

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 522 Session of 2017

INTRODUCED BY GREENLEAF, ARGALL, RESCHENTHALER, MENSCH, YUDICHAK, FOLMER AND BROWNE, MARCH 16, 2017

AS AMENDED ON THIRD CONSIDERATION, MAY 23, 2017

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; in general
23 administration, providing for powers of peace officers; in <--
24 county correctional institutions, further providing for
25 county recording system; in State intermediate punishment,
26 further providing for definitions; in community corrections
27 centers and community corrections facilities, further
28 providing for definitions, for department, for offenders who
29 may be housed, for authority of Commonwealth employees, for
30 authority of chairman and for escape; providing for certain
31 offenders residing in group-based homes and for reporting;
32 further providing for probation and parole; in Pennsylvania
33 Board of Probation and Parole, further providing for
34 definitions, for administration, for Pennsylvania Board of

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

27 The General Assembly of the Commonwealth of Pennsylvania  
28 hereby enacts as follows:

29 ~~Section 1. The definitions of "board" and "department" in~~ <--  
30 ~~section 2151.1 of Title 42 of the Pennsylvania Consolidated~~  
31 ~~Statutes are amended to read:~~

32 SECTION 1. THE DEFINITION OF "BOARD" IN SECTION 2151.1 OF <--  
33 TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO  
34 READ:

35 § 2151.1. Definitions.

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

39 "Board." The Pennsylvania [Board of Probation and] Parole  
40 Board.

41 \* \* \*

42 ~~"Department." The Department of [Corrections] Criminal~~ <--  
43 ~~Justice of the Commonwealth.~~

1       ~~Section 2. Sections 2155(a)(1), 6307(a)(6.2) and (6.5),~~  
2       ~~6602(c), 8332.7, 8340, 9727(a), (b)(1), (c) and (f)(3), 9728(b)~~  
3       ~~(3) and (5) and (b.1), 9762(a), (b)(1) and (2), (c) and (i),~~  
4       ~~9764, 9777(d)(2) and (g), 9799.13(2), (3.1)(i)(C) and (3.2)~~  
5       ~~(iii), 9799.16(d), 9799.19(b), (b.1)(2)(iv), (e.2)(2) and (f),~~  
6       ~~9799.20 introductory paragraph, 9799.24(c) 9799.24(A), (B)~~  
7       ~~INTRODUCTORY PARAGRAPH, (C), (e)(4) and (g), 9799.29, 9799.30,~~  
8       ~~9799.31, 9799.32(2), (7), (8) and (9), 9799.33, 9799.34~~  
9       ~~introductory paragraph, 9799.35(e) and 9799.38 of Title 42 are~~  
10       ~~amended to read:~~

11       SECTION 2. SECTIONS 2155(A)(1), 6307(A)(6.5), 8332.7, 8340, <--  
12       9727(A), (B)(1), (C) AND (F)(3), 9764(E), (F), (H), (I) AND (K),  
13       9777(D)(2), 9799.13(2), (3.1)(I)(C) AND (3.2)(III), 9799.16(D),  
14       9799.19(B), (B.1)(2)(IV), (E.2)(2) AND (F), 9799.20 INTRODUCTORY  
15       PARAGRAPH, 9799.24(A), (B) INTRODUCTORY PARAGRAPH, (C), (E)(4)  
16       AND (G), 9799.29, 9799.30, 9799.31, 9799.32(2), (7), (8) AND  
17       (9), 9799.33, 9799.35(E) AND 9799.38 OF TITLE 42 ARE AMENDED TO  
18       READ:

19       § 2155. Publication of guidelines for sentencing, resentencing  
20               and parole, risk assessment instrument and  
21               recommitment ranges following revocation.

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

23               (1) Prior to adoption, publish in the Pennsylvania  
24       Bulletin all proposed sentencing guidelines, resentencing  
25       guidelines following revocation of probation, county  
26       intermediate punishment and State intermediate punishment,  
27       parole guidelines, risk assessment instrument and  
28       recommitment ranges following revocation by the board of  
29       paroles granted, and hold public hearings not earlier than 30  
30       days and not later than 60 days thereafter to afford an

1 opportunity for the following persons and organizations to  
2 testify:

3 (i) Pennsylvania District Attorneys Association.

4 (ii) Chiefs of Police Associations.

5 (iii) Fraternal Order of Police.

6 (iv) Public Defenders Organization.

7 (v) Law school faculty members.

8 (vi) [State Board of Probation and] Pennsylvania  
9 Parole Board.

10 (vii) Department of ~~[Corrections]~~ Criminal Justice. <--

11 (viii) Pennsylvania Bar Association.

12 (ix) Pennsylvania Wardens Association.

13 (x) Pennsylvania Association on Probation, Parole  
14 and Corrections.

15 (xi) Pennsylvania Conference of State Trial Judges.

16 (xii) Any other interested person or organization.

17 \* \* \*

18 § 6307. Inspection of court files and records.

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

21 \* \* \*

22 ~~(6.2) Officials of the Department of [Corrections] <--~~  
23 ~~Criminal Justice or a State Correctional Institution or other~~  
24 ~~penal institution to which an individual who was previously~~  
25 ~~adjudicated delinquent in a proceeding under this chapter has~~  
26 ~~been committed, but the persons in this category shall not be~~  
27 ~~permitted to see reports revealing the names of confidential~~  
28 ~~sources of information contained in social reports, except at~~  
29 ~~the discretion of the court.~~

30 \* \* \*

1 (6.5) The Department of [Public Welfare] Human Services  
2 for use in determining whether an individual named as the  
3 perpetrator of an indicated report of child abuse should be  
4 expunged from the Statewide database.

5 \* \* \*

6 ~~§ 6602. Prisoner filing fees.~~ <--

7 \* \* \*

8 ~~(c) Payment of filing fees. Following payment of an initial~~  
9 ~~partial filing fee, the prisoner shall make monthly payments of~~  
10 ~~20% of the preceding month's income credited to the prisoner's~~  
11 ~~account. The prison having custody of the prisoner shall deduct~~  
12 ~~payments from the prisoner's account when the prisoner's account~~  
13 ~~balance exceeds \$10 until the filing fees are paid in full. The~~  
14 ~~prison shall forward to the prothonotary the deducted payments~~  
15 ~~upon deduction, on a monthly basis, or upon complete payment of~~  
16 ~~the full filing fee if the court so directs. The Department of~~  
17 ~~[Corrections] Criminal Justice and county prison systems shall~~  
18 ~~develop written guidelines regarding the priority of payment,~~  
19 ~~which shall be consistent with law.~~

20 \* \* \*

21 § 8332.7. Immunity of State parole officers.

22 (a) Assistance of law enforcement personnel.--In addition to  
23 the provisions of section 27 of the act of August 6, 1941  
24 (P.L.861, No.323), referred to as the Pennsylvania Board of  
25 Probation and Parole Law, or any other law, any parole officer  
26 appointed by the Pennsylvania [Board of Probation and] Parole  
27 Board who, after obtaining permission in advance from a person  
28 authorized by the Pennsylvania [Board of Probation and] Parole  
29 Board, assists Federal, State or local law enforcement officers  
30 or agents or county probation officers in the lawful performance

1 of their duties shall be considered to be acting within the  
2 scope of his official duty for all purposes of law and shall  
3 enjoy any benefit or immunity conferred upon an employee of the  
4 Commonwealth.

5 (b) Assistance of criminal victims.--In addition to any  
6 other immunity provided by law, any parole officer appointed by  
7 the Pennsylvania [Board of Probation and] Parole Board who is  
8 entitled to immunity under section 8331.3 (relating to criminal  
9 victim aid good Samaritan civil immunity) as a result of  
10 providing assistance to a victim of a crime shall be considered  
11 to be acting within the scope of his official duty while  
12 providing assistance to the victim for all purposes of law and  
13 shall enjoy any benefit or immunity conferred upon an employee  
14 of the Commonwealth.

15 § 8340. Immunity of program administrators and supervisors.

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

28 § 9727. Disposition of persons found guilty but mentally ill.

29 (a) Imposition of sentence.--A defendant found guilty but  
30 mentally ill or whose plea of guilty but mentally ill is

1 accepted under the provisions of 18 Pa.C.S. § 314 (relating to  
2 guilty but mentally ill) may have any sentence imposed on him  
3 which may lawfully be imposed on any defendant convicted of the  
4 same offense. Before imposing sentence, the court shall hear  
5 testimony and make a finding on the issue of whether the  
6 defendant at the time of sentencing is severely mentally  
7 disabled and in need of treatment pursuant to the provisions of  
8 the act of July 9, 1976 (P.L.817, No.143), known as the  
9 ["Mental] Mental Health Procedures [Act."] Act.

10 (b) Treatment.--

11 (1) An offender who is severely mentally disabled and in  
12 need of treatment at the time of sentencing shall, consistent  
13 with available resources, be provided such treatment as is  
14 psychiatrically or psychologically indicated for his mental  
15 illness. Treatment may be provided by the [Bureau of <--  
16 Correction] Department of Corrections, by the county or by <--  
17 the Department of [Public Welfare] Human Services in  
18 accordance with the ["Mental] Mental Health Procedures  
19 [Act."] Act.

20 \* \* \*

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

30 (1) The defendant's behavior.

- 1 (2) The course of treatment.
- 2 (3) The potential for recurrence of the behavior.
- 3 (4) The potential for danger to himself or the public.
- 4 (5) Recommendations for future treatment.

5 \* \* \*

6 (f) Probation.--

7 \* \* \*

8 (3) Treatment shall be provided by an agency approved by  
9 the Department of [Public Welfare] Human Services or, with  
10 the approval of the sentencing court and at individual  
11 expense, by private agencies, private physicians or other  
12 mental health personnel. A mental health status report,  
13 containing the information set forth in subsection (c), shall  
14 be filed with the probation officer and the sentencing court  
15 every three months during the period of probation. If a  
16 motion on a petition to discontinue probation is made by the  
17 defendant, the probation officer shall request a report as  
18 specified from the treating facility.

19 ~~§ 9728. Collection of restitution, reparation, fees, costs, <--~~  
20 ~~fines and penalties.~~

21 ~~\* \* \*~~

22 ~~(b) Procedure.--~~

23 ~~\* \* \*~~

24 ~~(3) The county clerk of courts shall, upon sentencing,~~  
25 ~~pretrial disposition or other order, transmit to the~~  
26 ~~Department of Probation of the respective county or other~~  
27 ~~agent designated by the county commissioners of the county~~  
28 ~~with the approval of the president judge of the county and to~~  
29 ~~the county correctional facility to which the offender has~~  
30 ~~been sentenced or to the Department of [Corrections] Criminal~~

1 ~~Justice, whichever is appropriate, copies of all orders for~~  
2 ~~restitution and amendments or alterations thereto,~~  
3 ~~reparation, fees, costs, fines and penalties. This paragraph~~  
4 ~~also applies in the case of costs imposed under section~~  
5 ~~9721(c.1) (relating to sentencing generally).~~

6 \* \* \*

7 ~~(5) The county correctional facility to which the~~  
8 ~~offender has been sentenced or the Department of~~  
9 ~~[Corrections] Criminal Justice shall be authorized to make~~  
10 ~~monetary deductions from inmate personal accounts for the~~  
11 ~~purpose of collecting restitution or any other court ordered~~  
12 ~~obligation or costs imposed under section 9721(c.1). Any~~  
13 ~~amount deducted shall be transmitted by the Department of~~  
14 ~~[Corrections] Criminal Justice or the county correctional~~  
15 ~~facility to the probation department of the county or other~~  
16 ~~agent designated by the county commissioners of the county~~  
17 ~~with the approval of the president judge of the county in~~  
18 ~~which the offender was convicted. The Department of~~  
19 ~~[Corrections] Criminal Justice shall develop guidelines~~  
20 ~~relating to its responsibilities under this paragraph.~~

21 ~~(b.1) Restitution file. Upon receipt of each order from the~~  
22 ~~clerk of courts as provided in subsection (b) (3), the department~~  
23 ~~of probation of the respective county or other agent designated~~  
24 ~~by the county commissioners of the county with the approval of~~  
25 ~~the president judge of the county shall open a restitution file~~  
26 ~~for the purposes of recording the amounts of restitution~~  
27 ~~deducted by the Department of [Corrections] Criminal Justice or~~  
28 ~~county correctional facility or collected by the department of~~  
29 ~~probation or the agent designated by the county commissioners of~~  
30 ~~the county with the approval of the president judge of the~~

1 county.

