Prison Package (Acts 81-84 of 2008): New Requirements for Criminal Justice Stakeholders

Effective Date →	11/24/08	11/24/08	11/24/08	11/24/08	11/24/08
New Law → **Impacted Criminal Justice Stakeholder ↓**	**Place of Confinement & Aggregation: 42 Pa.C.S.A. § 9762**	**RRRI: Title 44 Ch. 53 and 61 P.S. § 331.21 (See RRRI Summary)**	**Early Parole: 42 Pa.C.S.A. § 9756(b) (2)-(3) & (e) (See Early Parole Summary)**	**Work Release: 42 Pa.C.S.A. § 9813 (See Work Release Summary)**	**State Intermediate Punishment (SIP) referrals by DOC 42 Pa.C.S.A. § 9904**
Judges	Required to aggregate sentences to determine place of confinement; retain discretion to place prisoners serving less than 5 years in county jails; may change place of confinement	New sentencing procedures required for "eligible offenders;" entitled to notice of intent to parole at RRRI minimum and 60 days to object to eligibility	If judges want county prisoners to be eligible for early parole or earned time/good time; must enter an order to that effect at the time of sentencing	Make county prisoners "eligible" for work release, set conditions, revoke eligibility order, and ensure notice and opportunity to be heard to DA & victim (petition) and notice to prisoner (revocation)	Upon DOC request and DA consent, may modify sentence within 365 days of defendant's placement in DOC custody to place defendant into SIP (Note: resentencings by video w/ defendant's consent); resentencing report to Sentencing Commission
Clerks	Responsible for new commitment forms upon change in place of confinement	Sentencing paperwork needs to reflect RRRI minimum sentences	Judicial statement that a defendant is eligible for a "re-entry plan" must be part of the file/sentencing paperwork	Responsible for work release eligibility/revocation orders	New sentencing paperwork and report to Sentencing Commission
Prosecutors	Transfer petitions	New sentencing procedures; RRRI eligibility waivers; notice and opportunity to object to parole at RRRI minimum	Entitled to 10 days notice and opportunity to be heard on early parole petition; may oppose sentencing orders making the defendant eligible for early parole	Right to notice and opportunity to be heard	Must still consent to placements
Victims/ Advocates	May want to ensure that victims have registered with DOC	May oppose RRRI eligibility waivers	To be informed at sentencing proceeding as to when (if at all) the defendant is eligible for early parole	Registered victims have right to notice and opportunity to be heard; to be notified at sentencing of work release provisions	Crime Victims Act notification provisions apply to resentencings.
Defense Attorneys	Transfer petitions	RRRI requests	Sentencing: re-entry plan eligibility requests	Work release petitions	Representation of defendant for SIP resentencing

Chart prepared on November 4, 2008, by Sarah Hart, Philadelphia District Attorney's Office. Questions can be directed to her at sarah.hart@phila.gov.

Prison Package (Acts 81-84 of 2008): New Requirements for Criminal Justice Stakeholders

Effective Date →	11/24/08	11/24/08	11/24/08	11/24/08	11/24/08
New Law → / **Impacted Criminal Justice Stakeholder ↓**	**Place of Confinement & Aggregation: 42 Pa.C.S.A. § 9762**	**RRRI: Title 44 Ch. 53 and 61 P.S. § 331.21 (See RRRI Summary)**	**Early Parole: 42 Pa.C.S.A. § 9756(b) (2)-(3) & (e) (See Early Parole Summary)**	**Work Release: 42 Pa.C.S.A. § 9813 (See Work Release Summary)**	**State Intermediate Punishment-DOC referrals: 42 Pa.C.S.A. § 9904**
County Jails	May want to identify inmates affected by new provisions and seek transfers to reduce jail population	No direct impact	No direct responsibility. To ensure continuation of current early parole or earned time/good time programs, should make sure judiciary and Defense Attorneys are aware of new sentencing requirements	While judicial work release order is a prerequisite to work release, jail officials have final say on release, detention and recommitment for specified reasons.	No direct impact
County Commissioners	New provisions may impact county budget	No direct impact	See county jail description above	No direct impact (but see the reimbursement provisions in 42 Pa.C.S.A. § 9762, effective in 2011)	No direct impact
Sheriffs	Transport transfers	No direct impact	No direct impact	No direct impact	Resentencing transports
County Prob./Parole	No direct impact	No direct impact	See county jail description above	May impact reentry planning	No direct impact.
PBPP	Likely result: fewer state parole cases in county jail system	RRRI parole procedures/requirements; conduct evaluation; report to Legislature	No direct impact	No direct impact	Application of SIP provisions to resentenced state prisoners
DOC	Potential transfers from county jails	RRRI program development & publication requirements; parole procedures; required to seek funding for RRRI programs; develop guidelines & regulations; conduct evaluation; report to Legislature	No direct impact	No direct impact	SIP referral petitions & increase SIP placements
Sentencing Commission	May change forms to reflect these statutory changes	Guideline forms w/ RRRI minimums; evaluation and report	Guidelines forms to reflect early parole eligibility	No direct impact	Resentencing forms
Miscellaneous	N/A	PCCD education plan	N/A	N/A	N/A

Chart prepared on November 4, 2008, by Sarah Hart, Philadelphia District Attorney's Office. Questions can be directed to her at sarah.hart@phila.gov.

