

consecutive sentences. An offender determined by the court to be ineligible for a recidivism risk reduction incentive minimum sentence for any of the sentences subject to aggregation shall be ineligible for a recidivism risk reduction incentive minimum sentence for the aggregated sentence.

(3) Notwithstanding paragraph (2), if the defendant was previously sentenced to two or more recidivism risk reduction incentive minimum sentences, the court may, in its discretion, with the approval of the prosecuting attorney, impose the recidivism risk reduction incentive minimum sentence as provided for in paragraph (2).

The board shall issue a decision to parole, without further review by the board, an inmate who has been sentenced to a recidivism risk reduction incentive minimum sentence at the expiration of that recidivism risk reduction incentive minimum sentence upon a determination that all of the following apply:

(1) The department certified that it has conducted an appropriate assessment of the treatment needs and risks of the inmate using nationally recognized assessment tools that have been normed and validated.

(2) The inmate has successfully completed all required recidivism risk reduction incentive programs or other programs designated in the program plan.

(5) The inmate has maintained a good conduct record following the imposition of the recidivism risk reduction incentive minimum sentence.

(6) The reentry plan for the inmate is adequate.

(7) Individual conditions and requirements for parole have been established.

(8) Notice and opportunity to be heard was provided by the board to the sentencing court and the prosecuting attorney in a manner consistent with section 6137(g)(2) (relating to parole power).

(9) The department has certified that the inmate continues to be an eligible offender. In the event that a recidivism risk reduction incentive minimum sentence was imposed under section 4505(b) (relating to sentencing), the department certifies that it has not received additional information demonstrating a history of past or present violent behavior which was not available at the time of sentencing and the prosecuting attorney was unaware of that information at the time of sentencing.

(10) There is no reasonable indication that the inmate poses a risk to public safety.

The information provided is not a complete review of the RRRI statute. For additional information and a complete list of criteria, see 61 Pa.C.S. Ch. 45.

# The Pennsylvania Department of Corrections



## RECIDIVISM RISK REDUCTION INCENTIVE (RRRI) 2026

### 61 Pa.C.S. Ch. 45

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## **Recidivism Risk Reduction Incentive**

RRRI is a legislative opportunity that ensures appropriate punishment for persons who commit non-violent crimes, encourages inmate participation in evidence-based programs that reduce the risks of future crime, and ensures the openness and accountability of the criminal justice process while ensuring fairness to crime victims.

### **RRRI Statutory Criteria**

At the time of sentencing, for an individual being committed to the custody of the DOC, **the court shall make a determination** whether the defendant is an eligible for RRRI.

The individual must meet all of the following eligibility requirements:

- (1) Does not demonstrate a history of present or past violent behavior.
- (2) Has not been subject to a sentence the calculation of which includes an enhancement for the use of a deadly weapon or the attorney for the Commonwealth has not demonstrated that the defendant has been found guilty of or was convicted of an offense involving a deadly weapon or offense under 18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles) or criminal attempt, criminal solicitation or criminal conspiracy to commit any of these offenses.
- (3) Has not been found guilty of or previously convicted of or adjudicated delinquent for or criminal attempt, criminal solicitation or criminal conspiracy to commit

murder, a crime of violence as defined in 42 Pa.C.S. § 9714(g) or a personal injury crime as defined under the Crime Victims Act, except for an offense under 18 Pa.C.S. § 2701 (relating to simple assault) when the offense is a misdemeanor of the third degree.

- (4) Has not been found guilty or previously convicted or adjudicated delinquent for violating any of the following or criminal attempt, criminal solicitation or criminal conspiracy to commit any of these offenses:
  - 18 Pa.C.S. § 4302(a) (relating to incest)
  - 18 Pa.C.S. § 5901 (relating to open lewdness)
  - 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet child pornography).
  - Received a criminal sentence pursuant to 42 Pa.C.S. § 9712.1 (relating to sentences for certain drug offenses committed with firearms).
  - Any offense listed under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders) or I (relating to continued registration of sexual offenders).
  - Drug trafficking as defined in section 4103 (relating to definitions).

(5) Is not awaiting trial or sentencing for additional criminal charges, if a conviction or sentence on the additional charges would cause the defendant to become ineligible under this definition.

### **Waivers**

The prosecuting attorney, in the prosecuting attorney's sole discretion, may advise the court that the Commonwealth has elected to waive the eligibility requirements of this chapter if the victim has

been given notice of the prosecuting attorney's intent to waive the eligibility requirements and an opportunity to be heard on the issue. The court, after considering victim input, may refuse to accept the prosecuting attorney's waiver of the eligibility requirements.

### **RRRI Minimum Sentence**

If the court determines that the defendant is an eligible offender or the prosecuting attorney has waived the eligibility requirements, the court shall provide notice of eligibility to the defendant and enter a sentencing order that does all of the following:

- (1) Imposes the minimum and maximum sentences.
- (2) Imposes the recidivism risk reduction incentive minimum sentence. The court shall direct the department to calculate the length of the sentence. The recidivism risk reduction incentive minimum shall be equal to three-fourths of the minimum sentence imposed when the minimum sentence is three years or less. The recidivism risk reduction incentive minimum shall be equal to five-sixths of the minimum sentence if the minimum sentence is greater than three years. For purposes of these calculations, partial days shall be rounded to the nearest whole day. In determining the recidivism risk reduction incentive minimum sentence, the aggregation provisions of 42 Pa.C.S. §§ 9757 (relating to consecutive sentences of total confinement for multiple offenses) and 9762(f) (relating to sentencing proceeding; place of confinement) shall apply and the recidivism risk reduction incentive minimum sentence shall be recalculated following the aggregation of