

Regulatory Analysis Form (Completed by Promulgating Agency)		INDEPENDENT REGULATORY REVIEW COMMISSION	
(All Comments submitted on this regulation will appear on IRRC's website)		RECEIVED Independent Regulatory Review Commission September 9, 2026	
(1) Agency Pennsylvania Parole Board		IRRC Number: 3497	
(2) Agency Number: 41 Identification Number: 23			
(3) PA Code Cite: Title 37, Part II, §§ 61.1 to 80.1			
(4) Short Title: Amendments to the Pennsylvania Parole Board Regulations – Modifying Preexisting Regulations to Conform with Modern Legal Requirements and Board Practices			
(5) Agency Contacts (List Telephone Number and Email Address): Primary Contact: Assistant Counsel Jason Lambrino (717) 787-8126, jlambrino@pa.gov Secondary Contact: Carissa Morales (717) 787-8126, camorales@pa.gov			
(6) Type of Rulemaking (check applicable box): ☒ Proposed Regulation ☐ Final Regulation ☐ Final Omitted Regulation		☐ Emergency Certification Regulation; ☐ Certification by the Governor ☐ Certification by the Attorney General	
(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)			
The proposed amendments are intended to update regulations that were predominantly promulgated in the early 1980s to conform with current legal requirements, technology, and Board practices. The proposed amendments reflect a changing of authority for parole supervision duties pursuant to Act 114 and Act 115 of 2019 and seek to eliminate provisions that are no longer applicable to the Board following the transition of parole agents to the Pennsylvania Department of Corrections through Act 59 of 2021. <i>See also</i> Title 61 of the Pennsylvania Consolidated Statutes.			

(8) State the statutory authority for the regulation. Include specific statutory citation.

Pursuant to 61 Pa.C.S. § 6141, “[t]he board may make general rules for the conduct and supervision of offenders and may, in particular cases, as it deems necessary to effectuate the purpose of parole, prescribe special regulations for particular persons.

Pursuant to 61 Pa.C.S. § 6111(e), the Board is vested with all authorities of those afforded to independent agencies under the Administrative Code of 1929 which include the promulgation of regulations in accordance with 71 P.S. § 186.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

There are no federal nor state mandates to promulgate or amend regulations. There is, however, one Pennsylvania Supreme Court case of note which partially preempts the Board’s regulation at 37 Pa.Code § 61.2. Specifically, *Toland v. Pa. Bd. of Prob. and Parole* held that the Board cannot create an evidentiary privilege pertaining to its documents for purposes of discovery through regulation. The regulation remains effective, however, as to confidentiality for public information purposes. *Toland v. Pa. Bd. of Prob. and Parole*, 11 E.A.P. 2024, 344 A.3d 744 (2025).

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The Board’s current regulations exceed forty (40) years of age and do not, in many instances, reflect the current legal landscape or Board practices. Additionally, much of the technological resources and programming utilized by the Board in processing its cases have changed. Amending the regulations will benefit both parole agents, now employees of the Pennsylvania Department of Corrections, and parolees in effectively presenting their cases before the Board. The proposed regulations will set out the rules for the parties appearing before it and clearly delineate its processes. Between parole agents and parolees appearing before the Board, the approximate number of persons benefiting from the proposed regulations will be in the thousands per annum.

The proposed regulations will also eliminate provisions of the Board’s current regulations which are no longer applicable. For example, the Board no longer oversees field supervision of parolees since the enactment of Act 59 of 2021. Accordingly, Chapter 67 (Special Conditions of Parole or Probation) is inapplicable.

Furthermore, the Board and the Pennsylvania Commission on Crime and Delinquency (PCCD) intend to promulgate a separate joint rulemaking in recognition of the fact that Chapter 68 (County Offender Supervision Fee Program), and Chapter 79 (County Probation and Parole Officers’ Firearm Education and Training Commission) now fall outside of the jurisdiction of the Board. However, those chapters will remain in the Board’s regulations to maintain the regulatory language until the Board and PCCD can submit and enact joint regulations transferring those provisions under PCCD.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There is no federal equivalency for conducting hearings before the Pennsylvania Parole Board.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

Every state has promulgated rules as to how to proceed for purposes of parole revocation and proceedings. The national landscape of parole and those overseeing it is diverse and varies greatly from state to state. Those falling under the jurisdiction of the Pennsylvania Parole Board, however, are uniquely required to comply with its rules and regulations. The proposed regulations are intended to act as "rules of court" or procedure to give direction on how to conduct business before the Board. As such, these proposed regulations will have no effect at all on Pennsylvania's ability to compete with other states.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

Yes. Because the Pennsylvania Department of Corrections (Department) assumed responsibility of parole agents, all applicable regulations and their oversight have been transferred under their regulations through a joint rulemaking of the Board and the Department. Accordingly, parole agents who appear before the Board for hearings will be affected by the proposed regulations because they set out rules of procedure for hearings before the Board.

In addition, the Board intends to undertake a joint rulemaking process with the PCCD to transfer other chapters of the Board's regulations (specifically, Chapters 68 and 79) to PCCD, as they are no longer under the jurisdiction of the Board.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting

of the regulation. List the specific persons and/or groups who were involved. (“Small business” is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The Board solicited input from the Pennsylvania Public Defenders Association, Pennsylvania Commission on Sentencing, and the Pennsylvania Commission on Crime and Delinquency via electronic correspondence. The Board received, and took into consideration, comments from the Pennsylvania Public Defenders Association. Otherwise, the proposed amendments do not directly impact the public at large, advisory councils or groups, small businesses and groups representing small businesses. The proposed regulations set procedural rules when parole violators and parole agents, employees of the Pennsylvania Department of Corrections, participate in hearings and other proceedings before the Board.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

It is not anticipated that the proposed regulations will affect businesses or small businesses as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012. Persons affected will be the parolees and their representatives, i.e., counsel, as well as parole agents/employees of the Department of Corrections, for purposes of conducting proceedings before the Board.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

The persons and groups affected by the proposed regulations will be parole agents (employees of DOC), parolees, and their counsel involved in the representation of parolees before the Board. The approximate number will be dictated by the number of parolees appearing before the Board in a given period. For example, during the 2025 calendar year, there were 12,347 parole interviews conducted by the Board. Of those interviews, specifically related to the proposed regulatory amendments, 189 interviews involved individuals who applied for parole via the parole application process under 61 Pa.C.S. § 6139; 4,633 matters involved individuals who were interviewed at the time of their minimum sentence date; 4,616 matters involved individuals who were interviewed for their first annual parole review; 963 interviews that were conducted involved subsequent annual interviews; and 1,444 were parole violator interviews.

During the same period, the Board conducted 7,699 parole hearings. Of those hearings, specifically related to the proposed regulatory amendments, there were 917 preliminary hearings, 12 preliminary/violation hearings, 1,298 detention hearings, 5 recission hearings, 2,430 violation hearings, 548 violation/detention hearings, 2,122 revocation hearings, and 84 revocation/violation hearings. Matters involving counsel representation occurred in 1,297 hearings on-record before the Board. There were 586 instances where a parolee requested counsel but their appearance was not entered on the record before the Board.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The financial, economic and social impact of the proposed regulations on individuals, small businesses and other organizations will be minimal to non-existent. The proposed regulations are effectively rules of

procedure for those conducting business before the Board. The benefit of the proposed regulations will be a clear directive on what to expect during a parole proceeding and how to conduct business before the Board.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The costs and adverse effects of the proposed regulations are anticipated to be zero so the benefits of having a clear directive on how to conduct business before Board will benefit all who come before the Board.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The proposed regulations are effectively rules of procedure in conducting business before the Board. It is not anticipated that there will be a material cost or savings to the regulated community.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

It is not anticipated that there would be costs and/or savings to the local governments associated with compliance with the proposed regulations as they are not subject to the regulations.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The proposed regulations are effectively rules of procedure in conducting business before the Board. It is not anticipated that there will be a material cost or savings to the regulated community.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

The proposed regulations are effectively rules of procedure in conducting business before the Board. No legal, accounting or consulting procedures and additional reporting, recordkeeping, or other paperwork are anticipated.

(22a) Are forms required for implementation of the regulation?

No.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here.** If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

N/A.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$0	\$0	\$0	\$0	\$0	\$0

Regulated Community	\$0	\$0	\$0	\$0	\$0	\$0
Local Government	\$0	\$0	\$0	\$0	\$0	\$0
State Government	\$0	\$0	\$0	\$0	\$0	\$0
Total Savings	\$0	\$0	\$0	\$0	\$0	\$0
COSTS:	\$0	\$0	\$0	\$0	\$0	\$0
Regulated Community	\$0	\$0	\$0	\$0	\$0	\$0
Local Government	\$0	\$0	\$0	\$0	\$0	\$0
State Government	\$0	\$0	\$0	\$0	\$0	\$0
Total Costs	\$0	\$0	\$0	\$0	\$0	\$0
REVENUE LOSSES:	\$0	\$0	\$0	\$0	\$0	\$0
Regulated Community	\$0	\$0	\$0	\$0	\$0	\$0
Local Government	\$0	\$0	\$0	\$0	\$0	\$0
State Government	\$0	\$0	\$0	\$0	\$0	\$0
Total Revenue Losses	\$0	\$0	\$0	\$0	\$0	\$0

(23a) Provide the past three-year expenditure history for programs affected by the regulation.

