

No. 1998-84

AN ACT

SB 640

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for juvenile matters definitions, for prisoner litigation, for limitation on remedies, for prospective relief, for time limits on settlements and for payment of damages; further providing for certain expenses and fees relating to the minor judiciary, for service of process, for collection of restitution, reparation, fees, costs, fines and penalties and for record requirements; and providing for contents of presentence reports.

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

Section 1. Sections 3532 and 5107 of Title 42 of the Pennsylvania Consolidated Statutes are amended to read:

§ 3532. Expenses.

The Office of the [**Pennsylvania Supreme**] Court Administrator *of Pennsylvania* shall pay the annual registration fee of [**\$150**] **\$200** to the Special Court Judges of Pennsylvania Association for each district justice, Philadelphia Municipal Court Judge and Philadelphia Traffic Court Judge position authorized as of January 31 of each year. Payment shall be made on the first day of a new fiscal year including July 1, 1988. In addition the Office of the [**Pennsylvania Supreme**] Court Administrator *of Pennsylvania* shall pay the annual cost for the publishing of a monthly journal containing the update and revision of laws and State Supreme Court rule changes. Except for the funding of the publication of the monthly journal which shall be a direct cost of the Office of the [**Pennsylvania Supreme**] Court Administrator *of Pennsylvania*, all other funding for the other expenses set forth in this section shall come from the annual appropriation made to the district justices.

§ 5107. Service of process [**on Sunday**].

Process may be served or executed on [**a Sunday**] *any day of the week* except at any church, synagogue, meetinghouse or any place of worship.¹

Section 2. Paragraph (1) of the definition of "delinquent act" in section 6302 of Title 42 is amended to read:

¹Certain text dropped to reflect amendment by Act 1997-28 which was overlooked.

§ 6302. Definitions.

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

* * *

“Delinquent act.”

(1) The term means an act designated a crime under the law of this Commonwealth, or of another state if the act occurred in that state, or under Federal law, or under local ordinances *or an act which constitutes indirect criminal contempt under 23 Pa.C.S. Ch. 61 (relating to protection from abuse).*

* * *

Section 3. Title 42 is amended by adding a chapter to read:

CHAPTER 66
PRISONER LITIGATION

Sec.

- 6601. Definitions.
- 6602. Prisoner filing fees.
- 6603. Limitations on remedies.
- 6604. Prospective relief.
- 6605. Types of prospective relief.
- 6606. Termination or modification of prospective relief.
- 6607. Time limits on settlements.
- 6608. Payment of damage award or settlement.

§ 6601. Definitions.

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

“Consent decree.” Relief entered or approved by the court that is based in whole or in part upon the consent or acquiescence of the parties. The term does not include a private settlement agreement.

“Frivolous.” Lacking an arguable basis either in law or in fact.

“Government party.” The Commonwealth or a political subdivision and any person elected or appointed to any office of, or hired, employed or contracted by, the Commonwealth or a political subdivision when acting within the scope of those duties.

“Prison.” A State, county or other facility which incarcerates or officially detains persons accused of, convicted of or sentenced for violations of criminal law or the terms or conditions of parole, probation, pretrial release or a diversionary program.

“Prison conditions litigation.” A civil proceeding arising in whole or in part under Federal or State law with respect to the conditions of confinement or the effects of actions by a government party on the life of an individual

confined in prison. The term includes an appeal. The term does not include criminal proceedings or habeas corpus proceedings challenging the fact or duration of confinement in prison.

“Prisoner.” A person subject to incarceration, detention or admission to prison.

“Prisoner release order.” An order, including a temporary restraining order or preliminary injunction, which has the purpose or effect of reducing or limiting the prison population or which directs the release of prisoners from or nonadmission of prisoners to a prison.

“Private settlement agreement.” An agreement entered into among parties to an action which is not subject to judicial enforcement other than reinstatement of the civil proceeding which the agreement settled.

“Prospective relief.” All relief other than compensatory monetary damages.

“Relief.” Relief in any form which may be granted or approved by a court. The term includes a consent decree. The term does not include a private settlement agreement.

