
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 923 Session of
2017

INTRODUCED BY BARBIN, BARRAR, SAINATO, READSHAW, SOLOMON, MURT,
MULLERY, McCLINTON, SCHLOSSBERG, D. COSTA, WARD, DEASY AND
CALTAGIRONE, MARCH 22, 2017

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 22, 2017

AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania
2 Consolidated Statutes, providing for Veterans Alternative
3 Punishment Program; and making an appropriation.

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

6 Section 1. Title 61 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 40

9 VETERANS ALTERNATIVE PUNISHMENT PROGRAM

10 Sec.

11 4001. Scope of chapter.

12 4002. Declaration of policy (Reserved).

13 4003. Definitions.

14 4004. Veterans Alternative Punishment Program.

15 4005. Leaders and staff of program.

16 4006. Selection of participants.

17 4007. Phase-in of program.

18 4008. Completion of program.

1 4009. Appeals.

2 4010. Evaluation.

3 4011. Appropriation.

4 § 4001. Scope of chapter.

5 This chapter authorizes the Veterans Alternative Punishment
6 Program.

7 § 4002. Declaration of policy (Reserved).

8 § 4003. Definitions.

9 The following words and phrases when used in this chapter
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Commission." The Pennsylvania Commission on Sentencing.

13 "Eligible inmate." A veteran sentenced to a term of
14 confinement under the jurisdiction of the Department of
15 Corrections who is considered eligible under the regulations
16 promulgated by the department.

17 "Program." The Veterans Alternative Punishment Program which
18 shall be referred to as the Pennsylvania Conservation Battalion.

19 "Program leader." A veteran who was commissioned during the
20 veteran's service.

21 "Program staff." A veteran who was not a commissioned
22 officer during the veteran's service.

23 "Veteran." A resident of this Commonwealth who has served in
24 the United States Armed Forces, including a reserve component or
25 the National Guard, and was discharged or released from the
26 service under conditions other than dishonorable.

27 § 4004. Veterans Alternative Punishment Program.

28 (a) Establishment.--There is established in the department
29 the Veterans Alternative Punishment Program which shall be
30 referred to as the Pennsylvania Conservation Battalion.

1 (b) Scope of program.--The program shall be phased in in
2 accordance with section 4007 (relating to phase-in of program)
3 to include 1,500 eligible inmates selected in accordance with
4 section 4006 (relating to selection of participants). The 1,500
5 eligible inmates shall be in three groups of 500 with each group
6 of 500 led by a program leader.

7 (c) Voluntary program.--The program shall be voluntary for
8 eligible inmates and no punishment or benefits may be offered in
9 exchange for an eligible inmate's participation or
10 nonparticipation. An inmate may apply for the program or the
11 program may be offered to an eligible inmate.

12 (d) Conditions.--Applicants may not participate in the
13 program unless the applicants agree to be bound by all the terms
14 and conditions and sign a memorandum of understanding.

15 (e) Qualifications to participate.--Satisfaction of the
16 qualifications set forth in this section and in the regulations
17 established by the department to participate does not mean that
18 an inmate will automatically be permitted to participate in the
19 program.

20 (f) Activities.--The eligible inmates who participate in the
21 program will reside outside of the State correctional facility
22 and participate in activities including building, constructing,
23 maintaining or repairing conservation facilities and trails.

24 (g) Expulsion from program.--

25 (1) An inmate's participation in the program may be
26 suspended or revoked for administrative or disciplinary
27 reasons.

28 (2) The department shall develop regulations consistent
29 with this subsection.

30 § 4005. Leaders and staff of program.

1 Each group of 500 eligible inmates shall be organized into
2 four companies of 125 eligible inmates who are admitted into the
3 program and shall be led by a program leader and staff, who will
4 be hired by the department from qualified applicants. Each
5 leader and all staff members shall be required to do the
6 following:

7 (1) Attend a training program designed by the
8 department. The training program shall be at minimum a four-
9 week intensive program.

