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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 991

Session of  
1987

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INTRODUCED BY MELIO, CORRIGAN, MAINE, BURNS, KOSINSKI, LaGROTTA,  
McCALL, TRELLO, HALUSKA AND HAYDEN, APRIL 7, 1987

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REFERRED TO COMMITTEE ON JUDICIARY, APRIL 7, 1987

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, adding provisions  
3 relating to the sentencing of sex offenders.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Chapter 97 of Title 42 of the Pennsylvania  
7 Consolidated Statutes is amended by adding a subchapter to read:

8 CHAPTER 97

9 SENTENCING

10 \* \* \*

11 SUBCHAPTER H

12 SENTENCING OF SEX OFFENDERS

13 Sec.

14 9791. Order to undergo examination.

15 9792. Report of examination.

16 9793. Authority of court.

17 9794. Responsibilities of Secretary of Corrections.

18 9775. Parole.

1 § 9791. Order to undergo examination.

2 Whenever a person is convicted of violating 18 Pa.C.S. § 3121  
3 (relating to rape), 3122 (relating to statutory rape), 3123  
4 (relating to involuntary deviate sexual intercourse) or 3126  
5 (relating to indecent assault) or is convicted of violating 18  
6 Pa.C.S. § 901 (relating to criminal attempt) where the offense  
7 attempted is one of the foregoing offenses, the sentencing judge  
8 shall order that the person be referred to the proper  
9 Correctional Diagnostic and Classification Center, established  
10 under the act of July 29, 1953 (P.L.1435, No.411), entitled "An  
11 act relating to the more effective treatment of persons  
12 convicted of crime or committed as defective delinquents;  
13 creating in the Department of Justice correctional diagnostic  
14 and classification centers; providing for the diagnosis and  
15 classification of persons sentenced or committed by the courts  
16 to a State institution; fixing the responsibility for costs of  
17 transportation and maintenance of such persons; prescribing  
18 duties of the courts and the powers and duties of the Department  
19 of Justice relative thereto; making civil and criminal laws  
20 applicable to penitentiaries and persons therein or responsible  
21 therefor applicable in the case of the said institutions," for a  
22 period not to exceed ten days for the purpose of undergoing a  
23 complete physical and psychological examination.

24 § 9792. Report of examination.

25 Upon completion of the physical and psychological  
26 examination, but in no event later than 30 days after the date  
27 of the court's order of referral, a written report of the  
28 results of the examination shall be sent to the court.

29 § 9793. Authority of court.

30 (a) Program of specialized treatment.--If the physical and

1 psychological examination required by section 9791 (relating to  
2 order to undergo examination) reveals that the person's conduct  
3 was characterized by a pattern of repetitive, compulsive  
4 behavior, the court may, upon the recommendation of the  
5 Correctional Diagnostic and Classification Center, sentence the  
6 offender to the Correctional Diagnostic and Classification  
7 Center for a program of specialized treatment for the person's  
8 mental condition. No person, however, may be sentenced to a  
9 Correctional Diagnostic and Classification Center in the absence  
10 of a finding that the person's conduct was characterized by a  
11 pattern of repetitive, compulsive behavior.

12 (b) Other laws applicable to sentence.--If the court  
13 sentences a person under this subchapter, the court shall,  
14 notwithstanding the provisions of this subchapter, set the  
15 sentence in accordance with the applicable provisions of Title  
16 18 (relating to crimes and offenses) and this title.

17 (c) Probation.--As a alternative to incarceration, the court  
18 may, upon the written report and recommendation of the  
19 Correctional Diagnostic and Treatment Center, place the person  
20 on probation with the requirement, as a condition of probation,  
21 that the person receive outpatient psychological treatment in a  
22 manner to be prescribed in each individual case.

23 (d) Pattern of repetitive, compulsive behavior.--If it  
24 appears from the report of the examination made of the person  
25 that the offender's conduct was not characterized by a pattern  
26 of repetitive, compulsive behavior, the court shall not sentence  
27 the person under this subchapter.

28 § 9794. Responsibilities of Secretary of Corrections.

29 (a) Treatment.--The Secretary of Corrections, upon  
30 commitment of a person under this subchapter, shall provide for

1 the person's treatment in the appropriate Correctional  
2 Diagnostic and Treatment Center.

3 (b) Transfer.--The secretary may, in his discretion, order  
4 the transfer of a person sentenced under this subchapter from a  
5 Correctional Diagnostic and Treatment Center to a State  
6 institution. In the event of a transfer the conditions of  
7 confinement and release shall no longer be governed by this  
8 subchapter.

9 (c) Modification of sentence.--If, in the opinion of the  
10 secretary, continued confinement is not necessary, he shall move  
11 the sentencing judge for modification of the sentence originally  
12 imposed.

13 § 9795. Parole.

14 A person committed to confinement under this subchapter shall  
15 be released under parole supervision when it appears to the  
16 satisfaction of the Pennsylvania Board of Probation and Parole  
17 that the person is capable of making an acceptable social  
18 adjustment in the community. The chief executive officer of the  
19 appropriate Correctional Diagnostic and Classification Center  
20 shall report in writing at least semiannually to the Secretary  
21 of Corrections concerning the physical and psychological  
22 condition of a person confined under this subchapter. The report  
23 shall include a recommendation concerning continued confinement  
24 or release on parole.

25 Section 2. This act shall apply to offenses committed on or  
26 after the effective date of this act.

27 Section 3. This act shall take effect in 60 days.