



Monitor

Dermody Re-elected Chair, Piccola Vice-Chair

During its February 7, 2001 Quarterly Meeting, the Commission unanimously re-elected Representative Frank Dermody as Chair and Senator Jeffrey E. Piccola as Vice-Chair.



REP. FRANK DERMODY

Rep. Dermody (D, Allegheny County) was appointed to the Commission

in January 1991, and was recently re-appointed to a sixth term. He was elected Chair of the Commission in 1997 and re-elected in 1999. Chairman Dermody, a member of the House of Representatives since 1990, serves on the House Judiciary Committee and is Democratic Chair of the Subcommittee on Courts.

Sen. Piccola (R, Dauphin County) was appointed to the Commission in 1997, and was recently re-appointed to a third term. He was elected Vice-Chair in 1998 and re-elected in 1999. Vice-Chairman Piccola served in the House of Representatives for nearly twenty years (1976-1995) before his election to the Senate in 1995. In addition to serving on the Senate Judiciary Committee,



SEN. JEFFREY PICCOLA

Sen. Piccola was recently elected Senate Majority Whip.

In other action, Senator Jay Costa, Jr. (D, Allegheny County) was recently re-appointed to a third term on the Commission. Sen. Costa, elected to the Senate in 1996, is Democratic Chair of the Judiciary Committee.

New Commission Member Appointed



REP. WILLIAM GABIG

State Representative William I. Gabig (R, Carlisle) was appointed to the Commission in January 2001, replacing Representative Brett Feese. Representative Gabig received his Bachelor of Science degree from Saint Vincent College, and his law degree from Duquesne University School of Law. He formerly served as an Assistant District Attor-

ney in Cumberland and Dauphin counties. Prior to that he served active duty as a U. S. Naval Judge Advocate. He continues to serve as a reservist, currently holding the rank of Commander. He was elected to the House in 2000, representing the 199th legislative district. He is Secretary of the House Judiciary Committee.

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2001 Guideline Training Sessions

- Wednesday, April 11 (State College)*
- Wednesday, June 6 (Malvern)*
- Wednesday, August 8 (Beaver)*
- Wednesday, October 10 (State College)*
- Wednesday, December 12 (Harrisburg)*

These six-hour sessions (8:30AM-4:00PM) are CLE-approved and free of charge, although advance registration is required.

SGS-Web Enabling Project Awarded to Cross Current Corp.

The Commission recently awarded a contract to Cross Current Corporation (CCC) to web-enable its sentencing application. Using NCHIP federal funds received through the Pennsylvania Commission on Crime and Delinquency (PCCD), the Commission has contracted with CCC to re-engineer the current SGS application to allow authorized JNET users to calculate guideline recommendations, capture information on sentences imposed, and electronically report all information to the Commission in a secure and paperless manner.



Cross Current Corporation (CCC) is a software development company located in New Hope, PA and Lambertville, NJ. CCC has 70 employees, 44 of whom are software

engineers, specializing in n-tier systems using C/C++, Visual Basic, Unix, Windows NT, Linux, Oracle, and SQL Server, and Web development, using Java, ASP, and XML, among other technologies. CCC's clients are Fortune 500 companies, including AT&T, Aetna, Verizon, and Motorola, and public sector agencies in 10 states, including the Michigan State Police and the Commonwealth of Pennsylvania.

Cross Current has worked on a number of projects throughout the Commonwealth. In addition to Cross Current's development of the Commission's SGS Web application, the Pennsylvania Commission on Crime and Delinquency contracted CCC to create a concept document that provides a strategic guideline framework for future software development projects within the Commonwealth. They have also created Requirements documentation for the new Pennsylvania Chiefs of Police Association's (PCPA) PA-LEMIS web based application and will begin developing the application

this spring. Furthermore, CCC is currently



working on the remediation of PCPA's PA-LEMIS Windows based product. Cross Current, in partnership with another vendor, created a county integration solution that was chosen by the JNET County Integration Project's County Consortium for implementation. And lastly, they have worked on the adult probation and parole package, Probate.

The timeline for this initial project is as follows:

Functional specs & prototype — 2/23/01
Development, design & QA — 6/29/01
Documentation & pilot plan — 7/30/01

New Supplemental Guideline Forms Approved

During the past year, the Commission received a number of requests to revise its Guideline Sentence Form to simplify reporting on two particular types of cases involving multiple offenses.

- The first involves sentences for a series of identical offenses in which the same sentence was imposed on each offense (e.g., 10 counts of burglary, each receiving a 6-23 month sentence).

- The second involves a series of non-identical offenses in which the sentence of 'guilt without further penalty' is imposed, generally for a number of lesser offenses.

