

## AN ACT

1 Amending Titles 18 (Crimes and Offenses), 42 (Judiciary and  
2 Judicial Procedure), 46 (Legislature), 53 (Municipalities  
3 Generally), 61 (Prisons and Parole) and 75 (Vehicles) of the  
4 Pennsylvania Consolidated Statutes, by codifying and adding  
5 provisions relating to certain legislative service agencies;  
6 and making conforming amendments and related repeals.

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

9 Section 1. Section 3702(b) of Title 18 of the Pennsylvania  
10 Consolidated Statutes is amended to read:

11 § 3702. Robbery of motor vehicle.

12 \* \* \*

13 (b) Sentencing.--The Pennsylvania Commission on Sentencing,  
14 pursuant to [42 Pa.C.S. § 2154] 46 Pa.C.S. § 5905 (relating to  
15 adoption of guidelines for sentencing), shall provide for a  
16 sentencing enhancement for an offense under this section.

17 Section 2. Subchapter F heading and sections 2151.1, 2151.2,  
18 2152 and 2153 of Title 42 are repealed:

19 [SUBCHAPTER F

PENNSYLVANIA COMMISSION ON SENTENCING

§ 2151.1. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Board." The Pennsylvania Board of Probation and Parole.

"Commission." The Pennsylvania Commission on Sentencing established in section 2151.2 (relating to commission).

"Department." The Department of Corrections of the Commonwealth.

§ 2151.2. Commission.

(a) General rule.--The commission shall be established as an agency of the General Assembly and shall consist of 11 persons selected as provided in this subchapter.

(b) Seal.--The commission shall have a seal engraved with its name and such other inscription as may be specified by regulation of the commission.

§ 2152. Composition of commission.

(a) General rule.--The Pennsylvania Commission on Sentencing shall consist of:

(1) Two members of the House of Representatives selected by the Speaker of the House of Representatives, no more than one of whom shall be of the same political party.

(2) Two members of the Senate of Pennsylvania selected by the President pro tempore of the Senate, no more than one of whom shall be of the same political party.

(3) Four judges of courts of record selected by the Chief Justice of Pennsylvania.

(4) Three persons appointed by the Governor, who shall be, respectively:

1 (i) A district attorney.

2 (ii) A defense attorney.

3 (iii) Either a professor of law or a criminologist.

4 (a.1) Ex officio members.--The Secretary of Corrections, the  
5 victim advocate appointed under section 301 of the act of  
6 November 24, 1998 (P.L.882, No.111), known as the Crime Victims  
7 Act, and the chairman of the board, during their tenure in their  
8 respective positions, shall serve as ex officio nonvoting  
9 members of the commission.

10 (b) Terms of office.--The members of the commission shall  
11 serve for terms of two years and until a successor has been  
12 selected and qualified. A vacancy on the commission shall be  
13 filled for the balance of the term.

14 (c) Chairman and executive director.--The commission shall  
15 select a chairman from its members and an executive director.

16 The chairman shall:

17 (1) Preside at meetings of the commission.

18 (2) Direct the preparation of requests for  
19 appropriations for the commission and the use of funds made  
20 available to the commission.

21 (d) Meetings and quorum.--

22 (1) The commission shall meet at least four times a year  
23 and not less than semiannually to establish its general  
24 policies and rules.

25 (2) The commission shall be deemed an "agency" within  
26 the meaning of and shall be subject to the provisions of the  
27 act of July 19, 1974 (P.L.486, No.175), referred to as the  
28 Public Agency Open Meeting Law.

29 (3) Seven commissioners shall constitute a quorum for  
30 the purpose of adopting proposed initial and initial and

1 subsequent guidelines. A majority of commissioners shall  
2 constitute a quorum for all other purposes.

3 (4) Minutes of meetings shall be kept by the executive  
4 director and filed at the executive office of the commission.

5 (e) Records of action.--Except as otherwise provided by  
6 statute, the commission shall maintain and make available for  
7 public inspection a record of the final vote of each member on  
8 any action taken by it.

9 (f) Expenses.--Each commissioner shall be entitled to  
10 reimbursement for his accountable expenses incurred while  
11 engaged in the business of the commission.

12 § 2153. Powers and duties.

13 (a) General rule.--The commission, pursuant to rules and  
14 regulations, shall have the power to:

15 (1) Establish general policies and promulgate such rules  
16 and regulations for the commission as are necessary to carry  
17 out the purposes of this subchapter and Chapter 97 (relating  
18 to sentencing).

19 (2) Utilize, with their consent, the services,  
20 equipment, personnel, information and facilities of Federal,  
21 State, local and private agencies and instrumentalities with  
22 or without reimbursement therefor.

23 (3) Enter into and perform such contracts, leases,  
24 cooperative agreements and other transactions as may be  
25 necessary in the conduct of the functions of the commission,  
26 with any public agency or with any person, firm, association,  
27 corporation, educational institution or nonprofit  
28 organization.

29 (4) Request such information, data and reports from any  
30 officer or agency of the Commonwealth government as the

1 commission may from time to time require and as may be  
2 produced consistent with other law.

3 (5) Arrange with the head of any government unit for the  
4 performance by the government unit of any function of the  
5 commission, with or without reimbursement.

6 (6) Issue invitations requesting the attendance and  
7 testimony of witnesses and the production of any evidence  
8 that relates directly to a matter with respect to which the  
9 commission or any member thereof is empowered to make a  
10 determination under this subchapter.

11 (7) Establish a research and development program within  
12 the commission for the purpose of:

13 (i) Serving as a clearinghouse and information  
14 center for the collection, preparation and dissemination  
15 of information on Commonwealth sentencing, resentencing  
16 and parole practices.

17 (ii) Assisting and serving in a consulting capacity  
18 to the board, State courts, departments and agencies in  
19 the development, maintenance and coordination of sound  
20 sentencing, resentencing and parole practices.

21 (8) Collect systematically the data obtained from  
22 studies, research and the empirical experience of public and  
23 private agencies concerning the sentencing processes.

24 (9) Publish data concerning the sentencing and parole  
25 processes.

26 (10) Collect systematically and disseminate information  
27 concerning parole dispositions and sentences actually  
28 imposed, including initial sentences and any subsequent  
29 modification of sentences or resentences following revocation  
30 or remand, and parole and reparole decisions by the board and



1 any other paroling authority.

2 (11) Collect systematically and disseminate information  
3 regarding effectiveness of parole dispositions and sentences  
4 imposed.

5 (12) Make recommendations to the General Assembly  
6 concerning modification or enactment of sentencing, parole  
7 and correctional statutes which the commission finds to be  
8 necessary and advisable to carry out an effective, humane and  
9 rational sentencing, resentencing and parole policy.

10 (13) Establish a plan and timetable to collect and  
11 disseminate information relating to incapacitation,  
12 recidivism, deterrence and overall effectiveness of sentences  
13 and parole dispositions imposed.

14 (14) Establish a program to systematically monitor  
15 compliance with the guidelines, with recommitment ranges and  
16 with mandatory sentencing laws to document eligibility for  
17 and releases pursuant to a county reentry plan, to document  
18 eligibility for and imposition of recidivism risk reduction  
19 incentive minimum sentences and to document all parole and  
20 reparole decisions by the board and any other paroling  
21 authority by:

22 (i) Promulgating forms which document the  
23 application of sentencing, resentencing and parole  
24 guidelines, mandatory sentencing laws, releases pursuant  
25 to a county reentry plan, recommitment ranges and  
26 recidivism risk reduction incentive minimum sentences and  
27 collecting information on all parole and reparole  
28 decisions by the board and any other paroling authority.

29 (ii) Requiring the timely completion and electronic  
30 submission of such forms to the commission.

1 (15) Prior to adoption of changes to guidelines for  
2 sentencing, resentencing and parole and recommitment ranges  
3 following revocation, use a correctional population  
4 simulation model to determine:

5 (i) Resources that are required under current  
6 guidelines and ranges.

7 (ii) Resources that would be required to carry out  
8 any proposed changes to the guidelines and ranges.

9 (b) Annual reports.--The commission shall report annually to  
10 the General Assembly, the Administrative Office of Pennsylvania  
11 Courts and the Governor on the activities of the commission.

12 (c) Additional powers and duties.--The commission shall have  
13 such other powers and duties and shall perform such other  
14 functions as may be necessary to carry out the purposes of this  
15 subchapter or as may be provided under any other provision of  
16 law and may delegate to any commissioner or designated person  
17 such powers as may be appropriate other than the power to  
18 establish general policies, guidelines, rules and factors under  
19 subsection (a)(1).]

20 Section 3. Section 2154 of Title 42, amended October 27,  
21 2010 (P.L.931, No.95), is repealed:

22 [§ 2154. Adoption of guidelines for sentencing.

23 (a) General rule.--The commission shall adopt guidelines for  
24 sentencing within the limits established by law which shall be  
25 considered by the sentencing court in determining the  
26 appropriate sentence for defendants who plead guilty or nolo  
27 contendere to, or who were found guilty of, felonies and  
28 misdemeanors. In adopting guidelines, the commission shall  
29 recommend confinement that is consistent with the protection of  
30 the public, the gravity of the offense as it relates to the

1 impact on the life of the victim and the community and the  
2 rehabilitative needs of the offender. The guidelines shall  
3 address the following:

4 (1) Seriousness of the offense, by specifying the range  
5 of sentences applicable to crimes of a given degree of  
6 gravity, including incapacitation of serious violent  
7 offenders.

8 (2) Criminal history, by specifying a range of sentences  
9 of increased severity for offenders previously convicted of  
10 or adjudicated delinquent for one or more misdemeanor or  
11 felony offenses committed prior to the current offense.

12 (3) Criminal behavior, by specifying a range of  
13 sentences of increased severity for offenders who pose a  
14 substantial risk to public safety, including those who  
15 possessed or used a deadly weapon during the commission of  
16 the current conviction offense.

17 (4) Aggravated and mitigated ranges, by specifying  
18 variations from the range of sentences applicable on account  
19 of aggravating or mitigating circumstances.

20 (5) The impact of any amendments to section 9756  
21 (relating to sentence of total confinement).

22 (b) Definitions.--As used in this section, the following  
23 words and phrases shall have the meanings given to them in this  
24 subsection unless the context clearly indicates otherwise:

25 "Possessed." On a defendant's person or within the  
26 defendant's immediate physical control.

27 "Previously convicted of or adjudicated delinquent." Any  
28 finding of guilt or adjudication of delinquency, whether or not  
29 sentence has been imposed or disposition ordered prior to the  
30 commission of the current offense.]



1 Section 4. Section 2154.1 of Title 42 is repealed:

2 [§ 2154.1. Adoption of guidelines for county intermediate  
3 punishment.

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

11 (1) Use the description of "eligible offender" provided  
12 in Chapter 98 (relating to county intermediate punishment).

13 (2) Give primary consideration to protection of the  
14 public safety.]

15 Section 5. Section 2154.2 of Title 42, amended October 27,  
16 2010 (P.L.931, No.95), is repealed:

17 [§ 2154.2. Adoption of guidelines for State intermediate  
18 punishment.

