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8-5-92
HOUSE OF REPS
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JUDICIARY, CHAIRMAN
MAJORITY POLICY COMMITTEE

House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

THE HOUSE JUDICIARY COMMITTEE
PUBLIC HEARING ON HB 1382
CONSIDERATION OF PROBATION OR PAROLE FOR LIFE SENTENCED INMATES

STATE CORRECTIONAL INSTITUTE - MUNCY
INSTITUTIONAL CHAPEL

1:00 P.M. AUGUST 5, 1992

AGENDA

Representative Andrew J. Carn
Prime Sponsor of the Legislation

LIFE SENTENCED INMATES

Sharon Wiggins
Kim Joynes
Betty Heron

COMMUTED LIFE SENTENCE

"Jane Doe"

John Kramer, Executive Director
Pennsylvania Commission on Sentencing

Angus R. Love, Executive Director
Pennsylvania Institutional Law Project

James Dunning, Director
Governor's Veterans Outreach and Assistance Center

Written testimony submitted by Ms. Elizabeth R. Marsh,
Lewisburg Prison Project

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H.R. #1
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H.R. #2
8-5-92
HOUSE OF REPS
J.S. MURPHY
WPK

No. 1382

AN ACT

Establishing a program to grant parole review for inmates serving life sentences in the correctional facilities of this Commonwealth; and imposing certain powers and duties upon the Department of Corrections, the Department of Education and the Pennsylvania Board of Probation and Parole.

INTRODUCED _____, 19__

By ANN Seat NO. 184

By RICHARDSON Seat NO. 152

By ACOSTA Seat NO. 170

By _____ Seat NO. _____

Referred to Committee on

Judiciary

Date _____ 5/13 1991

new

Reported _____ 19__

As Committed-Amended

By Hon. _____

AN ACT

1 Establishing a program to grant parole review for inmates
2 serving life sentences in the correctional facilities of this
3 Commonwealth; and imposing certain powers and duties upon the
4 Department of Corrections, the Department of Education and
5 the Pennsylvania Board of Probation and Parole.

6 The General Assembly of the Commonwealth of Pennsylvania

7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Public Safety
10 and Rehabilitation Act.

11 Section 2. Definitions.

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

15 "Board." The Pennsylvania Board of Probation and Parole.

16 "Commissioner." The Secretary of Corrections of the
17 Commonwealth.

18 "Correctional classification profile" or "C.C.P." The
19 information on each specific inmate serving a life sentence

1 which is kept by the Department of Corrections, including
2 information regarding mental and physical health, number of sex
3 offenses, proclivity towards substance abuse, education and
4 other personal information.

5 "Counselor." The inmate's assigned correctional guidance
6 counselor.

7 "Department." The Department of Corrections of the
8 Commonwealth.

9 "G.E.D." A graduate degree that indicates the completion of
10 a secondary school curriculum and that equals receiving a high
11 school diploma.

12 "Program." The program established by this act created for
13 prisoners sentenced to a term of life imprisonment.

14 Section 3. Duties of department.

15 (a) General rule.--The department shall develop and
16 coordinate a program and shall be responsible for the
17 implementation of the provisions of this act.

18 (b) Rules and regulations.--The department shall have the
19 power to promulgate rules and regulations necessary to carry out
20 the provisions of this act.

21 (c) Standing department programs.--The separate
22 classifications and staffing procedures of the department which
23 currently exist to move an inmate through various defined
24 security and treatment stages shall continue to operate and
25 shall remain independent of this program.

26 (d) Duties of commissioner.--The commissioner shall appoint
27 a director of the program and shall also appoint counselors,
28 educational and vocational advisors, psychologists and
29 psychiatrists as needed for the program.

30 Section 4. Initial requirements of program.

1 (a) Eligibility.--Any inmate serving a sentence of life
2 imprisonment within the correctional facilities of this
3 Commonwealth shall be eligible for the program created under
4 this act, provided that the inmate has served a minimum of five
5 years of the sentence and has maintained a behavior record which
6 is free of misconduct for at least one year prior to applying
7 for the program. An inmate sentenced to life imprisonment prior
8 to the enactment of this legislation and who has served seven or
9 more years of the sentence shall be eligible to apply directly
10 to the major review committee for program placement provided the
11 inmate has remained free of misconduct for two years prior to
12 applying.

13 (b) Initial review.--Every inmate who is eligible and
14 applies for the program shall have his C.C.P. record reviewed by
15 a committee of four individuals appointed by the commissioner.
16 The committee shall determine program placement and specific
17 program design for each inmate applicant.