Program	FY-3 2022-2023	FY-2 2023-2024	FY-1 2024-2025	Current FY 2025-2026
Total Hearing Expenses - Pennsylvania Parole Board	\$759,642.84	\$506,984.06	\$207,324.06	\$219,200.00

The Board's total actual hearing expenditures consist of approximately 40% of the overall actual operations expenses for each fiscal year.

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

The proposed regulations are effectively rules of procedure in conducting business before the Board. There are no anticipated adverse impacts on small businesses because they are not subject to its jurisdiction.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

The Board could discern no particular needs of any affected groups or persons that need to be accommodated by special provisions. The Board's rules of procedure apply equally to all persons.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

None. The Board's regulations are in effect the rules of procedure for conducting Board business. Accordingly, there is no alternative than to update and amend the regulations to conform with current legal requirements and Board practices.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

The proposed regulations are effectively rules of procedure in conducting business before the Board. Small businesses will not be affected. Therefore, no regulatory flexibility analysis was conducted. The Board's procedural rules apply equally to all persons conducting business with the Board.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

The decision to update the Board's regulation was not data driven but arose out of a need to update its formally recognized operating procedures to conform with modern technology and its operations. The proposed regulations will ensure a fair and expedient process for those appearing before the Board.

(29) Include a schedule for review of the regulation including:

- A. The length of the public comment period: 30 days
- B. The date or dates on which any public meetings or hearings will be held: N/A
- C. The expected date of delivery of the final-form regulation: Spring 2027
- D. The expected effective date of the final-form regulation: Upon publication
- E. The expected date by which compliance with the final-form regulation will be required: Upon publication
- F. The expected date by which required permits, licenses or other approvals must be obtained: N/A

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The proposed regulations are essentially operating procedures for parolees appearing before the Board. The Board will continue to monitor the effectiveness of its operations and whether current practices are keeping pace with technology and the evolving legal landscape.

FISCAL NOTE FOR DOCUMENTS FILED WITH THE LEGISLATIVE REFERENCE BUREAU

June 29, 2026

Agency: Pennsylvania Board of Probation and Parole

Agency Identification Number: 41-23

Subject of Regulation: Amendments to the Pennsylvania Parole Board Regulations

Pursuant to Section 612 of the act of April 9, 1929 (P.L. 177, No. 175), known as the Administrative Code of 1929, I am submitting the following fiscal note for publication in the *Pennsylvania Bulletin* to accompany this notice of regulatory action or administrative procedure.

FISCAL NOTE AS REQUIRED BY SECTION 612
Administrative Code of 1929
(See also 4 Pennsylvania Code § 7.231, *et seq.* [9 Pennsylvania Bulletin])

This action will not result in a loss of revenue or an increase in program costs to the Commonwealth or its political subdivisions.

The Secretary of the Budget recommends adoption of this regulatory action or administrative procedure.

Eric A. Dice for Sec. Reber

Secretary of the Budget

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

RECEIVED

Independent Regulatory
Review Commission

September 9, 2026

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General BY: <u><i>Amy M. Elliott</i></u> (DEPUTY ATTORNEY GENERAL) <u>8/31/2026</u> DATE OF APPROVAL ☐ Check if applicable Copy not approved. Objections attached.	Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by: Pennsylvania Parole Board _____ (AGENCY) DOCUMENT/FISCAL NOTE NO. <u>41-23</u> DATE OF ADOPTION: <u>6/23/2026</u> <u><i>M. Brown</i></u> BY: _____ TITLE: <u>Chairman of the Pennsylvania Parole Board</u> (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)	Copy below is hereby approved as to form and legality. Executive or Independent Agencies. BY: <u><i>Cynthia K. Montz</i></u> (Deputy General Counsel, Office of General Counsel) <u>7/14/2026</u> DATE OF APPROVAL ☐ Check if applicable. No Attorney General approval or objection within 30 days after submission.
---	---	---

PROPOSED RULEMAKING

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA PAROLE BOARD

TITLE 37 PA. CODE, PART II, BOARD OF PROBATION AND PAROLE

CHAPTERS 61, 63, 67, 71, 75 and 80

MODIFYING PREEXISTING REGULATIONS TO CONFORM WITH

MODERN LEGAL REQUIREMENTS AND BOARD PRACTICES

PENNSYLVANIA PAROLE BOARD

TITLE 37 PA. CODE, PART II, BOARD OF PROBATION AND PAROLE

MODIFYING PREEXISTING REGULATIONS TO CONFORM WITH MODERN LEGAL REQUIREMENTS AND BOARD PRACTICES

The Pennsylvania Parole Board (Board), proposes to amend 37 Pa.Code, Part II (relating to Board of Probation and Parole) to read as set forth in Annex A. The proposed rulemaking will address changes in the law and Board operations that have evolved over time. The proposed amendments will address a formal renaming of the Board under the act of June 30, 2021 (P.L. 260, No. 59) (Act 59 of 2021), which amended Title 61 of the Pennsylvania Consolidated Statutes (61 Pa.C.S. §§ 6101—6182), and which also reassigned parole agents and the parole supervision aspect of the Board to the Department of Corrections (Department). The changes will effectively be rules of procedure for the Board and benefit those who appear before it by accurately reflecting current Board practices and comply with legal authority which has evolved over time. The changes reflect the shifting of former functions of the Board to reflect their current statutory reallocation to organizations no longer under its purview under the act of December 18, 2019 (P.L. 771, No. 114) (Act 114 of 2019) and the act of December 18, 2019 (P.L. 776, No. 115) (Act 115 of 2019). The changes will also eliminate regulations that are no longer applicable to the Board, for example, Chapters 67 and 75 (relating to special conditions of parole or probation; and presumptive ranges for recommitments of parole violators), because they fall outside of the jurisdiction of the Board. Additionally, the Board intends to work with the Pennsylvania Commission on Crime and Delinquency (PCCD) on a joint rulemaking to reflect the reallocation of duties under Chapters 68 and 79 (relating to county offender supervision

fee program; and county probation and parole officers' firearm education and training commission).

Statutory Authority

This proposed rulemaking is authorized under 61 Pa.C.S. § 6141 (relating to general rules and special regulations), 61 Pa.C.S. § 6111(e) (relating to Pennsylvania Parole Board), which empowers the Board with all powers and duties specified in the Administrative Code of 1929, and section 506 of the Administrative Code of 1929 (71 P.S. § 186), pertaining to rules and regulations. Under 61 Pa.C.S. §§ 6131 and 6132 (relating to general powers of Board; and specific powers of Board involving offenders), the Board is vested with authority to oversee the parole and revocation processes of all parolees at the State level. Moreover, 61 Pa.C.S. § 6132(a)(4) specifically empowers the Board to promulgate regulations establishing general conditions of supervision applicable to every paroled offender. The proposed rulemaking is in furtherance of the Board's critical mission to oversee the parole system at the State level and will ensure that all interested parties have clear expectations when appearing before the Board.

Background and Need for the Amendments

Currently, the Board's regulations were promulgated approximately 40 years ago, during which time there have been many changes to the law, technology and Board operations. The proposed rulemaking will address the formal renaming of the Board under Act 59 of 2021, which also reallocated parole agents and the parole supervision aspect of the Board to the Department. The proposed rulemaking will in large part be the equivalent of rules of procedure for the Board and set out how its operations are to be conducted. The proposed rulemaking will benefit interested parties, that is, the Department and parolees,

by accurately reflecting current Board practices and bringing existing regulations into compliance with current legal standards.

The proposed rulemaking will also eliminate provisions of regulation that are no longer applicable to the Board, including Chapters 67 and 75 because they fall outside of the jurisdiction of the Board. Additionally, the Board intends to work with PCCD on a joint final-omitted rulemaking to transition regulatory authority of Chapters 68 and 79 to PCCD. Accordingly, the Board will maintain Chapters 68 and 79 until such joint rulemaking is finalized.

Description of the Proposed Amendments

The Board proposes to amend the title of Part II to reflect a change in the Board's name from the "Board of Probation and Parole" to the "Pennsylvania Parole Board" in keeping with 61 Pa.C.S. § 6101 (relating to definitions).

The Board proposes to amend § 61.1 (relating to definitions) by:

1. Adding a definition for "Board" to explain that it refers to the Pennsylvania Parole Board.
2. Adding a definition for "Department" to explain that it refers to the Department of Corrections of the Commonwealth.
3. Adding a definition for "parole region" to explain the geographical parameters of supervision established by the Department.
4. Adding a definition for "parole violation maximum date" to explain that it is a date calculated by the Board when a parolee is recommitted as a parole violator and applied to the maximum sentence date of the original judicially imposed sentence.

5. Modifying the definition of “interested party” to include the Department to reflect that parole agents, now under the Department, are no longer employees of the Board.
6. Modifying the definition of “panel” to reflect modern Board hearing practices.
7. Modifying the definition of “preliminary hearing” to reflect current legal standards.
8. Removing the definition of “official verification” to reflect current legal requirements.
9. Modifying the definition of “parole supervision staff” to reflect that they are now employees of the Department.
10. Removing the definition of “return or detain” as it is deemed unnecessary under current practices.

The Board proposes to amend § 61.2 (relating to confidentiality of records) by deleting the term “privilege” to become compliant with recent Pennsylvania Supreme Court decision in *Toland v. Pennsylvania Board of Probation and Parole*, 344 A.3d 744 (Pa. 2025). Specifically, the Pennsylvania Supreme Court held in *Toland* that the Board cannot create an evidentiary privilege through regulation. Accordingly, the proposed amendment will bring the confidentiality regulation into compliance with the law.

