
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1080 Session of
2011

INTRODUCED BY GREENLEAF, PILEGGI, SCARNATI, BROWNE, SMUCKER,
FONTANA, ALLOWAY, WAUGH, EARLL, FOLMER, WILLIAMS, YUDICHAK
AND BRUBAKER, MAY 24, 2011

REFERRED TO INTERGOVERNMENTAL OPERATIONS, MAY 24, 2011

AN ACT

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

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

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

§ 3702. Robbery of motor vehicle.

* * *

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

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2152 and 2153 of Title 42 are repealed:

[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:

- (i) A district attorney.
- (ii) A defense attorney.
- (iii) Either a professor of law or a criminologist.

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

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

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

- (1) Preside at meetings of the commission.
- (2) Direct the preparation of requests for appropriations for the commission and the use of funds made available to the commission.

(d) Meetings and quorum.--

(1) The commission shall meet 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) 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.

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

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

§ 2153. Powers and duties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

any other paroling authority.

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

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

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

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

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

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

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

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

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

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

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

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

[§ 2154. Adoption of guidelines for sentencing.

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

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

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

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

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

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

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

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

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

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

Section 4. Section 2154.1 of Title 42 is repealed:

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

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

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

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

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

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

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

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

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

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

[§ 2154.3. Adoption of guidelines for fines.

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

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

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

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

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

§ 2154.4. Adoption of guidelines for resentencing.

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

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

(1) Factors considered in adopting the sentencing guidelines.

(2) The seriousness of the violation.

(3) The rehabilitative needs of the defendant.

§ 2154.5. Adoption of guidelines for parole.

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

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

(2) Provide for due consideration of victim input.

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

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

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

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

safety and factors maximizing the success of reentry.

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

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

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

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

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

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

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

§ 2154.7. Adoption of risk assessment instrument.

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

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

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

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

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

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

revocation.

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

(1) Prior to adoption, publish in the Pennsylvania Bulletin all proposed sentencing guidelines, resentencing guidelines following revocation of probation, county intermediate punishment and State intermediate punishment, parole guidelines and recommitment ranges following revocation by the board of paroles granted, 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) Department of Corrections.

(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 sentencing guidelines as adopted by the commission.

(b) Rejection by General Assembly.--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 guidelines or

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

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

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

§ 9721. Sentencing generally.

* * *

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

gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the defendant. The court shall also consider any guidelines for sentencing and resentencing adopted by the Pennsylvania Commission on Sentencing and taking effect under [section 2155] 46 Pa.C.S. § 5913 (relating to publication of guidelines for sentencing, resentencing and parole and recommitment ranges following revocation). In every case in which the court imposes a sentence for a felony or misdemeanor, modifies a sentence, resentences an offender following revocation of probation, county intermediate punishment or State intermediate punishment or resentences following remand, the court shall make as a part of the record, and disclose in open court at the time of sentencing, a statement of the reason or reasons for the sentence imposed. In every case where the court imposes a sentence or resentence outside the guidelines adopted by the Pennsylvania Commission on Sentencing under [sections 2154] 46 Pa.C.S. §§ 5905 (relating to adoption of guidelines for sentencing), [2154.1] 5906 (relating to adoption of guidelines for county intermediate punishment), [2154.2] 5907 (relating to adoption of guidelines for State intermediate punishment), [2154.3] 5908 (relating to adoption of guidelines for fines), [2154.4] 5909 (relating to adoption of guidelines for resentencing) and [2154.5] 5910 (relating to adoption of guidelines for parole) and made effective under [section 2155] 46 Pa.C.S. § 5913, the court shall provide a contemporaneous written statement of the reason or reasons for the deviation from the guidelines to the commission, as established under [section 2153(a)(14)] 46 Pa.C.S. § 5904(a)(14) (relating to powers and duties). Failure to comply shall be

grounds for vacating the sentence or resentence and resentencing the defendant.

* * *

§ 9781. Appellate review of sentence.

* * *

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

* * *

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

* * *

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

PART I

GENERAL PROVISIONS

Chapter

1. Preliminary Provisions

CHAPTER 1

PRELIMINARY PROVISIONS

Sec.

101. Short title.

§ 101. Short title.

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

PART II

MEMBERS OF THE GENERAL ASSEMBLY

(Reserved)

PART III

OFFICERS AND EMPLOYEES

(Reserved)

PART IV

ADMINISTRATIVE MATTERS

(Reserved)

PART V

LEGISLATIVE SERVICE AGENCIES

Chapter

51. General provisions

53. Legislative Reference Bureau

55. Legislative Data Processing Committee

57. Capitol Preservation Committee

59. Pennsylvania Commission on Sentencing

61. Pennsylvania Office for Research and Public Policy

CHAPTER 51

GENERAL PROVISIONS

Sec.