Prison Package (Acts 81-84 of 2008): New Requirements for Criminal Justice Stakeholders

Effective Date →	11/24/08	11/24/08	11/24/08	11/24/08	11/24/08
New Statutory Provision → / **Impacted Criminal Justice Stakeholder ↓**	**Prisoner Information 42 Pa.C.S.A. §9764 (new provisions)**	**Parole Guidelines Amendments to 42 Pa.C.S.A. §§2151.1 through 2155 and 61 P.S. § 331.21**	**Administrative Parole 61 P.S. §331.21(a.2) (applies to prisoners meeting RRRI eligibility requirements)**	**"Rebuttable" Parole at the minimum 61 P.S. §331.21(a.2) (applies to prisoners meeting RRRI eligibility requirements)**	**Miscellaneous Parole Act Amendments**
Judges	Subsection (b) requires court to send detailed info to county jail w/in 10 days of sentence	No direct impact until county parole guidelines developed and approved	No direct impact	Notified by PBPP that offender is "eligible" for release at minimum; court has 60 days to object to "eligibility" determination	No direct impact
Clerks	See above	No direct impact until county parole guidelines developed and approved	No direct impact	No direct impact	No direct impact
Prosecutors	No direct impact	No direct impact until parole guidelines developed and approved	No direct impact	Notified by PBPP that offender is "eligible" for release at minimum; DA has 60 days to object to "eligibility" determination	No direct impact
Victims/ Advocates	No direct impact	Victim Advocate *ex officio* Commission member; new confidentiality provisions	No direct impact	No direct impact	§331.22(a) (new confidentiality provisions to protect victims)
Defense Attorneys	No direct impact	No direct impact until parole guidelines developed and approved	No direct impact	No direct impact	No direct impact

Chart prepared on November 4, 2008, by Sarah Hart, Philadelphia District Attorney's Office. Questions can be directed to her at sarah.hart@phila.gov.

Prison Package (Acts 81-84 of 2008): New Requirements for Criminal Justice Stakeholders

Effective Date →	11/24/08	11/24/08	11/24/08	11/24/08	11/24/08
New Law → **Impacted Criminal Justice Stakeholder ↓**	**Prisoner Information 42 Pa.C.S.A. §9764 (new provisions)**	**Parole Guidelines: 42 Pa.C.S.A. §§2151.1 through 2155 & 61 P.S. § 331.21**	**Administrative Parole: 61 P.S. §331.21(a.2) (RRRI eligible prisoners)**	**"Rebuttable" Parole: 61 P.S. §331.21(a.2) (RRRI eligible prisoners)**	**Miscellaneous Parole Act Amendments**
County Jails	Detailed subsections: (a) info required w/ transferred prisoners; (c) records received from court; & (d) non-compliance (prisoner returns)	No direct impact. But use of parole guidelines may affect population (especially backtime)	No direct impact	No direct impact	No direct impact
County Commissioners	Should review electronic transfer (subsection (c.2)) for cost-savings	See county jail description above.	No direct impact	No direct impact	No direct impact
Sheriffs	New subsection (a) requirements about information to accompany prisoner	No direct impact	No direct impact	No direct impact	§331.21(a) (returns location for state parole violators)
County Prob./Parole	[see previously enacted subsection (g)]	No impact until parole guidelines approved	No direct impact	No direct impact	§331.21(a) (return location for state parole violators)
PBPP	[see previously enacted subsections (f)-(i)]	Chairman *ex officio* Commission member; no impact until parole guidelines approved	PBPP granted discretion to reduce extent of long-term supervision of "RRRI eligible" parolees	Notice to judge and DA; determines eligibility; approves parole at minimum if good conduct; adequate reentry plan; established parole conditions, no public safety risk	§331.3 (amending chairman's powers); §331.4 (authorizing RRRI and streamlined procedures); §331.21(a) (return location for state parole violators)
DOC	Receiving prisoners with info/meds; [note previously enacted subsections (h) & (k)]	Secretary *ex officio* Commission member; no impact until parole guidelines approved	No direct impact	Notifies PBPP of "eligible" prisoners	§331.21(a) (return location for state parole violators)
Sentencing Commission	No direct impact	Substantial responsibilities relating to parole guideline development	No direct impact	No direct impact	No direct impact

Chart prepared on November 4, 2008, by Sarah Hart, Philadelphia District Attorney's Office. Questions can be directed to her at sarah.hart@phila.gov.