The Board proposes to delete (and reserve) § 63.1 (relating to granting of parole) and to replace it with a new § 63.1a (relating to grant of parole and conditions of release) to reflect changes in statutory authority and to reflect changes in Board operations and practices regarding the manner in which inmates are paroled.

The Board proposes to amend § 63.2 (relating to legal custody) by removing overly generalized language and replacing it with language reflecting changes in legal authority and Board practices.

The Board proposes to amend § 63.3 (relating to violation of parole) by deleting overly generalized language applicable to when parole agents were structured under the Board and not the Department. The amendments utilize more specific language explaining that a parolee may be charged by the Department with committing violations of the conditions of parole and the location where the parolee is subject to be detained.

In § 63.4 (relating to general conditions of parole), the Board is proposing amendments to reflect current parole supervision standards and expectations of parolees being released to supervision in the community. By way of additional guidance, § 63.4 takes into account the 2019 amendments to 61 Pa.C.S. § 6138 (a)(1.1), which added an exhaustive list of summary offenses upon which the Board can revoke parole as a convicted parole violator. This was done to prevent plea bargains at the magisterial district judge level which were intended to avoid parole revocation consequences for certain offenses. Because this power derives from statutory authority, it is not duplicated in the regulatory amendments.

The Board proposes to amend § 63.5 (relating to special conditions of parole) by adding language reflecting that special conditions may be imposed by either the Board or the Department, considering parole supervision is now under the purview of the Department. The proposed amendments seek to add language specifying the procedure for requesting a removal or modification of Board-ordered mandatory special conditions to the Board. The proposed amendments would also direct parolees to submit all other requests

to remove or modify special conditions to the Department. This change reflects a change in the status of parole supervision under the Department and better instructs parolees on how to submit requests to remove or modify special conditions of their parole.

The Board proposes to delete and reserve Chapter 67 (relating to special conditions of parole or probation) because it is no longer applicable to the Board and its jurisdiction.

The proposed rulemaking seeks to make numerous amendments to Chapter 71 (relating to arrest and hearing for parole violators) to reflect changes in technologies utilized by the Board and bring current the practice procedures when appearing before the Board. The amendments will better explain and direct interested parties, that is., the Department, parolees and parolee's counsel, who appear before the Board for its various types of hearings.

The proposed rulemaking deletes and reserves § 71.1 (relating to initiation of proceedings) and replaces it with a new § 71.1a (relating to initiation of parole violation or parole revocation proceedings) to remove references to forms no longer controlled and utilized by the Board. The amendments also reflect that parole supervision staff are no longer employees of the Board and take on more of a procedural aspect, explaining to interested parties how violation and revocation proceedings are to be commenced.

The Board proposes to add another new section (§ 71.1b (relating to subpoenas)). The proposed amendment seeks to set out in concrete fashion how interested parties are to go about obtaining subpoenas, serving subpoenas and compensating witnesses for Board proceedings.

The proposed rulemaking would replace § 71.2 (relating to procedure for violation of parole conditions) with a new § 71.2a (relating to procedures for parole violation or

parole revocation proceedings) to set out with specificity the current legal requirements and Board practices in scheduling and conducting both preliminary and violation hearings for technical parole violators. The amendments will replace preexisting regulatory provisions that are outdated and not in keeping with how the Board currently conducts technical parole violator related hearings, while at the same time ensuring that the process remains legally compliant.

The proposed rulemaking would reserve and replace § 71.3 (relating to return for a new criminal charge). New § 71.3a (relating to detention hearing procedures) would set out with specificity the current legal requirements and Board practices in providing notice, scheduling and conducting a detention hearing when a parolee is charged with a crime that could result in recommitment as a convicted parole violator. The amendments will replace preexisting regulatory provisions that are outdated and not in keeping with how the Board currently conducts convicted parole violator detention hearings, while at the same time ensuring that the process remains legally compliant.

The proposed rulemaking deletes and reserves § 71.4 (relating to conviction for a new criminal offense) and replaces it with a new § 71.4a (relating to recommitting a parolee for a subsequent criminal conviction) which sets out with specificity the current legal requirements and Board practices in conducting a timely parole revocation hearing for an alleged convicted parole violator. The proposed amendments remove antiquated case law while at the same time adhering to modern legal requirements. The proposed amendments also give direction to the Department as to what they must include in reports to the Board regarding new criminal charges of parolees. In addition, the proposed amendments give explicit direction regarding the timeliness of the Department filing the notice of charges,

the contents of the notice of charges, and the manner in which a revocation hearing is to be held.

The Board proposes to amend § 71.5 (relating to general) by updating language to reflect that the Department is now an interested party. The amendments also extend the ability to request continuances by the interested parties.

The Board proposes amendments to Chapter 73 (relating to appeals and petitions for administrative review) to better reflect the Board's current administrative appeals process and to empower the Department as an interested party to file petitions for administrative review.

The proposed rulemaking would amend § 73.1 (relating to appeals and petitions for administrative review) by adding language that better describes what decisions are able to be appealed through the Board's administrative processes. Specifically, the amendment adds clarifying language that an interested party may appeal a revocation decision, a decision rescinding an executed grant of parole, or a decision rescinding a grant of automatic reparole in cases of technical parole violators. This change is representative of current legal standards.

The Board proposes to delete and reserve Chapter 75 (relating to presumptive ranges for recommitments of parole violators) because the Pennsylvania Commission on Sentencing has authority to promulgate guidelines for parole violator recommitments in accordance with 42 Pa.C.S. § 2154.6 (relating to adoption of recommitment ranges following revocation of parole by Board). The Board is required to comply with the guidelines by statute and are subject to change by the commission. The current recommitment ranges in regulation are no longer valid, and it would require continuous

amendments to the regulation if they were to be included. The recommitment guidelines are available to the public through the Pennsylvania Commission on Sentencing and went into effect on January 1, 2024.

The Board proposes to adopt a new chapter, Chapter 80 (relating to reentry supervision) to address 61 Pa.C.S. § 6137.2 (relating to reentry supervision) which became effective December 18, 2019, setting out a period of 12 months of parole supervision for those eligible persons who have not already been paroled but have reached their maximum sentence.

The proposed rulemaking would amend the Board's regulation by including § 80.1 (relating to reentry supervision). The amendment is needed to clarify the authority of the Board and any parole revocation process that may occur if someone under supervision under 61 Pa.C.S. § 6137.2 commits a parole violation.

Fiscal Impact

The proposed amendments would have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments will not impose additional costs on the Department or parolees.

Effective Date

The amendments will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to: Jason A. Lambrino, Regulatory Counsel, Office of Chief Counsel, Pennsylvania Parole Board, 1101 South Front Street, Suite 5100,

Harrisburg, Pennsylvania 17104, RA-CRPDOCCPUBCOMM@pa.gov, within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Please reference “Title 37, Part II. Parole Board Regulations” when submitting comments.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 9, 2026, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Judiciary Committees. A copy of this material is available to the public upon request.

Under Section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations, or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the Board, the General Assembly, and the Governor.

Marcus Brown
Chairman of the Parole Board

ANNEX A

TITLE 37. LAW

PART II. [BOARD OF PROBATION AND] THE PENNSYLVANIA PAROLE BOARD

CHAPTER 61. GENERAL PROVISIONS

§ 61.1. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

Backtime--The unserved part of a prison sentence which a convict would have been compelled to serve if the convict had not been paroled.

Board--**The Pennsylvania Parole Board.**

Department--**The Department of Corrections of the Commonwealth.**

Detainer sentence--A sentence to which a convict is subject following release from a sentence which the convict is currently serving.

Detention hearing--A probable cause hearing held to determine whether a parolee should be detained or returned pending disposition of a new criminal charge.

Examiner--A Board member or a representative of the Board who conducts interviews or hearings on behalf of the Board.

Interested party--A parolee **[or a parolee's counsel], parolee's counsel or the Department.**

[Official verification--Actual receipt by a parolee's supervising parole agent of a direct written communication from a court in which a parolee was convicted of a new criminal charge attesting that the parolee was so convicted.]

Panel--Two members of the Board, **[or a Board member and an examiner] a Board member and a hearing examiner, or a Board member and a designated representative assigned by the Board.**

Parole region—A geographical area of the Commonwealth established by the Department.

Parole supervision staff--Parole agents, their supervisors, deputy district directors and district directors **as employed by the Department.**

Parole violation maximum date—A date calculated by the Board when a parolee is recommitted as a parole violator and applied to the maximum sentence date of the original judicially imposed sentence.

Preliminary hearing--A hearing held to determine whether **[there is probable cause to believe that a parolee has committed a technical violation of parole] a parolee should be detained pending resolution of alleged technical parole violations.**

[Return or detain--Synonymous actions which indicate that a parolee should either be returned to, or continued in, custody pending disposition of outstanding criminal charges.]

Revocation decision--A decision to recommit a parolee to prison after a revocation or violation hearing.

Revocation hearing—A hearing held to determine whether a parolee should be recommitted as a convicted violator.

Violation hearing--A hearing held to determine whether a parolee should be recommitted as a technical violator.

§ 61.2. Confidentiality of records.

