

No. 325

AN ACT

SB 129

Amending the act of July 16, 1968 (P.L.351, No.173), entitled, as amended, "An act authorizing the establishment of prisoner pre-release centers and release plans under the jurisdiction of the Department of Justice and defining its powers and duties," further providing for release plans.

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

Section 1. Section 2, act of July 16, 1968 (P.L.351, No.173), entitled, as amended, "An act authorizing the establishment of prisoner pre-release centers and release plans under the jurisdiction of the Department of Justice and defining its powers and duties," amended December 2, 1970 (P.L.832, No.274), is amended to read:

Section 2. Release Plan for Prison Inmates.—(a) The Commissioner of Correction may transfer any person incarcerated in any pre-release center or in any pre-release center located in any State or Regional Penal or Correctional Institution under the supervision of the Bureau of Correction who has not been sentenced to death or life imprisonment, to any pre-release center under the supervision of the Department of Justice.

(b) Any person transferred to and confined in a pre-release center may be released therefrom temporarily with or without direct supervision at the discretion of the Bureau of Correction in accordance with rules and regulations as provided in section 3 of this act, for the purposes of gainful employment, vocational or technical training, academic education and such other lawful purposes as the bureau shall consider necessary and appropriate for the furtherance of the inmate's individual pre-release program *subject to compliance with subsection (c) of this section.*

(c) A person who has not served his minimum sentence shall not be transferred to a pre-release center unless (i) more than twenty days have elapsed after written notice of the proposed transfer, describing the person's individual pre-release program, has been received by the sentencing judge or in the event he is unavailable, the sentencing court and the prosecuting district attorney's office and no written objection by the judge containing the reason therefor has been received by the bureau; or (ii) the judge withdraws his objection after consultation with representatives of the bureau; or (iii) approval of the proposed transfer is given by the Board of Pardons.

In the event of a timely objection by the judge, representatives of the bureau shall meet with the judge and attempt to resolve the disagreement. If, within twenty days of the bureau's receipt of the objection, the judge does not withdraw his objection, or the bureau does

not withdraw its proposal for transfer, or the judge and the bureau do not agree on an alternate proposal for transfer, the matter shall be listed for hearing at the next session of the Board of Pardons to be held in the hearing district in which the judge is located. During the hearing before the Board of Pardons, representatives of the judge, the bureau, the district attorney of the county where the individual was prosecuted and any victim involved shall have the opportunity to be heard.

A person who has served his minimum sentence may be released by the Bureau of Correction only after notice to the judge that the privilege is being granted.

Notice of the release of each person shall be given to the State Police, the probation officer and the sheriff or chief of police of the county, and the chief of police of the municipality or township of the locality to which the individual is assigned or of his authorized destination.

Section 2. This act shall take effect immediately.

APPROVED—The 27th day of December, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 325.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style.

Secretary of the Commonwealth.