



# County Intermediate Punishment

## Title 42 Chapter 98

Enacted by legislature in December 1990 (Act 1990-193). Related legislation, Act 1990-201 amended the Judicial Code to provide judges with the authority to sentence defendants to CIP. Several changes have occurred since then (Act 2000-41, Act 2004-233, and Act 2012-122).

County IP primarily targets offenders who would otherwise be serving an individual or aggregate minimum sentence of confinement in a county facility.

The Sentencing Commission has classified CIP programs as Restrictive Intermediate Punishment (RIP) and Restorative Sanctions (RS) programs. Restorative Sanction programs are used in conjunction with RIP as the level of supervision is reduced.

Every sentence of CIP should include one or more RIP programs as well as a RS component.

## Procedure for Sentencing Offenders to CIP

Counties utilizing IP must have an approved CIP plan on file with the Pennsylvania Commission on Crime and Delinquency. They are updated on an annual basis.

The County IP Plan provides a mechanism to advise the court of the extent to availability of services and programs authorized in the county and includes information on the appropriate classification and use of the county programs based on program-specific requirements.

## Restrictive Intermediate Punishment (RIP)

- House the offender full or part time; or
- Significantly restrict the offender's movement and monitor the offender's compliance with the program(s); or
- Involve a combination of programs that meet the standards set forth above.

## Restorative Sanction (RS) programs

- The least restrictive in terms of constraint of the offender's liberties;
- Do not involve housing of the offender (either full or part time); and
- Focus on restoring the victim to pre-offense.

## Eligibility

A person with a current conviction or with a prior conviction within the past ten years of any of the following offenses are ineligible for a county intermediate punishment sentence:

18 Pa. C.S. §§  
2502 (murder)  
2503 (voluntary manslaughter)  
2702 (aggravated assault)  
2703 (assault by prisoner)  
2704 (assault by life prisoner)  
2901(a) (kidnapping)  
3122.1(a)(1) (statutory sexual assault)  
3301 (arson)  
3502 (burglary, when graded as F1)  
3701 (robbery)  
3923 (theft by extortion)  
4302(a) (incest)  
5121 (escape)



## **Driving after imbibing alcohol or utilizing drugs:**

### **42 Pa.C.S.A. §9804(b)(5)**

Any person convicted of driving after imbibing alcohol or using drugs is eligible for a CIP sentence for a first, second, or third offense.

A drug and alcohol assessment is required. If the defendant is determined to be in need of drug/alcohol treatment, the CIP sentence shall include participation in drug/alcohol treatment. Such treatment may be combined with house arrest with electronic surveillance or partial confinement program such as work release.

If the defendant is determined to not be in need of drug/alcohol treatment, he/she may only be sentenced to CIP in:

House arrest and electronic surveillance;

Partial confinement such as work release, work camp, and halfway facilities; or

Any combination of the program above.

## **Eligibility (cont.)**

A person who has been convicted or adjudicated delinquent of a crime requiring registration under 42 Pa.C.S. Chapter 97, subchapter H (relating to registration of sexual offenders

The prosecuting attorney may advise the court that the Commonwealth has elected to waive the eligibility requirements if the victim has been given notice of the prosecutor's intent to waive, and an opportunity to be heard on the issue. After considering victim input, the court may refuse to accept the prosecutor's waiver of the eligibility requirements.

An offender at Level 3 or 4 shall have a diagnostic assessment of alcohol or other drug dependency prior to sentencing to CIP. If an offender is assessed to be dependent, the sentence shall be consistent with the level of care and length of stay prescribed in the treatment recommendation, regardless of the standard range of sentencing guideline recommendation.

An offender assessed as not in need of drug or alcohol treatment may be sentenced to CIP. Each day of participation in a RIP program or combination of RIP programs shall be considered equivalent of the one day of total confinement

## **Revocation of CIP sentence**

Upon revocation, all sentencing alternatives available to the court are the same as the alternatives available at the time of initial sentencing.

Upon revocation, the District Attorney may file notice, at any time prior to resentencing, of the Commonwealth's intention to proceed under an applicable provision of the law requiring a mandatory minimum sentence.

The court shall not revoke or increase the conditions of a sentence of CIP without a hearing. A hearing is not required to decrease the conditions of the sentence.