5101. Definitions.

5102. Cooperation among agencies.

§ 5101. Definitions.

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

"Legislative service agency." Any of the following:

(1) The Legislative Reference Bureau.

(2) The Legislative Data Processing Committee.

(3) The Capitol Preservation Committee.

(4) The Pennsylvania Commission on Sentencing.

(5) The Legislative Research and Policy Development

Office.

§ 5102. Cooperation among agencies.

(a) General rule.--The executive directors of the legislative service agencies shall meet to discuss how their respective legislative service agencies may support each other to better serve the General Assembly. The executive director of the Pennsylvania Office of Research and Public Policy shall schedule the meetings with a goal of meeting at least quarterly.

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

CHAPTER 53

LEGISLATIVE REFERENCE BUREAU

Sec.

5301. Definitions.

5302. Legislative Reference Bureau.

5303. Director.

5304. Qualifications and duties of director.

5305. Assistant director.

5306. Staff.

5307. Hours of operation.

5308. Legislative and public documents.

5309. Duties of bureau.

5310. Availability for consultation.

5311. Contracts for printing statutes.

§ 5301. Definitions.

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

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

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

§ 5302. Legislative Reference Bureau.

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

(b) Location.--The bureau shall be located in the Main Capitol Building.

§ 5303. Director.

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

§ 5304. Qualifications and duties of director.

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

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

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

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

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

(d) Salary.--The annual salary of the director shall be

determined jointly by the President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives.

§ 5305. Assistant director.

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

(b) Salary and duties.--

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

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

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

§ 5306. Staff.

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

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

§ 5307. Hours of operation.

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

of the General Assembly.

§ 5308. Legislative and public documents.

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

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

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

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

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

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

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

(d) Preparation and publication of information.--The director shall from time to time prepare and publish such bulletins, pamphlets and circulars, containing information collected by the bureau and such compilations of this or other

states, as the director determines to be of service to the Governor, the members of the General Assembly, the several departments of State government and the citizens of this Commonwealth.

(e) Preparation of codes.--

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

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

§ 5309. Duties of bureau.

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

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

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

(2) Drafting bills and resolutions into proper form.

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

(c) Confidentiality.--The director, assistant director and employees of the bureau may not reveal to any person outside the bureau the contents or nature of any matter not yet published, without the consent of the person who brought the matter to the bureau.

§ 5310. Availability for consultation.

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

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

§ 5311. Contracts for printing statutes.

(a) Power to enter into contracts.--

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

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

(3) Money from sales is appropriated from the General

Fund to the bureau for the editing, printing and distribution of the Pennsylvania Consolidated Statutes, advance copies of statutes, volumes of the Laws of Pennsylvania and other publications and for related expenses.

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

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

CHAPTER 55

LEGISLATIVE DATA PROCESSING COMMITTEE

Sec.

5501. Definitions.

5502. Legislative Data Processing Committee.

5503. Powers and duties.

5504. Duties and qualifications of executive director.

5505. Prohibitions.

5506. Reimbursement of expenses.

§ 5501. Definitions.

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

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

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

§ 5502. Legislative Data Processing Committee.

(a) Establishment.--

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

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

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

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

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

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

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

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

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

(c) Attendance.--Nothing in this chapter or in any rules and regulations promulgated by the committee shall prohibit a member

of the committee from participating in a meeting, executive session, deliberations or any other activity through telephone or other electronic medium.

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

§ 5503. Powers and duties.

The committee shall have the following powers and duties:

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

(2) With the approval of the Committee on Management Operations of the Senate and the Bi-partisan Management Committee of the House of Representatives, to provide access to public legislative information within the computer information systems operated by the committee to persons outside the General Assembly as the committee deems appropriate. The access shall be provided in the manner approved by the committee, the Committee on Management Operations of the Senate and the Bi-partisan Management Committee of the House of Representatives. No information residing in the computer information systems operated by the committee shall be released or disseminated by the committee or its employees to persons outside the General Assembly without the approval of:

(i) The Committee on Management Operations of the Senate if the document or information was originated,

prepared, generated or maintained in whole or in part by the Senate.

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

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

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

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

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

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

(8) To make such rules and regulations as the committee

may deem necessary to properly carry out the most efficient use of a legislative data processing system.

§ 5504. Duties and qualifications of executive director.

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

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

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

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

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

§ 5505. Prohibitions.

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

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

a visitor.

