
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1145 Session of
2009

INTRODUCED BY GREENLEAF, ERICKSON, O'PAKE, TARTAGLIONE,
M. WHITE, BOSCOLA AND BROWNE, NOVEMBER 25, 2009

REFERRED TO JUDICIARY, NOVEMBER 25, 2009

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in Pennsylvania
3 Commission on Sentencing, further providing for adoption of
4 guidelines for sentencing; and providing for adoption of risk
5 and needs assessment instrument.

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

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

10 § 2154. Adoption of guidelines for sentencing.

11 (a) General rule.--The commission shall adopt guidelines for
12 sentencing within the limits established by law which shall be
13 considered by the sentencing court in determining the
14 appropriate sentence for defendants who plead guilty or nolo
15 contendere to, or who were found guilty of, felonies and
16 misdemeanors. In adopting guidelines, the commission shall
17 recommend confinement that is consistent with the protection of
18 the public, the gravity of the offense as it relates to the
19 impact on the life of the victim and the community and the

1 rehabilitative needs of the offender. The commission shall
2 recommend the use of other sentencing alternatives to promote
3 offender accountability, the just compensation to victims and
4 the most efficient use of correctional resources. The guidelines
5 shall address the following:

6 (1) [Specify] Seriousness of the offense, by specifying
7 the range of sentences applicable to crimes of a given degree
8 of gravity, including incapacitation of serious violent
9 offenders.

10 (2) [Specify] Criminal history, by specifying a range of
11 sentences of increased severity for [defendants] offenders
12 previously convicted of or adjudicated delinquent for one or
13 more misdemeanor or felony offenses committed prior to the
14 current offense. [For purposes of this section "previously
15 convicted or adjudicated delinquent" shall include any
16 finding of guilt or adjudication of delinquency whether or
17 not sentence has been imposed or disposition ordered prior to
18 the commission of the current offense.]

19 (3) [Specify] Criminal behavior, by specifying a range
20 of sentences of increased severity for [defendants] offenders
21 who pose a substantial risk to public safety, including those
22 who possessed or used a deadly weapon during the commission
23 of the current conviction offense.

24 (4) [Prescribe] Aggravated and mitigated ranges, by
25 specifying variations from the range of sentences applicable
26 on account of aggravating or mitigating circumstances.

27 (5) [Consider] Correctional impact, by considering the
28 impact of any amendments to [section] sections 9756 (relating
29 to sentence of total confinement) and 9762 (relating to
30 sentencing proceeding; place of confinement).

1 (6) Resource utilization, by providing for
2 prioritization of incarceration, rehabilitation and other
3 criminal justice resources for offenders posing the greatest
4 risk to public safety and for the identification of lower
5 risk offenders for sentencing alternatives as provided for in
6 sections 2154.1 (relating to adoption of guidelines for
7 county intermediate punishment), 2154.2 (relating to adoption
8 of guidelines for State intermediate punishment), 2154.3
9 (relating to adoption of guidelines for fines) and 2154.7
10 (relating to adoption of risk and needs assessment
11 instrument), where appropriate.

12 (b) [Definition.--As used in this section the term
13 "possessed" means on the defendant's person or within his
14 immediate physical control] Definitions.--As used in this
15 section, the following words and phrases shall have the meanings
16 given to them in this subsection unless the context clearly
17 indicates otherwise:

18 "Possessed." On a defendant's person or within the
19 defendant's immediate physical control.

20 "Previously convicted of or adjudicated delinquent." Any
21 finding of guilt or adjudication of delinquency, whether or not
22 sentence has been imposed or disposition ordered prior to the
23 commission of the current offense.

24 Section 2. Title 42 is amended by adding a section to read:
25 § 2154.7. Adoption of risk and needs assessment instrument.

26 (a) General rule.--The commission shall adopt a risk and
27 needs assessment instrument for sentencing which shall be
28 considered by the sentencing court in determining the
29 appropriate sentence within the limits established by law for
30 defendants who plead guilty or nolo contendere to, or who were

1 found guilty of, felonies and misdemeanors. The risk and needs
2 assessment instrument shall be for the purposes of predicting
3 the relative risk that an offender will reoffend and be a threat
4 to public safety and of identifying the rehabilitative needs of
5 an offender.

6 (b) Sentencing guidelines.--The risk and needs assessment
7 instrument may be incorporated into the sentencing guidelines
8 under section 2154 (relating to adoption of guidelines for
9 sentencing).

10 (c) Presentence investigation report.--Subject to the
11 provisions of the Pennsylvania Rules of Criminal Procedure, the
12 sentencing court may use the risk and needs assessment
13 instrument to determine whether a more thorough assessment is
14 necessary and to order a presentence investigation report.

15 (d) Alternative sentencing.--Subject to the eligibility
16 requirements of each program, the risk and needs assessment
17 instrument shall be used in determining appropriate candidates
18 for alternative sentencing, including, but not limited to, the
19 recidivism risk reduction incentive, State and county
20 intermediate punishment programs and State motivational boot
21 camps.

22 (e) Definition.--As used in this section, the term "risk and
23 needs assessment instrument" means an empirically based
24 worksheet which uses factors that are relevant in predicting
25 recidivism and in identifying the rehabilitative needs of an
26 offender.

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