Records, reports and other written **[things] materials** and information, evaluations, opinions and voice recordings in the Board's custody or possession **[touching on matters]** concerning a probationer or parolee are private[, **and** confidential**[and privileged]**; except that a brief statement of the reasons for actions by the Board granting or refusing a parole will at all reasonable times be open to public inspection in the offices of the Board.

CHAPTER 63. CONDITIONS GOVERNING PAROLE

§ 63.1. [Granting of parole] {Reserved}.

[(a) The Board may grant paroles of its own motion under section 22 of the Pennsylvania Board of Probation and Parole Law (61 P. S. § 331.22).

(b) Applications for parole may be submitted to the Board under section 22 of the Pennsylvania Board of Probation and Parole Law (61 P. S. § 331.22).

(c) After review and consideration of each application, the Board will grant or deny approval to each applicant who is seeking parole.

(d) If the Board grants parole, notice of such action will be sent to the parolee, setting forth the effective date of parole. The date of parole may be postponed until a satisfactory plan is arranged for the parolee and approved by the Board.]

§ 63.1a. Grant of parole and conditions of release.

(a) When the Board exercises its discretion to grant or deny parole, notice of the Board's decision will be provided to the parolee and the Department.

(b) A decision granting parole will state an authorized date of release.

(c) The date of parole release may be postponed until a satisfactory plan is arranged for the parolee in accordance with approval by the Department.

(d) Every person granted parole or eligible for parole without further action by the Board shall acknowledge the following in writing before they are eligible for release from incarceration:

(1) The parolee has read the conditions of parole, or someone has read the conditions of parole to the parolee.

(2) The parolee fully understands and agrees to follow the conditions of parole.

(3) The parolee fully understands the consequences of violating the conditions of parole.

(4) The parolee fully understands the consequences of being criminally charged and convicted of a new criminal offense after the parolee's release.

(e) The Department may not release a parolee who refuses to acknowledge all conditions required in subsection (d) and shall remand the case to the Board for review.

§ 63.2. Legal custody.

(a) [The parolee shall remain in the legal custody of the Board until the expiration of his maximum sentence, or until he is legally discharged] A parolee shall remain under the jurisdiction of the Board until the expiration of the parolee's maximum sentence, as calculated by the Department.

(b) If parole is revoked, the parolee shall remain under the jurisdiction of the Board until the expiration of the parole violation maximum date.

§ 63.3. Violation of parole.

[If the parolee violates the conditions of parole, at a time during his period on parole, the Board may cause his detention or return to a correctional institution] A parolee charged by parole supervision staff with violating the conditions of parole may be detained in a state correctional institution, contracted county jail, community corrections center, community corrections facility, parole violator center or any secured facility operated or contracted by the Department.

§ 63.4. General conditions of parole.

[If parole is granted, the parolee shall be subject to the following conditions] All parolees under the jurisdiction of the Board shall be subject to the following general conditions of parole:

(1) Report in person [or in writing] within 48 hours of release to the [district office or suboffice] location specified by the Department [and not leave that district without prior written permission of the parole supervision staff].

(2) Live at the residence approved by the Board at release and not change residence without the written permission of the parole supervision staff.

(2a) Remain within the parole region unless prior written permission to exit the region is authorized by parole supervision staff.

(3) Maintain regular contact with the parole supervision staff by:

(i) Reporting regularly as instructed and following written instructions of the Board **and the Department** [or the parole supervision staff].

(ii) Notifying the parole supervision staff within 72 hours of one of the following:

(A) Arrest **or detention by law enforcement.**

(B) [Receipt of a summons or citation for an offense punishable by imprisonment upon conviction] **The filing of new criminal charges against the parolee that would constitute a basis for revocation as a convicted parole violator.**

(C) Any change in status involving employment or education.

(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] **{Reserved}.**

(4) Comply with municipal, county, State and Federal criminal statutes, as well as the Vehicle Code **(75 Pa.C.S. §§ 101—9910)** and the Liquor Code [(35 P.S. §§ 1-101—9-902)] **(47 P.S. §§ 1-101—10-1001).**

(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 an assaultive behavior] {Reserved}.

(6) [Pay fines, costs and restitution imposed by the sentencing court in accordance with the instructions contained in the Conditions Governing Parole/Reparole form] {Reserved}.

(7) Abstain from the unlawful use or possession of any drug, substance or item governed by the Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

(8) Refrain from owning or possessing firearms, components to assemble firearms, ammunition or other weapons.

(9) Refrain from assaultive behavior.

(10) Pay fines, costs and restitution imposed by the sentencing court.

§ 63.5. Special conditions of parole.

(a) Parolees shall comply with special conditions of parole [which are imposed by the Board or which are subsequently imposed by the parole agent] that are imposed by the Board or Department.

(b) [If problems arise or questions occur concerning the conditions of 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 parole. If a parolee is unable to contact his parole agent, he should contact the agent in charge of the district parole office] Parolees shall consult with Department staff if problems arise or questions occur concerning the conditions of parole.

(c) An interested party may submit a request to remove or modify a Board ordered mandatory condition of parole to the Board. A request must be accurate, brief, clear and

sufficiently specific so that the Board can understand the facts and the law in its consideration of the request.

(d) An interested party may submit a request to remove or modify a nonmandatory special condition to the Department. A request must be accurate, brief, clear and sufficiently specific so that the Board can understand the facts and the law in its consideration of the request.

CHAPTER 67. {RESERVED}.

§§ 67.1—67.4. {Reserved}.

CHAPTER 71. ARREST AND HEARING FOR PAROLE VIOLATORS

§ 71.1. [Initiation of proceedings] {Reserved}.

[(a) If an agent has reason to believe that a parolee has violated the conditions of his parole, that action of the Board is necessary, and that an arrest or the lodging of a detainer is appropriate, the agent may apply to his district supervisor for permission to arrest and for the issuance of a “Warrant to Commit and Retain” (PBPP-141).

(b) An application should normally be responded to either by the granting of permission to arrest with the issuance of the Board warrant or by a refusal to issue the warrant promptly.

(c) The warrant shall be executed forthwith, with every diligent effort being made to locate and arrest, as promptly as possible, the parolee named in the Board warrant.

(d) If the agent is unable to contact the district supervisor or feels that immediate confinement of the parolee is imperative, he may utilize an “Order to Detain for 48 hours” (PBPP-142), as warrant to commit and retain the parolee. If the warrant is used, the agent

shall apply to his district supervisor for a “Warrant to Commit and Retain” (PBPP-141), as promptly as possible.

(e) In those instances where the parolee is already in custody on another charge, the “Warrant to Commit and Retain” (PBPP-141) shall be lodged as a detainer at the institution where the parolee is held.]

§ 71.1a. Initiation of parole violation or parole revocation proceedings.

(a) The Department may initiate parole violation or revocation proceedings with the Board by either filing a notice of charges which states with specificity the parole violations alleged or by detaining a parolee, followed by the filing of a notice of charges.

(b) When a parolee is detained prior to the filing of a notice of charges, the Department shall file a notice of charges with the Board within 2 working days of detaining the parolee.

(c) In all cases involving revocation and recommitment, the notice of charges and any other documents submitted to the Board shall be served on the interested parties by the filer.

(d) Counsel for the parolee shall enter an appearance with the Board.

(e) In all cases where a parolee is represented by counsel, notices of the date of hearing, the decision and other documents or communications arising from the case shall be directed to counsel. Communications to counsel shall have the same force and effect as though personally served on the parolee.

(f) The time for the filing a notice of charges, service and submission of documents under this section are subject to modification at the examiner’s discretion based upon the facts of the case and for good cause shown.

§ 71.1b. Subpoenas.

(a) Procedure for requesting subpoenas.

(1) Subpoenas for the attendance of witnesses or for the production of documents will be issued only upon written application to the Board.

(2) Written applications shall specify as clearly as possible the relevance of the testimony or documentary evidence sought. As to documentary evidence, the requestor shall specify to the extent possible the documents desired and the facts to be proved therefrom.

(3) Failure to adhere to the requirements of this section may result in the refusal by the Board to issue the requested subpoena or subpoenas.

(4) Subpoenas for new or additional witnesses will not be issued after a hearing has been commenced and continued, unless orally requested on the record at the hearing and approved by the Board.

(5) Subpoenas issued prior to commencement and continuance of the hearing may be reissued upon written request to the Board, even after a hearing has been commenced and continued.

(b) Service of subpoenas.

(1) A subpoena for attendance shall be served personally upon the witness.

(2) Subpoenas for the production of documents shall be served personally or by certified mail upon the individual or entity in possession of the documents.

(3) Service of subpoenas for the attendance of witnesses shall be made at least 48 hours prior to the hearing, unless the witness agrees to waive the 48-hour requirement.

(4) Subpoenas for the production of documents shall be served no later than five working days prior to the hearing.

(c) Compensation of witnesses.

(1) Witnesses subpoenaed to appear before the Board shall be paid a witness fee at the rate specified for the courts of common pleas of the Commonwealth by the party requesting the subpoena.

(2) Witnesses subpoenaed to appear before the Board shall be paid by the party serving the subpoena mileage at the rate specified for the courts of common pleas of the Commonwealth for each mile actually and necessarily traveled between the place named in the subpoena and either the place of residence of the witness or the work site, whichever distance is less.

(3) At the time a witness is served with a subpoena, the witness shall, upon demand, be paid the witness fee and travel expenses provided in this subsection by the party serving the subpoena. If no demand is made by the witness at the time of service, the fee shall be tendered to the witness prior to commencement of the hearing.

