

CHAPTER 311. STATE PAROLE RECOMMITMENT RANGES

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Source

The provisions of this Chapter 311 added August 25, 2023, effective January 1, 2024, 53 Pa.B. 5475, unless otherwise noted.

Cross References

This section cited in 204 Pa. Code § 303a.2 (relating to guideline sentencing standards).

§ 311.1. Preliminary provisions.**(a) Authorization.**

(1) As authorized by 42 Pa.C.S. § 2154.6 (relating to adoption of recommitment ranges following revocation of parole by board), the Commission shall adopt recommitment ranges that shall be considered by the Board when exercising its power to reparole, commit and recommit for violations of parole any person sentenced by a court in this Commonwealth to imprisonment in any correctional institution.

(i) The recommitment ranges shall take into account:

- (A) the seriousness of the initial conviction offense;
- (B) the level of seriousness of the violation; and
- (C) the rehabilitative needs of the defendant.

(ii) At the end of the recommitment period, the parole violator shall be reviewed for parole or, without further review, shall be repared.

(b) Definitions. For purposes of this chapter, the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Aggregated sentence.” Two or more consecutive sentences that have been combined whereby the aggregate minimum term is the sum of the consecutive minimum terms and the maximum term is the sum of the consecutive maximum terms.

“At liberty on parole.” The period of conditional liberty and freedom from confinement on a particular sentence that a paroled person enjoys during which time the person is in compliance with the terms and conditions of parole.

“Automatic reparole.” An immediate release from a State correctional institution, contracted county jail, community corrections center, or community corrections facility based on the date stated on the Board action. Disciplinary infractions result in removal of automatic parole.

“Board.” Pennsylvania Parole Board. An independent executive branch agency comprised of nine members appointed by the Governor and confirmed

by the Senate for six-year terms. The Board has the responsibility to parole, recommit for violations of parole, and to discharge from parole persons sentenced to confinement in a State facility.

“*CCC—community corrections center.*” A residential facility operated and staffed by the Department of Corrections, Bureau of Community Corrections, to provide supportive, transitional, and accountable reentry by positively influencing individual behavior through professional interactions.

“*CCF—community corrections facility or community contracted facility.*” A residential facility contracted by the Department and operated by a private or public entity to provide supportive, transitional, and accountable reentry by positively influencing individual behavior through professional interactions.

“*CCJ—contracted county jail.*” Secure county facilities contracted by the Department for confinement of convicted persons.

“*Commission.*” Pennsylvania Commission on Sentencing. A criminal justice agency of the General Assembly authorized to adopt guidelines for parole and recommitment ranges following revocation of parole to be considered by the Board.

“*Concurrent sentence.*” Sentences imposed to be served simultaneously or at the same time.

“*Consecutive sentence.*” Sentences imposed to be served one after another. As provided in 42 Pa.C.S. § 9757 (relating to consecutive sentences of total confinement for multiple offenses) and 42 Pa.C.S. § 9762(f) (relating to sentencing proceeding; place of confinement), consecutive confinement sentences shall be aggregated into a single sentence with one minimum term and one maximum term.

“*Constructive parole.*” A grant of parole when an inmate is released from one sentence but remains confined while serving another sentence, rather than being released from confinement.

“*Convicted parole violator.*” A paroled person under the jurisdiction of the Board who, during the period of parole or while delinquent on parole, commits a crime punishable by imprisonment, for which the person is convicted or found guilty by a judge or jury or to which the person pleads guilty or nolo contendere, as provided in 61 Pa.C.S. § 6138(a)(1) and (1.1) (relating to violation of terms of parole).

“*Conviction.*” A finding of guilt or the entering of a plea of guilty or nolo contendere for a misdemeanor or felony offense, whether or not judgement of sentence has been imposed.

“*Conviction violation.*” Commission of a new offense during the period of parole resulting in a conviction, as provided in 61 Pa.C.S. § 6138(a)(1) and (1.1), whether or not judgement of sentence has been imposed. Violations including both technical and conviction violation are considered conviction violations. Also see direct violation.

“*Correctional facilities.*” Secure facilities operated or contracted by the Department including SCI and CCJ.

“*Court.*” Unless otherwise provided, a court of common pleas or any judge thereof, the Philadelphia Municipal Court or any judge thereof, the Pittsburgh Magistrates Court or any judge thereof, or any magisterial district judge.

