

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 850 Session of
2011

INTRODUCED BY GREENLEAF, BAKER, TARTAGLIONE, FONTANA, COSTA,
YUDICHAK, BOSCOLA, ALLOWAY, HUGHES AND FARNESE,
MARCH 16, 2011

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 25, 2012

AN ACT

~~Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
Judicial Procedure) of the Pennsylvania Consolidated
Statutes, in minors, providing for the offense of
cyberbullying by minors; in criminal history record
information, further providing for expungement and for
juvenile records; and, in relation to summary offenses,
further providing for short title and purpose of chapter, for
the scope of the Juvenile Act, for inspection of court files
and records, for conduct of hearings and for right to
counsel.~~

AMENDING TITLES 18 (CRIMES AND OFFENSES), 42 (JUDICIARY AND
JUDICIAL PROCEDURE) AND 61 (PRISONS AND PAROLE), OF THE
PENNSYLVANIA CONSOLIDATED STATUTES, IN AUTHORIZED DISPOSITION
OF OFFENDERS, FURTHER PROVIDING FOR SENTENCE FOR MURDER,
MURDER OF UNBORN CHILD AND MURDER OF LAW ENFORCEMENT OFFICER;
AND PROVIDING FOR SENTENCE OF PERSONS UNDER THE AGE OF 18 FOR
MURDER, MURDER OF AN UNBORN CHILD AND MURDER OF A LAW
ENFORCEMENT OFFICER; IN MINORS, PROVIDING FOR THE OFFENSE OF
CYBERBULLYING BY MINORS; IN CRIMINAL HISTORY RECORD
INFORMATION, FURTHER PROVIDING FOR EXPUNGEMENT AND FOR
JUVENILE RECORDS; IN RELATION TO SUMMARY OFFENSES, FURTHER
PROVIDING FOR SHORT TITLE AND PURPOSE OF CHAPTER, FOR
DEFINITIONS, FOR THE SCOPE OF THE JUVENILE ACT, FOR
INSPECTION OF COURT FILES AND RECORDS, FOR CONDUCT OF
HEARINGS AND FOR RIGHT TO COUNSEL; AND, IN PENNSYLVANIA BOARD
OF PROBATION AND PAROLE, FURTHER PROVIDING FOR PAROLE
PROCEDURE.

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

~~Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:~~

SECTION 1. SECTION 1102(A)(1) AND (B) OF TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

§ 1102. SENTENCE FOR MURDER, MURDER OF UNBORN CHILD AND MURDER OF LAW ENFORCEMENT OFFICER.

(A) FIRST DEGREE.--

(1) [A] EXCEPT AS PROVIDED UNDER SECTION 1102.1 (RELATING TO SENTENCE OF PERSONS UNDER THE AGE OF 18 FOR MURDER, MURDER OF AN UNBORN CHILD AND MURDER OF A LAW ENFORCEMENT OFFICER), A PERSON WHO HAS BEEN CONVICTED OF A MURDER OF THE FIRST DEGREE OR OF MURDER OF A LAW ENFORCEMENT OFFICER OF THE FIRST DEGREE SHALL BE SENTENCED TO DEATH OR TO A TERM OF LIFE IMPRISONMENT IN ACCORDANCE WITH 42 PA.C.S. § 9711 (RELATING TO SENTENCING PROCEDURE FOR MURDER OF THE FIRST DEGREE).

* * *

(B) SECOND DEGREE.--[A] EXCEPT AS PROVIDED UNDER SECTION 1102.1, A PERSON WHO HAS BEEN CONVICTED OF MURDER OF THE SECOND DEGREE, OF SECOND DEGREE MURDER OF AN UNBORN CHILD OR OF SECOND DEGREE MURDER OF A LAW ENFORCEMENT OFFICER SHALL BE SENTENCED TO A TERM OF LIFE IMPRISONMENT.

* * *

SECTION 2. TITLE 18 IS AMENDED BY ADDING SECTIONS TO READ:
§ 1102.1. SENTENCE OF PERSONS UNDER THE AGE OF 18 FOR MURDER, MURDER OF AN UNBORN CHILD AND MURDER OF A LAW ENFORCEMENT OFFICER.