19 The commission shall adopt guidelines to identify offenders  
20 who would be appropriate for participation in State intermediate  
21 punishment programs. These guidelines shall be considered by the  
22 attorney for the Commonwealth and the sentencing court in  
23 determining whether to commit a defendant for evaluation and  
24 whether to sentence an eligible offender pursuant to 61 Pa.C.S.  
25 Ch. 41 (relating to State intermediate punishment). The  
26 guidelines shall:

27 (1) Use the description of "eligible offender" provided  
28 in 61 Pa.C.S. Ch. 41.

29 (2) Give primary consideration to protection of the  
30 public safety.]

1 Section 6. Sections 2154.3, 2154.4, 2154.5, 2154.6, 2154.7,  
2 2155 and 2156 of Title 42 are repealed:

3 [§ 2154.3. Adoption of guidelines for fines.

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

10 (1) Specify the range of fines or other lawful economic  
11 sanctions, applicable to crimes of a given degree of gravity.

12 (2) Specify a range of fines or other lawful economic  
13 sanctions of increased amount for defendants previously  
14 convicted or adjudicated delinquent for one or more  
15 misdemeanor or felony offenses committed prior to the current  
16 offense. For purposes of this paragraph, the term "previously  
17 convicted or adjudicated delinquent" shall include any  
18 finding of guilt or adjudication of delinquency whether or  
19 not sentence has been imposed or disposition ordered prior to  
20 the commission of the current offense.

21 (3) Prescribe variations from the range of fines  
22 applicable on account of aggravating or mitigating  
23 circumstances.

24 (4) Prescribe community service alternatives which may  
25 be imposed in lieu of all or part of the fines where the  
26 sentencing court finds the defendant lacks the ability to pay  
27 all or part of the fine.

28 § 2154.4. Adoption of guidelines for resentencing.

29 The commission shall adopt guidelines that shall be  
30 considered by the court when resentencing an offender following

1 revocation of probation, county intermediate punishment or State  
2 intermediate punishment. The guidelines shall take into account:

3 (1) Factors considered in adopting the sentencing  
4 guidelines.

5 (2) The seriousness of the violation.

6 (3) The rehabilitative needs of the defendant.

7 § 2154.5. Adoption of guidelines for parole.

8 (a) Adoption.--The commission shall adopt guidelines that  
9 shall be considered by the board and any other paroling entity  
10 when exercising its power to parole and reparole all persons  
11 sentenced by any court in this Commonwealth to imprisonment in  
12 any correctional institution. The guidelines shall do all of the  
13 following:

14 (1) Give primary consideration to the protection of the  
15 public and to victim safety.

16 (2) Provide for due consideration of victim input.

17 (3) Be designed to encourage inmates and parolees to  
18 conduct themselves in accordance with conditions and rules of  
19 conduct set forth by the department or other prison  
20 facilities and the board.

21 (4) Be designed to encourage inmates and parolees to  
22 participate in programs that have been demonstrated to be  
23 effective in reducing recidivism, including appropriate drug  
24 and alcohol treatment programs.

25 (5) Provide for prioritization of incarceration,  
26 rehabilitation and other criminal justice resources for  
27 offenders posing the greatest risk to public safety.

28 (6) Use validated risk assessment tools, be evidence  
29 based and take into account available research relating to  
30 the risk of recidivism, minimizing the threat posed to public

1 safety and factors maximizing the success of reentry.

2 (b) Discretionary authority.--Notwithstanding any other  
3 provision of law, this section shall not remove the  
4 discretionary parole authority of the board and any other  
5 paroling entity when exercising its power to parole and  
6 reparole.

7 § 2154.6. Adoption of recommitment ranges following revocation  
8 of parole by board.

9 (a) Recommitment ranges.--The commission shall adopt  
10 recommitment ranges that shall be considered by the board when  
11 exercising its power to reparole, commit and recommit for  
12 violations of parole any person sentenced by a court in this  
13 Commonwealth to imprisonment in any correctional institution.  
14 The recommitment ranges shall take into account the seriousness  
15 of the initial conviction offense, the level of seriousness of  
16 the violation and the rehabilitative needs of the defendant. At  
17 the end of the recommitment period, the parole violator shall be  
18 reviewed for parole or, without further review, shall be  
19 repared.

20 (b) Deviation.--In every case in which the board deviates  
21 from the recommitment ranges, the board shall provide a  
22 contemporaneous written statement of the reasons for the  
23 deviation from the recommitment ranges to the commission as  
24 established under section 2153(a)(14) (relating to powers and  
25 duties).

26 (c) Definitions.--As used in this section, the following  
27 words and phrases shall have the meanings given to them in this  
28 subsection:

29 "Recommitment range." A range of time within which a parole  
30 violator may be recommitted to serve an additional part of the



1 term the parole violator would have been compelled to serve had  
2 the parole violator not been paroled.

3 § 2154.7. Adoption of risk assessment instrument.

4 (a) General rule.--The commission shall adopt a sentence  
5 risk assessment instrument for the sentencing court to use to  
6 help determine the appropriate sentence within the limits  
7 established by law for defendants who plead guilty or nolo  
8 contendere to or who were found guilty of felonies and  
9 misdemeanors. The risk assessment instrument may be used as an  
10 aide in evaluating the relative risk that an offender will  
11 reoffend and be a threat to public safety.

12 (b) Sentencing guidelines.--The risk assessment instrument  
13 may be incorporated into the sentencing guidelines under section  
14 2154 (relating to adoption of guidelines for sentencing).

15 (c) Presentence investigation report.--Subject to the  
16 provisions of the Pennsylvania Rules of Criminal Procedure, the  
17 sentencing court may use the risk assessment instrument to  
18 determine whether a more thorough assessment is necessary and to  
19 order a presentence investigation report.

20 (d) Alternative sentencing.--Subject to the eligibility  
21 requirements of each program, the risk assessment instrument may  
22 be an aide to help determine appropriate candidates for  
23 alternative sentencing, including the recidivism risk reduction  
24 incentive, State and county intermediate punishment programs and  
25 State motivational boot camps.

26 (e) Definition.--As used in this section, the term "risk  
27 assessment instrument" means an empirically based worksheet  
28 which uses factors that are relevant in predicting recidivism.

29 § 2155. Publication of guidelines for sentencing, resentencing  
30 and parole and recommitment ranges following

1 revocation.

2 (a) General rule.--The commission shall:

3 (1) Prior to adoption, publish in the Pennsylvania  
4 Bulletin all proposed sentencing guidelines, resentencing  
5 guidelines following revocation of probation, county  
6 intermediate punishment and State intermediate punishment,  
7 parole guidelines and recommitment ranges following  
8 revocation by the board of paroles granted, and hold public  
9 hearings not earlier than 30 days and not later than 60 days  
10 thereafter to afford an opportunity for the following persons  
11 and organizations to testify:

- 12 (i) Pennsylvania District Attorneys Association.
- 13 (ii) Chiefs of Police Associations.
- 14 (iii) Fraternal Order of Police.
- 15 (iv) Public Defenders Organization.
- 16 (v) Law school faculty members.
- 17 (vi) State Board of Probation and Parole.
- 18 (vii) Department of Corrections.
- 19 (viii) Pennsylvania Bar Association.
- 20 (ix) Pennsylvania Wardens Association.
- 21 (x) Pennsylvania Association on Probation, Parole  
22 and Corrections.
- 23 (xi) Pennsylvania Conference of State Trial Judges.
- 24 (xii) Any other interested person or organization.

25 (2) Publish in the Pennsylvania Bulletin sentencing  
26 guidelines as adopted by the commission.

27 (b) Rejection by General Assembly.--Subject to gubernatorial  
28 review pursuant to section 9 of Article III of the Constitution  
29 of Pennsylvania, the General Assembly may by concurrent  
30 resolution reject in their entirety any guidelines or

1 recommitment ranges adopted by the commission within 90 days of  
2 their publication in the Pennsylvania Bulletin pursuant to  
3 subsection (a)(2).

4 (c) Effective date.--Sentencing guidelines, resentencing  
5 guidelines following revocation of probation, county  
6 intermediate punishment and State intermediate punishment,  
7 parole guidelines and recommitment ranges following revocation  
8 by the board of paroles granted, adopted by the commission shall  
9 become effective 90 days after publication in the Pennsylvania  
10 Bulletin pursuant to subsection (a)(2) unless disapproved  
11 pursuant to subsection (b) and shall apply to sentences and  
12 resentences and parole decisions made after the effective date  
13 of the guidelines. If not disapproved, the commissioners shall  
14 conduct training and orientation for trial court judges and  
15 board members prior to the effective date of the guidelines and  
16 recommitment ranges.

17 § 2156. Severability of subchapter.

18 The provisions of this subchapter are severable. If any  
19 provision of this subchapter or its application to any person or  
20 circumstance is held invalid, the invalidity shall not affect  
21 other provisions or applications of this subchapter which can be  
22 given effect without the invalid provision or application.]

23 Section 7. Section 9721(b) and 9781(d)(4) of Title 42 are  
24 amended to read:

25 § 9721. Sentencing generally.

26 \* \* \*

27 (b) General standards.--In selecting from the alternatives  
28 set forth in subsection (a), the court shall follow the general  
29 principle that the sentence imposed should call for confinement  
30 that is consistent with the protection of the public, the

1 gravity of the offense as it relates to the impact on the life  
2 of the victim and on the community, and the rehabilitative needs  
3 of the defendant. The court shall also consider any guidelines  
4 for sentencing and resentencing adopted by the Pennsylvania  
5 Commission on Sentencing and taking effect under [section 2155]  
6 46 Pa.C.S. § 5913 (relating to publication of guidelines for  
7 sentencing, resentencing and parole and recommitment ranges  
8 following revocation). In every case in which the court imposes  
9 a sentence for a felony or misdemeanor, modifies a sentence,  
10 resentsences an offender following revocation of probation,  
11 county intermediate punishment or State intermediate punishment  
12 or resentsences following remand, the court shall make as a part  
13 of the record, and disclose in open court at the time of  
14 sentencing, a statement of the reason or reasons for the  
15 sentence imposed. In every case where the court imposes a  
16 sentence or resentence outside the guidelines adopted by the  
17 Pennsylvania Commission on Sentencing under [sections 2154] 46  
18 Pa.C.S. §§ 5905 (relating to adoption of guidelines for  
19 sentencing), [2154.1] 5906 (relating to adoption of guidelines  
20 for county intermediate punishment), [2154.2] 5907 (relating to  
21 adoption of guidelines for State intermediate punishment),  
22 [2154.3] 5908 (relating to adoption of guidelines for fines),  
23 [2154.4] 5909 (relating to adoption of guidelines for  
24 resentencing) and [2154.5] 5910 (relating to adoption of  
25 guidelines for parole) and made effective under [section 2155]  
26 46 Pa.C.S. § 5913, the court shall provide a contemporaneous  
27 written statement of the reason or reasons for the deviation  
28 from the guidelines to the commission, as established under  
29 [section 2153(a)(14)] 46 Pa.C.S. § 5904(a)(14) (relating to  
30 powers and duties). Failure to comply shall be grounds for



1 vacating the sentence or resentence and resentencing the  
2 defendant.

3 \* \* \*

4 § 9781. Appellate review of sentence.

5 \* \* \*

6 (d) Review of record.--In reviewing the record the appellate  
7 court shall have regard for:

8 \* \* \*

9 (4) The guidelines promulgated by the [commission]  
10 Pennsylvania Commission on Sentencing under 46 Pa.C.S. Ch. 59  
11 (relating to Pennsylvania Commission on Sentencing).

