

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

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, FEBRUARY 22, 1988

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.

- (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] 90 days after publication in the Pennsylvania Bulletin
pursuant to subsection (a)(2) unless [rejected in their entirety

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1 by the General Assembly by a concurrent resolution within 90
2 days of their publication] disapproved pursuant to subsection
3 (b). If not [rejected by the General Assembly] disapproved, the
4 commissioners shall conduct training and orientation for trial
5 court judges prior to the effective date of the guidelines.

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

24 SECTION 2. ANY SENTENCING GUIDELINES ADOPTED BY THE <—
25 PENNSYLVANIA COMMISSION ON SENTENCING AND DISAPPROVED BY THE
26 GENERAL ASSEMBLY PRIOR TO THE EFFECTIVE DATE OF THIS ACT SHALL
27 BE DEEMED NULL AND VOID UPON THE ADOPTION OF SENTENCING
28 GUIDELINES SUBSEQUENT TO THE EFFECTIVE DATE OF THIS ACT AND
29 PURSUANT TO THIS SECTION. NOTWITHSTANDING THE REQUIREMENTS SET
30 FORTH IN 42 PA.C.S. § 2155 (RELATING TO PUBLICATION OF

1 GUIDELINES FOR SENTENCING), THOSE GUIDELINES PUBLISHED IN THE
2 PENNSYLVANIA BULLETIN ON DECEMBER 5, 1987, AND ADOPTED BY THE
3 COMMISSION ON FEBRUARY 22, 1988, SHALL BE SUBMITTED TO THE
4 STANDING COMMITTEE OF EACH HOUSE OF THE GENERAL ASSEMBLY WHICH
5 HAS BEEN DESIGNATED TO PERFORM THE RESPONSIBILITIES ESTABLISHED
6 PURSUANT TO THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS
7 THE REGULATORY REVIEW ACT, RELEVANT TO THE COMMISSION WITHIN
8 FIVE DAYS OF THE EFFECTIVE DATE OF THIS ACT; AND THE GENERAL
9 ASSEMBLY MAY, BY CONCURRENT RESOLUTION, REJECT IN THEIR ENTIRETY
10 SAID GUIDELINES WITHIN 30 DAYS FROM THE DATE THAT SAID
11 GUIDELINES ARE SUBMITTED TO THE DESIGNATED STANDING COMMITTEE OF
12 EACH HOUSE OF THE GENERAL ASSEMBLY, AND SAID GUIDELINES SHALL
13 BECOME EFFECTIVE 30 DAYS AFTER SUCH SUBMITTAL UNLESS DISAPPROVED
14 PURSUANT TO THIS SECTION. THE GUIDELINES SHALL APPLY TO ALL
15 OFFENSES COMMITTED ON OR AFTER THE EFFECTIVE DATE OF THE ADOPTED
16 GUIDELINES.

17 Section 3. This act shall take effect immediately.