(A) FIRST DEGREE MURDER.--A PERSON WHO HAS BEEN CONVICTED, AFTER JUNE 24, 2012, OF A MURDER OF THE FIRST DEGREE, FIRST DEGREE MURDER OF AN UNBORN CHILD OR OF MURDER OF A LAW

1 ENFORCEMENT OFFICER OF THE FIRST DEGREE AND WHO WAS UNDER THE
2 AGE OF 18 AT THE TIME OF THE COMMISSION OF THE OFFENSE SHALL BE
3 SENTENCED AS FOLLOWS:

4 (1) A PERSON WHO AT THE TIME OF THE COMMISSION OF THE
5 OFFENSE WAS 15 YEARS OF AGE OR OLDER SHALL BE SENTENCED TO A
6 TERM OF LIFE IMPRISONMENT WITHOUT PAROLE, OR A TERM OF
7 IMPRISONMENT, THE MINIMUM OF WHICH SHALL BE AT LEAST 35 YEARS
8 TO LIFE.

9 (2) A PERSON WHO AT THE TIME OF THE COMMISSION OF THE
10 OFFENSE WAS UNDER 15 YEARS OF AGE SHALL BE SENTENCED TO A
11 TERM OF LIFE IMPRISONMENT WITHOUT PAROLE, OR A TERM OF
12 IMPRISONMENT, THE MINIMUM OF WHICH SHALL BE AT LEAST 25 YEARS
13 TO LIFE.

14 (B) NOTICE.--REASONABLE NOTICE TO THE DEFENDANT OF THE
15 COMMONWEALTH'S INTENTION TO SEEK A SENTENCE OF LIFE IMPRISONMENT
16 WITHOUT PAROLE UNDER SUBSECTION (A) SHALL BE PROVIDED AFTER
17 CONVICTION AND BEFORE SENTENCING.

18 (C) SECOND DEGREE MURDER.--A PERSON WHO HAS BEEN CONVICTED,
19 AFTER JUNE 24, 2012, OF A MURDER OF THE SECOND DEGREE, SECOND
20 DEGREE MURDER OF AN UNBORN CHILD OR OF MURDER OF A LAW
21 ENFORCEMENT OFFICER OF THE SECOND DEGREE AND WHO WAS UNDER THE
22 AGE OF 18 AT THE TIME OF THE COMMISSION OF THE OFFENSE SHALL BE
23 SENTENCED AS FOLLOWS:

24 (1) A PERSON WHO AT THE TIME OF THE COMMISSION OF THE
25 OFFENSE WAS 15 YEARS OF AGE OR OLDER SHALL BE SENTENCED TO A
26 TERM OF IMPRISONMENT THE MINIMUM OF WHICH SHALL BE AT LEAST
27 30 YEARS TO LIFE.

28 (2) A PERSON WHO AT THE TIME OF THE COMMISSION OF THE
29 OFFENSE WAS UNDER 15 YEARS OF AGE SHALL BE SENTENCED TO A
30 TERM OF IMPRISONMENT THE MINIMUM OF WHICH SHALL BE AT LEAST

20 YEARS TO LIFE.

(D) FINDINGS.--IN DETERMINING WHETHER TO IMPOSE A SENTENCE
OF LIFE WITHOUT PAROLE UNDER SUBSECTION (A), THE COURT SHALL
CONSIDER AND MAKE FINDINGS ON THE RECORD REGARDING THE
FOLLOWING:

(1) THE IMPACT OF THE OFFENSE ON EACH VICTIM, INCLUDING
ORAL AND WRITTEN VICTIM IMPACT STATEMENTS MADE OR SUBMITTED
BY FAMILY MEMBERS OF THE VICTIM DETAILING THE PHYSICAL,
PSYCHOLOGICAL AND ECONOMIC EFFECTS OF THE CRIME ON THE VICTIM
AND THE VICTIM'S FAMILY. A VICTIM IMPACT STATEMENT MAY
INCLUDE COMMENT ON THE SENTENCE OF THE DEFENDANT.

(2) THE IMPACT OF THE OFFENSE ON THE COMMUNITY.

(3) THE THREAT TO THE SAFETY OF THE PUBLIC OR ANY
INDIVIDUAL POSED BY THE DEFENDANT.

(4) THE NATURE AND CIRCUMSTANCES OF THE OFFENSE
COMMITTED BY THE DEFENDANT.

(5) THE DEGREE OF THE DEFENDANT'S CULPABILITY.

(6) GUIDELINES FOR SENTENCING AND RESENTENCING ADOPTED
BY THE PENNSYLVANIA COMMISSION ON SENTENCING.

