

Section 5. This act shall take effect immediately.

APPROVED—The 27th day of December, A. D. 1965.

WILLIAM W. SCRANTON

No. 501

AN ACT

SB 677:

Amending the act of August 6, 1941 (P. L. 861), entitled "An act to create a uniform and exclusive system for the administration of parole in this Commonwealth; establishing the 'Pennsylvania Board of Parole'; conferring and defining its jurisdiction, duties, powers and functions, including the supervision of persons placed upon probation 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 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," changing the name of the Pennsylvania Board of Parole, increasing the size thereof, providing for the terms of new members, imposing powers and duties on the board, creating an Advisory Committee, further providing for probation and parole services, and providing for Commonwealth payments to counties for improved probation staff and program.

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

Section 1. The title of the act of August 6, 1941 (P. L. 861), entitled "An act to create a uniform and exclusive system for the administration of parole in this Commonwealth; establishing the 'Pennsylvania Board of Parole'; conferring and defining its jurisdiction, duties, powers and functions, including the supervision of persons placed upon probation 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 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," is amended to read:

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 func-

tions; 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.

Section 2. Section 2 of the act, amended May 27, 1943 (P. L. 767), is amended to read:

Section 2. There shall be and there is hereby established an independent administrative board for the administration of the probation and parole laws of this Commonwealth which shall be known as the "Pennsylvania Board of Probation and Parole," and which is hereinafter referred to as the "board." Said board shall consist of [three] five members who shall be appointed by the Governor, by and with the advice and consent of two-thirds of all the members of the Senate, and each of whom shall hold office for a term of [four] six years, or until his successor shall have been duly appointed and qualified: Provided, however, That in making the [first] additional appointments to said board [one member shall be appointed for a term of two years, and] under this amendment, the two additional members shall be appointed for terms [of four years each] to expire two years after the end of the longest terms of the present members of the board. Vacancies occurring in an office of member of the board by expiration of term, death, resignation, removal or for any other reason shall be filled in the manner aforesaid for [a full term of four years] the remainder of the term.

Subject to the provisions of this act, the board shall have all the powers and shall perform the duties generally vested in and imposed upon independent administrative boards and commissions by the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), designated as "The Administrative Code of 1929," and its amendments, and shall be subject to all the provisions of such code which apply generally to independent administrative boards and commissions.

Section 3. Section 3 of the act is amended to read:

Section 3. The Governor shall from time to time, as the occasion may arise, designate one of the members of the board to be its chairman who shall direct the operations of the board and fulfill the functions established by this act, secure the effective application of the probation system in all of the courts of the State and the enforcement of the probation laws. He shall preside at all meetings of the board and perform all the duties and functions of chairman thereof. The board may designate one of its members to act as chairman during the absence or incapacity of the chairman and, when so acting, the member so designated shall have and perform all the powers and duties of chairman of the board, but shall not receive any additional compensation for so acting. The chairman, in performing his duties shall act in accordance with the policies and procedures established by the board.

Section 4. Section 10 of the act, amended May 27, 1943 (P. L. 767), is amended to read:

Section 10. The principal office of the board shall be in Harrisburg, and the board shall appoint and employ therein such number and character of officers, agents, clerks, stenographers and employes as may be necessary to carry out the purposes of this act. The salaries of persons so appointed and employed by the board shall be fixed by the board. The board, with the approval of the Governor, shall divide the Commonwealth for administrative purposes into a suitable number of districts, not to exceed ten, in each of which there shall be a district office which shall have immediate charge of the supervision of cases of probation and parole arising in the courts of the judicial districts embraced within its territorial limits, but as occasion may require the supervision of particular parolees may be transferred by the board to other appropriate parole districts.

The board shall fix and determine the location of the various district offices within their respective districts, having regard to local conditions in each district and to the most convenient and efficient functioning of the office therein established, and at each of the locations so fixed and determined shall provide such office accommodations, furniture, equipment and supplies as may be reasonably suitable and adequate for the proper handling and dispatch of the parole business of the district, and to this end the board is hereby authorized and empowered to enter into contracts on behalf of the Commonwealth for such office accommodations, furniture, equipment and supplies aforesaid through the Department of Property and Supplies.

