

State Drug Treatment Program and Boot Camp Program  
DOC Discretionary Crimes

The statutes for State Drug Treatment Program and the Boot Camp Program place great responsibility on the DOC to ensure we only place appropriate candidates into the program. When determining appropriateness, we consider all information we can obtain, including assessment information, candidate behavior, criminal history, supervision history, seriousness of the crimes(s), timeframes for release, and the Court and Commonwealth's support for the candidates.

The crimes listed below represent specific crimes and subsections that the Department of Corrections considers prior to admission into the State Drug Treatment Program and the Boot Camp Program. If these crimes are part of the candidate's current offense(s), then the crimes will most likely preclude admission into either program.

If an individual has one of the below crimes or a statutorily ineligible crime, the District Attorney may elect to provide a waiver of ineligibility. The Judge must agree to accept the waiver. This should be noted on the sentencing order. When a waiver of ineligibility is submitted, the DOC will conduct an in-depth review of the candidate and make a determination of appropriateness for the program.

**Title 18 PA Crimes**

|              |   |
|--------------|---|
| 2702(a)(3)   | Aggravated assault cause BI to police/enumerated persons              |
| 2702(a)(4)   | Aggravated assault cause BI w/ deadly weapon                          |
| 2702(a)(5)   | Aggravated assault-cause BI to teacher, etc.                          |
| 2702(a)(6)   | Aggravated assault-cause fear of imminent SBI                         |
| 2702(a)(7)   | Aggravated assault-use tear gas/electronic device ag. police, etc.    |
| 2702(a)(8)   | Aggravated assault-attempt/cause BI (against child <6 by person >=18) |
| 2702(a)(9)   | Aggravated assault-cause SBI (against child <13 by person >=18)       |
| 2703(a)      | Assault by prisoner   |
| 2703.1       | Aggravated harassment by prisoner                                     |
| 2706(a)(1)   | Terroristic threats directly/indirectly                               |
| 2707.1(a)    | Discharge of firearm into an occupied structure                       |
| 2709.1(a)(1) | Stalking  |
| 2709.1(a)(2) | Stalking  |
| 2713(a)(1)   | Neglect of care-dependent person                                      |

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|                 |   |
|-----------------|---|
| 3011(a)(3)      | Trafficking in individuals  |
| 3011(a)(4)      | Trafficking of individuals  |
| 3012            | Involuntary Servitude   |
| 3012(b)         | Means of subjecting an individual to involuntary servitude. - A person may subject an individual to involuntary servitude through any of the following means: |
| 3012(b)(1)      | Causing or threatening to cause serious harm to any individual.   |
| 3012(b)(2)      | Physically restraining or threatening to physically restrain another individual.  |
| 3012(b)(3)      | Kidnapping or attempting to kidnap any individual.  |
| 3013(a)         | Patronizing a victim of sexual servitude -  |
| 3013(a)(1)      | Patronizing a victim of sexual servitude  |
| 3013(a)(2)      | Patronizing a victim of sexual servitude  |
| 3122.1(1)(a)(1) | "Statutory sexual assault - F2 -  |
| 3124.3          | Sexual assault by sports official, volunteer or employee of nonprofit association.  |
| 3124.3(a)       | Sports official   |
| 3124.3(b)       | Volunteer or employee of nonprofit association  |
| 5903(c)         | Dissemination to minors   |
| 5903(c)(1)      | Dissemination to minors   |
| 5903(c)(2)      | Dissemination to minors   |
| 5903(d)         | Admitting minor to show   |

**Title 75 Pa Crimes**

|            |   |
|------------|---|
| 3732       | Homicide by vehicle.                              |
| 3732.1     | Aggravated assault by vehicle                     |
| 3735       | Homicide by vehicle while driving under influence |
| 3735(a)(1) | Homicide by vehicle while driving under influence |

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|                   |   |
|-------------------|---|
| 3735(a)(1)(i)     | Homicide by vehicle while driving under influence               |
| 3735(a)(1)(ii)    | Homicide by vehicle while driving under influence               |
| 3735(a)(1)(ii)(A) | Homicide by vehicle while driving under influence               |
| 3735(a)(1)(ii)(B) | Homicide by vehicle while driving under influence               |
| 3735(a)(1)(ii)(C) | Homicide by vehicle while driving under influence               |
| 3735(a)(1)(ii)(D) | Homicide by vehicle while driving under influence               |
| 3735(a)(1)(ii)(E) | Homicide by vehicle while driving under influence               |
| 3735.1            | Aggravated assault by vehicle while driving under the influence |

**Title 30 Pa Crimes**

|        |  |
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| 5502.1 | Homicide by watercraft while operating under influence |
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The Department of Corrections regularly reviews its criteria considerations. We must be cognizant of ever-evolving situations. Therefore, the discretionary criteria listed in this document may change at any point and without notice.

For specific questions, please contact:

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