



Introduction to Sentencing in Pennsylvania

April 10, 2007

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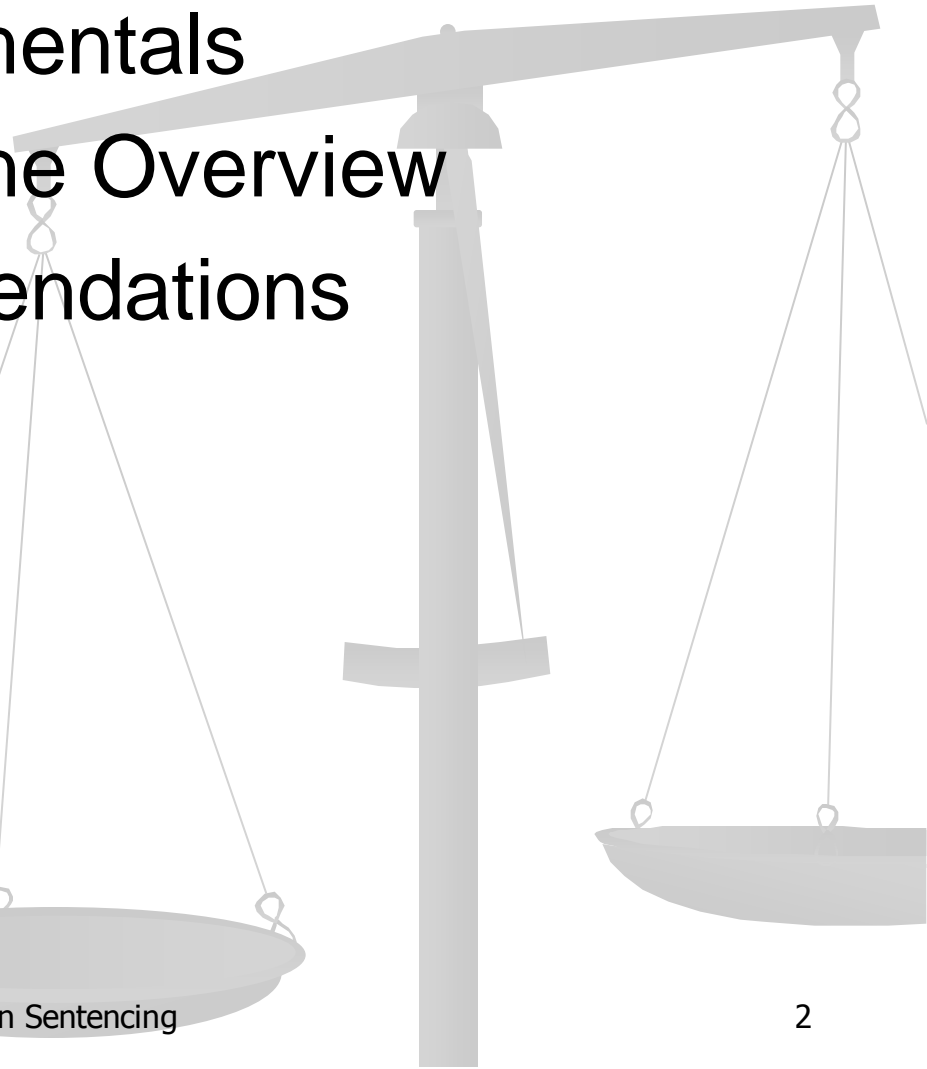
PA Commission on Sentencing

<http://pcs.la.psu.edu>



Session Overview

- Sentencing Fundamentals
- Sentencing Guideline Overview
- Sentence Recommendations





