
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 755 Session of
2005

INTRODUCED BY BROWNE AND EARLL, JUNE 13, 2005

REFERRED TO JUDICIARY, JUNE 13, 2005

AN ACT

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

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;

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

16 (3) maximum terms of less than two years shall be
17 committed to a county prison within the jurisdiction of the
18 court except that as facilities become available on dates and

1 in areas designated by the Governor in proclamations
2 declaring the availability of State correctional facilities,
3 such persons may be committed to the Bureau of Correction for
4 confinement.]

5 (a) Place of confinement.--All persons convicted of a crime
6 on or after January 1, 2005, and sentenced to total confinement
7 for:

8 (1) Maximum terms of two or more years shall be
9 committed to the Department of Corrections for confinement.

10 (2) Maximum terms of less than two years shall be
11 committed to a county prison within the jurisdiction of the
12 court.

13 (b) County option.--

14 (1) Persons sentenced to total or partial confinement by
15 a court to a maximum term of imprisonment of two or more but
16 less than five years may be committed to the county jail or
17 prison if the county prison board or other equivalent county
18 prison policymaking entity, with the written consent of the
19 county commissioners, or the equivalent governing authority
20 of the county correctional facility, or the mayor, in cities
21 of the first class, certifies that there is available
22 capacity in the county jail or prison for such sentenced
23 prisoners.

24 (2) The Department of Corrections shall develop
25 guidelines to be made available to counties for their use in
26 determining available capacity for offenders sentenced under
27 this section. Such guidelines shall consider available
28 physical space and availability of programs.

29 (3) Nothing in this section shall be construed to give
30 any person or entity any legal right to compel county

1 imprisonment of any prisoner sentenced to a maximum sentence
2 of two or more but less than five years' imprisonment.

3 (4) The term of imprisonment referred to in this
4 subsection shall be in accordance with the aggregation
5 provisions of this section.

6 (c) Aggregation of consecutive sentences.--Under this
7 section, aggregation of consecutive sentences is automatic and
8 mandatory with regard to the place of confinement regardless of
9 whether the sentences were imposed on the same day or on
10 different days.

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