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

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

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

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

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

(b) Preservation of rights.--The rights of an individual as a citizen are not impaired by this section, and the prerogative to attend meetings, to hear or see any candidate or nominee or

to express one's individual opinion shall remain inviolate.

§ 5506. Reimbursement of expenses.

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

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

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

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

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

CHAPTER 57

CAPITOL PRESERVATION COMMITTEE

Sec.

5701. Legislative findings and declaration of policy.

5702. Definitions.

5703. Capitol Preservation Committee.

5704. Powers and duties.

5705. Capitol Restoration Trust Fund.

§ 5701. Legislative findings and declaration of policy.

The General Assembly finds and declares as follows:

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

(2) Efforts have been made toward the restoration and preservation of buildings, structures, documents, artifacts and objects evidencing the history of this eminent Commonwealth and

of the General Assembly and these efforts should be continued and intensified.

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

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

§ 5702. Definitions.

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

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

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

§ 5703. Capitol Preservation Committee.

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

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

(1) Four members of the Senate to be appointed by the President pro tempore of the Senate, two from the majority

party and two from the minority party.

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

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

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

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

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

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

(c) Terms.--

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

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

(3) The terms of members appointed under subsection

(b)(3) and (6) shall be coincident with that of the appointing Governor, President pro tempore of the Senate, Speaker of the House of Representatives and Chief Justice of Pennsylvania.

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

(e) Organization and procedure.--

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

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

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

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

§ 5704. Powers and duties.

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

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

(2) To monitor the making of all major repairs, alterations and improvements in and about the State Capitol

Building, including the furnishing and refurnishing of the building, where such repairs, alterations or improvements may alter or otherwise affect the architectural and historical integrity of the building.

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

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

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

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

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

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

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

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

§ 5705. Capitol Restoration Trust Fund.

(a) Establishment.--The Capitol Restoration Trust Fund is established in the State Treasury. The fund shall be administered by the committee and all moneys in the fund are appropriated to the committee on a continuing basis.

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

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

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

(c) Contributions, solicitation of funds.--

(1) The committee may:

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

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

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

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

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

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

(3) Administrative expenses.

(4) Administering the provisions of the chapter.

CHAPTER 59

PENNSYLVANIA COMMISSION ON SENTENCING

Sec.

5901. Definitions.

5902. Pennsylvania Commission on Sentencing established.

5903. Composition of commission.

5904. Powers and duties.

5905. Adoption of guidelines for sentencing.

5906. Adoption of guidelines for county intermediate punishment.

5907. Adoption of guidelines for State intermediate punishment.

5908. Adoption of guidelines for fines.

5909. Adoption of guidelines for resentencing.

5910. Adoption of guidelines for parole.

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

5912. Adoption of risk assessment instrument.

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

§ 5901. Definitions.

The following words and phrases when used in this chapter 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 by this chapter.

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

§ 5902. Pennsylvania Commission on Sentencing established.

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

(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.

§ 5903. 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 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:

(i) A district attorney.

(ii) A defense attorney.

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

(a.1) Ex officio members.--The Secretary of Corrections, the victim advocate appointed under section 301 of the act of

November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, and the chairman of the board, during their tenure in their respective positions, shall serve as ex officio nonvoting members of the commission.

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

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

(1) Preside at meetings of the commission.

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

(d) Meetings and quorum.--

(1) The commission shall meet 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 65 Pa.C.S. Ch. 7 (relating to open meetings).

(3) 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.

(e) Records of action.--Except as otherwise provided by statute, the commission shall maintain and make available for

public inspection a record of the final vote of each member on any action taken by it.

(f) Expenses.--A commissioner shall be entitled to reimbursement for the commissioner's accountable expenses incurred while engaged in the business of the commission.

§ 5904. Powers and duties.

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

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

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

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

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

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

(6) Issue invitations requesting the attendance and

testimony of witnesses and the production of any evidence that relates directly to a matter with respect to which the commission or any member thereof is empowered to make a determination under this chapter.

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

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

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

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

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

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

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

(12) Make recommendations to the General Assembly concerning modification or enactment of sentencing, parole

and correctional statutes which the commission finds to be necessary and advisable to carry out an effective, humane and rational sentencing, resentencing and parole policy.

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

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

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

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

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

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

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

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

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

§ 5905. Adoption of guidelines for sentencing.

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

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

(2) Criminal history, by specifying a range of sentences

of increased severity for offenders previously convicted of or adjudicated delinquent for one or more misdemeanor or felony offenses committed prior to the current offense.

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

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

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

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

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

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

§ 5906. Adoption of guidelines for county intermediate punishment.