§ 71.2 [Procedure for violation of parole conditions] {Reserved}.

[The following procedures shall be followed if a parolee, not already detained after appropriate hearings for other technical violations or criminal charges, has been charged with a technical violation:

(1) After a parolee is detained under a Board warrant, the parolee shall be visited by a representative of the Board. The parolee shall be notified of the following:

- (i) The charges against the parolee specifying the conditions of parole violated.**
- (ii) That a preliminary hearing will be held within 14 days and that the parolee will be notified of the exact date.**
- (iii) The parolee's right to speak, to have voluntary witnesses appear and to present documentary evidence at the preliminary hearing.**
- (iv) The right to retain counsel, and the name and address of the public defender of the county of confinement.**
- (v) That the purpose of the hearing is to determine whether there is probable cause to believe that the parolee has committed a parole violation, and to resolve by admissions, agreements or stipulations as many factual matters as possible.**
- (2) After the preliminary hearing is scheduled, the parolee and counsel shall be given a copy of the written notice of the charges and of the date and time of the hearing.**
- (3) The preliminary hearing shall be held within 14 days of the detention of the parolee on the Board warrant.**
- (4) The preliminary hearing shall be held before an examiner. The parolee has the right to be present during the entire proceeding, unless the parolee waives that right, refuses to appear or behaves disruptively.**
- (5) When the parties are present and assembled for the preliminary hearing, the examiner shall verbally advise the parolee and counsel of the following: the parolee may retain counsel for the proceedings; the parolee may, with leave of the examiner, waive the right to the preliminary hearing; and, if the preliminary hearing is waived, the hearing may**

proceed as a violation hearing before the examiner, unless the parolee asserts the right to be heard by a panel at a violation hearing.

(i) Counsel for the parolee shall enter a written appearance.

(ii) A parolee may waive in writing the right to counsel.

(iii) If counsel is not present but the parolee desires counsel, that fact shall be documented by the examiner and acknowledged by the parolee. The examiner shall terminate the proceeding. The preliminary hearing shall be held within 14 days.

(iv) If the parolee waives both the right to a preliminary hearing and the right to be heard by a panel at a violation hearing, both waivers shall be signed by the parolee. The examiner may follow the procedures governing violation hearings, and the Board may treat the proceeding as a violation hearing.

(v) If the parolee waives the right to a preliminary hearing but does not wish to waive the right to be heard by a panel, the examiner shall terminate the proceedings, and the parolee shall be scheduled to be heard by a panel at a violation hearing.

(vi) If the parolee does not wish to waive the right to the preliminary hearing and where a waiver of, or appearance by, counsel has been signed as prescribed in this section, the examiner shall conduct a preliminary hearing.

(6) A representative of the Board who is familiar with the facts which constitute the alleged violation shall be present to testify.

(7) The examiner shall make a summary which shall state:

(i) Which violations are supported by probable cause.

(ii) A summary of the evidence presented.

(iii) Which of the violations have been admitted, agreed to or stipulated.

(8) If the examiner finds that none of the allegations were supported by probable cause, the parolee shall be released as soon as practicable.

(9) If the examiner finds probable cause and is of the opinion that a violation hearing is warranted, the examiner shall initiate the scheduling of a violation hearing, if desired by the parolee or by the Board's representative to resolve remaining contested relevant facts.

(10) If a violation hearing is scheduled, it shall be held not later than 120 days after the preliminary hearing.

(11) Before the violation hearing the parolee or counsel shall be notified of the following:

(i) The charges, specifying the conditions of parole violated and setting forth the circumstances of the violations.

(ii) The date set for the hearing and of the right to be heard by a panel.

(iii) The right to speak, to have witnesses appear and to present documentary evidence.

(iv) The right to cross-examine an adverse witness who appears at the hearing, unless the panel or examiner specifically finds good cause for not allowing confrontation.

(v) The right to representation by counsel at the hearing, the right to free counsel, if the parolee is unable to afford to retain counsel, and the name and address of the public defender.

(vi) That there is no penalty for requesting counsel.

(12) If the parolee is unable to afford counsel, the Board will notify the appropriate public defender by transmitting a copy of the written notice given to the parolee.

(13) The following procedures apply during a violation hearing:

(i) A violation hearing shall be held before a panel, or, if the parolee has waived hearing by a panel, the hearing shall be held before an examiner other than the examiner who conducted the preliminary hearing, if practicable.

(ii) The parolee has the right to be present during the entire proceeding, unless the parolee expressly waives that right, refuses to appear or behaves disruptively.

(14) If a parolee appears without counsel at the violation hearing, the panel or examiner shall determine whether the parolee understands the right to free counsel if unable to afford counsel, and that there is no penalty for requesting counsel.

(15) A representative of the Board who is familiar with the facts which constitute the violation shall be present to testify.

(16) If a violation hearing is conducted by an examiner, the examiner shall prepare a written report and file it with the other panel member for decision. The report shall state:

(i) Which violations have been proved by a preponderance of the evidence.

(ii) The evidence relied upon.

(iii) A decision as to disposition and the reasons for it.

(17) If the hearing is before a panel, the panel shall act promptly.

(18) If revocation is ordered, the revocation decision shall specifically state the reasons for revocation. The decision shall be transmitted to the parolee or to counsel of record.

(19) The panel may not find that a violation was proved except by a preponderance of the evidence.]

§ 71.2a. Procedures for parole violation or parole revocation proceedings.

(a) Preliminary hearing.

(1) The Board will schedule a preliminary hearing to be held within 30 days of detention for alleged violations of the conditions of parole or the filing of a notice of charges, whichever is earlier.

(2) The notice of charges shall advise the parolee of the following:

(i) That the parolee has the right to be present during the entire proceeding, unless the parolee waives that right, refuses to appear or behaves disruptively.

(ii) That the parolee has the right to be represented by counsel.

(iii) The address of the public defender of the county where the parolee is detained or where the hearing will be held.

(iv) That there is no penalty for requesting counsel.

(v) That the purpose of the hearing is to determine whether there is probable cause to believe the parolee has committed a parole violation.

(vi) The violation or violations that have been alleged.

(vii) That the parolee may appear and speak in the parolee's own behalf.

(viii) That the parolee may bring letters, documents, or individuals who can give relevant information to the examiner.

(ix) That, on timely written request of the parolee, the person who has given adverse information on which parole revocation is to be based must be made available for questioning in the parolee's presence, unless the examiner determines that an informant would be subjected to substantial risk of bodily harm if the informant's identity is disclosed.

(3) The Board will notify the interested parties of the time, date and place of the hearing.

(4) No later than five days prior to the scheduled hearing, each interested party shall file and serve the other with any documents the interested party intends to serve at the hearing.

(5) The preliminary hearing shall be held before an examiner.

(6) Following the hearing, the examiner shall make a summary which shall include:

(i) A summary of the evidence presented.

(ii) Which violation or violations have been admitted, agreed to or stipulated.

(iii) Which alleged violation or violations are supported by probable cause.

(iv) When applicable, whether the parolee is to be detained pending the results of a violation hearing.

(7) If the examiner finds that none of the allegations were supported by probable cause, the parolee shall be released as soon as practicable.

(8) If the examiner finds probable cause and is of the opinion that a violation hearing is warranted to resolve contested facts, the examiner shall initiate the scheduling of a violation hearing.

(9) The decision of the examiner shall be transmitted to the interested parties.

(10) A preliminary hearing is not required if the parolee has already been detained after appropriate hearings for other technical violations or criminal charges.

(11) A parolee may waive a preliminary hearing after being advised of the rights detailed in this section and served with a notice of charges. If a preliminary hearing is waived, the matter shall be scheduled for a violation hearing. A waiver under this subsection shall be on a form approved by the Board and does not require an appearance before an examiner.

(b) *Violation hearing.*

(1) If a violation hearing is scheduled, it shall be held no later than 120 days after the preliminary hearing or waiver thereof. If a preliminary hearing is not required, the hearing shall be held within 120 days of the filing of the charges.

(2) A violation hearing shall be held before an examiner or a panel. If held before an examiner, the examiner who conducts the violation hearing may not be the examiner who conducted the preliminary hearing, if practicable.

(3) The Board will advise the interested parties of the time, date and place of the hearing.

(4) No later than 10 days prior to the hearing, the Department shall file and serve a notice of charges to advise the parolee of the following:

(i) That parolee has the right to be present during the entire proceeding, unless the parolee waives that right, refuses to appear or behaves disruptively.

(ii) That the parolee has the right to be represented by counsel.

(iii) The address of the public defender of the county where the parolee is detained or where the hearing will be held.

(iv) That there is no penalty for requesting counsel.

(v) The time, date and place of the hearing.

(vi) The violation or violations that have been alleged.

(vii) A description of the facts and circumstances of the violation or violations.

(viii) That the parolee may bring letters, documents, or individuals who can give relevant information to the examiner or panel.

(ix) That the parolee has the right to confront and cross-examine adverse witnesses, unless the examiner or panel specifically finds good cause for not allowing confrontation of the witness.

(5) No later than five days prior to the scheduled hearing, each interested party shall file and serve the other with any documents the interested party intends to introduce at the hearing.

(6) If a violation hearing is conducted by an examiner, the examiner shall prepare a written report and file it with the other panel member for decision. The report shall state:

(i) Which violation or violations have been proved by a preponderance of the evidence.

(ii) The evidence relied upon in making the decision.

