

## No. 2019-114

## AN ACT

SB 500

Amending the act of November 22, 1978 (P.L.1166, No.274), entitled "An act establishing the Pennsylvania Commission on Crime and Delinquency, providing for its powers and duties establishing several advisory committees within the commission and providing for their powers and duties," providing for County Adult Probation and Parole Advisory Committee, for county probation officers' firearm education and training, for justice reinvestment grants, phase 2, for continuing county probation and parole grants and for county intermediate punishment funding.

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

Section 1. The act of November 22, 1978 (P.L.1166, No.274), referred to as the Pennsylvania Commission on Crime and Delinquency Law, is amended by adding sections to read:

**Section 6.1. County Adult Probation and Parole Advisory Committee.**

**(a) Establishment.**—*The County Adult Probation and Parole Advisory Committee is established within the commission.*

**(b) Composition.**—*The committee shall consist of the following members:*

*(1) The Chair of the Pennsylvania Board of Probation and Parole<sup>1</sup> or a designee, who shall serve as an ex officio and nonvoting member.*

*(2) The Chair of the Juvenile Court Judges' Commission or a designee, who shall serve as an ex officio and nonvoting member.*

*(3) The Executive Director of the Pennsylvania Commission on Sentencing or a designee, who shall serve as an ex officio and nonvoting member.*

*(4) The President of the County Commissioners Association of Pennsylvania or a designee.*

*(5) The Executive Director of the County Chief Adult Probation and Parole Officers Association of Pennsylvania or a designee.*

*(6) The Victim Advocate.*

*(7) The Court Administrator of Pennsylvania or a designee.*

*(8) The President of the Pennsylvania District Attorneys Association or a designee.*

*(8.1) The President of the Pennsylvania Association of Criminal Defense Lawyers or a designee.*

*(9) A county chief probation and parole officer appointed by the Chief Justice of Pennsylvania.*

*(9.1) A county chief public defender appointed by the Chief Justice of Pennsylvania.*

*(10) A county commissioner or a home rule equivalent appointed by the Governor.*

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<sup>1</sup>(1) The chairman of the Pennsylvania Board of Probation and Parole" in enrolled bill.

*(11) Seven judges of the courts of common pleas who serve in the criminal court area and are representative of the geographic and demographic diversity of this Commonwealth, appointed by the Chief Justice of Pennsylvania.*

*(c) Initial appointments to committee.—*

*(1) As designated by the Chief Justice of Pennsylvania at the time of appointment and until successors are appointed, the following shall apply to appointees initially appointed under subsection (b)(9), (9.1) and (11):*

*(i) Three appointees shall serve an initial term of two years.*

*(ii) Three appointees shall serve an initial term of three years.*

*(iii) Three appointees shall serve an initial term of four years.*

*(2) An appointment to fill a vacancy created by a member appointed in accordance with paragraph (1) shall be for the remainder of the unexpired term.*

*(3) Members appointed under subsection (b)(1), (2), (3), (4), (5), (6), (7), (8), (8.1) and (10) shall serve by virtue of the member's office, and the member's term shall be concurrent with the member's service in the office.*

*(d) Terms of office.—Except as provided in subsection (c)(1), the term of office of a member appointed under subsection (b)(9) or (11) shall be four years. No member shall be appointed for more than two consecutive terms.*

*(e) Conditions of appointment.—The committee and the committee's members are subject to the same limitations and conditions imposed upon the commission under section 2(e), (h), (i), (m) and (n).*

*(f) Quorum.—A majority of the voting members shall constitute a quorum and a vote of the majority of the voting members present shall be sufficient for all actions.*

*(g) Committee chair.—The chair of the commission shall appoint a committee chair from among the judges on the committee, who shall serve at the pleasure of the chair.<sup>1</sup> A vice committee chair shall be designated by the committee chair and shall preside at meetings in the chair's absence. The committee shall meet at the call of the committee chair, but not less than four times per year.*

*(h) Powers and duties.—The County Adult Probation and Parole Advisory Committee, with the review and approval of the commission, shall:*

*(1) Review and comment on grant applications for county intermediate punishment programs or discretionary grants.*

*(2) Develop a funding plan for county adult probation and parole departments that includes county intermediate punishment programs, discretionary grants and a funding formula. Counties supervising larger numbers of individuals with significant risk and need scores shall receive greater consideration in grant awards. The committee shall consider the following in developing the funding formula:*

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<sup>1</sup>"The chairperson of the commission shall appoint a committee chair from among the judges on the committee, who shall serve at the pleasure of the chairperson." in enrolled bill.