“Special master.” A person appointed to assist the court in prison conditions litigation or to perform functions comparable to those performed by a special master in Federal court pursuant to Fed. Rules Civ. Proc. Rule 53 (relating to masters) or 18 U.S.C. § 3626 (relating to appropriate remedies with respect to prison crowding). The term includes persons performing such functions regardless of the title given by the court.

“Violation of Pennsylvania law.” A violation of the Constitution of Pennsylvania or a Pennsylvania statute. The term does not include the violation of a regulation, consent decree or court¹ order unless such violation also independently establishes a violation of the Constitution of Pennsylvania or a Pennsylvania statute.

§ 6602. Prisoner filing fees.

(a) Prisoner filing requirements.—

(1) A prisoner seeking to bring prison conditions litigation without the prepayment of fees or security due to indigency must submit a request to the court to proceed without the prepayment of fees. The request must include a certified copy of the prisoner’s prison account statement, which shall be provided by the prison, for the six-month period immediately preceding the filing of the complaint or notice of appeal. The request shall include a statement of any other assets of the prisoner.

(2) The court shall deny in forma pauperis status to any prisoner where:

(i) the request is not accompanied by a certified copy as provided in paragraph (1);

¹“or a court” in enrolled bill.

(ii) the average monthly deposits or average highest monthly balance for the six-month period preceding the filing of the action exceeds the amount of the filing fee; or

(iii) other grounds exist for the denial of in forma pauperis status pursuant to the Pennsylvania Rules of Civil Procedure.

(b) Partial filing fees.—

(1) The court may grant in forma pauperis status to excuse the prisoner from paying the full filing fee prior to the initiation of the action or appeal. Where in forma pauperis status is granted, the court shall order the prisoner to pay the full amount of the filing fee and shall assess and, when funds exist, collect a full or partial payment of the filing fee which shall be the greater of the following:

(i) The average monthly deposits to the prisoner's account.

(ii) The average highest monthly balance in the prisoner's account for the six-month period immediately preceding the filing of the complaint or notice of appeal requiring the payment of a fee.

(2) The court shall send a copy of the assessment order to the prisoner, the parties to the action and the¹ prison having custody of the prisoner. The court may also direct upon condition of maintaining the action that the prisoner make a written request to the prison officials to deduct payments required by the court.

(3) The court may modify the assessment order for cause.

(c) Payment of filing fees.—Following payment of an initial partial filing fee, the prisoner shall make monthly payments of 20% of the preceding month's income credited to the prisoner's account. The prison having custody of the prisoner shall deduct payments from the prisoner's account when the prisoner's account balance exceeds \$10 until the filing fees are paid in full. The prison shall forward to the prothonotary the deducted payments upon deduction, on a monthly basis, or upon complete payment of the full filing fee if the court so directs. The Department of Corrections and county prison systems shall develop written guidelines regarding the priority of payment, which shall be consistent with law.

(d) Implementation of filing fee assessments.—

(1) A prisoner shall not be prohibited from filing prison conditions litigation because the prisoner has no assets or other means to pay the filing fee. This paragraph shall not prevent the court from dismissing or otherwise disposing of prison conditions litigation pursuant to this chapter or any other provision of law.

(2) No sooner than 60 days after notice of the denial in forma pauperis status or the assessment of partial filing fees, the prothonotary shall enter a judgment of non pros in the action or strike the appeal if the fees remain

¹"the" omitted in enrolled bill.

unpaid. The action or appeal may be reinstated by the court for good cause shown.

(e) Dismissal of litigation.—Notwithstanding any filing fee which has been paid, the court shall dismiss prison conditions litigation at any time, including prior to service on the defendant, if the court determines any of the following:

(1) The allegation of indigency is untrue.

(2) The prison conditions litigation is frivolous or malicious or fails to state a claim upon which relief may be granted or the defendant is entitled to assert a valid affirmative defense, including immunity, which, if asserted, would preclude the relief.

The court may reinstate the prison conditions litigation where the dismissal is based upon an untrue allegation of indigency and the prisoner establishes to the satisfaction of the court that the untrue information was not known to the prisoner.

