
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 729 Session of
2019

INTRODUCED BY DeLUCA, ULLMAN, MILLARD, JAMES, BERNSTINE, BARRAR,
HILL-EVANS, READSHAW, FARRY, IRVIN, KORTZ AND STRUZZI,
MARCH 6, 2019

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 6, 2019

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 61
2 (Prisons and Parole) of the Pennsylvania Consolidated
3 Statutes, in sentencing, further providing for sentences for
4 second and subsequent offenses; and, in Pennsylvania Board of
5 Probation and Parole, further providing for parole power.

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

8 Section 1. Section 9714(g) of Title 42 of the Pennsylvania
9 Consolidated Statutes is amended and the section is amended by
10 adding a subsection to read:

11 § 9714. Sentences for second and subsequent offenses.

12 * * *

13 (a.2) Parole.--Any person sentenced under subsection (a)
14 shall not be eligible for parole until the person has served 85%
15 of the maximum sentence as provided under subsection (a.1).

16 * * *

17 (g) Definition.--[As used in this section, the term "crime
18 of violence" means murder of the third degree, voluntary
19 manslaughter, manslaughter of a law enforcement officer as

1 defined in 18 Pa.C.S. § 2507(c) or (d) (relating to criminal
2 homicide of law enforcement officer), murder of the third degree
3 involving an unborn child as defined in 18 Pa.C.S. § 2604(c)
4 (relating to murder of unborn child), aggravated assault of an
5 unborn child as defined in 18 Pa.C.S. § 2606 (relating to
6 aggravated assault of unborn child), aggravated assault as
7 defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to
8 aggravated assault), assault of law enforcement officer as
9 defined in 18 Pa.C.S. § 2702.1 (relating to assault of law
10 enforcement officer), use of weapons of mass destruction as
11 defined in 18 Pa.C.S. § 2716(b) (relating to weapons of mass
12 destruction), terrorism as defined in 18 Pa.C.S. § 2717(b)(2)
13 (relating to terrorism), trafficking of persons when the offense
14 is graded as a felony of the first degree as provided in 18
15 Pa.C.S. § 3002 (relating to trafficking of persons), rape,
16 involuntary deviate sexual intercourse, aggravated indecent
17 assault, incest, sexual assault, arson endangering persons or
18 aggravated arson as defined in 18 Pa.C.S. § 3301(a) or (a.1)
19 (relating to arson and related offenses), ecoterrorism as
20 classified in 18 Pa.C.S. § 3311(b)(3) (relating to
21 ecoterrorism), kidnapping, burglary as defined in 18 Pa.C.S. §
22 3502(a)(1) (relating to burglary), robbery as defined in 18
23 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery), or
24 robbery of a motor vehicle, drug delivery resulting in death as
25 defined in 18 Pa.C.S. § 2506(a) (relating to drug delivery
26 resulting in death), or criminal attempt, criminal conspiracy or
27 criminal solicitation to commit murder or any of the offenses
28 listed above, or an equivalent crime under the laws of this
29 Commonwealth in effect at the time of the commission of that
30 offense or an equivalent crime in another jurisdiction.] As used

1 in this section, the following words and phrases shall have the
2 meanings given to them in this subsection unless the context
3 clearly indicates otherwise:

4 "Crime of violence." An offense under any of the following:

5 (1) 18 Pa.C.S. § 901 (relating to criminal attempt),
6 involving an attempt to commit an offense under 18 Pa.C.S. §
7 2502(a) or (b) (relating to murder), 2507(a) or (b) (relating
8 to criminal homicide of law enforcement officer) or any of
9 the offenses under paragraph (4), (5), (6), (7), (8), (9),
10 (10), (11), (12), (13), (14), (15), (16), (17), (18), (19),
11 (20), (21) or (22).

12 (2) 18 Pa.C.S. § 902 (relating to criminal
13 solicitation), involving solicitation to commit an offense
14 under 18 Pa.C.S. § 2502(a) or (b), 2507(a) or (b) or any of
15 the offenses under paragraph (4), (5), (6), (7), (8), (9),
16 (10), (11), (12), (13), (14), (15), (16), (17), (18), (19),
17 (20), (21) or (22).

18 (3) 18 Pa.C.S. § 903 (relating to criminal conspiracy),
19 involving conspiracy to commit an offense under 18 Pa.C.S. §
20 2502(a) or (b), 2507(a) or (b) or any of the offenses under
21 paragraph (4), (5), (6), (7), (8), (9), (10), (11), (12),
22 (13), (14), (15), (16), (17), (18), (19), (20), (21) or (22).

