
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 859 Session of
2015

INTRODUCED BY GREENLEAF, YUDICHAK, EICHELBERGER, ARGALL AND
HUGHES, MAY 29, 2015

REFERRED TO JUDICIARY, MAY 29, 2015

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedures) and 61
2 (Prisons and Parole) of the Pennsylvania Consolidated
3 Statutes, in judicial boards and commissions, further
4 providing for definitions and for publication of guidelines;
5 in juvenile matters, further providing for inspection of
6 court files and records; in prisoner litigation, further
7 providing for prisoner filing fees; in particular rights and
8 immunities, further providing for immunity of State parole
9 officers and for immunity of program administrators and
10 supervisors; in sentencing, further providing for
11 dispositions of persons found guilty but mentally ill, for
12 collection of restitution and penalties, for sentencing
13 proceeding and place of confinement, for information required
14 upon commitment and subsequent disposition, for transfer of
15 inmates in need of medical treatment, for applicability, for
16 registry, for initial registration, for duty to inform, for
17 assessments, for administration, for global positioning
18 system technology, for immunity for good faith conduct, for
19 Pennsylvania State Police, for duties of probation and parole
20 officials, for duties of facilities housing sexual offenders,
21 for board and for annual performance audit; in preliminary
22 provisions, further providing for definitions; providing for
23 powers of peace officers; in county correctional
24 institutions, further providing for county recording system;
25 in motivational boot camp, further providing for motivational
26 boot camp program; in State intermediate punishment, further
27 providing for definitions; in community corrections centers
28 and community corrections facilities, further providing for
29 definitions, for department, for offenders who may be housed,
30 for authority of Commonwealth employees, for authority of
31 chairman and for escape; providing for certain offenders
32 residing in group-based homes; further providing for
33 probation and parole; in Pennsylvania Board of Probation and
34 Parole, further providing for definitions, for operation of

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

28 The General Assembly finds and declares as follows:

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

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

43 (3) The current supervision of offenders released on

1 probation and parole is the responsibility of the Board of
2 Probation and Parole, while the supervision of inmates is the
3 duty and responsibility of the Department of Corrections.

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

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

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

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

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

21 § 2151.1. 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 "Board." The Pennsylvania [Board of Probation and] Parole
26 Board.

27 * * *

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

30 Section 2. Sections 2155(a)(1), 6307(a)(6.2), 6602(c),

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

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

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

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

22 (i) Pennsylvania District Attorneys Association.

23 (ii) Chiefs of Police Associations.

24 (iii) Fraternal Order of Police.

25 (iv) Public Defenders Organization.

26 (v) Law school faculty members.

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

29 (vii) Department of Corrections and Rehabilitation.

30 (viii) Pennsylvania Bar Association.

1 (ix) Pennsylvania Wardens Association.

2 (x) Pennsylvania Association on Probation, Parole
3 and Corrections.

4 (xi) Pennsylvania Conference of State Trial Judges.

5 (xii) Any other interested person or organization.

6 * * *

7 § 6307. Inspection of court files and records.

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

10 * * *

11 (6.2) Officials of the Department of Corrections and
12 Rehabilitation or a State Correctional Institution or other
13 penal institution to which an individual who was previously
14 adjudicated delinquent in a proceeding under this chapter has
15 been committed, but the persons in this category shall not be
16 permitted to see reports revealing the names of confidential
17 sources of information contained in social reports, except at
18 the discretion of the court.

19 * * *

20 § 6602. Prisoner filing fees.

21 * * *

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

1 Corrections and Rehabilitation and county prison systems shall
2 develop written guidelines regarding the priority of payment,
3 which shall be consistent with law.

4 * * *

5 § 8332.7. Immunity of State parole officers.

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

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

29 § 8340. Immunity of program administrators and supervisors.

30 Any probation officer or agent of the Pennsylvania [Board of

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

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

13 * * *

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

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

28 * * *

29 § 9728. Collection of restitution, reparation, fees, costs,
30 fines and penalties.

1 * * *

2 (b) Procedure.--

3 * * *

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

16 * * *

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

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

12 * * *

13 § 9762. Sentencing proceeding; place of confinement.

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

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

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

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

29 (b) Sentences or terms of incarceration imposed after a
30 certain date.--All persons sentenced three or more years after

1 the effective date of this subsection to total or partial
2 confinement shall be committed as follows:

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

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

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

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

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

20 * * *

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

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

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

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

20 * * *

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

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

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

30 * * *

1 § 9764. Information required upon commitment and subsequent
2 disposition.

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

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

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

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

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

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

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

29 (7) A written statement by the county correctional
30 institution setting forth all of the following:

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

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

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

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

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

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

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

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

20 (5) All of the following:

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

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

24 (iii) Court commitment orders.

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

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

30 (c) Transmittal of additional inmate documentation.--If a

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

6 (c.1) Implementation.--

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

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

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

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

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

29 (2) In cases of a refusal to accept custody of an inmate
30 under this subsection, the sheriff or transporting official

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

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

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

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

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

30 (e) Release by Department of Corrections and

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

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

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

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

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

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

27 (2) Prior to the release of an inmate from a county
28 correctional facility to county probation or parole
29 supervision, the facility shall provide to the inmate his
30 current medications as prescribed and any customary and

1 necessary medical supplies as determined by the prescribing
2 physician.

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

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

1 financial obligations.

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

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

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

19 § 9777. Transfer of inmates in need of medical treatment.

20 * * *

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

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

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

28 "Hospice care location." A home, independent living
29 environment or inpatient setting that provides a coordinated
30 program of palliative and supportive services through a licensed

1 hospice care provider.

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

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

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

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

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

20 § 9799.13. Applicability.

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

27 * * *

28 (2) An individual who, on or after the effective date of
29 this section, is, as a result of a conviction for a sexually
30 violent offense, an inmate in a State or county correctional

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

9 * * *

10 (3.1) The following:

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

13 * * *

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

18 * * *

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

21 * * *

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

27 * * *

28 § 9799.16. Registry.

29 * * *

30 (d) Cooperation.--There shall be cooperation between the

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

9 § 9799.19. Initial registration.