(f) Abusive litigation.—If the prisoner has previously filed prison conditions litigation and:

(1) three or more of these prior civil actions have been dismissed pursuant to subsection (e)(2); or

(2) the prisoner has previously filed prison conditions litigation against a person named as a defendant in the instant action or a person serving in the same official capacity as a named defendant and a court made a finding that the prior action was filed in bad faith or that the prisoner knowingly presented false evidence or testimony at a hearing or trial;

the court may dismiss the action. The court shall not, however, dismiss a request for preliminary injunctive relief or a temporary restraining order which makes a credible allegation that the prisoner is in imminent danger of serious bodily injury.

§ 6603. Limitations on remedies.

(a) Limitations on remedies for Federal claims.—Prison conditions litigation filed in or remanded to a court of this Commonwealth alleging in whole or in part a violation of Federal law shall be subject to any limitations on remedies established by Federal law or Federal courts with respect to the Federal claims.

(b) Limitations on remedies under Pennsylvania law.—Prison conditions litigation arising in whole or in part due to an allegation of a violation of Pennsylvania law shall be subject to the limitations set forth in this act with respect to those claims arising under Pennsylvania law.

(c) Special masters.—In prison conditions litigation arising in whole or in part under Pennsylvania law, the court shall not appoint a person to assist the court or delegate any judicial function, including fact-finding, reporting or monitoring, unless the appointment or delegation is specifically authorized under Pennsylvania court rules. Any court order appointing a special master shall state the specific duties delegated to the special master. Any fact-finding by the special master shall be based upon the record.

§ 6604. Prospective relief.

(a) General rule.—Prospective relief in prison conditions litigation shall extend no further than necessary to correct the violation of Pennsylvania law. The court shall not grant or approve prospective relief unless the relief is narrowly drawn, extends no further than necessary and is the least intrusive means necessary to correct the violation of Pennsylvania law. The court shall give substantial weight to any adverse impact on public safety, prison operations or the operation of the criminal justice system.

(b) Conformity.—The court shall not order any prospective relief that requires or permits a government official to exceed authority under or otherwise violate Pennsylvania law or the law of a political subdivision unless the relief meets all of the following:

- (1) Is required by Pennsylvania law.
- (2) Is necessary to correct the violation.
- (3) Is the only relief which will correct the violation.

(c) Limitation.—Nothing in this section shall be construed to authorize the court to order the construction of prisons or to repeal or detract from otherwise applicable limitations on the remedial powers of the courts.

(d) Private settlement agreements.—The provisions of this section shall not apply to private settlement agreements.

§ 6605. Types of prospective relief.

(a) Preliminary injunctive relief.—In prison conditions litigation, the court may, to the extent authorized by law, enter a temporary restraining order or preliminary injunction. A preliminary injunction shall automatically expire 90 days after its entry unless the court makes the findings required under section 6604 (relating to prospective relief) for the entry of prospective relief and makes the order final before the expiration of the 90-day period.

(b) Prisoner release orders.—The court shall enter a prisoner release order only if it finds by clear and convincing evidence that crowding is the primary cause of the violation. The government party with jurisdiction over the prison subject to the prisoner release order or the prosecution or custody of persons who may be released from prison as a result of a prisoner release order shall have standing to intervene in any related proceeding and to oppose the imposition or continuation of the order and to seek termination of the order. No prisoner release order shall be entered unless:

- (1) a court previously entered an order for less intrusive relief which has failed to remedy the violation sought to be remedied. Such order may include a prisoner release order;
- (2) the defendant has had a reasonable amount of time to comply with the previous court order; and
- (3) no other relief will remedy the violation.

§ 6606. Termination or modification of prospective relief.

(a) General rule.—In prison conditions litigation in which prospective relief is or has been ordered, the relief shall be terminable upon the motion of a party or intervener two years after the date the court granted or approved

the prospective relief or one year after the date the court entered an order denying termination of prospective relief under this subsection.

(b) Early termination.—Nothing in this section shall prevent the parties from agreeing to terminate or modify relief before the relief is terminated under subsection (a).

