

No. 1986-41

AN ACT

SB 1343

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, establishing the Pennsylvania Commission on Sentencing as an agency of the General Assembly; further providing for meetings and the powers and duties of the Pennsylvania Commission on Sentencing; providing for audits, existing rules and present members; reestablishing the Pennsylvania Commission on Sentencing; and making a repeal.

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

Section 1. Section 2151 of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

§ 2151. Pennsylvania Commission on Sentencing.

(a) General rule.—The Pennsylvania Commission on Sentencing *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 Pennsylvania Commission on Sentencing shall have a seal engraved with its name and such other inscription as may be specified by regulation of the commission.

Section 2. Section 2152(d) of Title 42 is amended to read:

§ 2152. Composition of commission.

* * *

(d) Meetings and quorum.—

(1) The commission shall meet **[not less frequently than quarterly]** *at least four times a year and not less than semiannually* to establish its general policies and rules.

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

(3) **[Nine]** *Seven* commissioners shall constitute a quorum for the purpose of adopting proposed initial and initial and subsequent guidelines. A majority of commissioners shall constitute a quorum for all other purposes.

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

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Section 3. Section 2153(a) of Title 42 is amended by adding paragraphs to read:

§ 2153. Powers and duties.

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

* * *

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

(14) Establish a program to systematically monitor compliance with the guidelines and with mandatory sentencing laws by:

(i) Promulgating forms which document the application of the guidelines or mandatory sentencing laws, or both.

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

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Section 4. Title 42 is amended by adding a section to read:

§ 2156. Severability of subchapter.

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

Section 5. (a) Section 218(c) and (e) of the act of October 5, 1980 (P.L.693, No.142), known as the JARA Continuation Act of 1980, are repealed.

(b) All other acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 6. (a) Each guideline, rule and regulation of the commission in effect on the effective date of this act shall remain in effect after such date until amended by the commission, provided that the commission shall immediately initiate the repeal or amendment of any rule or regulation which is inconsistent with the provisions of this act.

(b) The members of the Pennsylvania Commission on Sentencing constituted under 42 Pa.C.S. § 2152 (relating to composition of commission), as of the effective date of this act, shall continue to serve as members until their present terms of office expire, provided that any present commission member whose term has expired on or before the effective date of this act shall serve until a successor has been appointed and qualified, but no longer than six months after the effective date of this act.

Section 7. This act, with respect to the Pennsylvania Commission on Sentencing, constitutes the legislation required to reestablish an agency under the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Section 8. This act shall take effect May 1, 1986.

APPROVED—The 30th day of April, A. D. 1986.

DICK THORNBURGH