Sentencing Fundamentals

PA Commission on Sentencing

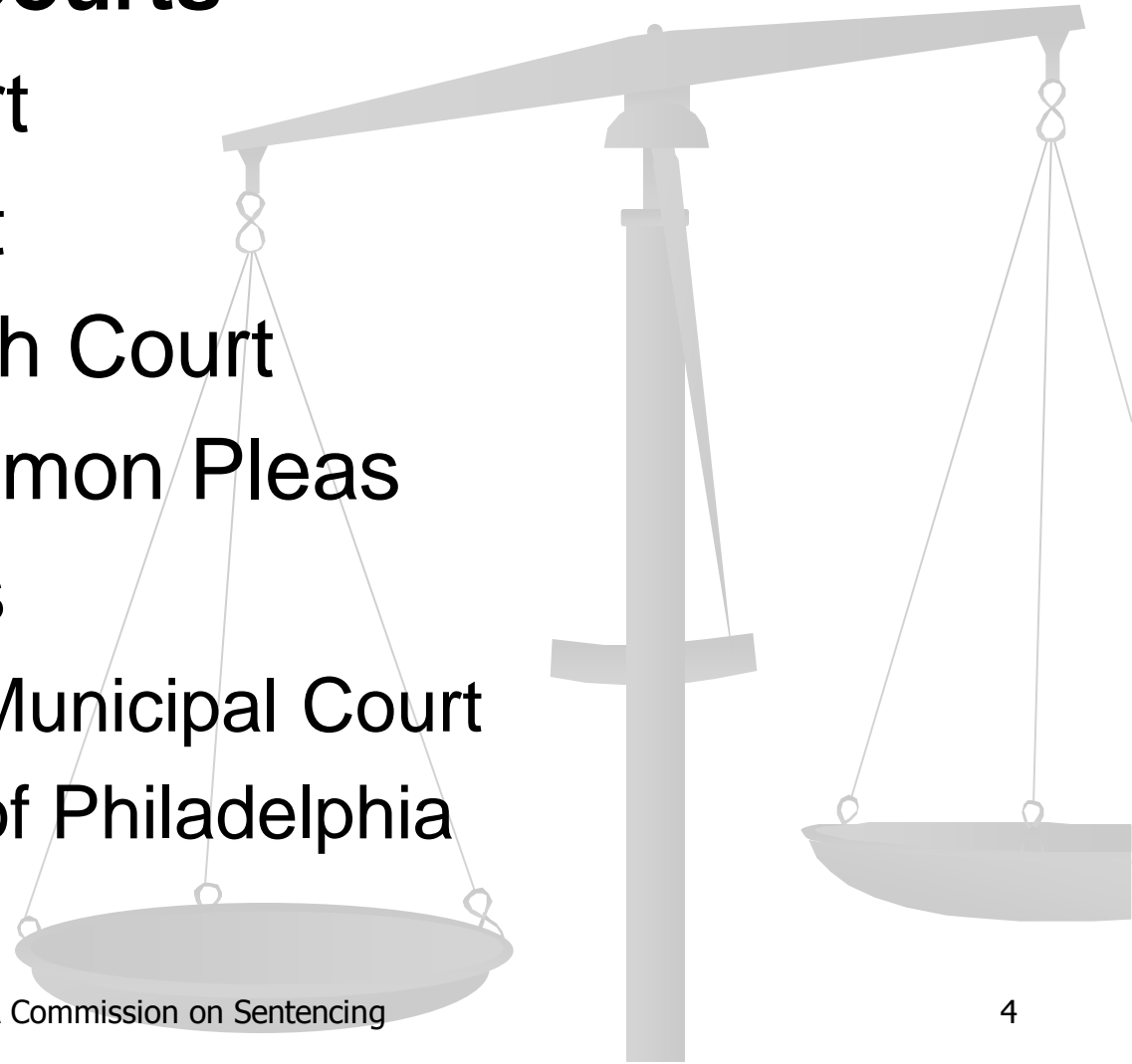
- Agency of General Assembly
- 11 members
- Purpose:
 - Create consistent & rational statewide sentencing policy
 - Adopt sentencing guidelines
 - Promote sentencing equity & fairness
 - Collect and disseminate information



Sentencing Fundamentals

Pennsylvania Courts

- Supreme Court
- Superior Court
- Commonwealth Court
- Courts of Common Pleas
- Special Courts
 - Philadelphia Municipal Court
 - Traffic Court of Philadelphia
 - District Court