10 * * *

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

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

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

25 (ii) parole;

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

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

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

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

1 provide the information set forth in section 9799.16(b) as
2 follows:

3 * * *

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

10 * * *

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

24 * * *

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

27 * * *

28 (2) If the individual is, on the effective date of this
29 section, already serving a sentence of State parole, the
30 Pennsylvania [Board of Probation and] Parole Board shall

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

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

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

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

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

19 * * *

20 § 9799.20. Duty to inform.

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

29 * * *

30 § 9799.24. Assessments.

1 * * *

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

16 * * *

17 (e) Hearing.--

18 * * *

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

24 * * *

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

30 * * *

1 § 9799.29. Administration.

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

10 § 9799.30. Global positioning system technology.

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

15 § 9799.31. Immunity for good faith conduct.

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

- 18 (1) Agents and employees of the Pennsylvania State
19 Police and local law enforcement agencies.
- 20 (2) District attorneys and their agents and employees.
- 21 (3) Superintendents, administrators, teachers, employees
22 and volunteers engaged in the supervision of children of any
23 public, private or parochial school.
- 24 (4) Directors and employees of county children and youth
25 agencies.
- 26 (5) Presidents or similar officers of universities and
27 colleges, including community colleges.
- 28 (6) The Pennsylvania [Board of Probation and] Parole
29 Board and its agents and employees.
- 30 (7) County probation and parole offices and their agents

1 and employees.

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

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

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

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

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

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

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

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

22 § 9799.32. Pennsylvania State Police.

23 The Pennsylvania State Police have the following duties:

24 * * *

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

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

24 * * *

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

1 the proper use and administration of information received
2 under section 9799.27.

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

10 * * *

11 § 9799.33. Duties of probation and parole officials.

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

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

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

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

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

8 § 9799.34. Duties of facilities housing sexual offenders.

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

16 * * *

17 § 9799.35. Board.

18 * * *

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

22 § 9799.38. Annual performance audit.

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

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

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

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

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

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

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

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

9 § 102. Definitions.

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

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

15 * * *

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

18 * * *

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

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

27 "Parole violator center." An area within the secure
28 perimeter or on the grounds of a State correctional institution
29 or contracted county jail that has been designated to house
30 offenders charged with or determined by the board to have

1 committed a technical parole violation.

2 "Secretary." The Secretary of Corrections and Rehabilitation
3 of the Commonwealth.

4 * * *

5 Section 4. Title 61 is amended by adding a section to read:

6 § 1106. Powers of peace officers.

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

11 (1) Guarding, protecting and delivering inmates.

12 (2) Protecting the property and interests of the
13 department.

14 (3) Capturing and returning inmates that may have
15 escaped.

16 Section 5. Section 1758(c) of Title 61 is amended to read:

17 § 1758. County recording system for application of restraints
18 to pregnant prisoners or detainees.

19 * * *

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

23 "County Extraordinary Occurrence Monthly Report." A
24 collection of statistics and other information by the department
25 on designated report forms or by other available approved
26 methods for the collection of such incident information under
27 this section and in accordance with written local policy
28 providing for the collection of population information
29 prescribed by 37 Pa. Code 95.242 (relating to Statistical/
30 informational reporting).

1 "Department." The Department of Corrections and
2 Rehabilitation of the Commonwealth.

3 Section 6. Section 3905(e) of Title 61 is repealed:

4 § 3905. Motivational boot camp program.

5 * * *

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

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

14 § 4103. Definitions.

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

18 * * *

19 ["Department." The Department of Corrections of the
20 Commonwealth.]

21 * * *

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

24 § 5001. Definitions.

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

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

29 "Chairman." The chairman of the Pennsylvania [Board of
30 Probation and] Parole Board.

1 "Community corrections center." A residential program that
2 is supervised and operated by the department in accordance with
3 this chapter.

4 "Community corrections facility." A residential facility
5 operated by a private contractor that:

6 (1) houses offenders pursuant to a contract with the
7 department; and

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

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

14 § 5002. Department.

15 The department may do all of the following:

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

18 (2) Enter into contracts with private vendors to operate
19 community corrections facilities.

20 (3) Establish parole violator centers.

21 § 5003. Offenders who may be housed.

22 The following offenders may be housed in community
23 corrections centers, parole violator centers and community
24 corrections facilities:

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

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

30 (i) Except as provided in subparagraph (ii), [a

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

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

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

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

25 [(5) Inmates transferred by the department under Chapter
26 37 (relating to inmate prerelease plans). This paragraph
27 shall expire July 1, 2013.]

28 § 5004. Authority of Commonwealth employees.

29 Commonwealth employees of community corrections centers and
30 parole violator centers and other Commonwealth employees[,]

1 while] present in community corrections facilities, have the
2 authority to do all of the following:

3 (1) In order to maintain security and to enforce the
4 rules of the community corrections center, parole violator
5 center or community corrections facility:

6 (i) search the person and property of an offender
7 residing in the community corrections center, parole
8 violator center or community corrections facility;

9 (ii) seize property from an offender residing in the
10 community corrections center, parole violator center or
11 community corrections facility; and

12 (iii) if necessary, use reasonable force against an
13 offender residing in the community corrections center or
14 community corrections facility.

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

21 § 5005. Authority of chairman.

22 The chairman has the following authority:

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

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

29 (3) Determine, jointly with the [Secretary of the
30 Department of Corrections] secretary, using evidence-based

1 practices designed to reduce the likelihood of recidivism and
2 improve public safety, the appropriate treatment and
3 programming for [parolees] offenders paroled by the board who
4 are housed at community corrections centers, parole violator
5 centers and community corrections facilities.

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

10 § 5006. Escape.

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

19 Section 9. Title 61 is amended by adding a section to read:

20 § 5007. Certain offenders residing in group-based homes.

21 (a) Notification requirement.--

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

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

5 (i) Name of the individual, including all known
6 aliases.

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

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

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

12 (b) Public hearing.--

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

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

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

1 Section 10. The heading of Part IV of Title 61 is amended to
2 read:

3 PART IV

4 [PROBATION AND PAROLE] PENNSYLVANIA DEPARTMENT OF CORRECTIONS
5 AND REHABILITATION

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

7 § 6101. Definitions.

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

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

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

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

17 "Community corrections facility." A residential facility
18 operated by a private contractor that:

19 (1) provides housing to offenders pursuant to a contract
20 with the department; and

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

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

27 "Contraband." Any item that the offender is not permitted to
28 possess under the conditions of supervision, including any item
29 whose possession is forbidden by any Federal, State or local
30 law.

