



The Judiciary Review

Report from the Senate Judiciary Committee (D)

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GOVERNOR'S SENTENCING REFORM PACKAGE REPORTED FROM JUDICIARY COMMITTEES

The Senate Judiciary Committee and the House Judiciary Committee have both reported packages of bills developed by the Administration, Department of Corrections, Board of Probation and Parole and Pennsylvania Sentencing Commission. The bills are intended to address the sentencing of non-violent offenders with the goal of reducing prison overcrowding. As the Department of Corrections testified before each committee, at the current rate of incarceration, Pennsylvania will have exhausted its available prison space by 2012. At that time, it is estimated that the Commonwealth will be required to construct additional prisons at an estimated cost of \$200 million each with an annual operational cost exceeding \$50 million for each facility.

■ **Senate Bill 1045** **Printer's No. 1344**

The legislation amends Title 42 (Judicial Code) and Title 44 (Law and Justice Code) to further provide for the sentencing, incarceration and parole of certain non-violent offenders.

The legislation authorizes the Sentencing Commission to provide information on re-sentencing decisions as well as parole revocations; adopt guidelines and promulgate forms for the courts and the Board of Probation and Parole to consider and use.

The legislation addresses the place of confinement issue concerning "state" and "county" offenders.

Beginning three years after the effective date of this act:

- Maximum sentence five (5) years or more—Department of Corrections.
- Maximum sentence less than two (2) years—county correctional facility.
- Maximum sentences greater than two (2) years and less than five (5) years—Department of Corrections with certain exceptions for county incarceration.

The bill requires counties to provide certain information to the Department of Corrections upon the transfer of custody of the inmate including all medical information.

It amends Title 44 to develop the Recidivism Risk Reduction Incentive Program. This program is adopted to ensure appropriate punishment encourages the prisoner's participation in programs to reduce risk of future crimes provide openness and accountability in the criminal justice process and fairness to crime victims. The RRRIP defines an eligible offender as one who has not committed a personal injury crime, a sex crime or a crime with a firearm. The sentencing court will make the determination of eligibility for offenders or prosecuting attorney may waive the eligibility requirement. If the court determines that the offender is eligible, it will impose the minimum sentence provided by law as well as a RRRIP sentence.

The Board of Probation and Parole is required to parole at the expiration

of the Recidivism Risk Reduction Incentive Sentence if all of the following apply:

- DOC certified that it has assessed treatment needs and risks of the inmate.
- The inmate has successfully completed all programs and maintained good conduct.
- BPP has a reentry plan for the inmate.
- Notice and opportunity to be heard have been provided to the prosecuting attorney and sentencing court.
- No reasonable indication that the prisoner poses a risk to public safety.

*Current Status—Senate Calendar
Second Consideration*

■ **Senate Bill 1206** **Printer's No. 1630**

The legislation amends the Prisoner Transfer Law (Act 425 of 1923). This legislation provides for the temporary transfer of inmates in the custody of the Department of Corrections judicial proceedings, to a state correctional facility that is closer in proximity to the judicial proceeding. The legislation authorizes the Department of Corrections to establish regulations and temporary guidelines to implement this policy for the transfer of inmates and facilitates the use of video-conferencing technology for court proceedings.

*Current Status—Senate Calendar
Second Consideration*

■ **Senate Bill 1207**
Printer's No. 1631

The legislation amends the Pennsylvania Board of Probation and Parole Act (Act 323 of 1941) to authorize the Pennsylvania Commission on Sentencing to adopt guidelines, similar to current sentencing guidelines, for use in parole, probation or intermediate punishment decisions. Specifically, the legislation authorizes the Pennsylvania Sentencing Commission to:

- Propose recommendations to modify the provisions regarding the risk reduction incentive credit, qualified parole, rebuttable parole and state intermediate punishment.
- Adopt guidelines for re-sentencing following revocation of probation, county intermediate punishment, or state intermediate punishment.
- Develop recommitment time ranges to determine the length of re-incarceration for those whose parole has been revoked.

The guidelines and recommitment ranges by the Sentencing Commission are required to consider:

- The safety of the public.
- The seriousness of the crime and the parole or probation violation.
- The rehabilitative needs of the defendant.

The legislation operates in cooperation with Senate Bill 1045. The two pieces, establish a class of offenders who are eligible for consideration and treatment under the program.

*Current Status—Senate Calendar
Second Consideration*

■ **Senate Bill 584**
Printer's No. 1631

The legislation amends the Judicial Code (Title 42) to provide for the establishment of Drug Courts in the Courts of Common Pleas. The legislation provides that the courts of common pleas may apply for grants from the AOPC to establish drug courts to serve as a single point of

contact between criminal defendants with drug or substance abuse problems and support services in the human services field.

*Current Status—Senate Calendar
Second Consideration*

■ **Senate Bill 1128**
Printer's No. 1506

The legislation establishes the Criminal Justice and Mental Health Reinvestment Act. The purpose of the act is to provide funding to counties to assist them with planning, implementing or expanding initiatives that increase public safety, avert increased spending and improve the effectiveness of treatment services for individuals with mental health or substance abuse disorders.

The legislation establishes an advisory committee in the Pennsylvania Commission of Crime and Delinquency that will have oversight responsibilities for the grant program established by this act. The Advisory Committee and the Commission will be responsible for developing a program that will provide grants to counties to plan, implement or expand diversion programs for people with mental health or substance abuse disorders.

*Current Status—Senate Calendar
Second Consideration*

■ **House Bill 1961**
Printer's No. 2832

The legislation amends Title 23 (Domestic Relations Code) to further provide for information relating to prospective childcare personnel. The legislation requires all applicants for employment to child care facilities to obtain federal criminal history record information including a set of fingerprints. It also requires self-employed family day care providers and persons seeking to operate childcare services to submit this information.

The bill requires all prospective adoptive parents, prospective foster parents and any person in the household 18 years of age or older to submit a state criminal background check pursuant to 18 Pa.C.S. Ch. 91, child abuse clearance certification from the Department of Public Welfare and federal criminal history record information including set of fingerprints.

*Current Status—Senate Calendar
Second Consideration*

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