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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1865 Session of  
2017

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INTRODUCED BY VAZQUEZ, BARBIN, WARREN, McCLINTON, V. BROWN AND  
FRANKEL, OCTOBER 16, 2017

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REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 16, 2017

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AN ACT

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

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 sentence for pregnant offenders.

9 (a) Sentencing.--Notwithstanding any other provision of law  
10 and except as otherwise provided under this section, in the case  
11 of a pregnant offender, a court shall impose an individually  
12 assessed sentence without confinement in a prison, work camp,  
13 halfway facility or similar institution and based on community  
14 rehabilitation. In imposing the sentence, the court shall take  
15 into consideration the need of the pregnant offender to have a  
16 relationship with the pregnant offender's child and may require  
17 that the pregnant offender undergo house arrest.

18 (b) Conditions.--In imposing a sentence under this section,

1 the court may require the pregnant offender to meet certain  
2 conditions that the court considers appropriate, including, but  
3 not limited to, the following:

- 4 (1) Drug and alcohol treatment.
- 5 (2) Domestic violence education and prevention.
- 6 (3) Physical and sexual abuse counseling.
- 7 (4) Anger management.
- 8 (5) Vocational and educational services.
- 9 (6) Job training and placement education.
- 10 (7) Affordable and safe housing assistance education.
- 11 (8) Financial literacy.
- 12 (9) Parenting classes.
- 13 (10) Family and individual counseling.
- 14 (11) Family case management services.

15 (c) Appearance.--The court may require a pregnant offender  
16 -serving a sentence under this section to appear in court at any  
17 time during her sentence for the following purposes:

- 18 (1) Evaluating the pregnant offender's progress in  
19 treatment or rehabilitation.
- 20 (2) Determining if the pregnant offender has violated  
21 any condition of the sentence.

22 (d) Modifications.--During an appearance by a pregnant  
23 offender under subsection (c), the court may:

- 24 (1) modify the conditions of the sentence imposed under  
25 this section;
- 26 (2) decrease the duration of the sentence imposed under  
27 this section based on the pregnant offender's successful  
28 advancement; or
- 29 (3) sanction the pregnant offender for each detected  
30 violation of any condition of the sentence imposed under this

1 section, including, but not limited to, requiring the  
2 pregnant offender to serve a term of imprisonment within the  
3 range of the offense for which the pregnant offender was  
4 originally convicted.

5 (e) Applicability.--This section shall not apply to an  
6 individual who:

7 (1) has a current or prior conviction of a felony  
8 involving violence;

9 (2) is currently registered as a sex offender; or

10 (3) has a history of escape while in custody during the  
11 preceding 10-year period.

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