2 \* \* \*

3 ~~§ 9762. Sentencing proceeding; place of confinement.~~

4 ~~(a) Sentences or terms of incarceration imposed before a~~  
5 ~~certain date. For the three year period beginning on the~~  
6 ~~effective date of this subsection, all persons sentenced to~~  
7 ~~total or partial confinement for the following terms shall be~~  
8 ~~committed as follows:~~

9 ~~(1) Maximum terms of five or more years shall be~~  
10 ~~committed to the Department of [Corrections] Criminal Justice~~  
11 ~~for confinement.~~

12 ~~(2) Maximum terms of two years or more but less than~~  
13 ~~five years may be committed to the Department of~~  
14 ~~[Corrections] Criminal Justice for confinement or may be~~  
15 ~~committed to a county prison within the jurisdiction of the~~  
16 ~~court.~~

17 ~~(3) Maximum terms of less than two years shall be~~  
18 ~~committed to a county prison within the jurisdiction of the~~  
19 ~~court.~~

20 ~~(b) Sentences or terms of incarceration imposed after a~~  
21 ~~certain date. All persons sentenced three or more years after~~  
22 ~~the effective date of this subsection to total or partial~~  
23 ~~confinement shall be committed as follows:~~

24 ~~(1) Maximum terms of five or more years shall be~~  
25 ~~committed to the Department of [Corrections] Criminal Justice~~  
26 ~~for confinement.~~

27 ~~(2) Maximum terms of two years or more but less than~~  
28 ~~five years shall be committed to the Department of~~  
29 ~~[Corrections] Criminal Justice for confinement, except upon a~~  
30 ~~finding of all of the following:~~

1           ~~(i) The chief administrator of the county prison, or~~  
2           ~~the administrator's designee, has certified that the~~  
3           ~~county prison is available for the commitment of persons~~  
4           ~~sentenced to maximum terms of two or more years but less~~  
5           ~~than five years.~~

6           ~~(ii) The attorney for the Commonwealth has consented~~  
7           ~~to the confinement of the person in the county prison.~~

8           ~~(iii) The sentencing court has approved the~~  
9           ~~confinement of the person in the county prison within the~~  
10           ~~jurisdiction of the court.~~

11           ~~\* \* \*~~

12           ~~(e) Reimbursement. Beginning three years after the~~  
13           ~~effective date of this subsection:~~

14           ~~(1) The Department of [Corrections] Criminal Justice~~  
15           ~~shall reimburse to the counties the reasonable cost of~~  
16           ~~confinement of every Level 4 or 5 offender as identified in~~  
17           ~~the Basic Sentencing Matrix promulgated by the Pennsylvania~~  
18           ~~Commission on Sentencing who is participating in an approved~~  
19           ~~work release program. The reimbursement per prisoner shall~~  
20           ~~not exceed the average per prisoner cost of confinement paid~~  
21           ~~by the Commonwealth for the confinement of prisoners in the~~  
22           ~~Department of [Corrections] Criminal Justice. No more than~~  
23           ~~\$2,500,000 shall be expended annually for this purpose.~~  
24           ~~Reimbursement shall be made on a pro rata basis if the total~~  
25           ~~dollar amount of eligible confinement costs exceeds~~  
26           ~~\$2,500,000. Nothing in this paragraph shall prevent more than~~  
27           ~~\$2,500,000 being appropriated for this purpose. Reimbursement~~  
28           ~~shall be made on a pro rata basis if the total dollar amount~~  
29           ~~of eligible confinement costs exceeds any additional~~  
30           ~~appropriation. A county shall not be reimbursed under this~~

1 ~~section for any offender participating in an approved work~~  
2 ~~release program for whom the county is being or has been~~  
3 ~~reimbursed from any other State funds regardless of their~~  
4 ~~source.~~

5 ~~(2) County prisons may require reimbursements from other~~  
6 ~~county prisons or the Department of [Corrections] Criminal~~  
7 ~~Justice for inmates voluntarily accepted for incarceration at~~  
8 ~~mutually agreeable rates. The Department of [Corrections]~~  
9 ~~Criminal Justice shall maintain a list of those counties~~  
10 ~~willing to accept voluntary placement of out of county~~  
11 ~~inmates.~~

12 \* \* \*

13 ~~(i) Prohibition. Notwithstanding any other provision of~~  
14 ~~law, no person sentenced to total or partial confinement after~~  
15 ~~the effective date of this subsection shall be committed to the~~  
16 ~~Department of [Corrections] Criminal Justice unless:~~

17 ~~(1) the aggregate sentence consists of a conviction for~~  
18 ~~an offense graded as a misdemeanor of the second degree or~~  
19 ~~higher; or~~

20 ~~(2) the Secretary of [Corrections] Criminal Justice or~~  
21 ~~the secretary's designee has consented to the commitment.~~

22 \* \* \*

23 § 9764. Information required upon commitment and subsequent  
24 disposition.

25 ~~(a) General rule. Upon commitment of an inmate to the~~ <--  
26 ~~custody of the Department of [Corrections] Criminal Justice, the~~  
27 ~~sheriff or transporting official shall provide to the~~  
28 ~~institution's records officer or duty officer, in addition to a~~  
29 ~~copy of the court commitment form DC 300B generated from the~~  
30 ~~Common Pleas Criminal Court Case Management System of the~~

1 ~~unified judicial system, the following information:~~

2 ~~(1) Record of adjustment in the county correctional~~  
3 ~~facility, including, but not limited to, misconducts and~~  
4 ~~escape history.~~

5 ~~(2) Any current medical or psychological condition~~  
6 ~~requiring treatment, including, but not limited to, suicide~~  
7 ~~attempts.~~

8 ~~(3) All medical records of the county correctional~~  
9 ~~institution relating to the inmate to the extent that those~~  
10 ~~records may be disclosed under Federal and State law. The~~  
11 ~~records shall include admission testing performed by the~~  
12 ~~county and the results of those tests and any testing related~~  
13 ~~to hepatitis, HIV/AIDS, tuberculosis or other infectious~~  
14 ~~disease testing.~~

15 ~~(4) Notice of current or previously administered~~  
16 ~~medications.~~

17 ~~(5) A 48 hour supply of current medications.~~

18 ~~(6) A written statement by the county correctional~~  
19 ~~institution relating to any sentencing credit to which the~~  
20 ~~inmate may be entitled.~~

21 ~~(7) A written statement by the county correctional~~  
22 ~~institution setting forth all of the following:~~

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

24 ~~(ii) The charges pending against the inmate with the~~  
25 ~~offense tracking number.~~

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

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

30 ~~(b) Additional information. Within ten days from the date~~

1 ~~sentence is imposed, the court shall provide to the county~~  
2 ~~correctional facility the following information pertaining to~~  
3 ~~the inmate:~~

4 ~~(1) A copy of the presentence investigation report.~~  
5 ~~Where a presentence investigation report was not ordered by~~  
6 ~~the court, the official version of the crime for which the~~  
7 ~~inmate was convicted or a copy of the guilty plea transcript~~  
8 ~~or preliminary hearing transcript.~~

9 ~~(2) The criminal complaint or affidavit of probable~~  
10 ~~cause accompanying the arrest warrant.~~

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

12 ~~(5) All of the following:~~

13 ~~(i) A written, sealed sentencing order from the~~  
14 ~~county.~~

15 ~~(ii) The sentencing colloquy sealed by the court.~~

16 ~~(iii) Court commitment orders.~~

17 ~~(iv) The Court Commitment Form DC 300B generated~~  
18 ~~from the Common Pleas Criminal Court Case Management~~  
19 ~~System of the unified judicial system.~~

20 ~~(v) Any detainers filed against the inmate of which~~  
21 ~~the county has notice.~~

22 ~~(c) Transmittal of additional inmate documentation. If a~~  
23 ~~document provided by the court under subsection (b) is received~~  
24 ~~by the county correctional institution after the inmate is~~  
25 ~~transferred to the custody of the Department of [Corrections]~~  
26 ~~Criminal Justice, the document shall be transmitted to the~~  
27 ~~Department of [Corrections] Criminal Justice within 20 calendar~~  
28 ~~days of its receipt.~~

29 ~~(c.1) Implementation.~~

30 ~~(1) The Department of [Corrections] Criminal Justice may~~

1 ~~refuse to accept custody of an inmate for whom the sheriff or~~  
2 ~~transporting official does not provide the information under~~  
3 ~~subsection (a) under the following circumstances:~~

4 ~~(i) The county correctional facility has a pattern~~  
5 ~~or practice of not providing the information mandated~~  
6 ~~under this section.~~

7 ~~(ii) The Department of [Corrections] Criminal~~  
8 ~~Justice has previously notified the chief administrator~~  
9 ~~of the county correctional facility, the county~~  
10 ~~commissioners, the county sheriff and the president judge~~  
11 ~~of the county of the specific deficiencies that~~  
12 ~~constitute a pattern or practice.~~

13 ~~(iii) The Department of [Corrections] Criminal~~  
14 ~~Justice has provided the county with a reasonable period~~  
15 ~~of time to provide the documentation.~~

16 ~~(iv) The Department of [Corrections] Criminal~~  
17 ~~Justice has notified the officials designated under~~  
18 ~~subparagraph (ii) of the intent to refuse to accept~~  
19 ~~inmates without documentation as of a specified date that~~  
20 ~~shall be no sooner than 30 days after the service of the~~  
21 ~~notification.~~

22 ~~(2) In cases of a refusal to accept custody of an inmate~~  
23 ~~under this subsection, the sheriff or transporting official~~  
24 ~~shall return the inmate to the sending county correctional~~  
25 ~~institution, which shall accept custody of the inmate. The~~  
26 ~~inmate may be recommitted to the custody of the Department of~~  
27 ~~[Corrections] Criminal Justice upon provision of the~~  
28 ~~documentation required under subsection (a).~~

29 ~~(3) The Department of [Corrections] Criminal Justice,~~  
30 ~~board and a county correctional facility shall not be liable~~

1 ~~for compensatory, punitive or other damages for relying in~~  
2 ~~good faith on any sentencing order or court commitment form~~  
3 ~~DC-300B generated from the Common Pleas Criminal Court Case~~  
4 ~~Management System of the unified judicial system or otherwise~~  
5 ~~transmitted to them.~~

6 ~~(c.2) Effect of electronic transfer of information.~~

7 ~~Notwithstanding any electronic transfer of information which may~~  
8 ~~occur, the Department of [Corrections] Criminal Justice, in its~~  
9 ~~discretion, may require actual sealed court orders to the extent~~  
10 ~~that they relate to the commitment, term of sentence or other~~  
11 ~~matter that may affect the fact or duration of confinement.~~

12 ~~(d) Transfer to county facility. Upon transfer of an inmate~~  
13 ~~from a State correctional institution to a county correctional~~  
14 ~~facility, the Department of [Corrections] Criminal Justice shall~~  
15 ~~provide to the county facility, unless the facility prior to the~~  
16 ~~time of transfer agrees to accept the inmate without the~~  
17 ~~information, the record of the inmate's institutional~~  
18 ~~adjustment, including, but not limited to, misconducts and/or~~  
19 ~~escape history, and written notice of any current medical or~~  
20 ~~psychological condition requiring treatment, including, but not~~  
21 ~~limited to, suicide attempts, notice of current or previously~~  
22 ~~ordered medication and a 48 hour supply of current medication.~~

23 \* \* \* <--

24 (e) Release by Department of [Corrections] ~~Criminal~~ <--  
25 ~~Justice~~.--Prior to the release of an inmate from the Department  
26 of [Corrections] ~~Criminal Justice~~ to State parole supervision, <--  
27 the Department of [Corrections] ~~Criminal Justice~~ shall provide <--  
28 to the [Board of Probation and] Pennsylvania Parole Board the  
29 information contained in subsections (a)(1) and (2) and (b).

