 9727(c), 9728(b)(3) and (5) and (b.1), 9762(a),
3 (b)(1) and (2), (e) and (i), 9764, 9777(g), 9799.13(2), (3.1)(i)
4 (C) and (3.2)(iii), 9799.16(d), 9799.19(b), (b.1)(2)(iv), (e.2)
5 (2) and (f), 9799.20 introductory paragraph, 9799.24(c), (e)(4)
6 and (g), 9799.29, 9799.30, 9799.31, 9799.32(2), (7) and (8),
7 9799.33, 9799.34 introductory paragraph, 9799.35(e) and 9799.38
8 of Title 42 are amended to read:

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

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

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

23 (i) Pennsylvania District Attorneys Association.

24 (ii) Chiefs of Police Associations.

25 (iii) Fraternal Order of Police.

26 (iv) Public Defenders Organization.

27 (v) Law school faculty members.

28 (vi) [State Board of Probation and] Pennsylvania
29 Parole Board.

30 (vii) Department of Corrections and Rehabilitation.

- 1 (viii) Pennsylvania Bar Association.
2 (ix) Pennsylvania Wardens Association.
3 (x) Pennsylvania Association on Probation, Parole
4 and Corrections.
5 (xi) Pennsylvania Conference of State Trial Judges.
6 (xii) Any other interested person or organization.

7 * * *

8 § 6307. Inspection of court files and records.

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

11 * * *

12 (6.2) Officials of the Department of Corrections and
13 Rehabilitation or a State Correctional Institution or other
14 penal institution to which an individual who was previously
15 adjudicated delinquent in a proceeding under this chapter has
16 been committed, but the persons in this category shall not be
17 permitted to see reports revealing the names of confidential
18 sources of information contained in social reports, except at
19 the discretion of the court.

20 * * *

21 § 6602. Prisoner filing fees.

22 * * *

23 (c) Payment of filing fees.--Following payment of an initial
24 partial filing fee, the prisoner shall make monthly payments of
25 20% of the preceding month's income credited to the prisoner's
26 account. The prison having custody of the prisoner shall deduct
27 payments from the prisoner's account when the prisoner's account
28 balance exceeds \$10 until the filing fees are paid in full. The
29 prison shall forward to the prothonotary the deducted payments
30 upon deduction, on a monthly basis, or upon complete payment of

1 the full filing fee if the court so directs. The Department of
2 Corrections and Rehabilitation and county prison systems shall
3 develop written guidelines regarding the priority of payment,
4 which shall be consistent with law.

5 * * *

6 § 8332.7. Immunity of State parole officers.

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

20 (b) Assistance of criminal victims.--In addition to any
21 other immunity provided by law, any parole officer appointed by
22 the Pennsylvania [Board of Probation and] Parole Board who is
23 entitled to immunity under section 8331.3 (relating to criminal
24 victim aid good Samaritan civil immunity) as a result of
25 providing assistance to a victim of a crime shall be considered
26 to be acting within the scope of his official duty while
27 providing assistance to the victim for all purposes of law and
28 shall enjoy any benefit or immunity conferred upon an employee
29 of the Commonwealth.

30 § 8340. Immunity of program administrators and supervisors.

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

13 § 9727. Disposition of persons found guilty but mentally ill.

14 * * *

15 (c) Discharge report.--When a treating facility designated
16 by either the Bureau of Correction or the Department of Public
17 Welfare discharges such a defendant from treatment prior to the
18 expiration of his maximum sentence, that treating facility shall
19 transmit to the Pennsylvania [Board of Probation and] Parole
20 Board, the correctional facility or county jail to which the
21 offender is being returned and the sentencing judge a report on
22 the condition of the offender together with the reasons for its
23 judgments, which describes:

- 24 (1) The defendant's behavior.
- 25 (2) The course of treatment.
- 26 (3) The potential for recurrence of the behavior.
- 27 (4) The potential for danger to himself or the public.
- 28 (5) Recommendations for future treatment.

29 * * *

30 § 9728. Collection of restitution, reparation, fees, costs,

1 fines and penalties.

2 * * *

3 (b) Procedure.--

4 * * *

5 (3) The county clerk of courts shall, upon sentencing,
6 pretrial disposition or other order, transmit to the
7 Department of Probation of the respective county or other
8 agent designated by the county commissioners of the county
9 with the approval of the president judge of the county and to
10 the county correctional facility to which the offender has
11 been sentenced or to the Department of Corrections and
12 Rehabilitation, whichever is appropriate, copies of all
13 orders for restitution and amendments or alterations thereto,
14 reparation, fees, costs, fines and penalties. This paragraph
15 also applies in the case of costs imposed under section
16 9721(c.1) (relating to sentencing generally).

17 * * *

18 (5) The county correctional facility to which the
19 offender has been sentenced or the Department of Corrections
20 and Rehabilitation shall be authorized to make monetary
21 deductions from inmate personal accounts for the purpose of
22 collecting restitution or any other court-ordered obligation
23 or costs imposed under section 9721(c.1). Any amount deducted
24 shall be transmitted by the Department of Corrections and
25 Rehabilitation or the county correctional facility to the
26 probation department of the county or other agent designated
27 by the county commissioners of the county with the approval
28 of the president judge of the county in which the offender
29 was convicted. The Department of Corrections and
30 Rehabilitation shall develop guidelines relating to its

1 responsibilities under this paragraph.

2 (b.1) Restitution file.--Upon receipt of each order from the
3 clerk of courts as provided in subsection (b) (3), the department
4 of probation of the respective county or other agent designated
5 by the county commissioners of the county with the approval of
6 the president judge of the county shall open a restitution file
7 for the purposes of recording the amounts of restitution
8 deducted by the Department of Corrections and Rehabilitation or
9 county correctional facility or collected by the department of
10 probation or the agent designated by the county commissioners of
11 the county with the approval of the president judge of the
12 county.

13 * * *

14 § 9762. Sentencing proceeding; place of confinement.

15 (a) Sentences or terms of incarceration imposed before a
16 certain date.--For the three-year period beginning on the
17 effective date of this subsection, all persons sentenced to
18 total or partial confinement for the following terms shall be
19 committed as follows:

20 (1) Maximum terms of five or more years shall be
21 committed to the Department of Corrections and Rehabilitation
22 for confinement.

23 (2) Maximum terms of two years or more but less than
24 five years may be committed to the Department of Corrections
25 and Rehabilitation for confinement or may be committed to a
26 county prison within the jurisdiction of the court.

27 (3) Maximum terms of less than two years shall be
28 committed to a county prison within the jurisdiction of the
29 court.

30 (b) Sentences or terms of incarceration imposed after a

1 certain date.--All persons sentenced three or more years after
2 the effective date of this subsection to total or partial
3 confinement shall be committed as follows:

4 (1) Maximum terms of five or more years shall be
5 committed to the Department of Corrections and Rehabilitation
6 for confinement.

7 (2) Maximum terms of two years or more but less than
8 five years shall be committed to the Department of
9 Corrections and Rehabilitation for confinement, except upon a
10 finding of all of the following:

11 (i) The chief administrator of the county prison, or
12 the administrator's designee, has certified that the
13 county prison is available for the commitment of persons
14 sentenced to maximum terms of two or more years but less
15 than five years.

16 (ii) The attorney for the Commonwealth has consented
17 to the confinement of the person in the county prison.

18 (iii) The sentencing court has approved the
19 confinement of the person in the county prison within the
20 jurisdiction of the court.

21 * * *

22 (e) Reimbursement.--Beginning three years after the
23 effective date of this subsection:

24 (1) The Department of Corrections and Rehabilitation
25 shall reimburse to the counties the reasonable cost of
26 confinement of every Level 4 or 5 offender as identified in
27 the Basic Sentencing Matrix promulgated by the Pennsylvania
28 Commission on Sentencing who is participating in an approved
29 work release program. The reimbursement per prisoner shall
30 not exceed the average per-prisoner cost of confinement paid

1 by the Commonwealth for the confinement of prisoners in the
2 Department of Corrections. No more than \$2,500,000 shall be
3 expended annually for this purpose. Reimbursement shall be
4 made on a pro rata basis if the total dollar amount of
5 eligible confinement costs exceeds \$2,500,000. Nothing in
6 this paragraph shall prevent more than \$2,500,000 being
7 appropriated for this purpose. Reimbursement shall be made on
8 a pro rata basis if the total dollar amount of eligible
9 confinement costs exceeds any additional appropriation. A
10 county shall not be reimbursed under this section for any
11 offender participating in an approved work release program
12 for whom the county is being or has been reimbursed from any
13 other State funds regardless of their source.

14 (2) County prisons may require reimbursements from other
15 county prisons or the Department of Corrections and
16 Rehabilitation for inmates voluntarily accepted for
17 incarceration at mutually agreeable rates. The Department of
18 Corrections and Rehabilitation shall maintain a list of those
19 counties willing to accept voluntary placement of out-of-
20 county inmates.

21 * * *

22 (i) Prohibition.--Notwithstanding any other provision of
23 law, no person sentenced to total or partial confinement after
24 the effective date of this subsection shall be committed to the
25 Department of Corrections and Rehabilitation unless:

26 (1) the aggregate sentence consists of a conviction for
27 an offense graded as a misdemeanor of the second degree or
28 higher; or

29 (2) the Secretary of Corrections and Rehabilitation or
30 the secretary's designee has consented to the commitment.

1 * * *

2 § 9764. Information required upon commitment and subsequent
3 disposition.

4 (a) General rule.--Upon commitment of an inmate to the
5 custody of the Department of Corrections and Rehabilitation, the
6 sheriff or transporting official shall provide to the
7 institution's records officer or duty officer, in addition to a
8 copy of the court commitment form DC-300B generated from the
9 Common Pleas Criminal Court Case Management System of the
10 unified judicial system, the following information:

11 (1) Record of adjustment in the county correctional
12 facility, including, but not limited to, misconducts and
13 escape history.

14 (2) Any current medical or psychological condition
15 requiring treatment, including, but not limited to, suicide
16 attempts.

17 (3) All medical records of the county correctional
18 institution relating to the inmate to the extent that those
19 records may be disclosed under Federal and State law. The
20 records shall include admission testing performed by the
21 county and the results of those tests and any testing related
22 to hepatitis, HIV/AIDS, tuberculosis or other infectious
23 disease testing.

24 (4) Notice of current or previously administered
25 medications.

26 (5) A 48-hour supply of current medications.

27 (6) A written statement by the county correctional
28 institution relating to any sentencing credit to which the
29 inmate may be entitled.

30 (7) A written statement by the county correctional

1 institution setting forth all of the following:

2 (i) The dates on which the inmate was incarcerated.

3 (ii) The charges pending against the inmate with the
4 offense tracking number.

5 (iii) The date on which the inmate was released on
6 bail, if any, and a copy of the bail order.

7 (8) A copy of the sentencing order and any detainers
8 filed against the inmate which the county has notice.

9 (b) Additional information.--Within ten days from the date
10 sentence is imposed, the court shall provide to the county
11 correctional facility the following information pertaining to
12 the inmate:

13 (1) A copy of the presentence investigation report.

14 Where a presentence investigation report was not ordered by
15 the court, the official version of the crime for which the
16 inmate was convicted or a copy of the guilty plea transcript
17 or preliminary hearing transcript.

18 (2) The criminal complaint or affidavit of probable
19 cause accompanying the arrest warrant.

20 (4) A copy of the completed guideline sentence form.

21 (5) All of the following:

22 (i) A written, sealed sentencing order from the
23 county.

24 (ii) The sentencing colloquy sealed by the court.

25 (iii) Court commitment orders.

26 (iv) The Court Commitment Form DC-300B generated
27 from the Common Pleas Criminal Court Case Management
28 System of the unified judicial system.

29 (v) Any detainers filed against the inmate of which
30 the county has notice.

1 (c) Transmittal of additional inmate documentation.--If a
2 document provided by the court under subsection (b) is received
3 by the county correctional institution after the inmate is
4 transferred to the custody of the Department of Corrections, the
5 document shall be transmitted to the Department of Corrections
6 within 20 calendar days of its receipt.

7 (c.1) Implementation.--

8 (1) The Department of Corrections and Rehabilitation may
9 refuse to accept custody of an inmate for whom the sheriff or
10 transporting official does not provide the information under
11 subsection (a) under the following circumstances:

12 (i) The county correctional facility has a pattern
13 or practice of not providing the information mandated
14 under this section.

15 (ii) The Department of Corrections and
16 Rehabilitation has previously notified the chief
17 administrator of the county correctional facility, the
18 county commissioners, the county sheriff and the
19 president judge of the county of the specific
20 deficiencies that constitute a pattern or practice.

21 (iii) The Department of Corrections and
22 Rehabilitation has provided the county with a reasonable
23 period of time to provide the documentation.

24 (iv) The Department of Corrections and
25 Rehabilitation has notified the officials designated
26 under subparagraph (ii) of the intent to refuse to accept
27 inmates without documentation as of a specified date that
28 shall be no sooner than 30 days after the service of the
29 notification.

