

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 14

Session of
1991

INTRODUCED BY CALTAGIRONE, LaGROTTA, SAURMAN, GIGLIOTTI, DALEY,
KOSINSKI, STABACK, LAUGHLIN, HALUSKA, GODSHALL, KRUSZEWSKI,
BELFANTI, ANGSTADT, BOYES, JOHNSON, M. N. WRIGHT, WOGAN,
HERMAN, SURRA, KASUNIC, MIHALICH AND STEELMAN,
JANUARY 15, 1991

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,
APRIL 23, 1991

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for the arrest
3 and detention of persons wanted in other counties; AND
4 FURTHER PROVIDING FOR SENTENCING AND FOR INTERMEDIATE
5 PUNISHMENT. <—

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Chapter 91 of Title 42 of the Pennsylvania
9 Consolidated Statutes is amended by adding a subchapter to read:

10 CHAPTER 91

11 DETAINERS AND EXTRADITION

12 * * *

13 SUBCHAPTER C

14 INTER-COUNTY DETENTION

15 Sec.

16 9161. Arrest prior to requisition.

17 9162. Arrest without a warrant.

1 9163. Commitment to await requisition.

2 9164. Bail.

3 9165. Payment of costs and expenses.

4 § 9161. Arrest prior to requisition.

5 Whenever any person within this Commonwealth shall be charged
6 on the oath of any credible person before any judge or issuing
7 authority of this Commonwealth with the commission of any crime
8 in any other county of this Commonwealth, with having fled from
9 justice or having been convicted of a crime in that county and
10 having escaped from confinement or having broken the terms of
11 his bail, probation or parole, or whenever complaint shall have
12 been made before any judge or issuing authority in this
13 Commonwealth, setting forth on the affidavit of any credible
14 person on information received by way of computer check or other
15 means of electronic communication, or upon affidavit of a
16 credible person from the charging county that a crime has been
17 committed in such other county and that the accused has been
18 charged in such county with the commission of the crime, and has
19 fled from justice or with having been convicted of a crime in
20 that county and having escaped from confinement or having broken
21 the terms of his bail, probation or parole, and is believed to
22 be elsewhere in this Commonwealth, the judge or issuing
23 authority shall issue a warrant directed to any peace officer
24 commanding him to apprehend the person named therein wherever he
25 may be found in this Commonwealth and to bring him before the
26 same or any other judge or issuing authority who or which may be
27 available in, or convenient of, access to the place where the
28 arrest may be made to answer the charge or complaint and
29 affidavit, and a certified copy of the sworn charge or complaint
30 and affidavit upon which the warrant is issued shall be attached

1 to the warrant.

2 § 9162. Arrest without a warrant.

3 The arrest of a person may be lawfully made by any peace
4 officer or a private person without a warrant upon reasonable
5 information that the accused stands charged in the courts of
6 another county of this Commonwealth with a crime punishable by
7 death or imprisonment for a term exceeding one year, but when so
8 arrested the accused must be taken before a judge or issuing
9 authority with all practicable speed, and complaint must be made
10 against him under oath setting forth the ground for the arrest
11 as in section 9161 (relating to arrest prior to requisition),
12 and thereafter his answer shall be heard as if he had been
13 arrested on a warrant.

14 § 9163. Commitment to await requisition.

15 If from the examination before the judge or issuing authority
16 it appears that the person held is the person charged with
17 having committed the crime alleged, and that he has fled from
18 justice, the judge or issuing authority must, by a warrant
19 reciting the accusation, commit him to the county jail for such
20 a time, not exceeding five days, and specified in the warrant,
21 as will enable the arrest of the accused to be made under a
22 warrant of the charging county unless the accused gives bail as
23 provided in section 9164 (relating to bail), or until he shall
24 be legally discharged.

25 § 9164. Bail.

26 Unless the offense with which the prisoner is charged is
27 shown to be an offense punishable by death or life imprisonment
28 under the laws of this Commonwealth, a judge or issuing
29 authority in this Commonwealth may admit the person arrested to
30 bail by bond with sufficient sureties and in such sum as he

1 deems proper, conditioned for his appearance before him at a
2 time specified in such bond and for his surrender to be arrested
3 upon the warrant of the county in which the offense was
4 committed.

5 § 9165. Payment of costs and expenses.

6 All costs and expenses shall be paid out of the county
7 treasury in the county wherein charges were filed in connection
8 with the alleged crime.

9 SECTION 2. SECTION 9721(A) OF TITLE 42, AMENDED DECEMBER 19, <—
10 1990 (P.L.1196, NO.201), IS AMENDED AND THE SECTION IS AMENDED
11 BY ADDING A SUBSECTION TO READ:

12 § 9721. SENTENCING GENERALLY.

13 (A) GENERAL RULE.--IN DETERMINING THE SENTENCE TO BE IMPOSED
14 THE COURT SHALL, EXCEPT [WHERE A MANDATORY MINIMUM SENTENCE IS
15 OTHERWISE PROVIDED BY LAW] AS PROVIDED IN SUBSECTION (A.1),
16 CONSIDER AND SELECT ONE OR MORE OF THE FOLLOWING ALTERNATIVES,
17 AND MAY IMPOSE THEM CONSECUTIVELY OR CONCURRENTLY:

18 (1) AN ORDER OF PROBATION.

19 (2) A DETERMINATION OF GUILT WITHOUT FURTHER PENALTY.

20 (3) PARTIAL CONFINEMENT.

21 (4) TOTAL CONFINEMENT.

22 (5) A FINE.

23 (6) INTERMEDIATE PUNISHMENT.

24 (A.1) EXCEPTION.--UNLESS SPECIFICALLY AUTHORIZED UNDER
25 SECTION 9763 (RELATING TO SENTENCE OF INTERMEDIATE PUNISHMENT),
26 SUBSECTION (A) SHALL NOT APPLY WHERE A MANDATORY MINIMUM
27 SENTENCE IS OTHERWISE PROVIDED BY LAW.

28 * * *

29 SECTION 3. SECTION 9729(C)(3) OF TITLE 42, ADDED DECEMBER
30 19, 1990 (P.L.1196, NO.201), IS AMENDED TO READ:

1 § 9729. INTERMEDIATE PUNISHMENT.

2 * * *

3 (C) INELIGIBILITY.--

4 * * *

5 (3) [AN OFFENSE UNDER THIS SUBSECTION ALSO INCLUDES A
6 CONVICTION UNDER THE ACT OF APRIL 14, 1972 (P.L.233, NO.64),
7 KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC
8 ACT.] A PERSON SENTENCED UNDER 18 PA.C.S. § 6314 (RELATING TO
9 SENTENCING AND PENALTIES FOR TRAFFICKING DRUGS TO MINORS) OR
10 7508 (RELATING TO DRUG TRAFFICKING SENTENCING AND PENALTIES)
11 SHALL BE INELIGIBLE FOR SENTENCING UNDER THIS SECTION.

12 SECTION 4. THE AMENDMENT OR ADDITION OF 42 PA.C.S. §§
13 9721(A) AND (A.1) AND 9729(C)(3) SHALL APPLY TO SENTENCES
14 IMPOSED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT.

15 Section ~~2~~ 5. This act shall take effect immediately.

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