

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 809 Session of  
1999

INTRODUCED BY GIGLIOTTI, S. H. SMITH, READSHAW, STABACK, TRELLO,  
TIGUE, LAUGHLIN, SHANER, STERN, HARHAI, DeLUCA, McCALL,  
MANDERINO, SAYLOR, MELIO AND WOJNAROSKI, MARCH 10, 1999

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 10, 1999

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 sentence of partial confinement and for sentence of total  
4 confinement.

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

7 Section 1. Section 9755 of Title 42 of the Pennsylvania  
8 Consolidated Statutes is amended by adding a subsection to read:  
9 § 9755. Sentence of partial confinement.

10 \* \* \*

11 (h) Prohibition of parole with an intermediate punishment  
12 sentence.--The court may impose a sentence of imprisonment  
13 without the right to parole under this subsection only when:

14 (1) sentence is imposed pursuant to section 9763  
15 (relating to sentence of intermediate punishment) in which  
16 case the sentence shall specify the number of days of partial  
17 confinement to be served; and

18 (2) the maximum sentence of partial confinement imposed

1 on one or more indictments to run consecutively or  
2 concurrently total 90 days or less.

3 Section 2. Section 9756(c) of Title 42 is amended and the  
4 section is amended by adding a subsection to read:

5 § 9756. Sentence of total confinement.

6 \* \* \*

7 (c) Prohibition of parole for summary offenses.--[Except in  
8 the case of murder of the first degree, the] The court may  
9 impose a sentence to imprisonment without the right to parole  
10 under this subsection only when:

11 (1) a summary offense is charged;

12 (2) sentence is imposed for nonpayment of fines or  
13 costs, or both, in which case the sentence shall specify the  
14 number of days to be served; and

15 (3) the maximum term or terms of imprisonment imposed on  
16 one or more indictments to run consecutively or concurrently  
17 total less than 30 days.

18 \* \* \*

19 (c.1) Prohibition of parole with intermediate punishment  
20 sentences.--The court may impose a sentence of imprisonment  
21 without the right to parole under this subsection only when:

22 (1) sentence is imposed pursuant to section 9763  
23 (relating to sentence of intermediate punishment) in which  
24 case the sentence shall specify the number of days of total  
25 confinement also to be served; and

26 (2) the maximum sentence of total confinement imposed on  
27 one or more indictments to run consecutively or concurrently  
28 total 90 days or less.

29 Section 3. This act shall take effect in 90 days.

**HOUSE OF REPRESENTATIVES**  
**REPUBLICAN CAUCUS**

BILL SUMMARY

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DATE: 3/29/99

COMMITTEE: Judiciary

BILL NO.: HB 809

PRIME SPONSOR: Gigliotti

PRINTER'S NO.: 867

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A. PRELIMINARY SUMMARY:

House Bill 809 amends Title 42 of the Pennsylvania Consolidated Statutes to further provide for sentences of partial and total confinement.

Specifically, 42 Pa.C.S. §§ 9755 (relating to sentence of partial confinement) and 9756 (relating to sentence of total confinement) are amended to provide that the court may impose a sentence of imprisonment without the right to parole under these sections only when an offender is sentenced to intermediate punishment under 42 Pa.C.S. § 9763 (relating to sentence of intermediate punishment). This sentence shall specify the number of days of partial or total confinement to be served and the maximum sentence of partial or total confinement imposed on one or more indictments to run consecutively or concurrently when they total 90 days or less.

This act shall take effect in 90 days.

B. EXISTING LAW:

Sentencing judges do not currently have the authority to sentence an offender to both jail time and intermediate punishment. Rather, judges are left with an either/or proposition under 42 Pa.C.S. §§ 9755, 9756 and 9763.

JGM:js