18 (c) Psychological evaluation.--The inmate shall receive a
19 psychological evaluation in the first year he enters the program
20 and every fifth year thereafter to determine mental health needs
21 and to evaluate the effectiveness of ongoing mandatory
22 treatment.

23 (d) Composition of initial review committee.--The initial
24 review committee shall include the program director, an
25 educational advisor, a vocational advisor and the counselor.

26 (e) Duties of initial review committee.--The initial review
27 committee shall ascertain the specific physical and
28 psychological needs of each inmate applicant based on the C.C.P.
29 profile of the inmate. The committee shall have each applicant
30 undergo a current psychological evaluation and educational and

1 vocational testing to aid in determining program placement and
2 design.

3 (f) Placement and design.--The initial review committee
4 shall have the power to determine if the inmate has qualified
5 for program placement. The committee shall then put into writing
6 the specific short-range and long-range goals that address the
7 needs of the inmate to successfully complete the initial program
8 phase. The specific design of the program for any inmate shall
9 take into consideration and address any past records of
10 substance abuse, sex offenses, mental health, and educational
11 and vocational experience.

12 (g) Design purpose.--The designed goals of the inmate should
13 lead to personal self-improvement, which may include, depending
14 on the institution, participation in prison activities,
15 educational improvement, community service, strengthening of
16 family ties and improvement of security classification.

17 (h) Mandatory components of program.--The inmate shall be
18 required to reach specific goals before being allowed to enter
19 the next phase of the program. All inmates in the program shall
20 obtain a high school diploma or a G.E.D. Any inmate who has
21 achieved this goal shall enter into a postsecondary degree
22 program within the institution or through a correspondence
23 degree program or shall enter into a training program as
24 apprentice in a trade for which the State Apprenticeship and
25 Training Council has set the required number of hours needed to
26 learn the trade and has certified the completion of an
27 apprenticeship. Inmates who have previously achieved college-
28 level or trade-level certification shall be required to
29 demonstrate work skills in correctional industries or other
30 skilled correctional employment position for 8,000 hours.

1 (i) Progress of inmates.--Progress evaluations for the
2 inmate shall be conducted annually by the counselor to keep the
3 inmate apprised of his progress and goals.

4 Section 5. Major review program.

5 (a) Eligibility.--Any inmate within the program shall be
6 eligible to enter the major review phase of the program if the
7 inmate:

8 (1) Has maintained behavior which is free of misconduct
9 for the prior two years.

10 (2) Has completed the mandatory components of section
11 4(h).

12 (3) Has obtained all the written design goals created
13 for the inmate by the initial review committee.

14 (b) Exception.--An inmate sentenced to life imprisonment
15 prior to the enactment of this legislation and who has served
16 seven or more years of the sentence shall be eligible to apply
17 directly to the major review committee for program placement
18 provided the inmate has remained free of misconduct for two
19 years prior to applying. The major review committee shall assign
20 the inmate to the program phase commensurate with the program
21 needs of the inmate based on the C.C.P. and psychological
22 profiles. It shall have the discretion to assign the inmate
23 directly to the major phase of the program if that inmate has
24 independently fulfilled the criteria of the initial phase of the
25 program prior to enactment of this legislation. It shall then
26 put in writing the specific goals that address the needs of the
27 inmate to complete that phase of the program. The major review
28 committee shall consider all treatment and developmental and
29 occupational program participation by the inmate prior to
30 enactment of this legislation in determining the composition of

1 the major phase of the program. It shall have the discretion to
2 waive the provision set forth in section 6(f) and set a time
3 frame appropriate for the completion of specific goals it sets.

4 (c) Major review.--Every inmate who is eligible and applies
5 for a major review of his record in the program shall have his
6 current C.C.P. record and psychological profile reviewed by the
7 major review committee established in accordance with subsection
8 (d).

9 (d) Composition of major review committee.--The major review
10 committee shall be composed of seven members, including the
11 program director, the counselor, a psychologist, a career field
12 supervisor, a representative from the Attorney General's office,
13 a representative of institution security and a central office
14 program representative. The members of this committee shall be
15 appointed by the commissioner, except for the representative
16 from the Attorney General's office, who shall be appointed by
17 the Attorney General.

18 (e) Duties of major review committee.--The major review
19 committee shall set long-range goals in writing for the inmate
20 to accomplish in order to complete the program. The committee
21 shall require each inmate to:

22 (1) Participate in a long-term treatment program,
23 developed by the department's Bureau of Treatment Services
24 Psychology Division, that addresses the management of
25 aggressive impulses and the development of prosocial skills
26 and behavior.