30 (2) In cases of a refusal to accept custody of an inmate

1 under this subsection, the sheriff or transporting official
2 shall return the inmate to the sending county correctional
3 institution, which shall accept custody of the inmate. The
4 inmate may be recommitted to the custody of the Department of
5 Corrections upon provision of the documentation required
6 under subsection (a).

7 (3) The Department of Corrections and Rehabilitation,
8 board and a county correctional facility shall not be liable
9 for compensatory, punitive or other damages for relying in
10 good faith on any sentencing order or court commitment form
11 DC-300B generated from the Common Pleas Criminal Court Case
12 Management System of the unified judicial system or otherwise
13 transmitted to them.

14 (c.2) Effect of electronic transfer of information.--

15 Notwithstanding any electronic transfer of information which may
16 occur, the Department of Corrections and Rehabilitation, in its
17 discretion, may require actual sealed court orders to the extent
18 that they relate to the commitment, term of sentence or other
19 matter that may affect the fact or duration of confinement.

20 (d) Transfer to county facility.--Upon transfer of an inmate
21 from a State correctional institution to a county correctional
22 facility, the Department of Corrections and Rehabilitation shall
23 provide to the county facility, unless the facility prior to the
24 time of transfer agrees to accept the inmate without the
25 information, the record of the inmate's institutional
26 adjustment, including, but not limited to, misconducts and/or
27 escape history, and written notice of any current medical or
28 psychological condition requiring treatment, including, but not
29 limited to, suicide attempts, notice of current or previously
30 ordered medication and a 48-hour supply of current medication.

1 (e) Release by Department of Corrections and
2 Rehabilitation.--Prior to the release of an inmate from the
3 Department of Corrections and Rehabilitation to State parole
4 supervision, the Department of Corrections and Rehabilitation
5 shall provide to the [Board of Probation and] Pennsylvania
6 Parole Board the information contained in subsections (a)(1) and
7 (2) and (b).

8 (f) Release from county correctional facility to State
9 probation or parole.--

10 (1) Prior to the release of an inmate from a county
11 correctional facility to State probation or parole
12 supervision, the facility shall provide to the [Board of
13 Probation and] Pennsylvania Parole Board the information
14 contained in subsections (a)(1) through (4) and (b).

15 (2) Prior to the release of an inmate from a county
16 correctional facility to State probation or parole
17 supervision, the facility shall provide to the inmate his
18 current medications as prescribed and any customary and
19 necessary medical supplies as determined by the prescribing
20 physician.

21 (g) Release from county correctional facility to county
22 probation or parole.--

23 (1) Prior to the release of an inmate from a county
24 correctional facility to county probation or parole
25 supervision, the facility shall provide to the county
26 probation department the information contained in subsections
27 (a)(1) through (4) and (b).

28 (2) Prior to the release of an inmate from a county
29 correctional facility to county probation or parole
30 supervision, the facility shall provide to the inmate his

1 current medications as prescribed and any customary and
2 necessary medical supplies as determined by the prescribing
3 physician.

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

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

1 continuing payments of restitution or any other court-ordered
2 financial obligations.

3 (j) Release after maximum sentence.--Upon release of an
4 inmate from the Department of Corrections and Rehabilitation at
5 the expiration of his maximum sentence, the Department of
6 Corrections and Rehabilitation shall transmit to the county
7 probation department or other agent designated by the county
8 commissioners of the county with the approval of the president
9 judge of the county in which the inmate was convicted a record
10 of any moneys paid by the inmate and any outstanding amounts
11 owed by the inmate towards satisfaction of restitution or any
12 other court-ordered financial obligations.

13 (k) Procedures.--The Department of Corrections and
14 Rehabilitation and the Pennsylvania [Board of Probation and]
15 Parole Board shall develop procedures to implement the
16 provisions of this section.

17 (l) Application.--This section shall apply to offenders
18 transferred to or released from a State or county correctional
19 facility after the effective date of this section.

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

21 * * *

22 (g) Definitions.--As used in this section, the following
23 words and phrases shall have the meanings given to them in this
24 subsection unless the context clearly indicates otherwise:

25 "Chief administrator." As defined under 61 Pa.C.S. § 102
26 (relating to definitions).

27 "Department." The Department of Corrections and
28 Rehabilitation of the Commonwealth.

29 "Hospice care location." A home, independent living
30 environment or inpatient setting that provides a coordinated

1 program of palliative and supportive services through a licensed
2 hospice care provider.

3 "Hospital." An entity licensed as an acute-care general
4 hospital, a specialty hospital or a rehabilitation hospital
5 under the act of July 19, 1979 (P.L.130, No.48), known as the
6 Health Care Facilities Act.

7 "Licensed hospice care provider." A hospice as defined under
8 section 802.1 of the act of July 19, 1979 (P.L.130, No.48),
9 known as the Health Care Facilities Act.

10 "Long-term care nursing facility." A long-term care nursing
11 facility as defined under section 802.1 of the act of July 19,
12 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

13 "Prosecuting attorney." The Office of Attorney General of
14 the Commonwealth or the office of a district attorney of a
15 county who represented the Commonwealth at the most recent
16 sentencing of an inmate.

17 "Sentencing court." The trial judge who most recently
18 sentenced an inmate or, if the trial judge is no longer serving
19 as a judge of that court, the president judge of the county
20 court of common pleas.

21 § 9799.13. Applicability.

22 The following individuals shall register with the
23 Pennsylvania State Police as provided in sections 9799.15
24 (relating to period of registration), 9799.19 (relating to
25 initial registration) and 9799.25 (relating to verification by
26 sexual offenders and Pennsylvania State Police) and otherwise
27 comply with the provisions of this subchapter:

28 * * *

29 (2) An individual who, on or after the effective date of
30 this section, is, as a result of a conviction for a sexually

1 violent offense, an inmate in a State or county correctional
2 institution of this Commonwealth, including a community
3 corrections center or a community contract facility, is being
4 supervised by the [Pennsylvania Board of Probation and
5 Parole] Department of Corrections and Rehabilitation or
6 county probation or parole, is subject to a sentence of
7 intermediate punishment or has supervision transferred
8 pursuant to the Interstate Compact for Adult Supervision in
9 accordance with section 9799.19(g).

10 * * *

11 (3.1) The following:

12 (i) An individual who between January 23, 2005, and
13 December 19, 2012, was:

14 * * *

15 (C) under the supervision of the Pennsylvania
16 [Board of Probation and] Parole Board or county
17 probation or parole as a result of a conviction for a
18 sexually violent offense.

19 * * *

20 (3.2) An individual who between December 8, 2008, and
21 December 19, 2012, was:

22 * * *

23 (iii) under the supervision of the Pennsylvania
24 [Board of Probation and] Parole Board or county probation
25 or parole as a result of a conviction for conspiracy or
26 solicitation to commit a sexually violent offense as
27 defined in paragraph (3.1).

28 * * *

29 § 9799.16. Registry.

30 * * *

1 (d) Cooperation.--There shall be cooperation between the
2 Pennsylvania State Police, State and county correctional
3 institutions, the Pennsylvania [Board of Probation and] Parole
4 Board, the county office of probation and parole, any court with
5 jurisdiction over a sexual offender, the chief juvenile
6 probation officer of the court, juvenile probation and parole
7 and the Department of Public Welfare to ensure that the
8 information set forth in subsections (b) and (c) is provided and
9 placed in the registry.

10 § 9799.19. Initial registration.

11 * * *

12 (b) Initial registration if incarcerated within Commonwealth
13 or by Federal Court on effective date of section.--The following
14 apply:

15 (1) If the individual is, prior to the effective date of
16 this section, incarcerated in a Federal, State or county
17 correctional facility, the individual shall provide the
18 information set forth in section 9799.16(b) (relating to
19 registry) to the appropriate official of the Federal, State
20 or county correctional facility or the Pennsylvania [Board of
21 Probation and] Parole Board for inclusion in the registry
22 before being released due to:

23 (i) the expiration of sentence, in which case the
24 information shall be collected no later than ten days
25 prior to the maximum expiration date;

26 (ii) parole;

27 (iii) State or county intermediate punishment where
28 the sentence is restrictive and the individual is
29 sentenced to a period of incarceration in a State or
30 county correctional institution or a work release

1 facility; or

2 (iv) special probation supervised by the
3 Pennsylvania [Board of Probation and] Parole Board.

4 (2) For individuals set forth in paragraph (1), the
5 appropriate official of the Federal, State or county
6 correctional facility or the Pennsylvania [Board of Probation
7 and] Parole Board shall collect and forward the information
8 in section 9799.16(b) to the Pennsylvania State Police. The
9 appropriate official shall, in addition, ensure that the
10 information set forth in section 9799.16(c) is collected and
11 forwarded to the Pennsylvania State Police. The information
12 in section 9799.16(b) and (c) shall be included in the
13 registry. With respect to individuals released under
14 paragraph (1)(ii), (iii) or (iv), the State or county
15 correctional facility shall not release the individual until
16 it receives verification from the Pennsylvania State Police
17 that it has received the information set forth in section
18 9799.16(b) and (c). Verification may take place by electronic
19 means. With respect to individuals released under paragraph
20 (1)(i), if the individual refuses to provide the information
21 set forth in section 9799.16(b), the State or county
22 correctional institution shall notify the Pennsylvania State
23 Police or the municipal police department with jurisdiction
24 over the facility of the failure to provide the information
25 and of the expected date, time and location of the release of
26 the individual.

27 (b.1) Initial registration if sentenced to a county or State
28 correctional facility on or after the effective date of
29 section.--If the individual is, on or after the effective date
30 of this section, sentenced to a period of incarceration in a

1 county or State correctional facility, the individual shall
2 provide the information set forth in section 9799.16(b) as
3 follows:

4 * * *

5 (2) If the individual is incarcerated in a State
6 correctional facility or county correctional facility, the
7 correctional facility shall notify the Pennsylvania State
8 Police, not more than 30 days in advance of, but not later
9 than ten days prior to, the individual's release from the
10 correctional facility. The following apply:

11 * * *

12 (iv) In the case of parole, State or county
13 intermediate punishment where the sentence is restrictive
14 and the individual is sentenced to a period of
15 incarceration in a State or county correctional
16 institution or work release facility or special probation
17 supervised by the Pennsylvania [Board of Probation and]
18 Parole Board, the correctional facility may not release
19 the individual until the correctional facility receives
20 verification from the Pennsylvania State Police that the
21 Pennsylvania State Police has received the information
22 set forth in section 9799.16(b) and (c). Verification by
23 the Pennsylvania State Police may occur by electronic
24 means.

25 * * *

26 (e.2) Initial registration for county or State [parolees]
27 offenders on the effective date of this section.--

28 * * *

29 (2) If the individual is, on the effective date of this
30 section, already serving a sentence of State parole, the

1 Pennsylvania [Board of Probation and] Parole Board shall
2 register the individual within 48 hours. The appropriate
3 official of the Pennsylvania [Board of Probation and] Parole
4 Board shall collect the information set forth in section
5 9799.16(b) from the individual and forward the information to
6 the Pennsylvania State Police. The Pennsylvania State Police
7 shall ensure that the information set forth in section
8 9799.16(c) is collected. The information in section
9 9799.16(b) and (c) shall be included in the registry. If the
10 individual fails to comply, the appropriate official of the
11 Pennsylvania [Board of Probation and] Parole Board shall
12 notify the Pennsylvania State Police.

13 (f) Initial registration if being supervised by
14 Commonwealth under Interstate Compact for Adult Offender
15 Supervision.--If an individual is in this Commonwealth and is
16 being supervised by the [State Board of Probation and]
17 Pennsylvania Parole Board or the county office of probation and
18 parole pursuant to the Interstate Compact for Adult Offender
19 Supervision, the following apply:

20 (1) If the individual is being supervised under the
21 compact after the effective date of this section, the
22 individual shall provide the information set forth in section
23 9799.16(b) to the appropriate official of the [State Board of
24 Probation and] Pennsylvania Parole Board or the county office
25 of probation and parole for inclusion in the registry. The
26 appropriate official shall collect the information set forth
27 in section 9799.16(b) and forward the information to the
28 Pennsylvania State Police. The appropriate official shall, in
29 addition, ensure that the information set forth in section
30 9799.16(c) is collected and forwarded to the Pennsylvania

1 State Police. If the individual fails to provide the
2 information in section 9799.16(b), the appropriate official
3 of the [State Board of Probation and] Pennsylvania Parole
4 Board or county office of probation and parole shall notify
5 the Pennsylvania State Police.

6 (2) If the individual is being supervised under the
7 compact on the effective date of this section, the individual
8 shall provide the information set forth in section 9799.16(b)
9 by appearing at an approved registration site within 48 hours
10 of the effective date of this section. The appropriate
11 official of the Pennsylvania [Board of Probation and] Parole
12 Board or the county office of probation and parole shall
13 ensure that the individual has appeared at an approved
14 registration site as set forth in this paragraph. If the
15 individual fails to appear, the appropriate official shall
16 notify the Pennsylvania State Police. The appropriate
17 official shall, in addition, ensure the information set forth
18 in section 9799.16(c) is collected and forwarded to the
19 Pennsylvania State Police.