In late February, the Commission released a two-sided Supplemental Sentencing Form to address these two requests. The supplemental forms were designed to simplify reporting in these two circumstances. Form S-1 is for

Multiple Identical Offenses, Form S-2 is for Guilt Without Further Penalty. ***The sentencing guidelines continue to apply and must be considered for each offense.*** Whenever a supplemental form is used, it must be stapled to a Guideline Sentence Form that is completed for the lead offense of the judicial proceeding. A supply of forms has been sent to each county point-of-contact. Additional forms are available upon request from the Commission.

1999 Sentencing Data — Verification Update

On February 16, 2001, summary reports of 1999 sentencing data were sent to all criminal court judges. The reports, based on all sentences imposed during 1999 and reported to the Commission, provide criminal court judges with an opportunity to review and verify the sentencing information compiled by the Commission prior to public release. There is no requirement that judges must review or verify the information. Last year, the Commission provided information on only the most serious offense of a criminal incident. The 1999 sentencing data con-

tains information on all offenses reported. Judges interested in receiving details of all sentences reported during 1999 were asked to submit a request form no later than Wednesday, February 28, 2001. The detailed reports include offender identifiers, conviction offense, offense gravity score and prior record score information, applicable guideline ranges and/or mandatory provisions, sentence imposed, conformity, and reason(s) given for sentences for each conviction offense. The detailed reports are scheduled to be mailed by mid-March, with

corrections and missing information due April 27, 2001. This is also the deadline for receiving forms not previously submitted.

In addition to the mailing to criminal court judges, the Commission also sent a report to each President Judge, listing the number of forms received from each judge in the judicial district and requesting information on any under-reporting of sentences. The Commission also requested county-level contextual information to accompany the release of county sentencing information.

Recent Commission Activities & Decisions

The Commission met at the Harrisburg Hilton & Towers on February 6 & 7, 2001 for its first quarterly meeting of 2001.

Policy

In addition to the election of the Chair and Vice-Chair (see page 1) the Commission established a Policy Committee with the following responsibilities:

- oversight/review of all sentencing-related issues;
- draft recommendations concerning changes to the sentencing guidelines for consideration by the full Commission;
- draft recommendations concerning modification or enactment of sentencing and correctional statutes which the Commission finds to be necessary and advisable;

Judge Gary Caruso, chair of the former Governance Committee, was appointed interim Chair. The formal appointment of Committee Chairs and the assignment of members to committees will take place during the May meeting.

Budget & Management

The Commission approved the preparation and submission to PCCD of the following DCSI continuation grant applications:

- Corrections Policy Research Support
- Community Corrections (IP) Technical Assistance & Training
- JNET County Coordinator, but only if the JNET Office was not able to assume responsibility for the grant.

Data & Field Services

The Commission approved the supplemental guideline sentence forms developed to address reporting concerns (see related article, p. 2). The Commission also approved several items related to the SGS web enabling project, including providing access to PCS data to authorized JNET users designated by the Commission; providing a non-exclusive list of aggravating, mitigating and departure reasons in the SGS-web application, along with a text box; and authorized the Data & Field Services Committee to make any necessary decisions relating to the SGS web enabling project.

Staff was authorized to assist the Sexual Offenders Assessment Board and the Office of Administration by providing preliminary 2000 data for use in determining appropriate staffing needs under revised Megan's Law provisions.

Research

The Commission approved release of a *Research Bulletin* summarizing the "Motivational Boot Camp — 2000 Legislative Report" as an insert in this edition of the *Monitor*. The full report was submitted to the General Assembly in January. The Research Committee is also reviewing the findings of the Guideline Departures study.

Next Meeting

The next Commission meeting will be held on May 8 & 9, 2001 at the Harrisburg Hilton & Towers. A work session will be held Tuesday evening beginning at 7:30 p.m. and the Quarterly Commission Meeting will be held Wednesday morning beginning at 9:00 a.m. All Commission meetings are open to the public.

Key Sentencing-Related Decisions (Dec. 2000-Feb. 2001)

Sentencing Guidelines

Com. v. Adams (760 A.2d 33)

Com. v. Hill (761 A.2d 1188)

Mandatory Sentences

Com. v. Campbell (758 A.2d 1231)

Com. v. Saler (761 A.2d 581)

Com. v. Wynn (760 A.2d 40)

Other Sentencing Issues

Com. v. Davis (760 A.2d 406)

Trial court's inquiry of pre-sentencing factors, in lieu of a pre-sentence investigation report, was insufficient to impose sentence outside of guidelines, where defendant was convicted of simple and aggravated assaults, and trial court failed to examine defendant's social and family history beyond counsel's statement that defendant had grandson, failed to investigate defendant's employment background, failed to discuss defendant's potential for vocational training, and failed to consider mental status,

interests, activities, residence history, religious affiliations, and prior participation in any social activities.

