

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 613 Session of
2004

INTRODUCED BY GODSHALL, PERZEL, ARGALL, CAPPELLI, CLYMER,
CRAHALLA, CREIGHTON, DENLINGER, DERMODY, HALUSKA, HERSHEY,
JAMES, KELLER, LaGROTTA, LEH, MANDERINO, MYERS, PAYNE,
READSHAW, REICHLEY, R. STEVENSON, SURRA, THOMAS, TIGUE,
WALKO, WATERS, WHEATLEY AND BOYD, MARCH 18, 2004

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 18, 2004

A RESOLUTION

1 Directing the Judiciary Committee to direct and oversee a study
2 conducted by the Pennsylvania Commission on Sentencing on the
3 use and impact of mandatory minimum sentences.

4 WHEREAS, Certain conduct prohibited under the Crimes Code,
5 Title 18 of the Pennsylvania Consolidated Statutes, including,
6 but not limited to, criminal offenses committed while using or
7 displaying a firearm, and under other acts of the General
8 Assembly provide for the imposition of a mandatory minimum
9 sentence; and

10 WHEREAS, Broad discretion is given to the Commonwealth to
11 determine appropriate charges, including whether to provide
12 notice of any applicable mandatory minimum sentence and whether
13 to seek the sentence; and

14 WHEREAS, The Commonwealth is required to provide notice to
15 the defendant that his alleged conduct, if proven, may be
16 subject to a mandatory minimum sentence and that the
17 Commonwealth intends to pursue the sentence; and

1 WHEREAS, Once notice of an applicable mandatory minimum
2 sentence is given to a defendant, the Commonwealth continues to
3 have broad discretion to enter into plea agreements, including
4 the withdrawal of any notice previously given; and

5 WHEREAS, If the Commonwealth seeks the imposition of a
6 mandatory minimum sentence, the conduct requiring the imposition
7 of a mandatory minimum sentence must be proven beyond a
8 reasonable doubt; and

9 WHEREAS, Knowledge that a guilty plea or guilty verdict for
10 any offense requires the imposition of a mandatory minimum
11 sentence may affect the plea or verdict particularly in judicial
12 districts with heavy dockets; and

13 WHEREAS, Mandatory minimum sentences limit the discretion of
14 a sentencing judge; and

15 WHEREAS, Imposition of a mandatory minimum sentence may
16 affect an offender's eligibility for rehabilitation programs and
17 early release; and

18 WHEREAS, The existence of statutes requiring the imposition
19 of mandatory minimum sentences can affect all aspects of the
20 criminal justice system; and

21 WHEREAS, The will of the General Assembly in enacting
22 mandatory minimum sentence provisions can be affected by the
23 manner in which these provisions are utilized; and

24 WHEREAS, The House of Representatives should be knowledgeable
25 about the use and impact of mandatory minimum sentences on the
26 criminal justice system in this Commonwealth; therefore be it

27 RESOLVED, That the House of Representatives direct the
28 Judiciary Committee to utilize, as deemed appropriate by the
29 chairman, the experience, knowledge and services of the
30 Pennsylvania Commission on Sentencing to study the use and

1 impact of mandatory minimum sentences on the criminal justice
2 system in this Commonwealth; and be it further

3 RESOLVED, That the Judiciary Committee, with regard to all
4 matters related to the study, provide direction and oversight to
5 the Pennsylvania Commission on Sentencing as it assists the
6 committee with this undertaking; and be it further

7 RESOLVED, That the Pennsylvania Commission on Sentencing
8 report to the House of Representatives through the Judiciary
9 Committee on its activities, findings and recommendations; and
10 be it further

11 RESOLVED, That the expenses incurred by the Judiciary
12 Committee and the Pennsylvania Commission on Sentencing in
13 carrying out its responsibilities, including per diem and travel
14 expenses incurred by members and regular staff, stenographic
15 charges and other incidental expenses, be paid from appropriate
16 accounts under the control of the Chief Clerk and be in addition
17 to any other expenses authorized by the chairman and minority
18 chairman and approved by the Speaker of the House of
19 Representatives, or Majority Leader in consultation with the
20 Minority Leader, for expenses for contractors, consultants and
21 staff; and be it further

22 RESOLVED, That the chairman of the Judiciary Committee, with
23 the report of the Pennsylvania Commission on Sentencing made
24 through the Judiciary Committee, cause a record of all expenses
25 incurred by the Judiciary Committee or the members thereof,
26 which are payable at Commonwealth expense to be filed with the
27 Chief Clerk.