
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 714 Session of
2019

INTRODUCED BY BROWNE, BARTOLOTTA, FOLMER, KILLION AND MENSCH,
JUNE 3, 2019

REFERRED TO JUDICIARY, JUNE 3, 2019

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 61
2 (Prisons and Parole) of the Pennsylvania Consolidated
3 Statutes, in judicial boards and commissions, further
4 providing for definitions and for publication of guidelines;
5 in depositions and witnesses, further providing for
6 confidential communications involving law enforcement
7 officers and for confidential communications to peer support
8 members; in juvenile matters, further providing for
9 inspection of court files and records; in particular rights
10 and immunities, further providing for immunity of State
11 parole officers and for immunity of program administrators
12 and supervisors; in post-trial matters, further providing for
13 postconviction DNA testing; in sentencing, further providing
14 for mandatory period of probation for certain sexual
15 offenders, for disposition of persons found guilty but
16 mentally ill, for information required upon commitment and
17 subsequent disposition, for judicial power to release
18 inmates, for transfer of inmates in need of medical
19 treatment, for applicability, for registry, for initial
20 registration, for duty to inform, for enforcement, for
21 assessments, for administration, for global positioning
22 system technology, for immunity for good faith conduct, for
23 Pennsylvania State Police, for duties of probation and parole
24 officials, for board, for annual performance audit, for
25 applicability, for registration procedures and applicability,
26 for assessments, for administration, for global positioning
27 system technology, for immunity for good faith conduct, for
28 duties of Pennsylvania State Police, for duties of
29 Pennsylvania Board of Probation and Parole, for board and for
30 annual performance audit; in other criminal provisions,
31 further providing for supervisory relationship to offenders;
32 in preliminary provisions, further providing for definitions;
33 in general administration, providing for powers of peace
34 officers; in community corrections centers and community

1 corrections facilities, further providing for definitions,
2 for department, for offenders who may be housed, for
3 authority of Commonwealth employees, for authority of
4 chairman and for escape and providing for certain offenders
5 residing in group-based homes and for reporting; in
6 Pennsylvania Board of Probation and Parole, further providing
7 for definitions, for administration, for Pennsylvania Board
8 of Probation and Parole, for board chairperson, for board
9 action, for meetings, for offices, repealing provisions
10 relating to district directors, to district office employees
11 and to disciplinary action, further providing for political
12 activities, for advisory committee, for certain offenders
13 residing in group-based homes, for general powers of board,
14 for specific powers of board, repealing provisions relating
15 to probation services, further providing for sentencing
16 court, for general criteria for parole, for right of access
17 to inmates, for parole power, for violation of terms of
18 parole, for parole procedure, for victim statements, for
19 general rules and special regulations, for early parole of
20 inmates and repealing provisions relating to definitions, to
21 status as peace officers and to supervisory relationship;
22 providing for supervision of offenders and for agents; in
23 county probation officers' firearm education and training,
24 further providing for definitions, for County Probation
25 Officers' Firearm Education and Training Commission, for
26 commission membership, for powers and duties of commission,
27 for training mandatory, for requirements for program
28 participation or waiver and for County Probation Officers'
29 Firearm Education and Training Fund; in Interstate Compacts,
30 further providing for Interstate Compact for the Supervision
31 of Adult Offenders, for deputization and for supervisions of
32 persons paroled by other states; conferring powers and
33 imposing duties on the Department of Corrections; providing
34 for the transfer of functions, powers and duties of the
35 Pennsylvania Board of Probation and Parole and for
36 appropriations for the Office of Victim Advocate; and making
37 editorial changes.

38 The General Assembly of the Commonwealth of Pennsylvania
39 hereby enacts as follows:

40 Section 1. The definition of "board" in section 2151.1 of
41 Title 42 of the Pennsylvania Consolidated Statutes is amended to
42 read:

43 § 2151.1. Definitions.

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

47 "Board." The Pennsylvania [Board of Probation and] Parole
48 Board.

1 * * *

2 Section 2. Sections 2155(a)(1)(vi), 5950(d), 5952(d),
3 6307(a)(6.5), 8332.7 and 8340 of Title 42 are amended to read:
4 § 2155. Publication of guidelines for sentencing, resentencing
5 and parole, risk assessment instrument and
6 recommitment ranges following revocation.

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

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

18 * * *

19 (vi) [State Board of Probation and] Pennsylvania
20 Parole Board.

21 * * *

22 § 5950. Confidential communications involving law enforcement
23 officers.

24 * * *

25 (d) Definitions.--As used in this section, the following
26 words and phrases shall have the meanings given to them in this
27 subsection:

28 "Coparticipant." An individual who participates in a group
29 critical incident stress management team intervention.

30 "Critical incident." A situation responded to by a law

1 enforcement officer which presents or involves either the death
2 or serious bodily injury of an individual or the imminent
3 potential of such death or serious bodily injury, or any
4 situation faced by a law enforcement officer in the course of
5 duty which causes or may cause the law enforcement officer to
6 experience unusually strong negative emotional reactions.

7 "Critical Incident Stress Management Network." A network
8 that meets the requirements of membership with the Pennsylvania
9 Voluntary Critical Incident Stress Management Network as
10 administered by the Department of Health and is registered with
11 the International Critical Incident Stress Foundation.

12 "Critical incident stress management services."
13 Consultation, risk assessment, education, intervention,
14 briefing, defusing, debriefing, onsite services, referral and
15 other crisis intervention services provided by a critical
16 incident stress management team to a law enforcement officer
17 prior to, during or after a critical incident.

18 "Critical incident stress management team member." An
19 individual who is specially trained to provide critical incident
20 stress management services as a member of a police agency or
21 organization critical incident stress management team that holds
22 membership in the Commonwealth's critical incident stress
23 management network.

24 "Government unit." The General Assembly and its officers and
25 agencies; the Governor and the departments, boards, commissions,
26 authorities and officers and agencies of the Commonwealth or
27 other instrumentalities thereof; any political subdivision,
28 municipality, school district or other local authority and the
29 departments, boards, commissions, authorities and officers and
30 agencies of such political subdivisions or other

1 instrumentalities thereof; and any court or other officer or
2 agency of the unified judicial system or instrumentality
3 thereof.

4 "Law enforcement officer." Any of the following:

5 (1) A member of the Pennsylvania State Police.

6 (2) Any enforcement officer or investigator employed by
7 the Pennsylvania Liquor Control Board.

8 (3) A parole agent, enforcement officer and investigator
9 of the Pennsylvania [Board of Probation and] Parole Board.

10 (4) A Capitol Police officer.

11 (5) A Department of Conservation and Natural Resources
12 ranger.

13 (6) A drug enforcement agent of the Office of Attorney
14 General whose principal duty is the enforcement of the drug
15 laws of this Commonwealth and a special agent of the Office
16 of Attorney General whose principal duty is the enforcement
17 of the criminal laws of this Commonwealth.

18 (7) Any member of a port authority or other authority
19 police department.

20 (8) Any police officer of a county, region, city,
21 borough, town or township.

22 (9) Any sheriff or deputy sheriff.

23 (10) A member of the Pennsylvania Fish Commission.

24 (11) A Pennsylvania Wildlife Conservation Officer.

25 (12) A member of a campus police force with the power to
26 arrest under section 2416 of the act of April 9, 1929

27 (P.L.177, No.175), known as The Administrative Code of 1929.

28 As used in this paragraph, the term "campus police" has the
29 meaning given in section 302 of the act of November 29, 2004

30 (P.L.1383, No.180), known as the Uniform Crime Reporting Act.

1 (13) A member of the Fort Indiantown Gap Police Force.
2 § 5952. Confidential communications to peer support members.

3 * * *

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 "Coparticipant." An individual who participates in the
8 provision of peer support services.

9 "Government unit." The General Assembly and its officers and
10 agencies; the Governor and the departments, boards, commissions,
11 authorities and officers and agencies of the Commonwealth or
12 other instrumentalities thereof; any political subdivision,
13 municipality, school district, local authority and the
14 departments, boards, commissions, authorities and officers and
15 agencies of such political subdivisions or other
16 instrumentalities thereof; and any court or other officer or
17 agency of the unified judicial system or instrumentality
18 thereof.

19 "Law enforcement officer." Any of the following:

20 (1) A member of the Pennsylvania State Police.

21 (2) Any enforcement officer or investigator employed by
22 the Pennsylvania Liquor Control Board.

23 (3) A parole agent, enforcement officer and investigator
24 of the Pennsylvania [Board of Probation and] Parole Board.

25 (4) A Capitol Police officer.

26 (5) A Department of Conservation and Natural Resources
27 ranger.

28 (6) A drug enforcement agent of the Office of Attorney
29 General whose principal duty is the enforcement of the drug
30 laws of this Commonwealth and a special agent of the Office

1 of Attorney General whose principal duty is the enforcement
2 of the criminal laws of this Commonwealth.

3 (7) Any member of a port authority or other authority
4 police department.

5 (8) Any police officer of a county, region, city,
6 borough, town or township.

7 (9) Any sheriff or deputy sheriff.

8 (10) A member of the Pennsylvania Fish and Boat
9 Commission.

10 (11) A Pennsylvania Wildlife Conservation Officer.

11 (12) A member of a campus police force with the power to
12 arrest under section 2416 of the act of April 9, 1929
13 (P.L.177, No.175), known as The Administrative Code of 1929.
14 As used in this paragraph, the term "campus police" has the
15 meaning given in section 302 of the act of November 29, 2004
16 (P.L.1383, No.180), known as the Uniform Crime Reporting Act.

17 (13) A member of the Fort Indiantown Gap Police Force.
18 "Peer support member." A law enforcement officer who:

19 (1) Is assigned by a law enforcement agency.

20 (2) Receives a minimum of 24 hours of basic training in
21 peer services, including listening, assessment and referral
22 skills and basic critical incident stress management.

23 (3) Receives eight hours of continuing training each
24 year.

25 (4) May be supervised by licensed psychologists.

26 § 6307. Inspection of court files and records.

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

29 * * *

30 (6.5) The Department of [Public Welfare] Human Services

1 for use in determining whether an individual named as the
2 perpetrator of an indicated report of child abuse should be
3 expunged from the Statewide database.

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 Board shall be immune from any civil action for damages
7 brought by or on behalf of any person involved in the program or
8 damages caused by any person involved in the program. Nothing in
9 this 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 Section 3. Section 9543.1(f)(6) of Title 42, amended October
13 24, 2018 (P.L.896, No.147), is amended to read:

14 § 9543.1. Postconviction DNA testing.