1 "Court." A court of common pleas or any judge thereof, the
2 Philadelphia municipal court or any judge thereof, the
3 Pittsburgh magistrates court or any judge thereof or any
4 magisterial district judge.

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

8 "Detainee." As follows:

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

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

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

17 "Department supervised offender." An offender under
18 departmental parole or probationary supervision.

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

21 "Evidence-based practices." Interventions and treatment
22 approaches that have been proven effective through appropriate
23 empirical analysis.

24 "Exigent circumstances." The term includes, but is not
25 limited to, suspicion that contraband or other evidence of
26 violations of the conditions of supervision might be destroyed
27 or suspicion that a weapon might be used. Exigent circumstances
28 always exist with respect to a vehicle.

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

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

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

7 (3) is not subject to an order of protection from abuse;
8 and

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

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

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

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

24 "Real property." Any residence or business property of a
25 department supervised offender, including all portions of the
26 property to which the department supervised offender has access.

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

29 "Victim." The term shall have the meaning given to it under
30 section 103 of the Crime Victims Act. The term shall also

1 include a member of the victim's family if the victim is
2 incapable of communicating or has died.

3 Section 12. Section 6102 of Title 61 is repealed:

4 [§ 6102. Operation of parole system generally.

5 The parole system shall operate consistently with the
6 following provisions:

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

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

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

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

26 SUBCHAPTER B

27 ADMINISTRATION OF THE PENNSYLVANIA PAROLE BOARD

28 Section 14. Sections 6111(a) and (e), 6112, 6113, 6116 and
29 6118 of Title 61 are amended to read:

30 § 6111. Pennsylvania [Board of Probation and] Parole Board.

1 (a) Establishment.--The Pennsylvania [Board of Probation
2 and] Parole Board is [an independent administrative board for
3 the administration of the probation and parole laws of this
4 Commonwealth] established as a departmental administrative board
5 within the department for the purpose of granting and revoking
6 paroles to certain offenders within this Commonwealth.

7 * * *

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

16 § 6112. Board chairperson.

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

20 [(1) Direct the operations, management and
21 administration of the board and fulfill the functions
22 established by this chapter.

23 (2) Secure the effective application of the probation
24 system in all of the courts of this Commonwealth and the
25 enforcement of the probation laws.]

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

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

30 (5) Administer the proceedings of the board to ensure

1 efficient and timely procedures for parole board decisions,
2 [parole releases,] discharges and recommitments.

3 (b) Alternate chairperson.--The board may designate one of
4 its members to act as alternate chairperson during the absence
5 or incapacity of the chairperson, and, when so acting, the
6 member so designated shall have and perform all the powers and
7 duties of chairperson of the board but shall not receive any
8 additional compensation for acting as chairperson.

9 § 6113. Board action.

10 (a) Quorum.--

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

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

23 (b) Panel decisions.--The board may make decisions on
24 parole, reparole, return or revocation in panels of two persons.
25 A panel shall consist of one board member and one hearing
26 examiner or of two board members. Panels shall be appointed by
27 the chairperson or the chairperson's designee. A panel may act
28 without meeting. A panel may meet and take action via
29 videoconferencing or similar virtual presence technology.

30 (c) Disagreement within panel.--

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

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

12 (d) Appeal.--

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

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

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

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

1 board's professional judgment in the parole decision-making
2 process.

3 § 6116. Meetings.

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

6 (b) Appointment of secretary of board.--The [members of the
7 board] department shall appoint a 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.

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 number of individuals to conduct hearings as required or
27 authorized by this title.

28 § 6118. Offices.

29 [(a) Principal office.--The principal office of the board]
30 The department shall [be in Harrisburg, and] provide offices for

1 the board and shall appoint and employ such number and character
2 of officers, agents, clerks, stenographers and employees as may
3 be necessary to carry out the purposes of this chapter. The
4 salaries of persons so appointed and employed by the board shall
5 be fixed by the [board] department.

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

15 (c) Location of district offices.--

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

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

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

30 (d) Consideration for fixing compensation.--In fixing

1 compensation for its officers, clerks and employees under the
2 provisions of this chapter, the board shall have regard to the
3 kind, grade or class of service to be rendered, and, whenever
4 any standard compensation has been fixed by the Executive Board
5 for any kind, grade or class of service or employment, the
6 compensation of all persons appointed or employed by the board
7 in the same kind, grade or class shall be fixed by it in
8 accordance with such standard.]

9 Section 15. Sections 6119, 6120, 6121, 6122, 6123 and 6124
10 of Title 61 are repealed:

11 [§ 6119. District directors.

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

14 (1) Shall be appointed by the board, with the approval
15 of the Governor.

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

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

24 § 6120. District office employees.

25 (a) Board to appoint.--The board shall appoint in the
26 various district offices a sufficient number of parole officers,
27 clerks, stenographers and other agents and employees to fully
28 and efficiently administer the parole laws of this Commonwealth,
29 but no employee of the board, other than its secretary and
30 district supervisors, shall be appointed by the board except in

1 the manner provided by this chapter.

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

8 § 6121. Disciplinary action.

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

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

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

21 § 6122. Political activities.

22 (a) General rule.--No member of the board, or officer, clerk
23 or employee thereof, or any person officially connected with the
24 board:

25 (1) Shall take any active part in politics or be a
26 member of or delegate or alternate to any political
27 convention or be present at such convention, except in the
28 performance of that person's official duties under this
29 chapter.

30 (2) Shall serve as a member of or attend the meetings of

1 any committee of any political party, or take any part in
2 political management or political campaigns, or use that
3 person's office to influence political movements, or to
4 influence the action of any other officer, clerk or employee
5 of the board.

6 (3) Shall in any way or manner interfere with or
7 participate in the conduct of any election or the preparation
8 therefore at the polling place, or with the election officers
9 while counting the votes or returning the ballot boxes,
10 books, papers, election paraphernalia and machinery to the
11 place provided by law, or be within any polling place, except
12 for the purpose of voting as speedily as it reasonably can be
13 done, or be otherwise within 50 feet of any polling place,
14 except for purposes of ordinary travel or residence during
15 the period of time beginning with one hour preceding the
16 opening of the polls for holding the election and ending with
17 the time when the election officers shall have finished
18 counting the votes and have left the polling place.