(iii) A decision as to the disposition and the examiner's reasoning.

(7) If revocation is ordered, the revocation decision shall state the reasons for revocation.

(8) The decision shall be transmitted to the interested parties.

(9) The examiner or panel may not find that a violation was proved except by a preponderance of the evidence.

(10) A parolee may waive a violation hearing and admit to parole violations after being advised of the rights detailed in this section and served with a notice of charges. When a parolee waives a hearing and admits to a parole violation prior to a hearing being scheduled, the notice of charges need not include a hearing time, date or place. A waiver and admission under this subsection shall be on a form approved by the Board and does not require an appearance before an examiner.

§ 71.3. [Return for a new criminal charge] {Reserved}.

[The following procedures shall be followed if a parolee, not already detained after appropriate hearings for other criminal charges or technical violations, has been charged with a new criminal offense:

(1) A parolee may be detained on a Board warrant pending disposition of a criminal charge following the occurrence of one of the following:

(i) A district justice has conducted a criminal preliminary hearing and concluded that there is a prima facie case against the parolee.

(ii) The parolee waives a criminal preliminary hearing and is held for court.

(iii) The parolee is convicted of a crime at a trial before a judge of the Philadelphia Municipal Court or a district justice.

(iv) An examiner conducts a detention hearing.

(2) A parolee detained on a Board warrant upon the occurrence of one of the events enumerated in paragraph (1) may be held, without further hearing, pending disposition of the new criminal charge.

(3) If the decision of the agent, with concurrence of the district director, is to detain a parolee, the agent shall file a written report with the Board stating the reasons for detention.

(4) The Board may either concur in the decision of the agent to detain or reject the decision and order the parolee continued on parole pending disposition of the new criminal charge.

(5) If the Board concurs with the agent's decision to detain the parolee, the parolee shall be notified of the decision in writing.

(6) If an agent determines that a parolee poses a risk to the community or to self and that immediate incarceration or continued detention of the parolee is necessary, the agent shall apply to the district director for authorization to detain.

(7) If application is made under paragraph (6), the district director shall promptly grant or deny the request.

(8) If the application is granted, the parolee may be detained up to 30 days without the occurrence of one of the events enumerated in paragraph (1).

(9) The Board will follow the procedures generally governing preliminary hearings contained in § 71.2(1)--(8) (relating to procedure for violation of parole conditions) in conducting detention hearings, except that a detention hearing shall be held within 30 days of the parolee's detention. After the detention hearing, a panel shall determine whether to continue to detain the parolee pending disposition of the new criminal charge.

(10) In determining whether a parolee should be detained under this section, the agent and the district director shall consider the following criteria:

(i) Risk to the community if the parolee is not detained.

(ii) Evidence that the parolee has violated parole in a sufficiently serious manner to warrant return as a technical violator.

(iii) The history of the parolee while under supervision.

(iv) Whether the parolee is in delinquent status by absconding.

(v) Seriousness of the offense with which the parolee has been charged.

(vi) Possibility that the parolee may abscond from parole supervision if not detained.

(vii) Whether the new criminal charge involves an alleged use of a weapon or physical assault.

(viii) Whether the parolee already has another pending criminal charge.]

§ 71.3a. Detention hearing procedures.

(a) The Department shall file a report with the Board in all cases when a parolee is charged with a crime that could result in recommitment as a convicted parole violator.

(b) When the parolee has been detained by the Department prior to filing a report, the report shall include a notice of charges.

(c) The notice of charges shall advise the parolee of the following:

(1) That the parolee has the right to be present during the entire proceeding unless the parolee waives that right, refuses to appear or behaves disruptively.

(2) That the parolee may be represented by counsel and the address of the public defender of the county where the parolee is detained or where the hearing will be held.

(3) That there is no penalty for requesting counsel.

(4) That the purpose of the hearing is to determine whether the parolee should be detained pending resolution of the criminal charges.

(5) A description of the pending charges.

(6) That the parolee may appear and speak in the parolee's own behalf.

(7) That the parolee may bring letters, documents, or individuals who can give relevant information to the examiner.

(d) Following receipt of the Department's report, the Board will schedule a detention hearing or issue an order to continue the parolee on supervision, pending resolution of the criminal charges.

(e) If a detention hearing is scheduled, the Board will advise the interested parties of the time, date and place of the hearing.

(f) A detention hearing shall be held within 30 days of detention by the Department.

(g) If the parolee is not detained and the detention hearing is scheduled, it shall be held within 30 days of the filing of the Department's report.

(h) No later than five days prior to the scheduled hearing, each interested party shall file and serve the other with any documents the interested party intends to introduce at the detention hearing.

(i) The detention hearing shall be held before an examiner.

(j) Following the detention hearing, the examiner shall file a report with the Board that details the pending criminal charges, the evidence presented at the hearing and the parolee's supervision history. The report shall include a recommendation on detention.

(k) A detention hearing is not required if the parolee has already been detained after appropriate hearings for criminal charges or if a prima facie case has been established on the pending criminal charges.

(l) When a detention hearing is not required, the Board shall act on the report of the Department.

(m) A parolee may waive a detention hearing after being advised of the rights detailed in this section and served with a notice of charges. If a detention hearing is waived, the Board shall issue an order to detain pending resolution of the criminal charges. A waiver under this subsection shall be on a form approved by the Board and does not require an appearance before an examiner.

(n) A parolee who is detained pending resolution of criminal charges may be detained until the maximum expiration date of the sentence for which the parolee is on parole.

(o) The Board may direct the Department to file status reports during the pendency of the new criminal charges.

(p) Status reports shall advise the Board of the status of the pending criminal charges and include a recommendation as to whether detention should be continued.

(q) The Department shall file a report to the Board within 30 days if the charges that led to detention are resolved in a manner that precludes recommitment as a convicted parole violator.

§ 71.4. [Conviction for a new criminal offense] {Reserved}.

[The following procedures shall be followed before a parolee is recommitted as a convicted violator:

(1) A revocation hearing shall be held within 120 days from the date the Board received official verification of the plea of guilty or nolo contendere or of the guilty verdict at the highest trial court level except as follows:

(i) If a parolee is confined outside the jurisdiction of the Department of Corrections, such as confinement out-of-State, confinement in a Federal correctional institution or confinement in a county correctional institution where the parolee has not waived the right to a revocation hearing by a panel in accordance with *Commonwealth ex rel. Rambeau v. Rundle*, 455 Pa. 8, 314A.2d 842 (1973), the revocation hearing shall be held within 120 days of the official verification of the return of the parolee to a State correctional facility.

(ii) A parolee who is confined in a county correctional institution and who has waived the right to a revocation hearing by a panel in accordance with the *Rambeau* decision shall be

deemed to be within the jurisdiction of the Department of Corrections as of the date of the waiver.

(2) Prior to the revocation hearing, the parolee will be notified of the following:

(i) The right to a revocation hearing, the right to notice of the exact date and the right at the revocation hearing to be heard by a panel.

(ii) The right to retain counsel, the right to free counsel if unable to afford to retain counsel and the name and address of the public defender.

(iii) There is no penalty for requesting counsel.

(iv) The right to speak, to have voluntary witnesses appear and to present documentary evidence.

(v) The purpose of the hearing is to determine whether to revoke parole and that if revocation is ordered, the parolee will receive no credit for time spent at liberty on parole.

(3) If the parolee cannot afford counsel, the Board will notify the appropriate public defender by transmitting a copy of the written notice given to the parolee.

(4) The revocation hearing shall be held by a panel or, when the parolee has waived the right to a hearing by a panel, by an examiner.

(5) If a parolee appears without counsel at a revocation hearing, it shall first be determined whether the parolee understands the right to retain counsel, the right to free counsel if unable to afford counsel and that there is no penalty for requesting counsel. If the parolee then wishes to exercise the right to counsel, the panel or examiner shall terminate the proceedings and the revocation hearing shall be rescheduled.

(6) The parolee has the right to be present during the entire proceeding, unless the parolee waives that right, refuses to appear or behaves disruptively.

(7) If the hearing is conducted by an examiner, the examiner shall file a report with the other panel member for decision.

(8) If revocation is ordered, the revocation decision shall be transmitted to the parolee and to counsel of record.]

§ 71.4a. Recommitting a parolee for a subsequent criminal conviction.

(a) The Department shall file a report with the Board whenever a parolee is convicted or found guilty by a judge or jury, or pleads guilty or *nolo contendere*, to an offense that could result in recommitment as a convicted parole violator.

(b) The report required by subsection (a) shall contain information detailing the resolution of the criminal charges, a summary of the parolee's supervision history, and a request to recommit the parolee as a convicted parole violator or to continue the parolee on parole.

(c) Following receipt of the Department's report, the Board will schedule a revocation hearing or issue an order to continue the parolee on parole supervision.

(d) If the Board schedules a revocation hearing, the date, time and place of the hearing will be provided to the interested parties.

(e) Unless waived under subsection (i), a revocation hearing shall be held within 120 days of the date a parolee returns to the physical custody of the Department after conviction of the offense or offenses underlying the request to recommit as a convicted parole violator.

(f) No later than 10 days prior to the scheduled hearing, the Department shall file and serve to the parolee or the parolee's counsel, as applicable, a notice of charges to advise the parolee of the following:

(1) That the parolee has the right to be present during the entire proceeding unless the parolee waives that right, refuses to appear or behaves disruptively.