(7) AGE-RELATED CHARACTERISTICS OF THE DEFENDANT,
INCLUDING:

(I) AGE.

(II) MENTAL CAPACITY.

(III) MATURITY.

(IV) THE DEGREE OF CRIMINAL SOPHISTICATION EXHIBITED
BY THE DEFENDANT.

(V) THE NATURE AND EXTENT OF ANY PRIOR DELINQUENT OR
CRIMINAL HISTORY, INCLUDING THE SUCCESS OR FAILURE OF ANY
PREVIOUS ATTEMPTS BY THE COURT TO REHABILITATE THE
DEFENDANT.

1 (VI) PROBATION OR INSTITUTIONAL REPORTS.

2 (VII) OTHER RELEVANT FACTORS.

3 (E) MINIMUM SENTENCE.--NOTHING UNDER THIS SECTION SHALL
4 PREVENT THE SENTENCING COURT FROM IMPOSING A MINIMUM SENTENCE
5 GREATER THAN THAT PROVIDED IN THIS SECTION. SENTENCING
6 GUIDELINES PROMULGATED BY THE PENNSYLVANIA COMMISSION ON
7 SENTENCING MAY NOT SUPERSEDE THE MANDATORY MINIMUM SENTENCES
8 PROVIDED UNDER THIS SECTION.

9 (F) APPEAL BY COMMONWEALTH.--IF A SENTENCING COURT REFUSES
10 TO APPLY THIS SECTION WHERE APPLICABLE, THE COMMONWEALTH SHALL
11 HAVE THE RIGHT TO APPELLATE REVIEW OF THE ACTION OF THE
12 SENTENCING COURT. THE APPELLATE COURT SHALL VACATE THE SENTENCE
13 AND REMAND THE CASE TO THE SENTENCING COURT FOR IMPOSITION OF A
14 SENTENCE IN ACCORDANCE WITH THIS SECTION IF IT FINDS THAT THE
15 SENTENCE WAS IMPOSED IN VIOLATION OF THIS SECTION.

16 § 6321. Cyberbullying by minors.

17 (a) Offense defined.--A minor commits a misdemeanor of the
18 third degree if:

19 (1) the minor knowingly transmits or disseminates any
20 electronic communication, including a visual depiction of
21 himself or any other person in a state of nudity, to another
22 minor with the knowledge or intent that the communication
23 would coerce, intimidate, torment, harass or otherwise cause
24 emotional distress to the other minor; or

25 (2) the minor does any of the following involving
26 another minor:

27 (i) photographs, videotapes, depicts on a computer
28 or films the other minor in a state of nudity without the
29 person's knowledge or consent; or

30 (ii) transmits, distributes, publishes or

1 disseminates a visual depiction of the other minor in a
2 state of nudity where the minor depicted has not given
3 consent or has withdrawn consent for the dissemination.

4 (b) Seizure and forfeiture of electronic communication
5 device.--An electronic communication device used in violation of
6 this section may be seized by and forfeited to the Commonwealth.

7 (c) Definitions.--As used in this section, the following
8 words and phrases shall have the meanings given to them in this
9 subsection:

10 "Disseminate." To cause or make an electronic communication
11 from one person, place or electronic communication device to two
12 or more persons, places or electronic communication devices.

13 "Electronic communication." As defined in section 5702
14 (relating to definitions).

15 "Minor." An individual under 18 years of age.

16 "Nudity." The showing of the human male or female genitals,
17 pubic area or buttocks with less than a fully opaque covering,
18 the showing of the female breast with less than a fully opaque
19 covering of any portion thereof below the top of the nipple or
20 the depiction of covered male genitals in a discernibly turgid
21 state.

22 "Transmit." To cause or make an electronic communication
23 from one person, place or electronic communication device to
24 only one other person, place or electronic communication device.

25 "Visual depiction." A photograph, videotape, film or
26 depiction on a computer. The term shall not include a
27 photograph, videotape, film or depiction on a computer, taken,
28 taped, filmed, made, produced, used or intended to be used, for
29 or in furtherance of a commercial purpose or to the transmission
30 or dissemination of such a visual depiction.

~~Section 2. Sections 9122(a)(3) and (d) and 9123(a) of Title 18 are amended to read:~~

SECTION 3. SECTION 9122(A)(3) AND (D) OF TITLE 18 ARE AMENDED TO READ:

§ 9122. Expungement.

