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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2702 Session of  
2018

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INTRODUCED BY RABB, RYAN, YOUNGBLOOD, STURLA, MURT, DEAN,  
A. DAVIS, J. HARRIS, SIMS AND DAVIDSON, OCTOBER 10, 2018

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REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 10, 2018

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in judicial boards and  
3 commissions, further providing for powers and duties and for  
4 adoption of guidelines for sentencing.

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

7 Section 1. Section 2153(a)(15) of Title 42 of the  
8 Pennsylvania Consolidated Statutes is amended by adding a  
9 subparagraph to read:

10 § 2153. Powers and duties.

11 (a) General rule.--The commission, pursuant to rules and  
12 regulations, shall have the power to:

13 \* \* \*

14 (15) Prior to adoption of changes to guidelines for  
15 sentencing, resentencing and parole, risk assessment  
16 instrument and recommitment ranges following revocation, use  
17 a correctional population simulation model to determine:

18 \* \* \*

19 (iii) A cost-benefit analysis of sentencing

1 alternatives authorized under Subchapter C of Chapter 97  
2 (relating to sentencing alternatives) or correctional  
3 programs authorized by 61 Pa.C.S. Pt. III (relating to  
4 inmate confinement) that is recommended by the  
5 commission.

6 \* \* \*

7 Section 2. Section 2154(a) of Title 42 is amended and the  
8 section is amended by adding a subsection to read:

9 § 2154. Adoption of guidelines for sentencing.

10 (a) General rule.--The commission shall adopt guidelines for  
11 sentencing within the limits established by law which shall be  
12 considered by the sentencing court in determining the  
13 appropriate sentence for defendants who plead guilty or nolo  
14 contendere to, or who were found guilty of, felonies and  
15 misdemeanors. In adopting guidelines, the commission shall  
16 recommend confinement that is consistent with the protection of  
17 the public, the gravity of the offense as it relates to the  
18 impact on the life of the victim and the community and the  
19 rehabilitative needs of the offender. The guidelines shall  
20 address the following:

21 (1) Seriousness of the offense, by specifying the range  
22 of sentences applicable to crimes of a given degree of  
23 gravity, including incapacitation of serious violent  
24 offenders.

25 (2) Criminal history, by specifying a range of sentences  
26 of increased severity for offenders previously convicted of  
27 or adjudicated delinquent for one or more misdemeanor or  
28 felony offenses committed prior to the current offense.

29 (3) Criminal behavior, by specifying a range of  
30 sentences of increased severity for offenders who pose a

1 substantial risk to public safety, including those who  
2 possessed or used a deadly weapon during the commission of  
3 the current conviction offense.

4 (4) Aggravated and mitigated ranges, by specifying  
5 variations from the range of sentences applicable on account  
6 of aggravating or mitigating circumstances.

7 [(5) The impact of any amendments to section 9756  
8 (relating to sentence of total confinement).]

9 (a.1) Cost-benefit analysis.--The commission shall provide  
10 information on the costs and benefits of the sentencing  
11 alternatives authorized under Subchapter C of Chapter 97  
12 (relating to sentencing alternatives) or correctional programs  
13 authorized under 61 Pa.C.S. Pt. III (relating to inmate  
14 confinement).

15 \* \* \*

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