19 (4) Shall directly or indirectly make or give, demand or
20 solicit or be in any manner concerned in making, giving,
21 demanding, soliciting or receiving any assessments,
22 subscriptions or contributions, whether voluntary or
23 involuntary, to any political party or for any political
24 purpose whatsoever.

25 (b) Penalty.--Any person who violates any of the provisions
26 of this section:

27 (1) Commits a misdemeanor of the third degree, and, upon
28 conviction thereof, shall be punished by a fine not exceeding
29 \$500 or imprisonment not exceeding one year, or both.

30 (2) Shall forfeit that person's office or employment, as

1 the case may be.

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

4 (c) Dismissal required.--The board shall dismiss any
5 officer, clerk or employee thereof who shall violate this
6 section from that person's office or employment.

7 § 6123. Advisory committee.

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

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

21 (c) Terms.--

22 (1) The term of a member hereafter appointed, except to
23 fill a vacancy, shall be for four years and until their
24 successors have been appointed and qualified, but in no event
25 more than 90 days beyond the expiration of their appointed
26 term.

27 (2) The terms of members of the committee who are
28 appointed by virtue of holding an office as a member of the
29 General Assembly, judge, chief county probation officer or
30 county commissioner shall continue only so long as that

1 person remains in that office.

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

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

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

18 (e) Assistance to be provided.--The advisory committee shall
19 aid the chairperson and the board in formulating and reviewing
20 standards for probation personnel and probation services in the
21 counties.

22 § 6124. Certain offenders residing in group-based homes.

23 (a) Notification requirement.--

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

1 which the group-based home is located that the individual is
2 staying at the group-based home.

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

7 (i) Name of the individual, including all known
8 aliases.

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

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

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

14 (b) Public hearing.--

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

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

29 (3) At a public hearing under this subsection, the
30 group-based home provider shall explain the operation of the

1 group-based home and the governing body conducting the
2 hearing shall permit public questions and comments.

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

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

11 "Official Internet website." The official Internet location
12 designated by a municipality or county as its primary method of
13 electronically communicating with the public about its official
14 business.]

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

17 § 6131. General powers of board.

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

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

22 (2) To collect and maintain copies of all presentence
23 investigations and reports.

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

26 (4) 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 board may deem of
29 value in probation service.

30 (5) 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 The standards for the qualifications of probation personnel
8 shall only apply to probation personnel appointed after the
9 date the standards are established. Should any probation
10 personnel appointed prior to the date the standards were
11 established fail to meet the standards, the court having
12 jurisdiction of such personnel may request the board to
13 establish in-service training for them in accordance with the
14 standards.

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

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

24 (8) To enter into contracts for purchasing community
25 services to assist parolees and to supplement existing
26 programs.

27 (9) To pay the cost of preparole drug screening tests
28 for inmates within the parole release jurisdiction of the
29 board, who are confined in a State or local correctional
30 facility, as required under section 6137 (relating to parole

1 power).

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

4 (11) To establish and provide for intensive supervision
5 units and day reporting centers for the supervision of
6 parolees.]

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

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

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

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

19 (16) To conduct outcome and performance analyses on
20 implemented board programs and practices to enhance public
21 safety through reduced recidivism.

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

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

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

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

7 § 6132. Specific powers of board involving [parolees]
8 offenders.

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

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

17 [(ii) This paragraph applies to inmates sentenced to
18 definite or flat sentences.

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

28 (ii) Except for such special cases, the powers and
29 duties conferred by this section shall not extend to
30 persons sentenced for a maximum period of less than two

1 years and shall not extend to those persons committed to
2 county confinement within the jurisdiction of the court
3 pursuant to 42 Pa.C.S. § 9762 (relating to sentencing
4 proceeding; place of confinement).]

5 (3) To establish special conditions of supervision for
6 paroled offenders. Conditions of supervision must be based on
7 the risk presented by and the rehabilitative needs of the
8 offender. Conditions may be modified pursuant to section 6161
9 (relating to powers and duties of department) or if the board
10 or its designee consents to such modification.

11 (4) To promulgate regulations establishing general
12 conditions of supervision applicable to every paroled
13 offender.

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

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

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

26 [§ 6133. Probation services.

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

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

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

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

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

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

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

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

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

24 § 6134. Sentencing court [to transmit records to board]
25 recommendation.

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

30 (1) A copy of the notes of testimony of the sentencing

1 hearing that may have been filed of record in the case.

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

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

11 (b) Recommendations from judge.--] The following shall
12 apply:

13 (1) A judge may make at any time a recommendation to the
14 board respecting the [person] offender sentenced and the term
15 of imprisonment the judge believes that [person] offender
16 should be required to serve before [a] parole is granted to
17 that [person] offender.

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

25 § 6134.1. General criteria for parole by court.

26 (a) Guidelines.--The court may parole or reparole subject to
27 consideration of guidelines established under 42 Pa.C.S. §
28 2154.5 (relating to adoption of guidelines for parole).

29 (b) Report of decision to commission.--If a court paroles or
30 reparaes [a person] an offender, the court shall report the

1 parole or reparole decision and shall provide a contemporaneous
2 written statement for any deviation from the guidelines
3 established under 42 Pa.C.S. § 2154.5, to the commission under
4 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties).

5 (c) Procedure.--

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

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

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

26 (4) Preparole statements submitted pursuant to this
27 subsection shall be subject to the confidentiality provisions
28 contained in section 6140 (relating to victim statements,
29 testimony and participation in hearing) applicable to
30 preparole statements submitted to the board and shall be

1 considered by the court prior to any parole decision, and
2 each victim submitting a preparole statement shall be given
3 notice of the court's parole decision.

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

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

10 "Victim." The term shall mean, in addition to the meaning
11 set forth in section 103 of the act of November 24, 1998 (P.L.
12 882, No.111), known as the Crime Victims Act, a member of the
13 victim's family if the victim is incapable of communicating or
14 has died.]

15 § 6136. Right of access to [inmates] offenders.

16 All prison officials shall:

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

20 (2) At all reasonable times provide for the board or its
21 properly accredited representative facilities for
22 communicating with and observing an [inmate] detainee while
23 imprisoned. Such facilities may, at the discretion of the
24 prison officials, be provided via videoconferencing or
25 similar virtual presence technology.

