

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1094 Session of  
1989

INTRODUCED BY SAURMAN, CAWLEY, MORRIS, MARSICO, O'BRIEN,  
HALUSKA, VEON, CLYMER, E. Z. TAYLOR, NOYE, REBER, WOZNIAK,  
WOGAN, ALLEN, TRELLO, GEIST, LASHINGER, BUNT, D. F. CLARK,  
J. H. CLARK, WILSON, MOEHLMANN AND CORNELL, APRIL 10, 1989

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 10, 1989

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 place of confinement.

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

6 Section 1. Section 9762 of Title 42 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 9762. Sentencing proceeding; place of confinement.

9 All persons sentenced to total or partial confinement for:

10 (1) maximum terms of five or more years shall be  
11 committed to the Bureau of Correction for confinement unless  
12 paragraph (4) applies;

13 (2) maximum terms of two years or more but less than  
14 five years may be committed to the Bureau of Correction for  
15 confinement or may be committed to a county prison within the  
16 jurisdiction of the court unless paragraph (4) applies;

17 (3) maximum terms of less than two years shall be

1 committed to a county prison within the jurisdiction of the  
2 court except that as facilities become available on dates and  
3 in areas designated by the Governor in proclamations  
4 declaring the availability of State correctional facilities,  
5 such persons may be committed to the Bureau of Correction for  
6 confinement unless paragraph (4) applies; and

7 (4) terms under 75 Pa.C.S. § 3735 (relating to homicide  
8 by vehicle while driving under influence) may be committed to  
9 a county prison within the jurisdiction of the court.

10 Section 2. This act shall apply to defendants who are  
11 sentenced after the effective date of this act.

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