Sentencing Fundamentals

GRADE	LONGEST ALLOWABLE MINIMUM SENTENCE	LONGEST ALLOWABLE MAXIMUM SENTENCE	LONGEST ALLOWABLE FINES
Murder 1	Life/Death	Life/Death	\$50,000
Murder 2	Life	Life	\$50,000
Murder 3	20 years	40 years	\$50,000
Inchoate Murder, with SBI	20 years	40 years	\$50,000
Inchoate Murder, no SBI	10 years	20 years	\$50,000
Rape, IDSI - <13 years, with SBI	Life	Life	\$25,000
Rape, IDSI - <13 years, no SBI	20 years	40 years	\$25,000
Felony 1	10 years	20 years	\$25,000
Felony 2	5 years	10 years	\$25,000
Felony 3	3.5 years	7 years	\$15,000
Misdemeanor 1	2.5 years	5 years	\$10,000
Misdemeanor 2	1 year	2 years	\$5,000
Misdemeanor 3	6 months	1 year	\$2,500
Summary	90 days	90 days	\$300

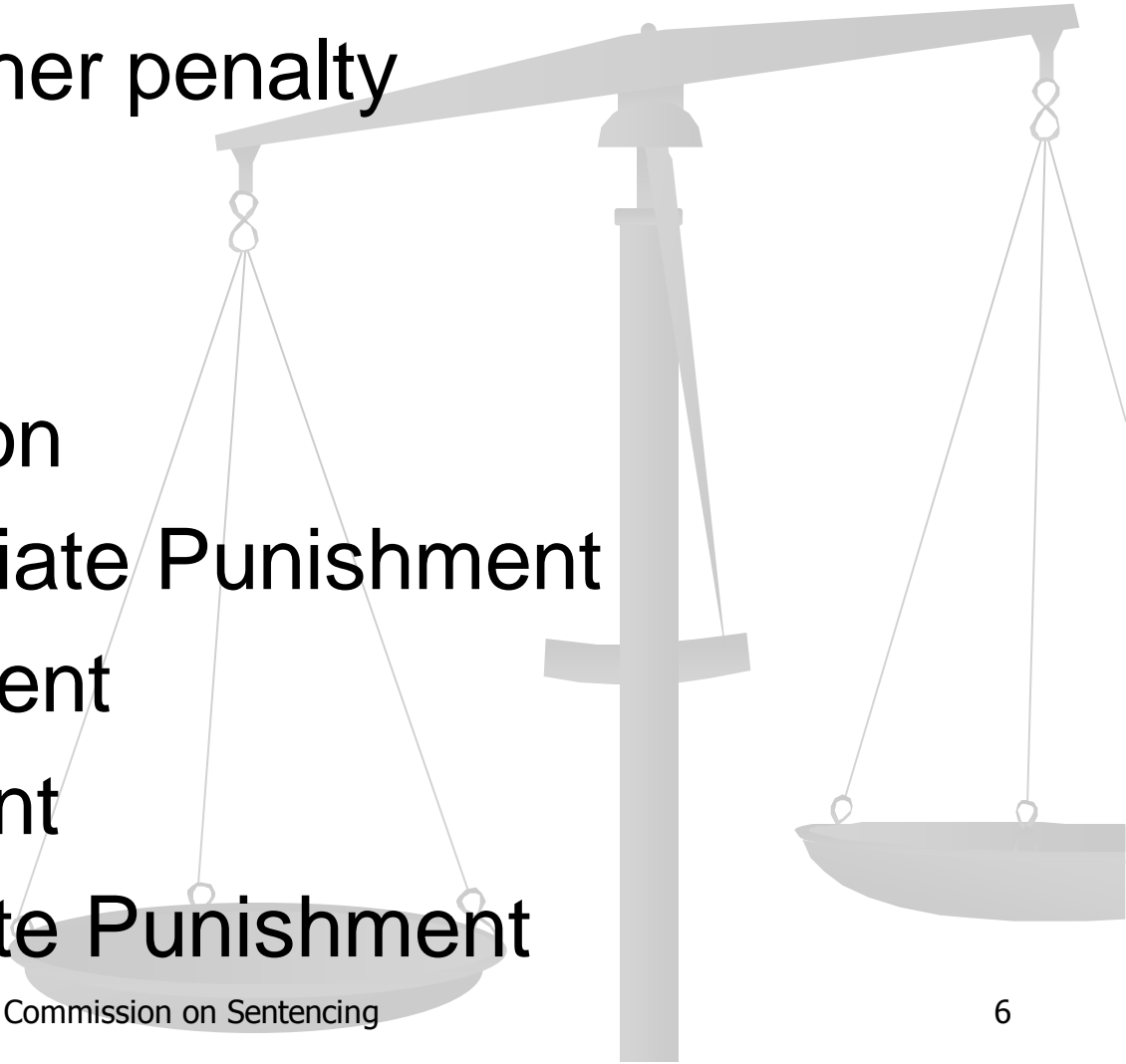
- 18Pa.C.S. 1101- 1105
- 42Pa.C.S. 9755(b) and 42 Pa.C.S. 9756(b)