15 * * *

16 (f) Posttesting procedures.--

17 * * *

18 (6) If DNA testing conclusively identifies the DNA
19 profile of the applicant on probative and inculpatory
20 evidence, the court shall dismiss the petition and may make
21 any further orders that are appropriate. An order under this
22 paragraph may:

23 (i) direct that the Pennsylvania [Board of Probation
24 and] Parole Board be notified of the test results; or

25 (ii) mandate that the applicant's DNA profile be
26 added to the Commonwealth's convicted offender database.

27 * * *

28 Section 4. Section 9718.5(d) of Title 42, added February 21,
29 2018 (P.L.27, No.10), is amended to read:

30 § 9718.5. Mandatory period of probation for certain sexual

1 offenders.

2 * * *

3 (d) Direct supervision.--Nothing under this section shall
4 limit the court's authority to direct supervision by the
5 Pennsylvania[Board of Probation and] Parole Board by special
6 order as provided under 61 Pa.C.S. § [6133(a)] 6162(a) (relating
7 to probation services).

8 Section 5. Sections 9727(a), (b)(1), (c) and (f)(3),
9 9764(e), (f), (h), (i) and (k), 9776(a) and 9777(d)(2) of Title
10 42 are amended to read:

11 § 9727. Disposition of persons found guilty but mentally ill.

12 (a) Imposition of sentence.--A defendant found guilty but
13 mentally ill or whose plea of guilty but mentally ill is
14 accepted under the provisions of 18 Pa.C.S. § 314 (relating to
15 guilty but mentally ill) may have any sentence imposed on him
16 which may lawfully be imposed on any defendant convicted of the
17 same offense. Before imposing sentence, the court shall hear
18 testimony and make a finding on the issue of whether the
19 defendant at the time of sentencing is severely mentally
20 disabled and in need of treatment pursuant to the provisions of
21 the act of July 9, 1976 (P.L.817, No.143), known as the
22 ["Mental"] Mental Health Procedures [Act.] Act.

23 (b) Treatment.--

24 (1) An offender who is severely mentally disabled and in
25 need of treatment at the time of sentencing shall, consistent
26 with available resources, be provided such treatment as is
27 psychiatrically or psychologically indicated for his mental
28 illness. Treatment may be provided by the [Bureau of
29 Correction] Department of Corrections, by the county or by
30 the Department of [Public Welfare] Human Services in

1 accordance with the ["Mental"] Mental Health Procedures
2 [Act.]" Act.

3 * * *

4 (c) Discharge report.--When a treating facility designated
5 by either the [Bureau of Correction] Department of Corrections
6 or the Department of [Public Welfare] Human Services discharges
7 such a defendant from treatment prior to the expiration of his
8 maximum sentence, that treating facility shall transmit to the
9 Pennsylvania [Board of Probation and] Parole Board, the
10 correctional facility or county jail to which the offender is
11 being returned and the sentencing judge a report on the
12 condition of the offender together with the reasons for its
13 judgments, which describes:

- 14 (1) The defendant's behavior.
- 15 (2) The course of treatment.
- 16 (3) The potential for recurrence of the behavior.
- 17 (4) The potential for danger to himself or the public.
- 18 (5) Recommendations for future treatment.

19 * * *

20 (f) Probation.--

21 * * *

22 (3) Treatment shall be provided by an agency approved by
23 the Department of [Public Welfare] Human Services or, with
24 the approval of the sentencing court and at individual
25 expense, by private agencies, private physicians or other
26 mental health personnel. A mental health status report,
27 containing the information set forth in subsection (c), shall
28 be filed with the probation officer and the sentencing court
29 every three months during the period of probation. If a
30 motion on a petition to discontinue probation is made by the

1 defendant, the probation officer shall request a report as
2 specified from the treating facility.

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

5 * * *

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

11 (f) Release from county correctional facility to State
12 probation or parole.--

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

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

24 * * *

25 (h) Record of inmate moneys.--Prior to the release of an
26 inmate from the Department of Corrections to State parole
27 supervision, the department shall provide to the [Board of
28 Probation and] Pennsylvania Parole Board a record of any moneys
29 paid by the inmate and any balance remaining towards
30 satisfaction of restitution or any other court-ordered financial

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

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

24 (k) Procedures.--The Department of Corrections and the
25 Pennsylvania [Board of Probation and] Parole Board shall develop
26 procedures to implement the provisions of this section.

27 * * *

28 § 9776. Judicial power to release inmates.

29 (a) General rule.--Except as otherwise provided under this
30 chapter or if the Pennsylvania [Board of Probation and] Parole

1 Board has exclusive parole jurisdiction, a court of this
2 Commonwealth or other court of record having jurisdiction may,
3 after due hearing, release on parole an inmate in the county
4 correctional institution of that judicial district.

5 * * *

6 § 9777. Transfer of inmates in need of medical treatment.

7 * * *

8 (d) Notice.--

9 * * *

10 (2) The sentencing court shall forward notice of any
11 order entered under this section placing an inmate in a
12 hospital, long-term care nursing facility or hospice care
13 location to the hospital, long-term care nursing facility or
14 hospice care location and to the Department of [Public
15 Welfare] Human Services.

16 * * *

17 Section 6. Section 9799.13(2) of Title 42, reenacted and
18 amended June 12, 2018 (P.L.40, No.29), and amended February 21,
19 2018 (P.L.27, No.1), is amended to read:

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) A sexual offender who is an inmate in a State or
29 county correctional institution of this Commonwealth,
30 including a community corrections center or a community

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

7 * * *

8 Section 7. Section 9799.16(d) of Title 42 is amended to
9 read:

10 § 9799.16. Registry.

11 * * *

12 (d) Cooperation.--There shall be cooperation between the
13 Pennsylvania State Police, State and county correctional
14 institutions, the Pennsylvania [Board of Probation and] Parole
15 Board, the county office of probation and parole, any court with
16 jurisdiction over a sexual offender, the chief juvenile
17 probation officer of the court, juvenile probation and parole
18 and the Department of [Public Welfare] Human Services to ensure
19 that the information set forth in subsections (b) and (c) is
20 provided and placed in the registry.

21 Section 8. Section 9799.19 (f), (k)(1) introductory
22 paragraph and (iv) and (2), (l)(2)(iv) and (q)(2) of Title 42,
23 reenacted and amended June 12, 2018 (P.L.140, No.29), and
24 amended or added February 21, 2018 (P.L.27, No.10), are amended
25 to read:

26 § 9799.19. Initial registration.

27 * * *

28 (f) Initial registration if being supervised by Commonwealth
29 under Interstate Compact for Adult Offender Supervision.--If an
30 individual is in this Commonwealth and is being supervised by

1 the State [Board of Probation and] Parole Board or the county
2 office of probation and parole pursuant to the Interstate
3 Compact for Adult Offender Supervision, the following apply:

4 (1) If the individual is being supervised under the
5 compact for committing a sexually violent offense which
6 requires registration in another jurisdiction or foreign
7 country whether or not the sexual offense is designated as a
8 sexually violent offense, the individual shall provide the
9 information set forth in section 9799.16(b) (relating to
10 registry) to the appropriate official of the State [Board of
11 Probation and] Parole Board or the county office of probation
12 and parole for inclusion in the registry. The appropriate
13 official shall collect the information set forth in section
14 9799.16(b) and forward the information to the Pennsylvania
15 State Police. The appropriate official shall, in addition,
16 ensure that the information set forth in section 9799.16(c)
17 is collected and forwarded to the Pennsylvania State Police.
18 If the individual fails to provide the information in section
19 9799.16(b), the appropriate official of the State [Board of
20 Probation and] Parole Board or county office of probation and
21 parole shall notify the Pennsylvania State Police.

22 * * *

23 (k) Registration if incarcerated within Commonwealth or by
24 Federal court.--The following apply to an individual who
25 committed a sexually violent offense:

26 (1) If the individual is incarcerated in a Federal,
27 State or county correctional facility, the individual shall
28 provide the information specified in section 9799.16(b) to
29 the appropriate official of the Federal, State or county
30 correctional facility or the Pennsylvania [Board of Probation

1 and] Parole Board for inclusion in the registry before being
2 released due to:

3 * * *

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

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

30 (1) Registration if sentenced to a State or county

1 correctional facility.--If the individual committed a sexually
2 violent offense and is sentenced to a period of incarceration in
3 a State or county correctional facility, the individual shall
4 provide the information specified in section 9799.16(b) as
5 follows:

6 * * *

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

13 * * *

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

27 * * *

28 (q) Registration for State or county parolees.--

29 * * *

30 (2) If the individual committed a sexually violent

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

14 Section 9. Sections 9799.20 introductory paragraph,
15 9799.22(d), 9799.24(a), (b) introductory paragraph, (c), (e) (4)
16 and (g), 9799.29, 9799.30, 9799.31(6), 9799.32(2), (7), (8) and
17 (9), 9799.33 and 9799.35(e) of Title 42 are amended to read:
18 § 9799.20. Duty to inform.

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

27 * * *

28 § 9799.22. Enforcement.

29 * * *

30 (d) Duty to inform Pennsylvania State Police.--In order to

1 implement this subchapter, the court with jurisdiction over the
2 sexual offender, the chief juvenile probation officer of the
3 court and the appropriate official of the Pennsylvania [Board of
4 Probation and] Parole Board, the county office of probation and
5 parole, the Department of [Public Welfare] Human Services or a
6 State or county correctional institution shall inform the
7 Pennsylvania State Police if the individual refuses to provide
8 the information required by this subchapter so that the
9 Pennsylvania State Police may comply with this section.

10 § 9799.24. Assessments.

11 (a) Order for assessment.--After conviction but before
12 sentencing, a court shall order an individual convicted of a
13 sexually violent offense to be assessed by the board. The order
14 for an assessment shall be sent to the [administrative officer]
15 executive director of the board within ten days of the date of
16 conviction for the sexually violent offense.

17 (b) Assessment.--Upon receipt from the court of an order for
18 an assessment, a member of the board as designated by the
19 [administrative officer] executive director of the board shall
20 conduct an assessment of the individual to determine if the
21 individual should be classified as a sexually violent predator.
22 The board shall establish standards for evaluations and for
23 evaluators conducting the assessments. An assessment shall
24 include, but not be limited to, an examination of the following:

25 * * *

26 (c) Release of information.--All State, county and local
27 agencies, offices and entities in this Commonwealth, including
28 juvenile probation officers, shall cooperate by providing copies
29 of records and information as requested by the board in
30 connection with the court-ordered assessment and the assessment

1 requested by the Pennsylvania [Board of Probation and] Parole
2 Board or the assessment of a delinquent child under section 6358
3 (relating to assessment of delinquent children by the State
4 Sexual Offenders Assessment Board). For assessments of
5 delinquent children conducted by the board pursuant to section
6 6358 from January 23, 2005, to December 19, 2012, all State,
7 county and local agencies, offices and entities, including
8 juvenile probation officers, are subject to the release of
9 information requirements set forth in this subsection.

