

No. 1988-26

AN ACT

SB 1130

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, making revisions to the provisions regarding the Pennsylvania sentencing guidelines.

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

Section 1. Section 2155 of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

§ 2155. Publication of guidelines for sentencing.

(a) *General rule.*—The commission shall:

(1) Prior to adoption, publish in the Pennsylvania Bulletin all proposed **[initial and subsequent]** sentencing guidelines and hold public hearings not earlier than 30 days and not later than 60 days thereafter to afford an opportunity for the following persons and organizations to testify:

(i) Pennsylvania District Attorneys Association.

(ii) Chiefs of Police Associations.

(iii) Fraternal Order of Police.

(iv) Public Defenders Organization.

(v) Law school faculty members.

(vi) State Board of Probation and Parole.

(vii) Bureau of Correction.

(viii) Pennsylvania Bar Association.

(ix) Pennsylvania Wardens Association.

(x) Pennsylvania Association on Probation, Parole and Corrections.

(xi) Pennsylvania Conference of State Trial Judges.

(xii) Any other interested person or organization.

(2) Publish in the Pennsylvania Bulletin **[all initial and subsequent]** sentencing guidelines as adopted by the commission.

[3) Adopt and publish in the Pennsylvania Bulletin pursuant to subsection (a)(2) the initial sentencing guidelines within 21 months of the first meeting of the Pennsylvania Commission on Sentencing.]

(b) *Rejection by General Assembly.*—**[The]** *Subject to gubernatorial review pursuant to section 9 of Article III of the Constitution of Pennsylvania, the* General Assembly may by concurrent resolution reject in their entirety any **[initial or subsequent]** guidelines adopted by the commission within 90 days of their publication in the Pennsylvania Bulletin pursuant to subsection (a)(2).

(c) *Effective date.*—**[Initial and any subsequent]** *Sentencing* guidelines adopted by the commission shall become effective **[180]** 90 days after publication in the Pennsylvania Bulletin pursuant to subsection (a) (2) unless

~~[rejected in their entirety by the General Assembly by a concurrent resolution within 90 days of their publication]~~ *disapproved pursuant to subsection (b)*. If not ~~[rejected by the General Assembly]~~ *disapproved*, the commissioners shall conduct training and orientation for trial court judges prior to the effective date of the guidelines.

Section 2. Any sentencing guidelines adopted by the Pennsylvania Commission on Sentencing and disapproved by the General Assembly prior to the effective date of this act shall be deemed null and void upon the adoption of sentencing guidelines subsequent to the effective date of this act and pursuant to this section. Notwithstanding the requirements set forth in 42 Pa.C.S. § 2155 (relating to publication of guidelines for sentencing), those guidelines published in the Pennsylvania Bulletin on December 5, 1987, and adopted by the commission on February 22, 1988, shall be submitted to the standing committee of each house of the General Assembly which has been designated to perform the responsibilities established pursuant to the act of June 25, 1982 (P.L. 633, No. 181), known as the Regulatory Review Act, relevant to the commission within five days of the effective date of this act; and the General Assembly may, by concurrent resolution, reject in their entirety said guidelines within 30 days from the date that said guidelines are submitted to the designated standing committee of each house of the General Assembly, and said guidelines shall become effective 30 days after such submittal unless disapproved pursuant to this section. The guidelines shall apply to all offenses committed on or after the effective date of the adopted guidelines.

Section 3. This act shall take effect immediately.

APPROVED—The 22nd day of March, A. D. 1988.

ROBERT P. CASEY