23 (4) 18 Pa.C.S. § 2502(c).

24 (5) 18 Pa.C.S. § 2503 (relating to voluntary
25 manslaughter).

26 (6) 18 Pa.C.S. § 2506 (relating to drug delivery
27 resulting in death).

28 (7) 18 Pa.C.S. § 2507(c) or (d).

29 (8) 18 Pa.C.S. § 2701(a) (3) or (4) (relating to simple
30 assault).

1 (9) 18 Pa.C.S. § 2702(a)(1) or (2) (relating to
2 aggravated assault).

3 (10) 18 Pa.C.S. § 2702.1 (relating to assault of law
4 enforcement officer).

5 (11) 18 Pa.C.S. § 2901 (relating to kidnapping).

6 (12) 18 Pa.C.S. § 3121 (relating to rape).

7 (13) 18 Pa.C.S. § 3123 (relating to involuntary deviate
8 sexual intercourse).

9 (14) 18 Pa.C.S. § 3124.1 (relating to sexual assault).

10 (15) 18 Pa.C.S. § 3125 (relating to aggravated indecent
11 assault).

12 (16) 18 Pa.C.S. § 3301(a) (relating to arson and related
13 offenses).

14 (17) 18 Pa.C.S. § 3502 (relating to burglary), if at the
15 time of the offense the structure entered was adapted for
16 overnight accommodation.

17 (18) 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating
18 to robbery).

19 (19) 18 Pa.C.S. § 3702 (relating to robbery of motor
20 vehicle).

21 (20) 18 Pa.C.S. § 4302 (relating to incest).

22 (21) 18 Pa.C.S. § 4952 (relating to intimidation of
23 witnesses or victims), involving a witness to or a victim of
24 a violation of 18 Pa.C.S. § 2502 or 2507 or any of the
25 offenses under paragraph (1), (2), (3), (4), (5), (6), (7),
26 (8), (9), (10), (11), (12), (13), (14), (15), (16), (17),
27 (18), (19), (20), (22), (23) or (24) or a violation of
28 section 13(a)(30) of the act of April 14, 1972 (P.L.233,
29 No.64), known as The Controlled Substance, Drug, Device and
30 Cosmetic Act.

1 (22) 18 Pa.C.S. § 4953 (relating to retaliation against
2 witness, victim or party), involving a witness to, victim of
3 or party to a proceeding alleging a violation of 18 Pa.C.S. §
4 2502 or 2507 or any of the offenses under paragraph (1), (2),
5 (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13),
6 (14), (15), (16), (17), (18), (19), (20), (21), (23) or (24)
7 or a violation of section 13(a)(30) of The Controlled
8 Substance, Drug, Device and Cosmetic Act.

9 (23) A crime equivalent to one listed under paragraph
10 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11),
11 (12), (13), (14), (15), (16), (17), (18), (19), (20), (21) or
12 (22) under the laws of this Commonwealth in effect at the
13 time of the commission of the offense.

14 (24) A crime equivalent to one listed under paragraph
15 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11),
16 (12), (13), (14), (15), (16), (17), (18), (19), (20), (21) or
17 (22) under Federal law or in a jurisdiction outside this
18 Commonwealth.

19 Section 2. Section 6137(a)(3.1)(ii) of Title 61 is amended
20 and the subsection is amended by adding a paragraph to read:
21 § 6137. Parole power.

22 (a) General criteria for parole.--

23 * * *

24 (1.1) The board may not release on parole any inmate
25 servng a sentence imposed under 42 Pa.C.S. § 9714(a)
26 (relating to sentences for second and subsequent offenses)
27 until the inmate has served at least 85% of the maximum
28 sentence as provided under 42 Pa.C.S. § 9714(a.1).

29 * * *

30 (3.1) * * *

1 (ii) This paragraph shall not apply to offenders who
2 are currently serving a term of imprisonment for a crime
3 of violence as defined in 42 Pa.C.S. § 9714 [(relating to
4 sentences for second and subsequent offenses)] or for a
5 crime requiring registration under 42 Pa.C.S. Ch. 97
6 Subch. H (relating to registration of sexual offenders).

7 * * *

8 Section 3. This act shall take effect in 60 days.