10 * * *

11 (e) Hearing.--

12 * * *

13 (4) A copy of the order containing the determination of
14 the court shall be immediately submitted to the individual,
15 the district attorney, the Pennsylvania [Board of Probation
16 and] Parole Board, the Department of Corrections, the board
17 and the Pennsylvania State Police.

18 * * *

19 (g) Parole assessment.--The Pennsylvania [Board of Probation
20 and] Parole Board may request of the board that an assessment of
21 a sexual offender be conducted and that a report be provided to
22 the Pennsylvania [Board of Probation and] Parole Board prior to
23 considering a sexual offender for parole.

24 * * *

25 § 9799.29. Administration.

26 The Governor shall direct the Pennsylvania State Police, the
27 Pennsylvania [Board of Probation and] Parole Board, the board,
28 the Department of Corrections, the Department of Transportation
29 and any other agency of the Commonwealth that the Governor deems
30 necessary to collaboratively design, develop and implement an

1 integrated and secure system of communication, storage and
2 retrieval of information to assure the timely, accurate and
3 efficient administration of this subchapter.

4 § 9799.30. Global positioning system technology.

5 The [Pennsylvania Board of Probation and Parole] Department
6 of Corrections and the agents of the Department of Corrections
7 and county probation authorities may impose supervision
8 conditions that include tracking through global positioning
9 system technology.

10 § 9799.31. Immunity for good faith conduct.

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

13 * * *

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

16 * * *

17 § 9799.32. Pennsylvania State Police.

18 The Pennsylvania State Police have the following duties:

19 * * *

20 (2) In consultation with the Department of Corrections,
21 the Office of Attorney General, the Juvenile Court Judges'
22 Commission, the Administrative Office of Pennsylvania Courts,
23 the Pennsylvania [Board of Probation and] Parole Board and
24 the chairman and minority chairman of the Judiciary Committee
25 of the Senate and the chairman and minority chairman of the
26 Judiciary Committee of the House of Representatives, to
27 promulgate guidelines necessary for the general
28 administration of this subchapter. These guidelines shall
29 establish procedures to allow an individual subject to the
30 requirements of this subchapter, including a transient, to

1 fulfill these requirements at approved registration sites
2 throughout this Commonwealth. The Pennsylvania State Police
3 shall publish a list of approved registration sites in the
4 Pennsylvania Bulletin and provide a list of approved
5 registration sites in any notice sent to individuals required
6 to register under this subchapter. An approved registration
7 site shall be capable of submitting fingerprints, palm
8 prints, DNA samples and any other information required
9 electronically to the Pennsylvania State Police. The
10 Pennsylvania State Police shall require that approved
11 registration sites submit fingerprints utilizing the
12 Integrated Automated Fingerprint Identification System or in
13 another manner and in such form as the Pennsylvania State
14 Police shall require. Approved registration sites shall not
15 be limited to sites managed by the Pennsylvania State Police
16 and shall include sites managed by local law enforcement
17 agencies that meet the criteria for approved registration
18 sites set forth in this paragraph.

19 * * *

20 (7) In consultation with the Department of Education
21 [and], the Pennsylvania [Board of Probation and Parole,]
22 Parole Board and the Department of Corrections, to promulgate
23 guidelines directing licensed day-care centers, licensed
24 preschool programs, schools, universities and colleges,
25 including community colleges, on the proper use and
26 administration of information received under section 9799.27.

27 (8) In consultation with the Department of Corrections
28 and the Pennsylvania [Board of Probation and] Parole Board,
29 to promulgate guidelines directing State and county
30 correctional facilities and State and county probation and

1 parole offices regarding the completion of information,
2 including the taking of photographs, required by sexual
3 offenders under this subchapter.

4 (9) In consultation with the Administrative Office of
5 Pennsylvania Courts, the Department of [Public Welfare] Human
6 Services and the Juvenile Court Judges' Commission, to
7 promulgate guidelines regarding the completion of information
8 required by juvenile offenders and sexually violent
9 delinquent children under this subchapter.

10 § 9799.33. Duties of probation and parole officials.

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

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

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

26 (b) Notification form.--The Pennsylvania [Board of Probation
27 and] Parole Board and the Department of Corrections shall create
28 a notification form which will inform [State and] county prison
29 and probation and parole personnel how to inform sexual
30 offenders of their duties under this subchapter. In addition,

1 the [Pennsylvania Board of Probation and Parole] Department of
2 Corrections shall apply for Federal funding as provided in the
3 Adam Walsh Child Protection and Safety Act of 2006 (Public Law
4 109-248, 120 Stat. 587) to support and enhance programming using
5 global satellite positioning system technology.

6 § 9799.35. Board.

7 * * *

8 (e) Staff.--[Support staff for the board shall be provided
9 by the Pennsylvania Board of Probation and Parole.] The board
10 shall employ an executive director and other staff as necessary
11 to carry out the board's duties under this chapter. The
12 executive director shall direct the operations, management and
13 administration of the board and organize and oversee the work of
14 the staff. Legal counsel for the board shall be provided in
15 accordance with the act of October 15, 1980 (P.L.950, No.164),
16 known as the Commonwealth Attorneys Act. Upon request by the
17 board, the Department of Corrections shall make available
18 facilities, administrative support and other assistance to the
19 board.

20 Section 10. Sections 9799.38, 9799.54(a)(3), 9799.56(a)(4)
21 (i), 9799.58(c), (e)(4) and (g), 9799.64, 9799.65, 9799.66(6),
22 9799.67(2), (5) and (6), 9799.68 heading and introductory
23 paragraph, 9799.69(e) and 9799.72 of Title 42, reenacted and
24 amended June 12, 2018 (P.L.140, No.29), and amended or added
25 February 21, 2018 (P.L.27, No.10), are amended to read:

26 § 9799.38. Annual performance audit.

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

29 (1) To conduct a performance audit annually to determine
30 compliance with the requirements of this subchapter and

1 Subchapter I (relating to continued registration of sexual
2 offenders) and any guidelines promulgated under this
3 subchapter and Subchapter I. The audit shall, at a minimum,
4 include a review of the practices, procedures and records of
5 the Pennsylvania State Police, the Pennsylvania [Board of
6 Probation and] Parole Board, the Department of Corrections,
7 the board, the Administrative Office of Pennsylvania Courts
8 and any other State or local agency the Attorney General
9 deems necessary in order to conduct a thorough and accurate
10 performance audit.

11 (2) To prepare an annual report of its findings and any
12 action that it recommends be taken by the Pennsylvania State
13 Police, the Pennsylvania [Board of Probation and] Parole
14 Board, the Department of Corrections, the board, the
15 Administrative Office of Pennsylvania Courts, other State or
16 local agencies and the General Assembly to ensure compliance
17 with this subchapter and Subchapter I. The first report shall
18 be released to the general public no fewer than 18 months
19 after December 20, 2012.

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

29 (b) Cooperation required.--Notwithstanding any other
30 provision of law to the contrary, the Pennsylvania State

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

11 § 9799.54. Applicability.

12 (a) Registration.--The following individuals shall register
13 with the Pennsylvania State Police as provided in this
14 subchapter:

15 * * *

16 (3) An individual who committed a sexually violent
17 offense within this Commonwealth and is an inmate in a State
18 or county correctional facility of this Commonwealth,
19 including a community corrections center or a community
20 contract facility, is being supervised by the Pennsylvania
21 [Board of Probation and] Parole Board or county probation or
22 parole, is subject to a sentence of intermediate punishment
23 or has supervision transferred under the Interstate Compact
24 for Adult Supervision in accordance with section 9799.62(e)
25 (relating to other notification). The individual shall
26 register for the period of time under section 9799.55, except
27 that the period required in section 9799.55 shall be tolled
28 for any period of time the individual is recommitted for a
29 parole violation or sentenced to a term of imprisonment.

30 * * *

1 § 9799.56. Registration procedures and applicability.

2 (a) Registration.--

3 * * *

4 (4) This paragraph shall apply to all offenders and
5 sexually violent predators:

6 (i) Where the offender or sexually violent predator
7 was granted parole by the Pennsylvania [Board of
8 Probation and] Parole Board or the court or is sentenced
9 to probation or intermediate punishment, the board or
10 county office of probation and parole shall collect
11 registration information from the offender or sexually
12 violent predator and forward that registration
13 information to the Pennsylvania State Police. The
14 Department of Corrections or county correctional facility
15 shall not release the offender or sexually violent
16 predator until it receives verification from the
17 Pennsylvania State Police that the Pennsylvania State
18 Police have received the registration information.
19 Verification by the Pennsylvania State Police may occur
20 by electronic means, including e-mail or facsimile
21 transmission. Where the offender or sexually violent
22 predator is scheduled to be released from a State or
23 county correctional facility because of the expiration of
24 the maximum term of incarceration, the Department of
25 Corrections or county correctional facility shall collect
26 the information from the offender or sexually violent
27 predator no later than 10 days prior to the maximum
28 expiration date. The registration information shall be
29 forwarded to the Pennsylvania State Police.

30 * * *

1 § 9799.58. Assessments.

2 * * *

3 (c) Release of information.--All State, county and local
4 agencies, offices or entities in this Commonwealth, including
5 juvenile probation officers, shall cooperate by providing access
6 to records and information as requested by the board in
7 connection with the court-ordered assessment and the assessment
8 requested by the Pennsylvania [Board of Probation and] Parole
9 Board or the assessment of a delinquent child under section 6358
10 (relating to assessment of delinquent children by the State
11 Sexual Offenders Assessment Board).

12 * * *

13 (e) Hearing.--

14 * * *

15 (4) A copy of the order containing the determination of
16 the court shall be immediately submitted to the individual,
17 the district attorney, the Pennsylvania [Board of Probation
18 and] Parole Board, the Department of Corrections, the board
19 and the Pennsylvania State Police.

20 * * *

21 (g) Parole assessment.--The Pennsylvania [Board of Probation
22 and] Parole Board may request of the board an assessment of an
23 offender or sexually violent predator be conducted and provide a
24 report to the Pennsylvania Board of Probation and Parole prior
25 to considering an offender or sexually violent predator for
26 parole.