30 (f) Release from county correctional facility to State

1 probation or parole.--

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

7 (2) Prior to the release of an inmate from a county  
8 correctional facility to State probation or parole  
9 supervision, the facility shall provide to the inmate his  
10 current medications as prescribed and any customary and  
11 necessary medical supplies as determined by the prescribing  
12 physician.

13 ~~(g) Release from county correctional facility to county~~ <--  
14 ~~probation or parole.~~

15 ~~(1) Prior to the release of an inmate from a county~~  
16 ~~correctional facility to county probation or parole~~  
17 ~~supervision, the facility shall provide to the county~~  
18 ~~probation department the information contained in subsections~~  
19 ~~(a)(1) through (4) and (b).~~

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

26 \* \* \* <--

27 (h) Record of inmate moneys.--Prior to the release of an  
28 inmate from the Department of [Corrections] Criminal Justice to <--  
29 State parole supervision, the department shall provide to the  
30 [Board of Probation and] Pennsylvania Parole Board a record of

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

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

26 ~~(j) Release after maximum sentence. Upon release of an~~ <--  
27 ~~inmate from the Department of [Corrections] Criminal Justice at~~  
28 ~~the expiration of his maximum sentence, the Department of~~  
29 ~~[Corrections] Criminal Justice shall transmit to the county~~  
30 ~~probation department or other agent designated by the county~~

1 ~~commissioners of the county with the approval of the president~~  
2 ~~judge of the county in which the inmate was convicted a record~~  
3 ~~of any moneys paid by the inmate and any outstanding amounts~~  
4 ~~owed by the inmate towards satisfaction of restitution or any~~  
5 ~~other court ordered financial obligations.~~

6 (k) Procedures.--The Department of ~~{Corrections}~~ Criminal <--  
7 Justice and the Pennsylvania [Board of Probation and] Parole  
8 Board shall develop procedures to implement the provisions of  
9 this section.

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

13 § 9777. Transfer of inmates in need of medical treatment.

14 \* \* \*

15 (d) Notice.--

16 \* \* \*

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

23 \* \* \*

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

27 ~~"Chief administrator." As defined under 61 Pa.C.S. § 102~~  
28 ~~(relating to definitions).~~

29 ~~"Department." The Department of [Corrections] Criminal~~  
30 ~~Justice of the Commonwealth.~~

1 ~~"Hospice care location." A home, independent living~~  
2 ~~environment or inpatient setting that provides a coordinated~~  
3 ~~program of palliative and supportive services through a licensed~~  
4 ~~hospice care provider.~~

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

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

12 ~~"Long term care nursing facility." A long term care nursing~~  
13 ~~facility as defined under section 802.1 of the act of July 19,~~  
14 ~~1979 (P.L.130, No.48), known as the Health Care Facilities Act.~~

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

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

23 § 9799.13. Applicability.

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

30 \* \* \*

1           (2) An individual who, on or after the effective date of  
2 this section, is, as a result of a conviction for a sexually  
3 violent offense, an inmate in a State or county correctional  
4 institution of this Commonwealth, including a community  
5 corrections center or a community contract facility, is being  
6 supervised by the [Pennsylvania Board of Probation and  
7 Parole] Department of Criminal Justice CORRECTIONS or county <--  
8 probation or parole, is subject to a sentence of intermediate  
9 punishment or has supervision transferred pursuant to the  
10 Interstate Compact for Adult Supervision in accordance with  
11 section 9799.19(g).

12           \* \* \*

13           (3.1) The following:

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

16           \* \* \*

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

21           \* \* \*

22           (3.2) An individual who between December 8, 2008, and  
23 December 19, 2012, was:

24           \* \* \*

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

30           \* \* \*

1 § 9799.16. Registry.

2 \* \* \*

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

12 § 9799.19. Initial registration.

13 \* \* \*

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

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

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

28 (ii) parole;

29 (iii) State or county intermediate punishment where  
30 the sentence is restrictive and the individual is

1 sentenced to a period of incarceration in a State or  
2 county correctional institution or a work release  
3 facility; or

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

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

29 (b.1) Initial registration if sentenced to a county or State  
30 correctional facility on or after the effective date of

1 section.--If the individual is, on or after the effective date  
2 of this section, sentenced to a period of incarceration in a  
3 county or State correctional facility, the individual shall  
4 provide the information set forth in section 9799.16(b) as  
5 follows:

6 \* \* \*

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

13 \* \* \*

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

27 \* \* \*

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

30 \* \* \*

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

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

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

1 addition, ensure that the information set forth in section  
2 9799.16(c) is collected and forwarded to the Pennsylvania  
3 State Police. If the individual fails to provide the  
4 information in section 9799.16(b), the appropriate official  
5 of the [State Board of Probation and] Pennsylvania Parole  
6 Board or county office of probation and parole shall notify  
7 the Pennsylvania State Police.

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

22 \* \* \*

23 § 9799.20. Duty to inform.

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

1 State or county correctional institution shall:

2 \* \* \*

3 § 9799.24. Assessments.

4 \* \* \*

<--

5 (A) ORDER FOR ASSESSMENT.--AFTER CONVICTION BUT BEFORE  
6 SENTENCING, A COURT SHALL ORDER AN INDIVIDUAL CONVICTED OF A  
7 SEXUALLY VIOLENT OFFENSE TO BE ASSESSED BY THE BOARD. THE ORDER  
8 FOR AN ASSESSMENT SHALL BE SENT TO THE [ADMINISTRATIVE OFFICER]  
9 EXECUTIVE DIRECTOR OF THE BOARD WITHIN TEN DAYS OF THE DATE OF  
10 CONVICTION FOR THE SEXUALLY VIOLENT OFFENSE.

<--

11 (B) ASSESSMENT.--UPON RECEIPT FROM THE COURT OF AN ORDER FOR  
12 AN ASSESSMENT, A MEMBER OF THE BOARD AS DESIGNATED BY THE  
13 [ADMINISTRATIVE OFFICER] EXECUTIVE DIRECTOR OF THE BOARD SHALL  
14 CONDUCT AN ASSESSMENT OF THE INDIVIDUAL TO DETERMINE IF THE  
15 INDIVIDUAL SHOULD BE CLASSIFIED AS A SEXUALLY VIOLENT PREDATOR.  
16 THE BOARD SHALL ESTABLISH STANDARDS FOR EVALUATIONS AND FOR  
17 EVALUATORS CONDUCTING THE ASSESSMENTS. AN ASSESSMENT SHALL  
18 INCLUDE, BUT NOT BE LIMITED TO, AN EXAMINATION OF THE FOLLOWING:

19 \* \* \*

20 (c) Release of information.--All State, county and local  
21 agencies, offices and entities in this Commonwealth, including  
22 juvenile probation officers, shall cooperate by providing copies  
23 of records and information as requested by the board in  
24 connection with the court-ordered assessment and the assessment  
25 requested by the Pennsylvania [Board of Probation and] Parole  
26 Board or the assessment of a delinquent child under section 6358  
27 (relating to assessment of delinquent children by the State  
28 Sexual Offenders Assessment Board). For assessments of  
29 delinquent children conducted by the board pursuant to section  
30 6358 from January 23, 2005, to December 19, 2012, all State,

1 county and local agencies, offices and entities, including  
2 juvenile probation officers, are subject to the release of  
3 information requirements set forth in this subsection.

4 \* \* \*

5 (e) Hearing.--

6 \* \* \*

7 (4) A copy of the order containing the determination of  
8 the court shall be immediately submitted to the individual,  
9 the district attorney, the Pennsylvania [Board of Probation  
10 and] Parole Board, the Department of ~~†Corrections†~~ ~~Criminal~~ <--  
11 Justice, the board and the Pennsylvania State Police.

12 \* \* \*

13 (g) Parole assessment.--The Pennsylvania [Board of Probation  
14 and] Parole Board may request of the board that an assessment of  
15 a sexual offender be conducted and that a report be provided to  
16 the Pennsylvania [Board of Probation and] Parole Board prior to  
17 considering a sexual offender for parole.

18 \* \* \*

19 § 9799.29. Administration.

20 The Governor shall direct the Pennsylvania State Police, the  
21 Pennsylvania [Board of Probation and] Parole Board, the board,  
22 the Department of ~~†Corrections†~~ ~~Criminal Justice~~, the Department <--  
23 of Transportation and any other agency of the Commonwealth that  
24 the Governor deems necessary to collaboratively design, develop  
25 and implement an integrated and secure system of communication,  
26 storage and retrieval of information to assure the timely,  
27 accurate and efficient administration of this subchapter.

28 § 9799.30. Global positioning system technology.

29 The [Pennsylvania Board of Probation and Parole] Department  
30 of Criminal Justice CORRECTIONS and the agents of the Department <--

1 ~~of Criminal Justice~~ CORRECTIONS and county probation authorities <--  
2 may impose supervision conditions that include tracking through  
3 global positioning system technology.

4 § 9799.31. Immunity for good faith conduct.

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

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

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

10 (3) Superintendents, administrators, teachers, employees  
11 and volunteers engaged in the supervision of children of any  
12 public, private or parochial school.

13 (4) Directors and employees of county children and youth  
14 agencies.

15 (5) Presidents or similar officers of universities and  
16 colleges, including community colleges.

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

19 (7) County probation and parole offices and their agents  
20 and employees.

21 (8) Licensees of certified day-care centers and  
22 directors of licensed preschool programs and owners and  
23 operators of registered family day-care homes and their  
24 agents and employees.

25 (9) The Department of ~~[Corrections]~~ ~~Criminal Justice~~ and <--  
26 its agents and employees.

27 (10) County correctional facilities and their agents and  
28 employees.

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

30 (12) Juvenile probation offices and their agents and

1 employees.

2 (13) The Department of [Public Welfare] Human Services  
3 and its agents and employees.

4 (14) Institutions or facilities set forth in section  
5 6352(a)(3) (relating to disposition of delinquent child) and  
6 their agents and employees.

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

11 § 9799.32. Pennsylvania State Police.

