
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 772 Session of
2019

INTRODUCED BY McCLINTON, BULLOCK, KINSEY, BURGOS, RABB,
SCHLOSSBERG, CALTAGIRONE, McNEILL, HOWARD, ULLMAN, OTTEN,
FRANKEL, SAPPEY, KIRKLAND, HARRIS, DALEY AND SOLOMON,
MARCH 11, 2019

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 11, 2019

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in sentencing, providing
3 for alternative sentencing for primary caretakers.

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 § 9722.1. Alternative sentencing for primary caretakers.

9 (a) Sentencing.--Notwithstanding any other provision of law
10 and except as otherwise provided under this section, immediately
11 after the conviction of an individual for a nonviolent offense,
12 the court shall determine if the person convicted is a primary
13 caretaker of a dependent child. If the court determines that the
14 person convicted of a nonviolent offense is a primary caretaker
15 of a dependent child, the court shall impose an individually
16 assessed sentence without confinement in a prison, work camp,
17 halfway facility or similar institution and based on community

1 rehabilitation with a focus on parent-child unity and support.

2 (b) Conditions.--In imposing a sentence on a primary
3 caretaker of a dependent child convicted of a nonviolent
4 offense, the court may require the individual to meet certain
5 conditions that the court considers appropriate, including, but
6 not limited to, any of the following:

7 (1) Drug and alcohol treatment.

8 (2) Domestic violence education and prevention.

9 (3) Physical and sexual abuse counseling.

10 (4) Anger management.

11 (5) Vocational and educational services.

12 (6) Job training and placement education.

13 (7) Affordable and safe housing assistance education.

14 (8) Financial literacy.

15 (9) Parenting classes.

16 (10) Family and individual counseling.

17 (11) Family case management services.

18 (c) Appearance.--The court may require a primary caretaker
19 of a dependent child serving a sentence under this section to
20 appear in court at any time during the individual's sentence for
21 the following purposes:

22 (1) Evaluating the individual's progress in treatment or
23 rehabilitation.

24 (2) Determining if the individual has violated any
25 condition of the sentence.

26 (d) Modification.--During an appearance in court under
27 subsection (c), the court may:

28 (1) modify the conditions of a sentence imposed in
29 accordance with this section;

30 (2) decrease the duration of a sentence imposed under

1 this section based on the individual's successful
2 advancement; or

3 (3) sanction the individual for a violation of any
4 condition of the sentence imposed under this section,
5 including, but not limited to, requiring the individual to
6 serve a term of imprisonment within the range of the sentence
7 for an individual who is not a primary caretaker of a
8 dependent child as specified under the laws of this
9 Commonwealth.

10 (e) Definitions.--As used in this section, the following
11 words and phrases shall have the meanings given to them in this
12 subsection unless the context clearly indicates otherwise:

13 "Dependent child." An individual who is under 18 years of
14 age.

15 "Nonviolent offense." An offense which is not a crime of
16 violence as defined in section 9714(g) (relating to sentences
17 for second and subsequent offenses).

18 "Primary caretaker of a dependent child." As follows:

19 (1) Any of the following:

20 (i) A parent who has consistently assumed
21 responsibility for the housing, health and safety of a
22 child prior to incarceration.

23 (ii) A woman who has given birth to a child after or
24 while awaiting her sentencing hearing and expresses a
25 willingness to assume responsibility for the housing,
26 health and safety of her child.

27 (2) A parent who, in the best interest of the child, has
28 arranged for the temporary care of the child in the home of a
29 relative or other responsible adult shall not, for that
30 reason, be excluded from this definition.

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