12 \* \* \*

13 Section 8. Title 46 is amended by adding parts to read:

14 PART I

15 GENERAL PROVISIONS

16 Chapter

17 1. Preliminary Provisions

18 CHAPTER 1

19 PRELIMINARY PROVISIONS

20 Sec.

21 101. Short title.

22 § 101. Short title.

23 This title shall be known and may be cited as the Legislative  
24 Code.

25 PART II

26 MEMBERS OF THE GENERAL ASSEMBLY

27 (Reserved)

28 PART III

29 OFFICERS AND EMPLOYEES

30 (Reserved)

1 PART IV

2 ADMINISTRATIVE MATTERS

3 (Reserved)

4 PART V

5 LEGISLATIVE SERVICE AGENCIES

6 Chapter

7 51. General provisions

8 53. Legislative Reference Bureau

9 55. Legislative Data Processing Committee

10 57. Capitol Preservation Committee

11 59. Pennsylvania Commission on Sentencing

12 61. Pennsylvania Office for Research and Public Policy

13 CHAPTER 51

14 GENERAL PROVISIONS

15 Sec.

16 5101. Definitions.

17 5102. Cooperation among agencies.

18 § 5101. Definitions.

19 The following words and phrases when used in this part shall  
20 have the meanings given to them in this section unless the  
21 context clearly indicates otherwise:

22 "Legislative service agency." Any of the following:

23 (1) The Legislative Reference Bureau.

24 (2) The Legislative Data Processing Committee.

25 (3) The Capitol Preservation Committee.

26 (4) The Pennsylvania Commission on Sentencing.

27 (5) The Legislative Research and Policy Development

28 Office.

29 § 5102. Cooperation among agencies.

30 (a) General rule.--The executive directors of the

1 legislative service agencies shall meet to discuss how their  
2 respective legislative service agencies may support each other  
3 to better serve the General Assembly. The executive director of  
4 the Pennsylvania Office of Research and Public Policy shall  
5 schedule the meetings with a goal of meeting at least quarterly.

6 (b) Development of procedures.--The executive directors may  
7 develop procedures for sharing employees for certain projects.

## 8 CHAPTER 53

### 9 LEGISLATIVE REFERENCE BUREAU

10 Sec.

11 5301. Definitions.

12 5302. Legislative Reference Bureau.

13 5303. Director.

14 5304. Qualifications and duties of director.

15 5305. Assistant director.

16 5306. Staff.

17 5307. Hours of operation.

18 5308. Legislative and public documents.

19 5309. Duties of bureau.

20 5310. Availability for consultation.

21 5311. Contracts for printing statutes.

22 § 5301. Definitions.

23 The following words and phrases when used in this chapter  
24 shall have the meanings given to them in this section unless the  
25 context clearly indicates otherwise:

26 "Bureau." The Legislative Reference Bureau established by  
27 this chapter.

28 "Director." The Director of the Legislative Reference  
29 Bureau.

30 § 5302. Legislative Reference Bureau.

1     (a) Establishment.--The Legislative Reference Bureau is  
2     established for the use and information of the Governor, the  
3     members of the General Assembly, the heads of the departments of  
4     State government and the citizens of this Commonwealth who wish  
5     to consult the bureau.

6     (b) Location.--The bureau shall be located in the Main  
7     Capitol Building.  
8     § 5303. Director.

9     The Director of the Legislative Reference Bureau shall be in  
10    charge of the bureau and shall be elected biennially before the  
11    first day of February, each odd-numbered year, by the Senate and  
12    House of Representatives in joint session.

13    § 5304. Qualifications and duties of director.

14    (a) General rule.--The director shall be:

15       (1) Qualified by experience, knowledge and ability to  
16       conduct the work of the bureau.

17       (2) Knowledgeable in legislative procedure and  
18       parliamentary practice and shall in such matters, when called  
19       upon to do so, serve as an ex officio advisor to the General  
20       Assembly.

21    (b) Bond.--The person elected as director shall give bond in  
22    the sum of \$10,000 for the faithful performance of the person's  
23    duties and shall devote the person's whole time and attention to  
24    the duties of the office for which the person is elected.

25    (c) Access to legislative documents.--The director shall  
26    have access to the law library and its publications of the  
27    various state governments and the Federal Government, which may  
28    be generally classed as legislative documents.

29    (d) Salary.--The annual salary of the director shall be  
30    determined jointly by the President pro tempore of the Senate,



1 the Minority Leader of the Senate, the Speaker of the House of  
2 Representatives and the Minority Leader of the House of  
3 Representatives.

4 § 5305. Assistant director.

5 (a) Appointment by director.--The director shall appoint an  
6 assistant director who must be learned in the law and a skilled  
7 bill drafter.

8 (b) Salary and duties.--

9 (1) The assistant director shall receive a salary as  
10 fixed by the director.

11 (2) The assistant director shall perform the duties of  
12 the director in the case of a vacancy in that office or in  
13 case of the absence or inability of the director to act.

14 (3) The assistant director shall perform such other  
15 duties as may be assigned by the director.

16 § 5306. Staff.

17 (a) Appointment by director.--The director shall appoint a  
18 trained librarian and such attorneys-at-law, clerks,  
19 secretaries, stenographers, typists, messengers and other  
20 employees, as the director deems necessary, and for such periods  
21 and on such terms as the director deems advantageous to conduct  
22 the work of the bureau at all times.

23 (b) Compensation.--The director shall fix the number and  
24 compensation of all employees of the bureau within the limits of  
25 appropriations made in advance by the General Assembly.

26 § 5307. Hours of operation.

27 The bureau shall be kept open on business days from 8:45 a.m.  
28 to 4:45 p.m. during the year and, when the General Assembly is  
29 in session, at such hours as are most convenient to the members  
30 of the General Assembly.

1 § 5308. Legislative and public documents.

2 (a) Duty to maintain.--The director shall prepare, and have  
3 available for use:

4 (1) Indices of Pennsylvania laws, digests of such public  
5 laws of this Commonwealth and other states as may be of use  
6 for legislative information.

7 (2) Records and files of all bills and resolutions  
8 presented in either branch of the General Assembly and loose  
9 leaf files of acts of Assembly.

10 (3) Catalog files of such reports of departments, boards  
11 and commissions and other public documents of this  
12 Commonwealth.

13 (4) General books and pamphlets as pertain to the work  
14 and service of the bureau, files of newspaper and periodical  
15 clippings and other printed matter as may be proper for the  
16 purposes of the bureau.

17 (b) Procurement of information.--The director shall, when  
18 requested by the Governor, the members of the General Assembly  
19 or the heads of departments, promptly procure available  
20 information not on file in the bureau relating to legislation of  
21 other states and shall investigate the manner in which laws have  
22 operated.

23 (c) Exchange of information with other states.--The director  
24 shall establish a system of exchanges with such other states as  
25 is expedient and practicable.

26 (d) Preparation and publication of information.--The  
27 director shall from time to time prepare and publish such  
28 bulletins, pamphlets and circulars, containing information  
29 collected by the bureau and such compilations of this or other  
30 states, as the director determines to be of service to the

1 Governor, the members of the General Assembly, the several  
2 departments of State government and the citizens of this  
3 Commonwealth.

4 (e) Preparation of codes.--

5 (1) From time to time the director shall prepare, for  
6 adoption or rejection by the General Assembly, codes, by  
7 topics, of the existing general statutes, arranged by  
8 chapters or articles and sections under suitable headings and  
9 shall add to the codes lists of statutes of the existing law  
10 to be repealed.

11 (2) The director shall assist in or supervise, when  
12 called upon by any proper authority or when directed to do so  
13 by the General Assembly, the compilation and preparation of  
14 any general revision and codification of the existing laws of  
15 this Commonwealth.

16 § 5309. Duties of bureau.

17 (a) Prohibited activity.--The director, assistant director  
18 and employees of the bureau may neither oppose nor urge  
19 legislation for the Commonwealth.

20 (b) Advice and assistance.--The director, assistant director  
21 and employees of the bureau shall, upon request, assist the  
22 Governor, the members of the General Assembly and the heads of  
23 departments by:

24 (1) Providing advice relating to bills and resolutions  
25 of the General Assembly.

26 (2) Drafting bills and resolutions into proper form.

27 (3) Furnishing to them the fullest information upon all  
28 matters within the scope of the bureau relating to their  
29 public duties.

30 (c) Confidentiality.--The director, assistant director and



1 employees of the bureau may not reveal to any person outside the  
2 bureau the contents or nature of any matter not yet published,  
3 without the consent of the person who brought the matter to the  
4 bureau.

5 § 5310. Availability for consultation.

6 (a) Duties.--The bureau shall be available for consultation  
7 freely by citizens of this Commonwealth relating to such general  
8 information as it may be able to furnish and as to the statutory  
9 law of this Commonwealth or any other state on particular  
10 subjects and shall furnish to citizens, upon request, copies of  
11 such laws as are available for distribution.

12 (b) Prohibition.--Notwithstanding the provisions of  
13 subsection (a), in no case and under no circumstances shall the  
14 director, assistant director or any employee of the bureau in  
15 that person's official capacity furnish any opinion on any legal  
16 matter to any private citizen.

17 § 5311. Contracts for printing statutes.

18 (a) Power to enter into contracts.--

19 (1) Notwithstanding any other provision of law to the  
20 contrary, including 62 Pa.C.S. (relating to procurement), the  
21 Pennsylvania Consolidated Statutes, advance copies of  
22 statutes, volumes of the Laws of Pennsylvania and other  
23 publications shall be printed under contracts entered into by  
24 the bureau and distributed as determined by the bureau.

25 (2) Money from sales shall be paid to the bureau or the  
26 Department of General Services, as the bureau shall  
27 determine, and that money shall be paid into the State  
28 Treasury to the credit of the General Fund.

29 (3) Money from sales is appropriated from the General  
30 Fund to the bureau for the editing, printing and distribution



1 of the Pennsylvania Consolidated Statutes, advance copies of  
2 statutes, volumes of the Laws of Pennsylvania and other  
3 publications and for related expenses.

4 (b) Contingent expenses to be paid.--Contingent expenses  
5 connected with the work of the bureau shall be paid on warrants  
6 of the State Treasurer in favor of the director on the  
7 presentation of the director's requisitions.

8 (c) Accounting of contingent expenses.--The director shall  
9 file an accounting of the contingent expenses, together with  
10 supporting documents whenever possible, in the office of the  
11 bureau.

## 12 CHAPTER 55

### 13 LEGISLATIVE DATA PROCESSING COMMITTEE

14 Sec.

15 5501. Definitions.

16 5502. Legislative Data Processing Committee.

17 5503. Powers and duties.

18 5504. Duties and qualifications of executive director.

19 5505. Prohibitions.

20 5506. Reimbursement of expenses.

21 § 5501. Definitions.

22 The following words and phrases when used in this chapter  
23 shall have the meanings given to them in this section unless the  
24 context clearly indicates otherwise:

25 "Committee." The Legislative Data Processing Committee  
26 established by this chapter.

27 "Executive director." The executive director of the  
28 Legislative Data Processing Committee.

29 § 5502. Legislative Data Processing Committee.