12 The Pennsylvania State Police have the following duties:

13 \* \* \*

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

1 site shall be capable of submitting fingerprints, palm  
2 prints, DNA samples and any other information required  
3 electronically to the Pennsylvania State Police. The  
4 Pennsylvania State Police shall require that approved  
5 registration sites submit fingerprints utilizing the  
6 Integrated Automated Fingerprint Identification System or in  
7 another manner and in such form as the Pennsylvania State  
8 Police shall require. Approved registration sites shall not  
9 be limited to sites managed by the Pennsylvania State Police  
10 and shall include sites managed by local law enforcement  
11 agencies that meet the criteria for approved registration  
12 sites set forth in this paragraph.

13 \* \* \*

14 (7) In consultation with the Department of Education  
15 [and], the Pennsylvania [Board of Probation and Parole,]  
16 Parole Board and the Department of ~~Criminal Justice~~ <--  
17 CORRECTIONS, to promulgate guidelines directing licensed day- <--  
18 care centers, licensed preschool programs, schools,  
19 universities and colleges, including community colleges, on  
20 the proper use and administration of information received  
21 under section 9799.27.

22 (8) In consultation with the Department of ~~†Corrections†~~ <--  
23 Criminal Justice and the Pennsylvania [Board of Probation  
24 and] Parole Board, to promulgate guidelines directing State  
25 and county correctional facilities and State and county  
26 probation and parole offices regarding the completion of  
27 information, including the taking of photographs, required by  
28 sexual offenders under this subchapter.

29 (9) In consultation with the Administrative Office of  
30 Pennsylvania Courts, the Department of [Public Welfare] Human

1 Services and the Juvenile Court Judges' Commission, to  
2 promulgate guidelines regarding the completion of information  
3 required by juvenile offenders and sexually violent  
4 delinquent children under this subchapter.

5 § 9799.33. Duties of probation and parole officials.

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

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

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

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

1 positioning system technology.

2 ~~§ 9799.34. Duties of facilities housing sexual offenders.~~ <--

3 ~~The Department of [Corrections] Criminal Justice, a county-~~  
4 ~~correctional facility, an institution or facility set forth in-~~  
5 ~~section 6352(a)(3) (relating to disposition of delinquent child)-~~  
6 ~~and the separate, State owned facility or unit established under-~~  
7 ~~Chapter 64 (relating to court ordered involuntary treatment of-~~  
8 ~~certain sexually violent persons) shall have the following-~~  
9 ~~duties:~~

10 \* \* \*

11 § 9799.35. Board.

12 \* \* \*

13 (e) Staff.--[Support staff for the board shall be provided <--

14 by the †Pennsylvania Board of Probation and Parole] Department <--

15 of Criminal Justice THE BOARD SHALL EMPLOY AN EXECUTIVE DIRECTOR <--

16 AND OTHER STAFF AS NECESSARY TO CARRY OUT THE BOARD'S DUTIES

17 UNDER THIS CHAPTER. THE EXECUTIVE DIRECTOR SHALL DIRECT THE

18 OPERATIONS, MANAGEMENT AND ADMINISTRATION OF THE BOARD AND

19 ORGANIZE AND OVERSEE THE WORK OF THE STAFF. LEGAL COUNSEL FOR

20 THE BOARD SHALL BE PROVIDED IN ACCORDANCE WITH THE ACT OF

21 OCTOBER 15, 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH

22 ATTORNEYS ACT. UPON REQUEST BY THE BOARD, THE DEPARTMENT OF

23 CORRECTIONS SHALL MAKE AVAILABLE FACILITIES, ADMINISTRATIVE

24 SUPPORT AND OTHER ASSISTANCE TO THE BOARD.

25 § 9799.38. Annual performance audit.

26 (a) Duties of the Attorney General.--The Attorney General  
27 has the following duties:

28 (1) To conduct a performance audit annually to determine  
29 compliance with the requirements of this subchapter and any  
30 guidelines promulgated under this subchapter. The audit

1 shall, at a minimum, include a review of the practices,  
2 procedures and records of the Pennsylvania State Police, the  
3 Pennsylvania [Board of Probation and] Parole Board, the  
4 Department of ~~{Corrections} Criminal Justice~~, the board, the <--  
5 Administrative Office of Pennsylvania Courts and any other  
6 State or local agency the Attorney General deems necessary in  
7 order to conduct a thorough and accurate performance audit.

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

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

27 (b) Cooperation required.--Notwithstanding any other  
28 provision of law to the contrary, the Pennsylvania State Police,  
29 the Pennsylvania [Board of Probation and] Parole Board, the  
30 Department of ~~{Corrections} Criminal Justice~~, the board, the <--

1 Administrative Office of Pennsylvania Courts, the Pennsylvania  
2 Commission on Sentencing and any other State or local agency  
3 requested to do so shall fully cooperate with the Attorney  
4 General and assist the Office of Attorney General in satisfying  
5 the requirements of this section. For purposes of this  
6 subsection, full cooperation shall include, at a minimum,  
7 complete access to unredacted records, files, reports and data  
8 systems.

9 Section 3. The ~~definitions~~ DEFINITION of "~~board,~~" <--  
10 "~~department~~" and "~~secretary~~" "BOARD" in section 102 of Title 61 <--  
11 ~~are~~ IS amended and the section is amended by adding definitions <--  
12 to read:

13 § 102. Definitions.

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

17 "Board." The Pennsylvania [Board of Probation and] Parole  
18 Board.

19 \* \* \*

20 "~~Department.~~" ~~The Department of [Corrections] Criminal~~ <--  
21 Justice of the Commonwealth.

22 \* \* \*

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

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

1 "Parole violator center." An area within the secure  
2 perimeter or on the grounds of a State correctional institution  
3 or contracted county jail that has been designated to house  
4 offenders detained or recommitted by the board for a technical  
5 parole violation.

6 ~~"Secretary." The Secretary of [Corrections] Criminal Justice~~ <--  
7 ~~of the Commonwealth.~~

8 \* \* \*

9 Section 4. Title 61 is amended by adding a section to read:  
10 § 1106. Powers of peace officers.

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

15 (1) Guarding, protecting and delivering inmates.

16 (2) Protecting the property and interests of the  
17 department.

18 (3) Capturing and returning inmates that may have  
19 escaped.

20 ~~Section 5. Section 1758(c) of Title 61 is amended to read: <--~~  
21 ~~§ 1758. County recording system for application of restraints~~  
22 ~~to pregnant prisoners or detainees.~~

23 \* \* \*

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

27 ~~"County Extraordinary Occurrence Monthly Report." A~~  
28 ~~collection of statistics and other information by the department~~  
29 ~~on designated report forms or by other available approved~~  
30 ~~methods for the collection of such incident information under~~

1 ~~this section and in accordance with written local policy~~  
2 ~~providing for the collection of population information~~  
3 ~~prescribed by 37 Pa. Code 95.242 (relating to Statistical/~~  
4 ~~informational reporting).~~

5 ~~"Department." The Department of [Corrections] Criminal~~  
6 ~~Justice of the Commonwealth.~~

7 ~~Section 6. (Reserved).~~

8 ~~Section 7. The definition of "department" in section 4103 of~~  
9 ~~Title 61 is amended to read:~~

10 ~~§ 4103. Definitions.~~

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

14 ~~\* \* \*~~

15 ~~{"Department." The Department of Corrections of the~~  
16 ~~Commonwealth.}~~

17 ~~\* \* \*~~

18 ~~Section & 5. Sections 5001, 5002, 5003, 5004, 5005 and 5006 <--~~  
19 ~~of Title 61 are amended to read:~~

20 ~~§ 5001. Definitions.~~

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

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

25 ~~"Chairman." The chairman of the Pennsylvania [Board of~~  
26 ~~Probation and] Parole Board.~~

27 ~~"Community corrections center." A residential program that~~  
28 ~~is supervised and operated by the department in accordance with~~  
29 ~~this chapter.~~

30 ~~"Community corrections facility." A residential facility~~

1 operated by a private contractor that:

2 (1) houses offenders pursuant to a contract with the  
3 department; and

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

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

10 § 5002. Department.

11 The department may do all of the following:

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

14 (2) Enter into contracts with private vendors to operate  
15 community corrections facilities.

16 (3) Establish parole violator centers.

17 § 5003. Offenders who may be housed.

18 The following offenders may be housed in community  
19 corrections centers, parole violator centers and community  
20 corrections facilities:

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

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

26 (i) Except as provided in subparagraph (ii), [a  
27 parolee under the jurisdiction of the board who] is  
28 detained or awaiting a hearing or who has been  
29 recommitted for a technical violation of the conditions  
30 of [parole established by the board] supervision if the

1 [parolee] offender is eligible to be housed in a  
2 community corrections center, parole violator center or  
3 community corrections facility under section 6138  
4 (relating to violation of terms of parole).

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

14 (3) An offender who is serving the community-based  
15 portion of a sentence of State intermediate punishment may be  
16 housed in a community corrections center or a community  
17 corrections facility.

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

21 [(5) Inmates transferred by the department under Chapter  
22 37 (relating to inmate prerelease plans). This paragraph  
23 shall expire July 1, 2013.]

24 § 5004. Authority of Commonwealth employees.

25 Commonwealth employees of community corrections centers and  
26 parole violator centers and other Commonwealth employees[,  
27 while] present in community corrections facilities, have the  
28 authority to do all of the following:

29 (1) In order to maintain security and to enforce the  
30 rules of the community corrections center, parole violator

1 center or community corrections facility:

2 (i) search the person and property of an offender  
3 residing in the community corrections center, parole  
4 violator center or community corrections facility;

5 (ii) seize property from an offender residing in the  
6 community corrections center, parole violator center or  
7 community corrections facility; and

8 (iii) if necessary, use reasonable force against an  
9 offender residing in the community corrections center or  
10 community corrections facility.

11 (2) Detain, by using reasonable force if necessary, an  
12 offender residing in the community corrections center, parole  
13 violator center or community corrections facility [in order]  
14 to maintain control of the offender pending the arrival of a  
15 department parole agent, police officer or other appropriate  
16 law enforcement officer.

17 § 5005. Authority of chairman.

18 The chairman has the following authority:

19 [(1) Designate community corrections centers or  
20 community corrections facilities where parolees are to be  
21 housed.

22 (2) Determine whether parolees are to be housed in a  
23 secured or unsecured portion of a community corrections  
24 center or community corrections facility.]

25 (3) Determine, jointly with the [Secretary of the  
26 Department of Corrections] secretary, using evidence-based  
27 practices designed to reduce the likelihood of recidivism and  
28 improve public safety, the appropriate treatment and  
29 programming for [parolees] offenders paroled by the board who  
30 are housed at community corrections centers, parole violator

1 centers and community corrections facilities.

2 (4) Audit, jointly with the secretary, the performance  
3 of treatment and services provided by community corrections  
4 centers, parole violator centers and community corrections  
5 facilities.

6 § 5006. Escape.

7 An [individual committed to] offender detained or recommitted  
8 to a community corrections center, parole violator center or a  
9 community corrections facility as a result of a parole violation  
10 shall be deemed to be in official detention under 18 Pa.C.S. §  
11 5121 (relating to escape). An offender living in a community  
12 corrections center or community corrections facility while in  
13 good standing on parole shall not be deemed to be in official  
14 detention under 18 Pa.C.S. § 5121.

