

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1678 Session of 2023

INTRODUCED BY N. NELSON, MIHALEK, FREEMAN, MADDEN, KAZEEM, SANCHEZ, KHAN, PARKER, HILL-EVANS, BOROWSKI, CEPEDA-FREYTIZ, KRAJEWSKI, KUZMA, GAYDOS, GREEN, RABB, KIM, WEBSTER AND TAKAC, SEPTEMBER 13, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 26, 2024

AN ACT

1 Amending Titles 61 (Prisons and Parole) and 63 (Professions and
2 Occupations (State Licensed)) of the Pennsylvania
3 Consolidated Statutes, in general administration, providing
4 for earned vocational training and education credit; ~~in~~ <--
5 ~~recidivism risk reduction incentive, further providing for~~
6 ~~recidivism risk reduction incentive minimum;~~ in Pennsylvania
7 Board of Probation and Parole, further providing for parole
8 power and for short sentence parole; and, in powers and
9 duties, further providing for consideration of criminal
10 convictions.

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

13 Section 1. Chapter 11 of Title 61 of the Pennsylvania
14 Consolidated Statutes is amended by adding a subchapter to read:

SUBCHAPTER E

EARNED VOCATIONAL TRAINING AND EDUCATION CREDIT

17 Sec.

18 1181. Scope and purpose of subchapter.

19 1182. Earned vocational training and education credit.

20 1183. Rules and regulations.

1 § 1181. Scope and purpose of subchapter.

2 This subchapter relates to earned vocational training and  
3 education credits. This subchapter seeks to encourage inmate  
4 participation and completion of inmate vocational training and  
5 education programs for the purposes of improving public safety  
6 outcomes.

7 § 1182. Earned vocational training and education credit.

8 (a) Training and credit.--Except as provided under this  
9 section, an inmate sentenced on or after the effective date of  
10 this section and incarcerated under the supervision of the  
11 department shall earn vocational training and education credit  
12 toward sentence reduction according to the following schedule:

13 (1) 10 days per month for regular participation in any  
14 inmate education or vocational training services provided by  
15 the Bureau of Correction Education up to an amount not to  
16 exceed 90 days per program.

17 (2) 90 days for completing a vocational education  
18 program.

19 (3) 90 days for attaining a general education  
20 development (GED).

21 (4) 120 days for attaining a high school diploma.

22 (5) 180 days for attaining a degree from an institution  
23 of higher education.

24 (b) Limitation.--An inmate may not earn vocational training  
25 and education credits under subsection (a) in excess of one-  
26 fourth of the inmate's minimum sentence AND SHALL ONLY RECEIVE <--  
27 SUCH CREDIT ON COMPLETION OF PROGRAMMING REQUIRED BY THE  
28 DEPARTMENT.

29 (c) Exclusions.--An inmate sentenced for a conviction under  
30 any of the following may not earn vocational training and

1 education credits under subsection (a):

2 (1) 18 Pa.C.S. § 2502 (relating to murder).

3 (2) 18 Pa.C.S. § 3011(b) (relating to trafficking in  
4 individuals).

5 (3) 18 Pa.C.S. § 3012 (relating to involuntary  
6 servitude).

7 (4) 18 Pa.C.S. § 3121 (relating to rape).

8 (5) 18 Pa.C.S. § 3122.1(b) (relating to statutory sexual  
9 assault).

10 (6) 18 Pa.C.S. § 3123 (relating to involuntary deviate  
11 sexual intercourse).

12 (7) 18 Pa.C.S. § 3125(b) (relating to aggravated  
13 indecent assault).

14 (8) A crime subject to a mandatory term of imprisonment  
15 under 42 Pa.C.S. § 9717 (relating to sentence for offenses  
16 against elderly persons), 9718 (relating to sentences for  
17 offenses against infant persons) or 9718.1 (relating to  
18 sexual offender treatment).

19 (d) Parole.--The board may exercise its power to parole an  
20 inmate at the expiration of the minimum term of imprisonment  
21 fixed by the court sentence less any earned vocational training  
22 and education credits as provided under this subchapter.

23 § 1183. Rules and regulations.

24 The department and board may promulgate rules and regulations  
25 as deemed necessary to implement and administer this subchapter.

26 ~~Section 2. Section 4506 of Title 61 is amended by adding a~~ <--  
27 ~~subsection to read:~~

28 ~~§ 4506. Recidivism risk reduction incentive minimum.~~

29 ~~\* \* \*~~

30 ~~(e) Effect of earned education credits. If an inmate, who~~

~~1 has been sentenced to a recidivism risk reduction incentive  
2 minimum sentence, has earned vocational training and education  
3 credits under Subchapter E of Chapter 11 (relating to earned  
4 vocational training and education credit) and, at the expiration  
5 of that recidivism risk reduction incentive minimum sentence,  
6 less any earned vocational training and education credits, has  
7 met the requirements in subsection (a), the board or a designee  
8 shall issue a decision to parole, without further review by the  
9 board, at that date.~~

10 Section 3 2. Sections 6137(a) (3) and (3.1) (i) and (g) (2), <--  
11 (2.1), (4) introductory paragraph and (5) and 6137.1(b) of Title  
12 61 are amended to read:

13 § 6137. Parole power.

14 (a) General criteria for parole.--

15 \* \* \*

16 (3) The power to parole granted under this section to  
17 the board may not be exercised in the board's discretion at  
18 any time before, but only after, the expiration of the  
19 minimum term of imprisonment fixed by the court in its  
20 sentence, less any vocational training and education credits  
21 under Subchapter E of Chapter 11 (relating to earned  
22 vocational training and education credit), or by the Board of  
23 Pardons in a sentence which has been reduced by commutation.