27 * * *

28 § 9799.64. Administration.

29 The Governor shall direct the Pennsylvania State Police, the
30 Pennsylvania[Board of Probation and] Parole Board, [the State

1 Sexual Offenders Assessment Board] board, the Department of
2 Corrections, the Department of Transportation and any other
3 agency of this Commonwealth the Governor deems necessary to
4 collaboratively design, develop and implement an integrated and
5 secure system of communication, storage and retrieval of
6 information to assure the timely, accurate and efficient
7 administration of this subchapter.

8 § 9799.65. Global positioning system technology.

9 The Pennsylvania [Board of Probation and] Parole Board and
10 county probation authorities may impose supervision conditions
11 that include offender tracking through global positioning system
12 technology.

13 § 9799.66. Immunity for good faith conduct.

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

16 * * *

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

19 * * *

20 § 9799.67. Duties of Pennsylvania State Police.

21 The Pennsylvania State Police shall:

22 * * *

23 (2) In consultation with the Department of Corrections,
24 the Office of Attorney General, the Pennsylvania [Board of
25 Probation and] Parole Board and the chairperson and the
26 minority chairperson of the Judiciary Committee of the Senate
27 and the chairperson and the minority chairperson of the
28 Judiciary Committee of the House of Representatives,
29 promulgate guidelines necessary for the general
30 administration of this subchapter. These guidelines shall

1 establish procedures to allow an individual subject to the
2 requirements of sections 9799.55 (relating to registration)
3 and 9799.60 (relating to verification of residence) to
4 fulfill these requirements at approved registration sites
5 throughout this Commonwealth. This paragraph includes the
6 duty to establish procedures to allow an individual who has a
7 residence as defined in paragraph (2) of the definition of
8 "residence" in section 9799.53 (relating to definitions) to
9 fulfill the requirements regarding registration at approved
10 registration sites throughout this Commonwealth. The
11 Pennsylvania State Police shall publish a list of approved
12 registration sites in the Pennsylvania Bulletin and provide a
13 list of approved registration sites in any notices sent to
14 individuals required to register under section 9799.55. An
15 approved registration site shall be capable of submitting
16 fingerprints, photographs and other information required
17 electronically to the Pennsylvania State Police. The
18 Pennsylvania State Police shall require that approved
19 registration sites submit fingerprints utilizing the
20 Integrated Automated Fingerprint Identification System or in
21 another manner and in the form as the Pennsylvania State
22 Police shall require. The Pennsylvania State Police shall
23 require that approved registration sites submit photographs
24 utilizing the Commonwealth Photo Imaging Network or in
25 another manner and in the form as the Pennsylvania State
26 Police shall require. Approved registration sites shall not
27 be limited to sites managed by the Pennsylvania State Police
28 and shall include sites managed by local law enforcement
29 agencies that meet the criteria for approved registration
30 sites specified in this paragraph.

1 * * *

2 (5) In consultation with the Department of Education and
3 the Pennsylvania [Board of Probation and] Parole Board,
4 promulgate guidelines directing licensed day-care centers,
5 licensed preschool programs, schools, universities and
6 colleges, including community colleges, on the proper use and
7 administration of information received under section 9799.62
8 (relating to other notification).

9 (6) Immediately transfer the information received from
10 the Pennsylvania [Board of Probation and] Parole Board under
11 section 9799.68(2) and (3) (relating to duties of
12 Pennsylvania [Board of Probation and] Parole Board) and the
13 fingerprints of a sexually violent predator to the Federal
14 Bureau of Investigation.

15 * * *

16 § 9799.68. Duties of Pennsylvania [Board of Probation and]
17 Parole Board.

18 The Pennsylvania [Board of Probation and] Parole Board shall:

19 * * *

20 § 9799.69. Board.

21 * * *

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

24 § 9799.72. Annual performance audit.

25 (a) Duties of Attorney General.--The Attorney General shall:

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

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

7 (2) Prepare an annual report of its findings and actions
8 it recommends be taken by the Pennsylvania State Police, the
9 Pennsylvania [Board of Probation and] Parole Board, the
10 Department of Corrections, the [State Sexual Offenders
11 Assessment Board] board, the Administrative Office of
12 Pennsylvania Courts, other State or local agencies and the
13 General Assembly to ensure compliance with this subchapter.
14 The first report shall be released to the general public not
15 less than 18 months after February 21, 2018.

16 (3) Provide a copy of its report to the Pennsylvania
17 State Police, the Pennsylvania [Board of Probation and]
18 Parole Board, the Department of Corrections, the [State
19 Sexual Offenders Assessment Board] board, the Administrative
20 Office of Pennsylvania Courts, State or local agencies
21 referenced therein, the chairperson and the minority
22 chairperson of the Judiciary Committee of the Senate and the
23 chairperson and the minority chairperson of the Judiciary
24 Committee of the House of Representatives no less than 30
25 days prior to the report's release to the general public.

26 (b) Cooperation required.--Notwithstanding any other
27 provision of law to the contrary, the Pennsylvania State Police,
28 the Pennsylvania [Board of Probation and] Parole Board, the
29 Department of Corrections, the [State Sexual Offenders
30 Assessment Board] board, the Administrative Office of

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

8 Section 11. Section 9912(e.1)(10) of Title 42 is amended to
9 read:

10 § 9912. Supervisory relationship to offenders.

11 * * *

12 (e.1) Status of seized items.--

13 * * *

14 (10) The Pennsylvania [Board of Probation and] Parole
15 Board may enact regulations that are necessary to implement
16 this subsection on a uniform basis throughout this
17 Commonwealth. If regulations are promulgated, a county adult
18 probation and parole department must comply with the
19 regulations.

20 * * *

21 Section 12. The definition of "board" in section 102 of
22 Title 61 is amended and the section is amended by adding
23 definitions to read:

24 § 102. Definitions.

25 The following words and phrases when used in this title shall
26 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 Board.

30 * * *

1 "Offender." An individual that has been convicted or found
2 guilty of a criminal offense by a judge or jury or an individual
3 that pleads guilty or nolo contendere to a criminal offense at
4 any time in a court of record.

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

9 "Parole violator center." An area within the secure
10 perimeter or on the grounds of a State correctional institution
11 or contracted county jail that has been designated to house
12 offenders detained or recommitted by the board for a technical
13 parole violation.

14 * * *

15 Section 13. Title 61 is amended by adding a section to read:
16 § 1106. Powers of peace officers.

17 A chief administrator, deputy superintendent or corrections
18 officer of a State correctional facility may exercise the powers
19 of a peace officer in the performance of that individual's
20 duties generally in:

21 (1) Guarding, protecting and delivering inmates.

22 (2) Protecting the property and interests of the
23 department.

24 (3) Capturing and returning inmates that may have
25 escaped.

26 Section 14. Sections 5001, 5002, 5003, 5004, 5005 and 5006
27 of Title 61 are amended to read:

28 § 5001. Definitions.

29 The following words and phrases when used in this chapter
30 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

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

3 "Chairman." The chairman of the Pennsylvania [Board of
4 Probation and] Parole Board.

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

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

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

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

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

18 § 5002. Department.

19 The department may do all of the following:

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

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

24 (3) Establish parole violator centers.

25 § 5003. Offenders who may be housed.

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

29 (1) [A parolee under the jurisdiction of] An offender
30 paroled by the board who is in good standing [with the board]

1 as defined in section 6101 (relating to definitions).

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

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

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

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

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

29 [(5) Inmates transferred by the department under Chapter
30 37 (relating to inmate prerelease plans). This paragraph

1 shall expire July 1, 2013.]

2 § 5004. Authority of Commonwealth employees.

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

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

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

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

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

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

25 § 5005. Authority of chairman.

26 The chairman has the following authority:

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

30 (2) Determine whether parolees are to be housed in a

1 secured or unsecured portion of a community corrections
2 center or community corrections facility.]

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

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

14 § 5006. Escape.

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

23 Section 15. Title 61 is amended by adding sections to read:

24 § 5007. Certain offenders residing in group-based homes.

25 (a) Notification requirement.--

26 (1) A group-based home located within a county of the
27 sixth, seventh or eighth class that agrees to provide housing
28 to an individual knowing that the individual has been
29 previously convicted of an offense under 18 Pa.C.S. § 2502
30 (relating to murder) or a substantially similar offense

1 committed in another jurisdiction shall notify the head of
2 the governing body of the municipality and the county in
3 which the group-based home is located that the individual is
4 staying at the group-based home.

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

9 (i) Name of the individual, including all known
10 aliases.

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

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

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

16 (b) Public hearing.--

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

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

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

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

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

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

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

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

20 "Detainee." As follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 Section 18. The heading of Subchapter B of Chapter 61 of
14 Title 61 is amended to read:

15 SUBCHAPTER B

16 ADMINISTRATION OF THE PENNSYLVANIA PAROLE BOARD

17 Section 19. Sections 6111(a) and (d), 6112, 6113, 6116 and
18 6118 of Title 61 are amended to read:

19 § 6111. Pennsylvania [Board of Probation and] Parole Board.

20 (a) Establishment.--The Pennsylvania [Board of Probation
21 and] Parole Board is [an independent administrative board for
22 the administration of the probation and parole laws of this
23 Commonwealth.] established as an independent administrative
24 board for the purpose of granting and revoking paroles to
25 certain offenders within this Commonwealth. The board shall
26 function independently of the department regarding all of its
27 decision-making functions, as well as any other powers and
28 duties specified in this title.

29 * * *

30 (d) Eligibility.--To be eligible to be appointed by the

1 Governor for membership on the board, an individual shall have
2 at least six years of professional experience in parole,
3 probation, social work or related areas, including one year in a
4 supervisory or administrative capacity, and [a bachelor's
5 degree] an advanced degree beyond a bachelor's degree, such as a
6 master's degree, doctorate degree or juris doctorate degree. Any
7 equivalent combination of experience and training shall be
8 acceptable.

9 * * *

10 § 6112. Board chairperson.

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

14 (1) Direct the operations, management and administration
15 of the board and fulfill the functions established by this
16 chapter.

17 [(2) Secure the effective application of the probation
18 system in all of the courts of this Commonwealth and the
19 enforcement of the probation laws.]

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

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

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

27 (b) Alternate chairperson.--The board may designate one of
28 its members to act as alternate chairperson during the absence
29 or incapacity of the chairperson, and, when so acting, the
30 member so designated shall have and perform all the powers and

1 duties of chairperson of the board but shall not receive any
2 additional compensation for acting as chairperson.

