

No. 1990-215

AN ACT

HB 2199

Providing for motivational boot camps for certain youthful offenders; and providing for selection of participants.

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

Section 1. Short title.

This act shall be known and may be cited as the Motivational Boot Camp Act.

Section 2. Declaration of policy.

The General Assembly finds and declares as follows:

(1) The Commonwealth recognizes the severe problem of overcrowding in State and county prisons and understands that overcrowding is a causative factor contributing to insurrection and prison rioting.

(2) The Commonwealth also recognizes that the frequency of convictions responsible for the dramatic expansion of the prison population is attributable in part to the increased use of drugs and alcohol.

(3) The Commonwealth, in wishing to salvage the contributions and dedicated work which its displaced citizens may someday offer, is seeking to explore alternative methods of incarceration which might serve as the catalyst for reducing criminal behavior.

Section 3. Definitions.

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

“Commission.” The Pennsylvania Commission on Sentencing.

“Department.” The Department of Corrections of the Commonwealth.

“Eligible inmate.” A person sentenced to a term of confinement under the jurisdiction of the Department of Corrections who is serving a term of confinement, the minimum of which is not more than two years and the maximum of which is five years or less, and who has not reached 35 years of age at the time he is approved for participation in the motivational boot camp program. The term shall not include any inmate serving a sentence for any violation of one or more of the following provisions:

18 Pa.C.S. § 2501 (relating to criminal homicide).

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

18 Pa.C.S. § 3121 (relating to rape).

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

18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery).

“Motivational boot camp.” A program in which eligible inmates participate for a period of six months in a humane program for motivational boot camp programs which shall provide for rigorous physical activity, intensive

regimentation and discipline, work on public projects, substance abuse treatment services licensed by the Department of Health, ventilation therapy, continuing education, vocational training and prerelease counseling.

“Secretary.” The Secretary of Corrections of the Commonwealth.

Section 4. Selection of inmate participants.

(a) Duties of commission.—Through the use of sentencing guidelines, the commission shall employ the definition of “eligible inmate” as provided in this act to further identify inmates who would be appropriate for participation in a motivational boot camp.

(b) Duties of sentencing judge.—The sentencing judge shall employ the sentencing guidelines to identify those defendants who are eligible for participation in a motivational boot camp. The judge shall have the discretion to exclude a defendant from eligibility if the judge determines that the defendant would be inappropriate for placement in a motivational boot camp. The judge shall note on the sentencing order whether the defendant has been identified as eligible for a motivational boot camp program.

(c) Duties of department.—The secretary shall promulgate rules and regulations providing for inmate selection criteria and the establishment of motivational boot camp selection committees within each diagnostic and classification center of the department.

Section 5. Establishment of motivational boot camp program.

(a) Establishment.—There is hereby established in the department a motivational boot camp program.

(b) Program objectives.—The objectives of the program are:

(1) To protect the health and safety of the Commonwealth by providing a program which will reduce recidivism and promote characteristics of good citizenship among eligible inmates.

(2) To divert inmates who ordinarily would be sentenced to traditional forms of confinement under the custody of the department to motivational boot camps.

(3) To provide discipline and structure to the lives of eligible inmates and to promote these qualities in the postrelease behavior of eligible inmates.

(c) Rules and regulations.—The secretary shall have the duty to promulgate rules and regulations which shall include, but not be limited to, inmate discipline, selection criteria, programming and supervision, and administration. The department shall provide four weeks of intensive training for all staff prior to the start of their involvement with the program.

(d) Approval.—Motivational boot camp programs may be established only at correctional facilities classified by the secretary as motivational boot camp facilities.

(e) Evaluation.—The department and the commission shall monitor and evaluate the motivational boot camp programs to ensure that the programmatic objectives are met. Both shall present annual reports of the evaluations of the Judiciary Committees of the House of Representatives and Senate no later than February 1 of each year.

Section 6. Procedure for selection of participant in motivational boot camp program.

(a) **Application.**—An eligible inmate may make an application to the motivational boot camp selection committee for permission to participate in the motivational boot camp program.

(b) **Selection.**—If the selection committee determines that an inmate's participation in the program is consistent with the safety of the community, the welfare of the applicant, the programmatic objectives and the rules and regulations of the department, the committee shall forward the application to the secretary or his designee for approval or disapproval.

(c) **Conditions.**—Applicants may not participate in the motivational boot camp program unless they agree to be bound by all the terms and conditions thereof and indicate their agreement by signing a memorandum of understanding.

(d) **Qualifications to participate.**—Satisfying the above qualifications to participate does not mean the inmates will automatically be permitted to participate in the program.

(e) **Expulsion from program.**—The inmate's participation in the motivational boot camp unit may be suspended or revoked for administrative or disciplinary reasons. The department shall develop regulations consistent herein.

Section 7. Completion of motivational boot camp program.

Upon certification by the department of the inmate's successful completion of the program, the Pennsylvania Board of Probation and Parole shall immediately release the inmate on parole, notwithstanding any minimum sentence imposed in the case. The parolee will be subject to intensive supervision for a period of time determined by the board, after which he will be subject to the usual parole supervision. For all other purposes, the parole of the inmate shall be as provided by the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law.

Section 8. Appeals.

Nothing in this act shall be construed to enlarge or limit the right of an inmate to appeal his or her sentence.

Section 9. Repeals.

All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 10. Effective date.

This act shall take effect in 60 days.

APPROVED—The 19th day of December, A. D. 1990.

ROBERT P. CASEY