

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1802 Session of  
2017

INTRODUCED BY NESBIT, BRIGGS, D. COSTA, GILLEN, McCLINTON,  
NEILSON, PICKETT AND SCHLOSSBERG, OCTOBER 3, 2017

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 3, 2017

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in post-trial matters,  
3 further providing for eligibility for relief and for  
4 jurisdiction and proceedings.

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

7 Section 1. Sections 9543(a)(1) and 9545(b)(2) of Title 42 of  
8 the Pennsylvania Consolidated Statutes are amended to read:

9 § 9543. Eligibility for relief.

10 (a) General rule.--To be eligible for relief under this  
11 subchapter, the petitioner must plead and prove by a  
12 preponderance of the evidence all of the following:

13 (1) That the petitioner has been convicted of a crime  
14 under the laws of this Commonwealth. [and is at the time  
15 relief is granted:

16 (i) currently serving a sentence of imprisonment,  
17 probation or parole for the crime;

18 (ii) awaiting execution of a sentence of death for  
19 the crime; or

1 (iii) serving a sentence which must expire before  
2 the person may commence serving the disputed sentence.]

3 \* \* \*

4 § 9545. Jurisdiction and proceedings.

5 \* \* \*

6 (b) Time for filing petition.--

7 \* \* \*

8 (2) Any petition invoking an exception provided in  
9 paragraph (1) shall be filed within [60 days] one year of the  
10 date [the claim could have been presented.] when the grounds  
11 for the exception were discovered or reasonably could have  
12 been discovered.

13 \* \* \*

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