3 § 6113. Board action.

4 (a) Quorum.--

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

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

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

27 (c) Disagreement within panel.--

28 [(1)] If there is disagreement between the members of a
29 panel on a decision to parole [between the members of a
30 panel], revoke parole or recommit an offender, the matter

1 shall be decided by a board member appointed by the
2 chairperson or the chairperson's designee, who shall concur
3 with one of the original panel members.

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

9 (d) Appeal.--

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

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

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

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

30 § 6116. Meetings.

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

3 (b) Appointment of secretary of board.--The [members of the
4 board] chairperson of the board shall appoint a secretary, who
5 shall:

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

7 (2) [Shall hold] Hold office at the pleasure of the
8 [board] chairperson of the board.

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

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

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

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

23 (e) Hearing examiners.--The following shall apply:

24 (1) The chairperson of the board may appoint a
25 sufficient number of individuals to conduct hearings as
26 required or authorized by this title.

27 (2) Hearing examiners shall be required to possess an
28 advanced degree beyond a bachelor's degree, such as a
29 master's degree, doctorate degree or juris doctorate degree.

30 § 6118. Offices.

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

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

17 (c) Location of district offices.--

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

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

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

1 Services.

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

11 Section 20. Sections 6119, 6120 and 6121 of Title 61 are
12 repealed:

13 [§ 6119. District directors.

14 (a) Establishment.--Each district parole office shall have a
15 district director who:

16 (1) Shall be appointed by the board, with the approval
17 of the Governor.

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

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

26 § 6120. District office employees.

27 (a) Board to appoint.--The board shall appoint in the
28 various district offices a sufficient number of parole officers,
29 clerks, stenographers and other agents and employees to fully
30 and efficiently administer the parole laws of this Commonwealth,

1 but no employee of the board, other than its secretary and
2 district supervisors, shall be appointed by the board except in
3 the manner provided by this chapter.

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

10 § 6121. Disciplinary action.

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

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

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

23 Section 21. Section 6122(a)(2) and (c) of Title 61 are
24 amended to read:

25 § 6122. Political activities.

26 (a) General rule.--No member of the board, or [officer]
27 agent, clerk or employee thereof, or any person officially
28 connected with the board:

29 * * *

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] agent, clerk or
5 employee of the board.

6 * * *

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

10 Section 22. Sections 6123 and 6124 of Title 61 are repealed:

11 [§ 6123. Advisory committee.

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

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

25 (c) Terms.--

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

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

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

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

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

22 (e) Assistance to be provided.--The advisory committee shall
23 aid the chairperson and the board in formulating and reviewing
24 standards for probation personnel and probation services in the
25 counties.

26 § 6124. Certain offenders residing in group-based homes.

27 (a) Notification requirement.--

28 (1) A group-based home located within a county of the
29 sixth, seventh or eighth class that agrees to provide housing
30 to an individual knowing that the individual has been

1 previously convicted of an offense under 18 Pa.C.S. § 2502
2 (relating to murder) or a substantially similar offense
3 committed in another jurisdiction shall notify the head of
4 the governing body of the municipality and the county in
5 which the group-based home is located that the individual is
6 staying at the group-based home.

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

11 (i) Name of the individual, including all known
12 aliases.

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

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

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

18 (b) Public hearing.--

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

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

1 prohibit the governing body from providing public notice via
2 any other means.

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

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

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

15 "Official Internet website." The official Internet location
16 designated by a municipality or county as its primary method of
17 electronically communicating with the public about its official
18 business.]

19 Section 23. Sections 6131 and 6132 of Title 61 are amended
20 to read:

21 § 6131. General powers of board.

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

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

26 (2) To collect and maintain copies of all presentence
27 investigations and reports.

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

30 (4) To collect, compile and publish statistical and

1 other information relating to probation and parole work in
2 all courts. [and such other information the board may deem of
3 value in probation service.]

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

6 (i) Presentence investigations.

7 (ii) The supervision of probationers.

8 (iii) The qualifications for probation personnel.

9 (iv) Minimum salaries.

10 (v) Quality of probation service.

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

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

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

28 (8) To enter into contracts for purchasing community
29 services to assist parolees and to supplement existing
30 programs.

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

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

8 (11) To establish and provide for intensive supervision
9 units and day reporting centers for the supervision of
10 parolees.]

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

14 (13) To incorporate evidence-based practices into parole
15 decision making[, supervision and the supervision of
16 technical violators].

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

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

23 (16) To conduct outcome and performance analyses on
24 implemented board programs and practices to enhance public
25 safety through reduced recidivism.

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

1 department.

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

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

8 "Evidence-based practices." Interventions and treatment
9 approaches that have been proven effective through appropriate
10 empirical analysis.]

11 § 6132. Specific powers of board involving [parolees]
12 offenders.

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

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

21 [(ii) This paragraph applies to inmates sentenced to
22 definite or flat sentences.

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

1 classifications set forth in this chapter.

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

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

15 (4) To promulgate regulations establishing general
16 conditions of supervision applicable to every paroled
17 offender.

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

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

29 Section 24. Section 6133 of Title 61 is repealed:

30 [§ 6133. Probation services.]

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

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

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

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

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

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

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

22 (d) In-service training.--The board shall provide in-service
23 training for personnel of county probation offices when
24 requested to do so by the court having jurisdiction of the
25 probation office.]

26 Section 25. Sections 6134, 6134.1, 6136, 6137, 6138, 6139,
27 6140, 6141 and 6143 of Title 61 are amended to read:

28 § 6134. Sentencing court [to transmit records to board]
29 recommendation.

30 [(a) Duty to transmit.--A court sentencing any person for a

1 term as to which power to parole is given to the board in this
2 chapter shall transmit to the board, within 30 days after the
3 imposition of the sentence:

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

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

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

15 (b) Recommendations from judge.--] The following shall
16 apply:

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

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

29 § 6134.1. General criteria for parole by court.

30 (a) Guidelines.--The court may parole or reparole subject to

1 consideration of guidelines established under 42 Pa.C.S. §
2 2154.5 (relating to adoption of guidelines for parole).

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

9 (c) Procedure.--

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

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

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

30 (4) Preparole statements submitted pursuant to this

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

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

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

14 "Victim." The term shall mean, in addition to the meaning
15 set forth in section 103 of the act of November 24, 1998 (P.L.
16 882, No.111), known as the Crime Victims Act, a member of the
17 victim's family if the victim is incapable of communicating or
18 has died.]

19 § 6136. Right of access to [inmates] offenders.

20 All prison officials shall:

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

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

30 (3) Furnish to the board [from time to time such], no

1 fewer than 90 days prior to a scheduled parole interview or
2 if an interview is scheduled to be held within less than 90
3 days, as quickly as possible after such public officials are
4 informed of such interview, reports concerning the conduct of
5 [inmates] offenders in their custody [as the board shall by
6 general rule or special order require,] together with any
7 other facts deemed pertinent in aiding the board to determine
8 whether such [inmates] offenders shall be paroled.

9 § 6137. Parole power.

10 (a) General criteria for parole.--

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

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

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

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

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

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

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

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

27 (4) Unless the [inmate] offender has served at least one
28 year in a community corrections center or community
29 corrections facility, the board shall not act upon an
30 application of an [inmate] offender who is granted clemency

1 by the Governor, is subject to parole supervision and:

2 (i) whose term of imprisonment was commuted from
3 life to life on parole;

4 (ii) who was serving a term of imprisonment for a
5 crime of violence; or

6 (iii) who is serving a sentence under 42 Pa.C.S. §
7 9712 (relating to sentences for offenses committed with
8 firearms).

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

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

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

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

30 (c) Administrative parole.--

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

5 (i) (A) the eligible offender has not violated the
6 terms and conditions of the eligible offender's
7 parole; or

8 (B) the eligible offender has not been subject
9 to the extensive use of sanctions prior to the
10 completion of one year from the date of release on
11 parole; and

12 (ii) there is no substantial information indicating
13 dangerousness or that placement on administrative parole
14 would compromise public safety.

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

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

23 (i) Make supervision contact at least one time per
24 year.

25 (ii) Provide updated contact information upon a
26 change in residence or employment.

27 (iii) Continue to pay any restitution owed.

28 (iv) Comply with other requirements imposed by the
29 board or the department.

30 (d) Recidivism risk reduction incentive minimum.--The board

1 shall have the power and its duty shall be to comply with the
2 requirements of section 4506 (relating to recidivism risk
3 reduction incentive minimum).

4 (e) Drug screening tests.--

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

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

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

1 [(ii) The random screening tests shall be performed
2 at the discretion of the board, and the parolee
3 undergoing the tests shall be responsible for the costs
4 of the tests.]

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

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

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

21 (g) Procedure.--

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

25 (2) Upon identification of an [inmate] detainee as an
26 eligible offender, the department shall send notice to the
27 board. The [board] department shall send notice to the
28 prosecuting attorney and the court no [less] fewer than six
29 months before the expiration of the [inmate's] detainee's
30 minimum sentence indicating that the department has

1 preliminarily identified the inmate as an eligible offender.
2 The notice shall be sent by United States mail unless the
3 [board] department, the court and the prosecutor have
4 consented to receipt of notice via electronic means. For
5 [inmates] detainees committed to the department whose
6 expiration of the minimum sentence is six months or less from
7 the date of admission, the department shall give prompt
8 notice.

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

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

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

24 (ii) The reentry plan for the [inmate] detainee is
25 adequate.

26 (iii) Individual conditions and requirements for
27 parole have been established for the offender.

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

30 (5) If the court or prosecuting attorney files a timely

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

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

16 (ii) paroled at a later date; or

17 (iii) denied parole.

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

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

28 (h) Power to recommit.--

29 (1) The board may, during the period for which an
30 [inmate] offender shall have been sentenced, recommit the

1 [inmate] offender, if paroled, for violation of the terms and
2 conditions of his parole and from time to time to reparole
3 and recommit in the same manner and with the same procedure
4 as in the case of an original parol or recommitment if, in
5 the judgment of the board:

6 (i) There is a reasonable probability that the
7 [inmate] offender will be benefited by paroling the
8 [inmate] offender again.

9 (ii) It does not appear that the interests of the
10 Commonwealth will be injured by paroling the [inmate]
11 offender again.

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

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

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

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

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

3 "Eligible offender." As defined in section 4503 (relating to
4 definitions).]

5 § 6138. Violation of terms of parole.