(c) Immediate termination.—In prison conditions litigation, a party or intervener shall be entitled to the immediate termination of prospective relief if the relief was approved or granted in the absence of a finding on the record by the court that the relief is narrowly drawn, extends no further than necessary and is the least intrusive means necessary to correct the violation of Pennsylvania law.

(d) Limitation.—Prospective relief shall not terminate if the court makes written findings based on the record that prospective relief remains necessary to correct a current and ongoing violation of Pennsylvania law previously determined by the court to exist, extends no further than necessary and is the least intrusive means necessary to correct that violation of Pennsylvania law.

(e) Other termination or modification.—Nothing in this section shall prevent a party or intervener from seeking modification or termination to the extent otherwise legally permissible.

§ 6607. Time limits on settlements.

In prison conditions litigation, a government party, including an elected official who was not in office at the time of the execution of the consent decree, may petition the court to modify or vacate the terms of the consent decree previously entered into. The court shall have the power and authority to void or modify the consent decree at any time upon a showing that, whether in whole or in part, it violates the provisions of this act or for other cause.

§ 6608. Payment of damage award or settlement.

Monetary damages awarded to a prisoner in connection with prison conditions litigation or paid in settlement of prison conditions litigation which is payable from funds appropriated by the General Assembly or by a political subdivision or an insurance policy purchased by the Commonwealth or political subdivision shall first be used to satisfy any outstanding court orders requiring the prisoner to pay restitution, costs, bail, judgments, fines, fees, sanctions or other court-imposed amounts in connection with a criminal prosecution or sentence. Upon receipt of a copy of an outstanding court order, the government party or person designated by the government party shall deduct the full amount owed from the remaining moneys and arrange to pay it directly to the person or entity owed in accordance with Pennsylvania law. Where the amount of outstanding court orders exceeds the monetary damage award or settlement, the government party shall notify the parties owed of the intended distribution of the amounts. Any person or entity owed who objects to the proposed distribution may seek a court order compelling a different distribution. Any remainder of a monetary damage award shall be used to satisfy any amount owed to a government party, including a judgment or any

other costs and fees assessed against or imposed upon the prisoner, including, but not limited to, costs for medical services, incarceration and destruction of property. The procedures for such assessment shall be set forth by the prison in written policy and procedure. Notice that all or part of a monetary damage award has been expended pursuant to this section shall be provided to the prisoner by certified mail or personal service. The fact that a prisoner's monetary damage award may be subject to this section may not be taken into consideration in calculating the amount of any monetary damage award.

Section 4. Sections 8127(a), 9728, 9730.1(a) and 9732 of Title 42 are amended to read:

§ 8127. Personal earnings exempt from process.

(a) General rule and exceptions.—The wages, salaries and commissions of individuals shall while in the hands of the employer be exempt from any attachment, execution or other process except upon an action or proceeding:

(1) Under 23 Pa.C.S. Pt. IV (relating to divorce).

(2) For support.

(3) For board for four weeks or less.

(3.1) For damages awarded to a judgment creditor-landlord arising out of a residential lease upon which the court has rendered judgment which is final. However, the amount subject to attachment shall have deducted from it any security deposit held by the judgment creditor-landlord and forfeited by the judgment debtor-tenant under section 511.1 of the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, unless the security deposit has been applied to payment of rent due on the same premises for which the judgment for attachment has been entered. The judgment creditor-landlord shall have the burden of proving that such security deposit has been applied to payment of rent due on the premises herein described. The sum attached shall be no more than 10% of the net wages per pay period of the judgment debtor-tenant or a sum not to place the debtor's net income below the poverty income guidelines as provided annually by the Federal Office of Management and Budget, whichever is less. For the purposes of this paragraph, "net wages" shall mean all wages paid less only the following items:

(i) Federal, State and local income taxes.

(ii) F.I.C.A. payments and nonvoluntary retirement payments.

(iii) Union dues.

(iv) Health insurance premiums.

