

**CHAPTER 260. CRIMINAL JUSTICE TREATMENT PROGRAMS**

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**§ 260.1. Statement of policy.**

Act 63 mandates that emergency medical and rehabilitation services shall be made available within State and county correctional facilities. The Council will establish demonstration projects to carry out this mandate.

**§ 260.2. Detoxification in Commonwealth and county institutions.**

(a) The Council will establish a task force on drug and alcohol abuse detoxification and treatment within the correctional system. This task force will prepare and distribute a protocol for providing such detoxification services.

(b) State and county correctional institutions shall provide detoxification services in accordance with the protocol prepared by the task force as mandated by Act 63. SCAs are hereby delegated the authority to establish treatment services in county correctional institutions as mandated by Act 63.

**§ 260.3. Demonstration projects in the county and Commonwealth correctional facilities.**

(a) State and county correctional facilities are authorized to establish two modalities of treatment within such institutions. These modalities are the following:

- (1) Inpatient, nonhospital, drug free.
- (2) Outpatient, drug free.

(b) No State or county correctional institution may establish a methadone maintenance approach for the purpose of treating residents who are narcotic dependent.

**§ 260.4. Criminal justice alternatives to incarceration.**

(a) Section 6 of Act 63 (71 P. S. § 1690.106), provides for the establishment and use of community based drug and alcohol abuse treatment services for the drug or alcohol offender. This section further provides that appropriate local agencies may transfer a conditionally released offender from one treatment service to another treatment service on the basis of his response to treatment. Section 16 of Act 64 (35 P. S. § 780-116) recognizes that the rehabilitation of the offender is a long, difficult and relapse prone procedure. It provides that relapse into drug abuse shall not, in itself require the revocation of probation, parole or other conditional release. Section 6(c) of Act 63 (71 P. S. § 1690.106(c)) clearly

provides that, “The decision whether to retain or to restrict or to revoke probation or parole or other conditional release after failure to conform to a schedule for rehabilitation shall be made on the basis of what is most consistent with both the rehabilitation of the individual and the safety of the community. All reasonable methods of treatment shall be used to prevent relapses and to promote rehabilitation.”

(b) Sections 17 and 18 of Act 64 (35 P. S. § 780-117 and 780-118) provide respectively for probation without verdict and disposition in lieu of trial, which allow the court to place certain controlled substance abusers in treatment under the supervision of probation and parole systems for a period of time not to exceed the maximum sentences established by Act 64. These sections provide for diverting the arrestee from possible incarceration and placing him directly in treatment or special probation. In addition to these sections, when a person is convicted for a drug or drug related offense, he can be placed on probation or parole with a condition that treatment be obtained. The Board of Probation and Parole and the county probation and parole departments are authorized to use such alternatives to incarceration as are designated by the Council. Where such a designated program is selected by the court as an alternative to incarceration, the county with jurisdiction shall reimburse the designated treatment program from county revenues. In addition, the Department of Corrections is authorized to use these designated programs for persons under their jurisdiction eligible for “pre-release treatment services.” The Council is hereby authorized to fund such alternatives to incarceration as are consistent with the policies of the General Assembly as stated in Acts 63 and 64.

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