30 (a) Establishment.--

1       (1) The Legislative Data Processing Committee is  
2       established and shall consist of:

3               (i) Two senators appointed by the President pro  
4       tempore of the Senate.

5               (ii) Two senators appointed by the Minority Leader  
6       of the Senate.

7               (iii) Two representatives appointed by the Speaker  
8       of the House of Representatives.

9               (iv) Two representatives appointed by the Minority  
10       Leader of the House of Representatives.

11               (v) The Secretary of the Senate and the  
12       Parliamentarian of the House of Representatives, who  
13       shall serve as nonvoting members of the committee.

14       (2) Members of the committee shall serve during each  
15       regular session of the General Assembly and shall continue as  
16       members until the first Tuesday in January of the next odd-  
17       numbered year and until their respective successors shall  
18       qualify, provided they continue to be members of the Senate  
19       or the House of Representatives.

20       (3) The committee has a continuing existence and may  
21       meet and conduct its business at any place within this  
22       Commonwealth during the sessions of the General Assembly or  
23       any recess thereof and in the interim between sessions.

24       (b) Quorum and voting.--Six members of the committee shall  
25       constitute a quorum and an affirmative vote of five members of  
26       the committee shall be necessary to pass on any matter requiring  
27       committee action.

28       (c) Attendance.--Nothing in this chapter or in any rules and  
29       regulations promulgated by the committee shall prohibit a member  
30       of the committee from participating in a meeting, executive

1 session, deliberations or any other activity through telephone  
2 or other electronic medium.

3 (d) Proxies.--The committee shall adopt rules allowing for  
4 and governing the use of proxies by members of the committee,  
5 except that proxies may not be used to establish a quorum.

6 § 5503. Powers and duties.

7 The committee shall have the following powers and duties:

8 (1) To establish and operate a legislative data  
9 processing center incorporating a system or systems that are  
10 capable of storing and retrieving all of the financial,  
11 factual, procedural and legal information necessary to serve  
12 all of the committees, officers and agencies of the General  
13 Assembly.

14 (2) With the approval of the Committee on Management  
15 Operations of the Senate and the Bi-partisan Management  
16 Committee of the House of Representatives, to provide access  
17 to public legislative information within the computer  
18 information systems operated by the committee to persons  
19 outside the General Assembly as the committee deems  
20 appropriate. The access shall be provided in the manner  
21 approved by the committee, the Committee on Management  
22 Operations of the Senate and the Bi-partisan Management  
23 Committee of the House of Representatives. No information  
24 residing in the computer information systems operated by the  
25 committee shall be released or disseminated by the committee  
26 or its employees to persons outside the General Assembly  
27 without the approval of:

28 (i) The Committee on Management Operations of the  
29 Senate if the document or information was originated,  
30 prepared, generated or maintained in whole or in part by



1       the Senate.

2               (ii) The Bi-partisan Management Committee of the  
3       House of Representatives if the document or information  
4       was originated, prepared, generated or maintained in  
5       whole or in part by the House of Representatives.

6       (3) Notwithstanding paragraph (2), to provide access to  
7       information relating to bills, legislative histories and  
8       session calendars to the Governor's Office, the Office of  
9       Attorney General, the Auditor General, the State Treasurer,  
10      the heads of other departments and such other offices within  
11      State government as the committee, with the approval of the  
12      Committee on Management Operations of the Senate and the Bi-  
13      partisan Management Committee of the House of  
14      Representatives, shall determine.

15              (4) To appoint and employ an executive director, who  
16      shall be the chief executive officer of the committee, and  
17      such other personnel as the committee may deem necessary in  
18      the performance of its duties and to fix the compensation of  
19      the executive director and other personnel.

20              (5) To enter into contracts for the services of such  
21      professional, expert or technical services as the committee  
22      may deem necessary in the performance of its duties.

23              (6) To purchase or rent such equipment and supplies as  
24      the committee may deem necessary in the performance of its  
25      duties.

26              (7) To select its own chairman, vice chairman and such  
27      other officers as the committee may deem necessary in the  
28      performance of its duties.

29              (8) To make such rules and regulations as the committee  
30      may deem necessary to properly carry out the most efficient



1     use of a legislative data processing system.

2     § 5504. Duties and qualifications of executive director.

3     The executive director shall perform such duties as shall be  
4     assigned to that office by the committee and must have the  
5     following qualifications to be eligible for appointment:

6         (1) a master's degree in mathematics, physics, computer  
7         technology or some related field of study from an accredited  
8         institution of higher learning;

9         (2) a bachelor's degree from an accredited institution  
10        of higher learning and at least three years of practical  
11        experience in computer technology;

12        (3) at least five years of practical experience in  
13        computer technology of which at least two years must have  
14        included administrative and technical responsibility for  
15        developing and implementing a computer-oriented data  
16        processing system; or

17        (4) at least three years of practical experience in  
18        developing computer data processing systems and any partial  
19        combination of the experience qualifications specified in  
20        paragraphs (1), (2) and (3) which in the committee's judgment  
21        will result in the selection of an executive director capable  
22        of performing the duties prescribed in this chapter.

23     § 5505. Prohibitions.

24        (a) General rule.--No person designated by the committee as  
25        a professional employee, including the executive director,  
26        shall:

27            (1) Be a member of or delegate or alternate to a  
28            political convention, nor participate at any such convention,  
29            except in the performance of the person's official duty or as  
30            a visitor.

1       (2) Serve as a member of any committee of any political  
2 party, take an active part in political management or in  
3 political campaigns, use the person's office or position to  
4 influence political movements or to influence the political  
5 action of an officer or employee in the classified service.

6       (3) Circulate or seek signatures to a nomination or  
7 other petition required by any primary or election law.

8       (4) Seek or accept election, nomination or appointment  
9 as an officer of a political club or organization or serve as  
10 a member of a committee of any such club or organization.

11       (5) In any manner participate in or interfere with the  
12 conduct of any election or the preparation therefor at the  
13 polling place or with the election officers while counting  
14 the votes or returning the election material to the place  
15 provided by law for that purpose. This paragraph shall not  
16 apply to making and depositing the person's own ballot as  
17 speedily as it reasonably can be done.

18       (6) Be within the polling place or within 50 feet of a  
19 polling place, except for the purpose of carrying out the  
20 person's official duties and of ordinary travel or residence  
21 during the period of time beginning with one hour preceding  
22 the opening of the polls for holding such election and ending  
23 with the time when the election officers shall have finished  
24 counting the votes and have left the polling place for the  
25 purpose of depositing the election material in the place  
26 provided by law for that purpose.

27       (b) Preservation of rights.--The rights of an individual as  
28 a citizen are not impaired by this section, and the prerogative  
29 to attend meetings, to hear or see any candidate or nominee or  
30 to express one's individual opinion shall remain inviolate.

1 § 5506. Reimbursement of expenses.

2 The members of the committee shall serve without  
3 compensation, but shall be reimbursed for their expenses  
4 incurred:

5 (1) While attending sessions of the committee or  
6 meetings of any subcommittee of the committee.

7 (2) While engaged in other committee business authorized  
8 by the committee.

9 (3) In going to and coming from meetings of the  
10 committee or its subcommittees.

11 (4) For travel and other committee business when  
12 authorized by the committee.

13 CHAPTER 57

14 CAPITOL PRESERVATION COMMITTEE

15 Sec.

16 5701. Legislative findings and declaration of policy.

17 5702. Definitions.

18 5703. Capitol Preservation Committee.

19 5704. Powers and duties.

20 5705. Capitol Restoration Trust Fund.

21 § 5701. Legislative findings and declaration of policy.

22 The General Assembly finds and declares as follows:

23 (1) This Commonwealth has a rich heritage of historical  
24 buildings, structures, documents, artifacts and other objects  
25 and resources which bear witness to its growth as one of the  
26 great states of this nation.

27 (2) Efforts have been made toward the restoration and  
28 preservation of buildings, structures, documents, artifacts and  
29 objects evidencing the history of this eminent Commonwealth and  
30 of the General Assembly and these efforts should be continued



1 and intensified.

2 (3) Particular attention should be given to the preservation  
3 of the architectural and historical integrity of the State  
4 Capitol Building and to the restoration and preservation of  
5 artifacts, documents and other historical objects and resources  
6 located within that building.

7 (4) The most effective way to promote and foster the  
8 historic preservation of the State Capitol Building is by the  
9 establishment of a committee to supervise and coordinate this  
10 work.

11 § 5702. Definitions.

12 The following words and phrases when used in this chapter  
13 shall have the meanings given to them in this section unless the  
14 context clearly indicates otherwise:

15 "Committee." The Capitol Preservation Committee established  
16 by this chapter.

17 "Fund." The Capitol Restoration Trust Fund established by  
18 this chapter.

19 § 5703. Capitol Preservation Committee.

20 (a) Establishment.--The Capitol Preservation Committee is  
21 established and shall supervise and coordinate the historic  
22 preservation of the State Capitol Building and the preservation  
23 and restoration of historical documents, artifacts and other  
24 objects and resources located in or associated with the State  
25 Capitol Building.

26 (b) Membership.--The committee shall be composed of the  
27 following:

28 (1) Four members of the Senate to be appointed by the  
29 President pro tempore of the Senate, two from the majority  
30 party and two from the minority party.



1       (2) Four members of the House of Representatives to be  
2       appointed by the Speaker of the House of Representatives, two  
3       from the majority party and two from the minority party.

4       (3) One member, appointed by the Chief Justice of  
5       Pennsylvania, who is not a member of the judiciary.

6       (4) The Secretary of General Services or the secretary's  
7       designee.

8       (5) The Executive Director of the Pennsylvania  
9       Historical and Museum Commission or the executive director's  
10       designee.

11       (6) Three members appointed by the Governor, which  
12       members shall include individuals with experience in  
13       restoration of monumental buildings or a background in  
14       historical restoration or fine arts conservation.

15       (b.1) Restriction.--No member appointed under subsection (b)  
16       (3) or (6) shall be a member of the executive, legislative or  
17       judicial branch of State government at the time of the person's  
18       appointment.

19       (c) Terms.--

20       (1) Members appointed under subsection (b)(1) and (2)  
21       shall be appointed at the commencement of a regular session  
22       of the General Assembly in each odd-numbered year. These  
23       appointments shall take effect 31 days following the  
24       convening of the session, and the terms of these members  
25       shall run until 30 days after the convening of the next  
26       regular session of the General Assembly.

27       (2) The terms of members enumerated in subsection (b)(4)  
28       and (5) shall be coincident with their respective offices.

29       (3) The terms of members appointed under subsection (b)  
30       (3) and (6) shall be coincident with that of the appointing

1 Governor, President pro tempore of the Senate, Speaker of the  
2 House of Representatives and Chief Justice of Pennsylvania.

3 (d) Vacancies.--Vacancies in the membership of the committee  
4 shall be filled for the balance of the unexpired term in the  
5 same manner as the original appointment.

6 (e) Organization and procedure.--

7 (1) The committee shall elect by a majority of all its  
8 members a chairman and vice chairman from among its members,  
9 each to serve for a term of two years, and the committee  
10 shall meet not less than twice each year.

11 (2) A majority of all the members of the committee shall  
12 constitute a quorum for the transaction of business.

13 (3) The committee may adopt rules for its government,  
14 organization and procedures not inconsistent with the  
15 provisions of this chapter.

