

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1130 Session of
1987

INTRODUCED BY GREENLEAF, BRIGHTBILL, O'PAKE, STAUFFER, FISHER,
WENGER, SCANLON, HELFRICK, MADIGAN AND SALVATORE, OCTOBER 19,
1987

REFERRED TO JUDICIARY, OCTOBER 19, 1987

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, making revisions to the
3 provisions regarding the Pennsylvania sentencing guidelines.

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

6 Section 1. Section 2155 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 2155. Publication of guidelines for sentencing.

9 (a) General rule.--The commission shall:

10 (1) Prior to adoption, publish in the Pennsylvania
11 Bulletin all proposed [initial and subsequent] sentencing
12 guidelines and hold public hearings not earlier than 30 days
13 and not later than 60 days thereafter to afford an
14 opportunity for the following persons and organizations to
15 testify:

16 (i) Pennsylvania District Attorneys Association.

17 (ii) Chiefs of Police Associations.

- (iii) Fraternal Order of Police.
- (iv) Public Defenders Organization.
- (v) Law school faculty members.
- (vi) State Board of Probation and Parole.
- (vii) Bureau of Correction.
- (viii) Pennsylvania Bar Association.
- (ix) Pennsylvania Wardens Association.
- (x) Pennsylvania Association on Probation, Parole
and Corrections.
- (xi) Pennsylvania Conference of State Trial Judges.
- (xii) Any other interested person or organization.

(2) Publish in the Pennsylvania Bulletin [all initial
and subsequent] sentencing guidelines as adopted by the
commission.

[(3) Adopt and publish in the Pennsylvania Bulletin
pursuant to subsection (a)(2) the initial sentencing
guidelines within 21 months of the first meeting of the
Pennsylvania Commission on Sentencing.]

(b) Rejection by General Assembly.--[The] Subject to
gubernatorial review pursuant to section 9 of Article III of the
Constitution of Pennsylvania, the General Assembly may by
concurrent resolution reject in their entirety any [initial or
subsequent] guidelines adopted by the commission within 90 days
of their publication in the Pennsylvania Bulletin pursuant to
subsection (a)(2).

(c) Effective date.--[Initial and any subsequent] Sentencing
guidelines adopted by the commission shall become effective 180
days after publication in the Pennsylvania Bulletin pursuant to
subsection (a)(2) unless [rejected in their entirety by the
General Assembly by a concurrent resolution within 90 days of

1 their publication] disapproved pursuant to subsection (b). If
2 not [rejected by the General Assembly] disapproved, the
3 commissioners shall conduct training and orientation for trial
4 court judges prior to the effective date of the guidelines.

5 Section 2. Any sentencing guidelines adopted by the
6 Pennsylvania Commission on Sentencing and disapproved by the
7 General Assembly prior to the effective date of this act shall
8 be deemed null and void upon the adoption of sentencing
9 guidelines subsequent to the effective date of this act and
10 pursuant to this section of this act. Notwithstanding the
11 requirements set forth in 42 Pa.C.S. § 2155 (relating to
12 publication of guidelines for sentencing), said guidelines shall
13 be adopted by the commission and published in the Pennsylvania
14 Bulletin within 20 days of the effective date of this act. The
15 General Assembly shall take any action permitted pursuant to 42
16 Pa.C.S. § 2155(b) within 30 days from the date that the
17 guidelines are published in the Pennsylvania Bulletin, and said
18 guidelines shall become effective 30 days after publication in
19 the Pennsylvania Bulletin unless disapproved pursuant to 42
20 Pa.C.S. § 2155(b). The guidelines shall apply to all offenses
21 committed on or after the effective date of the adopted
22 guidelines.

23 Section 3. This act shall take effect immediately.