“*Cox hearing.*” An evidentiary hearing to determine if a paroled person’s stay at a CCC/CCF is the equivalence of incarceration.

“*Department.*” Pennsylvania Department of Corrections. An executive branch agency responsible for operating the state prison system and providing parole supervision of reentrants. Facilities included in statute for recommitment are CCC, CCF, PVC, and SCI.

“*Detainer.*” A written order of the Department to hold a person in custody in a correctional institution pending further legal action.

“*Detention hearing.*” A first-level, probable cause hearing to determine whether there is probable cause that a paroled person should be detained or returned pending disposition of a new criminal charge.

“*Direct violation.*” Commission of a new offense during the period of parole resulting in a conviction, as provided in 61 Pa.C.S. § 6138(a)(1) and (1.1), whether or not judgement of sentence has been imposed. Also see conviction violation.

“*Group facilities.*” Residential facilities operated or contracted by the Department, including CCC and CCF.

“*Hearing examiner.*” An agent of the Board who is empowered to sit on parole revocation panels, conduct parole hearings in lieu of panels, and conduct parole interviews on behalf of the Board.

“*Hearing.*” Includes Cox hearing, detention hearing, preliminary hearing, rescission hearing, revocation hearing and violation hearing.

“*Indirect violation.*” A violation of parole by a breach of the terms and conditions of parole other than the commission of a new criminal offense of which the paroled person is found guilty or pleads guilty or nolo contendere. Also see technical violation.

“*Judicial proceeding.*” A sentencing hearing in which all offenses for which a person is convicted are pending before the court for sentencing at the same time. A judicial proceeding may include multiple dockets and OTNs.

“*NV—non-violent offender.*” A paroled person who is not currently nor was previously convicted of a violent offense, used to determine the parole guidelines and the seriousness of the initial conviction offense for a conviction violation. Also see 204 Pa. Code Chapter 309 (relating to parole guidelines).

“*OGS—offense gravity score.*” An assignment in the sentencing guidelines reflecting the seriousness of a conviction offense, which is used to determine the sentencing level of a new conviction violation offense. Also see 204 Pa. Code Chapter 303a (relating to sentencing guidelines, 8th edition).

“*Order of service of sentence.*” As provided in 61 Pa.C.S. § 6138(a)(5) and (5.1), if a new sentence of confinement is imposed on a convicted parole violator, the service of the balance of the original sentence shall precede the commencement of the service of the new sentence imposed, if the person was paroled from an SCI and is sentenced to an SCI or by a foreign jurisdiction, or the person was paroled from a county jail and is sentenced to the same county jail or by a foreign jurisdiction. Otherwise, the service of the new confinement sentence shall precede the service of the recommitment on the original sentence.

“*Original sentence.*” The sentence resulting from the original conviction. It is from this sentence the Board paroles the inmate and the paroled person serves the remaining time on the street unless recommitted by the Board.

“*Panel.*” A two-member unit of the Board comprised of either two Board Members or one Board Member and one Hearing Examiner, empowered to make parole release decisions and recommitment decisions.

“*Parole.*” The conditional release from confinement of an inmate from a correctional facility, to serve the remainder of the unserved balance of the maximum term in the community under supervision, as long as the paroled person satisfactorily complies with all terms and conditions provided in the parole order. There is no right to parole in this Commonwealth.

“*Parole decision.*” A decision by the Board to grant parole or refuse to grant parole.

“*Parole violation.*” A finding following a hearing that the paroled person failed to comply with terms and conditions of parole.

“*Parole violator.*” A person under parole supervision in the community who commits a technical violation or conviction violation. Also see convicted parole violator and technical parole violator.

“*PVC—parole violator centers.*” Secure facilities operated or contracted by the Department to address violation behavior, which may be located at correctional facilities or group facilities. A CCC or CCF may be used for technical parole violators to provide immediate treatment and programming to address violation behavior using a Community Based Life Skills program. Participation is for a maximum period of six months with automatic reparole. An SCI or CCJ may be used for technical parole violators who are not eligible to be placed in a CCC or CCF to receive the treatment and programming otherwise provided in a CCC or CCF.

“*Preliminary hearing.*” A first-level, probable cause hearing to determine whether there is probable cause to believe that a paroled person has committed a violation of a condition of parole.