15 Section 9 6. Title 61 is amended by adding sections to read: <--  
16 § 5007. 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 publicly accessible Internet  
16 website no less than two weeks prior to the hearing. The  
17 notice shall provide information regarding the purpose,  
18 location and time of the public hearing and a contact number  
19 for interested persons to call in order to obtain additional  
20 information about the hearing. Nothing in this paragraph  
21 shall be construed to prohibit the governing body from  
22 providing public notice via 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 § 5008. Reporting.

28           The department shall ensure that any crime committed within a  
29 community corrections center, community corrections facility or  
30 community contract facility is immediately reported to the

1 appropriate law enforcement agency with jurisdiction over the  
2 community corrections center, community corrections facility or  
3 community contract facility.

4 Section ~~10~~ 7. The heading of Part IV of Title 61 is amended <--  
5 to read:

6 PART IV  
7 [PROBATION AND PAROLE] ~~PENNSYLVANIA DEPARTMENT OF CRIMINAL~~ <--  
8 JUSTICE DEPARTMENT OF CORRECTIONS <--

9 Section ~~11~~ 8. Section 6101 of Title 61 is amended to read: <--  
10 § 6101. Definitions.

11 The following words and phrases when used in this chapter  
12 shall 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 "Agent." A State parole agent appointed by the department.

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

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

22 (1) provides housing to offenders pursuant to a contract  
23 with the department; and

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

25 "Conditions of supervision." Any terms or conditions of the  
26 offender's supervision, whether imposed by the court, the  
27 department or an agent, or promulgated by the board as a  
28 regulation, including compliance with all requirements of  
29 Federal, State and local law.

30 "Contraband." Any item that the offender is not permitted to

1 possess under the conditions of supervision, including any item  
2 whose possession is forbidden by any Federal, State or local  
3 law.

4 "Court." A court of common pleas or any judge thereof, the  
5 Philadelphia municipal court or any judge thereof, the  
6 Pittsburgh magistrates court or any judge thereof or any  
7 magisterial district judge.

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

11 "Detainee." As follows:

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

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

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

20 "Department supervised offender." An offender under  
21 departmental parole or probationary supervision.

22 "Eligible offender." The term shall have the same meaning  
23 given to it under section 4503 (relating to definitions).

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

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

1 always exist with respect to a vehicle.

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

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

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

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

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

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

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

24 "Property search." A warrantless search of real property,  
25 vehicle or personal property which is in the possession or under  
26 the control of the department supervised offender.

27 "Real property." Any residence or business property of a  
28 department supervised offender, including all portions of the  
29 property to which the department supervised offender has access.

30 "Supervisor." Any individual acting in a supervisory or

1 administrative capacity.

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

6 ~~Section 12. (Reserved).~~ <--

7 Section ~~13~~ 9. The heading of Subchapter B of Chapter 61 of <--  
8 Title 61 is amended to read:

9 SUBCHAPTER B

10 ADMINISTRATION OF THE PENNSYLVANIA PAROLE BOARD

11 Section ~~14~~ 10. Sections 6111(a)~~7~~ and (d) ~~and (e)~~, 6112, <--  
12 6113, 6116 and 6118 of Title 61 are amended to read:

13 § 6111. Pennsylvania [Board of Probation and] Parole Board.

14 (a) Establishment.--The Pennsylvania [Board of Probation  
15 and] Parole Board is [an independent administrative board for  
16 the administration of the probation and parole laws of this

17 Commonwealth.] established as a departmental AN INDEPENDENT <--

18 administrative board within the department for the purpose of <--  
19 granting and revoking paroles to certain offenders within this  
20 Commonwealth. The board shall function independently of the  
21 department regarding all of its decision-making functions, as  
22 well as any other powers and duties specified in this title.

23 \* \* \*

24 (d) Eligibility.--To be eligible to be appointed by the  
25 Governor for membership on the board, an individual shall have  
26 at least six years of professional experience in parole,  
27 probation, social work or related areas, including one year in a  
28 supervisory or administrative capacity, and [a bachelor's  
29 degree] an advanced degree beyond a bachelor's degree, such as a  
30 master's degree, doctorate degree or juris doctorate degree. Any

1 equivalent combination of experience and training shall be  
2 acceptable.

3 ~~(e) General powers. Subject to the provisions of this~~ <--  
4 ~~chapter, the board shall have [all] the powers and [shall]~~  
5 ~~perform the duties generally vested in and imposed upon~~  
6 ~~[independent] departmental administrative boards and commissions~~  
7 ~~by the act of April 9, 1929 (P.L.177, No.175), known as The~~  
8 ~~Administrative Code of 1929, and shall be subject to all the~~  
9 ~~provisions of that act applicable generally to [independent]~~  
10 ~~departmental administrative boards and commissions.~~

11 \* \* \* <--

12 § 6112. Board chairperson.

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

16 †(1) Direct the operations, management and <--  
17 administration of the board and fulfill the functions  
18 established by this chapter.

19 [(2) Secure the effective application of the probation <--  
20 system in all of the courts of this Commonwealth and the  
21 enforcement of the probation laws.]

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

23 (4) Perform all the duties and functions of chairperson,  
24 including organizing†, staffing, controlling, directing† and <--  
25 administering the work of the [staff] board.

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

29 (b) Alternate chairperson.--The board may designate one of  
30 its members to act as alternate chairperson during the absence

1 or incapacity of the chairperson, and, when so acting, the  
2 member so designated shall have and perform all the powers and  
3 duties of chairperson of the board but shall not receive any  
4 additional compensation for acting as chairperson.

5 § 6113. Board action.

6 (a) Quorum.--

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

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

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

29 (c) Disagreement within panel.--

30 [(1)] If there is disagreement between the members of a

1 panel on a decision to parole [between the members of a  
2 panel], revoke parole or recommit an offender, the matter  
3 shall be decided by a board member appointed by the  
4 chairperson or the chairperson's designee, who shall concur  
5 with one of the original panel members.

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

11 (d) Appeal.--

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

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

21 (e) Decision without review.--Subject to the provisions of  
22 section 6137(g) (relating to parole power), the board or its  
23 designee may issue a decision to parole an eligible offender as  
24 defined under section 4503 (relating to definitions) without  
25 further review by the board.

26 (f) Decision accountability.--The board shall develop, adopt  
27 and periodically update as deemed necessary, a parole decisional  
28 instrument that is tested prior to implementation, which  
29 incorporates evidence-based practices to assist and inform the  
30 board's professional judgment in the parole decision-making

1 process.

2 § 6116. Meetings.

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

5 (b) Appointment of secretary of board.--The [members of the  
6 board] ~~department~~ CHAIRPERSON OF THE BOARD shall appoint a <--  
7 secretary, who shall:

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

9 (2) [Shall hold] Hold office at the pleasure of the  
10 [board] ~~secretary~~ CHAIRPERSON OF THE BOARD. <--

11 (3) [Shall have such powers] Maintain a record of the  
12 proceedings of the board and perform such duties not  
13 inconsistent with any law of this Commonwealth as the board  
14 shall prescribe.

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

18 (c) Temporary secretary of board.--In the absence or  
19 incapacity of the secretary to act, the [board] department may  
20 designate such other person as it may choose to perform  
21 temporarily the duties of the secretary of the board.

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

25 (e) Hearing examiners.--The board may appoint a sufficient <--

26 THE FOLLOWING SHALL APPLY: <--

27 (1) THE CHAIRPERSON OF THE BOARD MAY APPOINT A  
28 SUFFICIENT number of individuals to conduct hearings as  
29 required or authorized by this title.

30 (2) HEARING EXAMINERS SHALL BE REQUIRED TO POSSESS AN <--

1 ADVANCED DEGREE BEYOND A BACHELOR'S DEGREE, SUCH AS A  
2 MASTER'S DEGREE, DOCTORATE DEGREE OR JURIS DOCTORATE DEGREE.

3 § 6118. Offices.

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

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

20 (c) Location of district offices.--

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

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

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

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

14           Section ~~15~~ 11. Sections 6119, 6120 and 6121 of Title 61 are <--  
15 repealed:

16           [§ 6119. District directors.

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

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

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

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

29           § 6120. District office employees.

30           (a) Board to appoint.--The board shall appoint in the

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

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

13 § 6121. Disciplinary action.

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

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

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

26 Section ~~16~~ 12. Section 6122(a)(2) and (c) of Title 61 are <--  
27 amended to read:

28 § 6122. Political activities.

29 (a) General rule.--No member of the board, or [officer]  
30 agent, clerk or employee thereof, or any person officially

1 connected with the board:

2 \* \* \*

3 (2) Shall serve as a member of or attend the meetings of  
4 any committee of any political party, or take any part in  
5 political management or political campaigns, or use that  
6 person's office to influence political movements, or to  
7 influence the action of any other [officer] agent, clerk or  
8 employee of the board.

9 \* \* \*

10 (c) Dismissal required.--The board shall dismiss any  
11 [officer] agent, clerk or employee thereof who shall violate  
12 this section from that person's office or employment.

13 Section ~~47~~ 13. Sections 6123 and 6124 of Title 61 are  
14 repealed:

<--

15 [§ 6123. Advisory committee.

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

18 (b) Composition.--The advisory committee shall consist of  
19 nine members, seven of whom shall be appointed by the Governor,  
20 with the consent of a majority of the members of the Senate. At  
21 least two shall be judges of courts of record of this  
22 Commonwealth, at least one shall be a county commissioner, at  
23 least one shall be a chief county probation officer, and the  
24 remaining members shall be qualified in the field of probation  
25 and parole either by training or experience. The President pro  
26 tempore of the Senate and the Speaker of the House of  
27 Representatives shall each appoint a member of their respective  
28 houses to serve as members of the committee.

29 (c) Terms.--

30 (1) The term of a member hereafter appointed, except to

1 fill a vacancy, shall be for four years and until their  
2 successors have been appointed and qualified, but in no event  
3 more than 90 days beyond the expiration of their appointed  
4 term.

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

10 (3) Vacancies occurring in an office of a member of the  
11 advisory committee by expiration of term, death, resignation,  
12 removal or for any other reason shall be filled in the manner  
13 provided by section 8 of Article IV of the Constitution of  
14 Pennsylvania for the remainder of the term.

15 (4) Whenever the term of an advisory committee member,  
16 other than one who is a member of the General Assembly,  
17 expires, that member's position shall be immediately deemed a  
18 vacancy, and the Governor shall nominate a person to fill  
19 that membership position on the committee within 90 days of  
20 the date of expiration, even if the member continues to  
21 remain on the committee. The Governor shall designate one of  
22 the members of the committee as its chairperson.

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

26 (e) Assistance to be provided.--The advisory committee shall  
27 aid the chairperson and the board in formulating and reviewing  
28 standards for probation personnel and probation services in the  
29 counties.

30 § 6124. Certain offenders residing in group-based homes.

1 (a) Notification requirement.--

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

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

15 (i) Name of the individual, including all known  
16 aliases.

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

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

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

22 (b) Public hearing.--

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

27 (2) A governing body conducting a public hearing under  
28 this subsection shall provide public notice of the hearing  
29 via posting on its official Internet website no less than two  
30 weeks prior to the hearing. The notice shall provide

1 information regarding the purpose, location and time of the  
2 public hearing and a contact number for interested persons to  
3 call in order to obtain additional information about the  
4 hearing. Nothing in this paragraph shall be construed to  
5 prohibit the governing body from providing public notice via  
6 any other means.

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

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

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

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

23 Section ~~18~~ 14. Sections 6131 and 6132 of Title 61 are <--  
24 amended to read:

25 § 6131. General powers of board.

