
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1799 Session of
2013

INTRODUCED BY WATERS, PARKER, V. BROWN, CLAY, COHEN AND
KIRKLAND, OCTOBER 23, 2013

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 23, 2013

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for motion for
3 departure from mandatory sentence.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 9721.1. Motion for departure.

9 (a) General rule.--In any criminal case, after conviction or
10 plea of guilty or nolo contendere, the defendant may move the
11 court to depart from any mandatory sentence called for by any
12 statute if the defendant has been diagnosed with a recognized
13 mental illness or if all of the following applicable conditions
14 are met:

15 (1) The defendant has no significant history of criminal
16 convictions in this Commonwealth or any other state or
17 territory or in the Federal system.

18 (2) The defendant did not engage or conspire to engage

1 in violence of any sort or possess a weapon of any type in
2 connection with the offense.

3 (3) The offense did not result in death or bodily injury
4 to any person.

5 (4) The defendant was not a manager, organizer, leader
6 or supervisor of others in the offense.

7 (5) The defendant, not later than the time of
8 sentencing, has truthfully provided to the Commonwealth all
9 information and evidence the defendant possesses concerning
10 the offense or offenses that were part of the same course of
11 conduct, or were part of a common plan, scheme or design, but
12 the fact that the defendant has no relevant or useful
13 information to provide or that the Commonwealth is already
14 aware of the information or evidence shall not preclude a
15 determination by the court that the defendant has complied
16 with this requirement.

17 (b) Right of appeal.--The Commonwealth shall have a right of
18 appeal from any order entered pursuant to subsection (a).

19 Section 2. This act shall take effect in 60 days.