16 (f) Expenses.--Members of the committee shall receive no  
17 compensation for their services but shall be reimbursed for all  
18 necessary travel and other reasonable expenses incurred in  
19 connection with the performance of their duties as members.

20 § 5704. Powers and duties.

21 In addition to other powers and duties conferred by this  
22 chapter, the committee shall have the following powers and  
23 duties:

24 (1) To develop a comprehensive plan and program for the  
25 historic preservation and restoration of the State Capitol  
26 Building.

27 (2) To monitor the making of all major repairs,  
28 alterations and improvements in and about the State Capitol  
29 Building, including the furnishing and refurnishing of the  
30 building, where such repairs, alterations or improvements may

1 alter or otherwise affect the architectural and historical  
2 integrity of the building.

3 (3) To monitor the maintenance, restoration,  
4 preservation and rehabilitation of historical documents,  
5 artifacts and other historical objects or resources located  
6 within and around, or associated with, the State Capitol  
7 Building.

8 (4) To acquire on behalf of the Commonwealth artifacts,  
9 documents and other historical objects or resources which  
10 contribute to the historical significance of the State  
11 Capitol Building.

12 (5) To receive for and on behalf of the Commonwealth  
13 gifts or bequests of artifacts, documents and other  
14 historical objects or resources which contribute to the  
15 historical significance of the State Capitol Building.

16 (6) To assist in the preservation of other buildings and  
17 structures located within the Capitol Complex.

18 (7) To accept grants and subsidies from and enter into  
19 agreements or other transactions with any Federal agency or  
20 agency of the Commonwealth or other entity.

21 (8) To enter into contracts and to execute all  
22 instruments necessary or convenient for carrying on its  
23 operations.

24 (9) To issue appropriate regulations for the  
25 implementation of this chapter.

26 (10) To do all other things necessary or convenient to  
27 carry out the powers and duties conferred by this chapter.

28 § 5705. Capitol Restoration Trust Fund.

29 (a) Establishment.--The Capitol Restoration Trust Fund is  
30 established in the State Treasury. The fund shall be



1 administered by the committee and all moneys in the fund are  
2 appropriated to the committee on a continuing basis.

3 (b) Purpose.--The moneys in the fund shall be used for:

4 (1) The maintenance, restoration, preservation and  
5 rehabilitation of artifacts, documents and other historical  
6 objects or resources located within and around or associated  
7 with the State Capitol Building or acquired by the committee.

8 (2) The acquisition of artifacts, documents and other  
9 historical objects or resources, including, but not limited  
10 to, statuary, art or any element which contributes to the  
11 historical significance of the State Capitol Building.

12 (c) Contributions, solicitation of funds.--

13 (1) The committee may:

14 (i) Accept on behalf of the Commonwealth gifts,  
15 donations, legacies and usages of money from individuals,  
16 organizations, public or private corporations and other  
17 similar entities.

18 (ii) Solicit and raise moneys from public and  
19 private sources through the sale of commemorative medals  
20 and other items of a similar nature which promote the  
21 historic preservation and restoration of the State  
22 Capitol Building.

23 (2) Except for appropriations made by the General  
24 Assembly, all moneys received or raised under this section  
25 shall be paid into the State Treasury and credited to the  
26 fund.

27 (d) Operating expenses.--Appropriations made by the General  
28 Assembly to the committee shall be used for:

29 (1) Payment of necessary travel and other reasonable  
30 expenses of committee members.



1       (2) The compensation and expenses of staff for the  
2       committee.

3       (3) Administrative expenses.

4       (4) Administering the provisions of the chapter.

5                               CHAPTER 59

6                               PENNSYLVANIA COMMISSION ON SENTENCING

7       Sec.

8       5901. Definitions.

9       5902. Pennsylvania Commission on Sentencing established.

10      5903. Composition of commission.

11      5904. Powers and duties.

12      5905. Adoption of guidelines for sentencing.

13      5906. Adoption of guidelines for county intermediate  
14               punishment.

15      5907. Adoption of guidelines for State intermediate punishment.

16      5908. Adoption of guidelines for fines.

17      5909. Adoption of guidelines for resentencing.

18      5910. Adoption of guidelines for parole.

19      5911. Adoption of recommitment ranges following revocation of  
20               parole by board.

21      5912. Adoption of risk assessment instrument.

22      5913. Publication of guidelines for sentencing, resentencing  
23               and parole and recommitment ranges following  
24               revocation.

25      § 5901. Definitions.

26       The following words and phrases when used in this chapter  
27       shall have the meanings given to them in this section unless the  
28       context clearly indicates otherwise:

29       "Board." The Pennsylvania Board of Probation and Parole.

30       "Commission." The Pennsylvania Commission on Sentencing

1 established by this chapter.

2 "Department." The Department of Corrections of the  
3 Commonwealth.

4 § 5902. Pennsylvania Commission on Sentencing established.

5 (a) General rule.--The Pennsylvania Commission on Sentencing  
6 is established as an agency of the General Assembly and shall  
7 consist of 11 persons selected as provided in this chapter.

8 (b) Seal.--The commission shall have a seal engraved with  
9 its name and such other inscription as may be specified by  
10 regulation of the commission.

11 § 5903. Composition of commission.

12 (a) General rule.--The Pennsylvania Commission on Sentencing  
13 shall consist of:

14 (1) Two members of the House of Representatives selected  
15 by the Speaker of the House of Representatives, no more than  
16 one of whom shall be of the same political party.

17 (2) Two members of the Senate selected by the President  
18 pro tempore of the Senate, no more than one of whom shall be  
19 of the same political party.

20 (3) Four judges of courts of record selected by the  
21 Chief Justice of Pennsylvania.

22 (4) Three persons appointed by the Governor, who shall  
23 be, respectively:

24 (i) A district attorney.

25 (ii) A defense attorney.

26 (iii) Either a professor of law or a criminologist.

27 (a.1) Ex officio members.--The Secretary of Corrections, the  
28 victim advocate appointed under section 301 of the act of  
29 November 24, 1998 (P.L.882, No.111), known as the Crime Victims  
30 Act, and the chairman of the board, during their tenure in their

1 respective positions, shall serve as ex officio nonvoting  
2 members of the commission.

3 (b) Terms of office.--The members of the commission shall  
4 serve for terms of two years and until a successor has been  
5 selected and qualified. A vacancy on the commission shall be  
6 filled for the balance of the term.

7 (c) Chairman and executive director.--The commission shall  
8 select a chairman from its members and an executive director.  
9 The chairman shall:

10 (1) Preside at meetings of the commission.

11 (2) Direct the preparation of requests for  
12 appropriations for the commission and the use of funds made  
13 available to the commission.

14 (d) Meetings and quorum.--

15 (1) The commission shall meet at least four times a year  
16 and not less than semiannually to establish its general  
17 policies and rules.

18 (2) The commission shall be deemed an "agency" within  
19 the meaning of and shall be subject to the provisions of 65  
20 Pa.C.S. Ch. 7 (relating to open meetings).

21 (3) Seven commissioners shall constitute a quorum for  
22 the purpose of adopting proposed initial and initial and  
23 subsequent guidelines. A majority of commissioners shall  
24 constitute a quorum for all other purposes.

25 (4) Minutes of meetings shall be kept by the executive  
26 director and filed at the executive office of the commission.

27 (e) Records of action.--Except as otherwise provided by  
28 statute, the commission shall maintain and make available for  
29 public inspection a record of the final vote of each member on  
30 any action taken by it.



1     (f) Expenses.--A commissioner shall be entitled to  
2     reimbursement for the commissioner's accountable expenses  
3     incurred while engaged in the business of the commission.  
4     § 5904. Powers and duties.

5     (a) General rule.--The commission, pursuant to rules and  
6     regulations, shall have the power to:

7             (1) Establish general policies and promulgate such rules  
8             and regulations for the commission as are necessary to carry  
9             out the purposes of this chapter and 42 Pa.C.S. Ch. 97  
10            (relating to sentencing).

11            (2) Utilize, with their consent, the services,  
12            equipment, personnel, information and facilities of Federal,  
13            State, local and private agencies and instrumentalities with  
14            or without reimbursement therefor.

15            (3) Enter into and perform such contracts, leases,  
16            cooperative agreements and other transactions as may be  
17            necessary in the conduct of the functions of the commission,  
18            with any public agency or with any person, firm, association,  
19            corporation, educational institution or nonprofit  
20            organization.

21            (4) Request such information, data and reports from any  
22            officer or agency of the State government as the commission  
23            may from time to time require and as may be produced  
24            consistent with other law.

25            (5) Arrange with the head of any government unit for the  
26            performance by the government unit of any function of the  
27            commission, with or without reimbursement.

28            (6) Issue invitations requesting the attendance and  
29            testimony of witnesses and the production of any evidence  
30            that relates directly to a matter with respect to which the



1 commission or any member thereof is empowered to make a  
2 determination under this chapter.

3 (7) Establish a research and development program within  
4 the commission for the purpose of:

5 (i) Serving as a clearinghouse and information  
6 center for the collection, preparation and dissemination  
7 of information on Commonwealth sentencing, resentencing  
8 and parole practices.

9 (ii) Assisting and serving in a consulting capacity  
10 to the board, State courts, departments and agencies in  
11 the development, maintenance and coordination of sound  
12 sentencing, resentencing and parole practices.

13 (8) Collect systematically the data obtained from  
14 studies, research and the empirical experience of public and  
15 private agencies concerning the sentencing processes.

16 (9) Publish data concerning the sentencing and parole  
17 processes.

18 (10) Collect systematically and disseminate information  
19 concerning parole dispositions and sentences actually  
20 imposed, including initial sentences and any subsequent  
21 modification of sentences or resences following revocation  
22 or remand, and parole and reparole decisions by the board and  
23 any other paroling authority.

24 (11) Collect systematically and disseminate information  
25 regarding effectiveness of parole dispositions and sentences  
26 imposed.

27 (12) Make recommendations to the General Assembly  
28 concerning modification or enactment of sentencing, parole  
29 and correctional statutes which the commission finds to be  
30 necessary and advisable to carry out an effective, humane and

1 rational sentencing, resentencing and parole policy.

2 (13) Establish a plan and timetable to collect and  
3 disseminate information relating to incapacitation,  
4 recidivism, deterrence and overall effectiveness of sentences  
5 and parole dispositions imposed.

6 (14) Establish a program to systematically monitor  
7 compliance with the guidelines, with recommitment ranges and  
8 with mandatory sentencing laws to document eligibility for  
9 and releases pursuant to a county reentry plan, to document  
10 eligibility for and imposition of recidivism risk reduction  
11 incentive minimum sentences and to document all parole and  
12 reparole decisions by the board and any other paroling  
13 authority by:

14 (i) Promulgating forms which document the  
15 application of sentencing, resentencing and parole  
16 guidelines, mandatory sentencing laws, releases pursuant  
17 to a county reentry plan, recommitment ranges and  
18 recidivism risk reduction incentive minimum sentences and  
19 collecting information on all parole and rep parole  
20 decisions by the board and any other paroling authority.

21 (ii) Requiring the timely completion and electronic  
22 submission of such forms to the commission.

23 (15) Prior to adoption of changes to guidelines for  
24 sentencing, resentencing and parole and recommitment ranges  
25 following revocation, use a correctional population  
26 simulation model to determine:

27 (i) Resources that are required under current  
28 guidelines and ranges.

