

No. 1998-171

AN ACT

HB 2258

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 supervision of persons paroled in other states.

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

Section 1. Section 33 of the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, amended December 18, 1996 (P.L.1098, No.164), is amended to read:

Section 33. (a) In compliance with the Federal Interstate Compact Laws[, the Parole Board] *and the provisions of this section, the Pennsylvania Board of Probation and Parole* 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 *Probation and Parole*.

(b) Additionally, the [Parole Board] *Pennsylvania Board of Probation and Parole* is authorized to relinquish jurisdiction over a parolee to the proper Federal authorities where the parolee is placed into the [Federal] Witness Protection Program[.] *of the United States Department of Justice*.

(c) *The provisions of this section shall apply only to those persons under the supervision of the Pennsylvania Board of Probation and Parole.*

(d) *The contracting state must adhere to Pennsylvania's laws regarding the Interstate Compact, which are as follows:*

(1) *The contracting state solemnly agrees that it is competent for the duly constituted judicial and administrative authorities of a state party to the compact, referred to as this "sending state," to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state, referred to as the "receiving state," while on probation or parole if:*

(i) *A confirmed offer of viable employment or other verifiable means of support exists.*

(ii) A residence approved by the sending state shall be available.

(2) The following information must be made available to the receiving state from the sending state at the time the application for acceptance to the receiving state shall be filed:

(i) Institutional adjustment information on parolees or probationers.

(ii) Current supervision history on parolees or probationers.

(iii) A psychological report or psychological update, completed no more than one year prior to the receiving state's consideration, for persons convicted of a violent offense.

(iv) The following information must be made available to the receiving state for those cases defined as a sexual offense:

(A) A summary of any type of treatment received and dates of completion.

(B) A description of behavioral characteristics that may have contributed to the parolee or probationer's conduct.

(3) Any parolee or probationer convicted of a sexual offense shall be required to:

(i) Submit to mandatory registration and public notification of all current addresses with the Pennsylvania State Police.

(ii) Provide a signed copy of the "Pennsylvania State Police Sexual Offender Registration Notification" form and the "Pennsylvania State Police Sexual Offender Registration" form to the receiving state.

(iii) Provide a signed copy of "Addendum to Application for Compact Services/Agreement to Return" form to the receiving state.

(4) Except as hereafter provided, the receiving state shall not consider the acceptance of supervision if the parolee is already physically present in this State. Investigation and consideration of a case shall occur only after the parolee returns to the sending state and proper application is filed. The receiving state may consider the acceptance of supervision if the probationer is already physically present in this State where the probationer has established domicile in the receiving state before adjudication on the criminal offense.

(5) Electronic monitoring, other special conditions, or both, of supervision shall be imposed as deemed necessary by the receiving state.

(6) At the request of the receiving state, the sending state shall agree to retake the parolee or probationer if that individual violates any condition of probation or parole.

(e) For purposes of this section, the term:

"Sexual offense" means:

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

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

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

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

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

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

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

18 Pa.C.S. § 3121 (relating to rape).

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

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

"Violent offense" means:

(1) Any of the following or equivalent offense:

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

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

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

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

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

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

18 Pa.C.S. § 3121 (relating to rape).

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

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

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

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

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

(2) A criminal attempt, criminal solicitation or criminal conspiracy to commit any offenses set forth in this clause.

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

Section 2. This act shall take effect in 60 days.

APPROVED—The 21st day of December, A.D. 1998.

THOMAS J. RIDGE