27 (2) Address those areas in the inmate's C.C.P. which the
28 committee considers necessary to address, such as substance
29 abuse, sex offenses and mental health.

30 (3) Address any area of concern which may be raised by

1 the victim or by survivors of the victim.

2 (4) Work, teach or supervise other noncertified inmates
3 within the correctional facility.

4 (5) Address some other area of education or self-
5 improvement, such as office skills, tutoring, computer
6 literacy, health, continuing education or communication
7 skills.

8 Section 6. Procedure.

9 (a) Six-month review.--Six months after the inmate has been
10 given long-range goals by the major review committee, the
11 counselor shall meet with the inmate to monitor the inmate's
12 progress and determine what additional steps should be taken to
13 complete the program.

14 (b) Nine-month review.--Nine months after the inmate is
15 reviewed by the major review committee, and yearly thereafter,
16 the inmate shall meet with an evaluation committee comprised of
17 the program director and three staff persons who are most
18 closely involved with the inmate. The evaluation committee shall
19 monitor the progress of the inmate and design a course of
20 conduct which aids in achieving all his short-term and long-term
21 program goals.

22 (c) Annual review.--Three months after the inmate has met
23 with the evaluation committee, and yearly thereafter, the inmate
24 shall meet with his counselor to establish in writing short-term
25 goals as determined by the evaluation committee and by program
26 progress.

27 (d) Corresponding with victim or survivors of victim.--The
28 program director or psychologist in the program shall contact
29 any victim or survivors of a victim who have indicated a
30 willingness to present a statement for a parole report under

1 section 22.1 of the act of August 6, 1941 (P.L.861, No.323),
2 referred to as the Pennsylvania Board of Probation and Parole
3 Law. The purpose of this contact shall be to elicit an oral or
4 written response that allows the victim or the survivors to
5 express their concerns and perspectives. These concerns shall be
6 addressed by including them into the treatment component for the
7 inmate during the major review phase of the program.

8 (e) Second contact with victim or survivors of victim.--
9 After the inmate has successfully maintained all components of
10 the major review program for three years, the victim or the
11 survivors of the victim shall be contacted for the second time
12 by the director of the program or a psychologist to summarize
13 what is being done to address their concerns and to seek a
14 response as to whether they think the program goals of the
15 inmate are adequately responding to their concerns. The
16 individualized goals of the inmate for the final two years of
17 the program should reflect any additional concerns of the victim
18 or the victim's survivors.

19 (f) Length of program.--The program shall require each
20 inmate to fulfill all the written goals of the major review
21 committee and remain in the program for a minimum of five years
22 from the date the inmate receives his major review.

23 Section 7. Completion of program.

24 (a) Misconduct of inmate following major review.--If an
25 inmate has displayed any behavioral misconduct which results in
26 disciplinary custody, the program director shall conduct a
27 hearing, upon release from disciplinary custody, to determine
28 the inmate's continued presence and status within the program.
29 The hearing committee will be composed of a psychologist, the
30 counselor and the program director. Upon review of the inmate's

1 program record, this committee may vote to continue the inmate
2 at the program level he was in prior to the misconduct, to add
3 additional time to the time required for the inmate to complete
4 the program, or to place the inmate back into the beginning of
5 the program if he has violated any of the provisions of 18
6 Pa.C.S. (relating to crimes and offenses).

7 (b) Failure to complete program.--The director shall have
8 the right to add additional time to the inmate's stay in the
9 program or to remove the inmate from the program, if it is shown
10 that the goals of the inmate are not being met for two
11 consecutive years.

12 (c) Notice to board.--The program director shall notify the
13 board that the inmate has completed the program and is currently
14 eligible for a parole hearing.

15 Section 8. Parole selection and intense supervision.

16 (a) Determination by board.--The board shall determine
17 whether an inmate sentenced to a term of life imprisonment
18 should be released on parole. The board shall adopt and
19 implement administrative rules to carry out this duty.

20 (b) Investigation.--In determining whether an inmate
21 sentenced to a term of life imprisonment should be released on
22 parole, the board shall make a detailed investigation of the
23 offense and the inmate, which shall include his criminal record,
24 his physical, mental and behavioral condition, and his
25 character, mental characteristics and habits, as required by
26 section 19 of the act of August 6, 1941 (P.L.861, No.323),
27 referred to as the Pennsylvania Board of Probation and Parole
28 Law.

29 (1) The board, as required by section 22.1 of the
30 Pennsylvania Board of Probation and Parole Law, shall solicit

1 the recommendations and reasons of any victim and the
2 surviving immediate family of the victim as to the
3 appropriateness for parole. Each such person shall have the
4 right to submit recommendations and reasons in writing,
5 orally, or both, at the parole hearing.

