

Adoption of Guidelines Statutes
Title 42 Pa.C.S.A. Judiciary and Judicial Procedure
Part II. Organization
Subpart B. Other Structural Provisions
Chapter 21. Judicial Boards and Commissions
Subchapter F. Pennsylvania Commission on Sentencing

§ 2154. Adoption of guidelines for sentencing

(a) General rule.--The commission shall adopt guidelines for sentencing within the limits established by law which shall be considered by the sentencing court in determining the appropriate sentence for defendants who plead guilty or nolo contendere to, or who were found guilty of, felonies and misdemeanors. The guidelines shall:

- (1) Specify the range of sentences applicable to crimes of a given degree of gravity.
- (2) Specify a range of sentences of increased severity for defendants previously convicted of or adjudicated delinquent for one or more misdemeanor or felony offenses committed prior to the current offense. For purposes of this section "previously convicted or adjudicated delinquent" shall include any finding of guilt or adjudication of delinquency whether or not sentence has been imposed or disposition ordered prior to the commission of the current offense.
- (3) Specify a range of sentences of increased severity for defendants who possessed a deadly weapon during the commission of the current conviction offense.
- (4) Prescribe variations from the range of sentences applicable on account of aggravating or mitigating circumstances.

(b) Definition.--As used in this section the term "possessed" means on the defendant's person or within his immediate physical control.

(Dec. 11, 1986, P.L.1521, No.165, eff. 60 days)

Initial Sentencing Guidelines. Section 218(b) of Act 142 of 1980 provided that the Pennsylvania Commission on Sentencing shall adopt and publish in the Pennsylvania Bulletin pursuant to 42 Pa.C.S. § 2155(a)(2) the initial sentencing guidelines within 18 months of the first meeting of the commission. The provisions of 18 Pa.C.S. § 1386 (redesignated by Act 142 as 42 Pa.C.S. §9781) shall take effect upon the effective date of such initial sentencing guidelines pursuant to 42 Pa.C.S. § 2155(c). The initial sentencing guidelines, as revised, were adopted January 5, 1982, and became effective July 22, 1982.

§ 2154.1 Adoption of guidelines for county intermediate punishment.

The commission shall adopt guidelines to identify offenders who would be eligible and appropriate for participation in county intermediate punishment programs. These guidelines shall be considered by the sentencing court in determining whether to sentence an offender pursuant to section 9763 (relating to sentence of county intermediate punishment). The guidelines shall:

- (1) Use the description of "eligible offender" provided in Chapter 98 (relating to county intermediate punishment).
 - (2) Give primary consideration to protection of the public safety.
- (Dec. 19, 1990, P.L.1196, No.201, eff. July 1, 1991; Nov. 19, 2004, P.L.855, No.112, eff. 180 days)

§ 2154.2 Adoption of guidelines for State intermediate punishment.

The commission shall adopt guidelines to identify offenders who would be appropriate for participation in State intermediate punishment programs. These guidelines shall be considered by the attorney for the Commonwealth and the sentencing court in determining whether to commit a defendant for evaluation and whether to sentence an eligible offender pursuant to Chapter 99 (relating to State intermediate punishment). The guidelines shall:

- (1) Use the description of "eligible offender" provided in Chapter 99.
 - (2) Give primary consideration to protection of the public safety.
- (Nov. 19, 2004, P.L.855, No.112, eff. 180 days)

2004 Amendment. Act 112 added section 2154.2.

§ 2154.3 Adoption of guidelines for fines.

The commission shall adopt guidelines for fines or other lawful economic sanctions, within the limits established by law, which shall be considered by the sentencing court in determining the appropriate sentence for defendants who plead guilty or nolo contendere to or who are found guilty of felonies and misdemeanors. The guidelines shall do all of the following:

- (1) Specify the range of fines or other lawful economic sanctions, applicable to crimes of a given degree of gravity.
- (2) Specify a range of fines or other lawful economic sanctions of increased amount for defendants previously convicted or adjudicated delinquent for one or more misdemeanor or felony offenses committed prior to the current offense. For purposes of this paragraph, the term "previously convicted or adjudicated delinquent" shall include any finding of guilt or adjudication of delinquency whether or not sentence has been imposed or disposition ordered prior to the commission of the current offense.
- (3) Prescribe variations from the range of fines applicable on account of aggravating or mitigating circumstances.
- (4) Prescribe community service alternatives which may be imposed in lieu of all or part of the fines where the sentencing court finds the defendant lacks the ability to pay all or part of the fine.

(July 17, 2007, P.L.123, No.37, eff. 120 days)

2007 Amendment. Act 37 added section 2154.3.

Adoption of Guidelines Statutes
Title 61 P.S. Penal and Correctional Institutions
Chapter 24. Motivational Boot Camp Act

§ 1124. Selection of inmate participants

(a) Duties of commission.--Through the use of sentencing guidelines, the commission shall employ the definition of "eligible inmate" as provided in this act to further identify inmates who would be appropriate for participation in a motivational boot camp.

(b) Duties of sentencing judge.--The sentencing judge shall employ the sentencing guidelines to identify those defendants who are eligible for participation in a motivational boot camp. The judge shall have the discretion to exclude a defendant from eligibility if the judge determines that the defendant would be inappropriate for placement in a motivational boot camp. The judge shall note on the sentencing order whether the defendant has been identified as eligible for a motivational boot camp program.