6 (a) Convicted violators.--

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

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

24 (2.1) The board may, in its discretion, award credit to
25 [a parolee] an offender recommitted under paragraph (2) for
26 the time spent at liberty on parole, unless any of the
27 following apply:

28 (i) The crime committed during the period of parole
29 or while delinquent on parole is a crime of violence [as
30 defined in 42 Pa.C.S. § 9714(g) (relating to sentences

1 [for second and subsequent offenses)] or a crime requiring
2 registration under 42 Pa.C.S. Ch. 97 Subch. H (relating
3 to registration of sexual offenders).

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

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

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

17 (5) If a new sentence is imposed on the [parolee]
18 offender, the service of the balance of the term originally
19 imposed by a Pennsylvania court shall precede the
20 commencement of the new term imposed in the following cases:

21 (i) If a person is paroled from a State correctional
22 institution and the new sentence imposed on the person is
23 to be served in the State correctional institution.

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

27 (iii) In all other cases, the service of the new
28 term for the latter crime shall precede commencement of
29 the balance of the term originally imposed.

30 (5.1) If the [parolee] offender is sentenced to serve a

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

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

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

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

15 (b) Subsequent arrest.--

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

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

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

29 (c) Technical violators.--

30 (1) [A parolee] An offender under the jurisdiction of

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

13 (i) The violation was sexual in nature.

14 (ii) The violation involved assaultive behavior.

15 (iii) The violation involved possession or control
16 of a weapon.

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

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

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

28 (B) the offender has been recommitted as a
29 technical parole violator because of a conviction for
30 a summary offense in a court;

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

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

13 (1.1) If the board determines that a condition under
14 paragraph (1) applies, the [parolee] offender shall be
15 detained [in or recommitted to] or housed in a State
16 correctional institution or contracted county jail.

17 (1.2) Every offender's recommitment to a community
18 corrections center, community corrections facility or parole
19 violator center shall be subject to a condition that the
20 offender comply with the rules of conduct applicable to the
21 place where the offender is housed. The department may, at
22 its discretion, place an offender accused of violating the
23 rules of conduct in a State correctional institution or
24 contracted county jail, pending an investigation or
25 disciplinary hearing, or serve a disciplinary sanction under
26 the department's procedures, or both.

27 (2) If the [parolee] offender is recommitted under this
28 subsection, the [parolee] offender shall be given credit for
29 the time served on parole in good standing but with no credit
30 for delinquent time and may be reentered to serve the

1 remainder of the original sentence or sentences.

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

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

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

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

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

23 (iii) Use of community-based sanctioning
24 alternatives to incarceration.

25 (iv) Use of a graduated violation sanctioning
26 process.

27 (v) Recommitment to:

28 (A) a State correctional institution;

29 (B) a contracted county jail;

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

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

2 (E) a parole violator center.

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

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

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

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

25 (2) If paroled from a State correctional institution, to
26 any State correctional institution or contracted county jail
27 designated by the department.

28 (3) Except as set forth in paragraph (4) or (5), the
29 parolee shall be recommitted] for one of the following
30 periods, at which time the [parolee] offender shall

1 automatically be reparaoled without further action by the
2 board:

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

5 [(ii)] (1.2) For the second recommitment under this
6 subsection for the same sentence, a maximum of nine
7 months.

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

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

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

19 (i) committed a disciplinary infraction involving
20 assaultive behavior, sexual assault, a weapon or
21 controlled substances;

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

24 (iii) refused programming or a work assignment.

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

27 (1) A technical violator recommitted to a community
28 corrections center [or], community corrections facility or
29 parole violator center under subsection (c) shall be
30 recommitted for a maximum period of six months, after which

1 the [parolee] offender shall automatically be reparaoled
2 without further action by the board.

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

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

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

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

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

15 (iv) is not in compliance with all legal
16 requirements applicable to the offender, including, but
17 not limited to, maintaining registration in any
18 applicable sex offender registry.

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

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

26 "Community corrections facility." A residential facility
27 operated by a private contractor that:

28 (1) houses offenders pursuant to a contract with the
29 department; and

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

1 "Contracted county jail." A county correctional facility
2 which has contracted with the department to provide correctional
3 or other services.

4 "State correctional institution." Any of the following owned
5 and operated by the Commonwealth:

6 (1) A correctional facility.

7 (2) A prison.

8 (3) A jail.]

9 § 6139. Parole procedure.

10 (a) Specific requirements.--

11 (1) The board may, subject to the provisions and
12 limitations set forth in section 6138 (relating to violation
13 of terms of parole), grant [paroles of] parole on its own
14 motion whenever in its judgment the interests of justice
15 require the granting of [these paroles] parole.

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

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

24 (3.1) Notwithstanding paragraphs (2) and (3), the board
25 shall not be required to consider nor to dispose of an
26 application by an [inmate] offender or an [inmate's]
27 offender's attorney in the case of an [inmate] offender
28 sentenced under 18 Pa.C.S. § 1102.1 (relating to sentence of
29 persons under the age of 18 for murder, murder of an unborn
30 child and murder of a law enforcement officer) if a parole

1 decision has been issued by the board within five years of
2 the date of the current application.

3 (3.2) Nothing under this section shall be interpreted as
4 granting a right to be paroled to any [person] offender, and
5 a decision by the board and its designees relating to [a
6 person] an offender sentenced under 18 Pa.C.S. § 1102.1 may
7 not be considered an adjudication under 2 Pa.C.S. Chs. 5
8 Subch. A (relating to practice and procedure of Commonwealth
9 agencies) and 7 Subch. A (relating to judicial review of
10 Commonwealth agency action).

11 (4) Hearings of applications [shall] may be held by the
12 board whenever in its judgment hearings are necessary.
13 Reasonable rules and regulations shall be adopted by the
14 board for the presentation and hearing of applications for
15 parole.

16 (5) Whenever an [inmate] offender is paroled by the
17 board, [whether of its own motion or after hearing of an
18 application for parole,] or whenever [an application for]
19 parole is refused by the board, a brief statement of the
20 reasons for the board's action shall be filed of record in
21 the offices of the board and shall be at all reasonable times
22 open to public inspection.

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

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

3 (b) Reliance on reports.--In granting and revoking paroles
4 and in discharging from parole, the members of the board acting
5 thereon shall not be required to personally hear or see all the
6 witnesses and evidence submitted to them for their action, but
7 they may act on the report submitted to them by [their] the
8 department's agents and employees, together with any pertinent
9 and adequate information furnished to them by fellow members of
10 the board or by others.

11 (c) Notice to district attorney.--At least ten days before
12 paroling an [inmate] offender on its own motion, the board shall
13 give written notice of the contemplated parole to the district
14 attorney of the county in which the [inmate] offender was
15 sentenced, and, in cases of hearings on applications for parole
16 as provided for in this section, at least ten days' written
17 notice of the time and place fixed for such hearing shall be
18 given either by the board or by the [applicant] offender or the
19 offender's attorney, as the board shall direct, to the court and
20 district attorney of the county in which the [applicant]
21 offender was sentenced.

22 § 6140. Victim statements, testimony and participation in
23 hearing.

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

25 (1) The victim of the offense for which an [inmate]
26 offender is sentenced shall be notified by the district
27 attorney immediately following sentencing, in cases where the
28 defendant has been sentenced to a term of imprisonment, that
29 the victim or family member shall have the opportunity to
30 present a statement for the parole report to be considered at

1 the parole hearing or to testify to the [parole] board
2 expressing his opinion concerning the release of the [inmate]
3 detainee.

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

6 (i) is a juvenile;

7 (ii) is incapable of testifying; or

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

9 offender's conduct.

10 (b) Notice of intent to submit statement.--In order to
11 submit a statement under subsection (a), a victim or family
12 member must notify the board of his intention to do so and
13 provide and keep current an appropriate mailing address with the
14 board.

15 (c) Contents of parole [report] statement.--The parole
16 [report] statement may include [a statement] discussion
17 concerning:

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

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

23 (3) The continuing effect of the crime upon the victim's
24 family.

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

27 (1) At the time public notice is given that an [inmate]
28 offender is being considered for parole pursuant to this
29 section, the [board] Office of Victim Advocate shall also
30 notify any victim or nearest relative who has previously

1 contacted the [board] Office of Victim Advocate of the
2 [availability] opportunity to provide a statement for
3 inclusion in the parole report or to present testimony for
4 inclusion at the parole hearing.

5 (2) The [board] Office of Victim Advocate shall notify
6 the [person] victim or family member identified under
7 paragraph (1) at [the] that person's last known mailing
8 address. The notification required by this section shall be
9 given by the [board] Office of Victim Advocate in the case of
10 a parole to be granted pursuant to section 6139 (relating to
11 parole procedure) or by the court in the case of a parole to
12 be granted pursuant to section [6133] 6162 (relating to
13 probation services).

14 (e) Notice of intent to present testimony.--The victim or
15 family member shall notify the [board] Office of Victim Advocate
16 which shall notify within 30 days from the date of the notice of
17 his intent to present testimony at the parole hearing. This time
18 period may be waived by the [board] Office of Victim Advocate
19 for good cause.

20 (f) Referral to hearing officer.--If the victim or family
21 member submits a written statement to the board through the
22 Office of Victim Advocate subsequent to notice, the statement
23 shall be made a part of the board's file on the [inmate]
24 offender, and the [inmate's] offender's case shall be referred
25 to a hearing officer designated to conduct parole release
26 hearings.

27 (g) Assignment to hearing examiner.--If the victim or family
28 member informs the board through the Office of Victim Advocate
29 subsequent to notice being provided that [the person intends]
30 they intend to testify, the chairperson shall assign the

1 [inmate's] offender's case to a hearing examiner for the purpose
2 of receiving the person's testimony.

3 (h) Hearing procedure.--

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

7 (2) The hearing shall be conducted at a time and place
8 and on a date determined by the chairperson or designee.
9 Notice of the time, place and date of the hearing shall be
10 provided by the Office of Victim Advocate to the victim or
11 family member, in writing, and shall be [mailed] provided at
12 least ten days prior to the hearing date.

13 (3) The hearing shall be recorded by an electronic
14 recording device.

15 (4) The hearing examiner shall prepare a written
16 [report] statement within a reasonable [amount of] time prior
17 to the hearing date. A copy of the [report] statement shall
18 be forwarded to the person offering testimony. A copy of the
19 report shall be made a part of the board's file on the
20 [inmate] offender.

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

24 (6) (i) The hearing scheduled pursuant to this section
25 shall be conducted, when possible, prior to a parole
26 release hearing and prior to the board rendering a
27 decision.

28 (ii) Nothing in this section shall be construed to
29 preclude the board from conducting a timely parole
30 release hearing.

