

JUDICIAL CODE (42 PA.C.S.) - AMEND DETENTION OF PERSONS

Act of Jul. 11, 1991, P.L. 76, No. 13

Cl. 42

Session of 1991

No. 1991-13

HB 14

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the arrest and detention of persons wanted in other counties; and further providing for sentencing and for intermediate punishment.

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

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

CHAPTER 91
DETAINERS AND EXTRADITION
* * *

SUBCHAPTER C
INTER-COUNTY DETENTION

Sec.

9161. Arrest prior to requisition.

9162. Arrest without a warrant.

9163. Commitment to await requisition.

9164. Bail.

9165. Payment of costs and expenses.

§ 9161. Arrest prior to requisition.

Whenever any person within this Commonwealth shall be charged on the oath of any credible person before any judge or issuing authority of this Commonwealth with the commission of any crime in any other county of this Commonwealth, with having fled from justice or having been convicted of a crime in that county and having escaped from confinement or having broken the terms of his bail, probation or parole, or whenever complaint shall have been made before any judge or issuing authority in this Commonwealth setting forth on the affidavit of any credible person on information received by way of computer check or other means of electronic communication or upon affidavit of a credible person from the charging county that a crime has been committed in such other county and that the accused has been charged in such county with the commission of the crime and has fled from justice or with having been convicted of a crime in that county and having escaped from confinement or having broken the terms of his bail, probation or parole and is believed to be elsewhere in this Commonwealth, the judge or issuing authority shall issue a warrant directed to any peace officer commanding him to apprehend the person named therein wherever he may be found in this Commonwealth and to bring him before the same or any other judge or issuing authority who or which may be available in, or convenient of, access to the place where the arrest may be made to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

§ 9162. Arrest without a warrant.

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

§ 9163. Commitment to await requisition.

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

§ 9164. Bail.

Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of this Commonwealth, a judge or issuing authority in this Commonwealth may admit the person arrested to bail by bond with sufficient sureties and in such sum as he deems proper, conditioned for his appearance before him at a time specified in such bond and for his surrender to be arrested upon the warrant of the county in which the offense was committed.

§ 9165. Payment of costs and expenses.

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

Section 2. Section 9721(a) of Title 42, amended December 19, 1990 (P.L.1196, No.201), is amended and the section is amended by adding a subsection to read:

§ 9721. Sentencing generally.

(a) General rule.--In determining the sentence to be imposed the court shall, except [where a mandatory minimum sentence is otherwise provided by law] **as provided in subsection (a.1)**, consider and select one or more of the following alternatives, and may impose them consecutively or concurrently:

- (1) An order of probation.
- (2) A determination of guilt without further penalty.
- (3) Partial confinement.
- (4) Total confinement.
- (5) A fine.
- (6) Intermediate punishment.

(a.1) Exception.--Unless specifically authorized under section 9763 (relating to sentence of intermediate punishment), subsection (a) shall not apply where a mandatory minimum sentence is otherwise provided by law.

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Section 3. Section 9729(c)(3) of Title 42, added December 19, 1990 (P.L.1196, No.201), is amended to read:

§ 9729. Intermediate punishment.

* * *

(c) Ineligibility.--

* * *

(3) [An offense under this subsection also includes a conviction under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.] **A person sentenced under 18 Pa.C.S. § 6314 (relating to sentencing and penalties for trafficking drugs to minors) or 7508 (relating to drug trafficking sentencing and penalties) shall be ineligible for sentencing under this section.**

Section 4. The amendment or addition of 42 Pa.C.S. §§ 9721(a) and (a.1) and 9729(c)(3) shall apply to sentences imposed on or after the effective date of this act.

Section 5. This act shall take effect immediately.

APPROVED--The 11th day of July, A. D. 1991.

ROBERT P. CASEY