*(i) The number of people in the county that were sentenced to probation supervision in the prior year.*

*(ii) The number of people in the county that were under judicial supervision in pretrial status in the community in the prior year.*

*(iii) The number of people in the county that were placed under county probation supervision following State or county incarceration in the prior year.*

*(iv) The number of people in the county that were discharged from probation supervision in the prior year.*

*(v) The offense gravity score and prior record score of persons in the county under the supervision of county probation in the prior year.*

*(vi) The risk and need score of persons in the county under the supervision of county probation, as determined through the use of a validated and commission-approved instrument.*

*(vii) The county's full submission of data to the Pennsylvania Commission on Sentencing.*

*(viii) Certification by the Pennsylvania Commission on Sentencing of the county's compliance with guidelines and the county's current intermediate punishment plan for imposing restrictive conditions.*

*(3) Advise on all matters pertaining to the administration of the county adult probation and parole system.*

*(4) Analyze data to identify trends and to determine the effectiveness of programs and practices to ensure the reasonable and efficient administration of the county adult probation and parole system.*

*(5) Make recommendations and adopt standards for probation and parole personnel, including standards for services, caseload standards, risk assessment, responses to violations, collection of restitution and other evidence-based programs and practices.*

*(6) Assist the commission in the implementation of 42 Pa.C.S. Ch. 98 (relating to county intermediate punishment).*

*(7) Report annually to the Governor and General Assembly on the distribution and use of funding under paragraphs (1) and (2).*

*(i) Staff.—Staff support shall be made available to the committee by the executive director of the commission in order to adequately perform the duties provided for under this section.*

*(j) Authority not diminished.—This section may not be interpreted to diminish the authority of a president judge in a supervising county's probation and parole department.*

**Section 6.2. County probation officers' firearm education and training.**

*(a) Commission composition.—The committee shall serve as the county probation officers' firearm education and training commission under 61 Pa.C.S. Ch. 63 (relating to county probation officers' firearm education and training), including assuming all of its funding, powers, duties and responsibilities.*

*(b) Advisory subcommittee.—The committee shall appoint a subcommittee with expertise comparable to that of the former membership*

of the county probation officers' firearm education and training commission.

**Section 9.1. Justice reinvestment grants, phase 2.**

(a) **Justice Reinvestment Fund.**—The Justice Reinvestment Fund will be utilized to support programs and activities to improve the delivery of criminal justice services within this Commonwealth.

(b) **Savings assessment.**—For fiscal years 2021-2022, 2022-2023, 2023-2024 and 2024-2025, the Office of the Budget shall calculate the amount of savings to the Department of Corrections in the prior fiscal year. The calculation shall consist of savings from the following:

(1) implementation of short sentence parole under 61 Pa.C.S. § 6137.5 (relating to short sentence parole);

(2) increased use of the State drug treatment program under 61 Pa.C.S. Ch. 41 (relating to State intermediate punishment); or

(3) use of sanctions for technical parole violations under 61 Pa.C.S. § 6138(c)(1.2) (relating to violation of terms of parole).

(c) **Deposit.**—The following amounts shall be deposited into the Justice Reinvestment Fund:

(1) In fiscal year 2021-2022, an amount not to exceed 100% of the amount calculated to be savings in the prior fiscal year.

(2) In fiscal years 2022-2023, 2023-2024 and 2024-2025, an amount in each year not to exceed 50% of the amount calculated to be savings in the prior fiscal year.

(3) In fiscal year 2025-2026, an amount not to exceed 90% of the amount calculated to be savings in the prior fiscal year.

(d) **Distributions.**—For fiscal years 2021-2022, 2022-2023, 2023-2024 and 2024-2025, the sum of \$250,000 shall be distributed to the commission for the purpose of crime victim compensation and the sum of \$400,000 shall be distributed to the Pennsylvania Commission on Sentencing to implement risk assessment and justice reinvestment sentencing features. The remaining deposits in subsection (c) shall be distributed under section 10.1.

(e) **Restriction.**—Grants awarded under this section shall be annual grants and shall be used to supplement and not supplant existing funding, including funding provided by county governments.

(f) **Expiration.**—This section shall expire July 15, 2026.

**Section 10.1. Continuing county probation and parole grants.**

(a) **General rule.**—A county that provides adult probation staff shall receive grant funding from the Commonwealth through the commission for costs incurred by the county but only to the extent that the staff and program meet the qualifications and standards established by the commission.

(b) **Appropriation.**—

(1) For fiscal years 2021-2022, 2022-2023, 2023-2024, 2024-2025 and 2025-2026, the sum of \$16,222,000 plus the amount deposited under section 9.1(c) as savings in the prior fiscal year shall be appropriated to the commission for the purpose of formula funding to county probation and parole departments, as advised by the County Adult Probation and Parole Advisory Committee under section 6.1.

*(2) Beginning in fiscal year 2026-2027 and annually thereafter, the Commonwealth shall adjust the prior year's appropriation to reflect the annual percentage change in the Consumer Price Index for All Urban Consumers, published by the United States Department of Labor, Bureau of Labor Statistics, occurring in the one-year period ending on January 1 immediately preceding July 1.*

*(3) If insufficient funds are appropriated, each county shall receive a prorated reduction in funding.*

*Section 10.2. County intermediate punishment funding.*

*The State appropriation for county intermediate punishment shall continue to be utilized to support programs under 42 Pa.C.S. Ch. 98 (relating to county intermediate punishment).*

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

APPROVED—The 18th day of December, A.D. 2019

TOM WOLF