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

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

30 (2) To collect and maintain copies of all presentence

1 investigations and reports.

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

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

8 (5) To establish, by regulation, uniform Statewide  
9 standards for:

10 (i) Presentence investigations.

11 (ii) The supervision of probationers.

12 (iii) The qualifications for probation personnel.

13 (iv) Minimum salaries.

14 (v) Quality of probation service.

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

23 (6) To adopt regulations establishing specific  
24 composition, functions and responsibilities for citizens  
25 advisory committees and to receive reports, recommendations  
26 or other input concerning parole policies and parole-related  
27 concerns from the committees on a regular basis.

28 (7) To adopt regulations establishing criteria for board  
29 acceptance of cases for supervision and presentence  
30 investigations from counties that on December 31, 1985,

1 maintained adult probation offices and parole systems.

2 (8) To enter into contracts for purchasing community  
3 services to assist parolees and to supplement existing  
4 programs.

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

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

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

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

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

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

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

27 (16) To conduct outcome and performance analyses on  
28 implemented board programs and practices to enhance public  
29 safety through reduced recidivism.

30 (b) Court-appointed probation officers to submit information

1 to [board] department.--A court that appoints a probation  
2 officer shall require the probation officer to submit to the  
3 [board] department such information as the [board] department  
4 may require on forms prescribed and furnished by the [board]  
5 department.

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

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

12 "Evidence-based practices." Interventions and treatment  
13 approaches that have been proven effective through appropriate  
14 empirical analysis.]

15 § 6132. Specific powers of board involving [parolees]  
16 offenders.

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

18 (1) [(i)] To parole and reparole, commit and recommit  
19 for violations of parole and to discharge from parole all  
20 [persons sentenced] offenders sentenced to definite or  
21 flat sentences by any court at any time to imprisonment  
22 in a State correctional institution pursuant to 42  
23 Pa.C.S. § 9762 (relating to sentencing proceeding; place  
24 of confinement).

25 [(ii) This paragraph applies to inmates sentenced to  
26 definite or flat sentences.

27 (2) (i) To supervise any person placed on parole, when  
28 sentenced to a maximum period of less than two years, by  
29 any judge of a court having criminal jurisdiction, when  
30 the court may by special order direct supervision by the

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

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

13 (3) To establish special conditions of supervision for  
14 paroled offenders. Conditions of supervision must be based on  
15 the risk presented by and the rehabilitative needs of the  
16 offender. Conditions may be modified pursuant to section 6161  
17 (relating to powers and duties of department) or if the board  
18 or its designee consents to such modification.

19 (4) To promulgate regulations establishing general  
20 conditions of supervision applicable to every paroled  
21 offender.

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

28 [(c) Definition.--As used in this section, "period of two  
29 years" means the entire continuous term of sentence to which a  
30 person is subject, whether for one or more sentences, either to

1 simple imprisonment or to an indeterminate imprisonment as  
2 authorized by law to be imposed for criminal offenses.]

3 Section ~~19~~ 15. Section 6133 of Title 61 is repealed: <--

4 [§ 6133. Probation services.

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

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

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

12 (1) A county that provides additional probation staff  
13 for presentence investigations and improved probation  
14 supervision and programs shall receive a grant-in-aid from  
15 the Commonwealth through the board for additional costs  
16 incurred thereby but only to the extent that the additional  
17 staff and program meet the qualifications and standards  
18 established by the board.

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

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

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

26 (d) In-service training.--The board shall provide in-service  
27 training for personnel of county probation offices when  
28 requested to do so by the court having jurisdiction of the  
29 probation office.]

30 Section ~~20~~ 16. Sections 6134, 6134.1, 6136, 6137, 6138, <--

1 6139, 6140, 6141 and 6143 of Title 61 are amended to read:

2 § 6134. Sentencing court [to transmit records to board]

3 recommendation.

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

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

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

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

19 (b) Recommendations from judge.--] The following shall  
20 apply:

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

26 (2) A recommendation made by a judge under paragraph (1)  
27 respecting the parole or terms of parole of [a person] an  
28 offender shall be advisory only. No order in respect to the  
29 recommendation made or attempted to be made as a part of a  
30 sentence shall be binding upon the board or the department in

1 performing the duties and functions conferred on it by this  
2 chapter.

3 § 6134.1. General criteria for parole by court.

4 (a) Guidelines.--The court may parole or reparole subject to  
5 consideration of guidelines established under 42 Pa.C.S. §  
6 2154.5 (relating to adoption of guidelines for parole).

7 (b) Report of decision to commission.--If a court paroles or  
8 reparaes [a person] an offender, the court shall report the  
9 parole or reparole decision and shall provide a contemporaneous  
10 written statement for any deviation from the guidelines  
11 established under 42 Pa.C.S. § 2154.5, to the commission under  
12 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties).

13 (c) Procedure.--

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

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

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

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

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

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

18 "Victim." The term shall mean, in addition to the meaning  
19 set forth in section 103 of the act of November 24, 1998 (P.L.  
20 882, No.111), known as the Crime Victims Act, a member of the  
21 victim's family if the victim is incapable of communicating or  
22 has died.]

23 § 6136. Right of access to [inmates] offenders.

24 All prison officials shall:

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

28 (2) At all reasonable times provide for the board or its  
29 properly accredited representative facilities for  
30 communicating with and observing an [inmate] detainee while

1 imprisoned. Such facilities may, at the discretion of the  
2 prison officials, be provided via videoconferencing or  
3 similar virtual presence technology.

4 (3) Furnish to the board [from time to time such], no  
5 fewer than 90 days prior to a scheduled parole interview or  
6 if an interview is scheduled to be held within less than 90  
7 days, as quickly as possible after such public officials are  
8 informed of such interview, reports concerning the conduct of  
9 [inmates] offenders in their custody [as the board shall by  
10 general rule or special order require,] together with any  
11 other facts deemed pertinent in aiding the board to determine  
12 whether such [inmates] offenders shall be paroled.

13 § 6137. Parole power.

14 (a) General criteria for parole.--

15 (1) The board may parole subject to consideration of  
16 guidelines established under 42 Pa.C.S. § 2154.5 (relating to  
17 adoption of guidelines for parole) and such information  
18 developed by or furnished to the board under section 6164  
19 (relating to investigation of circumstances of offense), or  
20 both, and may release on parole any [inmate] offender to whom  
21 the power to parole is granted to the board by this chapter,  
22 except an [inmate] offender condemned to death or serving  
23 life imprisonment, whenever in its opinion:

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

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

29 (2) Parole shall be subject in every instance to the  
30 Commonwealth's right to immediately retake and hold in

1 custody without further proceedings any [parolee] offender  
2 charged after his parole with an additional offense until a  
3 determination can be made whether to continue his parole  
4 status.

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

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

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

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

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

6 (i) whose term of imprisonment was commuted from  
7 life to life on parole;

8 (ii) who was serving a term of imprisonment for a  
9 crime of violence; or

10 (iii) who is serving a sentence under 42 Pa.C.S. §  
11 9712 (relating to sentences for offenses committed with  
12 firearms).

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

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

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

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

1 also developing forms or other documents, policies and  
2 procedures consistent with this chapter, including internal  
3 decisional instruments.

4 (c) Administrative parole.--

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

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

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

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

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

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

27 (i) Make supervision contact at least one time per  
28 year.

29 (ii) Provide updated contact information upon a  
30 change in residence or employment.

1 (iii) Continue to pay any restitution owed.

2 (iv) Comply with other requirements imposed by the  
3 board or the department.

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

8 (e) Drug screening tests.--

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

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

24 (3) [(i) The board shall establish, as a condition of  
25 continued parole for a parolee] Every offender who is  
26 released on parole who, as an [inmate] detainee, tested  
27 positive for the presence of a controlled substance or a  
28 designer drug or who was paroled from a sentence arising  
29 from a conviction under The Controlled Substance, Drug,  
30 Device and Cosmetic Act or from a drug-related crime,

1 [the parolee's achievement of] shall, without further  
2 action of the board, be subject to an ongoing condition  
3 that the offender achieve negative results in [such] drug  
4 screening tests randomly applied.

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

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

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

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

25 (g) Procedure.--

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

29 (2) Upon identification of an [inmate] detainee as an  
30 eligible offender, the department shall send notice to the

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

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

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

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

28 (ii) The reentry plan for the [inmate] detainee is  
29 adequate.

30 (iii) Individual conditions and requirements for

1 parole have been established for the offender.

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

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

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

20 (ii) paroled at a later date; or

21 (iii) denied parole.

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

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

1 of the board or the department.]

2 (h) Power to recommit.--

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

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

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

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

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

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

1 offender.

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

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

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

9 § 6138. Violation of terms of parole.

10 (a) Convicted violators.--

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

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

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

1 following apply:

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

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

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

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

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

25 (i) If a person is paroled from a State correctional  
26 institution and the new sentence imposed on the person is  
27 to be served in the State correctional institution.

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

1 (iii) In all other cases, the service of the new  
2 term for the latter crime shall precede commencement of  
3 the balance of the term originally imposed.

4 (5.1) If the [parolee] offender is sentenced to serve a  
5 new term of total confinement by a Federal court or by a  
6 court of another jurisdiction because of a verdict or plea  
7 under paragraph (1), the [parolee] offender shall serve the  
8 balance of the original term before serving the new term.

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

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

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

19 (b) Subsequent arrest.--

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

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

29 (3) The automatic detainer shall be in addition to and  
30 not in lieu of any other detainer that prior to the effective

1 date of this chapter may have been lodged in such  
2 circumstances.

3 (c) Technical violators.--

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

17 (i) The violation was sexual in nature.

18 (ii) The violation involved assaultive behavior.

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

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

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

30 (A) the offender has threatened harm to a member

1 of the public or a Commonwealth employee;

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (v) Recommitment to:

2 (A) a State correctional institution;

3 (B) a contracted county jail;

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

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

6 (E) a parole violator center.

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

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

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

1 (d) Recommitment to correctional facility.--[A] Except as  
2 provided in paragraph (1.3) or (4), a technical violator  
3 recommitted to a State correctional institution or a contracted  
4 county jail under subsection (c) shall be recommitted [as  
5 follows:

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

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

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

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

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

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

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

30 (5) The time [limit under paragraph (3)] limits under

1 paragraph (1.1), (1.2) or (1.3) shall not be applicable to [a  
2 parolee] an offender who:

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

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

8 (iii) refused programming or a work assignment.

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

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

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

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

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

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

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

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

1 not limited to, maintaining registration in any  
2 applicable sex offender registry.

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

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

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

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

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

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

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

20 (1) A correctional facility.

21 (2) A prison.

22 (3) A jail.]

23 § 6139. Parole procedure.

24 (a) Specific requirements.--

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

30 (2) The board shall consider applications for parole by

1 an [inmate] offender or the [inmate's] offender's attorney.

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

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

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

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

30 (5) Whenever an [inmate] offender is paroled by the

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

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

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

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

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

1 notice of the time and place fixed for such hearing shall be  
2 given either by the board or by the [applicant] offender or the  
3 offender's attorney, as the board shall direct, to the court and  
4 district attorney of the county in which the [applicant]  
5 offender was sentenced.

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

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

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

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

20 (i) is a juvenile;

21 (ii) is incapable of testifying; or

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

23 offender's conduct.