20 * * *

21 § 9799.20. Duty to inform.

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

30 * * *

1 § 9799.24. Assessments.

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 and
24 Rehabilitation, the board 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 § 9799.29. Administration.

3 The Governor shall direct the Pennsylvania State Police, the
4 Pennsylvania [Board of Probation and] Parole Board, the board,
5 the Department of Corrections and Rehabilitation, the Department
6 of Transportation and any other agency of the Commonwealth that
7 the Governor deems necessary to collaboratively design, develop
8 and implement an integrated and secure system of communication,
9 storage and retrieval of information to assure the timely,
10 accurate and efficient administration of this subchapter.

11 § 9799.30. Global positioning system technology.

12 The [Pennsylvania Board of Probation and Parole] Department
13 of Corrections and Rehabilitation and its agents and county
14 probation authorities may impose supervision conditions that
15 include tracking through global positioning system technology.

16 § 9799.31. Immunity for good faith conduct.

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

19 (1) Agents and employees of the Pennsylvania State
20 Police and local law enforcement agencies.

21 (2) District attorneys and their agents and employees.

22 (3) Superintendents, administrators, teachers, employees
23 and volunteers engaged in the supervision of children of any
24 public, private or parochial school.

25 (4) Directors and employees of county children and youth
26 agencies.

27 (5) Presidents or similar officers of universities and
28 colleges, including community colleges.

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

1 (7) County probation and parole offices and their agents
2 and employees.

3 (8) Licensees of certified day-care centers and
4 directors of licensed preschool programs and owners and
5 operators of registered family day-care homes and their
6 agents and employees.

7 (9) The Department of Corrections and Rehabilitation and
8 its agents and employees.

9 (10) County correctional facilities and their agents and
10 employees.

11 (11) The board and its members, agents and employees.

12 (12) Juvenile probation offices and their agents and
13 employees.

14 (13) The Department of Public Welfare and its agents and
15 employees.

16 (14) Institutions or facilities set forth in section
17 6352(a)(3) (relating to disposition of delinquent child) and
18 their agents and employees.

19 (15) The unit owners' association of a common interest
20 community and its agents and employees as it relates to
21 distributing information regarding section 9799.27(b)(1)
22 (relating to other notification).

23 § 9799.32. Pennsylvania State Police.

24 The Pennsylvania State Police have the following duties:

25 * * *

26 (2) In consultation with the Department of Corrections
27 and Rehabilitation, the Office of Attorney General, the
28 Juvenile Court Judges' Commission, the Administrative Office
29 of Pennsylvania Courts, the Pennsylvania [Board of Probation
30 and] Parole Board and the chairman and minority chairman of

1 the Judiciary Committee of the Senate and the chairman and
2 minority chairman of the Judiciary Committee of the House of
3 Representatives, to promulgate guidelines necessary for the
4 general administration of this subchapter. These guidelines
5 shall establish procedures to allow an individual subject to
6 the requirements of this subchapter, including a transient,
7 to fulfill these requirements at approved registration sites
8 throughout this Commonwealth. The Pennsylvania State Police
9 shall publish a list of approved registration sites in the
10 Pennsylvania Bulletin and provide a list of approved
11 registration sites in any notice sent to individuals required
12 to register under this subchapter. An approved registration
13 site shall be capable of submitting fingerprints, palm
14 prints, DNA samples and any other information required
15 electronically to the Pennsylvania State Police. The
16 Pennsylvania State Police shall require that approved
17 registration sites submit fingerprints utilizing the
18 Integrated Automated Fingerprint Identification System or in
19 another manner and in such form as the Pennsylvania State
20 Police shall require. Approved registration sites shall not
21 be limited to sites managed by the Pennsylvania State Police
22 and shall include sites managed by local law enforcement
23 agencies that meet the criteria for approved registration
24 sites set forth in this paragraph.

25 * * *

26 (7) In consultation with the Department of Education
27 [and], the Pennsylvania [Board of Probation and Parole,]
28 Parole Board and the Department of Corrections and
29 Rehabilitation, to promulgate guidelines directing licensed
30 day-care centers, licensed preschool programs, schools,

1 universities and colleges, including community colleges, on
2 the proper use and administration of information received
3 under section 9799.27.

4 (8) In consultation with the Department of Corrections
5 and Rehabilitation and the Pennsylvania [Board of Probation
6 and] Parole Board, to promulgate guidelines directing State
7 and county correctional facilities and State and county
8 probation and parole offices regarding the completion of
9 information, including the taking of photographs, required by
10 sexual offenders under this subchapter.

11 * * *

12 § 9799.33. Duties of probation and parole officials.

13 (a) Duties.--The Pennsylvania [Board of Probation and
14 Parole,] Parole Board, the Department of Corrections and
15 Rehabilitation, the county office of probation and parole and
16 the chief juvenile probation officer of the court shall:

17 (1) Perform their respective duties set forth for the
18 Pennsylvania [Board of Probation and Parole,] Parole Board,
19 the Department of Corrections and Rehabilitation, the county
20 office of probation and parole and the chief juvenile
21 probation officer of the court in accordance with section
22 9799.19 (relating to initial registration).

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

28 (b) Notification form.--The Pennsylvania [Board of Probation
29 and] Parole Board and the Department of Corrections and
30 Rehabilitation shall create a notification form which will

1 inform [State and] county prison and probation and parole
2 personnel how to inform sexual offenders of their duties under
3 this subchapter. In addition, the [Pennsylvania Board of
4 Probation and Parole] Department of Corrections and
5 Rehabilitation shall apply for Federal funding as provided in
6 the Adam Walsh Child Protection and Safety Act of 2006 (Public
7 Law 109-248, 120 Stat. 587) to support and enhance programming
8 using global satellite positioning system technology.

9 § 9799.34. Duties of facilities housing sexual offenders.

10 The Department of Corrections and Rehabilitation, a county
11 correctional facility, an institution or facility set forth in
12 section 6352(a)(3) (relating to disposition of delinquent child)
13 and the separate, State-owned facility or unit established under
14 Chapter 64 (relating to court-ordered involuntary treatment of
15 certain sexually violent persons) shall have the following
16 duties:

17 * * *

18 § 9799.35. Board.

19 * * *

20 (e) Staff.--Support staff for the board shall be provided by
21 the [Pennsylvania Board of Probation and Parole] Department of
22 Corrections and Rehabilitation.

23 § 9799.38. Annual performance audit.

24 (a) Duties of the Attorney General.--The Attorney General
25 has the following duties:

26 (1) To conduct a performance audit annually to determine
27 compliance with the requirements of this subchapter and any
28 guidelines promulgated under this subchapter. The audit
29 shall, at a minimum, include a review of the practices,
30 procedures and records of the Pennsylvania State Police, the

1 Pennsylvania [Board of Probation and] Parole Board, the
2 Department of Corrections and Rehabilitation, the board, the
3 Administrative Office of Pennsylvania Courts and any other
4 State or local agency the Attorney General deems necessary in
5 order to conduct a thorough and accurate performance audit.

6 (2) To prepare an annual report of its findings and any
7 action that it recommends be taken by the Pennsylvania State
8 Police, the Pennsylvania [Board of Probation and] Parole
9 Board, the Department of Corrections and Rehabilitation, the
10 board, the Administrative Office of Pennsylvania Courts,
11 other State or local agencies and the General Assembly to
12 ensure compliance with this subchapter. The first report
13 shall be released to the general public no fewer than 18
14 months following the effective date of this section.

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

25 (b) Cooperation required.--Notwithstanding any other
26 provision of law to the contrary, the Pennsylvania State Police,
27 the Pennsylvania [Board of Probation and] Parole Board, the
28 Department of Corrections and Rehabilitation, the board, the
29 Administrative Office of Pennsylvania Courts, the Pennsylvania
30 Commission on Sentencing and any other State or local agency

1 requested to do so shall fully cooperate with the Attorney
2 General and assist the Office of Attorney General in satisfying
3 the requirements of this section. For purposes of this
4 subsection, full cooperation shall include, at a minimum,
5 complete access to unredacted records, files, reports and data
6 systems.

7 Section 3. The definitions of "board," "department" and
8 "secretary" in section 102 of Title 61 are amended and the
9 section is amended by adding definitions to read:

10 § 102. Definitions.

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

14 "Board." The Pennsylvania [Board of Probation and] Parole
15 Board.

16 * * *

17 "Department." The Department of Corrections and
18 Rehabilitation of the Commonwealth.

19 * * *

20 "Offender." An individual that has been convicted or found
21 guilty of a criminal offense by a judge or jury or an individual
22 that pleads guilty or nolo contendere to a criminal offense at
23 any time in a court of record.

24 "Official website." The official Internet website designated
25 by a municipality or county as its primary method of
26 electronically communicating with the public about its official
27 business.

28 "Parole violator center." An area within the secure
29 perimeter or on the grounds of a State correctional institution
30 or contracted county jail that has been designated to house

1 ~~offenders charged with or determined by the board to have~~ <--
2 ~~committed~~ DETAINED OR RECOMMITTED BY THE BOARD FOR a technical <--
3 parole violation.

4 "Secretary." The Secretary of Corrections and Rehabilitation
5 of the Commonwealth.

6 * * *

7 Section 4. Title 61 is amended by adding a section to read:
8 § 1106. Powers of peace officers.

9 A chief administrator, deputy superintendent or corrections
10 officer of a State correctional facility may exercise the powers
11 of a peace officer in the performance of that individual's
12 duties generally in:

13 (1) Guarding, protecting and delivering inmates.

14 (2) Protecting the property and interests of the
15 department.

16 (3) Capturing and returning inmates that may have
17 escaped.

18 Section 5. Section 1758(c) of Title 61 is amended to read:
19 § 1758. County recording system for application of restraints
20 to pregnant prisoners or detainees.

21 * * *

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

25 "County Extraordinary Occurrence Monthly Report." A
26 collection of statistics and other information by the department
27 on designated report forms or by other available approved
28 methods for the collection of such incident information under
29 this section and in accordance with written local policy
30 providing for the collection of population information

1 prescribed by 37 Pa. Code 95.242 (relating to Statistical/
2 informational reporting).

3 "Department." The Department of Corrections and
4 Rehabilitation of the Commonwealth.

5 ~~Section 6. Section 3905(e) of Title 61 is repealed:~~ <--

6 ~~§ 3905. Motivational boot camp program.~~

7 * * *

8 ~~{(e) Evaluation. The department and the commission shall~~
9 ~~monitor and evaluate the motivational boot camp programs to~~
10 ~~ensure that the programmatic objectives are met. Both shall~~
11 ~~present biennial reports of the evaluations to the Judiciary~~
12 ~~Committee of the Senate and the Judiciary Committee of the House~~
13 ~~of Representatives no later than February 1 in alternate years.]~~

14 SECTION 6. (RESERVED). <--

15 Section 7. The definition of "department" in section 4103 of
16 Title 61 is amended to read:

17 § 4103. Definitions.

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

21 * * *

22 ["Department." The Department of Corrections of the
23 Commonwealth.]

24 * * *

25 Section 8. Sections 5001, 5002, 5003, 5004, 5005 and 5006 of
26 Title 61 are amended to read:

27 § 5001. Definitions.

28 The following words and phrases when used in this chapter
29 shall 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 "Chairman." The chairman of the Pennsylvania [Board of
3 Probation and] Parole Board.

4 "Community corrections center." A residential program that
5 is supervised and operated by the department in accordance with
6 this chapter.

7 "Community corrections facility." A residential facility
8 operated by a private contractor that:

9 (1) houses offenders pursuant to a contract with the
10 department; and

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

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

17 § 5002. Department.

18 The department may do all of the following:

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

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

23 (3) Establish parole violator centers.

24 § 5003. Offenders who may be housed.

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

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

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

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

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

21 (3) An offender who is serving the community-based
22 portion of a sentence of State intermediate punishment may be
23 housed in a community corrections center or a community
24 corrections facility.

25 (4) An offender who has been granted clemency by the
26 Governor may be housed in a community corrections center or a
27 community corrections facility.

28 [(5) Inmates transferred by the department under Chapter
29 37 (relating to inmate prerelease plans). This paragraph
30 shall expire July 1, 2013.]

1 § 5004. Authority of Commonwealth employees.

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

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

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

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

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

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

24 § 5005. Authority of chairman.

25 The chairman has the following authority:

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

29 (2) Determine whether parolees are to be housed in a
30 secured or unsecured portion of a community corrections

1 center or community corrections facility.]

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

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

13 § 5006. Escape.

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

22 Section 9. Title 61 is amended by adding ~~a section~~ SECTIONS <--
23 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) A governing body conducting a public hearing under
22 this subsection shall provide public notice of the hearing
23 via posting on its official Internet website no less than two
24 weeks prior to the hearing. The notice shall provide
25 information regarding the purpose, location and time of the
26 public hearing and a contact number for interested persons to
27 call in order to obtain additional information about the
28 hearing. Nothing in this paragraph shall be construed to
29 prohibit the governing body from providing public notice via
30 any other means.