Sentencing Fundamentals

Sentencing Alternatives [42 Pa.C.S. 9721]

- Guilt without further penalty
- Fine
- Restitution
- Order of Probation
- County Intermediate Punishment
- Partial Confinement
- Total Confinement
- State Intermediate Punishment





Sentencing Fundamentals

■ Place of Confinement/Release Decision

[42 Pa.C.S. §9762 / 61 P.S. §331.17]

- Maximum of 5 years or greater:
 - DOC/PBPP release
- Maximum of 2 years but less than 5 years:
 - DOC or County/PBPP release
- Maximum of less than 2 years:
 - County/Court release



Sentencing Fundamentals

- **Concurrent vs. Consecutive**
- **Aggregation**
 - Consecutive confinement sentences
- **Mergers**
- **Reporting**
 - Report to court on status or disposition of charges; Inform court if defendant is serving any term of imprisonment, probation or parole with reference to any charges, or is entitled to credit



Sentencing Fundamentals

- Credit for Time Served

[42 Pa.C.S. 9760]

- Time spent in “custody”

- Includes time in custody prior to trial, during trial, pending sentence, and pending resolution of an appeal

- Related to offense

- Deducted from min and max



Sentencing Fundamentals

■ Mandatory Minimums

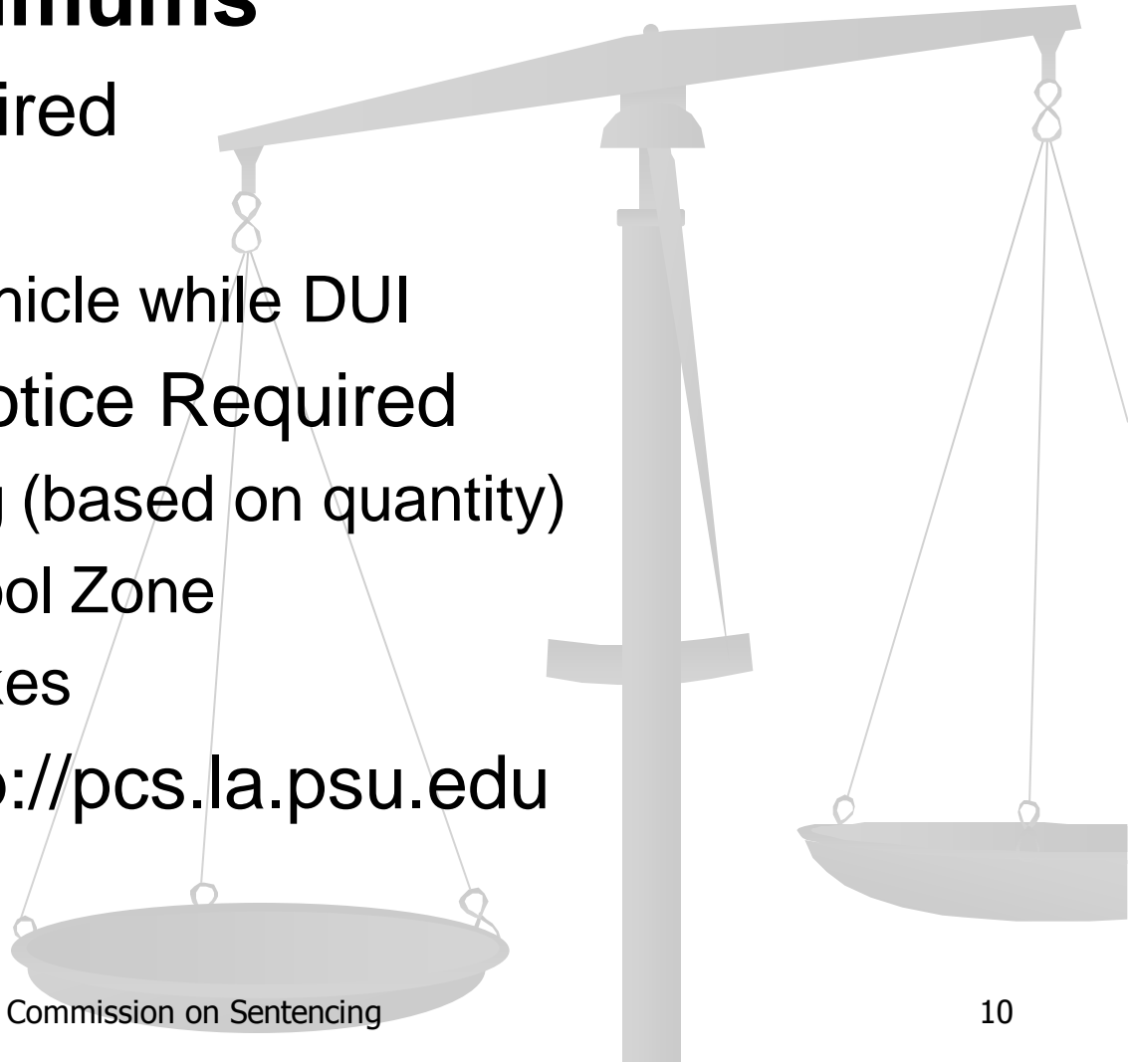
■ No Notice Required

- DUI
- Homicide by vehicle while DUI

■ Prosecutorial Notice Required

- Drug Trafficking (based on quantity)
- Drug Free School Zone
- Two/Three Strikes

■ More info at <http://pcs.la.psu.edu>





Sentencing Guideline Overview

Effective Dates

1st Edition 7/22/82; 6/23/83; 1/2/86

2nd Edition 6/5/86

Com. v. Sessoms (532 A.2d 775) 10/7/87

3rd Edition and 3rd Ed. Revised

4/25/88; 8/9/91 12/20/91

4th Edition 8/12/94

5th Edition 6/13/97

6th Edition 6/3/05



Sentencing Guideline Overview

- Provide a benchmark for judges
- Provide proportionate sanctions
- Provide a system with primary focus on retribution, may also provide:
 - rehabilitation
 - deterrence
 - incapacitation
 - restoration





Sentencing Guideline Overview

- Guidelines must be considered for each felony and misdemeanor conviction
- Enhancements may apply
- Mandatory minimum sentences supercede Guidelines