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

shall:

(1) Use the description of "eligible offender" provided in 42 Pa.C.S. Ch. 98 (relating to county intermediate punishment).

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

§ 5907. Adoption of guidelines for State intermediate punishment.

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

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

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

§ 5908. Adoption of guidelines for fines.

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

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

(2) Specify a range of fines or other lawful economic

sanctions of increased amount for defendants previously convicted or adjudicated delinquent for one or more misdemeanor or felony offenses committed prior to the current offense. For purposes of this paragraph, the term "previously convicted or adjudicated delinquent" shall include any finding of guilt or adjudication of delinquency whether or not sentence has been imposed or disposition ordered prior to the commission of the current offense.

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

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

§ 5909. Adoption of guidelines for resentencing.

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

(1) Factors considered in adopting the sentencing guidelines.

(2) The seriousness of the violation.

(3) The rehabilitative needs of the defendant.

§ 5910. Adoption of guidelines for parole.

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

following:

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

(2) Provide for due consideration of victim input.

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

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

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

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

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

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

(a) Recommitment ranges.--

(1) The commission shall adopt recommitment ranges that shall be considered by the board when exercising its power to reparole, commit and recommit for violations of parole any

person sentenced by a court in this Commonwealth to imprisonment in any correctional institution. The recommitment ranges shall take into account the seriousness of the initial conviction offense, the level of seriousness of the violation and the rehabilitative needs of the defendant.

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

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

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

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

§ 5912. Adoption of risk assessment instrument.

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

reoffend and be a threat to public safety.

(b) Sentencing guidelines.--The risk assessment instrument may be incorporated into the sentencing guidelines under section 5905 (relating to adoption of guidelines for sentencing).

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

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

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

§ 5913. Publication of guidelines for sentencing, resentencing and parole and recommitment ranges following revocation.

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

(1) Prior to adoption, publish in the Pennsylvania Bulletin all proposed sentencing guidelines, resentencing guidelines following revocation of probation, county intermediate punishment and State intermediate punishment, parole guidelines and recommitment ranges following revocation by the board of paroles granted, 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) Department of Corrections.

(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 sentencing
guidelines as adopted by the commission.

(b) Rejection by General Assembly.--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 guidelines or
recommitment ranges adopted by the commission within 90 days of
their publication in the Pennsylvania Bulletin pursuant to
subsection (a)(2).

(c) Effective date.--

(1) Sentencing guidelines, resentencing guidelines
following revocation of probation, county intermediate
punishment and State intermediate punishment, parole
guidelines and recommitment ranges following revocation by
the board of paroles granted, adopted by the commission shall
become effective 90 days after publication in the

Pennsylvania Bulletin pursuant to subsection (a)(2) unless disapproved pursuant to subsection (b) and shall apply to sentences and resentences and parole decisions made after the effective date of the guidelines.

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

CHAPTER 61

PENNSYLVANIA OFFICE FOR RESEARCH AND PUBLIC POLICY

Sec.

6101. Definitions.

6102. Pennsylvania Office for Research and Public Policy.

6103. Executive director.

6104. Powers and duties.

§ 6101. Definitions.

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

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

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

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

"Records." Books, papers, manuals, reports, verification letters, work papers and other documentary materials, regardless of physical form or characteristics, under the control of the Pennsylvania Office for Research and Public Policy or its authorized representative which are maintained pursuant to a project conducted under section 6104 (relating to powers and

duties) and the specific and unique information contained therein.

§ 6102. Pennsylvania Office for Research and Public Policy.

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

§ 6103. Executive director.

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

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

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

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

§ 6104. Powers and duties.

(a) General authority.--

(1) (i) The office shall conduct any investigation or study and gather any information as may be deemed useful to the General Assembly and to the standing committees of the Senate and the House of Representatives.

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

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

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

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

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

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

(4) (i) Records which are created or obtained during

study projects under this section shall be treated as confidential. Requests made of the office to inspect identifiable records pertaining to a project under this section shall be denied and the requesting party notified that the records are considered to be confidential and will not be made available for inspection.

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

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

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

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

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

(1) Make current examination of Commonwealth programs, agencies and commissions to determine whether or not the programs, agencies and commissions are functioning efficiently and effectively and for the purposes and within the statutory restrictions provided by the General Assembly.

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

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

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

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

(2) Study the following:

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

(ii) The advisability and feasibility of increasing the areas or changing the boundaries of local governments.

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

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

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

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

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

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

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

(2) Conduct continuing studies of mining practices, including deep mining, strip mining, open pit mining and quarrying, the restoration of land that has been mined and the laws relating to the restoration of land where mining

operations have occurred.

