

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 446 Session of 2015

INTRODUCED BY MARSICO, BAKER, BISHOP, STEPHENS, KAUFFMAN,
 BARRAR, REGAN, HARHART, A. HARRIS, D. COSTA, GRELL, SAYLOR,
 GILLEN, WATSON, FEE, MURT, VEREB, CALTAGIRONE, M. K. KELLER,
 TALLMAN, DAVIS, GINGRICH, HEFFLEY, O'NEILL, SACCONI, KORTZ,
 TOOHIL, BARBIN, TOEPEL, EVERETT, MOUL AND FARINA,
 FEBRUARY 11, 2015

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 11, 2015

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
 2 Pennsylvania Consolidated Statutes, in sentencing, providing
 3 for a mandatory period of probation for certain sexual
 4 offenders.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
 8 Statutes is amended by adding a section to read:

9 § 9718.5. Mandatory period of probation for certain sexual
 10 offenders.

11 (a) Mandatory probation supervision after release from
 12 confinement.--A person who is convicted in a court of this
 13 Commonwealth of an offense under section 9799.14(d) (relating to
 14 sexual offenses and tier system) shall be sentenced to a
 15 mandatory period of probation of three years consecutive to and
 16 in addition to any other lawful sentence issued by the court.

17 (b) Imposition.--The court may impose the term of probation

1 required under subsection (a) in addition to the maximum
2 sentence permitted for the offense for which the defendant was
3 convicted.

4 (c) Authority of court in sentencing.--There shall be no
5 authority in a court to impose on an offender to which this
6 section is applicable a lesser period of probation than provided
7 for under subsection (a). Sentencing guidelines promulgated by
8 the Pennsylvania Commission on Sentencing shall not supersede
9 the mandatory period of probation provided under this section.

10 (d) Direct supervision.--Nothing under this section shall
11 limit the court's authority to direct supervision by the
12 Pennsylvania Board of Probation and Parole by special order as
13 provided under 61 Pa.C.S. § 6133(a) (relating to probation
14 services).

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