Sentencing Guideline Overview

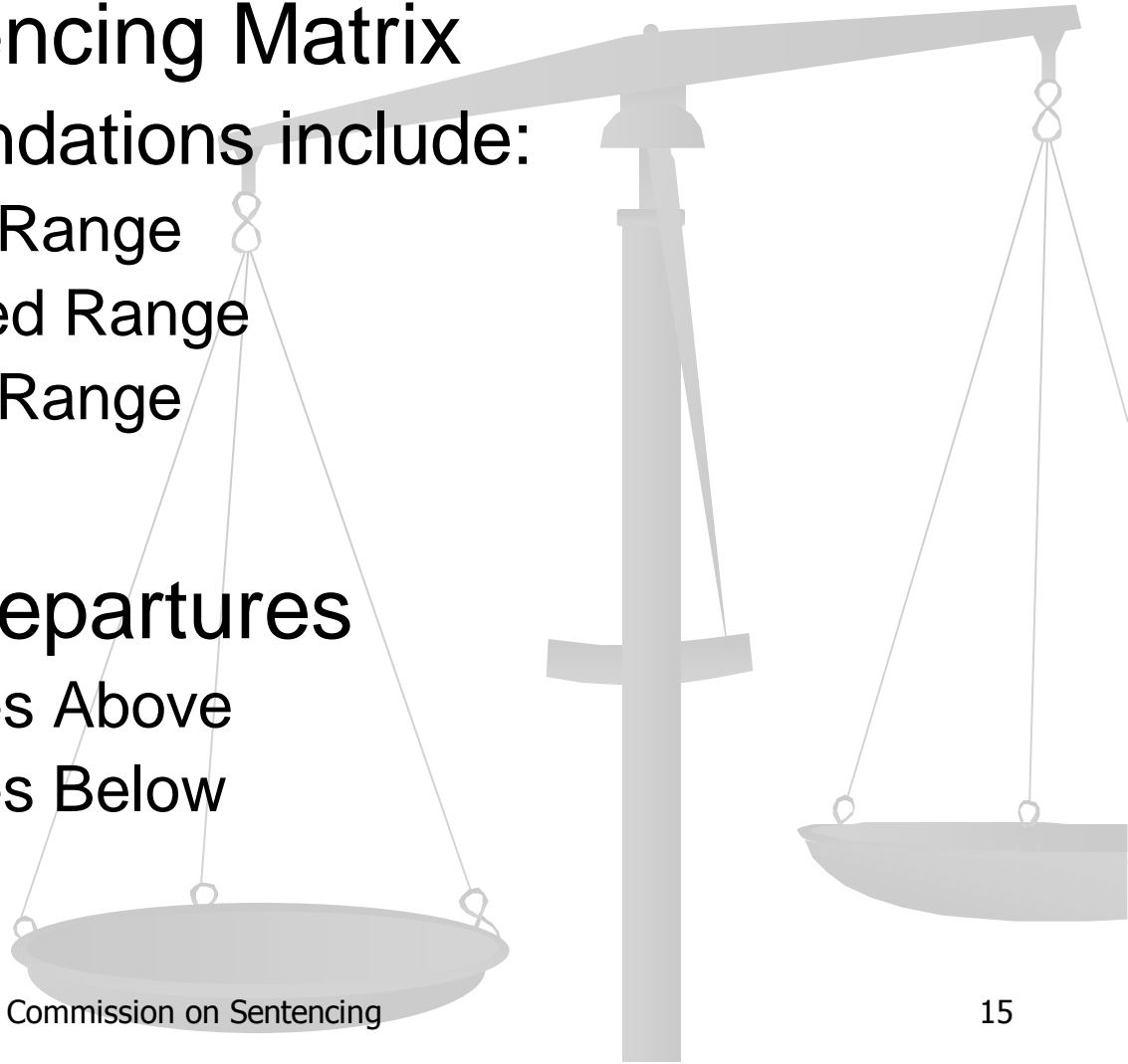
- Minimum sentence recommendations (range of months) intended to apply to typical cases
- Based on combination of:
 - Offense Gravity Score (OGS)
 - Prior Record Score (PRS)



Sentencing Guideline Overview

- **Basic Sentencing Matrix**
 - Recommendations include:
 - Standard Range
 - Aggravated Range
 - Mitigated Range

- **Guideline Departures**
 - Departures Above
 - Departures Below





Sentencing Guideline Overview

- Offense Gravity Score (OGS)
- Primary determinant of sentence recommendation
- Measures seriousness of current offense of conviction, not offense charged
- Ranked in order of seriousness
 - 1 (least serious) to
 - 14 (most serious)



Sentencing Guideline Overview

- **Prior Record Score (PRS)**
- Measures the number and severity of prior convictions, including some juvenile adjudications



Sentence Recommendations

Sentencing Levels

- Level 5 - State Sentence/State Facility
- Level 4 - State Sentence/County Facility
- Level 3 - County Sentence/County Facility
- Level 2 - County Sentence/County Facility
or Non-confinement
- Level 1 - Non-confinement



Sentence Recommendations

■ **Deadly Weapon Enhancement**

- Offender used or possessed a deadly weapon during the commission of the current conviction offense

■ **Youth School Enhancement**

- Offender distributed drugs to person under 18 years or drug offense within 1000 feet of the real property of a school



Sentence Recommendations

■ State Motivational Boot Camp

Court Determination

- Defendant sentenced to state confinement
- Minimum sentence of 3 years or less
- Within 2 years of minimum sentence
- Not convicted of ineligible offense
- Eligible under Sentencing Guidelines



Sentence Recommendations

■ State Motivational Boot Camp

Defendant screening criteria

- Under 35 years of age
- No history of escapes or violence
- Psychologically well-balanced
- Reasonable physical shape
- No medical problems
- No detainers
- Applies for admission



Sentencing Questions

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