26 (3) Furnish to the board [from time to time such], no
27 fewer than 90 days prior to a scheduled parole interview or
28 if an interview is scheduled to be held within less than 90
29 days, as quickly as possible after such public officials are
30 informed of such interview, reports concerning the conduct of

1 [inmates] offenders in their custody [as the board shall by
2 general rule or special order require,] together with any
3 other facts deemed pertinent in aiding the board to determine
4 whether such [inmates] offenders shall be paroled.

5 § 6137. Parole power.

6 (a) General criteria for parole.--

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

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

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

21 (2) Parole shall be subject in every instance to the
22 Commonwealth's right to immediately retake and hold in
23 custody without further proceedings any [parolee] offender
24 charged after his parole with an additional offense until a
25 determination can be made whether to continue his parole
26 status.

27 (3) The power to parole granted under this section to
28 the board may not be exercised in the board's discretion at
29 any time before, but only after, the expiration of the
30 minimum term of imprisonment fixed by the court in its

1 sentence or by the Board of Pardons in a sentence which has
2 been reduced by commutation.

3 (3.1) (i) Following the expiration of the [inmate's]
4 offender's minimum term of imprisonment, if the primary
5 reason for not paroling the [inmate] offender is the
6 [inmate's] offender's inability to access and complete
7 prescribed programming within the correctional
8 institution, the board may release the [inmate] offender
9 on parole with the [condition] recommendation that the
10 [inmate] offender complete the prescribed programming
11 while on parole.

12 (ii) This paragraph shall not apply to offenders who
13 are currently serving a term of imprisonment for a crime
14 of violence as defined in 42 Pa.C.S. § 9714 (relating to
15 sentences for second and subsequent offenses) or for a
16 crime requiring registration under 42 Pa.C.S. Ch. 97
17 Subch. H (relating to registration of sexual offenders).

18 (iii) For those [inmates] offenders to whom
19 subparagraph (ii) is applicable, the board may release
20 the [inmate] offender on parole if the [inmate] offender
21 is subject to another jurisdiction's detainer, warrant or
22 equivalent writ.

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

28 (i) whose term of imprisonment was commuted from
29 life to life on parole;

30 (ii) who was serving a term of imprisonment for a

1 crime of violence; or
2 (iii) who is serving a sentence under 42 Pa.C.S. §
3 9712 (relating to sentences for offenses committed with
4 firearms).

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

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

9 (ii) have any violations of a condition of parole
10 immediately made known to the Board of Pardons. This
11 subparagraph shall apply to all [parolees] offenders
12 under supervision by other jurisdictions under Subchapter
13 B of Chapter 71 (relating to interstate compact for the
14 supervision of adult offenders).

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

26 (c) Administrative parole.--

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

1 (i) (A) the eligible offender has not violated the
2 terms and conditions of the eligible offender's
3 parole; or

4 (B) the eligible offender has not been subject
5 to the extensive use of sanctions prior to the
6 completion of one year from the date of release on
7 parole; and

8 (ii) there is no substantial information indicating
9 dangerousness or that placement on administrative parole
10 would compromise public safety.

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

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

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

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

23 (iii) Continue to pay any restitution owed.

24 (iv) Comply with other requirements imposed by the
25 board or the department.

26 (d) Recidivism risk reduction incentive minimum.--The board
27 shall have the power and its duty shall be to comply with the
28 requirements of section 4506 (relating to recidivism risk
29 reduction incentive minimum).

30 (e) Drug screening tests.--

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

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

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

27 [(ii) The random screening tests shall be performed
28 at the discretion of the board, and the parolee
29 undergoing the tests shall be responsible for the costs
30 of the tests.

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

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

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

17 (g) Procedure.--

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

21 (2) Upon identification of an [inmate] detainee as an
22 eligible offender, the department shall send notice to the
23 board. The [board] department shall send notice to the
24 prosecuting attorney and the court no [less] fewer than six
25 months before the expiration of the [inmate's] detainee's
26 minimum sentence indicating that the department has
27 preliminarily identified the inmate as an eligible offender.
28 The notice shall be sent by United States mail unless the
29 [board] department, the court and the prosecutor have
30 consented to receipt of notice via electronic means. For

1 [inmates] detainees committed to the department whose
2 expiration of the minimum sentence is six months or less from
3 the date of admission, the department shall give prompt
4 notice.

5 (3) Within 30 days of receipt of notice under paragraph
6 (2), the court or prosecuting attorney may file with the
7 board a written objection to the department's preliminary
8 identification of the [inmate] detainee as an eligible
9 offender. Notice of the objection shall be provided to the
10 department [and the board].

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

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

20 (ii) The reentry plan for the [inmate] detainee is
21 adequate.

22 (iii) Individual conditions and requirements for
23 parole have been established for the offender.

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

26 (5) If the court or prosecuting attorney files a timely
27 objection under paragraph (3), the board shall make a
28 determination as to whether the [inmate] detainee is an
29 eligible offender. The board shall notify the department,
30 prosecuting attorney and court of its determination no later

1 than 30 days prior to the minimum parole date. If the board
2 determines that the [inmate] detainee is an eligible offender
3 under this chapter, the board shall follow the provisions
4 under paragraph (4). If the board determines that the
5 [inmate] detainee is not an eligible offender under section
6 4503 (relating to definitions), the board shall retain
7 exclusive jurisdiction to grant parole and shall determine
8 whether the [inmate] detainee should be:

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

12 (ii) paroled at a later date; or

13 (iii) denied parole.

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

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

24 (h) Power to recommit.--

25 (1) The board may, during the period for which an
26 [inmate] offender shall have been sentenced, recommit the
27 [inmate] offender, if paroled, for violation of the terms and
28 conditions of his parole and from time to time to reparole
29 and recommit in the same manner and with the same procedure
30 as in the case of an original parol or recommitment if, in

1 the judgment of the board:

2 (i) There is a reasonable probability that the
3 [inmate] offender will be benefited by paroling the
4 [inmate] offender again.

5 (ii) It does not appear that the interests of the
6 Commonwealth will be injured by paroling the [inmate]
7 offender again.