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

5 § 5008. REPORTING. <--

6 THE DEPARTMENT SHALL ENSURE THAT ANY CRIME COMMITTED WITHIN A
7 COMMUNITY CORRECTIONS CENTER, COMMUNITY CORRECTIONS FACILITY OR
8 COMMUNITY CONTRACT FACILITY IS IMMEDIATELY REPORTED TO THE
9 APPROPRIATE LAW ENFORCEMENT AGENCY WITH JURISDICTION OVER THE
10 COMMUNITY CORRECTIONS CENTER, COMMUNITY CORRECTIONS FACILITY OR
11 COMMUNITY CONTRACT FACILITY.

12 Section 10. The heading of Part IV of Title 61 is amended to
13 read:

14 PART IV
15 [PROBATION AND PAROLE] PENNSYLVANIA DEPARTMENT OF CORRECTIONS
16 AND REHABILITATION

17 Section 11. Section 6101 of Title 61 is amended to read:

18 § 6101. Definitions.

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

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

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

24 "Community corrections center." A residential program that
25 is supervised and operated by the department in accordance with
26 Chapter 50 (relating to community corrections centers and
27 community corrections facilities).

28 "Community corrections facility." A residential facility
29 operated by a private contractor that:

30 (1) provides housing to offenders pursuant to a contract

1 with the department; and

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

3 "Conditions of supervision." Any terms or conditions of the
4 offender's supervision, whether imposed by the court, the
5 department or an agent, or promulgated by the board as a
6 regulation, including compliance with all requirements of
7 Federal, State and local law.

8 "Contraband." Any item that the offender is not permitted to
9 possess under the conditions of supervision, including any item
10 whose possession is forbidden by any Federal, State or local
11 law.

12 "Court." A court of common pleas or any judge thereof, the
13 Philadelphia municipal court or any judge thereof, the
14 Pittsburgh magistrates court or any judge thereof or any
15 magisterial district judge.

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

19 "Detainee." As follows:

20 (1) an offender housed by the department under 42
21 Pa.C.S. § 9762 (relating to sentencing proceeding; place of
22 confinement);

23 (2) an offender who was being detained by the board on
24 the day prior to the effective date of this paragraph; or

25 (3) an offender who has been detained or recommitted as
26 a convicted parole violator or technical parole violator and
27 being housed by the department.

28 "Department supervised offender." An offender under
29 departmental parole or probationary supervision.

30 "Eligible offender." The term shall have the same meaning

1 given to it under section 4503 (relating to definitions).

2 "Evidence-based practices." Interventions and treatment
3 approaches that have been proven effective through appropriate
4 empirical analysis.

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

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

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

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

18 (3) is not subject to an order of protection from abuse;

19 and

20 (4) is in compliance with all legal requirements
21 applicable to the offender, including, but not limited to,
22 maintaining registration in any applicable sex offender
23 registry.

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

27 "Personal search." A warrantless search of a department
28 supervised offender's person, including, but not limited to, the
29 department supervised offender's clothing and any personal
30 property which is in the possession, within the reach or under

1 the control of the department supervised offender.

2 "Property search." A warrantless search of real property,
3 vehicle or personal property which is in the possession or under
4 the control of the department supervised offender.

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

8 "Supervisor." Any individual acting in a supervisory or
9 administrative capacity.

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

14 ~~Section 12. Section 6102 of Title 61 is repealed:~~ <--

15 ~~{§ 6102. Operation of parole system generally.~~

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

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

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

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

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

5 SECTION 12. (RESERVED). <--

6 Section 13. The heading of Subchapter B of Chapter 61 of
7 Title 61 is amended to read:

8 SUBCHAPTER B

9 ADMINISTRATION OF THE PENNSYLVANIA PAROLE BOARD

10 Section 14. Sections 6111(a) and (e), 6112, 6113, 6116 and
11 6118 of Title 61 are amended to read:

12 § 6111. Pennsylvania [Board of Probation and] Parole Board.

13 (a) Establishment.--The Pennsylvania [Board of Probation
14 and] Parole Board is [an independent administrative board for
15 the administration of the probation and parole laws of this
16 Commonwealth.] established as a departmental administrative <--
17 board within the department for the purpose of granting and
18 revoking paroles to certain offenders within this Commonwealth.

19 THE BOARD SHALL FUNCTION INDEPENDENTLY OF THE DEPARTMENT <--
20 REGARDING ALL OF ITS DECISION-MAKING FUNCTIONS, AS WELL AS ANY
21 OTHER POWERS AND DUTIES SPECIFIED IN THIS TITLE.

22 * * *

23 (e) General powers.--Subject to the provisions of this
24 chapter, the board shall have [all] the powers and [shall]
25 perform the duties generally vested in and imposed upon
26 [independent] departmental administrative boards and commissions
27 by the act of April 9, 1929 (P.L.177, No.175), known as The
28 Administrative Code of 1929, and shall be subject to all the
29 provisions of that act applicable generally to [independent]
30 departmental administrative boards and commissions.

1 § 6112. Board chairperson.

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

5 [(1) Direct the operations, management and
6 administration of the board and fulfill the functions
7 established by this chapter.

8 (2) Secure the effective application of the probation
9 system in all of the courts of this Commonwealth and the
10 enforcement of the probation laws.]

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

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

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

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

24 § 6113. Board action.

25 (a) Quorum.--

26 (1) A majority of the board shall constitute a quorum
27 for transacting business and, except as otherwise provided in
28 this chapter and Chapter 45 (relating to recidivism risk
29 reduction incentive), a majority vote of those present at any
30 meeting shall be sufficient for any official action taken by

1 the board one or more members of the board may attend and
2 participate in any meeting via videoconferencing or similar
3 virtual presence technology.

4 (2) Except as provided in subsections (b), (c), (d) and
5 (e) and Chapter 45, no person shall be paroled or discharged
6 from parole or have his parole revoked, except by a majority
7 of the entire membership of the board.

8 (b) Panel decisions.--The board may make decisions on
9 parole, reparole, return or revocation in panels of two persons.

10 A panel shall consist of one board member and one hearing
11 examiner or of two board members. Panels shall be appointed by
12 the chairperson or the chairperson's designee. A panel may act
13 without meeting. A panel may meet and take action via
14 videoconferencing or similar virtual presence technology, WITH <--
15 THE EXCEPTION OF IN-PERSON TESTIMONY UNDER SECTION 502 OF THE
16 ACT OF NOVEMBER 24, 1998 (P.L.882, NO.111), KNOWN AS THE CRIME
17 VICTIMS ACT.

18 (c) Disagreement within panel.--

19 [(1)] If there is disagreement between the members of a
20 panel on a decision to parole [between the members of a
21 panel], revoke parole or recommit an offender, the matter
22 shall be decided by a board member appointed by the
23 chairperson or the chairperson's designee, who shall concur
24 with one of the original panel members.

25 [(2)] If there is disagreement on a revocation decision
26 between the members of the panel, the matter shall be decided
27 by three board members appointed by the chairperson or the
28 chairperson's designee; at least two of these members must
29 not have been on the disagreeing panel, if practicable.]

30 (d) Appeal.--

1 (1) An [interested party] offender may appeal a
2 revocation decision within 30 days of the board's order. The
3 decision shall be reviewed by three board members appointed
4 by the chairperson or the chairperson's designee.

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

10 (e) Decision without review.--Subject to the provisions of
11 section 6137(g) (relating to parole power), the board or its
12 designee may issue a decision to parole an eligible offender as
13 defined under section 4503 (relating to definitions) without
14 further review by the board.

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

21 § 6116. Meetings.

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

24 (b) Appointment of secretary of board.--The [members of the
25 board] department shall appoint a secretary, who shall:

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

27 (2) [Shall hold] Hold office at the pleasure of the
28 [board] secretary.

29 (3) [Shall have such powers] Maintain a record of the
30 proceedings of the board and perform such duties not

1 inconsistent with any law of this Commonwealth as the board
2 shall prescribe.

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

6 (c) Temporary secretary of board.--In the absence or
7 incapacity of the secretary to act, the [board] department may
8 designate such other person as it may choose to perform
9 temporarily the duties of the secretary of the board.

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

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

16 § 6118. Offices.

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

24 [(b) District offices.--The board, with the approval of the
25 Governor, shall divide the Commonwealth for administrative
26 purposes into a suitable number of districts, not to exceed ten,
27 in each of which shall be a district office which shall have
28 immediate charge of the supervision of cases of probation and
29 parole arising in the courts of the judicial districts embraced
30 within its territorial limits, but, as occasion may require, the

1 supervision of particular parolees may be transferred by the
2 board to other appropriate parole districts.

3 (c) Location of district offices.--

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

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

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

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

27 Section 15. Sections 6119, 6120, ~~6121, 6122, 6123 and 6124~~ <--

28 AND 6121 of Title 61 are repealed: <--

29 [§ 6119. District directors.

30 (a) Establishment.--Each district parole office shall have a

1 district director who:

2 (1) Shall be appointed by the board, with the approval
3 of the Governor.

4 (2) Shall receive such annual salary as the board shall
5 determine in conformity with the rules of the Executive
6 Board.

7 (b) Status and role.--The district director shall be the
8 executive head of the district office to which the district
9 supervisor is appointed and shall have the control, management
10 and direction of all employees of the board assigned to the
11 district, subject to the supervision of the board.

12 § 6120. District office employees.

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

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

26 § 6121. Disciplinary action.

27 (a) General rule.--Except as otherwise provided in
28 subsection (b), an employee of the board, excluding the
29 secretary and district supervisors, may be removed, discharged
30 or reduced in pay or position only for cause and after being

1 given the reasons therefore in writing and afforded an
2 opportunity to be heard in answer thereto.

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

7 (c) Successive suspensions.--There shall not be any
8 successive suspensions of the same employee under this section.] <--

9 SECTION 15.1. SECTION 6122(A) (2) AND (C) OF TITLE 61 ARE
10 AMENDED TO READ:

11 § 6122. Political activities.

12 (a) General rule.--No member of the board, or [officer] <--
13 AGENT, clerk or employee thereof, or any person officially
14 connected with the board:

15 ~~(1) Shall take any active part in politics or be a <--~~
16 ~~member of or delegate or alternate to any political~~
17 ~~convention or be present at such convention, except in the~~
18 ~~performance of that person's official duties under this~~
19 ~~chapter.~~

20 * * * <--

21 (2) Shall serve as a member of or attend the meetings of
22 any committee of any political party, or take any part in
23 political management or political campaigns, or use that
24 person's office to influence political movements, or to
25 influence the action of any other [officer] AGENT, clerk or <--
26 employee of the board.

27 ~~(3) Shall in any way or manner interfere with or <--~~
28 ~~participate in the conduct of any election or the preparation~~
29 ~~therefore at the polling place, or with the election officers~~
30 ~~while counting the votes or returning the ballot boxes,~~

1 ~~books, papers, election paraphernalia and machinery to the~~
2 ~~place provided by law, or be within any polling place, except~~
3 ~~for the purpose of voting as speedily as it reasonably can be~~
4 ~~done, or be otherwise within 50 feet of any polling place,~~
5 ~~except for purposes of ordinary travel or residence during~~
6 ~~the period of time beginning with one hour preceding the~~
7 ~~opening of the polls for holding the election and ending with~~
8 ~~the time when the election officers shall have finished~~
9 ~~counting the votes and have left the polling place.~~

10 ~~(4) Shall directly or indirectly make or give, demand or~~
11 ~~solicit or be in any manner concerned in making, giving,~~
12 ~~demanding, soliciting or receiving any assessments,~~
13 ~~subscriptions or contributions, whether voluntary or~~
14 ~~involuntary, to any political party or for any political~~
15 ~~purpose whatsoever.~~

16 ~~(b) Penalty. Any person who violates any of the provisions~~
17 ~~of this section:~~

18 ~~(1) Commits a misdemeanor of the third degree, and, upon~~
19 ~~conviction thereof, shall be punished by a fine not exceeding~~
20 ~~\$500 or imprisonment not exceeding one year, or both.~~

21 ~~(2) Shall forfeit that person's office or employment, as~~
22 ~~the case may be.~~

23 ~~(3) Shall not thereafter be appointed or employed by the~~
24 ~~board in any position or capacity whatsoever.~~

25 * * *

26 (c) Dismissal required.--The board shall dismiss any
27 [officer] AGENT, clerk or employee thereof who shall violate
28 this section from that person's office or employment.

29 SECTION 15.2. SECTIONS 6123 AND 6124 OF TITLE 61 ARE
30 REPEALED:

1 [§ 6123. Advisory committee.

2 (a) Establishment.--An advisory committee on probation is
3 reestablished to assist the board.

4 (b) Composition.--The advisory committee shall consist of
5 nine members, seven of whom shall be appointed by the Governor,
6 with the consent of a majority of the members of the Senate. At
7 least two shall be judges of courts of record of this
8 Commonwealth, at least one shall be a county commissioner, at
9 least one shall be a chief county probation officer, and the
10 remaining members shall be qualified in the field of probation
11 and parole either by training or experience. The President pro
12 tempore of the Senate and the Speaker of the House of
13 Representatives shall each appoint a member of their respective
14 houses to serve as members of the committee.