(3.2) In the case of wage attachment for damages arising out of a residential lease, to implement the wage attachment, the judgment creditor-landlord shall comply with the Pennsylvania Rules of Civil Procedure and any applicable local rules. The judgment of the district justice, magistrate or any other court having jurisdiction over landlord and tenant matters or a judgment before the court of common pleas shall reflect that portion of the judgment which is for damages arising out of a residential lease.

(4) Under the act of August 7, 1963 (P.L.549, No.290), referred to as the Pennsylvania Higher Education Assistance Agency Act.

(5) For restitution to crime victims, costs, fines or bail judgments pursuant to an order entered by a court in a criminal proceeding.

* * *

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

(a) General rule.—[All]

(1) Except as provided in subsection (b)(5), all restitution, reparation, fees, costs, fines and penalties shall be [collectible] collected by the county probation department or other agent designated by the county commissioners of the county with the approval of the president judge of the county for that purpose in any manner provided by law. However, such restitution, reparation, fees, costs, fines and penalties are part of a criminal action or proceeding and shall not be deemed debts. A sentence, pretrial disposition order or order entered under section 6352 (relating to disposition of delinquent child) for restitution, reparation, fees, costs, fines or penalties shall, together with interest and any additional costs that may accrue, be a judgment in favor of the probation department upon the person or the property of the person sentenced or subject to the order.

(2) In accordance with section 9730.1 (relating to collection of court costs, restitution and fines by private collection agency), the collection of restitution, reparation, fees, costs, fines and penalties under this section may be referred to a private collection agency. Statistical information relating to the amount of restitution collected by the county probation department or any agent designated by the county commissioners of the county with the approval of the president judge of the county shall be made available to the Pennsylvania Commission on Crime and Delinquency on an annual basis.

(b) Procedure.—

(1) The county clerk of courts shall, upon sentencing, pretrial disposition or other order, transmit to the prothonotary [of the respective county] certified copies of all judgments for restitution, reparation, fees, costs, fines and penalties which, in the aggregate, exceed \$1,000, and it shall be the duty of each prothonotary to enter and docket the same of record in his office and to index the same as judgments are indexed, without requiring the payment of costs as a condition precedent to the entry thereof.

(2) The clerk of courts, in consultation with other appropriate governmental agencies, may transmit to the prothonotary of the respective county certified copies of all judgments for restitution, reparation, fees, costs, fines and penalties which, in the aggregate, do not exceed \$1,000, and, if so transmitted, it shall be the duty of each prothonotary to enter and docket the same of record in his office and to index the same as judgments are indexed, without requiring the payment of costs as a condition precedent to the entry thereof.

(3) The county clerk of courts shall, upon sentencing, pretrial disposition or other order, transmit to the Department of Probation of the respective county or other agent designated by the county commissioners of the county with the approval of the president judge of the county and to the county correctional facility to which the offender has been sentenced or to the Department of Corrections, whichever is appropriate, copies of all orders for restitution and amendments or alterations thereto, reparation, fees, costs, fines and penalties.

(4) The total amount for which the person is liable pursuant to this section may be entered as a judgment upon the person or the property of the person sentenced or ordered, regardless of whether the amount has been ordered to be paid in installments.

(5) The county correctional facility to which the offender has been sentenced or the Department of Corrections shall be authorized to make monetary deductions from inmate personal accounts for the purpose of collecting restitution or any other court-ordered obligation. Any amount deducted shall be transmitted by the Department of Corrections or the county correctional facility to the probation department of the county or other agent designated by the county commissioners of the county with the approval of the president judge of the county in which the offender was convicted. The Department of Corrections shall develop guidelines relating to its responsibilities under this paragraph.

(b.1) Restitution file.—Upon receipt of each order from the clerk of courts as provided in subsection (b)(3), the department of probation of the respective county or other agent designated by the county commissioners of the county with the approval of the president judge of the county shall open a restitution file for the purposes of recording the amounts of restitution deducted by the Department of Corrections or county correctional facility or collected by the department of probation or the agent designated by the county commissioners of the county with the approval of the president judge of the county.