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

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

18 (j) Notice to county probation department.--When the board
19 releases [a parolee] an offender from a correctional facility,
20 the board shall provide written notice to the probation
21 department located in the county where the sentencing order was
22 imposed of the release and new address of the [parolee]
23 offender.

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

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

29 "Eligible offender." As defined in section 4503 (relating to
30 definitions).]

1 § 6138. Violation of terms of parole.

2 (a) Convicted violators.--

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

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

20 (2.1) The board may, in its discretion, award credit to
21 [a parolee] an offender recommitted under paragraph (2) for
22 the time spent at liberty on parole, unless any of the
23 following apply:

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

30 (ii) The [parolee] offender was recommitted under

1 section 6143 (relating to early parole of [inmates]
2 offenders subject to Federal removal order).

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

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

13 (5) If a new sentence is imposed on the [parolee, the
14 service of the balance of the term originally imposed by a
15 Pennsylvania court shall precede the commencement of the new
16 term imposed in the following cases:

17 (i) If a person is paroled from a State correctional
18 institution and the new sentence imposed on the person is
19 to be served in the State correctional institution.

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

23 (iii) In all other cases, the service of the new
24 term for the latter crime shall precede commencement of
25 the balance of the term originally imposed.] offender,
26 the sentencing judge shall indicate whether the new
27 sentence is to be served concurrently with or consecutive
28 to the remainder of the term originally imposed. If the
29 new sentence is to be served consecutively to the
30 remainder of the original term, the new sentence and the

1 remainder of the original term shall be aggregated under
2 42 Pa.C.S. § 9762 (relating to sentencing proceeding;
3 place of confinement) for purposes of place of
4 confinement and paroling authority. The board shall not
5 have jurisdiction to reparole the offender until the
6 offender has been recommitted for a period equal to the
7 minimum term of the new sentence, including any credit
8 awarded toward the service of the new sentence.

9 (5.1) If the [parolee] offender is sentenced to serve a
10 new term of total confinement by a Federal court or by a
11 court of another jurisdiction because of a verdict or plea
12 under paragraph (1), the [parolee] offender shall serve the
13 balance of the original term before serving the new term.

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

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

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

24 (b) Subsequent arrest.--

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

30 (2) The automatic detainer shall dissolve 15 days after

1 the [parolee] offender is taken into custody unless sooner
2 waived or otherwise superseded by direction of the
3 [supervising parole office] department or its designee.

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

8 (c) Technical violators.--

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

22 (i) The violation was sexual in nature.

23 (ii) The violation involved assaultive behavior.

24 (iii) The violation involved possession or control
25 of a weapon.

26 (iv) The [parolee] offender has absconded[, and the
27 parolee] and cannot be safely [diverted to] housed in a
28 community corrections center [or],
29 community corrections facility or parole violator center.

30 (v) [There exists an identifiable threat to public

1 safety, and the parolee cannot be safely diverted to] The
2 offender cannot be housed safely in a community
3 corrections center [or], community corrections
4 facility[.] or a parole violator center because:

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

7 (B) the offender has been recommitted as a
8 technical parole violator because of a conviction for
9 a summary offense in a court;

10 (C) the offender has been previously recommitted
11 to a community corrections center, community
12 corrections facility or parole violator center and
13 served 61 days or more in disciplinary custody
14 following the previous recommitment; or

15 (D) the department does not have an available
16 bed in a community corrections center or parole
17 violator center or an entity with whom the department
18 contracts does not have an available bed in a
19 community corrections facility because of a
20 restriction imposed by the provisions of a Federal,
21 State or local statute.

22 (1.1) If the board determines that a condition under
23 paragraph (1) applies, the [parolee] offender shall be
24 detained [in or recommitted to] or housed in a State
25 correctional institution or contracted county jail.

26 (1.2) Every offender's recommitment to a community
27 corrections center, community corrections facility or parole
28 violator center shall be subject to a condition that the
29 offender comply with the rules of conduct applicable to the
30 place where the offender is housed. The department may, at

1 its discretion, place an offender accused of violating the
2 rules of conduct in a State correctional institution or
3 contracted county jail, pending an investigation or
4 disciplinary hearing, or serve a disciplinary sanction under
5 the department's procedures, or both.

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

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

19 (4) Subject to subsection (e), the [parolee] offender
20 shall be subject to reparole by the board whenever in its
21 opinion the best interests of the [inmate] offender justify
22 or require the [parolee] offender being repared and it does
23 not appear that the interests of the Commonwealth will be
24 injured reparoling the [parolee] offender.

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

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

29 (ii) The [board's] department's capacity to deliver
30 programs that address criminal thinking behavior and

1 related crime- producing factors.

2 (iii) Use of community-based sanctioning
3 alternatives to incarceration.

4 (iv) Use of a graduated violation sanctioning
5 process.

6 (v) Recommitment to:

7 (A) a State correctional institution;

8 (B) a contracted county jail;

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

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

11 (E) a parole violator center.

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

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

26 (9) Notwithstanding any other provision of law, an
27 offender under the department's supervision who is alleged to
28 have committed a technical parole violation may be arrested
29 and detained for a period not to exceed 15 days, provided
30 that the offender is brought before a hearing examiner within

1 48 hours for a determination whether the offender shall be
2 released as quickly as reasonably possible or held for the
3 remainder of the 15 days. The appearance before the hearing
4 examiner may be conducted via videoconferencing or similar
5 virtual presence technology.

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

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

14 (2) If paroled from a State correctional institution, to
15 any State correctional institution or contracted county jail
16 designated by the department.

17 (3) Except as set forth in paragraph (4) or (5), the
18 parolee shall be recommitted] for one of the following
19 periods, at which time the [parolee] offender shall
20 automatically be reparaoled without further action by the
21 board:

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

24 [(ii)] (1.2) For the second recommitment under this
25 subsection for the same sentence, a maximum of nine
26 months.

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

30 (4) The [parolee] offender may be reparaoled by the board

1 prior to expiration of the time [period under paragraph (3)]
2 periods under paragraph (1.1), (1.2) or (1.3) if the board
3 determines that it is in the best interest of the
4 Commonwealth and the [parolee] offender.

5 (5) The time [limit under paragraph (3)] limits under
6 paragraph (1.1), (1.2) or (1.3) shall not be applicable to [a
7 parolee] an offender who:

8 (i) committed a disciplinary infraction involving
9 assaultive behavior, sexual assault, a weapon or
10 controlled substances;

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

13 (iii) refused programming or a work assignment.

