
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 573 Session of
2023

INTRODUCED BY CAPPELLETTI, SCHWANK, FONTANA, KEARNEY,
SANTARSIERO, COMMITTA, HUGHES, COSTA, BARTOLOTTA, COLLETT,
KANE, STREET AND SAVAL, APRIL 17, 2023

REFERRED TO JUDICIARY, APRIL 17, 2023

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 61
2 (Prisons and Parole) of the Pennsylvania Consolidated
3 Statutes, in sentencing, providing for alternative sentencing
4 for primary caretakers and further providing for contents of
5 presentence report; and, in medical services, establishing
6 the Maternity Medical Services Program; and making editorial
7 changes.

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

10 Section 1. Title 42 of the Pennsylvania Consolidated
11 Statutes is amended by adding a section to read:

12 § 9722.1. Alternative sentencing for primary caretakers.

13 (a) Sentencing.--Notwithstanding any other provision of law
14 and except as otherwise provided under this section, immediately
15 after the conviction of a person for a nonviolent offense and
16 before sentencing, the court shall determine if the person
17 convicted is a primary caretaker of a dependent child. If the
18 court determines that the person convicted of a nonviolent
19 offense is a primary caretaker of a dependent child, the court
20 shall impose an individually assessed sentence without

1 confinement in a prison, work camp, halfway facility or similar
2 institution and based on community rehabilitation with a focus
3 on parent-child unity and support.

4 (b) Conditions.--In imposing a sentence on a primary
5 caretaker of a dependent child convicted of a nonviolent
6 offense, the court shall require the person to participate in a
7 program that meets certain conditions that the court considers
8 appropriate, including any of the following:

- 9 (1) Drug and alcohol treatment.
- 10 (2) Domestic violence education and prevention.
- 11 (3) Physical and sexual abuse counseling.
- 12 (4) Mental health treatment and counseling.
- 13 (5) Vocational and educational services.
- 14 (6) Job training and placement education.
- 15 (7) Affordable and safe housing assistance education.
- 16 (8) Financial literacy.
- 17 (9) Evidence-based parenting skills classes.
- 18 (10) Family and individual counseling.
- 19 (11) Family case management services.

20 (c) Appearance.--The court may require a primary caretaker
21 of a dependent child serving a sentence under this section to
22 appear in court at regularly scheduled intervals and otherwise
23 at any time as the court determines necessary during the
24 person's sentence for the following purposes:

- 25 (1) Evaluating the person's progress in treatment or
26 rehabilitation.
- 27 (2) Determining if the person has violated a condition
28 of the sentence.

29 (d) Modification.--During an appearance in court under
30 subsection (c), the court may do any of the following:

1 (1) Modify the conditions of a sentence imposed in
2 accordance with this section.

3 (2) Decrease the duration of a sentence imposed under
4 this section based on the person's successful advancement.

5 (3) Sanction the person for a violation of a condition
6 of the sentence imposed under this section, including
7 requiring the person to serve a term of imprisonment within
8 the range of the sentence for a person who is not a primary
9 caretaker of a dependent child as specified under the laws of
10 this Commonwealth.

11 (e) Definitions.--As used in this section, the following
12 words and phrases shall have the meanings given to them in this
13 subsection unless the context clearly indicates otherwise:

14 "Dependent child." A person who is under 18 years of age and
15 unemancipated.

16 "Nonviolent offense." An offense which is not a crime of
17 violence as defined in section 9714(g) (relating to sentences
18 for second and subsequent offenses).

19 "Primary caretaker of a dependent child." As follows:

20 (1) Any of the following:

21 (i) A parent who has consistently assumed
22 responsibility for the housing, health and safety of a
23 child prior to incarceration.

24 (ii) A woman who is pregnant or has given birth to a
25 child after or while awaiting her sentencing hearing and
26 expresses a willingness to the court to assume
27 responsibility for the housing, health and safety of her
28 child.

29 (2) A parent who, in the best interest of the child, has
30 arranged for the temporary care of the child in the home of a

1 relative or other responsible adult shall not, for that
2 reason, be excluded from this definition.

3 Section 2. Section 9732 of Title 42 is amended to read:

4 § 9732. Contents of presentence report.

5 The presentence report shall include a summary of the
6 circumstances attending the commission of the crime, the history
7 of delinquency or criminality, physical and mental condition,
8 family situation and background, including whether the defendant
9 is pregnant or the primary caretaker of a dependent child,
10 economic status, education, occupation and personal habits of
11 the defendant, any history of drug or alcohol abuse or addiction
12 and any other matters that the person preparing the report deems
13 relevant or that the court directs be included.

14 Section 3. Chapter 33 of Title 61 is amended by adding a
15 subchapter heading immediately preceding section 3301 to read:

16 SUBCHAPTER A

17 MEDICAL SERVICES ACT

18 Section 4. Sections 3301, 3302 introductory paragraph and
19 3303(a) and (g) of Title 61 are amended to read:

20 § 3301. Short title of [chapter] subchapter.

21 This [chapter] subchapter shall be known and may be cited as
22 the Correctional Institution Medical Services Act.

23 § 3302. Definitions.

24 The following words and phrases when used in this [chapter]
25 subchapter shall have the meanings given to them in this section
26 unless the context clearly indicates otherwise:

27 * * *

28 § 3303. Medical Services Program.

29 (a) Establishment.--The Medical Services Program is
30 established in the department which shall include, but not be

1 limited to, the provisions of this [chapter] subchapter. The
2 program shall be a copay program requiring inmates to pay a fee
3 to cover a portion of the actual costs of the medical services
4 provided.