Section 5. Section 11 of the act, amended July 3, 1957 (P. L. 445), is amended to read :

Section 11. Each district parole office shall be in charge of a district supervisor who shall be appointed by the board, with the approval of the Governor, and who shall receive such annual salary as the board shall determine, in conformity with the rules of the Executive Board. Said district supervisor shall be the executive head of the district office to which he shall be appointed and shall have the control, management and direction of all employes of the [Board of Parole] board assigned to said district, subject to the supervision of the board.

Section 6. Section 12 of the act, amended May 27, 1943 (P. L. 767), is amended to read :

Section 12. The board shall appoint in the various district offices a sufficient number of parole officers, clerks, stenographers and other agents and employes to fully and efficiently administer the parole laws of this Commonwealth, but no employe of the board, other than its secretary, and district supervisors shall be appointed by the board except in the manner hereinafter provided. The salaries of such appointees as aforesaid shall be fixed by the board. It shall be the duty of the board from time to time by appropriate rule or regulation to prescribe the qualifications to be possessed by its [appointees] personnel. Said qualifications shall be such as will best promote the efficient operation of probation and parole.

Section 7. The act is amended by adding after section 16, two new sections to read :

Section 16.1. (a) An Advisory Committee on probation is hereby created to assist the board. It shall consist of nine members to be appointed by the Governor, with the advice and consent of two-thirds of the Senate. At least two of the members shall be members of the General Assembly, at least two shall be judges of courts of record of this Commonwealth, at least one shall be a county commissioner and the remaining members shall be qualified in the field of probation and parole either by training or experience. Two shall be appointed for terms of one year, two for terms of two years, two for terms of three years and three for terms of four years. The term of a member hereafter appointed, except to fill a vacancy shall be for four years and

until their ¹successors have been appointed and qualified: Provided, however, That the terms of members of the committee who are appointed by virtue of holding an office as a member of the General Assembly, as a judge, or as a county commissioner shall continue only so long as he remains in that office. The Governor shall designate one of the members of the committee as its chairman.

(b) Each member of the Advisory Committee shall be paid all reasonable and necessary travel and other expenses incurred by him in the performance of his duties.

(c) The Advisory Committee shall aid the chairman and the board in formulating and reviewing standards for probation personnel and probation services in the counties.

Section 16.2. (a) The board shall have the power and its duty shall be:

(1) To supervise and make pre-sentence investigations and reports as provided by law;

(2) To collect and maintain copies of all pre-sentence investigations and reports;

(3) To collect and maintain a record of all persons who are placed on probation and parole after the effective date of this amendment;

(4) To collect, compile and publish statistical and other information relating to probation and parole work in all courts and such other information the board may deem of value in probation service; and

(5) To establish uniform statewide standards for (i) pre-sentence investigations; (ii) the supervision of probationers; (iii) the qualifications for probation personnel; (iv) minimum salaries; and (v) quality of probation service. The standards for the qualifications of probation personnel shall only apply to probation personnel appointed after the date the standards are established. Should any probation personnel appointed prior to the date the standards were established fail to meet the standards.

¹ "successors" in original.

the court having jurisdiction of such personnel may request the board to establish in-service training for such personnel in accordance with the standards.

(b) All probation officers appointed by any court of this Commonwealth shall be required by the court to submit to the board such information as the board may require on forms prescribed and furnished by the board.

(c) The board shall have free and ready access to all probation and parole records of the counties of this Commonwealth.