“*Recommitment range.*” A recommended range of time for which a parole violator may be recommitted, to serve all or part of the unserved balance of the

sentence for which the person was paroled, based on the seriousness of the initial conviction, the seriousness of the violation, and the rehabilitative needs of the person.

“Rescission.” The revocation of a grant of parole based upon an inmate’s conduct occurring prior to release on parole which conduct is unknown to the Board at the time parole was granted.

“Rescission hearing.” A hearing to decide whether there is good cause for rescinding parole.

“Revocation.” A decision to revoke parole and to recommit a paroled person after a revocation or violation hearing.

“Revocation hearing.” A second-level, fact-finding hearing held by the Board to determine whether a paroled person violated the terms and conditions of parole and, if so, should be recommitted as a convicted parole violator.

“SCI—State correctional institution.” Secure facilities maintained by the Department for confinement of convicted persons, classified into four security levels: minimum, medium, close, and maximum; and including special facilities for diagnostics and classification, substance abuse treatment, psychiatric care and treatment, capital case inmates, and a motivational boot camp.

“Sentencing guidelines application.” A JNET web-based application developed and operated by the Commission and required to be used for the preparation of sentencing guidelines, sentence risk assessment instruments, and resentencing guidelines, and for the electronic reporting of all required information to the Commission.

“Sentencing level.” A category of offense gravity scores, provided in the 8th Edition Sentencing Guidelines, which is used to determine the recommitment ranges of a new conviction violation offense. Also see 204 Pa. Code Chapter 303a (relating to sentencing guidelines, 8th edition).

“Technical parole violator.” A paroled person under the jurisdiction of the Board who violates the terms and conditions of parole, other than by the commission of a new crime of which the person is convicted or found guilty by a judge or jury or to which the person pleads guilty or nolo contendere, as provided in 61 Pa.C.S. § 6138(c).

“Technical violation.” Failure to comply with the terms and conditions of parole, other than by the commission of a new offense of which the paroled person is convicted. Also see technical parole violation. Also see indirect violation.

“Unexpired term.” The period of time the person has remaining on the unserved portion of the person’s original sentence.

“V—violent offender.” A designation used in the parole guidelines, based on a current or previous conviction for an offense identified in 42 Pa.C.S. §§ 9714(g), 9718.1 and 9799.14 (relating to sentences for second and subsequent offenses; sexual offender treatment; and sexual offenses and tier system),

or for an offense otherwise designated by the Board as a violent offense. Also see 204 Pa. Code Chapter 309 (relating to parole guidelines).

“*Violation hearing.*” A second-level, fact-finding hearing held by the Board to determine whether a paroled person violated the terms and conditions of parole and, if so should be recommitted as a technical parole violator.

§ 311.2. Parole violator recommitment range standards.

(a) The Board shall consider recommitment ranges in determining the recommitment time recommended for technical and convicted parole violators.

(b) In every case in which the Board deviates from the recommitment ranges, the Board shall provide a contemporaneous written statement of the reasons for the deviation from the recommitment ranges to the Commission as established under 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties of commission).

(c) The recommitment ranges apply to revocations of parole when recommitment is ordered by the Board.

(d) The recommitment ranges shall apply to all State parole violation hearings initiated on or after January 1, 2024. Amendments to the recommitment ranges shall apply to all State parole violation hearings initiated on or after the effective date of the amendment to the recommitment ranges.

(e) Unless otherwise provided by the Commission, the sentencing guidelines application shall be used by the Board to do the following:

(1) Provide required information on the violation used to determine the recommended recommitment range.

(2) Provide details on the recommitment order, including the type of facility (i.e., correctional facility, group facility and/or parole violator center) and the duration of the recommitment.

(3) Report the date of recommitment and date of eligibility for re-parole or automatic reparole.

(4) Attach a copy of the completed State Parole Guidelines Form, as provided in § 309.5 (relating to State Parole Guidelines Form), used to report the grant of parole.

Cross References

This section cited in 204 Pa. Code § 311.3 (relating to procedure for determining parole violator recommitment range).

§ 311.3. Procedure for determining parole violator recommitment range.

(a) For each parole recommitment of a paroled person under the jurisdiction of the Board, the procedure for determining the recommended recommitment range is as follows:

(1) Determine if the paroled person is a technical parole violator or a convicted parole violator:

(i) A technical parole violator is a paroled person under the jurisdiction of the Board who violates the terms and conditions of parole, other than by the commission of a new crime of which the person is convicted or found guilty by a judge or jury or to which the person pleads guilty or nolo contendere, as provided in 61 Pa.C.S. § 6138(c) (relating to violation of terms of parole).