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

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

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

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

28 (i) commits a disciplinary infraction involving
29 assaultive behavior, sexual assault, a weapon or
30 controlled substances;

1 (ii) spends more than 61 days in segregated housing
2 due to one or more disciplinary infractions;
3 (iii) refuses programming or a work assignment; or
4 (iv) is not in compliance with all legal
5 requirements applicable to the offender, including, but
6 not limited to, maintaining registration in any
7 applicable sex offender registry.

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

11 "Community corrections center." A residential program that
12 is supervised and operated by the department in accordance with
13 Chapter 50 (relating to community corrections centers and
14 community corrections facilities).

15 "Community corrections facility." A residential facility
16 operated by a private contractor that:

17 (1) houses offenders pursuant to a contract with the
18 department; and

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

20 "Contracted county jail." A county correctional facility
21 which has contracted with the department to provide correctional
22 or other services.

23 "State correctional institution." Any of the following owned
24 and operated by the Commonwealth:

25 (1) A correctional facility.

26 (2) A prison.

27 (3) A jail.]

28 § 6139. Parole procedure.

29 (a) Specific requirements.--

30 (1) The board may, subject to the provisions and

1 limitations set forth in section 6138 (relating to violation
2 of terms of parole), grant [paroles of] parole on its own
3 motion whenever in its judgment the interests of justice
4 require the granting of [these paroles] parole.

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

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

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

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

30 (4) Hearings of applications [shall] may be held by the

1 board whenever in its judgment hearings are necessary.
2 Reasonable rules and regulations shall be adopted by the
3 board for the presentation and hearing of applications for
4 parole.

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

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

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

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

30 (c) Notice to district attorney.--At least ten days before

1 paroling an [inmate] offender on its own motion, the board shall
2 give written notice of the contemplated parole to the district
3 attorney of the county in which the [inmate] offender was
4 sentenced, and, in cases of hearings on applications for parole
5 as provided for in this section, at least ten days' written
6 notice of the time and place fixed for such hearing shall be
7 given either by the board or by the [applicant] offender or the
8 offender's attorney, as the board shall direct, to the court and
9 district attorney of the county in which the [applicant]
10 offender was sentenced.

11 § 6140. Victim statements, testimony and participation in
12 hearing.

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

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

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

25 (i) is a juvenile;

26 (ii) is incapable of testifying; or

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

28 offender's conduct.

29 (b) Notice of intent to submit statement.--In order to
30 submit a statement under subsection (a), a victim or family

1 member must notify the board of his intention to do so and
2 provide and keep current an appropriate mailing address with the
3 board.

4 (c) Contents of parole [report] statement.--The parole
5 [report] statement may include [a statement] discussion
6 concerning:

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

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

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

14 (d) Notice to persons who previously contacted the board.--

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

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

30 (e) Notice of intent to present testimony.--The victim or

1 family member shall notify the board within 30 days from the
2 date of the notice of his intent to present testimony at the
3 parole hearing. This time period may be waived by the board for
4 good cause.

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

11 (g) Assignment to hearing examiner.--If the victim or family
12 member informs the board subsequent to notice being provided
13 that [the person intends] they intend to testify, the
14 chairperson shall assign the [inmate's] offender's case to a
15 hearing examiner for the purpose of receiving the person's
16 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 to the victim or family member, in writing, and
25 shall be mailed at least ten days prior to the hearing date.

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

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

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

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

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

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

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

16 (i) Evaluate the information provided.

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

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

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

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

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

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

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

3 (A) Shall be deemed confidential and privileged.

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

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

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

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

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

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

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

1 be notified by the board at the last known address if and
2 when additional parole hearings are scheduled by the board.

3 Section 18. Sections 6141 and 6142 of Title 61 are repealed:
4 [§ 6141. General rules and special regulations.

5 The board may make general rules for the conduct and
6 supervision of persons placed on parole and may, in particular
7 cases, as it deems necessary to effectuate the purpose of
8 parole, prescribe special regulations for particular persons.

9 § 6142. Investigations for the Board of Pardons.

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

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

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

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

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

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

30 (3) The offender has never been convicted or adjudicated

1 delinquent of a crime of violence or a crime requiring
2 registration under 42 Pa.C.S. Ch. 97 Subch. H (relating to
3 registration of sexual offenders).

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

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

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

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

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

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

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

1 shall be returned to the custody of the department and the board
2 shall rescind the [inmate's] offender's parole.

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

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

17 Section 20. Subchapter D of Chapter 61 of Title 61 is
18 repealed:

19 [SUBCHAPTER D

20 STATE PAROLE AGENTS

21 Sec.

22 6151. Definitions.

23 6152. Status as peace officers.

24 6153. Supervisory relationship to offenders.

25 § 6151. Definitions.

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

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

30 "Conditions of supervision." Any terms or conditions of the

1 offender's supervision, whether imposed by the court, the board
2 or an agent, including compliance with all requirements of
3 Federal, State and local law.

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

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

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

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

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

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

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

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

1 § 6152. Status as peace officers.

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

8 § 6153. Supervisory relationship to offenders.

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

17 (b) Searches and seizures authorized.--

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

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

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

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

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

30 (i) if there is a reasonable suspicion to believe

1 that the offender possesses contraband or other evidence
2 of violations of the conditions of supervision;

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

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

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

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

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

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

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

- 1 (i) The observations of agents.
- 2 (ii) Information provided by others.
- 3 (iii) The activities of the offender.
- 4 (iv) Information provided by the offender.
- 5 (v) The experience of agents with the offender.
- 6 (vi) The experience of agents in similar
- 7 circumstances.
- 8 (vii) The prior criminal and supervisory history of
- 9 the offender.
- 10 (viii) The need to verify compliance with the
- 11 conditions of supervision.

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

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

24 Section 21. Chapter 61 of Title 61 is amended by adding
25 subchapters to read:

26 SUBCHAPTER E

27 SUPERVISION OF OFFENDERS

28 Sec.

29 6161. Powers and duties of department.

30 6162. Probation services.

1 6163. Probation services committee.

2 6164. Investigation of circumstances of offense.

3 6165. Right of access to offenders.

4 6166. Investigations for the board of pardons.

