

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1498

Session of
1985

INTRODUCED BY McHALE, PICCOLA, HAGARTY, SWEET, ITKIN, CHADWICK,
MOEHLMANN, PRATT AND BALDWIN, JUNE 25, 1985

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 22, 1985

AN ACT

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

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

6 Section 1. Section 2154 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 2154. Adoption of guidelines for sentencing.

9 (a) General rule.--The commission shall adopt guidelines for
10 sentencing within the limits established by law which shall be
11 considered by the sentencing court in determining the
12 appropriate sentence for [felonies and misdemeanors committed by <—
13 a defendant.] DEFENDANTS WHO PLEAD GUILTY OR NOLO CONTENDERE TO, <—
14 OR WHO WERE FOUND GUILTY OF, FELONIES AND MISDEMEANORS. The
15 guidelines shall:

16 (1) Specify the range of sentences applicable to crimes
17 of a given degree of gravity.

1 (2) Specify a range of sentences of increased severity
2 for defendants previously convicted of [a felony or felonies
3 or convicted of a crime involving the use of a deadly
4 weapon.] or adjudicated delinquent for:

5 (i) A felony or felonies as specified by the
6 commission.

7 (ii) A misdemeanor or misdemeanors as specified by
8 the commission.

9 (3) Specify a range of sentences of increased severity
10 for defendants who possessed a deadly weapon during the
11 commission of the current conviction offense.

12 [(3)] (4) Prescribe variations from the range of
13 sentences applicable on account of aggravating or mitigating
14 circumstances.

15 (b) Definition.--As used in this section the term
16 "possessed" means on the defendant's person or within his
17 immediate physical control.

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