(ii) A convicted parole violator is a paroled person under the jurisdiction of the Board who, during the period of parole or while delinquent on parole, commits a crime punishable by imprisonment, for which the person is convicted or found guilty by a judge or jury or to which the person pleads guilty or nolo contendere, as provided in 61 Pa.C.S. § 6138(a).

(2) Consider the recommitment ranges as follows:

(i) For a technical parole violator, consider the recommendations provided in § 311.6(a) (relating to table 1—technical parole violator recommitment ranges) in Table 1, based on the following:

(A) Determine if the paroled person is a violent offender, as provided in the parole guidelines, based on a current or previous conviction for an offense identified in 42 Pa.C.S. §§ 9714(g), 9718.1 and 9799.14 (relating to sentences for second and subsequent offenses; sexual offender treatment; and sexual offenses and tier system), or for an offense otherwise designated by the Board as a violent offense.

(B) Determine if the paroled person is being recommitted to a correctional facility, as provided in 61 Pa.C.S. § 6138(d), or to a group facility or parole violator center, as provided in 61 Pa.C.S. § 6138(e), and the number of recommitments to a correctional facility.

(C) Determine if any disciplinary infractions provided in 61 Pa.C.S. § 6138(d)(5) or (e)(3) apply to the paroled person.

(D) Identify the recommended recommitment range.

(ii) For a convicted parole violator, consider the recommendations provided in § 311.6(b) (relating to table 2—convicted parole violator recommitment ranges) in Table 2, based on the following:

(A) Determine if the paroled person is a violent offender, as provided in the parole guidelines based on a current or previous conviction for an offense identified in 42 Pa.C.S. §§ 9714(g), 9718.1 and 9799.14, or for an offense otherwise designated by the Board as a violent offense.

(B) Determine the offense gravity score and the corresponding sentencing level of the most serious new conviction offense.

(C) Identify the recommended recommitment range.

(b) Consider any aggravating and mitigating circumstances, including progress on parole prior to revocation and the rehabilitative needs of the paroled person, when determining the duration of recommitment and prescribed treatment and programming.

(c) Determine the recommitment period, and report the decision, reasons for deviation, and other required information to the Commission, as provided in § 311.2 (relating to parole violator recommitment range standards).

§ 311.4. Technical parole violator recommitment ranges.

(a) *General provisions.*

(1) Recommitment ranges shall be considered by the Board when a paroled person violates a general or specific condition of parole and the Board orders recommitment as a technical parole violator after the necessary violation hearing(s).

(2) The Board shall determine if any of the following specified violation conditions, as provided in 61 Pa.C.S. § 6138(c)(1.3) (relating to violation of terms of parole), are present:

(i) Violation was sexual in nature.

(ii) Violation involved assaultive behavior or included a credible threat to cause bodily injury to another.

(iii) Violation involved possession or control of a weapon.

(iv) The paroled person absconded and cannot be safely diverted to a community corrections center, community corrections facility, or any secured facility operated or contracted by the Department.

(v) An identifiable threat exists to public safety and the paroled person cannot be safely diverted to a community corrections center, community corrections facility, or any secured facility operated or contracted by the Department.

(vi) The violation involved an intentional and unexcused failure to adhere to recommended programming or conditions on more than three occasions, and the paroled person cannot be safely diverted.

(3) As provided in 61 Pa.C.S. § 6138(c)(1), unless the Board determines a specified violation condition is present, a technical parole violator shall be committed to a group facility or parole violator center, and the following shall apply:

(i) The Board shall consider the applicable recommitment ranges described in subsection (b).

(ii) Except as provided in subparagraph (iii), a technical parole violator shall be recommitted, as provided in 61 Pa.C.S. § 6138(e), for a maximum period of six months, after which the person shall automatically be reparaoled without further action by the Board.

(iii) The maximum period of recommitment and automatic reparole shall not be applicable to a paroled person if any of the following apply:

(A) Commits a disciplinary infraction involving assaultive behavior, sexual assault, a weapon, or a controlled substance.

(B) Spends more than 61 days in segregated housing due to one or more disciplinary infractions.