10 (2) Conduct the program within the guidelines and
11 regulations established by the department and commission.

12 § 4006. Selection of participants.

13 (a) Primary candidates.--The primary eligible inmates for
14 the program shall be veteran inmates serving an individual or
15 aggregate minimum sentence of confinement in a State
16 correctional facility.

17 (b) Assessment.--Prior to being selected for the program, an
18 inmate must undergo an assessment performed by the department.

19 (c) Ineligibility.--In addition to any other conditions
20 imposed as part of the selection process, inmates may not:

21 (1) Be subject to the deadly weapon-used enhancement
22 under the sentencing guidelines.

23 (2) Have been convicted or adjudicated delinquent of a
24 crime requiring registration under 42 Pa.C.S. Ch. 97 Subch. H
25 (relating to registration of sexual offenders).

26 (3) Have a conviction within the past 10 years of any of
27 the following:

28 (i) 18 Pa.C.S. § 2502 (relating to murder).

29 (ii) 18 Pa.C.S. § 2503 (relating to voluntary
30 manslaughter).

1 (iii) 18 Pa.C.S. § 2506 (relating to drug delivery
2 resulting in death).

3 (iv) 18 Pa.C.S. § 2901(a) (relating to kidnapping).

4 (v) 18 Pa.C.S. § 3301(a)(1)(i) (relating to arson
5 and related offenses).

6 § 4007. Phase-in of program.

7 (a) First year.--By June 30, 2018, the department and
8 commission shall:

9 (1) Set guidelines and regulations on the program
10 established in this chapter.

11 (2) Create a training program for program leaders and
12 select at least one program leader who has been hired and has
13 completed all requirements set by the department and
14 commission.

15 (3) Create a training program for all staff members who
16 will be working on the program and have trained the first
17 group of staff members.

18 (4) Select a group of 500 eligible inmates who will
19 participate in the program in lieu of completing prison
20 sentences in a State correctional facility.

21 (5) Implement the program with the first group of 500
22 eligible inmates.

23 (b) Second year.--By June 30, 2019, the department shall:

24 (1) Have at least two program leaders on staff who are
25 fully trained and have completed all requirements set by the
26 department and commission.

27 (2) Have a sufficient number of trained staff members to
28 implement the second group of the program.

29 (3) Select a second group of 500 eligible inmates to
30 participate in the program.

1 (4) Implement the program for the second group of 500
2 eligible inmates.

3 (c) Third year.--By June 30, 2020, the department shall:

4 (1) Have three program leaders on staff who are fully
5 trained and have completed all requirements set by the
6 department and commission.

7 (2) Select a third group of 500 eligible inmates to
8 participate in the program.

9 (3) Implement the program for the third group of 500
10 inmates.

11 § 4008. Completion of program.

12 Upon certification by the department of the inmate's
13 successful completion of the program, the Pennsylvania Board of
14 Probation and Parole shall immediately release the inmate on
15 parole, notwithstanding any minimum sentence imposed in the
16 case. The parolee will be subject to intensive supervision for a
17 period of time determined by the board, after which the parolee
18 will be subject to the usual parole supervision. For all other
19 purposes, the parole of the inmate shall be as provided by
20 Chapter 61 (relating to Pennsylvania Board of Probation and
21 Parole).

22 § 4009. Appeals.

23 Nothing in this chapter shall be construed to enlarge or
24 limit the right of an inmate to appeal the inmate's sentence.

25 § 4010. Evaluation.

26 The department and the commission shall monitor and evaluate
27 the program to ensure that the programmatic objectives are met.

28 § 4011. Appropriation.

29 Each year, the sum of \$6,000,000 shall be transferred to the
30 department from the General Fund for the purposes of carrying

1 out this chapter. In the first year, an additional sum of
2 \$4,000,000 shall be transferred to the department from the
3 General Fund for equipment, supplies and housing for the
4 purposes of carrying out this chapter.

5 Section 2. This act shall take effect in 60 days.