

No. 2004-233

AN ACT

SB 959

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the Constables' Education and Training Account, for information required upon commitment and subsequent disposition and for definition of "eligible offender."

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

Section 1. Sections 2949 and 9764(f) and (g) of Title 42 of the Pennsylvania Consolidated Statutes are amended to read:

§ 2949. Restricted account.

(a) Account established.—There is hereby established a special restricted account within the General Fund, which shall be known as the Constables' Education and Training Account, for the purposes of financing training program expenses, the costs of administering the program and all other costs associated with the activities of the board and the implementation of this subchapter *and as provided under subsection (f)*.

(b) Surcharge.—There is hereby assessed as a cost in each case before a district justice a surcharge of \$5 per docket number in each criminal case and \$5 per named defendant in each civil case in which a constable or deputy constable performs a service provided in this subchapter, except that no county shall be required to pay this surcharge on behalf of any indigent or other defendant in a criminal case.

(c) Disposition of funds.—The surcharges collected under subsection (b), if collected by a constable or deputy constable shall be turned over within one week to the issuing authority. The issuing authority shall remit the same to the Department of Revenue for deposit into the account.

(d) Disbursements.—Disbursements from the account shall be made by the commission.

(e) Audit.—The Auditor General shall conduct an audit of the account as he may deem necessary or advisable from time to time, but not less than once every three years.

(f) *Fund surplus.—If account moneys are sufficient to meet the expenses and costs under subsection (a), the commission may allocate any surplus funds in the account to assist constables and deputy constables with costs associated with attendance at continuing education programs under section 2946 (relating to continuing education).*

§ 9764. Information required upon commitment and subsequent disposition.

* * *

(f) Release from county correctional facility to State *probation or parole*.—

(1) Prior to the release of an inmate from a county correctional facility to State *probation or* parole supervision, the facility shall provide to the Board of Probation and Parole the information contained in subsections (a)(1) through (4) and (b).

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

(g) Release from county correctional facility to county *probation or* parole.—

(1) Prior to the release of an inmate from a county correctional facility to county *probation or* parole supervision, the facility shall provide to the county probation department the information contained in subsections (a)(1) through (4) and (b).

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

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Section 2. The definition of “eligible offender” in section 9802 of Title 42 is amended to read:

§ 9802. 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:

* * *

“Eligible offender.” Subject to section 9721(a.1) (relating to sentencing generally), a person convicted of an offense who would otherwise be sentenced to a county correctional facility, who does not demonstrate a present or past pattern of violent behavior and who would otherwise be sentenced to partial confinement pursuant to section 9724 (relating to partial confinement) or total confinement pursuant to section 9725 (relating to total confinement). The term does not include an offender [**convicted of**] *with a current conviction or a prior conviction within the past ten years for* any of the following offenses:

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).

18 Pa.C.S. § 3121 (relating to rape).

18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).

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

18 Pa.C.S. § 3124.1 (relating to sexual assault).

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

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

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

18 Pa.C.S. § 3502 (relating to burglary) when graded as a felony of the first degree.

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

18 Pa.C.S. § 3923 (relating to theft by extortion).

18 Pa.C.S. § 4302 (relating to incest).

18 Pa.C.S. § 5121 (relating to escape).

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Section 3. This act shall take effect in 60 days.

APPROVED—The 1st day of December, A.D. 2004.

EDWARD G. RENDELL