(C) Refuses programming or a work assignment.

(D) Is not in compliance with all legal requirements applicable to the paroled person, including but not limited to, maintaining registration in any applicable sex offender registry.

(4) As provided in 61 Pa.C.S. § 6138(c)(1.3), when the Board determines that one or more specified violation conditions are present, a technical parole violator shall be committed to a correctional facility, and the following shall apply:

(i) The Board shall consider the applicable recommitment ranges described in subsection (b).

(ii) Except as provided in subparagraph (iii), a technical parole violator shall be recommitted, as provided in 61 Pa.C.S. § 6138(d), for a maximum period as described below, after which the person shall automatically be reparaoled without further action by the Board:

(A) For the first recommitment, a technical parole violator shall serve not more than six months.

(B) For the second recommitment for the same sentence, a technical parole violator shall serve not more than nine months.

(C) For the third and subsequent recommitment for the same sentence, a technical parole violator shall serve not more than one year.

(iii) The maximum period of recommitment and automatic reparaole shall not be applicable to a paroled person if any of the following apply:

(A) Committed a disciplinary infraction involving assaultive behavior, sexual assault, a weapon, or a controlled substance.

(B) Spent more than 90 days in segregated housing due to one or more disciplinary infractions.

(C) Refused programming or a work assignment.

(b) *Specific provisions.*

(1) Technical violator recommitment ranges are to be considered by the Board in the exercise of its discretion, while accounting for the following factors:

(i) The seriousness of the initial conviction offense. Seriousness is based on the determination under the State parole guidelines whether the paroled person is designated as a violent offender or non-violent offender.

(ii) The type of facility to which the paroled person is being recommitted. Type of facility includes a correctional facility, as provided in 61 Pa.C.S. § 6138(d), and a group facility or parole violator center, as provided in 61 Pa.C.S. § 6138(e).

(iii) The number of recommitments for the same sentence. When recommitted to a correctional facility, the maximum period of a recommitment is determined by the number of recommitments, as provided in 61 Pa.C.S. § 6138(d)(3). For recommitment to a group facility or parole violator center,

the maximum period is six months, notwithstanding the number of commitments for the same sentence, as provided in 61 Pa.C.S. § 6138(e)(2).

(iv) Any disciplinary infractions committed by the paroled person. The time limits and automatic reparole provided in statute are not applicable in the case of a person who commits certain disciplinary infractions, and separate recommitment recommendations are provided. The types of disciplinary infractions in a correctional facility are provided in 61 Pa.C.S. § 6138(d)(5); the types of disciplinary infractions in a group facility or parole violator center are provided in 61 Pa.C.S. § 6138(e)(3).

(v) The time required to receive treatment and programming to meet the rehabilitative needs of the paroled person. The corrective programming required to address the needs of the paroled person associated with the recommitment, which begins after a hearing or waiver of a hearing, may require a recommitment period shorter or longer than the recommended recommitment range.

(2) The technical parole violator recommitment ranges, as described below, are provided in § 311.6(a) (relating to table 1—technical parole violator recommitment ranges) in Table 1.

(i) When applied to persons recommitted to group facilities or parole violator centers:

(A) The recommended recommitment range for a non-violent offender placed in a group facility or parole violator center, except for those with disciplinary infractions, is a range of time served to six months. Reparole is automatic without further action by the Board.

(B) The recommended recommitment range for a violent offender placed in a group facility or parole violator center, except for those with disciplinary infractions, is a range of three months to six months. Reparole is automatic without further action by the Board.

(C) The recommended recommitment range for a person placed in a group facility or parole violator center with disciplinary infractions is a maximum of 12 months. Reparole requires action by the Board.

(ii) When applied to persons recommitted to correctional facilities:

(A) The recommended recommitment range for a non-violent offender placed in a correctional facility, except for those with disciplinary infractions, for a first violation is a range of time served to six months; for a second violation a range of time served to nine months; and for a third or subsequent violation is a range of time served to 12 months. Reparole is automatic without further action by the Board.

(B) The recommended recommitment range for a violent offender placed in a correctional facility, except for those with disciplinary infractions, for a first violation is a range of three to six months; for a second violation a range of six to nine months; and for a third or subsequent violation is a range of nine to 12 months. Reparole is automatic without further action by the Board.