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

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

1 concerning:

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

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

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

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

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

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

28 (e) Notice of intent to present testimony.--The victim or  
29 family member shall notify the [board] Office of Victim Advocate  
30 which shall notify within 30 days from the date of the notice of

1 his intent to present testimony at the parole hearing. This time  
2 period may be waived by the [board] Office of Victim Advocate  
3 for good cause.

4 (f) Referral to hearing officer.--If the victim or family  
5 member submits a written statement to the board through the  
6 Office of Victim Advocate subsequent to notice, the statement  
7 shall be made a part of the board's file on the [inmate]  
8 offender, and the [inmate's] offender's case shall be referred  
9 to a hearing officer designated to conduct parole release  
10 hearings.

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

17 (h) Hearing procedure.--

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

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

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

29 (4) The hearing examiner shall prepare a written  
30 [report] statement within a reasonable [amount of] time prior

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

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

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

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

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

17 (i) Evaluate the information provided.

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

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

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

24 (8) Notwithstanding any other provision of law, any and  
25 all statements or testimony of the victim or family member  
26 submitted to the board or the Office of Victim Advocate  
27 pertaining to:

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

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

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

5 (A) Shall be deemed confidential and privileged.

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

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

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

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

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

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

28 (12) If the final decision is to not release the  
29 [inmate] offender and if, subsequent to that decision,  
30 additional parole release hearings are conducted for that

1 same [inmate] offender, then the victim or family member who  
2 has submitted a written statement for the parole report or  
3 who has testified at a hearing pursuant to this section shall  
4 be notified by the board through the Office of Victim  
5 Advocate at the last known address if and when additional  
6 parole hearings are scheduled by the board.

7 § 6141. General rules and special regulations.

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

13 § 6143. Early parole of [inmates] offenders subject to Federal  
14 removal order.

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

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

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

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

30 (4) The board certifies that removal of the [inmate]

1 offender is appropriate and in the best interests of the  
2 Commonwealth.

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

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

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

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

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

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

29 (d) Unlawful reentry.--An [inmate] offender paroled under  
30 this section who returns unlawfully to the United States shall

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

9 [(e) Definition.--As used in this section, the term "crime  
10 of violence" shall be defined as provided in 42 Pa.C.S. §  
11 9714(g) (relating to sentences for second and subsequent  
12 offenses).]

13 Section ~~21~~ 17. Subchapter D of Chapter 61 of Title 61 is <--  
14 repealed:

15 [SUBCHAPTER D  
16 STATE PAROLE AGENTS  
17 Sec.

18 6151. Definitions.

19 6152. Status as peace officers.

20 6153. Supervisory relationship to offenders.

21 § 6151. Definitions.

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

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

26 "Conditions of supervision." Any terms or conditions of the  
27 offender's supervision, whether imposed by the court, the board  
28 or an agent, including compliance with all requirements of  
29 Federal, State and local law.

30 "Contraband." Any item that the offender is not permitted to

1 possess under the conditions of supervision, including any item  
2 whose possession is forbidden by any Federal, State or local  
3 law.

4 "Court." The court of common pleas or any judge thereof, the  
5 Philadelphia Municipal Court or any judge thereof, the  
6 Pittsburgh Magistrates Court or any judge thereof or any  
7 magisterial district judge.

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

13 "Offender." Any person subject to the parole or probationary  
14 supervision of the board.

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

19 "Property search." A warrantless search of real property,  
20 vehicle or personal property which is in the possession or under  
21 the control of the offender.

22 "Real property." Any residence or business property of an  
23 offender, including all portions of the property to which the  
24 offender has access.

25 "Supervisor." Any individual acting in a supervisory or  
26 administrative capacity.

27 § 6152. Status as peace officers.

28 An agent is declared to be a peace officer and is given  
29 police power and authority throughout this Commonwealth to  
30 arrest without warrant, writ, rule or process any parolee or

1 probationer under the supervision of the board for failing to  
2 report as required by the terms of his probation or parole or  
3 for any other violation of the probation or parole.

4 § 6153. Supervisory relationship to offenders.

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

13 (b) Searches and seizures authorized.--

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

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

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

23 (d) Grounds for personal search of 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 offender possesses contraband or other evidence  
28 of violations of the conditions of supervision;

29 (ii) when an offender is transported or taken into  
30 custody; or

1 (iii) upon an offender entering or leaving the  
2 securing enclosure of a correctional institution, jail or  
3 detention facility.

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

9 (3) Prior approval of a supervisor shall be obtained for  
10 a property search absent exigent circumstances. No prior  
11 approval shall be required for a personal search.

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

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

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

27 (i) The observations of agents.

28 (ii) Information provided by others.

29 (iii) The activities of the offender.

30 (iv) Information provided by the offender.

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

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

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

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

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

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

20 Section ~~22~~ 18. Chapter 61 of Title 61 is amended by adding <--  
21 subchapters to read:

22 SUBCHAPTER E

23 SUPERVISION OF OFFENDERS

24 Sec.

25 6161. Powers and duties of department.

26 6162. Probation services.

27 6163. Probation services committee.

28 6164. Investigation of circumstances of offense.

29 6165. Right of access to offenders.

30 6166. Investigations for the board of pardons.

1 § 6161. Powers and duties of department.

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

4 (1) To supervise any offender released on parole by  
5 order of the board and to arrest, detain in a department  
6 facility, and to report to the board for a determination  
7 whether to revoke parole and recommit an offender who fails  
8 to comply with the conditions of supervision, including, but  
9 not limited to, the alleged commission of a new crime.

10 (2) To enforce the conditions of supervision established  
11 by the board as well as the power to impose and enforce  
12 additional conditions of supervision on an offender and the  
13 power to, with the consent of the board, amend or terminate  
14 conditions of supervision established by the board and to  
15 enforce conditions of supervision established by the board.

16 (3) With the consent of the board, to amend or terminate  
17 conditions of supervision after an offender has served at  
18 least six months on parole. The imposition, modification or  
19 termination of a condition of supervision must be based on  
20 the risk presented by and the rehabilitative needs of the  
21 offender and the impact the termination or modification will  
22 have on public safety.

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

1 chapter.

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

10 (6) To pay the costs of preparole drug screening test  
11 for offenders subject to the parole release jurisdiction of  
12 the board. The department shall establish rules and  
13 regulations for the payment of these costs and may limit the  
14 types and costs of these screening tests that would be  
15 subject to payment by the department.

16 (7) To determine when an offender subject to random drug  
17 screening tests as a condition of supervision shall be  
18 tested. The offender undergoing the tests shall be  
19 responsible for the costs of the tests. The money collected  
20 for the tests shall be applied against the contract for such  
21 testing.

22 (8) To supervise and make presentence investigations and  
23 reports as provided by law.

24 (9) To collect and maintain copies of all presentence  
25 investigations and reports.

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

30 (11) To establish, by regulation, uniform Statewide

1 standards for:

2 (i) Presentence investigations.

3 (ii) The supervision of probationers.

4 (iii) The qualifications for probation personnel.

5 (iv) Minimum salaries.

6 (v) Quality of probation service.

7 (vi) The standards for the qualifications of

8 probation personnel shall only apply to probation

9 personnel appointed after the date the standards are

10 established. Should any probation personnel appointed

11 prior to the date the standards were established fail to

12 meet the standards, the court having jurisdiction of such

13 personnel may request the department to establish in-

14 service training for them in accordance with the

15 standards.

16 (12) To adopt regulations establishing criteria for

17 department acceptance of cases for supervision and

18 presentence investigations from counties that on December 31,

19 1985, maintained adult probation offices and parole systems.

20 (13) To enter into contracts which provide for the

21 continuous electronic monitoring of offenders.

22 (14) To establish and provide for intensive supervision

23 units and day reporting centers for the supervision of

24 offenders.

25 (15) To provide information as required under 42 Pa.C.S.

26 § 2153(a)(14) (relating to powers and duties) as requested by

27 the commission.

28 (16) To incorporate evidence-based practices into the

29 supervision of offenders.

30 (17) To coordinate the reentry of offenders into the

1 community using evidence-based practices that are effective  
2 in reducing recidivism.

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

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

9 (20) To administer administrative parole.

10 (b) Administrative parole.--

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

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

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

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

30 (3) An eligible offender placed on administrative parole

1 shall do all of the following:

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

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

6 (iii) Continue to pay any restitution owed.

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

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

14 § 6162. Probation services.

15 (a) General rule.--The department shall have exclusive power  
16 to supervise any offender placed on probation by any judge of a  
17 court having criminal jurisdiction, when the court by special  
18 order, consistent with the regulations of the department,  
19 directs supervision by the department.

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

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

24 (1) A county that provides additional probation staff  
25 for presentence investigations and improved probation  
26 supervision and programs shall receive a grant-in-aid from  
27 the Commonwealth through the department for additional costs  
28 incurred thereby but only to the extent that the additional  
29 staff and program meet the qualifications and standards  
30 established by the department.

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

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

6           (4) The department shall establish rules and regulations  
7 for the allocation of funds available for a grants-in-aid.

8           (d) In-service training.--The department shall provide in-  
9 service training for personnel of county probation offices when  
10 requested to do so by the court having jurisdiction of the  
11 probation office.

12 § 6163. Probation services committee.

13           (a) Establishment.--A probation services committee is  
14 established to inform the department of current issues and  
15 trends in county probation.

16           (b) Composition.--The committee shall consist of nine  
17 members, seven of whom shall be appointed by the Governor, with  
18 the consent of a majority of the members of the Senate. At least  
19 two shall be judges of courts of record in this Commonwealth, at  
20 least one shall be a county commissioner, at least one shall be  
21 a chief county probation officer and the remaining members shall  
22 be qualified in the field of probation and parole either by  
23 training or experience. The President pro tempore of the Senate  
24 and the Speaker of the House of Representatives shall each  
25 appoint a member of their respective houses to serve as members  
26 of the committee.

27           (c) Terms.--

28           (1) The term of a member appointed after the effective  
29 date of this subsection, except to fill a vacancy, shall be  
30 for four years and until their successors have been appointed

1 and qualified, but in no event more than 90 days beyond the  
2 expiration of their appointed term.

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

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

13 (4) Whenever the term of a committee member, other than  
14 one who is a member of the General Assembly, expires, that  
15 member's position shall be immediately deemed a vacancy and  
16 the Governor shall nominate a person to fill that membership  
17 position on the committee within 90 days of the date of  
18 expiration, even if the member continues to remain on the  
19 committee. The Governor shall designate one of the members of  
20 the committee as its chairperson.

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

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

26 § 6164. Investigation of circumstances of offense.

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

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

3           (2) Any recommendations made by the trial judge and  
4 prosecuting attorney.

5           (3) The general character and background of the  
6 offender.

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

11           (5) The written or personal statement of the testimony  
12 of the victim or the victim's family submitted under section  
13 6140 (relating to victim statements, testimony and  
14 participation in hearing).

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

19           (7) The conduct of the offender while in prison and the  
20 offender's physical, mental and behavioral condition and  
21 history, in addition to history of family violence and  
22 complete criminal record.

23           (b) Cooperation of public officials.--A public official who  
24 possesses offender records or information shall furnish the  
25 records or information to the department upon request and  
26 without charge so far as may be practicable while the case is  
27 recent.

28           (c) Duty to transmit.--A court sentencing any offender to a  
29 term as to which power to parole is given to the board in this  
30 chapter shall transmit to the department, within 30 days after

1 the imposition of the sentence:

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

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

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

14 § 6165. Right of access to offenders.

15 All prison officials shall:

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

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

22 § 6166. Investigations for the board of pardons.