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

3 (i) Evaluate the information provided.

4 (ii) Determine whether the decision shall be
5 affirmed or modified.

6 (iii) Determine whether a rescission hearing shall
7 be conducted.

8 (iv) Notify the [inmate] offender in writing of its
9 decision.

10 (8) Notwithstanding any other provision of law, any and
11 all statements or testimony of the victim or family member
12 submitted to the board or the Office of Victim Advocate
13 pertaining to:

14 (i) the continuing nature and extent of any physical
15 harm or psychological or emotional harm or trauma
16 suffered by the victim;

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

19 (iii) the continuing effect of the crime upon the
20 victim's family:

21 (A) Shall be deemed confidential and privileged.

22 (B) Shall not be subject to subpoena or
23 discovery.

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

26 (D) Shall not be released to the [inmate]
27 offender.

28 (9) All records maintained by the board or the Office of
29 Victim Advocate pertaining to victims shall be kept separate.
30 Current address, telephone numbers and any other personal

1 information of the victim and family members shall be deemed
2 confidential.

3 (10) Notwithstanding any other provision of law, no
4 person who has had access to a report, record or any other
5 information under this section shall disclose the content of
6 the report, record or other information or testify in a
7 judicial or administrative proceeding without the written
8 consent of the victim.

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

14 (12) If the final decision is to not release the
15 [inmate] offender and if, subsequent to that decision,
16 additional parole release hearings are conducted for that
17 same [inmate] offender, then the victim or family member who
18 has submitted a written statement for the parole report or
19 who has testified at a hearing pursuant to this section shall
20 be notified by the board through the Office of Victim
21 Advocate at the last known address if and when additional
22 parole hearings are scheduled by the board.

23 § 6141. General rules and special regulations.

24 The board may make general rules for the conduct and
25 supervision of [persons placed on parole] offenders and may, in
26 particular cases, as it deems necessary to effectuate the
27 purpose of parole, prescribe special regulations for particular
28 persons.

29 § 6143. Early parole of [inmates] offenders subject to Federal
30 removal order.

1 (a) Eligibility.--Notwithstanding any other provision of
2 law, the board may parole an [inmate] offender into the custody
3 of the United States Immigration and Customs Enforcement for
4 deportation prior to the expiration of the [inmate's] offender's
5 minimum term of imprisonment if all of the following
6 requirements are satisfied:

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

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

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

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

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

21 (i) Unlawful reentry into the United States will
22 result in the [inmate's] offender's return to the
23 department to serve the remainder of the [inmate's]
24 offender's maximum term of imprisonment without the
25 possibility of parole.

26 (ii) If the [inmate] offender reenters the United
27 States and commits a criminal offense, upon conviction
28 the [inmate] offender shall be subject to 42 Pa.C.S. §
29 9720.3 (relating to sentencing for certain paroled
30 offenders).

1 (iii) Reentry into the United States may subject the
2 [inmate] offender to prosecution by the United States
3 under 8 U.S.C. § 1326 (relating to reentry of removed
4 aliens).

5 (b) Parole discretionary.--The decision to parole an
6 [inmate] offender under subsection (a) shall be within the sole
7 discretion of the board. Nothing under this section shall be
8 construed to confer a legal right upon the [inmate] offender to
9 parole under subsection (a).

10 (c) Return of [inmate] offender by United States.--If the
11 United States Immigration and Customs Enforcement is unable to
12 or does not deport the [inmate] offender, the [inmate] offender
13 shall be returned to the custody of the department and the board
14 shall rescind the [inmate's] offender's parole.

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

25 [(e) Definition.--As used in this section, the term "crime
26 of violence" shall be defined as provided in 42 Pa.C.S. §
27 9714(g) (relating to sentences for second and subsequent
28 offenses).]

29 Section 26. Subchapter D of Chapter 61 of Title 61 is
30 repealed:

1 [SUBCHAPTER D

2 STATE PAROLE AGENTS

3 Sec.

4 6151. Definitions.

5 6152. Status as peace officers.

6 6153. Supervisory relationship to offenders.

7 § 6151. Definitions.

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

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

12 "Conditions of supervision." Any terms or conditions of the
13 offender's supervision, whether imposed by the court, the board
14 or an agent, including compliance with all requirements of
15 Federal, State and local law.

16 "Contraband." Any item that the offender is not permitted to
17 possess under the conditions of supervision, including any item
18 whose possession is forbidden by any Federal, State or local
19 law.

20 "Court." The court of common pleas or any judge thereof, the
21 Philadelphia Municipal Court or any judge thereof, the
22 Pittsburgh Magistrates Court or any judge thereof or any
23 magisterial district judge.

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

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

5 "Property search." A warrantless search of real property,
6 vehicle or personal property which is in the possession or under
7 the control of the offender.

8 "Real property." Any residence or business property of an
9 offender, including all portions of the property to which the
10 offender has access.

11 "Supervisor." Any individual acting in a supervisory or
12 administrative capacity.

13 § 6152. Status as peace officers.

14 An agent is declared to be a peace officer and is given
15 police power and authority throughout this Commonwealth to
16 arrest without warrant, writ, rule or process any parolee or
17 probationer under the supervision of the board for failing to
18 report as required by the terms of his probation or parole or
19 for any other violation of the probation or parole.

20 § 6153. Supervisory relationship to offenders.

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

29 (b) Searches and seizures authorized.--

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

1 offenders in accordance with the provisions of this section.

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

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

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

10 (1) A personal search of an offender may be conducted by
11 an agent:

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

15 (ii) when an offender is transported or taken into
16 custody; or

17 (iii) upon an offender entering or leaving the
18 securing enclosure of a correctional institution, jail or
19 detention facility.

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

25 (3) Prior approval of a supervisor shall be obtained for
26 a property search absent exigent circumstances. No prior
27 approval shall be required for a personal search.

28 (4) A written report of every property search conducted
29 without prior approval shall be prepared by the agent who
30 conducted the search and filed in the offender's case record.

1 The exigent circumstances shall be stated in the report.

2 (5) The offender may be detained if he is present during
3 a property search. If the offender is not present during a
4 property search, the agent in charge of the search shall make
5 a reasonable effort to provide the offender with notice of
6 the search, including a list of the items seized, after the
7 search is completed.

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

13 (i) The observations of agents.

14 (ii) Information provided by others.

15 (iii) The activities of the offender.

16 (iv) Information provided by the offender.

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

18 (vi) The experience of agents in similar
19 circumstances.

20 (vii) The prior criminal and supervisory history of
21 the offender.

22 (viii) The need to verify compliance with the
23 conditions of supervision.

24 (e) Nonresident offenders.--No agent shall conduct a
25 personal or property search of an offender who is residing in a
26 foreign state except for the limited purposes permitted under
27 the Interstate Compact for the Supervision of Offenders and
28 Probationers. The offender is held accountable to the rules of
29 both the sending state and the receiving state. Any personal or
30 property search of an offender residing in another state shall

1 be conducted by an agent of the receiving state.

2 (f) When authority is effective.--The authority granted to
3 agents under this section shall be effective upon enactment of
4 this section, without the necessity of any further regulation by
5 the board.]

6 Section 27. Chapter 61 of Title 61 is amended by adding
7 subchapters to read:

8 SUBCHAPTER E

9 SUPERVISION OF OFFENDERS

10 Sec.

11 6161. Powers and duties of department.

12 6162. Probation services.

13 6163. Probation services committee.

14 6164. Investigation of circumstances of offense.

15 6165. Right of access to offenders.

16 6166. Investigations for the board of pardons.

17 § 6161. Powers and duties of department.

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

20 (1) To supervise any offender released on parole by
21 order of the board and to arrest, detain in a department
22 facility, and to report to the board for a determination
23 whether to revoke parole and recommit an offender who fails
24 to comply with the conditions of supervision, including, but
25 not limited to, the alleged commission of a new crime.

26 (2) To enforce the conditions of supervision established
27 by the board as well as the power to impose and enforce
28 additional conditions of supervision on an offender and the
29 power to, with the consent of the board, amend or terminate
30 conditions of supervision established by the board and to

1 enforce conditions of supervision established by the board.

2 (3) With the consent of the board, to amend or terminate
3 conditions of supervision after an offender has served at
4 least six months on parole. The imposition, modification or
5 termination of a condition of supervision must be based on
6 the risk presented by and the rehabilitative needs of the
7 offender and the impact the termination or modification will
8 have on public safety.

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

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

26 (6) To pay the costs of preparole drug screening test
27 for offenders subject to the parole release jurisdiction of
28 the board. The department shall establish rules and
29 regulations for the payment of these costs and may limit the
30 types and costs of these screening tests that would be

1 subject to payment by the department.

2 (7) To determine when an offender subject to random drug
3 screening tests as a condition of supervision shall be
4 tested. The offender undergoing the tests shall be
5 responsible for the costs of the tests. The money collected
6 for the tests shall be applied against the contract for such
7 testing.

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

10 (9) To collect and maintain copies of all presentence
11 investigations and reports.

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

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

18 (i) Presentence investigations.

19 (ii) The supervision of probationers.

20 (iii) The qualifications for probation personnel.

21 (iv) Minimum salaries.

22 (v) Quality of probation service.

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

1 standards.

2 (12) To adopt regulations establishing criteria for
3 department acceptance of cases for supervision and
4 presentence investigations from counties that on December 31,
5 1985, maintained adult probation offices and parole systems.

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

8 (14) To establish and provide for intensive supervision
9 units and day reporting centers for the supervision of
10 offenders.

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

14 (16) To incorporate evidence-based practices into the
15 supervision of offenders.

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

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

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

25 (20) To administer administrative parole.

26 (b) 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 department's
30 supervision staff determines that there is no substantial

1 information indicating dangerousness or that placement on
2 administrative parole would compromise public safety or that
3 continued supervision would otherwise benefit the offender
4 and:

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

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

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

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

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

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

22 (iii) Continue to pay any restitution owed.

23 (iv) Comply with other requirements imposed by the
24 department.

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

30 § 6162. Probation services.

1 (a) General rule.--The department shall have exclusive power
2 to supervise any offender placed on probation by any judge of a
3 court having criminal jurisdiction, when the court by special
4 order, consistent with the regulations of the department,
5 directs supervision by the department.

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

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

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

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

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

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

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

28 § 6163. Probation services committee.

29 (a) Establishment.--A probation services committee is
30 established to inform the department of current issues and

1 trends in county probation.