(C) The recommended recommitment range for a person with disciplinary infractions placed in a correctional facility is a maximum of

12 months for a first violation; a maximum of 18 months for a second violation; and a maximum of 24 months for a third or subsequent violation. Reparole requires action by the Board.

(3) Determine the recommitment period and provide reasons if a deviation from the recommitment ranges.

§ 311.5. Convicted parole violator recommitment ranges.

(a) *General provisions.*

(1) Recombitment ranges shall be considered by the Board when a paroled person is convicted of a new offense committed while on parole and the Board orders recommitment as a convicted parole violator after the necessary violation hearing(s).

(2) As provided in 61 Pa.C.S. § 6138(a) (relating to violation of terms of parole), the Board may, at its discretion, revoke the parole of a paroled person convicted of a crime committed while on parole, and including certain enumerated summary offenses.

(i) If the paroled person's parole is revoked, the person shall be recommitment to a correctional facility to serve the remainder of the term which the person would have been compelled to serve had the parole not been granted, and the Board shall determine whether any credit shall be granted for time at liberty on parole.

(ii) The Board may, in its discretion, reparole a convicted parole violator whenever the best interests of the person justify or require the person's release on parole and it does not appear that the interests of the Commonwealth will be injured.

(iii) The period of time for which the paroled person is required to serve shall be computed by the Board.

(3) The Board shall consider the applicable recommitment ranges described in subsection (b).

(b) *Specific provisions.*

(1) Convicted violator recommitment ranges are to be considered by the Board in the exercise of its discretion, while accounting for the following factors:

(i) The seriousness of the initial conviction offense. Seriousness is based on the determination under the State parole guidelines whether the person is designated as a violent offender or non-violent offender.

(ii) The level of seriousness of the new conviction offense. The seriousness of the new conviction offense is determined by identifying the highest OGS assignment under the 8th Edition Sentencing Guidelines of all new conviction offenses, and then determining the corresponding sentencing level for that offense. For out-of-State convictions, the current equivalent offense under the 8th Edition Sentencing Guidelines applies. Summary offenses are assigned the lowest offense gravity score (OGS 1) and the corresponding sentencing level (Level A). Murder of the first degree and murder of the second degree are assigned the highest offense gravity scores (OGS H-1 through OGS H-6) and the corresponding sentencing level (Level H).

(iii) The time required to receive treatment and programming to meet the rehabilitative needs of the paroled person. The corrective programming required to address the needs of the paroled person associated with the recommitment, which begins after a hearing or waiver of a hearing, may require a recommitment period shorter or longer than the recommended recommitment range.

(2) The convicted parole violator recommitment ranges, as described below, are provided in § 311.6(b) (relating to table 2—convicted parole violator recommitment ranges) in Table 2.

(i) The recommended recommitment range for a non-violent offender placed in a correctional facility shall be:

(A) When the most serious new conviction offense is Level A (OGS 1—OGS 3), a range of one to six months.

(B) When the most serious new conviction offense is Level B (OGS 4—OGS 7), a range of six to 12 months.

(C) When the most serious new conviction offense is Level C (OGS 8—OGS 12), a range of 12 to 18 months.

(D) When the most serious new conviction offense is Level D (OGS 13—OGS 16), a range of 18 to 30 months.

(E) When the most serious new conviction offense is Level E (OGS 17—OGS 26), a range of 24 to 36 months.

(F) When the most serious new conviction offense is Level F (OGS 27—OGS 30), a range of 48 months to the unserved balance of the sentence from which the person was paroled.

(G) When the most serious new conviction offense is Level G (OGS G-1 and OGS G-2), a range of 48 months to the unserved balance of the sentence from which the person was paroled.

(H) When the most serious new conviction offense is Level H (OGS H-1—OGS H-6), the range is limited to the unserved balance of the sentence from which the person was paroled.

(ii) The recommended recommitment range for a violent offender placed in a correctional facility shall be:

(A) When the most serious new conviction offense is Level A (OGS 1—OGS 3), a range of one to six months.

(B) When the most serious new conviction offense is Level B (OGS 4—OGS 7), a range of six to 12 months.

(C) When the most serious new conviction offense is Level C (OGS 8—OGS 12), a range of 12 to 18 months.

(D) When the most serious new conviction offense is Level D (OGS 13—OGS 16), a range of 24 to 36 months.