Section 8. Section 17 of the act, amended May 27, 1943 (P. L. 767), is amended to read:

Section 17. The board shall have exclusive power to parole and reparole, commit and recommit for violations of parole, and to discharge from parole all persons heretofore or hereafter sentenced by any court in this Commonwealth to imprisonment in any prison or penal institution thereof, whether the same be a state or county penitentiary, prison or penal institution, as hereinafter provided. It is further provided that the board shall have exclusive power to supervise any person hereafter placed on [probation or] parole (when sentenced to a maximum period of less than two years) by any judge of a court having criminal jurisdiction, when the court may by special order direct supervision by the board, in which case the [probation or such] parole case shall be known as a special case and the authority of the board with regard thereto shall be the same as herein provided with regard to parole cases within one of the classifications above set forth: Provided, however, That, except for such special cases, the powers and duties herein conferred shall not extend to persons sentenced for a maximum period of less than two years, and nothing herein contained shall ¹ prevent any court of this Commonwealth from paroling any person sentenced by it for a maximum period of less than two years: And provided further, That the period of two years herein referred to shall mean the entire continuous term of sentence to which a person is subject, whether the same be by one or more sentences, either to simple imprisonment or to an indeterminate imprisonment at hard labor, as now or hereafter authorized by law to be imposed for criminal offenses. The power of the board to parole shall extend to prisoners sentenced to definite or flat sentences.

¹ "present" in original.

Section 9. The act is amended by adding after section 17, a new section to read:

Section 17.1. (a) The board shall have exclusive power to supervise any person hereafter placed on probation by any judge of a court having criminal jurisdiction, when the court may by special order direct supervision by the board.

(b) The board shall make pre-sentence investigations, when requested to do so by the court.

(c) Any county which provides additional probation staff for pre-sentence investigations and for improved probation supervision and program, shall receive a grant-in-aid from the Commonwealth through the board for the additional cost incurred thereby but only to the extent that the additional staff and program meet the qualifications and standards established by the board. The board shall establish rules and regulations for the allocation of funds available for such grants-in-aid.

(d) The board shall provide in-service training for personnel of county probation offices when requested to do so by the court having jurisdiction of the probation office.

Section 10. Section 19 of the act, amended May 27, 1943 (P. L. 767), is amended to read:

Section 19. It shall be the duty of the [Board of Parole] board, upon the commitment to prison of any person whom said board is herein given the power to parole, to investigate and inform itself respecting the circumstances of the offense for which said person shall have been sentenced, and, in addition thereto, it shall procure information as full and complete as may be obtainable with regard to the character, mental characteristics, habits, antecedents, connections and environment of such person. The board shall further procure the stenographic record, if any, of the trial, conviction and sentence, together with such additional information regarding the crime for which sentence was imposed as may be available. The board shall further cause the conduct of the person while in prison and his physical, mental and behavior condition and history and his complete criminal record, as far as the same may be known, to be investigated and reported. All public officials having possession of such records or information are hereby required and directed to furnish the same to the board upon its request

and without charge therefor. Said investigation shall be made by the board so far as may be practicable while the case is recent, and in granting paroles the board shall consider the nature and character of the offense committed and any recommendation made by the trial judge as well as the general character and history of the prisoner.

The board shall, in all cases, consider the recommendations of the trial judge and of the district attorney and of each warden or superintendent, as the case may be, who has had charge of an applicant, each of whom is directed to submit to the board his recommendation and the reasons therefor, with respect to each parole application.

Section 11. This act shall not repeal or supersede any provision of the civil service law.

Section 12. The amendment in section 8 of this act shall take effect on a date designated by the Governor in a proclamation declaring the availability of personnel for the increased case load resulting from this amendment. The provisions of section 2 of this act shall take effect July 1, 1967.

The remaining sections of this act shall take effect immediately.

APPROVED—The 27th day of December, A. D. 1965.

WILLIAM W. SCRANTON

No. 502

AN ACT

SB 678

Establishing regional correctional facilities administered by the Bureau of Correction as part of the State correctional system; establishing standards for county jails, and providing for inspection and classification of county jails and for commitment to State correctional facilities and county jails.

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

Section 1. There are hereby established regional correctional facilities distributed geographically throughout the State for the treatment and rehabilitation of prisoners.

Section 2. (a) The Department of Justice, with the approval of the Governor and the county commissioners involved, may acquire by purchase or lease any county workhouse or ¹jail.

¹“jails” in original.