23 The department shall make an investigation for the board of  
24 pardons in cases coming before it and upon its request. The  
25 investigation shall include all information set forth under  
26 section 6135 (relating to investigation of circumstances of  
27 offense), including a risk assessment if the applicant is  
28 incarcerated.

29 SUBCHAPTER F

30 AGENTS

1 Sec.

2 6171. Status as peace officers.

3 6172. Supervisory relationship to offenders.

4 § 6171. Status as peace officers.

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

10 § 6172. Supervisory relationship to offenders.

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

19 (b) Qualifications.--

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

26 (2) Existing parole agents who lack the mandatory level  
27 of education or professional experience shall undergo annual  
28 training in social work and rehabilitation as prescribed by  
29 the secretary.

30 (c) Searches and seizures authorized.--

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

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

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

11           (e) Grounds for personal search of a department supervised  
12 offender.--

13           (1) A personal search of an offender may be conducted by  
14 an agent:

15                   (i) if there is a reasonable suspicion to believe  
16 that the department supervised offender possesses  
17 contraband or other evidence of violations of the  
18 conditions of supervision;

19                   (ii) when a department supervised offender is  
20 transported or taken into custody; or

21                   (iii) upon a department supervised offender entering  
22 or leaving the secure enclosure of a correctional  
23 institution, jail or detention facility.

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

30           (3) The department supervised offender may be detained

1 if the department supervised offender is present during a  
2 property search. If the department supervised offender is not  
3 present during a property search, the agent in charge of the  
4 search shall make a reasonable effort to provide the  
5 department supervised offender with notice of the search,  
6 including a list of the items seized, after the search is  
7 completed.

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

13 (i) The observations of agents.

14 (ii) Information provided by others.

15 (iii) The activities of the department supervised  
16 offender.

17 (iv) Information provided by the department  
18 supervised offender.

19 (v) The experience of agents with the department  
20 supervised offender.

21 (vi) The experience of agents in similar  
22 circumstances.

23 (vii) The prior criminal and supervisory history of  
24 the department supervised offender.

25 (viii) The need to verify compliance with the  
26 conditions of supervision.

27 (f) Nonresident department supervised offenders.--No agent  
28 shall conduct a personal or property search of a department  
29 supervised offender who is residing in a foreign state except  
30 for the limited purposes permitted under the Interstate Compact

1 for the supervision of offenders and probationers. The  
2 department supervised offender is held accountable to the rules  
3 of both the sending state and the receiving state. Any personal  
4 or property search of a department supervised offender residing  
5 in another state shall be conducted by an agent of the receiving  
6 state.

7 (g) When authority is effective.--The authority granted to  
8 agents under this section shall be effective upon enactment of  
9 this section, without the necessity of any further regulation by  
10 the department.

11 Section ~~23~~ 19. The definition of "board" in section 6302 of <--  
12 Title 61 is amended to read:

13 § 6302. Definitions.

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

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

18 \* \* \*

19 Section ~~24~~ 20. Sections 6303, 6304(a) introductory paragraph <--  
20 and (f), 6305(3), (5) and (7), 6306, 6307, 6308, 7115(a)(2) and  
21 (d), 7121 and 7122(a), (b), (c) and (e) of Title 61 are amended  
22 to read:

23 § 6303. County Probation Officers' Firearm Education and  
24 Training Commission.

25 The County Probation Officers' Firearm Education and Training  
26 Commission is established under the [Pennsylvania Board of  
27 Probation and Parole. The commission shall establish within six  
28 months following the appointment of commission members a County  
29 Probation Officers' Firearm Education and Training Program to  
30 provide firearm education and training in accordance with the

1 provisions of this chapter.] department.

2 § 6304. Commission membership.

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

6 \* \* \*

7 (f) Meetings and quorum.--The [commission shall meet at  
8 least four times each year until the program is implemented.  
9 Thereafter, the] commission shall meet as may be necessary, but  
10 at least once annually. Special meetings may be called by the  
11 chairperson of the commission or upon written request of three  
12 members. A quorum shall consist of four members of the  
13 commission.

14 § 6305. Powers and duties of commission.

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

16 \* \* \*

17 (3) To approve or revoke the approval for the purposes  
18 of this chapter of any school that may be [utilized] used to  
19 comply with the educational and training requirements as  
20 established by the commission.

21 \* \* \*

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

26 \* \* \*

27 (7) To require in accordance with this chapter county  
28 probation officers to attend a minimum number of hours [in]  
29 of in-service training as provided for by regulation, unless  
30 the officer's employer files a show-cause document with the

1 commission, requesting additional time for the officer to  
2 comply with the in-service training requirements. Approval of  
3 the request shall be made by the commission on a case-by-case  
4 basis.

5 \* \* \*

6 § 6306. Training mandatory.

7 [Within two years of the establishment of the County  
8 Probation Officers' Firearm Education and Training Program and  
9 in accordance with the provisions of this chapter, a county  
10 shall provide for the training of any officer in its county  
11 probation and parole department who carries a firearm. Following  
12 this two-year period, a] A county shall [provide] ensure that  
13 training and certification requirements of this chapter are met  
14 prior to a county probation officer being authorized to carry a  
15 firearm.

16 § 6307. Requirements for program participation or waiver.

17 In order to participate in the training program or be granted  
18 a waiver of training requirements, at a minimum, the officer  
19 must:

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

21 (2) Be a United States citizen.

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

28 (4) Have had the officer's fingerprints submitted by the  
29 officer's employer to the Pennsylvania State Police for the  
30 purposes of a background investigation[. The officer shall

1 have results of the investigation which indicate that the  
2 requirements of paragraph (3) are met] and been found by the  
3 Pennsylvania State Police to have met the requirements of  
4 paragraph (3).

5 § 6308. County Probation Officers' Firearm Education and  
6 Training Fund.

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

12 (b) Costs imposed.--

13 (1) A person who accepts Accelerated Rehabilitative  
14 Disposition or pleads guilty or nolo contendere or is  
15 convicted of a felony or misdemeanor shall, in addition to  
16 any other court costs imposed under the laws of this  
17 Commonwealth, be sentenced to pay costs of \$5. Costs  
18 collected by the clerk of courts under this subsection shall  
19 be paid into the fund.

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

22 (i) Training expenses.

23 (ii) Commission expenses.

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

26 (c) Other [moneys] money to be used.--In addition to payment  
27 of training expenses as prescribed under subsection (b),  
28 training expenses may also be paid out of the county offender  
29 supervision fund under section 1102 of the act of November 24,  
30 1998 (P.L.882, No.111), known as the Crime Victims Act, or any

1 other county fund.

2 (d) Juvenile probation officer participation.--In the event  
3 that sufficient funds are not generated under the provisions of  
4 subsection (b) to fully fund the costs of providing training to  
5 juvenile probation officers, a training fee representing the  
6 prorated share of the additional actual cost thereof shall be  
7 payable by a participating juvenile probation officer's county  
8 of employment.

9 § 7115. Interstate Compact for the Supervision of Adult  
10 Offenders application fee.

11 (a) Duty to pay.--

12 \* \* \*

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

20 \* \* \*

21 (d) Disposition.--Money received from the collection of the  
22 application fee shall be paid into the State Treasury and shall  
23 be credited to the general government operations of the [board]  
24 department for expenses incurred in the administration of the  
25 [interstate compact] Interstate Compact.

26 \* \* \*

27 § 7121. Deputization.

28 (a) General rule.--The [chairperson of the Pennsylvania  
29 Board of Probation and Parole] secretary may deputize any person  
30 to act as an officer and agent of the Commonwealth in effecting

1 the return of any person who has violated the terms and  
2 conditions of parole or probation as granted by the  
3 Commonwealth. In any matter relating to the return of such  
4 person, an agent so deputized has all the powers of a police  
5 officer of this Commonwealth.

6 (b) Evidence of deputization.--A deputization under this  
7 section must be in writing and a person authorized to act as an  
8 agent of the Commonwealth under that authority shall carry  
9 formal evidence of the deputization and shall produce it on  
10 demand.

11 (c) Interstate contracts.--

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

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

23 § 7122. Supervision of persons paroled by other states.

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

29 (b) Witness Protection Program.--The [board] department may  
30 relinquish jurisdiction over [a parolee] an offender to the

1 proper Federal authorities where the [parolee] offender is  
2 placed into the Witness Protection Program of the United States  
3 Department of Justice.

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

7 \* \* \*

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

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

12 "Sexual offense."

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

16 18 Pa.C.S. § 2901 (relating to kidnapping).

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

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

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

24 18 Pa.C.S. § 3126 (relating to indecent assault).

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

27 18 Pa.C.S. § 3121 (relating to rape).

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

30 18 Pa.C.S. § 3125 (relating to aggravated indecent

1 assault).

2 "Violent offense."

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

5 18 Pa.C.S. § 2502 (relating to murder).

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

8 18 Pa.C.S. § 2702 (relating to aggravated assault).

9 18 Pa.C.S. § 2703 (relating to assault by prisoner).

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

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

14 18 Pa.C.S. § 3121 (relating to rape).

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

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

19 18 Pa.C.S. § 3502 (relating to burglary).

20 18 Pa.C.S. § 3701 (relating to robbery).

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

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

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

30 Section ~~25~~ 21. The following shall apply to transfers:

<--

1 (1) The Pennsylvania Board of Probation and Parole and  
2 the functions, powers and duties of the Pennsylvania Board of  
3 Probation and Parole are transferred to the Department of  
4 ~~Criminal Justice~~ CORRECTIONS. <--

5 (2) Upon approval of the Governor, the following are  
6 transferred to the Department of ~~Criminal Justice~~ <--  
7 CORRECTIONS, to be used, employed and expended in connection <--  
8 with the functions, powers and duties transferred under  
9 paragraph (1):

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

15 (ii) Unexpended balances of appropriations,  
16 allocations and other funds available or to be made  
17 available for use in connection with the functions,  
18 powers and duties transferred under paragraph (1).

19 Section ~~26~~ 22. Any reference in law to a parole agent or <--  
20 supervision staff shall be deemed a reference to an agent as  
21 defined herein.

22 Section ~~27~~ 23. The following shall apply: <--

23 (1) The appropriation for the Office of Victim Advocate  
24 must be in a separate line item and shall be under the  
25 jurisdiction of the victim advocate appointed under section  
26 301(b) of the act of November 24, 1998 (P.L.882, No.111),  
27 known as the Crime Victims Act.

28 (2) The appropriation for the Pennsylvania Parole Board  
29 must be in a separate line item.

30 Section ~~28~~ 24. Within one year of the effective date of this <--

1 section, the Pennsylvania Commission on Crime and Delinquency  
2 shall conduct and complete a study to analyze and determine  
3 which community correction centers, community corrections  
4 facilities or community contract facilities have been successful  
5 in reducing recidivism and to identify which individual and  
6 program level characteristics, if any, are significantly more  
7 likely to produce reductions in recidivism. The study shall  
8 further include data regarding the number and percentage of  
9 offenders who recidivate by facility and the types of crimes  
10 committed following release or absconding. The commission shall  
11 also determine to what extent recommendations from its prior  
12 study, Community Corrections Centers, Parolees, and Recidivism:  
13 An Investigation into the Characteristics of Effective Reentry  
14 Programs in Pennsylvania, have been implemented and the effect  
15 of the implementation in reducing recidivism.

16 Section ~~29~~ 25. This act shall take effect immediately.

<--