5 § 6161. Powers and duties of department.

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

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

14 (2) To enforce the conditions of supervision established
15 by the board as well as the power to impose and enforce
16 additional conditions of supervision on an offender and the
17 power to amend and enforce or to terminate conditions of
18 supervision established by the board.

19 (3) To amend or terminate conditions of supervision
20 after an offender has served at least six months on parole.
21 The imposition, modification or termination of a condition of
22 supervision must be based on the risk presented by and the
23 rehabilitative needs of the offender.

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

1 cases within one of the classifications set forth in this
2 chapter.

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

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

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

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

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

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

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

3 (i) Presentence investigations.

4 (ii) The supervision of probationers.

5 (iii) The qualifications for probation personnel.

6 (iv) Minimum salaries.

7 (v) Quality of probation service.

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

17 (12) To adopt regulations establishing criteria for
18 department acceptance of cases for supervision and
19 presentence investigations from counties that on December 31,
20 1985, maintained adult probation offices and parole systems.

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

23 (14) To establish and provide for intensive supervision
24 units and day reporting centers for the supervision of
25 offenders.

26 (15) To provide information as required under 42 Pa.C.S.
27 § 2153(a)(14) (relating to powers and duties) as requested by
28 the commission.

29 (16) To incorporate evidence-based practices into the
30 supervision of offenders.

1 (17) To coordinate the reentry of offenders into the
2 community using evidence-based practices that are effective
3 in reducing recidivism.

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

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

10 (20) To administer administrative parole.

11 (b) Administrative parole.--

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

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

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

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

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

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

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

5 (iii) Continue to pay any restitution owed.

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

8 (c) Exception.--Except in special cases, the powers and
9 duties conferred under this section shall not extend to
10 offenders confined in a county correctional facility under 42
11 Pa.C.S. § 9762 (relating to sentencing proceeding; place of
12 confinement).
13 § 6162. Probation services.

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

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

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

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

30 (2) The grant-in-aid shall provide 80% of the personnel

1 salary costs incurred by a county to administer these
2 additional services and programs.

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

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

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

11 § 6163. Probation services committee.

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

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

26 (c) Terms.--

27 (1) The term of a member appointed after the effective
28 date of this subsection, except to fill a vacancy, shall be
29 for four years and until their successors have been appointed
30 and qualified, but in no event more than 90 days beyond the

1 expiration of their appointed term.

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

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

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

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

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

25 § 6164. Investigation of circumstances of offense.

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

30 (1) The nature and circumstances of the offense

1 committed.

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

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

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

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

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

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

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

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

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

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

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

13 § 6165. Right of access to offenders.

14 All prison officials shall:

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

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

21 § 6166. Investigations for the board of pardons.

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

28 SUBCHAPTER F

29 AGENTS

30 Sec.

1 6171. Status as peace officers.

2 6172. Supervisory relationship to offenders.

3 § 6171. Status as peace officers.

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

9 § 6172. Supervisory relationship to offenders.

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

18 (b) Qualifications.--

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

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

29 (c) Searches and seizures authorized.--

30 (1) Agents may search the person and property of

1 department supervised offenders in accordance with the
2 provisions of this section.

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

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

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

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

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

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

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

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

29 (3) The department supervised offender may be detained
30 if the department supervised offender is present during a

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

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

12 (i) The observations of agents.

13 (ii) Information provided by others.

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

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

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

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

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

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

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

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

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

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

12 § 6302. Definitions.

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

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

17 * * *

18 Section 23. Sections 6303, 6304(a) introductory paragraph
19 and (f), 6305(3), (5) and (7), 6306, 6307, 6308, 7115(a)(2) and
20 (d), 7121 and 7122(a), (b), (c) and (e) of Title 61 are amended
21 to read:

22 § 6303. County Probation Officers' Firearm Education and
23 Training Commission.

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

1 § 6304. Commission membership.

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

5 * * *

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

13 § 6305. Powers and duties of commission.

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

15 * * *

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

20 * * *

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

25 * * *

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

1 comply with the in-service training requirements. Approval of
2 the request shall be made by the commission on a case-by-case
3 basis.

4 * * *

5 § 6306. Training mandatory.

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

15 § 6307. Requirements for program participation or waiver.

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

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

20 (2) Be a United States citizen.

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

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

1 requirements of paragraph (3) are met] and been found by the
2 Pennsylvania State Police to have met the requirements of
3 paragraph (3).

4 § 6308. County Probation Officers' Firearm Education and
5 Training Fund.

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

11 (b) Costs imposed.--

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

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

21 (i) Training expenses.

22 (ii) Commission expenses.

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

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

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

8 § 7115. Interstate Compact for the Supervision of Adult
9 Offenders application fee.

10 (a) Duty to pay.--

11 * * *

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

19 * * *

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

25 * * *

26 § 7121. Deputization.

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

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

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

10 (c) Interstate contracts.--

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

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

22 § 7122. Supervision of persons paroled by other states.

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

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

1 placed into the Witness Protection Program of the United States
2 Department of Justice.

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

6 * * *

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

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

11 "Sexual offense."

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

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

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

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

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

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

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

26 18 Pa.C.S. § 3121 (relating to rape).

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

29 18 Pa.C.S. § 3125 (relating to aggravated indecent
30 assault).

1 "Violent offense."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 Section 24. The following shall apply to transfers:

30 (1) The Pennsylvania Board of Probation and Parole and

1 the functions, powers and duties of the Pennsylvania Board of
2 Probation and Parole are transferred to the Department of
3 Corrections and Rehabilitation.

4 (2) Upon approval of the Governor, the following are
5 transferred to the Department of Corrections and
6 Rehabilitation, to be used, employed and expended in
7 connection with the functions, powers and duties transferred
8 under paragraph (1):

9 (i) Personnel, contract obligations, records, files,
10 property, supplies and equipment being used or held on
11 the effective date of this section in connection with
12 the functions, powers and duties transferred under
13 paragraph (1).

14 (ii) Unexpended balances of appropriations,
15 allocations and other funds available or to be made
16 available for use in connection with the functions,
17 powers and duties transferred under paragraph (1).

18 Section 25. Any reference in law to a parole agent or
19 supervision staff shall be deemed a reference to an agent as
20 defined herein.

21 Section 26. This act shall take effect in one year.