



## **Bill Summary: SB 501 (Sen. Killion)**

**The Bill:** SB 501 is one of three Justice Reinvestment bills introduced this session; together, these bills are referred to as JRI II. SB 501 would authorize the Pennsylvania Sentencing Commission to make risk-related adjustments to the sentencing guidelines, as well as to include cost, and recidivism risk-related information. The bill also makes various reforms to probation, parole, and the state drug treatment program. FAMM supports this bill.

**Bill Status:** *This bill is not yet law.* To become law, it must go through the committee process, pass through both the Pennsylvania Senate and House of Representatives, and be signed by the governor.

**What the bill would do:** SB 501 would make numerous changes to how people are sentenced, paroled, and revoked from parole, including the following:

**Short Sentence Parole:** SB 501 would allow prisoners with a minimum sentence of confinement under two years or a recidivism risk reduction incentive minimum sentence under two years to receive parole immediately upon completion of their minimum sentence, without a parole hearing. Those found to have a major disciplinary action while incarcerated or a pending felony charge would not qualify. Automatic parole would NOT apply to prisoners with sentences for:

- A personal injury crime;
- An offense relating to possession, use, manufacture, sale, or transfer of a firearm;
- An offense containing the use of a deadly weapon, or a prior conviction of an offense with a deadly weapon in Pennsylvania or any other jurisdiction in the country;
- A violation relating to incest;
- A violation relating to open lewdness;
- A violation relating to internet child pornography;
- A drug offense committed with firearms under 42 Pa. C.S. 9712.1;
- An offense which requires sex offender registration;
- Drug trafficking, as defined in this bill;
- A person awaiting trial on charges of any of the above offenses; or
- Any eligible offender who has previously been denied parole prior to the effective date of SB 501.

**This section of the bill would NOT be retroactive – it would apply only to people sentenced AFTER the bill goes into effect.**

### **Parole Violations:**

- SB 501 permits the arrest and detainment of people who commit a technical parole violation for no more than 7 days, provided that:
  - they are detained on a 48-hour warrant, or



- they are brought before a hearing examiner within 48 hours to determine if they should be held for the remainder of the seven days or a shorter period.
- This does not apply if:
  - The parole violation was sexual in nature;
  - The parole violation involved assaultive behavior;
  - The parole violation involved possession or control of a weapon;
  - The parole violation involved escape or possessing implements of escape; or
  - There exists an identifiable threat to public safety.

### **Guideline Adjustments:**

- The bill authorizes the Sentencing Commission to make risk-related adjustments to the sentencing guidelines that
  - prioritize incarceration for serious violent offenders;
  - modify the current calculation of criminal history to accurately reflect reoffending and risk to public safety;
  - include recommendations on the use of county intermediate punishment programs as restrictive conditions of probation and the duration of terms of probation.
- SB 501 requires the Commission to include interactive information in the guidelines to support decisions with risk, recidivism, and cost information.
- The bill also requires the Commission to identify people who would be eligible and appropriate for restrictive conditions of probation, which the court must consider when determining to impose restrictive conditions of probation.
- Lastly, the Commission must certify compliance with the guidelines adopted for county intermediate punishment or for imposing restrictive conditions of probation and report the results to the Pennsylvania Commission on Crime and Delinquency.

### **Probation:**

- When ordering probation,
  - the court must consider probation guidelines adopted by the Pennsylvania Commission on Sentencing under Sections 2154 and 2154.1, and
  - set and specify reasonable conditions of probation as authorized by Section 9763, and how long they last.
- The bill allows courts to impose total or partial confinement without parole if the confinement is followed by restrictive conditions of probation.
- Risk assessment instrument: SB 501 permits the use of a risk assessment instrument to help determine the intensity of intervention, the use of restrictive conditions, and the duration of supervision for people on probation.

**Revocations:** SB 501 gives judges more sentencing options for probation violations, including increasing the conditions of supervision or imposing a brief jail stay for violations of supervision, in addition to the current sentencing options.

**County intermediate punishments:** SB 501 repeals the current county intermediate punishments and replaces them with restrictive conditions of probation. In order to receive county intermediate punishment funding, counties have to meet the requirements of restrictive conditions of probation.

**Motivational boot camp:** SB 501 repeals the current list of prior convictions (committed within the last 10 years) that make an individual ineligible for motivational boot camp and replaces that list with drug trafficking (as defined in Section 4103) and crimes of violence (as defined in 42 Pa.C.S. 9714(g)).

**Drug treatment program:** SB 501 renames the State Intermediate Punishment as the State Drug Treatment Program.

- Under the bill, a person who is eligible for the program is someone who:
  - Has been convicted of a drug-related offense;
  - Has undergone an assessment by the Department of Corrections, and is found to be in need of drug and alcohol treatment;
  - Does not demonstrate a history of present or past violent behavior;
  - Is sentenced to a minimum of no more than two years in the custody of the Department of Corrections or is two years from completing a minimum sentence of no more than five years in the custody of the Department of Corrections;
  - Provides written consent for participation;
  - Did NOT receive a sentence enhancement for using a deadly weapon;
  - Was NOT convicted or adjudicated delinquent of any crime relating to registration of sexual offenses; and
  - Does NOT have a current conviction or a prior conviction in the past 10 years for a crime of violence or drug trafficking (as defined in the bill).
- The bill authorizes the Sentencing Commission to create guidelines that help courts identify people who are eligible for the program.
- Sentencing judges must use these guidelines to identify people who are eligible to participate in the program, while also taking into consideration the views of the victim and prosecuting attorney.
- A judge must exclude an individual if the prosecuting attorney opposes their eligibility.
- The state drug treatment program lasts 24 months (and can be extended to 30 months, if necessary for the person to complete the program). The time in this program is split between time in a correctional facility, in-prison and community-based treatment programs, and halfway houses or transitional housing. The sentence is deemed finished when the person completes the program. People expelled from the program can be arrested and returned to prison to serve the remainder of the sentence.