15 (c) Terms.--

16 (1) The term of a member hereafter appointed, except to
17 fill a vacancy, shall be for four years and until their
18 successors have been appointed and qualified, but in no event
19 more than 90 days beyond the expiration of their appointed
20 term.

21 (2) The terms of members of the committee who are
22 appointed by virtue of holding an office as a member of the
23 General Assembly, judge, chief county probation officer or
24 county commissioner shall continue only so long as that
25 person remains in that office.

26 (3) Vacancies occurring in an office of a member of the
27 advisory committee by expiration of term, death, resignation,
28 removal or for any other reason shall be filled in the manner
29 provided by section 8 of Article IV of the Constitution of
30 Pennsylvania for the remainder of the term.

1 (4) Whenever the term of an advisory committee member,
2 other than one who is a member of the General Assembly,
3 expires, that member's position shall be immediately deemed a
4 vacancy, and the Governor shall nominate a person to fill
5 that membership position on the committee within 90 days of
6 the date of expiration, even if the member continues to
7 remain on the committee. The Governor shall designate one of
8 the members of the committee as its chairperson.

9 (d) Reimbursement of expenses.--Each member of the advisory
10 committee shall be paid all reasonable and necessary travel and
11 other expenses incurred by him in the performance of his duties.

12 (e) Assistance to be provided.--The advisory committee shall
13 aid the chairperson and the board in formulating and reviewing
14 standards for probation personnel and probation services in the
15 counties.

16 § 6124. Certain offenders residing in group-based homes.

17 (a) Notification requirement.--

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

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

1 (i) Name of the individual, including all known
2 aliases.

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

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

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

8 (b) Public hearing.--

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

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

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

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

30 "Group-based home." Any nonprofit or for-profit entity that

1 maintains a facility that provides housing to individuals on
2 probation or parole or other individuals previously convicted of
3 crimes. The term shall not include a correctional institution or
4 a facility maintained by a domestic violence program.

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

9 Section 16. Sections 6131 and 6132 of Title 61 are amended
10 to read:

11 § 6131. General powers of board.

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

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

16 (2) To collect and maintain copies of all presentence
17 investigations and reports.

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

20 (4) To collect, compile and publish statistical and
21 other information relating to probation and parole work in
22 all courts. [and such other information the board may deem of
23 value in probation service.

24 (5) To establish, by regulation, uniform Statewide
25 standards for:

26 (i) Presentence investigations.

27 (ii) The supervision of probationers.

28 (iii) The qualifications for probation personnel.

29 (iv) Minimum salaries.

30 (v) Quality of probation service.

1 The standards for the qualifications of probation personnel
2 shall only apply to probation personnel appointed after the
3 date the standards are established. Should any probation
4 personnel appointed prior to the date the standards were
5 established fail to meet the standards, the court having
6 jurisdiction of such personnel may request the board to
7 establish in-service training for them in accordance with the
8 standards.

9 (6) To adopt regulations establishing specific
10 composition, functions and responsibilities for citizens
11 advisory committees and to receive reports, recommendations
12 or other input concerning parole policies and parole-related
13 concerns from the committees on a regular basis.

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

18 (8) To enter into contracts for purchasing community
19 services to assist parolees and to supplement existing
20 programs.

21 (9) To pay the cost of preparole drug screening tests
22 for inmates within the parole release jurisdiction of the
23 board, who are confined in a State or local correctional
24 facility, as required under section 6137 (relating to parole
25 power).

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

28 (11) To establish and provide for intensive supervision
29 units and day reporting centers for the supervision of
30 parolees.]

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

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

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

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

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

16 (b) Court-appointed probation officers to submit information
17 to [board] department.--A court that appoints a probation
18 officer shall require the probation officer to submit to the
19 [board] department such information as the [board] department
20 may require on forms prescribed and furnished by the [board]
21 department.

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

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 unless the context clearly indicates otherwise:

28 "Evidence-based practices." Interventions and treatment
29 approaches that have been proven effective through appropriate
30 empirical analysis.]

1 § 6132. Specific powers of board involving [parolees]

2 offenders.

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

4 (1) [(i)] To parole and reparole, commit and recommit
5 for violations of parole and to discharge from parole all
6 [persons sentenced] offenders sentenced to definite or
7 flat sentences by any court at any time to imprisonment
8 in a State correctional institution pursuant to 42
9 Pa.C.S. §9762 (relating to sentencing proceeding; place
10 of confinement).

11 [(ii) This paragraph applies to inmates sentenced to
12 definite or flat sentences.

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

22 (ii) Except for such special cases, the powers and
23 duties conferred by this section shall not extend to
24 persons sentenced for a maximum period of less than two
25 years and shall not extend to those persons committed to
26 county confinement within the jurisdiction of the court
27 pursuant to 42 Pa.C.S. § 9762 (relating to sentencing
28 proceeding; place of confinement).]

29 (3) To establish special conditions of supervision for
30 paroled offenders. Conditions of supervision must be based on

1 the risk presented by and the rehabilitative needs of the
2 offender. Conditions may be modified pursuant to section 6161
3 (relating to powers and duties of department) or if the board
4 or its designee consents to such modification.

5 (4) To promulgate regulations establishing general
6 conditions of supervision applicable to every paroled
7 offender.

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

14 [(c) Definition.--As used in this section, "period of two
15 years" means the entire continuous term of sentence to which a
16 person is subject, whether for one or more sentences, either to
17 simple imprisonment or to an indeterminate imprisonment as
18 authorized by law to be imposed for criminal offenses.]

19 Section 16. Section 6133 of Title 61 is repealed:

20 [§ 6133. Probation services.

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

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

27 (c) Grant-in-aid.--

28 (1) A county that provides additional probation staff
29 for presentence investigations and improved probation
30 supervision and programs shall receive a grant-in-aid from

1 the Commonwealth through the board for additional costs
2 incurred thereby but only to the extent that the additional
3 staff and program meet the qualifications and standards
4 established by the board.

5 (2) The grant-in-aid shall provide 80% of the personnel
6 salary costs incurred by a county to administer these
7 additional services and programs.

8 (3) If insufficient funds are appropriated, each county
9 shall receive a prorated reduction in the grant-in-aid.

10 (4) The board shall establish rules and regulations for
11 the allocation of funds available for such grants-in-aid.

12 (d) In-service training.--The board shall provide in-service
13 training for personnel of county probation offices when
14 requested to do so by the court having jurisdiction of the
15 probation office.]

16 Section 17. Sections 6134, 6134.1, 6136, 6137, 6138, 6139
17 and 6140 of Title 61 are amended to read:

18 § 6134. Sentencing court [to transmit records to board]
19 recommendation.

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

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

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

28 (3) Copies of presentence investigation reports and
29 behavior clinic reports, if any were submitted to the court,
30 the last two of which records, being confidential records of

1 the court, shall be treated confidentially by the members of
2 the board, who shall not permit examination of the records by
3 anyone other than its duly appointed agents or
4 representatives except upon court order.

5 (b) Recommendations from judge.--] The following shall
6 apply:

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

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

19 § 6134.1. General criteria for parole by court.

20 (a) Guidelines.--The court may parole or reparole subject to
21 consideration of guidelines established under 42 Pa.C.S. §
22 2154.5 (relating to adoption of guidelines for parole).

23 (b) Report of decision to commission.--If a court paroles or
24 reparaes [a person] an offender, the court shall report the
25 parole or reparole decision and shall provide a contemporaneous
26 written statement for any deviation from the guidelines
27 established under 42 Pa.C.S. § 2154.5, to the commission under
28 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties).

29 (c) Procedure.--

30 (1) Prior to making a decision to parole [a person] an

1 offender committed to county confinement within the
2 jurisdiction of the court pursuant to 42 Pa.C.S. § 9762
3 (relating to sentencing proceeding; place of confinement)
4 from a sentence of imprisonment imposed following conviction
5 for a personal injury crime, each victim who has registered
6 to receive victim services in connection with the personal
7 injury crime shall be given an opportunity by the court to
8 submit a preparole statement to the court expressing concerns
9 or recommendations regarding the parole or parole supervision
10 of the [person] offender.

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

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

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

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

4 "Victim." The term shall mean, in addition to the meaning
5 set forth in section 103 of the act of November 24, 1998 (P.L.
6 882, No.111), known as the Crime Victims Act, a member of the
7 victim's family if the victim is incapable of communicating or
8 has died.]

9 § 6136. Right of access to [inmates] offenders.

10 All prison officials shall:

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

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

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

29 § 6137. Parole power.

30 (a) General criteria for parole.--

1 (1) The board may parole subject to consideration of
2 guidelines established under 42 Pa.C.S. § 2154.5 (relating to
3 adoption of guidelines for parole) and such information
4 developed by or furnished to the board under section 6164
5 (relating to investigation of circumstances of offense), 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] recommendation that the
4 [inmate] offender complete the prescribed programming
5 while on parole.

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

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

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

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

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

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

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

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

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

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

20 (c) Administrative parole.--

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

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

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

1 parole; and

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

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

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

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

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

17 (iii) Continue to pay any restitution owed.

18 (iv) Comply with other requirements imposed by the
19 board or the department.

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

24 (e) Drug screening tests.--

25 (1) The [board] department may not release [a person] an
26 offender on parole unless the [person] offender achieves a
27 negative result within 45 days prior to the date of release
28 in a screening test approved by the Department of Health for
29 the detection of the presence of controlled substances or
30 designer drugs under the act of April 14, 1972 (P.L.233,

1 No.64), known as The Controlled Substance, Drug, Device and
2 Cosmetic Act.

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

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

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

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

27 (4) For [a parolee] an offender who was not paroled from
28 a sentence arising from a conviction under The Controlled
29 Substance, Drug, Device and Cosmetic Act or from a drug-
30 related crime, the board may [establish] recommend to the

1 department, as a condition of [parole] supervision, that the
2 [parolee] offender achieve negative results in drug screening
3 tests randomly conducted. The [parolee] offender shall be
4 responsible for testing costs.

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

11 (g) Procedure.--

12 (1) The department shall identify all [inmates]
13 detainees committed to the custody of the department that
14 meet the definition of an eligible offender.

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

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

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

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

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

14 (ii) The reentry plan for the [inmate] detainee is
15 adequate.

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

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

20 (5) If the court or prosecuting attorney files a timely
21 objection under paragraph (3), the board shall make a
22 determination as to whether the [inmate] detainee is an
23 eligible offender. The board shall notify the department,
24 prosecuting attorney and court of its determination no later
25 than 30 days prior to the minimum parole date. If the board
26 determines that the [inmate] detainee is an eligible offender
27 under this chapter, the board shall follow the provisions
28 under paragraph (4). If the board determines that the
29 [inmate] detainee is not an eligible offender under section
30 4503 (relating to definitions), the board shall retain

1 exclusive jurisdiction to grant parole and shall determine
2 whether the [inmate] detainee should be:

3 (i) paroled at the minimum [date,] sentence, as set
4 forth in 42 Pa.C.S. § 9752 (relating to sentencing
5 proceeding generally);

6 (ii) paroled at a later date; or

7 (iii) denied parole.

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

15 [(7) Except as provided under this subsection, nothing
16 in this chapter shall otherwise affect the powers and duties
17 of the board or the department.]

18 (h) Power to recommit.--

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

26 (i) There is a reasonable probability that the
27 [inmate] offender will be benefited by paroling the
28 [inmate] offender again.

29 (ii) It does not appear that the interests of the
30 Commonwealth will be injured by paroling the [inmate]

1 offender again.

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

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

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

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

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

23 "Eligible offender." As defined in section 4503 (relating to
24 definitions).]

25 § 6138. Violation of terms of parole.

26 (a) Convicted violators.--

27 (1) [A parolee under the jurisdiction of the board
28 released from a correctional facility who,] The board may, at
29 its discretion, revoke the parole of a paroled offender if
30 the offender, during the period of parole or while delinquent

1 on parole, commits a crime punishable by imprisonment, for
2 which the [parolee] offender is convicted or found guilty by
3 a judge or jury or to which the [parolee] offender pleads
4 guilty or nolo contendere at any time thereafter in a court
5 of record[, may at the discretion of the board be recommitted
6 as a parole violator].

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

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

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

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

27 (3) The board may, in its discretion, reparole whenever,
28 in its opinion, the best interests of the [inmate] offender
29 justify or require the [inmate's] offender's release on
30 parole and it does not appear that the interests of the

1 Commonwealth will be injured thereby.

2 (4) The period [of time] for which the [parole violator]
3 offender is required to serve shall be [from and] computed by
4 the department and shall begin on the date that the parole
5 violator is taken into custody to be returned to the
6 institution as [a parole violator] an offender.

7 (5) If a new sentence is imposed on the [parolee] <--
8 OFFENDER, the service of the balance of the term originally
9 imposed by a Pennsylvania court shall precede the
10 commencement of the new term imposed in the following cases:

11 (i) If a person is paroled from a State correctional
12 institution and the new sentence imposed on the person is
13 to be served in the State correctional institution.