5 * * *

6 (g) Deposits.--Medical services fees collected under this
7 [chapter] subchapter shall be deposited in the General Fund.

8 Section 5. Chapter 33 of Title 61 is amended by adding a
9 subchapter to read:

10 SUBCHAPTER B

11 MATERNITY MEDICAL SERVICES ACT

12 Sec.

13 3321. Short title of subchapter.

14 3322. Definitions.

15 3323. Maternity Medical Services Program.

16 3324. Powers and duties of department.

17 3325. Report to General Assembly.

18 § 3321. Short title of subchapter.

19 This subchapter shall be known and may be cited as the
20 Correctional Institution Maternity Medical Services Act.

21 § 3322. Definitions.

22 The following words and phrases when used in this subchapter
23 shall have the meanings given to them in this section unless the
24 context clearly indicates otherwise:

25 "Eligible inmate." A woman who was convicted of a nonviolent
26 offense and who has been committed to the custody of the
27 department and who is pregnant or who has given birth to a
28 child.

29 "Nonviolent offense." An offense which is not a crime of
30 violence as defined in 42 Pa.C.S. § 9714(g) (relating to

1 sentences for second and subsequent offenses).

2 "Program." The Maternity Medical Services Program
3 established for eligible inmates under section 3323(a) (relating
4 to Maternity Medical Services Program).

5 § 3323. Maternity Medical Services Program.

6 (a) Establishment.--The Maternity Medical Services Program
7 is established in the department. The department shall, by
8 regulation, administer the program to provide maternity medical
9 services and postpartum care for women who are pregnant or who
10 have given birth to a child while in the custody of the
11 department. The program shall include, but not be limited to,
12 the provisions of this subchapter.

13 (b) Administration.--The program shall be a copay program
14 requiring eligible inmates to pay a fee to cover a portion of
15 the actual costs of the medical services provided under the
16 program in accordance with Subchapter A (relating to Medical
17 Services Act). The department may not deny eligibility for the
18 program due to the inability of an eligible inmate to pay the
19 fee required under this subsection. The department shall also
20 utilize other funding methods, including private insurance or
21 funding available from the Federal Government or the
22 Commonwealth, for reimbursement of the medical services provided
23 under the program and associated labor, delivery and postpartum
24 care for the period specified under subsection (c).

25 (c) Program requirements.--

26 (1) The program shall provide medical services to the
27 following:

28 (i) An eligible inmate for a period of not more than
29 eight months during the eligible inmate's pregnancy prior
30 to a child's birth.

1 (ii) An eligible inmate who has given birth to a
2 child for a period of not less than 12 consecutive months
3 or for the remainder of the term of incarceration,
4 whichever is less.

5 (2) The program shall place an eligible inmate who has
6 given birth to a child in a community corrections center or
7 community corrections facility with the child for the period
8 specified under paragraph (1)(ii). The community corrections
9 center or community corrections facility shall provide
10 adequate housing and accommodations to the eligible inmate
11 and the child, including access to pediatric care and other
12 appropriate medical services.

13 (3) The program shall include community-based
14 programming for an eligible inmate, including postpartum care
15 programming for the purpose of promoting mother-child
16 bonding, in addition to other conditions required by the
17 court under 42 Pa.C.S. § 9722.1(b) (relating to alternative
18 sentencing for primary caretakers). The community-based
19 programming shall also include the following:

20 (i) Evidence-based parenting skills programming.

21 (ii) Vocational training, employment-seeking skills
22 and employment at a paid position.

23 (iii) Educational programming.

24 (iv) Drug and alcohol dependency treatment.

25 (v) Mental health treatment services.

26 § 3324. Powers and duties of department.

27 (a) Implementation.--The department shall implement the
28 program by:

29 (1) Issuing regulations as required under section
30 3323(a) (relating to Maternity Medical Services Program).

1 (2) Providing department staff and medical services
2 providers with training relating to the program.

3 (3) Developing administrative forms for the
4 implementation of the program.

5 (4) Providing for administrative and accounting
6 procedures for the program and an annual audit of the
7 program.

8 (5) Providing written notice to all current inmates
9 regarding implementation of the program.

10 (b) Explanation of program.--Each inmate shall be advised of
11 the medical services fees and payment procedures at the time of
12 intake. An explanation of the program regulations shall be
13 included in the inmate handbook.

14 (c) Written notice of changes.--Each inmate shall receive
15 written notice of any changes in medical services fees and
16 payment procedures and an initial written notice of the
17 program's implementation.

18 (d) Payment for medical services.--

19 (1) No eligible inmate shall be denied access to medical
20 services under the program because of an inability to pay the
21 required fees under section 3323(b).

22 (2) The department shall devise and implement a program
23 whereby inmates of State correctional institutions who have
24 medical insurance shall pay for their own maternal medical
25 needs through that insurance. This program shall be contained
26 in regulations promulgated by the department.

27 § 3325. Report to General Assembly.

28 The department shall submit to the chair and minority chair
29 of the Appropriations Committee of the Senate, the chair and
30 minority chair of the Appropriations Committee of the House of

1 Representatives, the chair and minority chair of the Judiciary
2 Committee of the Senate and the chair and minority chair of the
3 Judiciary Committee of the House of Representatives an annual
4 report on the program established by this subchapter. The report
5 may recommend legislative changes for the program and propose
6 model legislation for counties which may wish to develop similar
7 programs.

8 Section 6. This act shall take effect in 60 days.