

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 135 Session of 2019

INTRODUCED BY STREET, FARNESE, COSTA, HUGHES, LEACH, HAYWOOD,
SCHWANK AND KEARNEY, MAY 1, 2019

REFERRED TO JUDICIARY, MAY 1, 2019

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 42 (Judiciary and
2 Judicial Procedure) and 61 (Prisons and Parole) of the
3 Pennsylvania Consolidated Statutes, in authorized disposition
4 of offenders, further providing for sentence of persons under
5 the age of 18 for murder, murder of an unborn child and
6 murder of a law enforcement officer; in sentencing, further
7 providing for sentences for second and subsequent offenses;
8 in miscellaneous provisions, establishing the Life with
9 Parole Reinvestment Fund; and, in Pennsylvania Board of
10 Probation and Parole, further providing for parole power.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 1102.1(a), (b), (c) and (d) introductory
14 paragraph of Title 18 of the Pennsylvania Consolidated Statutes
15 are amended and the section is amended by adding a subsection to
16 read:

17 § 1102.1. Sentence of persons under the age of 18 for murder,
18 murder of an unborn child and murder of a law
19 enforcement officer.

20 (a) First degree murder.--[A] Except as provided under
21 subsection (a.1)(1), a person who has been convicted after June
22 24, 2012, of a murder of the first degree[,] or first degree

1 murder of an unborn child [or murder of a law enforcement
2 officer of the first degree] and who was under the age of 18 at
3 the time of the commission of the offense shall be sentenced as
4 follows:

5 (1) A person who at the time of the commission of the
6 offense was 15 years of age or older shall be sentenced to a
7 term of life imprisonment [without parole], or a term of
8 imprisonment, the minimum of which shall be at least 35 years
9 to life.

10 (2) A person who at the time of the commission of the
11 offense was under 15 years of age shall be sentenced to a
12 term of life imprisonment [without parole], or a term of
13 imprisonment, the minimum of which shall be at least 25 years
14 to life.

15 (a.1) Law enforcement officers.--

16 (1) A person who has been convicted of a murder of a law
17 enforcement officer of the first degree and who was under 18
18 years of age at the time of the commission of the offense
19 shall be sentenced as follows:

20 (i) A person who at the time of the commission of
21 the offense was 15 years of age or older shall be
22 sentenced to a term of life imprisonment without parole,
23 or a term of imprisonment, the minimum of which shall be
24 at least 35 years and the maximum of which shall be life
25 imprisonment.

26 (ii) A person who at the time of the commission of
27 the offense was under 15 years of age shall be sentenced
28 to a term of life imprisonment without parole, or a term
29 of imprisonment, the minimum of which shall be at least
30 25 years and the maximum of which shall be life

1 imprisonment.

2 (2) A person who has been convicted of a murder of a law
3 enforcement officer of the second degree and who was under 18
4 years of age at the time of the commission of the offense
5 shall be sentenced as follows:

6 (i) A person who at the time of the commission of
7 the offense was 15 years of age or older shall be
8 sentenced to a term of life imprisonment without parole,
9 or a term of imprisonment, the minimum of which shall be
10 at least 30 years and the maximum of which shall be life
11 imprisonment.

12 (2) A person who at the time of the commission of
13 the offense was under 15 years of age shall be sentenced
14 to a term of life imprisonment without parole, or a term
15 of imprisonment, the minimum of which shall be at least
16 20 years and the maximum of which shall be life
17 imprisonment.

18 (b) Notice.--Reasonable notice to the defendant of the
19 Commonwealth's intention to seek a sentence of life imprisonment
20 without parole under subsection (a) or (a.1) shall be provided
21 after conviction and before sentencing.

22 (c) Second degree murder.--[A] Except as provided under
23 subsection (a.1)(2), a person who has been convicted after June
24 24, 2012, of a murder of the second degree[,] or second degree
25 murder of an unborn child [or murder of a law enforcement
26 officer of the second degree] and who was under the age of 18 at
27 the time of the commission of the offense shall be sentenced as
28 follows:

29 (1) A person who at the time of the commission of the
30 offense was 15 years of age or older shall be sentenced to a

1 term of imprisonment the minimum of which shall be at least
2 [30] 20 years to life.

3 (2) A person who at the time of the commission of the
4 offense was under 15 years of age shall be sentenced to a
5 term of imprisonment the minimum of which shall be at least
6 [20] 15 years to life.

7 (d) Findings.--In determining whether to impose a sentence
8 of life without parole under subsection (a) or (a.1), the court
9 shall consider and make findings on the record regarding the
10 following:

11 * * *

12 Section 2. Section 9714(a)(2) of Title 42 is amended to
13 read:

14 § 9714. Sentences for second and subsequent offenses.

