
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1368 Session of
2017

INTRODUCED BY RABB, V. BROWN, ROZZI, J. HARRIS, SCHWEYER,
BULLOCK, DONATUCCI, McCLINTON AND KINSEY, MAY 11, 2017

REFERRED TO COMMITTEE ON JUDICIARY, MAY 11, 2017

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in general provisions, further providing for
4 classes of offenses; in authorized disposition of offenders,
5 further providing for sentence of imprisonment for
6 misdemeanors; and, in sentencing, providing for modification
7 of sentences for certain misdemeanors.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Sections 106(b)(8) and (d) and 1104 of Title 18
11 of the Pennsylvania Consolidated Statutes are amended to read:

12 § 106. Classes of offenses.

13 * * *

14 (b) Classification of crimes.--

15 * * *

16 (8) A crime is a misdemeanor of the third degree if it
17 is so designated in this title or if a person convicted
18 thereof may be sentenced to a term of imprisonment, the
19 maximum of which is not more than [one year] three hundred
20 sixty four days.

1 * * *

2 (d) Other crimes.--

3 (1) Any offense declared by law to constitute a crime,
4 without specification of the class thereof, and for which the
5 law declares a term of imprisonment of one year or not to
6 exceed one year, the phrase "one year" as used in that law
7 shall mean 364 days.

8 (2) Any offense declared by law to constitute a crime,
9 without specification of the class thereof, is a misdemeanor
10 of the second degree, if the maximum sentence does not make
11 it a felony under this section.

12 * * *

13 § 1104. Sentence of imprisonment for misdemeanors.

14 A person who has been convicted of a misdemeanor may be
15 sentenced to imprisonment for a definite term which shall be
16 fixed by the court and shall be not more than:

17 (1) Five years in the case of a misdemeanor of the first
18 degree.

19 (2) Two years in the case of a misdemeanor of the second
20 degree.

21 (3) [One year] Three hundred sixty four days in the case
22 of a misdemeanor of the third degree.

23 Section 2. Title 42 is amended by adding a section to read:

24 § 9778. Modification of sentences for certain misdemeanors.

25 (a) General rule.--A person who was convicted of a
26 misdemeanor of the third degree or an ungraded misdemeanor
27 before July 1, 2017, and sentenced to a term of imprisonment of
28 one year or not to exceed one year, may file a petition with a
29 court of common pleas requesting that the court order that the
30 person's original sentence be modified to a sentence of 364 days

1 or not to exceed 364 days, as applicable.

2 (b) Right of modification.--No person has a right to
3 modification of a sentence under this section.

4 Section 3. This act shall take effect in 60 days.