

No. 1996-164

AN ACT

SB 1667

Amending the act of August 6, 1941 (P.L.861, No.323), entitled, as amended, "An act to create a uniform and exclusive system for the administration of parole in this Commonwealth; providing state probation services; establishing the 'Pennsylvania Board of Probation and Parole'; conferring and defining its jurisdiction, duties, powers and functions; including the supervision of persons placed upon probation and parole in certain designated cases; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employes; dividing the Commonwealth into administrative districts for purposes of probation and parole; fixing the salaries of members of the board and of certain other officers and employes thereof; making violations of certain provisions of this act misdemeanors; providing penalties therefor; and for other cognate purposes, and making an appropriation," further providing for probation and parole.

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

Section 1. Section 1 of the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, is amended to read:

Section 1. [The value of parole as a disciplinary and corrective influence and process is hereby recognized, and it is declared to be the public policy of this Commonwealth that persons subject or sentenced to imprisonment for crime shall, on release therefrom, be subjected to a period of parole during which their rehabilitation, adjustment and restoration to social and economic life and activities shall be aided and facilitated by guidance and supervision under a competent and efficient parole administration, and to that end it is the intent of this act to create a uniform and exclusive system for the administration of parole in this Commonwealth.] *The parole system provides several benefits to the criminal justice system, including the provision of adequate supervision of the offender while protecting the public, the opportunity for the offender to become a useful member of society and the diversion of appropriate offenders from prison.*

In providing these benefits to the criminal justice system, the board shall first and foremost seek to protect the safety of the public. In addition to this goal, the board shall address input by crime victims and assist in the fair administration of justice by ensuring the custody, control and treatment of paroled offenders.

Section 2. Section 2 of the act, amended October 9, 1986 (P.L.1424, No.134), is amended to read:

Section 2. There shall be and there is hereby established an independent administrative board for the administration of the probation and parole laws of this Commonwealth which shall be known as the "Pennsylvania Board of Probation and Parole," and which is hereinafter referred to as the "board." Said board shall consist of [~~five~~] *nine* members who shall be appointed by the Governor, by and with the advice and consent of a majority of all the members of the Senate, and each of whom shall hold office for a term of six years, or until his successor shall have been duly appointed and qualified, but in no event more than ninety days beyond the expiration of his appointed term. Vacancies occurring in an office of member of the board by expiration of term, death, resignation, removal or for any other reason shall be filled in the manner provided by section 8 of Article IV of the Constitution of Pennsylvania for the remainder of the term. Whenever a board member's term expires, that member's position shall be immediately deemed a vacancy and the Governor shall nominate a person to fill that membership position on the board within ninety days of the date of expiration, even if the member continues to remain on the board. To be eligible to be appointed by the Governor for membership on the board, an individual shall have at least six years of professional experience in parole, probation, social work or related areas, including one year in a supervisory or administrative capacity and a bachelor's degree. Any equivalent combination of experience and training shall be acceptable.

Subject to the provisions of this act, the board shall have all the powers and shall perform the duties generally vested in and imposed upon independent administrative boards and commissions by the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), designated as "The Administrative Code of 1929," and its amendments, and shall be subject to all the provisions of such code which apply generally to independent administrative boards and commissions.

Section 3. Section 10 of the act, amended December 27, 1965 (P.L.1230, No.501), is amended to read:

Section 10. The principal office of the board shall be in Harrisburg, and the board shall appoint and employ [~~therein~~] such number and character of officers, agents, clerks, stenographers and employes as may be necessary to carry out the purposes of this act. The salaries of persons so appointed and employed by the board shall be fixed by the board. The board, with the approval of the Governor, shall divide the Commonwealth for administrative purposes into a suitable number of districts, not to exceed ten, in each of which there shall be a district office which shall have immediate charge of the supervision of cases of probation and parole arising in the courts of the judicial districts embraced within its territorial limits, but as occasion may require the supervision of particular parolees may be transferred by the board to other appropriate parole districts.

The board shall fix and determine the location of the various district offices within their respective districts, having regard to local conditions in each district and to the most convenient and efficient functioning of the office therein established, and at each of the locations so fixed and determined shall provide such office accommodations, furniture, equipment and supplies as may be reasonably suitable and adequate for the proper handling and dispatch of the parole business of the district, and to this end the board is hereby authorized and empowered to enter into contracts on behalf of the Commonwealth for such office accommodations, furniture, equipment and supplies aforesaid through the Department of Property and Supplies.

Section 4. Section 22 of the act, amended June 1, 1995 (1st Sp.Sess., P.L.1020, No.16), is amended to read:

Section 22. The board shall have the power, subject to the provisions and limitations set forth in section twenty-one, to grant paroles of its own motion whenever in its judgment the interests of justice require the granting of the same. In addition thereto, the board shall have the power, and it shall be its duty, to consider applications for parole by a prisoner or by his attorney[, relatives or friends or by any person properly interested in the matter]. *However, the board shall not be required to consider nor dispose of an application by a prisoner or his attorney where a parole decision has been issued by the board on that case within one year of the date of the current application for parole.* Hearings of applications shall be held by the board whenever in its judgment hearings are necessary. Reasonable rules and regulations shall be adopted by the board for the presentation and hearing of applications for parole: Provided, however, That whenever any prisoner is paroled by the board, whether of its own motion or after hearing of an application therefor, or whenever an application for parole is refused by the board, a brief statement of the reasons for the board's action shall be filed of record in the offices of the board and shall be at all reasonable times open to public inspection; in no case shall a parole be granted, or an application for parole be dismissed, unless a [district supervisor] *board member, hearing examiner or other person so designated by the board* shall have seen and heard him in person in regard thereto within six months prior to the granting or dismissal thereof. Application shall be disposed of by the board within six months of the filing thereof.

In granting and revoking paroles, and in discharging from parole, the members of the board acting thereon shall not be required to personally hear or see all the witnesses and evidence submitted to them for their action, but they may act on report submitted to them by their agents and employes, together with any pertinent and adequate information furnished to them by fellow members of the board or by others.

At least ten days before paroling a prisoner on its own motion the board shall give written notice of such contemplated parole to the district attorney of the county wherein the prisoner shall have been sentenced, and, in cases of hearings on applications for parole as herein provided for, at least ten days

written notice of the time and place fixed for such hearing shall be given either by the board or by the applicant, as the board shall direct, to the court and district attorney of the county wherein the applicant shall have been sentenced.

Section 5. Section 33 of the act is amended to read:

Section 33. In compliance with the Federal Interstate Compact Laws, the Parole Board is authorized to supervise persons paroled by other states and now residing in Pennsylvania, where such other states agree to perform similar services for the Pennsylvania Board of Parole.

Additionally, the Parole Board is authorized to relinquish jurisdiction over a parolee to the proper Federal authorities where the parolee is placed into the Federal Witness Protection Program.

Section 6. This act shall take effect immediately.

APPROVED—The 18th day of December, A.D. 1996.

THOMAS J. RIDGE