

Sentencing Alternatives Statutes

Title 42 Pa.C.S.A. Judiciary and Judicial Procedure

Part VIII. Criminal Proceedings

Chapter 97. Sentencing

Subchapter C. Sentencing Alternatives

§ 9721. Sentencing generally

(a) General rule.--In determining the sentence to be imposed the court shall, except as provided in subsection (a.1), consider and select one or more of the following alternatives, and may impose them consecutively or concurrently:

- (1) An order of probation.
- (2) A determination of guilt without further penalty.
- (3) Partial confinement.
- (4) Total confinement.
- (5) A fine.
- (6) County intermediate punishment.
- (7) State intermediate punishment.

(a.1) Exception.--

(1) Unless specifically authorized under [section 9763](#) (relating to a sentence of county intermediate punishment) or Chapter 99 (relating to State intermediate punishment), subsection (a) shall not apply where a mandatory minimum sentence is otherwise provided by law.

(2) An eligible offender may be sentenced to State intermediate punishment pursuant to subsection (a)(7) and as described in Chapter 99, even if a mandatory minimum sentence would otherwise be provided by law.

(b) General standards.--In selecting from the alternatives set forth in subsection (a) the court shall follow the general principle that the sentence imposed should call for confinement that is consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the defendant. The court shall also consider any guidelines for sentencing adopted by the Pennsylvania Commission on Sentencing and taking effect pursuant to [section 2155](#) (relating to publication of guidelines for sentencing). In every case in which the court imposes a sentence for a felony or misdemeanor, the court shall make as a part of the record, and disclose in open court at the time of sentencing, a statement of the reason or reasons for the sentence imposed. In every case where the court imposes a sentence outside the sentencing guidelines adopted by the Pennsylvania Commission on Sentencing pursuant to [section 2154](#) (relating to adoption of guidelines for sentencing) and made effective pursuant to [section 2155](#), the court shall provide a contemporaneous written statement of the reason or reasons for the deviation from the guidelines. Failure to comply shall be grounds for vacating the sentence and resentencing the defendant.

(c) Mandatory restitution.--In addition to the alternatives set forth in subsection (a) of this section the court shall order the defendant to compensate the victim of his criminal conduct for the damage or injury that he sustained. For purposes of this subsection, the term "victim" shall be as defined in section 479.1 of the act of April 9, 1929 (P.L. 177, No. 175), known as The Administrative Code of 1929.

(d) Detailed criteria.--With respect to each alternative the criteria to be considered by the court are set forth in this subchapter.

(e) Term of imprisonment.--All sentences of imprisonment imposed under this chapter shall be for a definite term.