



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

February 5, 2020

Act 115 of 2019 amended certain portions of titles 42 and 61. Some of the amendments involve the State Intermediate Program ("SIP"), the Motivational Boot Camp, the Recidivism Risk Reduction Incentive ("RRRI"), Short Sentence Parole, and deductions from inmate accounts.

State Intermediate Program/State Drug Treatment Program

SIP is no longer available as a sentence. Effective December 18, 2019, Act 115 repealed SIP as a sentencing alternative. SIP – now known as the State Drug Treatment Program ("SDTP"), will become a program administered by the Department of Corrections, effective February 17, 2020.

Eligibility for the program has been modified. An eligible person is now someone the court **has not deemed to be ineligible**, and has been sentenced to a term of confinement under the jurisdiction of the Department, the minimum of which is not more than two years, or a person who is serving a term of confinement, the minimum of which is not more than five years where the person is within two years of completing the person's minimum term. Other statutory criteria are set forth in the Act.

Notably, upon certification by the Department of the participant's successful completion of the program, the entire term of confinement that rendered the participant eligible to participate in the SDTP shall be deemed to have been served.

If a participant is expelled from the SDTP, then they will no longer require resentencing. Rather, the participant will revert to his original sentence and shall be housed in a state correctional institution to serve the remainder of the participant's sentence. The expelled participant shall be eligible for parole at the minimum sentence but may not be eligible for short sentence parole under section 6137.1.

Motivational Boot Camp

Similar to the SDTP eligibility, for Boot Camp eligibility, "The judge shall note on the sentencing order whether the defendant has been **excluded from eligibility** for a motivational boot camp program." Other program eligibility criteria are set forth in the Act.

RRRI

Act 115 amends §4505(c) RRRI by requiring the Court to determine eligibility for RRRI, providing notice to the defendant of eligibility, and then directing the Department of Corrections to calculate the length of the sentence.

§ 6137.1 Short Sentence Parole

Generally, this applies to persons committed to the Department with an aggregate minimum sentence of confinement under 42 Pa.C.S. § 9756(b) (relating to sentence of total confinement) of two years or less or a RRRI minimum sentence under 42 Pa.C.S. § 9756(b.1) of two years or less, whichever is shorter. Short Sentence Parole allows for the board to parole a person without requiring a hearing at the expiration of the person's minimum date or RRRI minimum date, whichever is shorter. If the person was committed to the Department after expiration of the person's minimum date, the board shall approve the person for parole without requiring an interview within 30 days after commitment to the Department. The criteria for eligibility are set forth in the Act.

Deductions

Deductions from inmates' accounts are now mandatory and have been increased from 20% to 25%. "The Department of Corrections shall make monetary deductions of **at least 25% of deposits made to inmate wages and personal accounts** for the purpose of collecting restitution, **costs imposed under section 9721(c.1), filing fees to be collected under section 6602(c) (relating to prisoner filing fees) and any other court-ordered obligation.**"

Sincerely,



Timothy A. Holmes
Acting Chief Counsel