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

17 (iii) In all other cases, the service of the new
18 term for the latter crime shall precede commencement of
19 the balance of the term originally imposed.} offender, <--
20 the sentencing judge shall indicate whether the new
21 sentence is to be served concurrently with or consecutive
22 to the remainder of the term originally imposed. If the
23 new sentence is to be served consecutively to the
24 remainder of the original term, the new sentence and the
25 remainder of the original term shall be aggregated under
26 42 Pa.C.S. § 9762 (relating to sentencing proceeding;
27 place of confinement) for purposes of place of
28 confinement and paroling authority. The board shall not
29 have jurisdiction to reparole the offender until the
30 offender has been recommitted for a period equal to the

~~minimum term of the new sentence, including any credit
awarded toward the service of the new sentence.~~

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

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

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

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

(b) Subsequent arrest.--

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

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

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

1 circumstances.

2 (c) Technical violators.--

3 (1) [A parolee] An offender under the jurisdiction of
4 the board who violates the terms and conditions of his
5 parole, other than by the commission of a new crime of which
6 the [parolee] offender is convicted or found guilty by a
7 judge or jury or to which the [parolee] offender pleads
8 guilty or nolo contendere in a court of record, may be
9 detained pending a hearing before the board or waiver of the
10 hearing or recommitted after a hearing before the board or a
11 waiver of the hearing. Detention and recommitment under this
12 paragraph shall be in a community corrections center [or],
13 community corrections facility or parole violator center,
14 unless the board determines that one of the following
15 conditions is present:

16 (i) The violation was sexual in nature.

17 (ii) The violation involved assaultive behavior.

18 (iii) The violation involved possession or control
19 of a weapon.

20 (iv) The [parolee] offender has absconded[, and the
21 parolee] and cannot be safely [diverted to] housed in a
22 community corrections center [or],
23 community corrections facility or parole violator center.

24 (v) ~~There exists an identifiable threat to public~~ <--
25 ~~safety, and the [parolee] OFFENDER cannot be safely~~ <--
26 ~~diverted to]~~ ~~The offender cannot be housed safely in~~ <--
27 a community corrections center [or],
28 community corrections facility[.] or a parole violator center because:

29 (A) the offender has threatened harm to a member
30 of the public or a Commonwealth employee;

1 (B) the offender has been recommitted as a
2 technical parole violator because of a conviction for
3 a summary offense in a court;

4 (C) the offender has been previously recommitted
5 to a community corrections center, community
6 corrections facility or parole violator center and
7 served 61 days or more in disciplinary custody
8 following the previous recommitment; or

9 (D) the department does not have an available
10 bed in a community corrections center or parole
11 violator center or an entity with whom the department
12 contracts does not have an available bed in a
13 community corrections facility because of a
14 restriction imposed by the provisions of a Federal,
15 State or local statute.

16 (1.1) If the board determines that a condition under
17 paragraph (1) applies, the [parolee] offender shall be
18 detained [in or recommitted to] or housed in a State
19 correctional institution or contracted county jail.

20 (1.2) Every offender's recommitment to a community
21 corrections center, community corrections facility or parole
22 violator center shall be subject to a condition that the
23 offender comply with the rules of conduct applicable to the
24 place where the offender is housed. The department may, at
25 its discretion, place an offender accused of violating the
26 rules of conduct in a State correctional institution or
27 contracted county jail, pending an investigation or
28 disciplinary hearing, or serve a disciplinary sanction under
29 the department's procedures, or both.

30 (2) If the [parolee] offender is recommitted under this

1 subsection, the [parolee] offender shall be given credit for
2 the time served on parole in good standing but with no credit
3 for delinquent time and may be reentered to serve the
4 remainder of the original sentence or sentences.

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

13 (4) Subject to subsection (e), the [parolee] offender
14 shall be subject to reparole by the board whenever in its
15 opinion the best interests of the [inmate] offender justify
16 or require the [parolee] offender being reparoled and it does
17 not appear that the interests of the Commonwealth will be
18 injured reparoling the [parolee] offender.

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

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

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

26 (iii) Use of community-based sanctioning
27 alternatives to incarceration.

28 (iv) Use of a graduated violation sanctioning
29 process.

30 (v) Recommitment to:

- 1 (A) a State correctional institution;
- 2 (B) a contracted county jail;
- 3 (C) a community corrections center; [or]
- 4 (D) a community corrections facility[.]; or
- 5 (E) a parole violator center.

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

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

20 (9) Notwithstanding any other provision of law, an
21 offender under the department's supervision who is alleged to
22 have committed a technical parole violation may be arrested
23 and detained for a period not to exceed 15 days, provided
24 that the offender is brought before a hearing examiner within
25 48 hours for a determination whether the offender shall be
26 released as quickly as reasonably possible or held for the
27 remainder of the 15 days. The appearance before the hearing
28 examiner may be conducted via videoconferencing or similar
29 virtual presence technology.

30 (d) Recommitment to correctional facility.--[A] Except as

1 provided in paragraph (1.3) or (4), a technical violator
2 recommitted to a State correctional institution or a contracted
3 county jail under subsection (c) shall be recommitted [as
4 follows:

5 (1) If paroled from a county prison, to the same
6 institution or to any other institution to which the violator
7 may be legally transferred.

8 (2) If paroled from a State correctional institution, to
9 any State correctional institution or contracted county jail
10 designated by the department.

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

16 [(i)] (1.1) For the first recommitment under this
17 subsection, a maximum period of six months.

18 [(ii)] (1.2) For the second recommitment under this
19 subsection for the same sentence, a maximum of nine
20 months.

21 [(iii)] (1.3) For the third or subsequent
22 recommitment under this subsection for the same sentence,
23 a maximum of one year.

24 (4) The [parolee] offender may be reparaoled by the board
25 prior to expiration of the time [period under paragraph (3)]
26 periods under paragraph (1.1), (1.2) or (1.3) if the board
27 determines that it is in the best interest of the
28 Commonwealth and the [parolee] offender.

29 (5) The time [limit under paragraph (3)] limits under
30 paragraph (1.1), (1.2) or (1.3) shall not be applicable to [a

1 parolee] an offender who:

2 (i) committed a disciplinary infraction involving
3 assaultive behavior, sexual assault, a weapon or
4 controlled substances;

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

7 (iii) refused programming or a work assignment.

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

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

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

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

22 (i) commits a disciplinary infraction involving
23 assaultive behavior, sexual assault, a weapon or
24 controlled substances;

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

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

28 (iv) is not in compliance with all legal
29 requirements applicable to the offender, including, but
30 not limited to, maintaining registration in any

1 applicable sex offender registry.

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

5 "Community corrections center." A residential program that
6 is supervised and operated by the department in accordance with
7 Chapter 50 (relating to community corrections centers and
8 community corrections facilities).

9 "Community corrections facility." A residential facility
10 operated by a private contractor that:

11 (1) houses offenders pursuant to a contract with the
12 department; and

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

14 "Contracted county jail." A county correctional facility
15 which has contracted with the department to provide correctional
16 or other services.

17 "State correctional institution." Any of the following owned
18 and operated by the Commonwealth:

19 (1) A correctional facility.

20 (2) A prison.

21 (3) A jail.]

22 § 6139. Parole procedure.

23 (a) Specific requirements.--

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

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

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

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

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

24 (4) Hearings of applications [shall] may be held by the
25 board whenever in its judgment hearings are necessary.
26 Reasonable rules and regulations shall be adopted by the
27 board for the presentation and hearing of applications for
28 parole.

29 (5) Whenever an [inmate] offender is paroled by the
30 board, [whether of its own motion or after hearing of an

1 application for parole,] or whenever [an application for]
2 parole is refused by the board, a brief statement of the
3 reasons for the board's action shall be filed of record in
4 the offices of the board and shall be at all reasonable times
5 open to public inspection.

6 (6) In no case shall a parole be granted[, or an
7 application for parole be dismissed,] unless a board member,
8 hearing examiner or other person so designated by the board
9 shall have [seen and heard] interviewed the [parolee]
10 offender in person in regard thereto within six months prior
11 to the granting or dismissal thereof. Such in-person
12 interviews may be conducted via videoconferencing or similar
13 virtual presence technology.

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

16 (b) Reliance on reports.--In granting and revoking paroles
17 and in discharging from parole, the members of the board acting
18 thereon shall not be required to personally hear or see all the
19 witnesses and evidence submitted to them for their action, but
20 they may act on the report submitted to them by [their] the
21 department's agents and employees, together with any pertinent
22 and adequate information furnished to them by fellow members of
23 the board or by others.

24 (c) Notice to district attorney.--At least ten days before
25 paroling an [inmate] offender on its own motion, the board shall
26 give written notice of the contemplated parole to the district
27 attorney of the county in which the [inmate] offender was
28 sentenced, and, in cases of hearings on applications for parole
29 as provided for in this section, at least ten days' written
30 notice of the time and place fixed for such hearing shall be

1 given either by the board or by the [applicant] offender or the
2 offender's attorney, as the board shall direct, to the court and
3 district attorney of the county in which the [applicant]
4 offender was sentenced.

5 § 6140. Victim statements, testimony and participation in
6 hearing.

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

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

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

19 (i) is a juvenile;

20 (ii) is incapable of testifying; or

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

22 offender's conduct.

23 (b) Notice of intent to submit statement.--In order to
24 submit a statement under subsection (a), a victim or family
25 member must notify the board of his intention to do so and
26 provide and keep current an appropriate mailing address with the
27 board.

28 (c) Contents of parole [report] statement.--The parole
29 [report] statement may include [a statement] discussion
30 concerning:

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

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

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

8 (d) Notice to persons who previously contacted the [board] <--
9 OFFICE OF VICTIM ADVOCATE.--

10 (1) At the time public notice is given that an [inmate]
11 offender is being considered for parole pursuant to this
12 section, the [board] OFFICE OF VICTIM ADVOCATE shall also <--
13 notify any victim or nearest relative who has previously
14 contacted the [board] OFFICE OF VICTIM ADVOCATE of the <--
15 [availability] opportunity to provide a statement for
16 inclusion in the parole report or to present testimony for
17 inclusion at the parole hearing.

18 (2) The [board] OFFICE OF VICTIM ADVOCATE shall notify <--
19 the [person] victim or family member identified under
20 paragraph (1) at [the] that person's last known mailing
21 address. The notification required by this section shall be
22 given by the [board] OFFICE OF VICTIM ADVOCATE in the case of <--
23 a parole to be granted pursuant to section 6139 (relating to
24 parole procedure) or by the court in the case of a parole to
25 be granted pursuant to section 6133 (relating to probation
26 services).

27 (e) Notice of intent to present testimony.--The victim or
28 family member shall notify the [board] OFFICE OF VICTIM ADVOCATE <--
29 WHICH SHALL NOTIFY within 30 days from the date of the notice of
30 his intent to present testimony at the parole hearing. This time

1 period may be waived by the [board] OFFICE OF VICTIM ADVOCATE <--
2 for good cause.

3 (f) Referral to hearing officer.--If the victim or family
4 member submits a written statement to the board THROUGH THE <--
5 OFFICE OF VICTIM ADVOCATE subsequent to notice, the statement
6 shall be made a part of the board's file on the [inmate]
7 offender, and the [inmate's] offender's case shall be referred
8 to a hearing officer designated to conduct parole release
9 hearings.

10 (g) Assignment to hearing examiner.--If the victim or family
11 member informs the board THROUGH THE OFFICE OF VICTIM ADVOCATE <--
12 subsequent to notice being provided that [the person intends]
13 they intend to testify, the chairperson shall assign the
14 [inmate's] offender's case to a hearing examiner for the purpose
15 of receiving the person's testimony.

16 (h) Hearing procedure.--

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

20 (2) The hearing shall be conducted at a time and place
21 and on a date determined by the chairperson or designee.
22 Notice of the time, place and date of the hearing shall be
23 provided BY THE OFFICE OF VICTIM ADVOCATE to the victim or <--
24 family member, in writing, and shall be [mailed] PROVIDED at <--
25 least ten days prior to the hearing date.

26 (3) The hearing shall be recorded by an electronic
27 recording device.

28 (4) The hearing examiner shall prepare a written
29 [report] statement within a reasonable [amount of] time prior
30 to the hearing date. A copy of the [report] statement shall

1 be forwarded to the person offering testimony. A copy of the
2 report shall be made a part of the board's file on the
3 [inmate] offender.

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

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

11 (ii) Nothing in this section shall be construed to
12 preclude the board from conducting a timely parole
13 release hearing.

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

16 (i) Evaluate the information provided.

17 (ii) Determine whether the decision shall be
18 affirmed or modified.

19 (iii) Determine whether a rescission hearing shall
20 be conducted.

21 (iv) Notify the [inmate] offender in writing of its
22 decision.

23 (8) Notwithstanding any other provision of law, any and
24 all statements or testimony of the victim or family member
25 submitted to the board OR THE OFFICE OF VICTIM ADVOCATE <--
26 pertaining to:

27 (i) the continuing nature and extent of any physical
28 harm or psychological or emotional harm or trauma
29 suffered by the victim;

30 (ii) the extent of any loss of earnings or ability

1 to work suffered by the victim; and

2 (iii) the continuing effect of the crime upon the
3 victim's family:

4 (A) Shall be deemed confidential and privileged.