(E) When the most serious new conviction offense is Level E (OGS 17—OGS 26), a range of 36 to 48 months.

(F) When the most serious new conviction offense is Level F (OGS 27—OGS 30), a range of 60 months to the unserved balance of the sentence from which the person was paroled.

- (G) When the most serious new conviction offense is Level G (OGS G-1 and OGS G-2), a range of 60 months to the unserved balance of the sentence from which the person was paroled.
 - (H) When the most serious new conviction offense is Level H (OGS H-1—OGS H-6), the range is limited to the unserved balance of the sentence from which the person was paroled.
 - (iii) When the Board determines that one or more aggravating circumstances are present, the Board may consider a recommitment period:
 - (A) For Level A (OGS 1—OGS 3), up to three months longer than the upper limit of the recommitment range.
 - (B) For Level B (OGS 4—OGS 7), up to six months longer than the upper limit of the recommitment range.
 - (C) For Level C (OGS 8—OGS 12), up to six months longer than the upper limit of the recommitment range.
 - (D) For Level D (OGS 13—OGS 16), up to 12 months longer than the upper limit of the recommitment range.
 - (E) For Level E (OGS 17—OGS 26), up to 12 months longer than the upper limit of the recommitment range.
 - (iv) When the Board determines that one or more mitigating circumstances are present, the Board may consider a recommitment period:
 - (A) For Level B (OGS 4—OGS 7), up to six months shorter than the lower limit of the recommitment range.
 - (B) For Level C (OGS 8—OGS 12), up to six months shorter than the lower limit of the recommitment range.
 - (C) For Level D (OGS 13—OGS 16), up to 12 months shorter than the lower limit of the recommitment range.
 - (D) For Level E (OGS 17—OGS 26), up to 12 months shorter than the lower limit of the recommitment range.
 - (E) For Level F (OGS 27—OGS 30), up to 24 months shorter than the lower limit of the recommitment range.
 - (F) For Level G (OGS G-1 and OGS G-2), up to 24 months shorter than the lower limit of the recommitment range.
- (3) Determine the recommitment period and provide reasons if an aggravated or mitigated duration or deviation from the recommitment ranges.

§ 311.6. Parole violator tables.

(a) Table 1—Technical parole violator recommitment ranges.

<i>Correctional Facility Recommitments</i>	<i>Non-violent (NV) recommitment range</i>	<i>Violent (V) recommitment range</i>	<i>Disciplinary Infractions 61 Pa.C.S. § 6138(d)(5) 61 Pa.C.S. § 6138(e)(3)</i>
1st violation	TS—6 months	3—6 months	12 months maximum

<i>Correctional Facility Rec commitments</i>	<i>Non-violent (NV) recommitment range</i>	<i>Violent (V) recommitment range</i>	<i>Disciplinary Infractions 61 Pa.C.S. § 6138(d)(5) 61 Pa.C.S. § 6138(e)(3)</i>
2nd violation	TS—9 months	6—9 months	18 months maximum
3rd/subseq. violation	TS—12 months	9—12 months	24 months maximum
<i>CCC/CCF/PVC Rec commitments</i>	TS—6 months	3—6 months	12 months maximum

TS = time served

(b) Table 2—Convicted parole violator recommitment ranges.

<i>Sentencing Level</i>	<i>New Conviction</i>	<i>Non-violent (NV) recommitment range</i>	<i>Violent (V) recommitment range</i>	<i>Agg/Mit</i>
A	OGS 1—OGS 3	1—6 months	1—6 months	+ 3
B	OGS 4—OGS 7	6—12 months	6—12 months	+/- 6
C	OGS 8—OGS 12	12—18 months	12—18 months	+/- 6
D	OGS 13—OGS 16	18—30 months	24—36 months	+/- 12
E	OGS 17—OGS 26	24—36 months	36—48 months	+/- 12
F	OGS 27—OGS 30	N/A	60—unserved balance	- 24
G	OGS G-1 and OGS G-2	N/A	60—unserved balance	- 24
H	OGS H-1—OGS H-6	N/A	Maximum/unserved balance	N/A

N/A = not applicable

Cross References

This section cited in 204 Pa. Code § 311.3 (relating to procedure for determining parole violator recommitment range); 204 Pa. Code § 311.4 (relating to technical parole violator recommitment ranges); and 204 Pa. Code § 311.5 (relating to convicted parole violator recommitment ranges).

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