29 (ii) Resources that would be required to carry out  
30 any proposed changes to the guidelines and ranges.

1     (b) Annual reports.--The commission shall report annually to  
2     the Governor, the General Assembly and the Administrative Office  
3     of Pennsylvania Courts on the activities of the commission.

4     (c) Additional powers and duties.--The commission shall have  
5     such other powers and duties and shall perform such other  
6     functions as may be necessary to carry out the purposes of this  
7     chapter or as may be provided under any other provision of law  
8     and may delegate to any commissioner or designated person such  
9     powers as may be appropriate other than the power to establish  
10    general policies, guidelines, rules and factors under subsection  
11    (a)(1).

12    § 5905. Adoption of guidelines for sentencing.

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

24        (1) Seriousness of the offense, by specifying the range  
25        of sentences applicable to crimes of a given degree of  
26        gravity, including incapacitation of serious violent  
27        offenders.

28        (2) Criminal history, by specifying a range of sentences  
29        of increased severity for offenders previously convicted of  
30        or adjudicated delinquent for one or more misdemeanor or



1 felony offenses committed prior to the current offense.

2 (3) Criminal behavior, by specifying a range of  
3 sentences of increased severity for offenders who pose a  
4 substantial risk to public safety, including those who  
5 possessed or used a deadly weapon during the commission of  
6 the current conviction offense.

7 (4) Aggravated and mitigated ranges, by specifying  
8 variations from the range of sentences applicable on account  
9 of aggravating or mitigating circumstances.

10 (5) The impact of any amendments to 42 Pa.C.S. § 9756  
11 (relating to sentence of total confinement).

12 (b) Definitions.--As used in this section, the following  
13 words and phrases shall have the meanings given to them in this  
14 subsection unless the context clearly indicates otherwise:

15 "Possessed." On a defendant's person or within the  
16 defendant's immediate physical control.

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

21 § 5906. Adoption of guidelines for county intermediate  
22 punishment.

23 The commission shall adopt guidelines to identify offenders  
24 who would be eligible and appropriate for participation in  
25 county intermediate punishment programs. These guidelines shall  
26 be considered by the sentencing court in determining whether to  
27 sentence an offender pursuant to 42 Pa.C.S. § 9763 (relating to  
28 sentence of county intermediate punishment). The guidelines  
29 shall:

30 (1) Use the description of "eligible offender" provided

1 in 42 Pa.C.S. Ch. 98 (relating to county intermediate  
2 punishment).

3 (2) Give primary consideration to protection of the  
4 public safety.

5 § 5907. Adoption of guidelines for State intermediate  
6 punishment.

7 The commission shall adopt guidelines to identify offenders  
8 who would be appropriate for participation in State intermediate  
9 punishment programs. These guidelines shall be considered by the  
10 attorney for the Commonwealth and the sentencing court in  
11 determining whether to commit a defendant for evaluation and  
12 whether to sentence an eligible offender pursuant to 61 Pa.C.S.  
13 Ch. 41 (relating to State intermediate punishment). The  
14 guidelines shall:

15 (1) Use the description of "eligible offender" provided  
16 in 61 Pa.C.S. Ch. 41.

17 (2) Give primary consideration to protection of the  
18 public safety.

19 § 5908. Adoption of guidelines for fines.

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

26 (1) Specify the range of fines or other lawful economic  
27 sanctions, applicable to crimes of a given degree of gravity.

28 (2) Specify a range of fines or other lawful economic  
29 sanctions of increased amount for defendants previously  
30 convicted or adjudicated delinquent for one or more

1 misdemeanor or felony offenses committed prior to the current  
2 offense. For purposes of this paragraph, the term "previously  
3 convicted or adjudicated delinquent" shall include any  
4 finding of guilt or adjudication of delinquency whether or  
5 not sentence has been imposed or disposition ordered prior to  
6 the commission of the current offense.

7 (3) Prescribe variations from the range of fines  
8 applicable on account of aggravating or mitigating  
9 circumstances.

10 (4) Prescribe community service alternatives which may  
11 be imposed in lieu of all or part of the fines where the  
12 sentencing court finds the defendant lacks the ability to pay  
13 all or part of the fine.

14 § 5909. Adoption of guidelines for resentencing.

15 The commission shall adopt guidelines that shall be  
16 considered by the court when resentencing an offender following  
17 revocation of probation, county intermediate punishment or State  
18 intermediate punishment. The guidelines shall take into account:

19 (1) Factors considered in adopting the sentencing  
20 guidelines.

21 (2) The seriousness of the violation.

22 (3) The rehabilitative needs of the defendant.

23 § 5910. Adoption of guidelines for parole.

24 (a) Adoption.--The commission shall adopt guidelines that  
25 shall be considered by the board and any other paroling entity  
26 when exercising its power to parole and reparole all persons  
27 sentenced by any court in this Commonwealth to imprisonment in  
28 any correctional institution. The guidelines shall do all of the  
29 following:

30 (1) Give primary consideration to the protection of the



1 public and to victim safety.

2 (2) Provide for due consideration of victim input.

3 (3) Be designed to encourage inmates and parolees to  
4 conduct themselves in accordance with conditions and rules of  
5 conduct established by the department or other prison  
6 facilities and the board.

7 (4) Be designed to encourage inmates and parolees to  
8 participate in programs that have been demonstrated to be  
9 effective in reducing recidivism, including appropriate drug  
10 and alcohol treatment programs.

11 (5) Provide for prioritization of incarceration,  
12 rehabilitation and other criminal justice resources for  
13 offenders posing the greatest risk to public safety.

14 (6) Use validated risk assessment tools, be evidence  
15 based and take into account available research relating to  
16 the risk of recidivism, minimizing the threat posed to public  
17 safety and factors maximizing the success of reentry.

18 (b) Discretionary authority.--Notwithstanding any other  
19 provision of law, this section shall not be construed to remove  
20 the discretionary parole authority of the board and any other  
21 paroling entity when exercising its power to parole and  
22 reparole.

23 § 5911. Adoption of recommitment ranges following revocation of  
24 parole by board.

25 (a) Recommitment ranges.--

26 (1) The commission shall adopt recommitment ranges that  
27 shall be considered by the board when exercising its power to  
28 reparole, commit and recommit for violations of parole any  
29 person sentenced by a court in this Commonwealth to  
30 imprisonment in any correctional institution. The

1 recommitment ranges shall take into account the seriousness  
2 of the initial conviction offense, the level of seriousness  
3 of the violation and the rehabilitative needs of the  
4 defendant.

5 (2) At the end of the recommitment period, a parole  
6 violation shall be reviewed for parole or, without further  
7 review, shall be reparaoled.

8 (b) Deviation.--In every case in which the board deviates  
9 from the recommitment ranges, the board shall provide a  
10 contemporaneous written statement of the reasons for the  
11 deviation from the recommitment ranges to the commission as  
12 established under section 5904(a)(14) (relating to powers and  
13 duties).

14 (c) Definitions.--As used in this section, the following  
15 words and phrases shall have the meanings given to them in this  
16 subsection:

17 "Recommitment range." A range of time within which a parole  
18 violation may be recommitted to serve an additional part of the  
19 term the parole violator would have been compelled to serve had  
20 the parole violator not been paroled.

21 § 5912. Adoption of risk assessment instrument.

22 (a) General rule.--The commission shall adopt a sentence  
23 risk assessment instrument for the sentencing court to use to  
24 help determine the appropriate sentence within the limits  
25 established by law for defendants who plead guilty or nolo  
26 contendere to or who were found guilty of felonies and  
27 misdemeanors. The risk assessment instrument may be used as an  
28 aid in evaluating the relative risk that an offender will  
29 reoffend and be a threat to public safety.

30 (b) Sentencing guidelines.--The risk assessment instrument

1 may be incorporated into the sentencing guidelines under section  
2 5905 (relating to adoption of guidelines for sentencing).

3 (c) Presentence investigation report.--Subject to the  
4 provisions of the Pennsylvania Rules of Criminal Procedure, the  
5 sentencing court may use the risk assessment instrument to  
6 determine whether a more thorough assessment is necessary and to  
7 order a presentence investigation report.

8 (d) Alternative sentencing.--Subject to the eligibility  
9 requirements of each program, the risk assessment instrument may  
10 be an aide to help determine appropriate candidates for  
11 alternative sentencing, including the recidivism risk reduction  
12 incentive, State and county intermediate punishment programs and  
13 State motivational boot camps.

14 (e) Definition.--As used in this section, the term "risk  
15 assessment instrument" means an empirically based worksheet  
16 which uses factors that are relevant in predicting recidivism.  
17 § 5913. Publication of guidelines for sentencing, resentencing  
18 and parole and recommitment ranges following  
19 revocation.

20 (a) General rule.--The commission shall:

21 (1) Prior to adoption, publish in the Pennsylvania  
22 Bulletin all proposed sentencing guidelines, resentencing  
23 guidelines following revocation of probation, county  
24 intermediate punishment and State intermediate punishment,  
25 parole guidelines and recommitment ranges following  
26 revocation by the board of paroles granted, and hold public  
27 hearings not earlier than 30 days and not later than 60 days  
28 thereafter to afford an opportunity for the following persons  
29 and organizations to testify:

30 (i) Pennsylvania District Attorneys Association.



- 1           (ii) Chiefs of Police Associations.  
2           (iii) Fraternal Order of Police.  
3           (iv) Public Defenders Organization.  
4           (v) Law school faculty members.  
5           (vi) State Board of Probation and Parole.  
6           (vii) Department of Corrections.  
7           (viii) Pennsylvania Bar Association.  
8           (ix) Pennsylvania Wardens Association.  
9           (x) Pennsylvania Association on Probation, Parole  
10          and Corrections.  
11          (xi) Pennsylvania Conference of State Trial Judges.  
12          (xii) Any other interested person or organization.

13          (2) Publish in the Pennsylvania Bulletin sentencing  
14          guidelines as adopted by the commission.

15          (b) Rejection by General Assembly.--Subject to gubernatorial  
16          review pursuant to section 9 of Article III of the Constitution  
17          of Pennsylvania, the General Assembly may by concurrent  
18          resolution reject in their entirety any guidelines or  
19          recommitment ranges adopted by the commission within 90 days of  
20          their publication in the Pennsylvania Bulletin pursuant to  
21          subsection (a)(2).

22          (c) Effective date.--

23          (1) Sentencing guidelines, resentencing guidelines  
24          following revocation of probation, county intermediate  
25          punishment and State intermediate punishment, parole  
26          guidelines and recommitment ranges following revocation by  
27          the board of paroles granted, adopted by the commission shall  
28          become effective 90 days after publication in the  
29          Pennsylvania Bulletin pursuant to subsection (a)(2) unless  
30          disapproved pursuant to subsection (b) and shall apply to

1 sentences and resentences and parole decisions made after the  
2 effective date of the guidelines.

3 (2) If not disapproved, the commissioners shall conduct  
4 training and orientation for trial court judges and board  
5 members prior to the effective date of the guidelines and  
6 recommitment ranges.

7 CHAPTER 61

8 PENNSYLVANIA OFFICE FOR RESEARCH AND PUBLIC POLICY

9 Sec.

10 6101. Definitions.

11 6102. Pennsylvania Office for Research and Public Policy.

12 6103. Executive director.