(c) Period of time.—Notwithstanding section 6353 (relating to limitation on and change in place of commitment) or 18 Pa.C.S. § 1106(c)(2) (relating to restitution for injuries to person or property), the period of time during which such judgments shall have full effect may exceed the maximum term of imprisonment to which the offender could have been sentenced for the crimes of which he was convicted or the maximum term of confinement to which the offender was committed.

(d) Priority.—Notwithstanding any other statutory provisions in this or any other title, any lien obtained under this section shall maintain its priority indefinitely and no writ of revival need be filed.

(e) Preservation of assets subject to restitution.—Upon application of the Commonwealth, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond or take any other action to

preserve the availability of property which may be necessary to satisfy an anticipated restitution order under this section:

(1) upon the filing of a criminal complaint, information or indictment charging a criminal violation or a petition alleging delinquency for which restitution may be ordered and alleging that the property with respect to which the order is sought appears to be necessary to satisfy such restitution order and judgment; and

(2) if, after notice to persons appearing to have an interest in the property and an opportunity for a hearing, the court determines that:

(i) there is a substantial probability that:

(A) the Commonwealth will prevail on the underlying criminal charges or allegation of delinquency;

(B) restitution will be ordered exceeding \$10,000 in value;

(C) the property appears to be necessary to satisfy such restitution order; and

(D) failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court or otherwise made unavailable for payment of the anticipated restitution order; and

(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered.

(f) **Temporary restraining order.**—A temporary restraining order under subsection (e) may be entered upon application of the Commonwealth without notice or opportunity for a hearing, whether or not a complaint, information, indictment or petition alleging delinquency has been filed with respect to the property, if the Commonwealth demonstrates that there is probable cause to believe that the property with respect to which the order is sought appears to be necessary to satisfy an anticipated restitution order under this section and that provision of notice will jeopardize the availability of the property to satisfy such restitution order and judgment. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this subsection shall be held at the earliest possible time and prior to the expiration of the temporary order.

(g) **Costs, etc.**—Any sheriff's costs, filing fees and costs of the county probation department, clerk of courts or other appropriate governmental agency, *including any reasonable administrative costs associated with the collection of restitution*, shall be borne by the defendant and shall be collected by the county probation department or other appropriate governmental agency along with the total amount of the judgment and remitted to the appropriate agencies at the time of or prior to satisfaction of judgment.

(g.1) Payment.—No less than 50% of all moneys collected by the county probation department or other agent designated by the county commissioners of the county with the approval of the president judge of the county pursuant to subsection (b)(1) and deducted pursuant to subsection (b)(5) shall, until the satisfaction of the defendant's restitution obligation, be used to pay restitution to victims. Any remaining moneys shall be used to pay fees, costs, fines, penalties and other court-ordered obligations.

(h) Effect on contempt proceedings.—This section shall not affect contempt proceedings mandated by 18 Pa.C.S. § 1106(f).

§ 9730.1. Collection of court costs, restitution and fines by private collection agency.

(a) Generally.—In accordance with section 9730(b)(1) and (2) (relating to payment of court costs, restitution and fines), an issuing authority may refer the collection of costs, fines and restitution of a defendant to a private collection agency [upon the expiration of a] whether or not the defendant's maximum sentence or probationary term has expired with or without holding a hearing pursuant to this section. Such collection agency shall adhere to accepted practices in accordance with applicable Federal and State law to collect such costs, fines and restitution.

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§ 9732. Contents of presentence report.

The presentence report shall include a summary of the circumstances attending the commission of the crime, the history of delinquency or criminality, physical and mental condition, family situation and background, economic status, education, occupation and personal habits of the defendant, *any history of drug or alcohol abuse or addiction* and any other matters that the person preparing the report deems relevant or that the court directs be included.

Section 5. Title 42 is amended by adding a section to read:

§ 9764. *Information required upon commitment and subsequent disposition.*

(a) General rule.—Upon commitment of an offender to the custody of the Department of Corrections, the sheriff shall provide to the institution's records officer or duty officer, in addition to the court commitment order, the following information:

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

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

(3) Any medical admission testing performed by the county and the results of those tests, including, but not limited to, hepatitis, HIV/AIDS, tuberculosis or other infectious disease testing. Any release of medical information relating to HIV/AIDS shall be in accordance with the act of November 29, 1990 (P.L.585, No.148), known as the Confidentiality of HIV-Related Information Act.

