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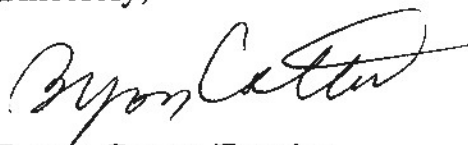
May 20, 1999

DEFENDER ASSOCIATION STATEMENT OF SUPPORT FOR HOUSE BILL NO. 809, SESSION OF 1999

The Defender Association of Philadelphia strongly supports the passage of House Bill No. 809 amending Title 42. It is our belief that an Intermediate Punishment sentence that includes a period of partial confinement will give judges at sentencing more options when dealing with drug addicted defendants. In situations where a judge believes drug treatment alone is not a harsh enough sentence based upon the facts of the underlying case, he or she will have the option of imposing a period of incarceration before drug treatment. Under the present Intermediate Punishment statute a judge must reject an Intermediate Punishment sentence when he or she feels incarceration is the appropriate sentence. This places the judge in a difficult position since he or she knows that incarceration and Intermediate Punishment drug treatment may not be imposed simultaneously under present law.

The passage of House Bill No. 809 will ensure that a judge's true intentions regarding the sentencing of an individual will be met. Additionally, it will respect the public's interest in having defendants receive a prison sentence prior to any drug treatment. Allowing judges to impose a prison sentence to precede drug treatment will ensure that defendants understand the serious consequences of criminal conduct but will also offer them the treatment option to help them become law-abiding, productive members of our society.

Sincerely,



Byron Cotter, Esquire
Chief, Probation, Parole & Alternative Sentencing Unit
Defender Association, Philadelphia, Pennsylvania