Prison Package (Acts 81-84 of 2008): New Requirements for Criminal Justice Stakeholders

Effective Date →	11/24/08	1/23/09	3/24/09	Ongoing	9/25/11	9/25/11
New Law → / **Impacted Criminal Justice Stakeholder ↓**	**Medical Release: 61 P.S. §81**	**Temporary Transfer of Prisoners: 61 P.S. §72**	**Booking Centers: 42 Pa.C.S.A. §§1725.5 and 1725.6**	**Parole Guideline Implementation**	**Place of Confinement: 42 Pa.C.S.A. § 9762**	**Parole Jurisdiction and related issues**
Judges	Must approve releases; specific requirements for orders	Required findings if using DOC transport system	Discretion to impose "booking center fund fee" if there is a "countywide" plan	Parole-related decisions affected by guidelines	New limits on 2 to less than 5 year maximum sentences	Parole jurisdiction over all county prisoners
Clerks	Specific order req'ts & copies of order to designated entities/parties	New paperwork needed for DOC transportation system & advance notice to DOC	Paperwork for fees	Guideline forms	May lead to minimal changes in sentencing commitment forms	No direct impact
Prosecutors	Notice and opportunity to be heard	May seek to use new DOC transport system/ increased use of videoconferencing	May request imposition of fees where plan exists	Guidelines affect legal positions on parole	May prevent defendants with 2 to <5 year sentences serving sentences in county jail	No direct impact
Victims/ Advocates	Notice and opportunity to be heard	No direct impact	No direct impact	No direct impact	No direct impact	New rights re: certain paroles by judges
Defense Attorneys	May petition for release; note petition requirements	DOC client interviews and increased use of videoconferencing	Potential increased fees for clients	Guidelines affect legal positions on parole	No direct impact	No direct impact

Chart prepared on November 4, 2008, by Sarah Hart, Philadelphia District Attorney's Office. Questions can be directed to her at sarah.hart@phila.gov.

Prison Package (Acts 81-84 of 2008): New Requirements for Criminal Justice Stakeholders

Effective Date →	11/24/08	1/23/09	3/24/09	Ongoing	9/25/11	9/25/11
New Law → / **Impacted Criminal Justice Stakeholder ↓**	**Medical Release: 61 P.S. §81**	**Temporary Transfer of Prisoners 61 P.S. §72**	**Booking Centers: 42 Pa.C.S.A. §§1725.5 and 1725.6**	**Parole Guideline Development**	**Place of Confinement: 42 Pa.C.S.A. § 9762**	**Parole Jurisdiction and related issues**
County Jails	New medical release req'ts	Fewer state bring-downs entering county jails	No direct impact	No direct impact	May exclude prisoners w/ 2 or more years	Judges control county paroles; reduction in state detainers/back-time
County Commissioners	No direct impact	Counties seeking to use this system must pay DOC for cost of transportation; may result in sheriff 's budget savings or redeployment of staff	Adoption of county-wide plans along with CJAB or others; funds from booking center fees; upon plan approval may appropriate funds	No direct impact	Potential financial savings from resulting reduced county prison population/ $2.5 million for reimbursement for county work release	No direct impact
Sheriffs	No direct impact	May significantly reduce state prisoner transports	No direct impact	No direct impact	No direct impact	No direct impact
County Prob./Parole	No direct impact	No direct impact	Fee collection	May affect parole-related decisions	No direct impact	To be responsible for all county paroles, even where 2+ year maximum sentence
PBPP	No direct impact	State parole violators with open charges likely to be transported this way	May have fee collection responsibilities	Apply to various PBPP decisions upon implementation	No direct impact	Will no longer be paroling from county jails (unless special parole)
DOC	May petition for medical release; petition req'ts; electronic monitoring duties	Major responsibility for implementing these new transfer provisions	May have fee collection responsibilities	DOC to assist Sentencing Commission with population projections; anticipated population impact	Will likely be responsible for more prisoners in the 2 to <5 year max sentence range	No direct impact
Sent. Comm.	No direct impact	No direct impact	No direct impact	Extensive obligations	No direct impact	Parole guidelines to reflect this change
Miscellaneous	Medical facility requirements	N/A	CJAB & PCCD plan responsibilities	N/A	N/A	N/A

Chart prepared on November 4, 2008, by Sarah Hart, Philadelphia District Attorney's Office. Questions can be directed to her at sarah.hart@phila.gov.