5 (B) Shall not be subject to subpoena or
6 discovery.

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

9 (D) Shall not be released to the [inmate]
10 offender.

11 (9) All records maintained by the board OR THE OFFICE OF <--
12 VICTIM ADVOCATE pertaining to victims shall be kept separate.
13 Current address, telephone numbers and any other personal
14 information of the victim and family members shall be deemed
15 confidential.

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

22 (11) A victim or the family member who has submitted a
23 written statement for the parole report or testified at a
24 hearing pursuant to this section shall be notified by the
25 board THROUGH THE OFFICE OF VICTIM ADVOCATE of the final <--
26 decision rendered in the [inmate's] offender's case.

27 (12) If the final decision is to not release the
28 [inmate] offender and if, subsequent to that decision,
29 additional parole release hearings are conducted for that
30 same [inmate] offender, then the victim or family member who

1 has submitted a written statement for the parole report or
2 who has testified at a hearing pursuant to this section shall
3 be notified by the board THROUGH THE OFFICE OF VICTIM <--
4 ADVOCATE at the last known address if and when additional
5 parole hearings are scheduled by the board.

6 Section 18. ~~Sections 6141 and 6142 of Title 61 are repealed~~ <--

7 SECTION 6141 OF TITLE 61 IS AMENDED TO READ: <--

8 †§ 6141. General rules and special regulations. <--

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

14 ~~§ 6142. Investigations for the Board of Pardons.~~ <--

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

21 Section 19. Section 6143 of Title 61 is amended to read:

22 § 6143. Early parole of [inmates] offenders subject to Federal
23 removal order.

24 (a) Eligibility.--Notwithstanding any other provision of
25 law, the board may parole an [inmate] offender into the custody
26 of the United States Immigration and Customs Enforcement for
27 deportation prior to the expiration of the [inmate's] offender's
28 minimum term of imprisonment if all of the following
29 requirements are satisfied:

30 (1) The board has received [a final] an order of removal

1 for the [inmate] offender from the United States Immigration
2 and Customs Enforcement.

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

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

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

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

14 (i) Unlawful reentry into the United States will
15 result in the [inmate's] offender's return to the
16 department to serve the remainder of the [inmate's]
17 offender's maximum term of imprisonment without the
18 possibility of parole.

19 (ii) If the [inmate] offender reenters the United
20 States and commits a criminal offense, upon conviction
21 the [inmate] offender shall be subject to 42 Pa.C.S. §
22 9720.3 (relating to sentencing for certain paroled
23 offenders).

24 (iii) Reentry into the United States may subject the
25 [inmate] offender to prosecution by the United States
26 under 8 U.S.C. § 1326 (relating to reentry of removed
27 aliens).

28 (b) Parole discretionary.--The decision to parole an
29 [inmate] offender under subsection (a) shall be within the sole
30 discretion of the board. Nothing under this section shall be

1 construed to confer a legal right upon the [inmate] offender to
2 parole under subsection (a).

3 (c) Return of [inmate] offender by United States.--If the
4 United States Immigration and Customs Enforcement is unable to
5 or does not deport the [inmate] offender, the [inmate] offender
6 shall be returned to the custody of the department and the board
7 shall rescind the [inmate's] offender's parole.

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

18 [(e) Definition.--As used in this section, the term "crime
19 of violence" shall be defined as provided in 42 Pa.C.S. §
20 9714(g) (relating to sentences for second and subsequent
21 offenses).]

22 Section 20. Subchapter D of Chapter 61 of Title 61 is
23 repealed:

24 [SUBCHAPTER D

25 STATE PAROLE AGENTS

26 Sec.

27 6151. Definitions.

28 6152. Status as peace officers.

29 6153. Supervisory relationship to offenders.

30 § 6151. Definitions.

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

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

5 "Conditions of supervision." Any terms or conditions of the
6 offender's supervision, whether imposed by the court, the board
7 or an agent, including compliance with all requirements of
8 Federal, State and local law.

9 "Contraband." Any item that the offender is not permitted to
10 possess under the conditions of supervision, including any item
11 whose possession is forbidden by any Federal, State or local
12 law.

13 "Court." The court of common pleas or any judge thereof, the
14 Philadelphia Municipal Court or any judge thereof, the
15 Pittsburgh Magistrates Court or any judge thereof or any
16 magisterial district judge.

17 "Exigent circumstances." The term includes, but is not
18 limited to, suspicion that contraband or other evidence of
19 violations of the conditions of supervision might be destroyed
20 or suspicion that a weapon might be used. Exigent circumstances
21 always exist with respect to a vehicle.

22 "Offender." Any person subject to the parole or probationary
23 supervision of the board.

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

28 "Property search." A warrantless search of real property,
29 vehicle or personal property which is in the possession or under
30 the control of the offender.

1 "Real property." Any residence or business property of an
2 offender, including all portions of the property to which the
3 offender has access.

4 "Supervisor." Any individual acting in a supervisory or
5 administrative capacity.

6 § 6152. Status as peace officers.

7 An agent is declared to be a peace officer and is given
8 police power and authority throughout this Commonwealth to
9 arrest without warrant, writ, rule or process any parolee or
10 probationer under the supervision of the board for failing to
11 report as required by the terms of his probation or parole or
12 for any other violation of the probation or parole.

13 § 6153. Supervisory relationship to offenders.

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

22 (b) Searches and seizures authorized.--

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

25 (2) Nothing in this section shall be construed to permit
26 searches or seizures in violation of the Constitution of the
27 United States or section 8 of Article I of the Constitution
28 of Pennsylvania.

29 (c) Effect of violation.--No violation of this section shall
30 constitute an independent ground for suppression of evidence in

1 any probation or parole proceeding or criminal proceeding.

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

3 (1) A personal search of an offender may be conducted by
4 an agent:

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

8 (ii) when an offender is transported or taken into
9 custody; or

10 (iii) upon an offender entering or leaving the
11 securing enclosure of a correctional institution, jail or
12 detention facility.

13 (2) A property search may be conducted by an agent if
14 there is reasonable suspicion to believe that the real or
15 other property in the possession of or under the control of
16 the offender contains contraband or other evidence of
17 violations of the conditions of supervision.

18 (3) Prior approval of a supervisor shall be obtained for
19 a property search absent exigent circumstances. No prior
20 approval shall be required for a personal search.

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

25 (5) The offender may be detained if he is present during
26 a property search. If the offender is not present during a
27 property search, the agent in charge of the search shall make
28 a reasonable effort to provide the offender with notice of
29 the search, including a list of the items seized, after the
30 search is completed.

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

6 (i) The observations of agents.

7 (ii) Information provided by others.

8 (iii) The activities of the offender.

9 (iv) Information provided by the offender.

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

11 (vi) The experience of agents in similar
12 circumstances.

13 (vii) The prior criminal and supervisory history of
14 the offender.

15 (viii) The need to verify compliance with the
16 conditions of supervision.

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

25 (f) When authority is effective.--The authority granted to
26 agents under this section shall be effective upon enactment of
27 this section, without the necessity of any further regulation by
28 the board.]

29 Section 21. Chapter 61 of Title 61 is amended by adding
30 subchapters to read:

1 must be based on the risk presented by and the rehabilitative
2 needs of the offender AND THE IMPACT THE TERMINATION OR <--
3 MODIFICATION WILL HAVE ON PUBLIC SAFETY.

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

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

21 (6) To pay the costs of preparole drug screening test
22 for offenders subject to the parole release jurisdiction of
23 the board. The department shall establish rules and
24 regulations for the payment of these costs and may limit the
25 types and costs of these screening tests that would be
26 subject to payment by the department.

27 (7) To determine when an offender subject to random drug
28 screening tests as a condition of supervision shall be
29 tested. The offender undergoing the tests shall be
30 responsible for the costs of the tests. The money collected

1 for the tests shall be applied against the contract for such
2 testing.

3 (8) To supervise and make presentence investigations and
4 reports as provided by law.

5 (9) To collect and maintain copies of all presentence
6 investigations and reports.

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

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

13 (i) Presentence investigations.

14 (ii) The supervision of probationers.

15 (iii) The qualifications for probation personnel.

16 (iv) Minimum salaries.

17 (v) Quality of probation service.

18 (vi) The standards for the qualifications of
19 probation personnel shall only apply to probation
20 personnel appointed after the date the standards are
21 established. Should any probation personnel appointed
22 prior to the date the standards were established fail to
23 meet the standards, the court having jurisdiction of such
24 personnel may request the department to establish in-
25 service training for them in accordance with the
26 standards.

27 (12) To adopt regulations establishing criteria for
28 department acceptance of cases for supervision and
29 presentence investigations from counties that on December 31,
30 1985, maintained adult probation offices and parole systems.

1 (13) To enter into contracts which provide for the
2 continuous electronic monitoring of offenders.

3 (14) To establish and provide for intensive supervision
4 units and day reporting centers for the supervision of
5 offenders.

6 (15) To provide information as required under 42 Pa.C.S.
7 § 2153(a)(14) (relating to powers and duties) as requested by
8 the commission.

9 (16) To incorporate evidence-based practices into the
10 supervision of offenders.

11 (17) To coordinate the reentry of offenders into the
12 community using evidence-based practices that are effective
13 in reducing recidivism.

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

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

20 (20) To administer administrative parole.

21 (b) Administrative parole.--

22 (1) An eligible offender shall be placed on
23 administrative parole one year after release on parole and
24 until the maximum sentence date if the department's
25 supervision staff determines that there is no substantial
26 information indicating dangerousness or that placement on
27 administrative parole would compromise public safety OR THAT <--
28 CONTINUED SUPERVISION WOULD OTHERWISE BENEFIT THE OFFENDER
29 and:

30 (i) the eligible offender has not violated the terms

1 and conditions of the eligible offender's parole; or
2 (ii) the eligible offender has not been subject to
3 the extensive use of sanctions prior to the completion of
4 one year from the date of release on parole.

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

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

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

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

17 (iii) Continue to pay any restitution owed.

18 (iv) Comply with other requirements imposed by the
19 department.

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

25 § 6162. Probation services.

26 (a) General rule.--The department shall have exclusive power
27 to supervise any offender placed on probation by any judge of a
28 court having criminal jurisdiction, when the court by special
29 order, consistent with the regulations of the department,
30 directs supervision by the department.

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

4 (c) Grant-in-aid.--

5 (1) A county that provides additional probation staff
6 for presentence investigations and improved probation
7 supervision and programs shall receive a grant-in-aid from
8 the Commonwealth through the department for additional costs
9 incurred thereby but only to the extent that the additional
10 staff and program meet the qualifications and standards
11 established by the department.

12 (2) The grant-in-aid shall provide 80% of the personnel
13 salary costs incurred by a county to administer these
14 additional services and programs.

15 (3) If insufficient money is appropriated, each county
16 shall receive a prorated reduction in the grant-in-aid.

17 (4) The department shall establish rules and regulations
18 for the allocation of funds available for such grants-in-aid.

19 (d) In-service training.--The department shall provide in-
20 service training for personnel of county probation offices when
21 requested to do so by the court having jurisdiction of the
22 probation office.

23 § 6163. Probation services committee.

24 (a) Establishment.--A probation services committee is
25 established to inform the department of current issues and
26 trends in county probation.

27 (b) Composition.--The committee shall consist of nine
28 members, seven of whom shall be appointed by the Governor, with
29 the consent of a majority of the members of the Senate. At least
30 two shall be judges of courts of record in this Commonwealth, at

1 least one shall be a county commissioner, at least one shall be
2 a chief county probation officer and the remaining members shall
3 be qualified in the field of probation and parole either by
4 training or experience. The President pro tempore of the Senate
5 and the Speaker of the House of Representatives shall each
6 appoint a member of their respective houses to serve as members
7 of the committee.

8 (c) Terms.--

9 (1) The term of a member appointed after the effective
10 date of this subsection, except to fill a vacancy, shall be
11 for four years and until their successors have been appointed
12 and qualified, but in no event more than 90 days beyond the
13 expiration of their appointed term.

14 (2) The terms of members of the committee who are
15 appointed by virtue of holding an office as a member of the
16 General Assembly, judge, chief county probation officer or
17 county commissioner shall continue only so long as that
18 person remains in that office.

19 (3) Vacancies occurring in an office of a member of the
20 committee by expiration of term, death, resignation, removal
21 or for any other reason shall be filled in the manner
22 provided by Section 8 of Article IV of the Constitution of
23 Pennsylvania for the remainder of the term.

24 (4) Whenever the term of a committee member, other than
25 one who is a member of the General Assembly, expires, that
26 member's position shall be immediately deemed a vacancy and
27 the Governor shall nominate a person to fill that membership
28 position on the committee within 90 days of the date of
29 expiration, even if the member continues to remain on the
30 committee. The Governor shall designate one of the members of

1 the committee as its chairperson.

2 (d) Reimbursement of expenses.--Each member of the committee
3 shall be paid all reasonable and necessary travel and other
4 expenses incurred in the performance of the member's duties.

5 (e) Assistance to be provided.--The committee shall inform
6 the secretary of issues and trends in county probation.