24 (3.1) (i) Following the expiration of the offender's  
25 minimum term of imprisonment, less any vocational  
26 training and education credits under Subchapter E of  
27 Chapter 11, if the primary reason for not paroling the  
28 offender is the offender's inability to access and  
29 complete prescribed programming within the correctional  
30 institution, the board may release the offender on parole

1 with the condition that the offender complete the  
2 prescribed programming while on parole.

3 \* \* \*

4 (g) Procedures for Recidivism Risk Reduction Incentive.--

5 \* \* \*

6 (2) Upon identification of an inmate as an eligible  
7 offender, as defined under section 4503 (relating to  
8 definitions), the department shall send notice to the board.  
9 The board shall send notice to the prosecuting attorney and  
10 the court no less than six months before the expiration of  
11 the offender's minimum sentence or the inmate's minimum  
12 sentence less any vocational training and educational credits  
13 under Subchapter E of Chapter 11, whichever occurs first,  
14 indicating that the department has preliminarily identified  
15 the offender as an eligible offender. The notice shall be  
16 sent by United States mail unless the board, the court and  
17 the prosecutor have consented to receipt of notice via  
18 electronic means. For offenders committed to the department  
19 whose expiration of the minimum sentence is six months or  
20 less from the date of admission, the department shall give  
21 prompt notice.

22 (2.1) The department shall provide the board all  
23 information related to the offender's adjustment while  
24 incarcerated, misconducts, if any, information related to  
25 programming and treatment, including success, completion or  
26 failure to complete, any vocational training and education  
27 credit earned under Subchapter E of Chapter 11, or any other  
28 information the department deems relevant. The board shall  
29 send such information to the prosecuting attorney and to the  
30 court no less than six months before the expiration of the

1 offender's minimum sentence. The notice may be sent  
2 electronically. For offenders committed to the department  
3 whose expiration of the minimum sentence is six months or  
4 less from the date of admission, such information shall be  
5 sent at the same time prompt notice under paragraph (2) is  
6 given.

7 \* \* \*

8 (4) If no notice of objection has been filed under  
9 paragraph (3), the eligible offender shall be paroled at the  
10 minimum date, or the minimum date less any vocational  
11 training and education credits under Subchapter E of Chapter  
12 11, whichever occurs first, upon a determination by the board  
13 or the board's designee that all of the following apply:

14 \* \* \*

15 (5) If the court or prosecuting attorney files a timely  
16 objection under paragraph (3), the board shall make a  
17 determination as to whether the offender is an eligible  
18 offender. The board shall notify the department, prosecuting  
19 attorney and court of its determination no later than 30 days  
20 prior to the minimum parole date[.] or a minimum parole date  
21 less any earned vocational training and education credits  
22 under Subchapter E of Chapter 11, whichever occurs first. If  
23 the board determines that the offender is an eligible  
24 offender under this chapter, the board shall follow the  
25 provisions under paragraph (4). If the board determines that  
26 the offender is not an eligible offender under section 4503  
27 (relating to definitions), the board shall retain exclusive  
28 jurisdiction to grant parole and shall determine whether the  
29 offender should be paroled at the minimum date, less any  
30 earned vocational training and education credits under

1        Subchapter E of Chapter 11, paroled at a later date or denied  
2 parole.

3            \* \* \*

4 § 6137.1. Short sentence parole.

5            \* \* \*

6        (b) Approval of parole.--The board shall, without requiring  
7 an interview, approve for parole a person eligible for short  
8 sentence parole under this section at the expiration of the  
9 person's minimum date or recidivism risk reduction incentive  
10 minimum date, less any earned vocational training and education  
11 credits under Subchapter E of Chapter 11 (relating to earned  
12 vocational training and education credit), whichever is shorter.  
13 If the person was committed to the department after expiration  
14 of the person's minimum date, the board shall approve the person  
15 for parole within 30 days after commitment to the department.

16            \* \* \*

17        Section ~~4~~ 3. Section 3113(c)(6) and (e)(1) of Title 63 are <--  
18 amended to read:

19 § 3113. Consideration of criminal convictions.

20            \* \* \*

21        (c) Individualized assessment.--A licensing board or  
22 licensing commission shall conduct an individualized assessment  
23 of the individual with respect to criminal convictions and  
24 rehabilitation. The licensing board or licensing commission  
25 shall only consider the following factors in order to determine  
26 whether the individual meets the requirements for issuance of a  
27 license, certificate, registration or permit under subsection  
28 (b) (1) or (b) (2):

29            \* \* \*

30            (6) Successful completion of education and training

1 activities, including those in a county correctional facility  
2 or the Department of Corrections or an earned vocational  
3 training and education credit, if applicable.

4 \* \* \*

5 (e) Crimes of violence.--An individual convicted of a crime  
6 of violence as defined in 42 Pa.C.S. § 9714 (relating to  
7 sentences for second and subsequent offenses) may be granted a  
8 license, registration, certificate or permit by a licensing  
9 board or licensing commission if all of the following apply:

10 (1) If the individual was incarcerated, at least three  
11 years have elapsed since release from incarceration. The  
12 period of three years shall be tolled for a violation of  
13 parole. The period of three years under this paragraph shall  
14 be reduced by a period of time equal to any vocational  
15 training and education credits under 61 Pa.C.S. Ch. 11 Subch.  
16 E (relating to earned vocational training and education  
17 credit).

18 \* \* \*

19 Section 5 4. This act shall take effect in 60 days.

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