15 (a) Mandatory sentence.--

16 * * *

17 (2) Where the person had at the time of the commission
18 of the current offense previously been convicted of two or
19 more such crimes of violence arising from separate criminal
20 transactions, the person shall be sentenced to a minimum
21 sentence of at least [25] 20 years of total confinement,
22 notwithstanding any other provision of this title or other
23 statute to the contrary. Proof that the offender received
24 notice of or otherwise knew or should have known of the
25 penalties under this paragraph shall not be required. Upon
26 conviction for a third or subsequent crime of violence the
27 court may[, if it determines that 25 years of total
28 confinement is insufficient to protect the public safety,]
29 sentence the offender to a minimum sentence of at least 20
30 years of total confinement and a maximum sentence of life

1 imprisonment [without parole].

2 * * *

3 Section 3. Title 61 is amended by adding a section to read:
4 § 5908. Life with Parole Reinvestment Fund.

5 (a) Establishment.--The Life with Parole Reinvestment Fund
6 is established within the State Treasury to provide funding for
7 all of the following:

8 (1) Victim services.

9 (2) Offender reentry programs.

10 (3) The supervision of certain paroled offenders.

11 (b) Savings assessment.--In fiscal years 2020-2021 through
12 2023-2024, the Office of the Budget shall develop a formula to
13 calculate the amount of savings to the department in the prior
14 fiscal year as a result of the reduction in prison population
15 because of the paroling of offenders previously incarcerated for
16 life without parole under section 6137(a)(3)(ii) and (iii)
17 (relating to parole power).

18 (c) Appropriations.--In fiscal year 2020-2021 and each
19 fiscal year thereafter, the amount of savings calculated under
20 subsection (b) are appropriated to the fund.

21 (d) Transfers.--In fiscal year 2021-2022 and each fiscal
22 year thereafter, the money in the fund shall be transferred as
23 follows:

24 (1) Twenty-five percent to the Office of Victim Advocate
25 for victim services programs.

26 (2) Twenty-five percent to the board for supervision of
27 offenders under section 6137(a)(3)(ii) and (iii).

28 (3) Fifty percent to the Pennsylvania Commission on
29 Crime and Delinquency to provide grants for victim services
30 programs and reentry services.

1 (e) Definitions.--As used in this section, the term "fund"
2 means the Life with Parole Reinvestment Fund.

3 Section 4. Section 6137(a)(1) and (3) of Title 61 are
4 amended and the subsection is amended by adding a paragraph to
5 read:

6 § 6137. Parole power.

7 (a) General criteria for parole.--

8 (1) The board may parole subject to consideration of
9 guidelines established under 42 Pa.C.S. § 2154.5 (relating to
10 adoption of guidelines for parole) and may release on parole
11 any inmate to whom the power to parole is granted to the
12 board by this chapter, except an inmate condemned to death
13 [or serving life imprisonment], whenever in its opinion:

14 (i) The best interests of the inmate justify or
15 require that the inmate be paroled.

16 (ii) It does not appear that the interests of the
17 Commonwealth will be injured by the inmate's parole.

18 * * *

19 (3) The power to parole granted under this section to
20 the board may not be exercised in the board's discretion at
21 any time before, but only after[, the]:

22 (i) The expiration of the minimum term of
23 imprisonment fixed by the court in its sentence or by the
24 Board of Pardons in a sentence which has been reduced by
25 commutation.

26 (ii) Notwithstanding 42 Pa.C.S. § 9757 (relating to
27 consecutive sentences of total confinement for multiple
28 offenses), 20 years after the date of incarceration
29 which, in the case of an inmate sentenced to life
30 imprisonment, shall include any period of uninterrupted

1 incarceration occurring prior to trial.

2 (iii) Except as provided under paragraph (6) and
3 notwithstanding 42 Pa.C.S. § 9757, 30 years after the
4 date of incarceration which, in the case of an inmate
5 sentenced to life imprisonment under 42 Pa.C.S. § 9711
6 (relating to sentencing procedure for murder of the first
7 degree), shall include any period of uninterrupted
8 incarceration occurring prior to trial.

9 (iv) Thirty-five years after the date of conviction
10 in the case of an inmate sentenced under 18 Pa.C.S. §
11 1102.1(a.1)(1) (relating to sentence of persons under the
12 age of 18 for murder, murder of an unborn child and
13 murder of a law enforcement officer).

14 (v) Twenty-five years after the date of conviction
15 in the case of an inmate sentenced under 18 Pa.C.S. §
16 1102.1(a.1)(2).

17 * * *

18 (6) The board may not consider or grant parole to any
19 offender sentenced under 18 Pa.C.S. § 1102(b) (relating
20 to sentence for murder, murder of unborn child and murder of
21 law enforcement officer) where the victim was a law
22 enforcement officer.

23 * * *

24 Section 5. This act shall take effect in 60 days.