

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 470 Session of 2015

INTRODUCED BY CALTAGIRONE, GRELL, D. COSTA, TOEPEL, THOMAS, MILLARD, KINSEY, A. HARRIS, MURT, HARKINS, KORTZ AND READSHAW, FEBRUARY 12, 2015

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 30, 2015

AN ACT

1 Amending ~~Titles~~ TITLE 42 (Judiciary and Judicial Procedure) and <--
2 61 (Prisons and Parole) of the Pennsylvania Consolidated
3 Statutes, in other criminal provisions, further providing for
4 supervisory relationship to offenders; and, in Pennsylvania <--
5 Board of Probation and Parole, further providing for
6 supervisory relationship to offenders.

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

9 Section 1. ~~Section 9912(b) of Title 42 of the Pennsylvania <--
10 Consolidated Statutes is amended by adding a paragraph to read:~~

11 SECTION 1. SECTION 9912(B)(2) AND (D) HEADING OF TITLE 42 OF <--
12 THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED AND
13 SUBSECTION (D) IS AMENDED BY ADDING AN INTRODUCTORY PARAGRAPH TO
14 READ:

15 § 9912. Supervisory relationship to offenders.

16 * * *

17 ~~(b) Searches and seizures authorized. <--~~

18 * * *

19 ~~(3) (i) Officers and, where they are responsible for~~

~~the supervision of county offenders, State parole agents may briefly seize an individual who is being supervised on parole or probation to determine if the individual is complying with the individual's conditions of probation or parole. No level of suspicion shall be required for the seizure to occur.~~

~~(ii) The duration of any seizure made pursuant to this paragraph shall be reasonable and shall end once it is determined that the individual is complying with the conditions of the individual's probation or parole.~~

~~(iii) Nothing in this paragraph shall be construed as authorizing officers and State parole agents to conduct seizures for the sole purpose of harassment.~~

~~* * *~~

~~Section 2. Section 6153(b) of Title 61 is amended by adding a paragraph to read:~~

~~§ 6153. Supervisory relationship to offenders.~~

~~* * *~~

~~(b) Searches and seizures authorized.~~

~~* * *~~

~~(3) (i) Agents may briefly seize an individual who is being supervised on parole or probation to determine if the individual is complying with the individual's conditions of probation or parole. No level of suspicion shall be required for the seizure to occur.~~

~~(ii) The duration of any seizure made pursuant to this subsection shall be reasonable and shall end once it is determined that the individual is complying with the conditions of the individual's probation or parole.~~

~~(iii) Nothing in this subsection shall be construed~~

1 ~~as authorizing agents to conduct seizures for the sole~~
2 ~~purpose of harassment.~~

3 * * *

4 (B) SEARCHES AND SEIZURES AUTHORIZED.--

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5 * * *

6 (2) (I) OFFICERS MAY SEARCH, IN ACCORDANCE WITH THE
7 PROVISIONS OF THIS [SECTION] SUBSECTION, THE PERSON AND
8 PROPERTY OF ANY OFFENDER [WHO ACCEPTS ARD AS A RESULT OF
9 A CHARGE OF A VIOLATION OF 18 PA.C.S. CH. 31 (RELATING TO
10 SEXUAL OFFENSES)] IF THE COURT HAS DETERMINED THAT THE
11 OFFENDER SHALL BE SUBJECT TO PERSONAL AND PROPERTY
12 SEARCHES AS A CONDITION OF THE OFFENDER'S [PARTICIPATION
13 IN THE ARD PROGRAM] SUPERVISION.

14 (II) THE COURT SHALL NOTIFY EACH OFFENDER [SO
15 OFFERED ARD, PRIOR TO ADMISSION TO AN ARD PROGRAM,] THAT
16 THE OFFENDER SHALL BE SUBJECT TO SEARCHES IN ACCORDANCE
17 WITH THIS [SECTION] SUBSECTION.

18 (III) NOTHING IN THIS [SECTION] SUBSECTION SHALL BE
19 CONSTRUED TO PERMIT SEARCHES OR SEIZURES IN VIOLATION OF
20 THE CONSTITUTION OF THE UNITED STATES OR SECTION 8 OF
21 ARTICLE I OF THE CONSTITUTION OF PENNSYLVANIA.

22 * * *

23 (D) GROUNDS FOR PERSONAL AND PROPERTY SEARCH.--EXCEPT AS
24 PROVIDED UNDER SUBSECTION (B), THE FOLLOWING SHALL APPLY:

25 * * *

26 Section 3 2. This act shall take effect in 60 days.

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