(4) Notice of current or previously administered medications.

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

(b) Additional information.—*Within ten days from the date sentence is imposed, the court shall provide to the county correctional facility the following information pertaining to the offender:*

(1) A copy of the presentence investigation report. *Where a presentence investigation report was not ordered by the court, the official version of the crime for which the offender was convicted or a copy of the guilty plea transcript or preliminary hearing transcript.*

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

(3) Where available, the police report summarizing the facts of the crime.

(4) A copy of the guideline sentence form issued by the Pennsylvania Commission on Sentencing.

(c) Transfer of offender.—*Where an offender is transferred from a county correctional facility to a State correctional facility for any reason, the information specified in subsection (b) shall be transmitted to the State correctional facility within 20 calendar days from the date on which the offender is transferred.*

(d) Transfer to county facility.—*Upon transfer of an inmate from a State correctional institution to a county correctional facility, the Department of Corrections shall provide to the county facility, unless the facility prior to the time of transfer agrees to accept the inmate without the information, the record of the inmate's institutional adjustment, including, but not limited to, misconducts and/or escape history, and written¹ notice of any current medical or psychological condition requiring treatment, including, but not limited to, suicide attempts, notice of current or previously ordered medication and a 48-hour supply of current medication.*

(e) Release by Department of Corrections.—*Prior to the release of an inmate from the Department of Corrections to State parole supervision, the Department of Corrections shall provide to the Board of Probation and Parole the information contained in subsections (a)(1) and (2) and (b).*

(f) Release from county correctional facility to State parole.—*Prior to the release of an inmate from a county correctional facility to State parole supervision, the facility shall provide to the Board of Probation and Parole the information contained in subsections (a) and (b).*

(g) Release from county correctional facility to county parole.—*Prior to the release of an inmate from a county correctional facility to county parole supervision, the facility shall provide to the county probation department the information contained in subsections (a) and (b).*

¹"history; written" in enrolled bill.

(h) Record of inmate moneys.—Prior to the release of an inmate from the Department of Corrections to State parole supervision, the department shall provide to the Board of Probation and Parole a record of any moneys paid by the inmate and any balance remaining towards satisfaction of restitution or any other court-ordered financial obligations. Prior to the release of an inmate from a county correctional facility to State parole supervision, the county correctional facility shall provide to the Board of Probation and Parole a record of any moneys paid by the inmate and any balance remaining towards the satisfaction of restitution or any other court-ordered financial obligations. Prior to the release of an inmate from a county correctional facility to county parole supervision, the facility shall provide to the county probation department or other agent designated by the county commissioners of the county with the approval of the president judge of the county a record of any moneys paid by the inmate and any remaining balance towards the satisfaction of restitution and any other court-ordered financial obligations.

(i) Continuing payments.—The Board of Probation and Parole shall require as a condition of parole that any inmate released to their supervision shall make continuing payments on restitution or any other court-ordered financial obligations. The sentencing court shall require as a condition of county parole that any inmate released to the supervision of the county probation department shall make continuing payments of restitution or any other court-ordered financial obligations.

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

(k) Procedures.—The Department of Corrections and the Pennsylvania Board of Probation and Parole shall develop procedures to implement the provisions of this section.

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

Section 6. The addition of 42 Pa.C.S. Ch. 66 shall apply to cases pending, or prospective relief that remains in effect, on or after the effective date of this act.

Section 7. This act shall take effect as follows:

(1) This section shall take effect immediately.

(2) The amendment of 42 Pa.C.S. § 3532 shall take effect July 1, 1998, or immediately, whichever is later.

(3) The amendment or addition of the definition of "delinquent act" in 42 Pa.C.S. § 6302, 42 Pa.C.S. Ch. 66 and 42 Pa.C.S. § 9732 shall take effect in 60 days.

(4) The remainder of this act shall take effect in 120 days.

APPROVED—The 18th day of June, A.D. 1998.

THOMAS J. RIDGE