(a) Specific proceedings.--Criminal history record information shall be expunged in a specific criminal proceeding when:

* * *

(3) a person 21 years of age or older who has been convicted of a violation of section 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages), which occurred on or after the day the person attained 18 years of age, petitions the court of common pleas in the county where the conviction occurred seeking expungement and the person has satisfied all terms and conditions of the sentence imposed for the violation, including any suspension of operating privileges imposed pursuant to section 6310.4 (relating to restriction of operating privileges). Upon review of the petition, the court shall order the expungement of all criminal history record information and all administrative records of the Department of Transportation relating to said conviction.

* * *

(d) Notice of expungement.--Notice of expungement shall promptly be submitted to the central [respository] repository which shall notify all criminal justice agencies which have received the criminal history record information to be expunged.

* * *

SECTION 4. SECTION 9123(A) OF TITLE 18, AMENDED JULY 5, 2012

1 (P.L.880, NO.91), IS AMENDED TO READ:

2 § 9123. Juvenile records.

3 (a) Expungement of juvenile records.--Notwithstanding the
4 provisions of section 9105 (relating to other criminal justice
5 information) and except ~~upon cause shown~~ AS PROVIDED UNDER
6 SUBSECTION (A.1), expungement of records of juvenile delinquency
7 cases and cases involving summary offenses committed while the
8 individual was under 18 years of age, wherever kept or retained
9 shall occur after 30 days' notice to the district attorney,
10 whenever the court upon its own motion or upon the motion of a
11 child or the parents or guardian finds:

12 (1) a complaint is filed which is not substantiated or
13 the petition which is filed as a result of a complaint is
14 dismissed by the court;

15 (1.1) a written allegation is filed which was not
16 approved for prosecution;

17 (1.2) the individual successfully completed an informal
18 adjustment and no proceeding seeking adjudication or
19 conviction is pending;

20 (2) six months have elapsed since the final discharge of
21 the person from supervision under a consent decree or
22 diversion program, including a program under 42 Pa.C.S. §
23 1520 (relating to adjudication alternative program) and no
24 proceeding seeking adjudication or conviction is pending;

25 (2.1) the individual is 18 years of age or older and the
26 individual has satisfied all terms and conditions of the
27 sentence imposed following a conviction for a summary
28 offense, with the exception of a violation of section 6308
29 (relating to purchase, consumption, possession or
30 transportation of liquor or malt or brewed beverages),

1 committed while the individual was under 18 years of age and
2 the individual has not been convicted of a felony,
3 misdemeanor or adjudicated delinquent and no proceeding is
4 pending to seek such conviction and adjudication;

5 (2.2) the individual is 18 years of age or older and has
6 been convicted of a violation of section 6308 which occurred
7 while the individual was under 18 years of age and the
8 individual has satisfied all terms and conditions of the
9 sentence imposed for the violation, including any suspension
10 of operating privileges imposed under section 6310.4
11 (relating to restriction of operating privileges).
12 Expungement shall include all criminal history record
13 information and all administrative records of the Department
14 of Transportation relating to the conviction;

15 (3) five years have elapsed since the final discharge of
16 the person from commitment, placement, probation or any other
17 disposition and referral and since such final discharge, the
18 person has not been convicted of a felony, misdemeanor or
19 adjudicated delinquent and no proceeding is pending seeking
20 such conviction or adjudication; or

21 (4) [the individual is 18 years of age or older,] the
22 attorney for the Commonwealth consents to the expungement and
23 a court orders the expungement after giving consideration to
24 the following factors:

25 (i) the type of offense;

26 (ii) the individual's age, history of employment,
27 criminal activity and drug or alcohol problems;

28 (iii) adverse consequences that the individual may
29 suffer if the records are not expunged; and

30 (iv) whether retention of the record is required for

1 purposes of protection of the public safety.

2 * * *

3 Section 3 5. Section 6301(b) of Title 42 is amended to read: ←

4 § 6301. Short title and purposes of chapter.

5 * * *

6 (b) Purposes.--This chapter shall be interpreted and
7 construed as to effectuate the following purposes:

8 (1) To preserve the unity of the family whenever
9 possible or to provide another alternative permanent family
10 when the unity of the family cannot be maintained.

11 (1.1) To provide for the care, protection, safety and
12 wholesome mental and physical development of children coming
13 within the provisions of this chapter.