(3) Receive complaints and hold hearings related to the subject matter in paragraphs (1) and (2).

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

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

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

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

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

§ 2314. Review of agreement by [Local Government

Commission] Pennsylvania Office for Research and Public Policy.

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

Section 10. Sections 6131(a)(12), 6134.1(a) and (b) and 6137(a)(1), (b), (h)(2) and (i) of Title 61 are amended to read:

§ 6131. General powers of board.

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

* * *

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

* * *

§ 6134.1. General criteria for parole by court.

(a) Guidelines.--The court may parole or reparole subject to consideration of guidelines established under [42 Pa.C.S. §

2154.5] 46 Pa.C.S. § 5910 (relating to adoption of guidelines for parole).

(b) Report of decision to commission.--If a court paroles or reparole a person, the court shall report the parole or reparole decision and shall provide a contemporaneous written statement for any deviation from the guidelines established under [42 Pa.C.S. § 2154.5] 46 Pa.C.S. § 5910, to the commission under [42 Pa.C.S. § 2153(a)(14)] 46 Pa.C.S. § 5904(a)(14) (relating to powers and duties).

* * *

§ 6137. Parole power.

(a) General criteria for parole.--

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

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

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

* * *

(b) Cases involving deviations from guidelines.--In each case in which the board deviates from the guidelines established under [42 Pa.C.S. § 2154.5] 46 Pa.C.S. § 5910, the board shall provide a contemporaneous written statement of the reason for the deviation from the guidelines to the commission as established under [42 Pa.C.S. § 2153(a)(14)] 46 Pa.C.S. §

5904(a)(14) (relating to powers and duties). The board may develop and use internal decisional instruments. This subsection shall not be construed to prevent the board from also developing forms or other documents, policies and procedures consistent with this chapter, including internal decisional instruments.

* * *

(h) Power to recommit.--

* * *

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

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

* * *

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

§ 3732. Homicide by vehicle.

* * *

(b) Sentencing.--

* * *

(3) The Pennsylvania Commission on Sentencing, pursuant to [42 Pa.C.S. § 2154] 46 Pa.C.S. § 5905 (relating to

adoption of guidelines for sentencing), shall provide for a sentencing enhancement for an offense under this section when the violation occurred in an active work zone or was the result of a violation of section 3325 or 3327.

§ 3732.1. Aggravated assault by vehicle.

* * *

(b) Sentencing.--

* * *

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

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

Section 13. Repeals are as follows:

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

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

Act of May 7, 1923 (P.L.158, No.119), entitled "An act creating a Legislative Reference Bureau; providing for the election of a director by the General Assembly; designating

the officers and employes of such bureau, defining their duties; fixing their salaries; abolishing the present Legislative Reference Bureau; and making an appropriation."

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

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

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

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

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

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

Employes Law.

Act of January 19, 1968 (1967 P.L.1022, No.448), entitled "An act creating a Joint Legislative Air and Water Pollution Control and Conservation Committee, providing for the terms and appointment of members and for organization of the committee and employment of personnel, providing for study of air and water pollution laws and their enforcement, providing for information and assistance from other agencies of government, and making an appropriation."

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

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

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

Section 14. The following apply:

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

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

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

(4) The addition of 46 Pa.C.S. Ch. 59 is a continuation of 42 Pa.C.S. §§ 2151.1, 2151.2, 2152, 2153, 2154, 2154.1,

2154.2, 2154.3, 2154.4, 2154.5, 2154.6, 2154.7 and 2155.

(5) The addition of 46 Pa.C.S. Ch. 61 is intended to preserve the nature and extent of the legislative services provided by the Local Government Commission, the Joint State Government Commission, the Legislative Budget and Finance Committee, the Joint Legislative Air and Water Pollution Control and Conservation Committee, the Legislative Office of Research Liaison and the Center for Rural Pennsylvania.

Section 15. This act shall be implemented as follows:

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

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

(3) The transition committee shall select an individual to serve as interim executive director of the Pennsylvania Office for Research and Public Policy during the transitional period and until the election required by 46 Pa.C.S. § 6103

takes place. Notwithstanding the provisions of 46 Pa.C.S. § 6103, the initial election of an executive director shall take place on or before July 1, 2012.

Section 16. The following transitional provisions apply:

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

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

(3) Any project, study or investigation regarding the Joint State Government Commission pursuant to the act of

March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, or section 20 of the act of June 28, 1947 (P.L.1110, No.476), known as the Motor Vehicle Sales Finance Act, is transferred to the Pennsylvania Office of Research and Public Policy.

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

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