

AMENDMENTS TO HOUSE BILL NO. 1538

Sponsor: SENATOR BAKER

Printer's No. 1955

1 Amend Bill, page 1, lines 6 and 7, by striking out all of
2 said lines and inserting

3
4 Section 1. Section 6139(a) and (b) of Title 61 of the
5 Pennsylvania Consolidated States, amended December 18, 2019
6 (P.L.776, No.115), are amended to read:

7 Amend Bill, page 1, line 10, by striking out all of said line
8 and inserting

9 (1) The board may, subject to the provisions and
10 limitations set forth in section 6138 (relating to violation
11 of terms of parole), grant paroles of its own motion whenever
12 in its judgment the interests of justice require the granting
13 of these paroles.

14 (2) The board shall consider applications for parole by
15 an inmate or the inmate's attorney.

16 (3) Notwithstanding the provisions of paragraph (2), the
17 board shall not be required to consider nor dispose of an
18 application by an inmate or an inmate's attorney where a
19 parole decision has been issued by the board on that case
20 within one year of the date of the current application for
21 parole.

22 (3.1) Notwithstanding paragraphs (2) and (3), the board
23 shall not be required to consider nor to dispose of an
24 application by an inmate or an inmate's attorney in the case
25 of an inmate sentenced under 18 Pa.C.S. § 1102.1 (relating to
26 sentence of persons under the age of 18 for murder, murder of
27 an unborn child and murder of a law enforcement officer) if a
28 parole decision has been issued by the board within five
29 years of the date of the current application.

30 (3.2) Nothing under this section shall be interpreted as
31 granting a right to be paroled to any person, and a decision
32 by the board and its designees relating to a person sentenced
33 under 18 Pa.C.S. § 1102.1 may not be considered an
34 adjudication under 2 Pa.C.S. Chs. 5 Subch. A (relating to
35 practice and procedure of Commonwealth agencies) and 7 Subch.
36 A (relating to judicial review of Commonwealth agency

1 action).

2 Amend Bill, page 2, by inserting between lines 1 and 2

3 Section 2502(c) (relating to murder).

4 Section 2503 (relating to voluntary
5 manslaughter).

6 Amend Bill, page 3, by inserting between lines 11 and 12

7 (4) Hearings of applications shall be held by the board
8 whenever in its judgment hearings are necessary. Reasonable
9 rules and regulations shall be adopted by the board for the
10 presentation and hearing of applications for parole.

11 (5) Whenever an inmate is paroled by the board, whether
12 of its own motion or after hearing of an application for
13 parole, or whenever an application for parole is refused by
14 the board, a brief statement of the reasons for the board's
15 action shall be filed of record in the offices of the board
16 and shall be at all reasonable times open to public
17 inspection.

18 (6) In no case shall a parole be granted, or an
19 application for parole be dismissed, unless a board member,
20 hearing examiner or other person so designated by the board
21 shall have seen and heard the parolee in person in regard
22 thereto within six months prior to the granting or dismissal
23 thereof. This requirement does not apply to paroles under
24 section 6137.1 (relating to short sentence parole).

25 (7) The board shall dispose of the application within
26 six months of its filing.

27 (b) Reliance on reports.--In granting and revoking paroles
28 and in discharging from parole, the members of the board acting
29 thereon shall not be required to personally hear or see all the
30 witnesses and evidence submitted to them for their action, but
31 they may act on the report submitted to them by their agents and
32 employees, together with any pertinent and adequate information
33 furnished to them by fellow members of the board or by others.
34 In granting or revoking parole or bringing an alleged parole
35 violator before a hearing examiner, the appearance may be
36 conducted via videoconferencing or similar virtual presence
37 technology. [This subsection shall not apply to victim input
38 under section 6140 (relating to victim statements, testimony and
39 participation in hearing).] Notwithstanding any other provision
40 of law to the contrary, a hearing examiner, hearing officer or
41 member of the board charged with making the parole release
42 decision shall be required to hear and see in person, without
43 the use of videoconferencing or similar virtual presence
44 technology, any in-person victim testimony under section 6140
45 (relating to victim statements, testimony and participation in
46 hearing) or under section 502(b) of the act of November 24, 1998
47 (P.L.882, No.111), known as the Crime Victims Act. Nothing in
48 this section shall be construed to limit or reduce the rights of

1 victims under section 6140 or under section 502(b) of the Crime
2 Victims Act.