14 (2) Consistent with the protection of the public
15 interest, to provide for children committing delinquent acts
16 programs of supervision, care and rehabilitation which
17 provide balanced attention to the protection of the
18 community, the imposition of accountability for offenses
19 committed and the development of competencies to enable
20 children to become responsible and productive members of the
21 community.

22 (3) To achieve the foregoing purposes in a family
23 environment whenever possible, separating the child from
24 parents only when necessary for his welfare, safety or health
25 or in the interests of public safety.

26 (4) To provide means through which the provisions of
27 this chapter are executed and enforced and in which the
28 parties are assured a fair hearing and their constitutional
29 and other legal rights recognized and enforced.

30 (5) To use the least restrictive sanctions consistent

1 with the protection of the community and the rehabilitation
2 needs of a delinquent child; and to use confinement as a last
3 resort and to impose it for the minimum amount of time that
4 is consistent with the protection of the public and the
5 rehabilitation needs of a delinquent child.

6 (6) To employ whenever possible evidence-based
7 practices, with fidelity, at every stage of the juvenile
8 justice process.

9 SECTION 6. PARAGRAPH (7) OF THE DEFINITION OF "DEPENDENT
10 CHILD" IN SECTION 6302 OF TITLE 42 IS AMENDED TO READ:

11 § 6302. DEFINITIONS.

12 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
13 SHALL HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE
14 MEANINGS GIVEN TO THEM IN THIS SECTION:

15 * * *

16 "DEPENDENT CHILD." A CHILD WHO:

17 * * *

18 (7) [IS UNDER THE AGE OF TEN YEARS AND] HAS COMMITTED A
19 DELINQUENT ACT OR CRIME, OTHER THAN A SUMMARY OFFENSE, WHILE
20 UNDER THE AGE OF TEN YEARS;

21 * * *

22 Section ~~4~~ 7. Sections 6303, 6307 and 6336 of Title 42 are
23 amended by adding subsections to read:

24 § 6303. Scope of chapter.

25 * * *

26 (c) Summary offenses generally.--In addition to the
27 provisions of subsection (a) (5) and notwithstanding the
28 exclusion of summary offenses generally from the definition of
29 "delinquent act" under section 6302, the provisions of sections
30 6307 (relating to inspection of court files and records) and

1 6336(d) (relating to conduct of hearings), insofar as section
2 6336(d) relates to the exclusion of the general public from the
3 proceedings, shall apply to proceedings involving a child
4 charged with a summary offense when the proceedings are before a
5 judge of the minor judiciary.

6 § 6307. Inspection of court files and records.

7 * * *

8 (c) Summary offenses.--The provisions of this section shall
9 apply to proceedings involving a child charged with a summary
10 offense when the proceedings are before a judge of the minor
11 judiciary.

12 § 6336. Conduct of hearings.

13 * * *

14 (g) Summary offenses.--The provisions of subsection (d),
15 insofar as it relates to the exclusion of the general public
16 from the proceedings, shall apply to proceedings involving a
17 child charged with a summary offense when the proceedings are
18 before a judge of the minor judiciary.

19 (h) Adjudication alternative.--The magisterial district
20 judge may refer a child charged with a summary offense to an
21 adjudication alternative program under section 1520 (relating to
22 adjudication alternative program) and the Pennsylvania Rules of
23 Criminal Procedure.

24 Section 5 8. Section 6337 of Title 42, AMENDED APRIL 9, 2012 ←
25 (P.L.223, NO.23), is amended to read:

26 § 6337. Right to counsel.


27 (a) Court to provide counsel.--

28 ~~(1) Except as provided in section 6311 (relating to~~ ←
29 ~~guardian ad litem for child in court proceedings), a party is~~
30 ~~entitled to representation by legal counsel at all stages of~~

1 ~~any proceedings under this chapter and if he is without~~
2 ~~financial resources or otherwise unable to employ counsel, to~~
3 ~~have the court provide counsel for him.~~

4 ~~(2) If a party appears without counsel the court shall~~
5 ~~ascertain whether he knows of his right thereto and to be~~
6 ~~provided with counsel by the court if applicable. The court~~
7 ~~may continue the proceeding to enable a party to obtain~~
8 ~~counsel. [Counsel must be provided for a child unless his~~
9 ~~parent, guardian, or custodian is present in court and~~
10 ~~affirmatively waive it. However, the parent, guardian, or~~
11 ~~custodian may not waive counsel for a child when their~~
12 ~~interest may be in conflict with the interest or interests of~~
13 ~~the child.]~~

