

**CHAPTER 65. CONDITIONS GOVERNING SPECIAL
PROBATION AND PAROLE**

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Cross References

This chapter cited in 37 Pa. Code § 67.1 (relating to general requirements).

§ 65.1. Board acceptance of cases.

Acceptance of a case for supervision or presentence investigation from a county which, on December 31, 1985, maintained adult probation offices and parole systems, will be at the Board's discretion. The Board will ordinarily accept a case that meets the following criteria:

- (1) For supervision:
 - (i) A felony conviction and a sentence to serve a probationary term of at least 2 years.
 - (ii) A felony conviction and parole from a sentence with a balance of at least 6 months.
 - (iii) A case otherwise under the Board's jurisdiction.
- (2) For presentence investigation:
 - (i) A felony conviction.
 - (ii) A case otherwise under the Board's jurisdiction.

Authority

The provisions of this § 65.1 amended under section 506 of The Administrative Code of 1929 (71 P. S. § 186); and the act of August 6, 1941 (P. L. 861, No. 323) (61 P. S. §§ 331.1—331.34).

Source

The provisions of this § 65.1 amended January 15, 1988, effective January 16, 1988, 18 Pa.B. 250. Immediately preceding text appears at serial page (104829).

§ 65.2. [Reserved].**Source**

The provisions of this § 65.2 reserved January 15, 1988, effective January 16, 1988, 18 Pa.B. 250. Immediately preceding text appears at serial page (104829).

§ 65.3. Detention and revocation.

The Board may, during the probation or parole period, in case of violation of the conditions of probation or parole, detain the special probationer or parolee in a county prison and make a recommendation to the court, which may result in the revocation of probation or parole and commitment to a penal or correctional institution to serve a sentence in the case of probation or the remainder of the sentence in the case of parole.

§ 65.4. General conditions of special probation or parole.

A special probationer or parolee is subject to the following conditions:

- (1) Be under the supervision of a district office or suboffice and not leave that district without prior written permission of the parole supervision staff.
- (2) Obtain the written permission of the parole supervision staff before changing his residence.
- (3) Maintain regular contact with the parole supervision staff by:
 - (i) Reporting regularly as instructed and following written instructions of the Board or the parole supervising staff.
 - (ii) Notifying the parole supervision staff within 72 hours of one of the following:
 - (A) Arrest.
 - (B) Receipt of a summons or citation for an offense punishable by imprisonment upon conviction.
 - (iii) Notifying the parole supervision staff within 72 hours of a change in status including, but not limited to employment, on the job training and education.
- (4) Comply with municipal, county, State and Federal criminal statutes, as well as the Vehicle Code and the Liquor Code (47 P. S. §§ 1-101—9-902).
- (5) Additionally:
 - (i) Abstain from the unlawful possession or sale, of narcotics and dangerous drugs and abstain from the use of controlled substances within the meaning of the Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780.144) without a valid prescription.
 - (ii) Refrain from owning or possessing firearms or other weapons.
 - (iii) Refrain from assaultive behavior.
- (6) Pay fines, costs and restitution imposed by the sentencing court in accordance with the instructions contained in the Conditions Governing Special Probation/Parole form.

Authority

The provisions of this § 65.4 issued under: section 506 of The Administrative Code of 1929 (71 P. S. § 186); and sections 16.2, 17.1 and 23 act of August 6, 1941 (P. L. 861, No. 323) (61 P. S. §§ 331.16b, 331.17a and 331.23); amended under: section 506 of The Administrative Code of 1929 (71 P. S. § 186); and the act of August 6, 1941 (P. L. 861, No. 323) (61 P. S. §§ 331.1—331.34).

Source

The provisions of this § 65.4 amended June 24, 1977, effective June 25, 1977, 7 Pa.B. 1745; amended January 16, 1981, effective January 17, 1981, 11 Pa.B. 353; amended January 15, 1988, effective January 16, 1988, 18 Pa.B. 250. Immediately preceding text appears at serial pages (104829) to (104830).

Notes of Decisions*Admission of Evidence*

Laboratory reports were properly admitted during a hearing for technical violations under this section because the persons with knowledge of the reports were beyond the Board's subpoena power. *Damron v. Board of Probation and Parole*, 531 A.2d 592 (Pa. Cmwlth. 1987).

Frivolous Appeal

A petitioner's appeal was frivolous since the court will not review the Board's discretion in imposing an amount of backtime for parole violations where the violations are supported by substantial evidence, and the backtime imposed is within the presumptive range for those violations. *Strothers v. Board of Probation and Parole*, 554 A.2d 1017 (Pa. Cmwlth. 1989).

§ 65.5. Special provisions or conditions of sentence.

Every special probationer or parolee shall comply with the following conditions of sentence or, in the case of a parolee, special conditions which will be subsequently imposed by his parole agent:

- (1) If problems arise or questions occur concerning the conditions of probation or parole, the parolee shall consult with the parole agent, as it is the responsibility of the latter to help the parolee in the interpretation of the conditions of probation or parole. If a parolee is unable to contact his parole agent, he should contact the agent in charge of the district parole office.
- (2) If a parolee is arrested while on special probation or parole, the Board may place a detainer against him which will prevent the parolee from making bail, pending the disposition of the new charges or other action of the court.
- (3) If a parolee is convicted of a crime committed while on special probation, or violates the conditions of probation, the court may revoke probation of and impose sentence upon the parolee.
- (4) If a parolee is convicted of a crime committed while on special parole, or violates the conditions of parole, the court may recommit the parolee to serve the balance of the sentence which the parolee was serving when paroled, with no credit given for time at liberty on parole.

Cross References

This section cited in 37 Pa. Code § 67.1 (relating to general requirements).

§ 65.6. Acknowledgment by parolee.

Every parolee shall acknowledge the following:

- (1) That he has read, or has had read to him, the conditions of his parole.

(2) That he fully understands the conditions of his parole and agrees to follow such conditions.

(3) That he fully understands the penalties involved if he violates the conditions of parole in any manner.

§ 65.7. Parole agreement.

The parole agreement shall contain the parole number, date and signature of the parolee. If the signature is by mark, there shall be two witnesses to the execution of the parole agreement.

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