13 6104. Powers and duties.

14 § 6101. Definitions.

15 The following words and phrases when used in this chapter  
16 shall have the meanings given to them in this section unless the  
17 context clearly indicates otherwise:

18 "Executive director." The executive director of the office.

19 "Local government." A county, city, borough, town, township  
20 or school district.

21 "Office." The Pennsylvania Office for Research and Public  
22 Policy established by this chapter.

23 "Records." Books, papers, manuals, reports, verification  
24 letters, work papers and other documentary materials, regardless  
25 of physical form or characteristics, under the control of the  
26 Pennsylvania Office for Research and Public Policy or its  
27 authorized representative which are maintained pursuant to a  
28 project conducted under section 6104 (relating to powers and  
29 duties) and the specific and unique information contained  
30 therein.

1 § 6102. Pennsylvania Office for Research and Public Policy.

2 The Pennsylvania Office for Research and Public Policy is  
3 established and shall be the central bicameral, bipartisan  
4 research and policy development office for the General Assembly.

5 § 6103. Executive director.

6 (a) Election.--An executive director shall be in charge of  
7 the office. The executive director shall be elected by the  
8 members of the General Assembly biennially before the first day  
9 of February, each odd-numbered year, by the Senate and the House  
10 of Representatives in joint session.

11 (b) Qualifications.--The executive director shall be  
12 qualified by experience, knowledge and ability to conduct the  
13 work of the office.

14 (c) Duty to report.--The executive director shall report  
15 regularly to the President pro tempore of the Senate, the  
16 Minority Leader of the Senate, the Speaker of the House of  
17 Representatives and the Minority Leader of the House of  
18 Representatives.

19 (d) Appointment of assistant executive director.--The  
20 executive director may appoint an assistant executive director  
21 and such other employees as the executive director deems  
22 necessary to conduct the work of the office, including  
23 attorneys, economists, fiscal analysts, public policy analysts  
24 and other professional, technical and clerical staff. The  
25 executive director shall oversee the development of policies for  
26 the office regarding the reimbursement of expenses and other  
27 administrative matters.

28 § 6104. Powers and duties.

29 (a) General authority.--

30 (1) (i) The office shall conduct any investigation or



1 study and gather any information as may be deemed useful  
2 to the General Assembly and to the standing committees of  
3 the Senate and the House of Representatives.

4 (ii) A long-term study or investigation or a  
5 codification project which is likely to take more than 90  
6 days to complete may only be initiated by a resolution of  
7 the Senate or the House of Representatives.

8 (iii) The office shall have the power to call upon  
9 any department or agency of the State government for  
10 information as it deems pertinent to any investigation or  
11 study.

12 (iv) The office may designate persons, other than  
13 members of the General Assembly, to act in advisory  
14 capacities.

15 (v) The office shall report to the General Assembly  
16 or to the various standing committees of the Senate and  
17 the House of Representatives findings and recommendations  
18 accompanied with drafts of legislation as it deems  
19 necessary for the information of the consideration by the  
20 General Assembly.

21 (2) In making recommendations, the office shall consider  
22 the fiscal impact on the Commonwealth. To the extent  
23 possible, the office shall provide a cost-benefit analysis of  
24 any recommendation.

25 (3) The office may accept requests for research  
26 assistance from individual members of the General Assembly  
27 and their staff.

28 (4) (i) Records which are created or obtained during  
29 study projects under this section shall be treated as  
30 confidential. Requests made of the office to inspect

1 identifiable records pertaining to a project under this  
2 section shall be denied and the requesting party notified  
3 that the records are considered to be confidential and  
4 will not be made available for inspection.

5 (ii) The work papers underlying the office's studies  
6 pursuant to this section shall be privileged from public  
7 disclosure, including through discovery in a judicial or  
8 administrative proceeding, because they show the  
9 deliberative process of the office in carrying out its  
10 role in the overall legislative method under Pennsylvania  
11 law in studying, evaluating and recommending policy  
12 improvement to State government and law.

13 (5) The office may issue subpoenas to compel the  
14 attendance of witnesses and the production of any information  
15 relevant to matters properly being inquired into by the  
16 office under this section, to administer oaths and to cause  
17 the deposition of witnesses, either residing within or  
18 without this Commonwealth, to be taken in the manner  
19 prescribed by law for taking depositions in civil actions.  
20 The office may hold public hearings as it deems necessary.

21 (6) The office shall develop relationships with colleges  
22 and universities in this Commonwealth so that faculty at  
23 those colleges and universities may provide in-kind expertise  
24 to the General Assembly to respond to research requests.

25 (7) The office shall have specific units which shall  
26 include, but not be limited to, the areas of study under  
27 subsections (b), (c), (d) and (e).

28 (b) Program evaluation.--The office shall:

29 (1) Make current examination of Commonwealth programs,  
30 agencies and commissions to determine whether or not the

1 programs, agencies and commissions are functioning  
2 efficiently and effectively and for the purposes and within  
3 the statutory restrictions provided by the General Assembly.

4 (2) Before any report is publicly released by the office  
5 under this subsection, the department, officer or agency of  
6 the State government involved therein shall be afforded an  
7 opportunity to comment and the comments shall be attached to  
8 the office's report.

9 (3) The office shall have direct and unimpeded access to  
10 all material it deems necessary, including, but not limited  
11 to, personnel records, to fulfill its duties under this  
12 subsection. The office and its authorized representatives  
13 will follow oral and written procedures developed in  
14 conjunction with subject agencies for the inspection and  
15 copying of records maintained by agents of the subject agency  
16 responsible for the custody of the records. The procedures  
17 may not act to impede the nature of material to be accessed  
18 by the office.

19 (c) Local government.--The office shall:

20 (1) Study and provide information about local government  
21 including the study and investigation of the functions of  
22 local government, the possibility of eliminating unnecessary  
23 functions and the duplication and overlapping of functions.

24 (2) Study the following:

25 (i) The costs of local government, the ways and  
26 means of reducing these costs and lessening the burden on  
27 local taxpayers. The office shall identify and catalog  
28 State mandates on local governments.

29 (ii) The advisability and feasibility of increasing  
30 the areas or changing the boundaries of local



1 governments.

2 (iii) The establishment of larger units for  
3 administration by consolidation of units of local  
4 governments by cooperative arrangements between them for  
5 the performance of certain functions.

6 (iv) Generally, the ways and means of organizing a  
7 more modernized and efficient system of local government,  
8 including recommendations to modernize local government  
9 codes and related laws.

10 (3) Print or publish municipal codes electronically on  
11 the office's Internet website in a secure format accessible  
12 to the public and update such codes within 60 days of the  
13 effective date of any amendment to the codes.

14 (4) Review intergovernmental cooperation agreements in  
15 accordance with 53 Pa.C.S. § 2314 (relating to review of  
16 agreement by Pennsylvania Office for Research and Public  
17 Policy).

18 (5) Exercise other functions as may be deemed necessary  
19 to provide information to and assist local governments and  
20 municipal associations.

21 (d) Air and water pollution.--The office shall:

22 (1) Conduct continuing studies of air and water  
23 pollution laws, including the enforcement of those laws, and  
24 recommend needed changes to the General Assembly.

25 (2) Conduct continuing studies of mining practices,  
26 including deep mining, strip mining, open pit mining and  
27 quarrying, the restoration of land that has been mined and  
28 the laws relating to the restoration of land where mining  
29 operations have occurred.

30 (3) Receive complaints and hold hearings related to the

1 subject matter in paragraphs (1) and (2).

2 (e) Rural conditions.--The office shall:

3 (1) Administer grants to conduct research on matters  
4 relating to rural conditions to facilitate and coordinate  
5 basic and applied research and service components related to  
6 issues regarding the welfare of rural Pennsylvania.

7 (2) Make grants available only to the qualified faculty  
8 members of the various universities of the State System of  
9 Higher Education, the current land grant university and the  
10 regional campuses of the University of Pittsburgh. No grant  
11 shall exceed the sum of \$60,000. The subject areas of the  
12 grant program shall be: rural people and communities,  
13 economic development, local government finance and  
14 administration, community services, natural resources and  
15 environment, educational outreach, rural values and social  
16 change, agriculture and health and welfare concerns.

17 (3) Develop and maintain an appropriate base of  
18 knowledge and information about rural conditions and needs  
19 through a database. The database shall include the following  
20 major areas of concern: agriculture, economic development,  
21 local government capacity and fiscal stress indicators,  
22 transportation, sociodemographics, health care and human  
23 services, environment and natural resources, education and  
24 condition of the extant local infrastructure of  
25 Pennsylvania's rural communities. The data shall be arranged  
26 in such a manner so as to facilitate the monitoring of  
27 relationships between and among the various sectors  
28 identified for inclusion in the information system.

29 Section 9. Section 2314 of Title 53 is amended to read:

30 § 2314. Review of agreement by [Local Government Commission]

1           Pennsylvania Office for Research and Public Policy.

2       Every agreement between a local government and the  
3 Commonwealth, any other state, government of another state or  
4 the Federal Government under the provisions of this subchapter  
5 shall, prior to and as a condition precedent to enactment of an  
6 ordinance, be submitted to the [Local Government Commission]  
7 Pennsylvania Office for Research and Public Policy for review  
8 and recommendation. The [commission] office shall within [60] 90  
9 days of receipt of the agreement determine whether it is in  
10 proper form and compatible with the laws of this Commonwealth.  
11 Failure of the [commission] office to make recommendations  
12 within [60] 90 days of receipt of the agreement shall constitute  
13 a recommendation in favor of the agreement.

14       Section 10. Sections 6131(a)(12), 6134.1(a) and (b) and  
15 6137(a)(1), (b), (h)(2) and (i) of Title 61 are amended to read:  
16 § 6131. General powers of board.

17       (a) General rule.--The board shall have the power and its  
18 duty shall be:

19           \* \* \*

20       (12) To provide information as required under [42  
21 Pa.C.S. § 2153(a)(14) (relating to powers and duties)] 46  
22 Pa.C.S. § 5904(a)(14) (relating to powers and duties) as  
23 requested by the commission.

24           \* \* \*

25 § 6134.1. General criteria for parole by court.

26       (a) Guidelines.--The court may parole or reparole subject to  
27 consideration of guidelines established under [42 Pa.C.S. §  
28 2154.5] 46 Pa.C.S. § 5910 (relating to adoption of guidelines  
29 for parole).

30       (b) Report of decision to commission.--If a court paroles or



1 reparaoles a person, the court shall report the parole or  
2 reparole decision and shall provide a contemporaneous written  
3 statement for any deviation from the guidelines established  
4 under [42 Pa.C.S. § 2154.5] 46 Pa.C.S. § 5910, to the commission  
5 under [42 Pa.C.S. § 2153(a)(14)] 46 Pa.C.S. § 5904(a)(14)  
6 (relating to powers and duties).

7 \* \* \*

8 § 6137. Parole power.

9 (a) General criteria for parole.--

10 (1) The board may parole subject to consideration of  
11 guidelines established under [42 Pa.C.S. § 2154.5] 46 Pa.C.S.  
12 § 5910 (relating to adoption of guidelines for parole) and  
13 may release on parole any inmate to whom the power to parole  
14 is granted to the board by this chapter, except an inmate  
15 condemned to death or serving life imprisonment, whenever in  
16 its opinion:

17 (i) The best interests of the inmate justify or  
18 require that the inmate be paroled.

