
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2219 Session of
1976

INTRODUCED BY DAVIES, M. E. MILLER JR., MILLIRON, ZELLER, HASAY,
WHELAN, WAGNER, WEIDNER, PYLES, McCLATCHY, VROON, SCHEAFFER,
FAWCETT, POLITE, E. H. SMITH, W. W. FOSTER, TURNER, LEVI,
D. S. HAYES AND STAPLETON, MARCH 11, 1976

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 22, 1976

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes further providing for probation and
3 further limiting the availability of parole for certain
4 offenses.

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

7 Section 1. Sections 1322, subsection (c) of section 1354,
8 and subsection (c) of section 1356 of Title 18, act of November
9 27, 1970 (P.L.707, No.230), known as the Pennsylvania
10 Consolidated Statutes, added December 30, 1974 (P.L.1052,
11 No.345), are amended to read:

12 § 1322. Order of probation.

13 The following grounds, while not controlling the discretion
14 of the court, shall be accorded weight in favor of an order of
15 probation:

16 (1) The criminal conduct of the defendant neither caused
17 nor threatened serious harm.

18 (2) The defendant did not contemplate that his conduct

1 would cause or threaten serious harm.

2 (3) The defendant acted under a strong provocation.

3 (4) There were substantial grounds tending to excuse or
4 justify the criminal conduct of the defendant, though failing
5 to establish a defense.

6 (5) The victim of the criminal conduct of the defendant
7 induced or facilitated its commission.

8 (6) The defendant has compensated or will compensate the
9 victim of his criminal conduct for the damage or injury that
10 he sustained.

11 (7) The defendant has no history of prior delinquency or
12 criminal activity or has led a law-abiding life for a
13 substantial period of time before the commission of the
14 present crime.

15 (8) The criminal conduct of the defendant was the result
16 of circumstances unlikely to recur.

17 (9) The character and attitudes of the defendant
18 indicate that he is unlikely to commit another crime.

19 (10) The defendant is particularly likely to respond
20 affirmatively to probationary treatment.

21 (11) The confinement of the defendant would entail
22 excessive hardship to him or his dependents.

23 (11.1) The defendant suffers from a learning disability
24 which is capable of rehabilitative treatment.

25 (12) Such other grounds as indicate the desirability of
26 probation.

27 § 1354. Order of probation.

28 * * *

29 (c) Specific conditions.--The court may as a condition of
30 its order require the defendant:

- 1 (1) To meet his family responsibilities.
- 2 (2) To devote himself to a specific occupation or
3 employment.
- 4 (3) To undergo available medical or psychiatric
5 treatment and to enter and remain in a specified institution,
6 when required for that purpose.
- 7 (4) To pursue a prescribed secular course of study or
8 vocational training.
- 9 (5) To attend or reside in a facility established for
10 the instruction, recreation, or residence of persons on
11 probation.
- 12 (6) To refrain from frequenting unlawful or disreputable
13 places or consorting with disreputable persons.
- 14 (7) To have in his possession no firearm or other
15 dangerous weapon unless granted written permission.
- 16 (8) To make restitution of the fruits of his crime or to
17 make reparations, in an amount he can afford to pay, for the
18 loss or damage caused thereby.
- 19 (9) To remain within the jurisdiction of the court and
20 to notify the court or the probation officer of any change in
21 his address or his employment.
- 22 (10) To report as directed to the court or the probation
23 officer and to permit the probation officer to visit his
24 home.
- 25 (11) To pay such fine as has been imposed.
- 26 (12) To participate in drug or alcohol treatment
27 programs.
- 28 (12.1) To participate in a rehabilitative program for
29 the correction of learning disabilities.
- 30 (13) To satisfy any other conditions reasonably related

1 to the rehabilitation of the defendant and not unduly
2 restrictive of his liberty or incompatible with his freedom
3 of conscience.

4 * * *

5 § 1356. Sentence of total confinement.

6 * * *

7 (c) Prohibition of parole.--Except in the case of murder of
8 the first degree, the court may impose a sentence to
9 imprisonment without the right to parole only when:

10 (1) a summary offense is charged;

11 (2) sentence is imposed for nonpayment of fines or
12 costs, or both, in which case the sentence shall specify the
13 number of days to be served; and

14 (3) the maximum term or terms of imprisonment imposed on
15 one or more indictments to run consecutively or concurrently
16 total less than 30 days.

17 Without regard to any other restriction imposed by law, the
18 court shall impose a sentence to imprisonment without the right
19 to parole when an individual in the violation of any provision
20 of this act uses an offensive weapon as defined in section
21 908(c) or violates for the second or subsequent time the
22 provisions of sections 3121 and 3123.

23 * * *

24 Section 2. This act shall take effect in 60 days.