(2) That the parolee is entitled to representation by counsel and the address of the public defender of the county where the parolee is detained or where the hearing will be held.

(3) That there is no penalty for requesting counsel.

(4) The date, time and place of the hearing.

(5) The conviction or convictions that support the request to revoke parole.

(6) That the parolee may appear and speak in the parolee's own behalf.

(7) That the parolee may bring letters, documents, or individuals who can give relevant information to the examiner.

(8) That the purpose of the hearing is to determine whether to revoke parole and that if revocation is ordered, the parolee is not entitled to credit for time spent at liberty on parole.

(g) A revocation hearing shall be held before an examiner or a panel. When the hearing is conducted by an examiner, the examiner shall file a report with the other panel member for decision.

(h) The decision shall be transmitted to the interested parties.

(i) A parolee may waive a revocation hearing and admit to a parole violation or violations after being advised of the rights detailed in this section and served with a notice of charges. When a parolee waives a hearing and admits to a parole violation prior to a hearing being scheduled, the notice of charges need not include a hearing date, time or place. A waiver and admission under this subsection shall be on a form approved by the Board and does not require an appearance before an examiner.

§ 71.5. General.

(a) If the parolee is in **physical** custody in **a county prison, in the custody of** another state, or in Federal custody, the **[Board] Department** may lodge its detainer but other matters may be deferred until the parolee has been returned to a State correctional facility in this Commonwealth.

(b) In hearings conducted under this chapter, documentary evidence and reports, including, but not limited to, depositions, written interrogatories, affidavits, laboratory reports, business records, public records, official records and letters rogatory, may be utilized **[solely,]** if the panel or examiner is satisfied as to their authenticity, relevancy, accuracy and reliability.

(c) In determining the period for conducting hearings under this chapter, there shall be excluded from the period, a delay in any stage of the proceedings which is directly or indirectly attributable to one of the following:

(1) The unavailability of a parolee or counsel.

(2) Continuances granted at the request of a parolee or counsel, in which case the Board is not required to reschedule the hearing until it receives a written request to reschedule the hearing from the parolee or counsel.

(3) Reasonable or necessary continuances granted to, or occurrences related to, the Board or **[its employees] the Department**.

(4) **[A change of decision by a parolee either to waive the right to be heard by a panel after asserting it or to assert that right after waiving it. In this case, the hearing shall be held within 120 days of the last change of decision] {Reserved}**.

(5) An event which could not be reasonably anticipated or controlled by the Board **or the Department**, including, but not limited to, illness, injury, acts of nature and prison or civil disorder.

(d) The number of days set forth in this chapter shall be calculated as prescribed by 1 Pa.C.S. § 1908 (relating to computation of time).

(e) **[Notwithstanding § 71.4 (relating to conviction for a new criminal offense), the Board may defer the revocation hearing until either partial or full service of a new sentence which a parolee receives] {Reserved}**.

CHAPTER 73. SPECIAL RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE

§ 73.1. Appeals and petitions for administrative review.

(a) *Appeals.*

(1) An interested party[, **by counsel unless unrepresented,**] may appeal a revocation decision, **a decision rescinding an executed grant of parole, or a decision rescinding a grant of automatic reparole in cases of technical parole violators.** Appeals shall be received at the Board's Central Office within 30 days of the mailing date of the Board's order. When a timely

appeal of a revocation decision has been filed, the revocation decision will not be deemed final for purpose of appeal to a court until the Board has mailed its decision on the appeal. This subsection supersedes 1 Pa. Code § 35.226 (relating to final orders).

(2) The scope of review of an appeal will be limited to whether the decision is supported by substantial evidence, an error of law has been committed, or there has been a violation of constitutional law.

(3) **[The failure of an appeal to present with accuracy, brevity, clearness and specificity whatever is essential to a ready and adequate understanding of the factual and legal points requiring consideration will be a sufficient reason for denying the appeal.] An interested party shall file an appeal that is accurate, brief, clear and specific as to the facts and the law supporting the appeal. The failure of an interested party to provide an appeal that is accurate, brief, clear and specific as to the facts and the law is sufficient reason for denying the appeal.**

(4) Second or subsequent appeals and appeals which are out of time under these rules will not be received.

(b) Petitions for administrative review.

(1) **[A parolee, by counsel unless unrepresented,]** An interested party may petition for administrative review under this subsection of determinations relating to revocation decisions which are not otherwise appealable under subsection (a). Petitions for administrative review shall be received at the Board's Central Office within 30 days of the mailing date of the Board's determination. When a timely petition has been filed, the determination will not be deemed final

for purposes of appeal to a court until the Board has mailed its response to the petition for administrative review. This subsection supersedes 1 Pa. Code § 35.226.

(2) [The failure of a petition for administrative review to present with accuracy, brevity, clearness and specificity whatever is essential to a ready and adequate understanding of the factual and legal points requiring consideration will be a sufficient reason for denying the petition.] An interested party shall file a petition for administrative review that is accurate, brief, clear and specific as to the facts and the law supporting the petition. Failure of an interested party to file a petition that is accurate, brief, clear and specific as to the facts and the law is sufficient reason for denying the petition.

(3) Second or subsequent petitions for administrative review and petitions for administrative review which are out of time under this part will not be [received] accepted.

(4) An employee of the Board designated by the Chairperson may review and respond to a petition for administrative review.

CHAPTER 75. {RESERVED}.

§§ 75.1—75.4. {Reserved}.

CHAPTER 80. REENTRY SUPERVISION.

§ 80.1. Reentry Supervision.

(a) Persons subject to reentry supervision under 61 Pa.C.S. § 6137.2 (relating to reentry supervision) are subject to all authorities, rules and regulations applicable to parolees released to parole supervision by the Board.

(b) Persons subject to reentry supervision who are brought before the Board for alleged violations will be treated in accordance with all parole revocation provisions in Chapter 71 (relating to arrest and hearing for parole violators).

(1) When the Board has determined that a parolee has committed technical violations of parole during the period of reentry supervision, the Board may impose sanctions in agreement with technical parole violator recommitment guidelines up to 12 months as established by the Pennsylvania Commission on Sentencing under 42 Pa.C.S. §§ 2154.5 and 2154.6 (relating to adoption of guidelines for parole; and adoption of recommitment ranges following revocation of parole by the Board).

(2) When the Board has determined that a parolee has committed a criminal act during the period of reentry supervision and that criminal act results in a qualifying criminal conviction, the Board may impose sanctions in agreement with convicted parole violator recommitment guidelines up to 12 months as established by the Pennsylvania Commission on Sentencing under 42 Pa.C.S. §§ 2154.5 and 2154.6.

(c) Persons who have been granted any period of parole by the Board during the same period of incarceration shall be deemed to have served the requirements of reentry supervision and are not subject to parole revocation procedures for purposes of this section.



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

September 9, 2026

The Honorable George D. Bedwick, Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, Pennsylvania 17101

Re: Proposed Rulemaking
Pennsylvania Parole Board
Regulation No. 41-23 - Amendments to the Pennsylvania Parole Board Regulations
Title 37, Part II, §§ 61.1 to 80.1

Dear Chairman Bedwick:

Enclosed is a copy of a Proposed Rulemaking package from the Pennsylvania Parole Board pertaining to amendments of the Pennsylvania Parole Board regulations at 37 Pa. Code, Part II, §§ 61.1 to 80.1. The proposed amendments are intended to update regulations to conform with current legal requirements, technology, and Board practices.

The Pennsylvania Parole Board will be happy to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in black ink that reads "Jason A. Lambrino".

Jason A. Lambrino
Regulatory Counsel

Enclosures



From: [Shovlin, Ryan](#)
To: [Morales, Carissa \(GC\)](#); [lbaker](#)
Cc: [Lambrino, Jason](#); [Robinson, Alan](#); [Morales, Carissa \(GC\)](#)
Subject: Re: Formal Delivery of Proposed Regulation Package 41-23 - Title 37, Part II, §§ 61.1 to 80.1 – Response Requested
Date: Wednesday, September 9, 2026 8:08:07 AM
Attachments: [image001.png](#)

RECEIVED

Independent Regulatory
Review Commission

Received. Thank you!

September 9, 2026

From: Morales, Carissa (GC) <camorales@pa.gov>
Sent: Wednesday, 09 September 2026 07:49:57
To: Shovlin, Ryan <rshovlin@pasen.gov>; Baker, Senator Elisabeth <lbaker@pasen.gov>
Cc: Lambrino, Jason <jlambrino@pa.gov>; Robinson, Alan <alarobinso@pa.gov>; Morales, Carissa (GC) <camorales@pa.gov>
Subject: Formal Delivery of Proposed Regulation Package 41-23 - Title 37, Part II, §§ 61.1 to 80.1 – Response Requested

CAUTION : External Email

This Message Is From an External Sender

This message came from outside your organization.

Sent on Behalf of Regulatory Counsel Jason A. Lambrino, Esquire

Good morning, Senator Baker:

Attached please find the electronic delivery of the above-referenced rulemaking package.

Within your earliest convenience, please “**reply all**” to this email to formally accept and confirm service of the regulatory amendment package, as the IRRC requires copies of each delivery confirmation email in order to complete the submission for consideration.

Please let me know if you have any questions or concerns.