Com. v. Hill (761 A.2d 1188)



Sentencing Guidelines Q&A...

Topic... Prior Record Score (PRS)

Which felony offenses are not included in the Repeat Felony 1/Felony 2 (RFEL) category?

Prior convictions and adjudications for any Felony Drug Offenses and Felony 3 offenses are **not** included in the RFEL category. (5th Edition Guideline Manual, §303.4(a), Prior Record Score Categories, pages 103 and 104.)

How can the point assignment of a prior conviction offense be determined?

There are two places to find the point as-

ignment of a prior conviction offense. The first is in §303.7(a), Prior Record Score Guideline Points Scoring, on page 127 of the 5th Edition Guideline Manual.

The other is §303.15, the Offense Listing beginning on page 13 of the Guideline Manual. The right-hand column of the listing indicates the Prior Record Points for each offense. To correctly determine a prior conviction offense points value, you must know the offense grade and if the offense was subcategorized.

If the offender's prior record score consists of two 4-point conviction offenses, for

a total of 8 points, will the final prior record score always be REVOC (Repeat Violent Offender Category)?

No. The current conviction offense must have an Offense Gravity Score (OGS) of 9 or higher. If the current conviction OGS in this example was 8 or lower the final prior record score would be RFEL (Repeat Felony 1/Felony 2). (5th Edition Guideline Manual, §303.4(a) (1)).

A visual reminder of this can be found on the Basic Sentencing Matrix, §303.16, page 33. Notice that for OGS 1 through 8, NA (Not Applicable) appears in the REVOC column.

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The Pennsylvania Commission on Sentencing is an agency of the General Assembly located on the University Park campus of the Pennsylvania State University. The Commission was created in 1978 for the primary purpose of creating a consistent and rational statewide sentencing policy to promote fairer and more uniform sentencing practices.

The *Monitor* is a quarterly publication of the Commission. All inquiries should be directed to the Commission at the address or numbers listed above.

Special Research Bulletin insert in this edition

*Pennsylvania's Motivational Boot Camp:
Summary of 2000 Legislative Report*

End-of-Session Legislation (1999/2000 Session)

TITLE/SECTION	OFFENSE	OLD	NEW	1997 OGS	2000 SESSION	EFFECTIVE DATE
18/2707.1	Discharge firearm/occ. struct.	new	F3	[Omnibus] 5	Act 2000-116	February 19, 2001
18/2715	Bomb threats				Act 2000-101	February 19, 2001
(b)(1)	- first offense	new	M1	[Omnibus] 3		
(b)(2)	- second/subsequent	new	F3	[Omnibus] 5		
18/2902	Unlawful restraint				Act 2000-98	December 20, 2000
(b)(1)	- victim 18 or older	M1	M1	3		
(b)(2)	- victim under 18	M1	F3	[Omnibus] 5		
18/2903	False imprisonment				Act 2000-98	December 20, 2000
(b)(1)	- victim 18 or older	M2	M2	2		
(b)(2)	- victim under 18	M2	F2	[Omnibus] 7		
18/4914	False identification	new	M3	[Omnibus] 1	Act 2000-133	February 19, 2001
18/5902	Prostitution and related				Act 2000-134	February 19, 2001
(a)	Prostitution					
(a.1)(1)	- first/second offense	M3	M3	1		
(a.1)(2)	- third offense	M3	M2	[Omnibus] 2		
(a.1)(3)	- fourth/subsequent	M3	M1	[Omnibus] 3		
(a.1)(4)	- HIV/AIDS	F3	F3	5		
(e)	Patronizing prostitutes					
(e.1)(1)	- first/second offense	M3	M3	1		
(e.1)(2)	- third offense	M3	M2	[Omnibus] 2		
(e.1)(3)	- fourth/subsequent	M3	M1	[Omnibus] 3		
(e.1)(4)	- HIV/AIDS	F3	F3	5		
18/5903	Obscene materials				Act 2000-98	December 20, 2000
(c)	- to minors, first offense	M1	F3	[Omnibus] 5		
(c)	- to minors, subsequent	F3	F2	[Omnibus] 7		
(d)	- admit minor, first offense	M1	F3	[Omnibus] 5		
(d)	- admit minor, subsequent	F3	F2	[Omnibus] 7		
42/9714	Crimes of violence	n/a	n/a	10 yr. mandatory (2nd offense)	Act 2000-113	February 19, 2001
75/3732	Homicide by vehicle				Act 2000-108	February 19, 2001
(*)	- DUI in same incident	M1	F3	8		
(*)	- No DUI in same incident	M1	F3	6		