19 (ii) It does not appear that the interests of the  
20 Commonwealth will be injured by the inmate's parole.

21 \* \* \*

22 (b) Cases involving deviations from guidelines.--In each  
23 case in which the board deviates from the guidelines established  
24 under [42 Pa.C.S. § 2154.5] 46 Pa.C.S. § 5910, the board shall  
25 provide a contemporaneous written statement of the reason for  
26 the deviation from the guidelines to the commission as  
27 established under [42 Pa.C.S. § 2153(a)(14)] 46 Pa.C.S. §  
28 5904(a)(14) (relating to powers and duties). The board may  
29 develop and use internal decisional instruments. This subsection  
30 shall not be construed to prevent the board from also developing

1 forms or other documents, policies and procedures consistent  
2 with this chapter, including internal decisional instruments.

3 \* \* \*

4 (h) Power to recommit.--

5 \* \* \*

6 (2) In exercising these powers, the board shall consider  
7 any applicable recommitment ranges established by the  
8 commission under [42 Pa.C.S. § 2154.6] 46 Pa.C.S. § 5911  
9 (relating to adoption of recommitment ranges following  
10 revocation of parole by board).

11 (i) Cases involving deviations from guidelines.--In each  
12 case in which the board deviates from the recommitment ranges  
13 established under [42 Pa.C.S. § 2154.6] 46 Pa.C.S. § 5911, the  
14 board shall provide a contemporaneous written statement of the  
15 reason for the deviation from the recommitment ranges to the  
16 commission, as established under [42 Pa.C.S. § 2153(a)(14)] 46  
17 Pa.C.S. § 5904(a)(14).

18 \* \* \*

19 Section 11. Sections 3732(b)(3) and 3732.1(b)(4) of Title  
20 75, amended or added October 19, 2010 (P.L.557, No.81), are  
21 amended to read:

22 § 3732. Homicide by vehicle.

23 \* \* \*

24 (b) Sentencing.--

25 \* \* \*

26 (3) The Pennsylvania Commission on Sentencing, pursuant  
27 to [42 Pa.C.S. § 2154] 46 Pa.C.S. § 5905 (relating to  
28 adoption of guidelines for sentencing), shall provide for a  
29 sentencing enhancement for an offense under this section when  
30 the violation occurred in an active work zone or was the

1 result of a violation of section 3325 or 3327.

2 § 3732.1. Aggravated assault by vehicle.

3 \* \* \*

4 (b) Sentencing.--

5 \* \* \*

6 (4) The Pennsylvania Commission on Sentencing, under [42  
7 Pa.C.S. § 2154] 46 Pa.C.S. § 5905 (relating to adoption of  
8 guidelines for sentencing), shall provide for a sentencing  
9 enhancement for an offense under this section when the  
10 violation occurred in an active work zone or was the result  
11 of a violation of section 3325 or 3327.

12 Section 12. On or after the effective date of this section,  
13 a reference in any act, resolution or regulation to the Local  
14 Government Commission, the Joint State Government Commission,  
15 the Legislative Budget and Finance Committee, the Joint  
16 Legislative Air and Water Pollution Control and Conservation  
17 Committee, the Legislative Office of Research Liaison, or the  
18 Center for Rural Pennsylvania shall be construed to mean the  
19 Pennsylvania Office for Research and Public Policy.

20 Section 13. Repeals are as follows:

21 (1) The General Assembly declares that the repeals under  
22 paragraph (2) are necessary to effectuate this act.

23 (2) The following acts and parts of acts are repealed as  
24 follows:

25 Act of May 7, 1923 (P.L.158, No.119), entitled "An act  
26 creating a Legislative Reference Bureau; providing for the  
27 election of a director by the General Assembly; designating  
28 the officers and employes of such bureau, defining their  
29 duties; fixing their salaries; abolishing the present  
30 Legislative Reference Bureau; and making an appropriation."



1           Section 1763-B of the act of April 9, 1929 (P.L.343,  
2           No.176), known as The Fiscal Code.

3           Act of May 29, 1935 (P.L.244, No.102), entitled "An act  
4           creating a Local Government Commission to study and report on  
5           functions of local government; their allocation and  
6           elimination; the cost of local government and means of  
7           reducing it; and the consolidation of local government; and  
8           making an appropriation."

9           Act of July 1, 1937 (P.L.2460, No.459), entitled, as  
10          amended, "An act creating a joint legislative commission, to  
11          be known as the Joint State Government Commission; providing  
12          for its membership, chairman and executive committee;  
13          defining its powers and duties; and defining the powers and  
14          duties of standing committees of the General Assembly."

15          Act of June 26, 1939 (P.L.1105, No.388), entitled "An act  
16          authorizing and directing the Legislative Reference Bureau to  
17          compile, edit and publish, a compilation of laws relating to  
18          soldiers, sailors and marines, their dependents, and war  
19          veteran organizations; and making an appropriation."

20          Act of August 4, 1959 (P.L.587, No.195), entitled, as  
21          amended, "An act creating and establishing the Legislative  
22          Budget and Finance Committee; providing for its membership;  
23          prescribing its powers, functions and duties; providing for  
24          the appointment of an executive director and other personnel,  
25          and making an appropriation."

26          Section 49.1 of the act of January 10, 1968 (1967,  
27          P.L.925, No.417), referred to as the Legislative Officers and  
28          Employes Law.

29          Act of January 19, 1968 (1967 P.L.1022, No.448), entitled  
30          "An act creating a Joint Legislative Air and Water Pollution

1 Control and Conservation Committee, providing for the terms  
2 and appointment of members and for organization of the  
3 committee and employment of personnel, providing for study of  
4 air and water pollution laws and their enforcement, providing  
5 for information and assistance from other agencies of  
6 government, and making an appropriation."

7 Act of December 10, 1968 (P.L.1158, No.365), entitled "An  
8 act creating and establishing the Legislative Data Processing  
9 Committee: providing for its membership; prescribing its  
10 powers, functions and duties; and making an appropriation."

11 Act of December 20, 1982 (P.L. 1442, No.327), entitled  
12 "An act providing for the historic preservation of the State  
13 Capitol Building, establishing a Capitol Preservation  
14 Committee and establishing the Capitol Restoration Trust  
15 Fund."

16 Sections 301, 302, 303, 304, 305 and 306 of the act of  
17 June 30, 1987 (P.L.163, No.16), known as the Rural  
18 Pennsylvania Revitalization Act.

19 Section 14. The following apply:

20 (1) The addition of 46 Pa.C.S. Ch. 53 is a continuation  
21 of the act of May 7, 1923 (P.L.158, No.119).

22 (2) The addition of 46 Pa.C.S. Ch. 55 is a continuation  
23 of the act of December 10, 1968 (P.L.1158, No.365).

24 (3) The addition of 46 Pa.C.S. Ch. 57 is a continuation  
25 of the act of December 20, 1982 (P.L. 1442, No.327).

26 (4) The addition of 46 Pa.C.S. Ch. 59 is a continuation  
27 of 42 Pa.C.S. §§ 2151.1, 2151.2, 2152, 2153, 2154, 2154.1,  
28 2154.2, 2154.3, 2154.4, 2154.5, 2154.6, 2154.7 and 2155.

29 (5) The addition of 46 Pa.C.S. Ch. 61 is intended to  
30 preserve the nature and extent of the legislative services

1 provided by the Local Government Commission, the Joint State  
2 Government Commission, the Legislative Budget and Finance  
3 Committee, the Joint Legislative Air and Water Pollution  
4 Control and Conservation Committee, the Legislative Office of  
5 Research Liaison and the Center for Rural Pennsylvania.

6 Section 15. This act shall be implemented as follows:

7 (1) Implementation of the provisions of this act shall  
8 begin immediately and shall be fully completed on or before  
9 July 1, 2012.

10 (2) The President pro tempore of the Senate, the  
11 Minority Leader of the Senate, the Speaker of the House of  
12 Representatives and the Minority Leader of the House of  
13 Representatives shall each designate any member of the Senate  
14 or House of Representatives, respectively, to serve on a  
15 transition committee. The transition committee shall  
16 implement the provisions of this act relating to the  
17 consolidation of the Local Government Commission, the Joint  
18 State Government Commission, the Legislative Budget and  
19 Finance Committee, the Joint Legislative Air and Water  
20 Pollution Control and Conservation Committee, the Legislative  
21 Office of Research Liaison and the Center for Rural  
22 Pennsylvania into the Pennsylvania Office for Research and  
23 Public Policy.

24 (3) The transition committee shall select an individual  
25 to serve as interim executive director of the Pennsylvania  
26 Office for Research and Public Policy during the transitional  
27 period and until the election required by 46 Pa.C.S. § 6103  
28 takes place. Notwithstanding the provisions of 46 Pa.C.S. §  
29 6103, the initial election of an executive director shall  
30 take place on or before July 1, 2012.



1 Section 16. The following transitional provisions apply:

2 (1) All personnel, allocations, appropriations,  
3 equipment, files, records, contracts, agreements, obligations  
4 and other materials which are used, employed or expended by  
5 the Local Government Commission, the Joint State Government  
6 Commission, the Legislative Budget and Finance Committee, the  
7 Joint Legislative Air and Water Pollution Control and  
8 Conservation Committee, the Legislative Office of Research  
9 Liaison and the Center for Rural Pennsylvania are transferred  
10 to the Pennsylvania Office for Research and Public Policy in  
11 the first instance and as if these contracts, agreements and  
12 obligations had been incurred or entered into by the  
13 Pennsylvania Office for Research and Public Policy.

14 (2) Except as otherwise provided in paragraph (3), any  
15 project, study or investigation pursuant to a statute enacted  
16 within six years preceding the effective date of this  
17 section, a resolution adopted by the General Assembly or a  
18 resolution adopted by the Senate or the House of  
19 Representatives regarding the Local Government Commission,  
20 the Joint State Government Commission, the Legislative Budget  
21 and Finance Committee, the Joint Legislative Air and Water  
22 Pollution Control and Conservation Committee, the Legislative  
23 Office of Research Liaison and the Center for Rural  
24 Pennsylvania is transferred to the Pennsylvania Office of  
25 Research and Public Policy.

26 (3) Any project, study or investigation regarding the  
27 Joint State Government Commission pursuant to the act of  
28 March 10, 1949 (P.L.30, No.14), known as the Public School  
29 Code of 1949, or section 20 of the act of June 28, 1947  
30 (P.L.1110, No.476), known as the Motor Vehicle Sales Finance

1 Act, is transferred to the Pennsylvania Office of Research  
2 and Public Policy.

3 Section 17. The personnel, appropriations, equipment and  
4 other items and materials transferred by this act shall include  
5 an appropriate portion of the general administrative, overhead  
6 and supporting personnel, appropriations, equipment and other  
7 material of the Local Government Commission, the Joint State  
8 Government Commission, the Legislative Budget and Finance  
9 Committee, the Joint Legislative Air and Water Pollution Control  
10 and Conservation Committee, the Legislative Office of Research  
11 Liaison and the Center for Rural Pennsylvania and shall also  
12 include, where applicable, Federal grants and funds and other  
13 benefits from any Federal program.

14 Section 18. This act shall take effect July 1, 2011, or  
15 immediately, whichever is later.