

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 12

Session of 2007

INTRODUCED BY VITALI, CALTAGIRONE, CLYMER, COHEN, CREIGHTON, CURRY, DALEY, FRANKEL, GOODMAN, HARPER, HENNESSEY, JAMES, JOSEPHS, LEACH, LEVDANSKY, MARKOSEK, MUNDY, PAYTON, PRESTON, READSHAW, ROEBUCK, STABACK, WALKO, WHEATLEY, YOUNGBLOOD, LONGIETTI, SCAVELLO, WANSACZ, FABRIZIO, PETRARCA, DENLINGER AND MAHONEY, JANUARY 30, 2007

AS AMENDED, HOUSE OF REPRESENTATIVES, OCTOBER 16, 2007

A RESOLUTION

1 Directing the Pennsylvania Commission on Sentencing to conduct a
2 study on the use and impact of mandatory minimum sentences.

3 WHEREAS, A "mandatory minimum sentence" refers to a
4 statutorily defined minimum term of imprisonment that a court is
5 required to impose on a defendant at sentencing; and

6 WHEREAS, Certain conduct prohibited under the Crimes Code,
7 Title 18 of the Pennsylvania Consolidated Statutes, including,
8 but not limited to, criminal offenses committed with firearms,
9 drug offenses and crimes against children and the elderly, and
10 under other acts of the General Assembly provide for the
11 imposition of a mandatory minimum sentence; and

12 WHEREAS, CRIMINAL RECIDIVISM ACCOUNTS FOR A SUBSTANTIAL
13 PERCENTAGE OF ALL VIOLENT AND OTHER SERIOUS CRIMES IN THIS
14 COMMONWEALTH; AND

15 WHEREAS, MANDATORY MINIMUM SENTENCES MAY BE PARTICULARLY
16 EFFECTIVE FOR REPEAT OFFENDERS TO INTERRUPT THE LIFE CYCLE OF

<—

1 VIOLENT AND OTHER SERIOUS CRIMES; AND

2 WHEREAS, Mandatory minimum sentences significantly increase
3 the cost of corrections by imposing longer prison terms and
4 increasing the prison population; and

5 WHEREAS, Nationwide there is a lack of information on the
6 cost-effectiveness, deterrence and justice of mandatory minimum
7 sentences; and

8 WHEREAS, Mandatory minimum sentences may have a greater
9 effect on deterring certain types of crime than others; and

10 WHEREAS, The term of a mandatory minimum sentence should bear
11 a rational relationship to the type of crime committed; and

12 WHEREAS, The existence of statutes requiring the imposition
13 of mandatory minimum sentences can affect all aspects of the
14 criminal justice system; and

15 WHEREAS, Mandatory minimum sentences limit the discretion of
16 a sentencing judge; and

17 WHEREAS, Knowledge that a guilty plea or guilty verdict for
18 any offense requires the imposition of a mandatory minimum
19 sentence may affect the plea or verdict particularly in judicial
20 districts with heavy dockets; and

21 WHEREAS, Imposition of a mandatory minimum sentence may
22 affect an offender's eligibility for rehabilitation programs and
23 early release; and

24 WHEREAS, The House of Representatives should be knowledgeable
25 about the use and impact of mandatory minimum sentences on the
26 criminal justice system in this Commonwealth; and

27 WHEREAS, A review of mandatory minimum sentences is necessary
28 to determine in what circumstances and for what types of crimes
29 the sentences are most effective as well as the appropriate
30 length of sentence; therefore be it

1 RESOLVED, That the House of Representatives direct the
2 Pennsylvania Commission on Sentencing to study the use and
3 impact of mandatory minimum sentences on the criminal justice
4 system in this Commonwealth; and be it further

5 RESOLVED, That the Pennsylvania Commission on Sentencing
6 report to the House of Representatives on its activities,
7 findings and recommendations no later than two years following
8 the adoption of this resolution.