7 § 6164. Investigation of circumstances of offense.

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

12 (1) The nature and circumstances of the offense
13 committed.

14 (2) Any recommendations made by the trial judge and
15 prosecuting attorney.

16 (3) The general character and background of the
17 offender.

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

22 (5) The written or personal statement of the testimony
23 of the victim or the victim's family submitted under section
24 6140 (relating to victim statements, testimony and
25 participation in hearing).

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

30 (7) The conduct of the offender while in prison and the

1 offender's physical, mental and behavioral condition and
2 history, in addition to history of family violence and
3 complete criminal record.

4 (b) Cooperation of public officials.--A public official who
5 possesses offender records or information shall furnish the
6 records or information to the department upon request and
7 without charge so far as may be practicable while the case is
8 recent.

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

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

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

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

25 § 6165. Right of access to offenders.

26 All prison officials shall:

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

30 (2) At all reasonable times provide for the board or its

1 properly accredited representative facilities for
2 communicating with and observing a detainee while imprisoned.
3 § 6166. Investigations for the board of pardons.

4 The department shall make an investigation for the board of
5 pardons in cases coming before it and upon its request. The
6 investigation shall include all information set forth under
7 section 6135 (relating to investigation of circumstances of
8 offense), including a risk assessment if the applicant is
9 incarcerated.

10 SUBCHAPTER F

11 AGENTS

12 Sec.

13 6171. Status as peace officers.

14 6172. Supervisory relationship to offenders.

15 § 6171. Status as peace officers.

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

21 § 6172. Supervisory relationship to offenders.

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

30 (b) Qualifications.--

1 (1) To be eligible to be appointed by the secretary as a
2 supervising agent, an individual must have at least a
3 bachelor's degree in social work, criminology, psychology,
4 psychiatry, criminal justice, or equivalent education and
5 experience and shall undergo annual training in social work
6 and rehabilitation as prescribed by the secretary.

7 (2) Existing parole agents who lack the mandatory level
8 of education or professional experience shall undergo annual
9 training in social work and rehabilitation as prescribed by
10 the secretary.

11 (c) Searches and seizures authorized.--

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

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

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

22 (e) Grounds for personal search of a department supervised
23 offender.--

24 (1) A personal search of an offender may be conducted by
25 an agent:

26 (i) if there is a reasonable suspicion to believe
27 that the department supervised offender possesses
28 contraband or other evidence of violations of the
29 conditions of supervision;

30 (ii) when a department supervised offender is

1 transported or taken into custody; or

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

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

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

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

24 (i) The observations of agents.

25 (ii) Information provided by others.

26 (iii) The activities of the department supervised
27 offender.

28 (iv) Information provided by the department
29 supervised offender.

30 (v) The experience of agents with the department

1 supervised offender.

2 (vi) The experience of agents in similar
3 circumstances.

4 (vii) The prior criminal and supervisory history of
5 the department supervised offender.

6 (viii) The need to verify compliance with the
7 conditions of supervision.

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

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

22 Section 22. The definition of "board" in section 6302 of
23 Title 61 is amended to read:

24 § 6302. 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 ["Board." The Pennsylvania Board of Probation and Parole.]

29 * * *

30 Section 23. Sections 6303, 6304(a) introductory paragraph

1 and (f), 6305(3), (5) and (7), 6306, 6307, 6308, 7115(a)(2) and
2 (d), 7121 and 7122(a), (b), (c) and (e) of Title 61 are amended
3 to read:

4 § 6303. County Probation Officers' Firearm Education and
5 Training Commission.

6 The County Probation Officers' Firearm Education and Training
7 Commission is established under the [Pennsylvania Board of
8 Probation and Parole. The commission shall establish within six
9 months following the appointment of commission members a County
10 Probation Officers' Firearm Education and Training Program to
11 provide firearm education and training in accordance with the
12 provisions of this chapter.] department.

13 § 6304. Commission membership.

14 (a) Composition.--The commission shall be composed of the
15 [chairman of the board] secretary or a designee and eight other
16 members to be appointed by the Governor:

17 * * *

18 (f) Meetings and quorum.--The [commission shall meet at
19 least four times each year until the program is implemented.
20 Thereafter, the] commission shall meet as may be necessary, but
21 at least once annually. Special meetings may be called by the
22 chairperson of the commission or upon written request of three
23 members. A quorum shall consist of four members of the
24 commission.

25 § 6305. Powers and duties of commission.

26 The powers and duties of the commission shall be as follows:

27 * * *

28 (3) To approve or revoke the approval for the purposes
29 of this chapter of any school that may be [utilized] used to
30 comply with the educational and training requirements as

1 established by the commission.

2 * * *

3 (5) To promote the most efficient and economical program
4 for training by [utilizing] using existing facilities,
5 programs and qualified Federal, State and local police
6 personnel.

7 * * *

8 (7) To require in accordance with this chapter county
9 probation officers to attend a minimum number of hours [in]
10 of in-service training as provided for by regulation, unless
11 the officer's employer files a show-cause document with the
12 commission, requesting additional time for the officer to
13 comply with the in-service training requirements. Approval of
14 the request shall be made by the commission on a case-by-case
15 basis.

16 * * *

17 § 6306. Training mandatory.

18 [Within two years of the establishment of the County
19 Probation Officers' Firearm Education and Training Program and
20 in accordance with the provisions of this chapter, a county
21 shall provide for the training of any officer in its county
22 probation and parole department who carries a firearm. Following
23 this two-year period, a] A county shall [provide] ensure that
24 training and certification requirements of this chapter are met
25 prior to a county probation officer being authorized to carry a
26 firearm.

27 § 6307. Requirements for program participation or waiver.

28 In order to participate in the training program or be granted
29 a waiver of training requirements, at a minimum, the officer
30 must:

1 (1) Be employed as a full-time county probation officer.

2 (2) Be a United States citizen.

3 (3) Not have been convicted of an offense graded a
4 misdemeanor of the first degree or greater or punishable by a
5 term of imprisonment of more than two years, unless in
6 possession of a waiver from the Bureau of Alcohol, Tobacco
7 [and], Firearms and Explosives of the Department of [the
8 Treasury] Justice.

9 (4) Have had the officer's fingerprints submitted by the
10 officer's employer to the Pennsylvania State Police for the
11 purposes of a background investigation[. The officer shall
12 have results of the investigation which indicate that the
13 requirements of paragraph (3) are met] and been found by the
14 Pennsylvania State Police to have met the requirements of
15 paragraph (3).

16 § 6308. County Probation Officers' Firearm Education and
17 Training Fund.

18 (a) Fund established.--The County Probation Officers'
19 Firearm Education and Training Fund is established as a
20 restricted receipts account within the General Fund. [Moneys]
21 Money from the fund shall be used exclusively for the purposes
22 described under this section.

23 (b) Costs imposed.--

24 (1) A person who accepts Accelerated Rehabilitative
25 Disposition or pleads guilty or nolo contendere or is
26 convicted of a felony or misdemeanor shall, in addition to
27 any other court costs imposed under the laws of this
28 Commonwealth, be sentenced to pay costs of \$5. Costs
29 collected by the clerk of courts under this subsection shall
30 be paid into the fund.

1 (2) [Moneys] Money in the fund shall be used to offset
2 or pay for:

3 (i) Training expenses.

4 (ii) Commission expenses.

5 (3) Disbursement and allocation of fund [moneys] money
6 shall be at the discretion of the commission.

7 (c) Other [moneys] money to be used.--In addition to payment
8 of training expenses as prescribed under subsection (b),
9 training expenses may also be paid out of the county offender
10 supervision fund under section 1102 of the act of November 24,
11 1998 (P.L.882, No.111), known as the Crime Victims Act, or any
12 other county fund.

13 (d) Juvenile probation officer participation.--In the event
14 that sufficient funds are not generated under the provisions of
15 subsection (b) to fully fund the costs of providing training to
16 juvenile probation officers, a training fee representing the
17 prorated share of the additional actual cost thereof shall be
18 payable by a participating juvenile probation officer's county
19 of employment.

20 § 7115. Interstate Compact for the Supervision of Adult
21 Offenders application fee.

22 (a) Duty to pay.--

23 * * *

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

1 * * *

2 (d) Disposition.--Money received from the collection of the
3 application fee shall be paid into the State Treasury and shall
4 be credited to the general government operations of the [board]
5 department for expenses incurred in the administration of the
6 [interstate compact] Interstate Compact.

7 * * *

8 § 7121. Deputization.

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

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

22 (c) Interstate contracts.--

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

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

4 § 7122. Supervision of persons paroled by other states.

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

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

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

18 * * *

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

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

23 "Sexual offense."

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

27 18 Pa.C.S. § 2901 (relating to kidnapping).

28 18 Pa.C.S. § 5902(a) (relating to prostitution and
29 related offenses).

30 18 Pa.C.S. § 5903(a) (3), (4), (5) or (6) (relating to

1 obscene and other sexual materials and performances).

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

5 18 Pa.C.S. § 3126 (relating to indecent assault).

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

8 18 Pa.C.S. § 3121 (relating to rape).

9 18 Pa.C.S. § 3123 (relating to involuntary deviate
10 sexual intercourse).

11 18 Pa.C.S. § 3125 (relating to aggravated indecent
12 assault).

13 "Violent offense."

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

16 18 Pa.C.S. § 2502 (relating to murder).

17 18 Pa.C.S. § 2503 (relating to voluntary
18 manslaughter).

19 18 Pa.C.S. § 2702 (relating to aggravated assault).

20 18 Pa.C.S. § 2703 (relating to assault by prisoner).

21 18 Pa.C.S. § 2704 (relating to assault by life
22 prisoner).

23 18 Pa.C.S. § 2901 (relating to kidnapping) where the
24 victim is a minor.

25 18 Pa.C.S. § 3121 (relating to rape).

26 18 Pa.C.S. § 3123 (relating to involuntary deviate
27 sexual intercourse).

28 18 Pa.C.S. § 3301 (relating to arson and related
29 offenses).

30 18 Pa.C.S. § 3502 (relating to burglary).

1 18 Pa.C.S. § 3701 (relating to robbery).

2 18 Pa.C.S. § 3923 (relating to theft by extortion)

3 where a threat of violence is made.

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

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

11 Section 24. The following shall apply to transfers:

12 (1) The Pennsylvania Board of Probation and Parole and
13 the functions, powers and duties of the Pennsylvania Board of
14 Probation and Parole are transferred to the Department of
15 Corrections and Rehabilitation.

16 (2) Upon approval of the Governor, the following are
17 transferred to the Department of Corrections and
18 Rehabilitation, to be used, employed and expended in
19 connection with the functions, powers and duties transferred
20 under paragraph (1):

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

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

30 Section 25. Any reference in law to a parole agent or

1 supervision staff shall be deemed a reference to an agent as
2 defined herein.

3 SECTION 26. THE FOLLOWING SHALL APPLY: <--

4 (1) THE APPROPRIATION FOR THE OFFICE OF VICTIM ADVOCATE
5 MUST BE IN A SEPARATE LINE ITEM AND SHALL BE UNDER THE
6 JURISDICTION OF THE VICTIM ADVOCATE APPOINTED UNDER SECTION
7 301(B) OF THE ACT OF NOVEMBER 24, 1998 (P.L.882, NO.111),
8 KNOWN AS THE CRIME VICTIMS ACT.

9 (2) THE APPROPRIATION FOR THE PENNSYLVANIA PAROLE BOARD
10 MUST BE IN A SEPARATE LINE ITEM.

11 SECTION 27. WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS
12 SECTION, THE PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY
13 SHALL CONDUCT AND COMPLETE A STUDY TO ANALYZE AND DETERMINE
14 WHICH COMMUNITY CORRECTION CENTERS, COMMUNITY CORRECTIONS
15 FACILITIES OR COMMUNITY CONTRACT FACILITIES HAVE BEEN SUCCESSFUL
16 IN REDUCING RECIDIVISM AND TO IDENTIFY WHICH INDIVIDUAL AND
17 PROGRAM LEVEL CHARACTERISTICS, IF ANY, ARE SIGNIFICANTLY MORE
18 LIKELY TO PRODUCE REDUCTIONS IN RECIDIVISM. THE STUDY SHALL
19 FURTHER INCLUDE DATA REGARDING THE NUMBER AND PERCENTAGE OF
20 OFFENDERS WHO RECIDIVATE BY FACILITY AND THE TYPES OF CRIMES
21 COMMITTED FOLLOWING RELEASE OR ABSCONDING. THE COMMISSION SHALL
22 ALSO DETERMINE TO WHAT EXTENT RECOMMENDATIONS FROM ITS PRIOR
23 STUDY, COMMUNITY CORRECTIONS CENTERS, PAROLEES, AND RECIDIVISM:
24 AN INVESTIGATION INTO THE CHARACTERISTICS OF EFFECTIVE REENTRY
25 PROGRAMS IN PENNSYLVANIA, HAVE BEEN IMPLEMENTED AND THE EFFECT
26 OF THE IMPLEMENTATION IN REDUCING RECIDIVISM.

27 Section ~~26~~ 28. This act shall take effect in one year. <--