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

13 (c) Terms.--

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

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

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

29 (4) Whenever the term of a committee member, other than
30 one who is a member of the General Assembly, expires, that

1 member's position shall be immediately deemed a vacancy and
2 the Governor shall nominate a person to fill that membership
3 position on the committee within 90 days of the date of
4 expiration, even if the member continues to remain on the
5 committee. The Governor shall designate one of the members of
6 the committee as its chairperson.

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

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

12 § 6164. Investigation of circumstances of offense.

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

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

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

21 (3) The general character and background of the
22 offender.

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

27 (5) The written or personal statement of the testimony
28 of the victim or the victim's family submitted under section
29 6140 (relating to victim statements, testimony and
30 participation in hearing).

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

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

9 (b) Cooperation of public officials.--A public official who
10 possesses offender records or information shall furnish the
11 records or information to the department upon request and
12 without charge so far as may be practicable while the case is
13 recent.

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

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

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

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

30 § 6165. Right of access to offenders.

1 All prison officials shall:

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

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

8 § 6166. Investigations for the board of pardons.

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

15 SUBCHAPTER F

16 AGENTS

17 Sec.

18 6171. Status as peace officers.

19 6172. Supervisory relationship to offenders.

20 § 6171. Status as peace officers.

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

26 § 6172. Supervisory relationship to offenders.

27 (a) General rule.--Agents are in a supervisory relationship
28 with department supervised offenders. The purpose of supervision
29 is to assist department supervised offenders in their
30 rehabilitation and reassimilation into the community and to

1 protect the public. Supervision practices shall reflect the
2 balance of enforcement of the conditions of supervision and case
3 management techniques to maximize successful parole completion
4 through effective reentry to society.

5 (b) Qualifications.--

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

12 (2) Existing parole agents who lack the mandatory level
13 of education or professional experience shall undergo annual
14 training in social work and rehabilitation as prescribed by
15 the secretary.

16 (c) Searches and seizures authorized.--

17 (1) Agents may search the person and property of
18 department supervised offenders in accordance with the
19 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 (d) Effect of violation.--No violation of this section shall
25 constitute an independent ground for suppression of evidence in
26 any probation, parole or criminal proceeding.

27 (e) Grounds for personal search of a department supervised
28 offender.--

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

1 (i) if there is a reasonable suspicion to believe
2 that the department supervised offender possesses
3 contraband or other evidence of violations of the
4 conditions of supervision;

5 (ii) when a department supervised offender is
6 transported or taken into custody; or

7 (iii) upon a department supervised offender entering
8 or leaving the secure enclosure of a correctional
9 institution, jail or detention facility.

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

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

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

29 (i) The observations of agents.

30 (ii) Information provided by others.

1 (iii) The activities of the department supervised
2 offender.

3 (iv) Information provided by the department
4 supervised offender.

5 (v) The experience of agents with the department
6 supervised offender.

7 (vi) The experience of agents in similar
8 circumstances.

9 (vii) The prior criminal and supervisory history of
10 the department supervised offender.

11 (viii) The need to verify compliance with the
12 conditions of supervision.

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

23 (g) When authority is effective.--The authority granted to
24 agents under this section shall be effective upon enactment of
25 this section, without the necessity of any further regulation by
26 the department.

27 Section 28. The definition of "board" in section 6302 of
28 Title 61 is amended to read:

29 § 6302. Definitions.

30 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

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

4 * * *

5 Section 29. Sections 6303, 6304(a) introductory paragraph
6 and (f), 6305(3), (5) and (7), 6306, 6307, 6308, 7115(a)(2) and
7 (d), 7121 and 7122(a), (b), (c) and (e) of Title 61 are amended
8 to read:

9 § 6303. County Probation Officers' Firearm Education and
10 Training Commission.

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

18 § 6304. Commission membership.

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

22 * * *

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

30 § 6305. Powers and duties of commission.

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

2 * * *

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

7 * * *

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

12 * * *

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

21 * * *

22 § 6306. Training mandatory.

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

1 firearm.

2 § 6307. Requirements for program participation or waiver.

3 In order to participate in the training program or be granted
4 a waiver of training requirements, at a minimum, the officer
5 must:

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

7 (2) Be a United States citizen.

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

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

21 § 6308. County Probation Officers' Firearm Education and
22 Training Fund.

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

28 (b) Costs imposed.--

29 (1) A person who accepts Accelerated Rehabilitative
30 Disposition or pleads guilty or nolo contendere or is

1 convicted of a felony or misdemeanor shall, in addition to
2 any other court costs imposed under the laws of this
3 Commonwealth, be sentenced to pay costs of \$5. Costs
4 collected by the clerk of courts under this subsection shall
5 be paid into the fund.

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

8 (i) Training expenses.

9 (ii) Commission expenses.

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

12 (c) Other [moneys] money to be used.--In addition to payment
13 of training expenses as prescribed under subsection (b),
14 training expenses may also be paid out of the county offender
15 supervision fund under section 1102 of the act of November 24,
16 1998 (P.L.882, No.111), known as the Crime Victims Act, or any
17 other county fund.

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

25 § 7115. Interstate Compact for the Supervision of Adult
26 Offenders application fee.

27 (a) Duty to pay.--

28 * * *

29 (2) A person on State probation or parole who applies
30 for a transfer to another state through the [interstate

1 compact] Interstate Compact shall be required to pay an
2 application fee to the [board] department with each
3 application for transfer, unless the board finds that the
4 application fee should be reduced, waived or deferred based
5 upon the person's inability to pay.

6 * * *

7 (d) Disposition.--Money received from the collection of the
8 application fee shall be paid into the State Treasury and shall
9 be credited to the general government operations of the [board]
10 department for expenses incurred in the administration of the
11 [interstate compact] Interstate Compact.

12 * * *

13 § 7121. Deputization.

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

22 (b) Evidence of deputization.--A deputization under this
23 section must be in writing and a person authorized to act as an
24 agent of the Commonwealth under that authority shall carry
25 formal evidence of the deputization and shall produce it on
26 demand.

27 (c) Interstate contracts.--

28 (1) The [chairperson of the Pennsylvania Board of
29 Probation and Parole] secretary or a designee may, subject to
30 the approval of the Auditor General, enter into contracts

1 with similar officials of any other state for the purpose of
2 sharing an equitable portion of the cost of effecting the
3 return of any person who has violated the terms and
4 conditions of parole or probation as granted by the
5 Commonwealth.

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

9 § 7122. Supervision of persons paroled by other states.

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

15 (b) Witness Protection Program.--The [board] department may
16 relinquish jurisdiction over [a parolee] an offender to the
17 proper Federal authorities where the [parolee] offender is
18 placed into the Witness Protection Program of the United States
19 Department of Justice.

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

23 * * *

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

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

28 "Sexual offense."

29 (1) Any of the following offenses or an equivalent
30 offense that is classified as a felony and involves a victim

1 who is a minor:

2 18 Pa.C.S. § 2901 (relating to kidnapping).

3 18 Pa.C.S. § 5902(a) (relating to prostitution and
4 related offenses).

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

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

10 18 Pa.C.S. § 3126 (relating to indecent assault).

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

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. § 3125 (relating to aggravated indecent
17 assault).

18 "Violent offense."

19 (1) Any of the following offenses or an equivalent
20 offense:

21 18 Pa.C.S. § 2502 (relating to murder).

22 18 Pa.C.S. § 2503 (relating to voluntary
23 manslaughter).

24 18 Pa.C.S. § 2702 (relating to aggravated assault).

25 18 Pa.C.S. § 2703 (relating to assault by prisoner).

26 18 Pa.C.S. § 2704 (relating to assault by life
27 prisoner).

28 18 Pa.C.S. § 2901 (relating to kidnapping) where the
29 victim is a minor.

30 18 Pa.C.S. § 3121 (relating to rape).

1 18 Pa.C.S. § 3123 (relating to involuntary deviate
2 sexual intercourse).

3 18 Pa.C.S. § 3301 (relating to arson and related
4 offenses).

5 18 Pa.C.S. § 3502 (relating to burglary).

6 18 Pa.C.S. § 3701 (relating to robbery).

7 18 Pa.C.S. § 3923 (relating to theft by extortion)
8 where a threat of violence is made.

9 (2) A criminal attempt, criminal solicitation or
10 criminal conspiracy to commit any offenses set forth in this
11 definition.

12 "Other verifiable means of support." The term includes, but
13 is not limited to, support by parent, grandparent, sibling,
14 spouse or adult child. The term does not include public
15 assistance.

16 Section 30. The following shall apply to transfers:

17 (1) The Pennsylvania Board of Probation and Parole and
18 the functions, powers and duties of the Pennsylvania Board of
19 Probation and Parole are transferred to the Department of
20 Corrections.

21 (2) Upon approval of the Governor, the following are
22 transferred to the Department of Corrections, to be used,
23 employed and expended in connection with the functions,
24 powers and duties transferred under paragraph (1):

25 (i) Personnel, contract obligations, records, files,
26 property, supplies and equipment being used or held on
27 the effective date of this section in connection with
28 the functions, powers and duties transferred under
29 paragraph (1).

30 (ii) Unexpended balances of appropriations,

1 allocations and other funds available or to be made
2 available for use in connection with the functions,
3 powers and duties transferred under paragraph (1).

4 Section 31. Any reference in law to a parole agent or
5 supervision staff shall be deemed a reference to an agent as
6 defined herein.

7 Section 32. The following shall apply:

8 (1) The appropriation for the Office of Victim Advocate
9 must be in a separate line item and shall be under the
10 jurisdiction of the victim advocate appointed under section
11 301(b) of the act of November 24, 1998 (P.L.882, No.111),
12 known as the Crime Victims Act.

13 (2) The appropriation for the Pennsylvania Parole Board
14 must be in a separate line item.

15 Section 33. Within one year of the effective date of this
16 section, the Pennsylvania Commission on Crime and Delinquency
17 shall conduct and complete a study to analyze and determine
18 which community correction centers, community corrections
19 facilities or community contract facilities have been successful
20 in reducing recidivism and to identify which individual and
21 program level characteristics, if any, are significantly more
22 likely to produce reductions in recidivism. The study shall
23 further include data regarding the number and percentage of
24 offenders who recidivate by facility and the types of crimes
25 committed following release or absconding. The commission shall
26 also determine to what extent recommendations from its prior
27 study, Community Corrections Centers, Parolees, and Recidivism:
28 An Investigation into the Characteristics of Effective Reentry
29 Programs in Pennsylvania, have been implemented and the effect
30 of the implementation in reducing recidivism.

1 Section 34. This act shall take effect immediately.