6 (2) The board, as required by section 19 of the
7 Pennsylvania Board of Probation and Parole Law, shall
8 consider the recommendations and reasons of the trial judge,
9 the district attorney, and the superintendent of the
10 institution as to the appropriateness for parole.

11 (c) Risk assessment.--In determining whether an inmate
12 sentenced to a term of life imprisonment should be released on
13 parole, the board shall conduct a risk assessment of each
14 inmate.

15 (d) Conditions.--No inmate sentenced to a term of life
16 imprisonment shall be released on parole unless the board finds:

17 (1) That the inmate does not pose a threat to the public
18 safety.

19 (2) That the inmate will live and remain at liberty
20 without violating any laws or condition imposed by the board.

21 (3) That the release of the inmate on parole would not
22 diminish the seriousness of the crime.

23 (4) That the inmate's rehabilitation will be furthered
24 by release on parole.

25 (5) That the inmate has shown continued participation
26 and successful completion of rehabilitative programs mandated
27 for him by the department, including, but not limited to,
28 education, vocational training, drug and alcohol counseling,
29 aggression management and sexual deviancy rehabilitation.

30 (6) That the inmate has a misconduct-free record two

1 years prior to eligibility for parole release and has
2 demonstrated an overall pattern of misconduct-free behavior
3 throughout incarceration.

4 (7) That the inmate will have suitable housing and will
5 maintain employment or educational or vocational training or
6 otherwise have self-sustaining income.

7 (e) Limit.--The board shall be restricted to paroling no
8 more than 50 inmates sentenced to a term of life imprisonment
9 during a calendar year.

10 (f) Conditions of parole.--If parole is granted to an inmate
11 sentenced to a term of life imprisonment, the board shall
12 furnish to the inmate a written statement setting forth in clear
13 and intelligible language the conditions and rules of parole.

14 (1) The condition of parole shall include that the
15 inmate refrain from engaging in criminal conduct.

16 (2) The conditions of parole shall include the making of
17 restitution or reparations to the victim or surviving family
18 members of the inmate's crime in an amount established by the
19 court and entered in the sentence of the court.

20 (3) In addition to those conditions of parole
21 established in 37 Pa. Code Ch. 63 (relating to conditions
22 governing parole), the board shall require as a condition of
23 parole for any inmate sentenced to a term of life
24 imprisonment that he:

25 (i) Submit to a 10 p.m. curfew for the first six
26 months after release on parole unless exempted by parole
27 authorities for employment or other lawful reasons.
28 Thereafter, parole authorities shall have discretion to
29 continue a mandatory curfew.

30 (ii) Submit to unannounced urinalysis testing every

1 month for the first year of parole. Thereafter, parole
2 authorities will conduct unannounced urinalysis testing
3 at their discretion.

4 (iii) Report to the designated parole office for one
5 face-to-face contact a week during the first year of
6 parole. Thereafter, parole authorities will have the
7 discretion to continue mandatory weekly contacts.

8 (iv) Contribute financially to the Crime Victim's
9 Compensation Board for a period of 60 months, in an
10 amount established by the parole authorities, after
11 satisfying any and all restitution to the victim and
12 surviving family members. Thereafter, the inmate will
13 satisfy any and all court-imposed costs of prosecution.

14 (4) The board may, in appropriate cases, as a condition
15 of parole, require an inmate sentenced to a term of life
16 imprisonment to reside in a community service center, halfway
17 house or pre-release center for such period and under such
18 supervision or treatment as the board may deem appropriate.

19 (g) Notification to community authorities.--It shall be the
20 duty of the board, at least ten days before parole release of
21 any inmate sentenced to a term of life imprisonment, to provide
22 the county sheriff, the chief of police of a city, and the local
23 Pennsylvania State Police Commander with information regarding
24 the inmate, including current glossy photographs, parole
25 residence, fingerprints and background data.

26 (h) Violation of condition.--Any inmate paroled from a
27 sentence of life imprisonment who, in the judgment of parole
28 authorities, has violated the conditions of parole shall be
29 declared a violator and subject to revocation proceedings
30 established by the board.

1 (i) Ineligibility.--Any person convicted for commission of a
2 felony while on parole from a life imprisonment sentence shall
3 be ineligible for parole release thereafter.

4 Section 9. Repeals.

5 As much as reads "or serving life imprisonment" of section 21
6 of the act of August 6, 1941 (P.L.861, No.323), referred to as
7 the Pennsylvania Board of Probation and Parole Law, is repealed.

8 Section 10. Effective date.

9 This act shall take effect in 60 days.