

Pennsylvania Sentencing Information - Fact Sheet

Original Sentence: The sentence comes from the original conviction. It is from this sentence that the Board paroles the offender and the parolee serves the remaining time in the community unless recommitted by the Board.

Aggregate Sentence: Two or more consecutive sentences that have been combined, in which the aggregate minimum term is the sum of all consecutive minimum terms and the maximum term is the sum of all consecutive maximum terms.

Consecutive Sentence: A sentence to be served immediately following the termination or completion of another sentence.

Concurrent Sentence: Sentences being served simultaneously.

How is the length of a sentence determined?

Mandatory Sentence: The court cannot impose a sentence less than that required by a mandatory minimum provision established in statute. When the guideline range is lower than that required by a mandatory sentencing statute, the mandatory minimum requirement supersedes the sentence recommendation. When the sentence recommendation is higher than that required by a mandatory sentencing statute, the court shall consider the guideline recommendations.

Minimum Sentence (MIN): An offender in state prison must serve the entire minimum sentence prior to becoming eligible for parole.

Maximum Sentence (MAX): The court must impose a maximum sentence that is at least double the minimum sentence, but the maximum sentence cannot exceed the period of time authorized. After an offender is paroled, the balance of the sentence (until the maximum is reached) is served on parole.

Sentencing Guidelines

Courts consider the sentencing guidelines in determining the appropriate sentence for offenders convicted of, or pleading guilty or *nolo contendere* to, felonies and misdemeanors.

Where crimes merge for sentencing purposes, the court shall consider the sentencing guidelines only on the higher-graded offense.

Guidelines do not apply to the following: certain diversion programs, contempt or revocations, summary convictions, violations of local ordinances or current juvenile adjudications of delinquency

Recidivism Risk Reduction Incentive (RRRI)

- Enables eligible, non-violent offenders to reduce their minimum sentences if they complete recommended programs and maintain a positive prison adjustment (good conduct and remain misconduct free during incarceration)
- Is a public safety initiative to reduce recidivism and victimization
- Seeks to provide more access to crime-reducing drug/alcohol treatment programs and to provide incentives to less violent offenders to complete programs that will provide them with tools to help them become productive and law-abiding

- Applies to sentences received on/after November 24, 2008

How does RRRRI work?

At sentencing, the court makes the determination whether the defendant is an eligible offender. The prosecuting attorney has an opportunity to argue eligibility, and the victim has a right to provide input.

The court will prescribe two minimum sentences: one is the RRRRI minimum; the other is the regular minimum.

Example: A less violent offender who is eligible for the incentive receives a typical 2-4 year sentence, the RRRRI minimum would be 18 months, and the regular minimum 2 years.

Who is eligible for RRRRI?

Generally, only less serious offenders (defined as those who have not committed a personal injury crime, a sex crime, a crime with a firearm and are not considered to be drug kingpin) are eligible for RRRRI. These offenders are generally drug and/or alcohol dependent, which is the chief motivating factor that has led to their crime. Certain specific offenses, current or prior, affect eligibility, and these are determined by the courts.

This information was compiled from multiple sources: Pennsylvania Board of Probation and Parole, Pennsylvania Commission on Sentencing and the Pennsylvania Commission on Crime and Delinquency.