14 ~~(3) If the interests of two or more parties may~~
15 ~~conflict, separate counsel shall be provided for each of~~
16 ~~them.~~

17 (1) EXCEPT AS PROVIDED UNDER THIS SECTION AND IN SECTION 
18 6311 (RELATING TO GUARDIAN AD LITEM FOR CHILD IN COURT
19 PROCEEDINGS), A PARTY IS ENTITLED TO REPRESENTATION BY LEGAL
20 COUNSEL AT ALL STAGES OF ANY PROCEEDINGS UNDER THIS CHAPTER
21 AND IF HE IS WITHOUT FINANCIAL RESOURCES OR OTHERWISE UNABLE
22 TO EMPLOY COUNSEL, TO HAVE THE COURT PROVIDE COUNSEL FOR HIM.

23 (2) IF A PARTY OTHER THAN A CHILD APPEARS AT A HEARING
24 WITHOUT COUNSEL THE COURT SHALL ASCERTAIN WHETHER HE KNOWS OF
25 HIS RIGHT THERETO AND TO BE PROVIDED WITH COUNSEL BY THE
26 COURT IF APPLICABLE. THE COURT MAY CONTINUE THE PROCEEDING TO
27 ENABLE A PARTY TO OBTAIN COUNSEL. [EXCEPT AS PROVIDED UNDER
28 SECTION 6337.1 (RELATING TO RIGHT TO COUNSEL FOR CHILDREN IN
29 DEPENDENCY AND DELINQUENCY PROCEEDINGS), COUNSEL MUST BE
30 PROVIDED FOR A CHILD.]

1 (3) IF THE INTERESTS OF TWO OR MORE PARTIES MAY
2 CONFLICT, SEPARATE COUNSEL SHALL BE PROVIDED FOR EACH OF
3 THEM.

4 (b) Delinquency cases.--

5 (1) In delinquency cases, all children are presumed
6 indigent. The presumption may be rebutted if the court
7 ascertains that the child has the financial resources to
8 retain counsel of his choice at his own expense.

9 (2) The court shall not consider the financial resources
10 of the child's parent, guardian or custodian when
11 ascertaining whether the child has the financial resources to
12 retain counsel of his choice at his own expense.

13 SECTION 9. SECTION 6139(A) OF TITLE 61 IS AMENDED BY ADDING
14 A PARAGRAPH TO READ:

15 § 6139. PAROLE PROCEDURE.

16 (A) SPECIFIC REQUIREMENTS.--

17 * * *

18 (3.1) NOTWITHSTANDING PARAGRAPHS (2) AND (3), THE BOARD
19 SHALL NOT BE REQUIRED TO CONSIDER NOR DISPOSE OF AN
20 APPLICATION BY AN INMATE OR AN INMATE'S ATTORNEY IN THE CASE
21 OF AN INMATE SENTENCED UNDER 18 PA.C.S. § 1102.1 (RELATING TO
22 SENTENCE OF PERSONS UNDER THE AGE OF 18 FOR MURDER, MURDER OF
23 AN UNBORN CHILD AND MURDER OF A LAW ENFORCEMENT OFFICER) IF A
24 PAROLE DECISION HAS BEEN ISSUED BY THE BOARD WITHIN FIVE
25 YEARS OF THE DATE OF THE CURRENT APPLICATION.

26 * * *

27 Section ~~6~~ 10. This act shall take effect as follows:

28 (1) The addition of 42 Pa.C.S. §§ 6303(c), 6307(c) and
29 6336(g) and (h) shall take effect in 90 days.

30 ~~(2) The amendment of 42 Pa.C.S. § 6337 shall take effect~~

1 ~~immediately.~~

2 ~~(3) This section shall take effect immediately.~~

3 (2) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
4 IMMEDIATELY:

5 (I) THE AMENDMENT OF 18 PA.C.S. § 1102(A)(1) AND
6 (B).

7 (II) THE ADDITION OF 18 PA.C.S. § 1102.1.

8 (III) THE AMENDMENT OF PARAGRAPH (7) OF THE
9 DEFINITION OF "DEPENDENT CHILD" IN 42 PA.C.S. § 6302.

10 (IV) THE AMENDMENT OF 42 PA.C.S. § 6337.

11 (V) THE ADDITION OF 61 PA.C.S. § 6139(A)(3.1).

12 (VI) THIS SECTION.

13 ~~(4)~~ (3) The remainder of this act shall take effect in
14 60 days.

