

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2551** Session of  
2002

INTRODUCED BY WATERS, J. WILLIAMS, BISHOP, MYERS, THOMAS,  
ROBINSON, YOUNGBLOOD, HERSHEY, LEDERER, PALLONE, STABACK,  
SURRA, CREIGHTON, CRUZ, JAMES, LAUGHLIN, MELIO, READSHAW,  
STURLA, TRELLO AND HENNESSEY, APRIL 10, 2002

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 10, 2002

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 sentencing generally; providing for drug treatment program;  
4 and further providing for partial confinement.

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

7 Section 1. Section 9721(a) of Title 42 of the Pennsylvania  
8 Consolidated Statutes is amended to read:

9 § 9721. Sentencing generally.

10 (a) General rule.--In determining the sentence to be imposed  
11 the court shall, except as provided in subsection (a.1),  
12 consider and select one or more of the following alternatives,  
13 and may impose them consecutively or concurrently:

14 (1) An order of probation.

15 (2) A determination of guilt without further penalty.

16 (3) Partial confinement.

17 (4) Total confinement.

18 (5) A fine.

1 (6) Intermediate punishment.

2 (7) Drug treatment program.

3 \* \* \*

4 Section 2. The act is amended by adding a section to read:

5 § 9730.2. Drug treatment program.

6 (a) General rule.--Any person who is convicted of violating  
7 section 13(a)(14), (30) or (37) of the act of April 14, 1972  
8 (P.L.233, No.64), known as The Controlled Substance, Drug,  
9 Device and Cosmetic Act, and who tests positive for drug use may  
10 participate in a drug treatment program.

11 (b) Expungement.--Upon successful completion of the drug  
12 treatment program, any records of arrest or prosecution shall be  
13 promptly expunged. No person shall be permitted to learn of an  
14 expunged arrest or prosecution directly or indirectly.

15 Section 3. Section 9755(c) of Title 42 is amended to read:  
16 § 9755. Sentence of partial confinement.

17 \* \* \*

18 (c) Purposes for partial release.--The court may in its  
19 order grant the defendant the privilege of leaving the  
20 institution during necessary and reasonable hours for any of the  
21 following purposes:

22 (1) To work at his employment.

23 (2) To seek employment.

24 (3) To conduct his own business or to engage in other  
25 self-employment, including housekeeping and attending to the  
26 needs of the family.

27 (4) To attend an educational institution or participate  
28 in a course of vocational training.

29 (5) To obtain medical treatment.

30 (6) To devote time to any other purpose approved by the

1 court.

2 (7) To participate in a drug treatment program.

3 \* \* \*

4 Section 4. This act shall take effect in 60 days.