Thank you,
Carissa



Carissa M. Morales, MPA
Legal Analyst – Pennsylvania Parole Board
Governor’s Office of General Counsel
1101 South Front Street
Suite 5100
Harrisburg, PA 17104
Cell: (717) 916-0353

From: [Briggs, Tim](#)
To: [Morales, Carissa \(GC\)](#); [Vitale, David](#)
Cc: [Lambrino, Jason](#); [Robinson, Alan](#); [Morales, Carissa \(GC\)](#)
Subject: Re: Formal Delivery of Proposed Regulation Package 41-23 - Title 37, Part II, §§ 61.1 to 80.1 – Response Requested
Date: Wednesday, September 9, 2026 8:08:04 AM
Attachments: [image001.png](#)

RECEIVED

Independent Regulatory
Review Commission

Received. Thank you.

September 9, 2026

Tim Briggs

From: Morales, Carissa (GC) <camorales@pa.gov>
Sent: Wednesday, 09 September 2026 07:50:03
To: Briggs, Tim <TBriggs@pahouse.net>; Vitale, David <DVitale@pahouse.net>
Cc: Lambrino, Jason <jlambrino@pa.gov>; Robinson, Alan <alarobinso@pa.gov>; Morales, Carissa (GC) <camorales@pa.gov>
Subject: Formal Delivery of Proposed Regulation Package 41-23 - Title 37, Part II, §§ 61.1 to 80.1 – Response Requested

Sent on Behalf of Regulatory Counsel Jason A. Lambrino, Esquire

Good morning, Chairman Briggs:

Attached please find the electronic delivery of the above-referenced rulemaking package.

Within your earliest convenience, please “**reply all**” to this email to formally accept and confirm service of the regulatory amendment package, as the IRRC requires copies of each delivery confirmation email in order to complete the submission for consideration.

Please let me know if you have any questions or concerns.

Thank you,
Carissa



Carissa M. Morales, MPA
Legal Analyst – Pennsylvania Parole Board
Governor’s Office of General Counsel
1101 South Front Street
Suite 5100
Harrisburg, PA 17104
Cell: (717) 916-0353

PRIVILEGED AND CONFIDENTIAL COMMUNICATION

The information transmitted is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. Any use of this information other than by the intended recipient is

From: [PA Senator Amanda Cappelletti](#)
To: [Morales, Carissa \(GC\)](#); [PA Senator Amanda Cappelletti](#); [Phillips, Danielle](#)
Cc: [Lambrino, Jason](#); [Robinson, Alan](#)
Subject: RE: Formal Delivery of Proposed Regulation Package 41-23 - Title 37, Part II, §§ 61.1 to 80.1 – Response Requested
Date: Wednesday, September 9, 2026 10:55:37 AM
Attachments: [image001.png](#)

RECEIVED

Independent Regulatory
Review Commission

On behalf of Senator Cappelletti- Received, thank you!

September 9, 2026

Alexandra Fisher, LCSW

District Director

pronouns: she-her-hers

Senator Amanda M. Cappelletti | Senate District 17

Harrisburg Office: 717-787-5544

District Office: 610-768-4200 or 610-896-2832

PASenatorCappelletti.com

From: Morales, Carissa (GC) <camorales@pa.gov>
Sent: Wednesday, September 9, 2026 7:50 AM
To: PA Senator Amanda Cappelletti <cappelletti@pasenate.com>; Phillips, Danielle <Danielle.Phillips@pasenate.com>
Cc: Lambrino, Jason <jlambrino@pa.gov>; Robinson, Alan <alarobinso@pa.gov>; Morales, Carissa (GC) <camorales@pa.gov>
Subject: Formal Delivery of Proposed Regulation Package 41-23 - Title 37, Part II, §§ 61.1 to 80.1 – Response Requested
Importance: High

Sent on Behalf of Regulatory Counsel Jason A. Lambrino, Esquire

-
Good morning, Senator Cappelletti:

Attached please find the electronic delivery of the above-referenced rulemaking package.

Within your earliest convenience, please “**reply all**” to this email to formally accept and confirm service of the regulatory amendment package, as the IRRC requires copies of each delivery confirmation email in order to complete the submission for consideration.

Please let me know if you have any questions or concerns.

Thank you,
Carissa



Carissa M. Morales, MPA
Legal Analyst – Pennsylvania Parole Board
Governor's Office of General Counsel
1101 South Front Street
Suite 5100
Harrisburg, PA 17104
Cell: (717) 916-0353

RECEIVED

Independent Regulatory
Review Commission

September 9, 2026

PRIVILEGED AND CONFIDENTIAL COMMUNICATION

The information transmitted is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. Any use of this information other than by the intended recipient is prohibited. If you receive this message in error, please send a reply e-mail to the sender and delete the material from any and all computers. Unintended transmissions shall not constitute waiver of the attorney-client or any other privilege.

This message and any attachment may contain privileged or confidential information intended solely for the use of the person to whom it is addressed. If the reader is not the intended recipient then be advised that forwarding, communicating, disseminating, copying or using this message or its attachments is strictly prohibited. If you receive this message in error, please notify the sender immediately and delete the information without saving any copies.

From: [Steven Smith](#)
To: [Morales, Carissa \(GC\)](#); [Rob Kauffman](#)
Cc: [Lambrino, Jason](#); [Robinson, Alan](#)
Subject: RE: [EXTERNAL]: Formal Delivery of Proposed Regulation Package 41-23 - Title 37, Part II, §§ 61.1 to 80.1 – Response Requested
Date: Wednesday, September 9, 2026 8:43:46 AM
Attachments: [image001.png](#)

RECEIVED

Independent Regulatory
Review Commission

Received. Thank you.

September 9, 2026

Steven T. Smith, Esq.
Judiciary Committee (R)
329 Ryan Office Building
717.260.6468
ssmith@pahousegop.com

From: Morales, Carissa (GC) <camorales@pa.gov>
Sent: Wednesday, September 9, 2026 7:50 AM
To: Steven Smith <Ssmith@pahousegop.com>; Rob Kauffman <Rkauffma@pahousegop.com>
Cc: Lambrino, Jason <jlambrino@pa.gov>; Robinson, Alan <alarobinso@pa.gov>; Morales, Carissa (GC) <camorales@pa.gov>
Subject: [EXTERNAL]: Formal Delivery of Proposed Regulation Package 41-23 - Title 37, Part II, §§ 61.1 to 80.1 – Response Requested
Importance: High

Sent on Behalf of Regulatory Counsel Jason A. Lambrino, Esquire

Good morning, Chairman Kauffman:

Attached please find the electronic delivery of the above-referenced rulemaking package.

Within your earliest convenience, please “**reply all**” to this email to formally accept and confirm service of the regulatory amendment package, as the IRRC requires copies of each delivery confirmation email in order to complete the submission for consideration.

Please let me know if you have any questions or concerns.

Thank you,
Carissa



Carissa M. Morales, MPA
Legal Analyst – Pennsylvania Parole Board
Governor’s Office of General Counsel
1101 South Front Street
Suite 5100
Harrisburg, PA 17104
Cell: (717) 916-0353

From: [Bulletin](#)
To: [Morales, Carissa \(GC\)](#)
Cc: [Lambrino, Jason](#); [Robinson, Alan](#)
Subject: [External] Re: Formal Delivery of Proposed Regulation Package 41-23 - Title 37, Part II, §§ 61.1 to 80.1 – Response Requested
Date: Wednesday, September 9, 2026 7:58:19 AM
Attachments: [image001.png](#)

ATTENTION: *This email message is from an external sender. Do not open attachments or click links from unknown senders. To report suspicious email, use the [Report Phish button](#) in Outlook.*

Good morning Carissa!

Thank you for sending this proposed rulemaking. Someone will be in touch with you regarding the publication of this Proposed Rulemaking.

Have a great rest of your day!

RECEIVED

Independent Regulatory
Review Commission

September 9, 2026

Leah D. Brown
Legal Assistant
Pa. Code and Bulletin
501 North 3rd Street
647 Main Capitol Building
Harrisburg, PA 17120
Direct Number: (717) 783-2272
Main Office Number: (717) 783-1530

From: Morales, Carissa (GC) <camorales@pa.gov>
Sent: Wednesday, September 9, 2026 7:50 AM
To: Bulletin <bulletin@palrb.us>
Cc: Lambrino, Jason <jlambrino@pa.gov>; Robinson, Alan <alarobinso@pa.gov>; Morales, Carissa (GC) <camorales@pa.gov>
Subject: Formal Delivery of Proposed Regulation Package 41-23 - Title 37, Part II, §§ 61.1 to 80.1 – Response Requested

Sent on Behalf of Regulatory Counsel Jason A. Lambrino, Esquire

Good morning,

Attached please find the electronic delivery of the above-referenced rulemaking package.

Within your earliest convenience, please “**reply all**” to this email to formally accept and confirm service of the regulatory amendment package, as the IRRC requires copies of each delivery confirmation email in order to complete the submission for consideration.

Please let me know if you have any questions or concerns.

Thank you,
Carissa

RECEIVED

Independent Regulatory
Review Commission

September 9, 2026



Carissa M. Morales, MPA
Legal Analyst – Pennsylvania Parole Board
Governor's Office of General Counsel
1101 South Front Street
Suite 5100
Harrisburg, PA 17104
Cell: (717) 916-0353

PRIVILEGED AND CONFIDENTIAL COMMUNICATION

The information transmitted is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. Any use of this information other than by the intended recipient is prohibited. If you receive this message in error, please send a reply e-mail to the sender and delete the material from any and all computers. Unintended transmissions shall not constitute waiver of the attorney-client or any other privilege.